

From: Wade Beltramo <wade@nycom.org>
Sent: Thursday, September 17, 2020 6:21 PM
To: Nora Lucas <nlucas@vomny.org>
Subject: Pleasant Grove City, Utah v. Summum

Trustee Lucas,

As I mentioned this morning, the devil is in the details. The Pleasant Grove City, Utah v. Summum case (555 U.S. 460 (2009)) is distinguishable from a system whereby the Village would open up the public streets to murals from the public. In the Pleasant Grove case, the City accepted a donation. Thus, the monument was government speech, as opposed to private speech.

For the Village to avoid turning this into a public forum, it needs to be the Village taking the action of painting the street. If individuals want to donate time and materials, the Village would need to officially accept those donations to turn it into government speech as opposed to private speech in a public forum.

My recommendation is that if the Village wants to paint the street, that it avoid the entanglement entirely and just paint it using Village resources.

Does this make sense?

Wade Beltramo
General Counsel
New York Conference of Mayors
119 Washington Ave., 2nd Floor
Albany, N.Y. 12210
518-463-1185
518-463-1190 (Fax)
wade@nycom.org



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