



City of Sugar City  
Post Office Box 56 -- 10 East Center  
Sugar City, Idaho 83448

Support our local businesses

Glenn W. Dalling, Mayor  
Sharon L. Bell, Clerk  
Marcie A. Smith, Treasurer

Phone: 356-7561  
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Office Hours: 9 a.m. to 4 p.m.

January 29, 2009

To:

Chief Justice John G. Roberts, and Associate Justices – John Paul Stevens, Antonin Scalia, Anthony Kennedy, David Souter, Clarence Thomas, Ruth Bader Ginsburg, Stephen Breyer, Samuel A. Alito, Jr. – Supreme Court of the United States, One First Street N.E., Washington, D.C. 20543

Dear Justices:

Thank you for your hard work on the high court. We know it is a big job. Your decisions set the course of this nation.

That is what worries us at times.

Our attorney advises us against prohibiting all adult entertainment businesses in our town. He says the court has determined it is unconstitutional.

Apparently justices decided in *Schad v. Mount Ephraim* (452 U.S. 61, 1981) that municipalities must allow for adult businesses on the grounds that the Free Speech Clause of the First Amendment protects such expression.

We disagree.

Our study of the First Amendment and of the ideology that created it convinces us that the Framers merely intended to protect political and religious speech.

In fact, we join with many others who hold that there is no constitutional justification for unlimited free “speech.”

We unite with Chief Justice Warren E. Burger and Justice William Rehnquist in their dissent from the majority in *Schad v. Mount Ephraim*:

“ . . . The towns and villages of this Nation are not, and should not be, forced into a mold cast by this Court. Citizens should be free . . . to shape their community so that it embodies their conception of the ‘decent life.’ This will sometimes mean deciding that certain forms of activity . . . will not be allowed.

“ . . . To say that there is a First Amendment right to impose every form of expression on every community . . . is sheer nonsense. To enshrine such a notion in the Constitution

ignores fundamental values that the Constitution ought to protect.” [452 U.S. 61, 89]

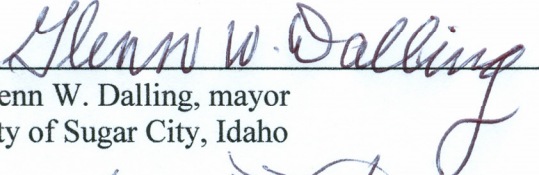
This reasoning makes perfect sense to us.

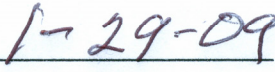
We invite you to reconsider the court’s ruling in this case. Indeed, we urge you to reconsider other rulings that have “. . . severely handicap[ped] the community's efforts to retain a morally and aesthetically satisfying environment” (Robert Bork, “The Sanctity of Smut,” *Wall Street Journal*, April 23, 2002, p. A22).

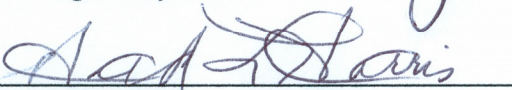
The freedoms of America’s communities, not to mention the nation’s moral health, depend on it.

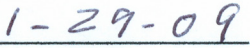
Sincerely,

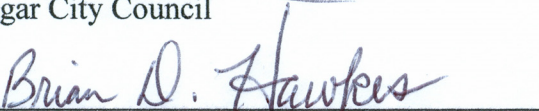
Mayor  
City Council  
Planning and Zoning Commission

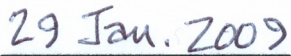
  
Glenn W. Dalling, mayor  
City of Sugar City, Idaho

  
Date

  
Harold L. Harris, president  
Sugar City Council

  
Date

  
Brian D. Hawkes, chairman  
Sugar City Planning and Zoning Commission

  
Date

cc: Idaho Supreme Court  
Idaho Attorney General  
Managing Editor, *Standard Journal*  
City Editor, *Post Register*  
Madison County Planning and Zoning Commission  
Rexburg Mayor, City Council & Planning and Zoning Commission