

CITY OF MILWAUKEE

Form CA-43a

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June 2, 2003

Honorable Robert G. Donovan
Milwaukee Common Council
200 East Wells Street, Room 205
Milwaukee, WI 53202

Re: File No. 030201

Dear Alderman Donovan:

Thank you for referring the above file to our office for our opinion on the legality and enforceability of the changes proposed to the cruising ordinance.

We would request at this time that this matter be held over until the next council meeting. We have concerns that by eliminating the requirement to list the time during which a temporary designated area will be in effect, the ordinance would not be constitutional.

Milwaukee's original cruising ordinance was upheld by the Wisconsin Supreme Court in *Brandmiller v. Arreola*, 199 Wis.2d 528, 1996, because the restrictions imposed by the ordinance were content-neutral in time, place and manner, securing a significant government interest, while allowing ample alternative channels for citizens to exercise the right to travel intrastate. In its opinion, the court discussed the importance of narrowly tailoring the ordinance to meet the governmental interest by limiting the application to a designated time span, and a designated area.

Honorable Robert G. Donovan

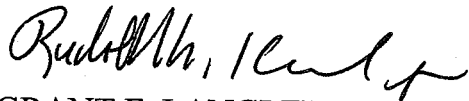
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In eliminating the requirement to list specific times of the temporary designated areas, the changed ordinance would not pass a constitution challenge.

Thank you for your consideration.

Very truly yours,



GRANT F. LANGLEY

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Cc: Ronald D. Leonhardt
Jim Owczarski