

July 22, 1996

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

NOW, ET AL, V. CITY OF SAN DIEGO
& REPUBLICAN NATIONAL COMMITTEE,
U.S. DISTRICT COURT NO. 96-1114-B

The Honorable Rudi M. Brewster, U.S. District Judge, heard oral argument on July 19, 1996 in a constitutional challenge to the designation of the 6th and L Street site as the protest site during the upcoming Republican National Convention and issued a preliminary injunction prohibiting the use of this site as a demonstration site.

In the Court's eighteen (18) page ruling received today, we are gratified to find the following:

The Court further finds that the City likely would have designated the 4th Ave. site in the absence of any objection from the RNC. The City's own police department, and the U.S. Secret Service, believed the 4th Ave. site acceptable in every regard, and in particular from a security and public safety standpoint. Nevertheless, although the City itself conducted its site-selection process in a content neutral manner, it was contractually obligated to abide by the RNC's content-based objections to the 4th Ave. site. The nature of these objections impermissibly taints the subsequent designation of the 6th Ave. site.

Ruling of Judge Brewster at page 16 emphasis added

Accordingly, the entire ruling has been supplied to the

City Manager, who will be taking appropriate action. Head
Deputy City Attorney Ted Bromfield and Deputy City Attorney
Frank M. Devaney represented the City in this action.

Respectfully submitted,

TB:mb(x043.1)
RC-96-31

JOHN W. WITT
City Attorney