

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

December 17, 2008

The Honorable President and Members
of the Baltimore City Council
Attn: Karen Randle, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 08-0249 – Police Ordinances – National Anthem

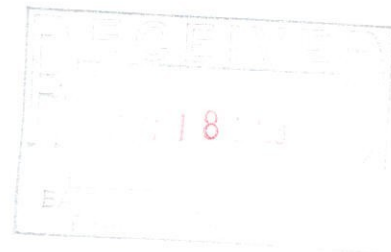
Dear Madame President and City Council Members:

The Law Department has reviewed City Council Bill 08-0249 for form and legal sufficiency. This bill would remove subtitle 49 of Article 19 of the Baltimore City Code pertaining to the manner in which the Star-Spangled Banner must be sung. The removal of this antiquated subtitle is in accordance with second clause of the First Amendment of the United States Constitution concerning freedom of speech. *See, e.g., Texas v. Johnson*, 491 U.S. 397, 419 (1989) (In holding that it is a permissible exercise of freedom of speech to burn an American flag, the Supreme Court noted that “our own national anthem” reflects the Nation’s “resilience, not its rigidity” and concluded that a local jurisdiction’s interest in preserving “nationhood and national unity,” by safeguarding against disrespecting a national symbol could not justify punishing those who exercise their free speech). Therefore, the Law Department approves Council Bill 08-0249 for form and legal sufficiency.

Very truly yours,

Hilary Ruley
Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor’s Legislative Liaison
Elena DiPietro, Senior Solicitor
Deepa Bhattacharyya, Assistant Solicitor
Ashlea Brown, Special Assistant Solicitor



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