

QUESTION 12 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV

Gary Gonnga, an anti-war activist and resident of Pleasantville, Michigan, wants to donate an anti-war monument for placement in Pleasantville's public park. The six-acre park contains several permanent displays, including some honoring deceased local police officers, Pleasantville's first female mayor, and a local-born astronaut, and a September 11 memorial. The displays also include a "Warriors of Honor" monument paying homage to Pleasantville's veterans who died in "Honorable" wars, from the Civil War to the Persian Gulf War. The 100-year-old Pleasantville Veterans Association donated this monument.

Gonnga's monument, while similarly sized as the others, is entitled "War is Dishonor" and extols pacifism.

Pleasantville denied Gonnga's request, citing a resolution passed some years prior by Pleasantville's city council. This resolution required any monument erected on city property to be donated to Pleasantville which has "final approval authority" over the proposed monument. Acceptance was limited to monuments that "either (1) are directly related to Pleasantville's history, or (2) were donated to Pleasantville by groups with longstanding ties to the Pleasantville community." The prior monuments were deemed to have complied.

Unable to persuade Pleasantville, Gonnga filed suit in 2012 alleging Pleasantville acted unlawfully in rejecting his monument. Gonnga asks the court to direct Pleasantville to accept his donation and place the monument in the park.

Applying constitutional law principles, discuss whether Gonnga is likely to prevail against the City of Pleasantville. Explain your answer.

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