

OFFICIAL TRANSCRIPT PROCEEDINGS BEFORE

THE SUPREME COURT OF THE UNITED STATES

ORIGINAL

DKT/CASE NO. 84-468

TITLE CITY OF CLEBURNE, TEXAS, ET AL., Petitioners V.
CLEBURNE LIVING CENTER, ET AL.

PLACE Washington, D. C.

DATE April 23, 1985

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IN THE SUPREME COURT OF THE UNITED STATES

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CITY OF CLEBURNE, TEXAS, ET AL., :
Petitioners, : No. 84-468
V. :
CLEBURNE LIVING CENTER, ET AL. :

Washington, D.C.
Tuesday, April 23, 1985

The above-entitled matter came on for oral
argument before the Supreme Court of the United States
at 1:00 o'clock a.m.

APPEARANCES:
EARL LUNA, ESQ., Dallas, Texas; on behalf of the
petitioners.
RENEA HICKS, ESQ., Austin, Texas; on behalf of the
respondents.

C O N T E N T S

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ORAL ARGUMENT OF

PAGE

EARL LUNA, ESQ.,

on behalf of the petitioners

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RENEA HICKS, ESQ.,

on behalf of the respondents

23

P R O C E E D I N G S

1
2 CHIEF JUSTICE BURGER: We'll hear arguments
3 next in City of Cleburne v. Cleburne Living Center.

4 Mr. Luna, you may proceed whenever you're
5 ready.

6 ORAL ARGUMENT OF EARL LUNA, ESQ.

7 ON BEHALF OF THE PETITIONERS

8 MR. LUNA: Mr. Chief Justice and may it please
9 the Court, this case presents the questions of whether
10 mentally retarded persons constitute a quasi-suspect
11 class for purposes of equal protection analysis and
12 whether legislation such as City of Cleburne's ordinance
13 in this case must be tested by an intermediate or
14 heightened level of scrutiny.

15 First, I'd like to discuss the concept of
16 quasi-suspect status in regard to the mentally
17 retarded. The primary criteria for determination of
18 suspectness was articulated by this Court in *Frontiero*
19 *v. Richardson*. The Court stated that what
20 differentiates sex from such non-suspect statuses as
21 intelligence and physical disability and aligns it with
22 recognized suspect criteria is that the sex
23 characteristic frequently bears no relation to the
24 ability to perform or to contribute to society.

25 And declining to join and add in sex as a

1 suspect class, the concurring opinion stated that, "It
2 seems to me that this reaching out to preempt by
3 judicial action a major political decision which is
4 currently in the process of resolution does not reflect
5 appropriate respect for duly prescribed legislative
6 processes."

7 Now, there has been a considerable amount of
8 legislation in the area of the mentally retarded, and it
9 continues to pend before the legislature of both states,
10 as well as the Congress of the United States.

11 In *Massachusetts Board of Retirement v.*
12 *Murgia*, in a procurium opinion, this Court held that age
13 was not a suspect class and, in doing so, observed that
14 it had not been subjected to the unique disabilities on
15 the basis of stereotyped characteristics not truly
16 indicative of their disabilities.

17 Now, the Third Circuit heeded *Frontiero* and
18 *Murgia* in deciding that mentally ill persons were not a
19 suspect class in *Doe v. Colautti*. Although mental
20 retardation differs from the mentally ill, the rationale
21 of the relationship between the actual disability and
22 the stereotyped characterizations is applicable to at
23 least some of the mentally retarded.

24 *Doe v. Colautti* formed the basis for the
25 District Court's opinion in this case. And although

1 dealing with mentally ill rather than the mentally
2 retarded, the reasoning in that case is directly related
3 and applicable to the case at bar.

4 The Third Circuit in the Doe case stated that
5 although the mentally ill have been victims of
6 stereotypes, the disabilities imposed on them often
7 reflected that many of the mentally ill do have reduced
8 ability for personal relations, for economic activity,
9 and for political choice.

10 Now, that of course is different from some of
11 the other suspect classes that the Court has found to be
12 suspect that's not related to the ability to perform and
13 contribute to society.

14 A classification based on mental retardation
15 fails the threshold analysis since, by the very
16 definition, it is sub-average general intellectual
17 functioning existing concurrently with deficits in
18 adaptive behavior. It's a problem of reduced ability to
19 learn, difficulty with abstract thinking, judgment,
20 problem-solving, and retention, and includes problems of
21 social adjustment and economic productivity.

22 In other words, the mentally retarded do have
23 a diminished ability to function in society and a
24 diminished productivity.

25 The cases have specifically addressed the

1 suspect or quasi-suspect status for the mentally
2 retarded or the handicapped, which includes, of course,
3 the mentally retarded, and they've been clear and
4 unequivocal, we think, in their holdings.

5 This Court in *Youngberg v. Romeo*, in dealing
6 with institutionalized mentally retarded persons,
7 explicitly refused to apply a compelling or a
8 substantial test, and applied a professional judgment
9 test to the mentally retarded in that case. The lower
10 courts had applied the heightened scrutiny test, and
11 this Court set aside that decision and went on the
12 professional basis test, the professional advice test.

13 QUESTION: Mr. Luna, would you tell us again
14 what objectives the City has in this particular
15 ordinance as applied to the home for the retarded?

16 MR. LUNA: Under the police powers of the
17 State that are delegated to the City, the City has the
18 responsibility of protecting people and seeing to it
19 that they have a safe environment.

20 Therefore, in this case, the City refused a
21 special use permit, mainly for the following reasons.

22 Number one, there were too many people in this
23 particular house. They were going to put --

24 QUESTION: Well, you still take the position
25 that the only purpose is to protect the health and

1 safety of the residents of the group home.

2 MR. LUNA: Health and safety of the residents
3 is the only reason --

4 QUESTION: No other purpose?

5 MR. LUNA: No other purpose. We in our
6 testimony showed that we had some people in the
7 neighborhood that complained, who objected to it because
8 they were afraid of them; there was no reason shown for
9 that.

10 QUESTION: So before us today, that's the only
11 purpose on which you rely?

12 MR. LUNA: Right

13 QUESTION: And the State Attorney General
14 tells us that the State of Texas has preempted that
15 determination, and that under state law, the State will
16 decide on what is a safe environment for the retarded in
17 a group home.

18 MR. LUNA: The Attorney General --

19 QUESTION: And how do we deal with that?

20 MR. LUNA: The Attorney General, we think, did
21 not take a look at the regulations. As a matter of
22 fact, the regulations that the State of Texas puts out
23 will not permit this home to be placed in a city unless
24 that city does have a requirement of a special use
25 permit or other zoning law.

1 So contrary to what the Attorney General is
2 saying in this amicus curiae brief, the facts are -- and
3 it is in evidence here -- the facts are that the State
4 requires them to place these homes only in a city that
5 has a special use permit or other zoning --

6 QUESTION: Does the State go ahead and spell
7 out what requirements the city should have in granting
8 the permits?

9 MR. LUNA: It does not.

10 Now, it does set out some minimum standards
11 that the home must have before the State will approve
12 it, but it has none as far as the city is concerned.
13 And, of course, in our state, the reason we are going to
14 neighborhood living is because the state standards have
15 been completely too minimum and have failed.

16 And we are moving people out or attempting to
17 move them out of the state homes and the state
18 institutions and put them in the communities, but the
19 City of Cleburn says that normal living in Cleburn means
20 safety, living in a way where 13 of them with 2-1/2
21 baths, attempting to get to a work center --
22 incidentally, a city of 20,000 people. There are not
23 many that has a work center for the mentally retarded
24 like Cleburn does. We have 30 mentally retarded across
25 the street from this very facility. They wanted to

1 locate this facility in this home across the street from
2 a junior high where the parents are bringing the kids to
3 school and taking them away.

4 The City, evidence showed, recommended to them
5 another facility. They declined to put it in the other
6 facility and when asked, isn't the only reason you
7 didn't put it in the other facility is because it would
8 cut down your profits, the answer in the record was, no.

9 Then, why didn't you? The answer was, because
10 the project couldn't stand the burden of the additional
11 cost.

12 Now, we submit that it is necessary for them
13 to provide a safe environment and that that is the
14 responsibility of the City to require that we do have a
15 safe environment for, of all people, mentally retarded
16 people -- and this group of mentally retarded people are
17 people who did not have the skills of independent
18 living.

19 In the Youngberg case, this Court declined to
20 institute the compelling or substantial reason and the
21 Court said that it would be unduly burdensome on the
22 State to make that kind of requirement. This Court's
23 dismissal of the appeal in Macon Association v.
24 Macon-Bibb County upheld the determination that the
25 mentally retarded were not a suspect class.

1 Even the Fifth Circuit, in *Brown v. Sibley*,
2 although it changed its mind in this case, held that
3 applying the rational basis review to a state agency's
4 policy against the visually impaired, working in
5 supervisory positions, held that no court has ever
6 declared that handicapped persons constitute a suspect
7 class for purposes of equal protection analysis, and we
8 decline to do so today.

9 The case of the California Association of the
10 Physically Handicapped case that we cite in our brief --
11 cert was denied by this Court in '84 -- again applied
12 the rational basis review to the FCC's refusal to
13 include the handicapped in its EEO program. And in
14 doing so, the Ninth Circuit said that no appellate
15 court, however, has held that the handicapped are a
16 suspect class; we decline to be the first.

17 Other indicia of suspectness are summarized in
18 *San Antonio v. Rodriguez* case as a class saddled with
19 such disabilities are subjected to such a history of
20 purposeful unequal treatment or relegated to such a
21 position of political powerlessness as to command
22 extraordinary protection from the majoritarian political
23 process.

24 In Texas we had the question raised last time
25 with regard to permitting people to vote. The Texas

1 statute, Election Code, Article 5.01 permits anybody to
2 vote who is registered under the age of 18 years of age,
3 and who are not mentally incompetent, as determined by
4 final judgment of a court.

5 And there's some other things about a felony
6 conviction. But Texas permits the mentally retarded to
7 vote if they register, if they're 18 years old, unless
8 they have been declared incompetent by some court.

9 Now, we think that the court in Rodriguez in
10 its holding actually used some language that applies
11 directly to our case when the court prescribed the
12 recognition of a class that was large, diverse, and
13 amorphous, the opposite of discrete, insular, minority.
14 That was the type that was envisioned by the court in
15 U.S. v. Carolene Products.

16 A class dealing with illegitimacy is, of
17 course, different because the trait of -- the immutable
18 trait is not one in that case that has anything to do
19 with their ability to produce or to contribute to
20 society, and this Court in Parham v. Hughes in 1979 so
21 recognized.

22 Now, while mental retardation is immutable,
23 it's relevant to classification like other immutable
24 characteristics such as blindness. In Upshur v. Love, a
25 Northern District California case in 1979, 474 Fed sub

1 332, the Court held that the visually handicapped were
2 not entitled to suspect status because classifications
3 based on blindness often can be justified by the
4 different abilities of the blind and the sighted.

5 Now that, of course, is the situation with the
6 mentally retarded people because if heightened scrutiny
7 should be applied to legislation involving the mentally
8 retarded, what standard should we apply? The mentally
9 retarded with an I.Q. below 70 and a deficit in adaptive
10 behavior are a diverse group within themselves, and they
11 consist of several subgroups. The mildly mentally
12 retarded constitute approximately 89 percent of all of
13 the mentally retarded persons. Add to that the
14 moderately retarded and the severely retarded.

15 Both the manifestation of retardation and the
16 level of care required by each of the subgroups varies
17 to a great extreme. Some of them require no care. Some
18 require institutionalization.

19 Now, more than half of the mildly mentally
20 retarded, our records show, melt into society and after
21 they leave school you never know that they are mentally
22 retarded. So as to that group, the only way one could
23 know that that person is mentally retarded is to have an
24 opportunity to know what their I.Q. is and in addition
25 to that, have the advice of an expert who could tell us

1 that the person had a deficit in adaptive behavior.

2 Now, unless one had those things, a person
3 does not even know who those mentally retarded persons
4 are. Yet, they're tossed in with one group that the
5 Fifth Circuit has held should have heightened scrutiny
6 to all legislation, and if it's only reasonable and
7 rational, it is not sufficient.

8 Under the Fifth Circuit requirement, the
9 mentally retarded are placed in a Catch-22 situation.
10 Since their needs are so different, the government can
11 only address those needs by establishing classifications
12 based on mental retardation and provide different
13 benefits for different groups of mentally retarded
14 people.

15 Yet the classification would fail if it's only
16 reasonable and rational. Where they're trying to do
17 something for the group, the legislation would fail if
18 it's only reasonable and rational.

19 Even the case that we are here on today, those
20 mentally retarded people who were prospective people who
21 would live in that home could not be there except for
22 the fact that they have been classified as mentally
23 retarded, and it's a federally-funded Medicaid contract
24 with the State of Texas which permits them to be there
25 because they are being treated differently.

1 Heightened scrutiny is not the answer to the
2 problems of the mentally retarded. The legislative
3 approach, as was mentioned in *Frontiero*, if left
4 unhampered will provide for the needs of the mentally
5 retarded. It's doing so now at all levels of
6 government. That position has been articulated by the
7 Solicitor General in the government's brief in this
8 case.

9 We believe that the action of the City of
10 Cleburn has shown that that legislation is helping and
11 is to the benefit of the mentally retarded, because the
12 national policy being to restore them to normal
13 neighborhood living. That type of living, with 13
14 people to two bathrooms, with four people, four
15 unrelated adults in one bedroom, is not normal in very
16 many neighborhoods in anybody's community.

17 It is bound to create the same type of
18 transplanted, overcrowded condition into the cities that
19 we have in the states right now, and we will have gained
20 nothing except scattered the problem out, if we don't
21 permit the cities to require those people to have at
22 least humane conditions in those homes.

23 If a contractor can keep putting more people
24 in one home at less cost, it's to that contractor's
25 advantage. The City of Cleburne -- and of course we are

1 the first ones to recognize people's rights and needs to
2 make a profit, but not at the expense of inhumane
3 treatment to a bunch of people who cannot take care of
4 themselves.

5 QUESTION: Mr. Luna, has the City given a
6 permit or a license to any other group home for the
7 retarded in the City of Cleburne?

8 MR. LUNA: The City has not given a permit for
9 a mentally retarded home because this is the only one
10 that has ever been applied for. They tried to get this
11 group to apply for a permit at a different location.
12 This group refused. This is the only permit that's ever
13 been applied for --

14 QUESTION: So as far as a place to live in the
15 City of Cleburne, out in the community for the retarded,
16 there just isn't one, I take it.

17 MR. LUNA: Oh, yes. Not in a group home.
18 Simply because nobody has made an application, except
19 this one.

20 QUESTION: They'd have to be institutionalized
21 then?

22 MR. LUNA: Oh, no. We have 30 -- we have 30
23 people -- we have 30 mentally retarded students in the
24 junior high school across the street from this place.
25 We have a lot of mentally retarded.

1 Now, they can live, if they are mentally
2 retarded people who can live in a boarding house, for
3 example, they can live anyplace they want to. The only
4 restriction here is that small group of mentally
5 retarded people who don't have the skills of independent
6 living.

7 The others can live anyplace they want to in
8 the City of Cleburne and there is no problem with it. I
9 think that the Respondents have attempted to say that
10 this ordinance is to keep mentally retarded people out
11 of Cleburne. It does not.

12 And this record is replete with evidence where
13 the Plaintiffs were -- the Respondents were asked to
14 apply on property different from this, property that
15 would comply with the health and sanitation requirements
16 of the City of Cleburne.

17 Heightened scrutiny is, we think, especially
18 inappropriate for a zoning ordinance. A zoning
19 ordinance is one that, of course, uses classifications
20 as the very basis of the zoning ordinance. This Court
21 has established a long history, commencing with Village
22 of Euclid v. Amber Realty in 1926, through its recent
23 cases like Village of Belle Terre v. Boraas, and a
24 recent case by Mr. Justice Stevens and the Members of
25 the City Council of Los Angeles v. the Taxpayers of

1 Vincent in applying the rational basis test to zoning
2 classification, unless the ordinance was racially
3 exclusive. Otherwise, if it's fairly debatable, or any
4 set of facts reasonably may be conceived to justify, it
5 must be allowed to stand.

6 Now, in this case, I think it's important and
7 I've mentioned it before, to realize the kind of people
8 we had on this city council. We had people -- and one
9 thing we are amazed at some of the groups that are on
10 the other side of this case. We had a person who
11 believed -- he's deceased now -- he believed he knew
12 something about discrimination. He was a black man. He
13 also was a person who was on the board of directors of
14 the mentally retarded workshop that's in the City of
15 Cleburne, and has had a history of working with them and
16 helping them for many years.

17 And he felt that these people were not being
18 treated properly and they deserved more.

19 The second of the three people who voted for
20 this particular -- denial of this particular permit was
21 a man who had a mentally retarded granddaughter. Her
22 life was short, but her memory is like that of a lot of
23 us who lose relatives at a young age.

24 QUESTION: Counsel, what has that got to do
25 with this case?

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MR. LUNA: Sir?

QUESTION: What does that have to do with this case?

MR. LUNA: I think what it has to do is in their answer, where they say that this was not a -- there was not a rational basis for this ordinance.

QUESTION: And this shows it is?

MR. LUNA: Sir?

QUESTION: To find out what the people are, and whether they're black or white, or whether they have relatives or not proves that point?

MR. LUNA: I think to know what the people intended is the whole crux of this; whether the council here was attempting to discriminate, or whether council was attempting to do something that was good and protective for the people.

I believe that's an important part. I may be wrong, but I think what the City was trying to accomplish is a part of the rational basis, and that is why it is a debatable question.

And this Court has held in all of these cases that if it is a debatable reason, then the ordinance will stand insofar as the rational basis is concerned.

QUESTION: Mr. Luna, in the Texas brief -- I have a question, if I may. Your argument based on the

1 zoning powers that you made a moment or two ago, the
2 Texas brief suggests that the zoning power, in Texas at
3 least, is properly used to protect adjoining property
4 owners and the public at large, rather than the people
5 who aren't being able to use the property for the
6 purpose they want to use it for.

7 Are there cases that sustain the exercise of
8 zoning power to protect the property owner who's denied
9 the right to use the property the way he wants to?

10 MR. LUNA: Yes, sir. Many of them. Of
11 course, that's why the zoning laws require sprinklers in
12 buildings. That's not going to hurt the folks next
13 door, but it's going to hurt the users.

14 There are many, many situations --

15 QUESTION: Well, I know there are many
16 regulations to protect the person, but --

17 MR. LUNA: They're in the zoning laws.

18 QUESTION: But the zoning laws, you say, there
19 are, too.

20 MR. LUNA: Oh, yes sir. They are in the
21 zoning law themselves.

22 QUESTION: May I ask this question, Mr. Luna.
23 The ordinance, as I understand it, includes mentally
24 retarded in a category with alcoholics and drug
25 addicts. Is that correct?

1 MR. LUNA: It does mention them in the same
2 paragraph with alcoholics and drug addicts.

3 QUESTION: The only other category listed are
4 feeble-minded. And they are construed, I take it, to
5 exclude the parties involved in this case -- mentally
6 retarded people.

7 MR. LUNA: Yes, sir.

8 QUESTION: Are the insane and drug addicts
9 required to obtain a special use permit to occupy a
10 home?

11 MR. LUNA: No, sir; not homes.

12 QUESTION: Well, does that mean that only the
13 mentally retarded are required to obtain a special
14 permit?

15 MR. LUNA: Now, for a special use permit for a
16 home for the drug addicts and for special use permits,
17 they would have to.

18 QUESTION: So alcoholics and drug addicts are
19 required to obtain a special permit?

20 MR. LUNA: Yes, sir.

21 QUESTION: Has a special permit been issued on
22 any application filed by either of those groups?

23 MR. LUNA: I can't answer that. Our record
24 does not reflect --

25 QUESTION: Do you know of any other special

1 permit other than the one that's before us today?

2 MR. LUNA: The one that's before us today
3 insofar as the mentally retarded is concerned, is the
4 only one that has been applied for. There's not another
5 one on record.

6 QUESTION: How long has the ordinance been in
7 effect? I don't recall. I think it --

8 MR. LUNA: The ordinance has been in effect
9 since about, I believe in the '60s. But we have only
10 had the movement in Texas over the last few years, as in
11 most other states, to attempt to move the mentally
12 retarded out of the state institution.

13 QUESTION: Will you summarize again for me the
14 State interest that requires a special permit for the
15 mentally retarded, putting them in the same category
16 with drug addicts and insane people?

17 MR. LUNA: Well, and it would also put them in
18 the same one -- on down in that same paragraph, to run a
19 nursery you also -- to run a nursery to keep little
20 children, you also have to get a special use permit. So
21 it doesn't put them just with the drug addicts and
22 alcoholics.

23 QUESTION: Are these standards directed at the
24 capacity of people to take care of themselves?

25 MR. LUNA: It's a -- in the ones that have to

1 get the special use permit, most of them are not able to
2 take care of themselves. There are a few instances
3 where they are -- drive-in theaters included in it and
4 golf clubs and a few things like that. But nursery
5 schools and cemeteries, drug addicts, alcoholics, and a
6 number of them; it's a matter, we think, of
7 classification and not at all discrimination.

8 QUESTION: Did you identify the State interest
9 in response to my question?

10 MR. LUNA: No, sir; I'll be glad to now. The
11 State interest is that we're dealing with only the
12 limited group of mentally retarded people who do not
13 have the skills of independent living. That's the only
14 ones that are involved here.

15 QUESTION: What State purpose is served by --

16 MR. LUNA: Sir?

17 QUESTION: What State purpose is served by
18 this restriction on this category of people?

19 MR. LUNA: What is that restriction?

20 QUESTION: What State interest is served by
21 the restriction on the people?

22 MR. LUNA: Well, under the Medicaid contract,
23 this is a federally funded contract, the Respondent has
24 a contract with the State to keep only those people.

25 Now, our State interest is that those people

1 who can't take care of themselves should not be on a
2 street right across the street from a junior high
3 school, and they ought to be placed in a facility that
4 will have room, more sleeping room than four in a
5 bedroom. And they are attempting to teach them
6 rehabilitation -- or habilitation training. They leave
7 and are supposed to be at the training station at eight
8 o'clock in the morning. Thirteen of them. It would be
9 awfully difficult for 13 of them to take a bath --

10 QUESTION: You're talking about this
11 particular facility. I was speaking generally, viewing
12 the ordinance on its face. I think you've answered the
13 question sufficiently.

14 MR. LUNA: Safety.

15 CHIEF JUSTICE BURGER: Mr. Hicks.

16 ORAL ARGUMENT OF RENEA HICKS, ESQ.

17 ON BEHALF OF THE PETITIONERS

18 MR. HICKS: Mr. Chief Justice and may it
19 please the Court, I think that after five years now, the
20 City has finally narrowed what its posited objectives
21 are in this case to a simple. It is apparently, though
22 I'm not quite sure --

23 QUESTION: Let me put this to you, Mr. Hicks.
24 Suppose you had a situation where in this same house you
25 had 26 people; they proposed to use it for 26 people of

1 the same category. Would you be here?

2 MR. HICKS: I don't think we would be here,
3 Your Honor, because the State Medicaid rules would not
4 allow 26 people under their space requirements.

5 QUESTION: Well, suppose it's 20 people.

6 MR. HICKS: Again, I don't think the state
7 Medicaid rules would allow it. I haven't calculated
8 what the square footage requirements and other
9 requirements under the state Medicaid rules are that
10 would set an upper limit.

11 I think it's around 15, if I remember
12 correctly.

13 QUESTION: Then doesn't this come down to a
14 question of judgment of the people on the ground,
15 knowing the environment and the conditions, their
16 judgment as to how many people can safely and
17 appropriately be in an establishment of this kind, given
18 all the other conditions?

19 MR. HICKS: No, Your Honor, I don't think it
20 does. The reason I don't think it does is because that
21 was not the judgment that was made. There is no
22 indication, I don't think the slightest indication, in
23 the City zoning ordinance that this discrimination in
24 section 8, subdivision 6, singling out mentally retarded
25 people that are going to live in group homes for

1 different treatment was intended to protect them.

2 The closest thing to an indication of an
3 objective would be in the special use permit provision,
4 and there the only objective mentioned is impacts on
5 labor and property values, and that is something the
6 City has agreed it is not trying to further through the
7 classification here.

8 I think that the standards the City has
9 established, if you consider them carefully, looking at
10 the record here -- and I think it's important to keep in
11 mind that this decision was reached by a city council,
12 the votes of three city council members who admitted at
13 trial that they don't know what mental retardation is
14 and what it entails, that the standards that they set --

15 QUESTION: Should they be experts in order to
16 vote?

17 MR. HICKS: I don't think they have to be
18 experts, Your Honor.

19 QUESTION: Do they have to know something
20 about it?

21 MR. HICKS: I think they have to know
22 something about it, or at least be willing to listen to
23 those that do.

24 QUESTION: Do you think we have to qualify in
25 order to vote here?

1 MR. HICKS: To qualify as experts,
2 Your Honor? No, I don't.

3 QUESTION: Qualified as much as they had to
4 be. You think they had to be qualified.

5 MR. HICKS: Well, Your Honor, I think the
6 Court is willing to learn something about mental
7 retardation from the people that discuss it in briefs,
8 amicus briefs, or in general treatises.

9 The city council members here, as they
10 admitted at trial, had no interest in that, and they
11 ignored the advice of a phalanx of people opposed to
12 what they were doing. The people opposed to what the
13 city council did, that deny the special use permit, were
14 composed of parents of retarded people that would live
15 there, people who had spent their lives working in this
16 area, and none of them agreed with what the city council
17 did. There was not one person who knew anything about
18 mental retardation who said the city council acted
19 properly in denying the special use permit.

20 QUESTION: Well, Mr. Hicks, if we were to
21 apply a rational basis standard, the Court doesn't
22 normally look at how much the legislative body knew
23 about a subject. It seems to me that we look at whether
24 there is any possible legitimate state objective, and
25 whether the provision is rationally related to that.

1 Now, isn't that true? If that were the test,
2 the standard of review?

3 MR. HICKS: Well, I think the Court does not
4 merely accept any posited state objective if the
5 ordinance or the matter under consideration, the piece
6 of legislation under consideration, indicates that could
7 not possibly have been an objective. And I think this
8 one does.

9 First of all, it indicates that this one could
10 not possibly have been --

11 QUESTION: The City is asserting today that
12 its purpose was to protect the health and well-being and
13 safety of the inhabitants of the group home. I mean
14 that's what I understood Mr. Luna to be saying.

15 MR. HICKS: I understand that's what they're
16 saying. They're saying it now. But that is not what
17 they said through most of this case. And it's very
18 important that the whole structure of this zoning
19 ordinance gives no indication that that was the
20 objective, and it's impossible for somebody to try to
21 determine what kind of group home would be acceptable if
22 you don't know until five years later that that is the
23 objective.

24 QUESTION: Well, I guess what troubles me is
25 that in most of our rational basis test cases, the Court

1 is willing to indulge whatever might be conceived of as
2 a legitimate purpose in order to test it. Right?

3 MR. HICKS: Well, I think the Court is split
4 on that. If my reading of the case is correct, there
5 are some instances in which the Court isn't looking to
6 whatever somebody in their wildest imagination could
7 come up with as an objective.

8 They also look I think, as Justice Powell
9 mentioned in his dissent in Schweiker v. Wilson, to see
10 whether the statute at issue actually had this as a
11 possible objective.

12 QUESTION: Well, you're really asking, if we
13 don't adopt tightened scrutiny, to at least apply a
14 rational basis test with teeth in it.

15 MR. HICKS: Yes. And I think the majority of
16 the Court has said that the rational basis test has
17 teeth. The Court in several cases over the last 15
18 years has applied the rational basis test and
19 invalidated certain laws. And I think it's important
20 for the Court to notice what standards the City has in
21 effect established here to protect mentally retarded
22 people that are going to live in group homes.

23 The standards are not more specific than this,
24 and I think this is a fair reading of the record. When
25 it comes to proximity to schools, the standard is the

1 school's too near.

2 When it comes how busy are the streets, the
3 standard is the streets are too busy.

4 When it comes to the size of the group home,
5 it comes to the home's too small.

6 That is as close to a specific objective as
7 the City -- or standard as the City set in all this.
8 And I think that boils down to one standard, and that is
9 -- this is reading the City position I think in the best
10 light possible -- that standard is, nothing's good
11 enough for a group home.

12 QUESTION: I think, Mr. Hicks, if the
13 ordinance is facially valid --

14 MR. HICKS: Facially invalid?

15 QUESTION: If it is facially valid, do you
16 think you could defend it on an as-applied basis in view
17 of the overcrowding, 13 people mentally retarded, with
18 2-1/2 bathrooms and only four bedrooms?

19 Would you defend it as applied, assuming the
20 facial validity of the statute?

21 MR. HICKS: Yes, Your Honor, I would. I think
22 it would be quite an adequate group home. The best
23 sometimes can be enemy of the good, I think. There can
24 be better group homes. There can be smaller group homes
25 with more space.

1 But I think it is perfectly defensible. It
2 meets the state rules set up for these programs under a
3 federal program. And the Court quite often looks to
4 federal standards that have been established to
5 determine what the prevailing mores of society are in
6 terms of what's acceptable, and I think this meets it.

7 QUESTION: Mr. Hicks, let's assume the State
8 of Texas -- you applied for a license with the state
9 people?

10 MR. HICKS: Yes.

11 QUESTION: And suppose the State elects that
12 Texas said sorry, but 13 beds are too many; you can only
13 have six. Would you apply your heightened scrutiny to
14 that kind of a rule and attack on a constitutional
15 basis?

16 MR. HICKS: Well, I don't think there would be
17 intentional discrimination in that situation against
18 mentally retarded people. They would just be making an
19 individual judgment in an individual case that -- or
20 based on standards that are articulated.

21 QUESTION: You would say that the State must
22 have a rational reason for making that rule?

23 MR. HICKS: I think that there must be a
24 rational basis; yes.

25 QUESTION: One of the amicus briefs says that

1 the case is moot, because after the date that you filed
2 your petition the Texas Human Resources Department
3 modified its regulations to limit these residents to six
4 beds.

5 Is that true?

6 MR. HICKS: Is it true that it's moot? It's
7 not moot.

8 QUESTION: Well, I didn't -- I asked you, did
9 they -- have they changed their rule to six beds?

10 MR. HICKS: They have changed -- the state
11 Medicaid rules, the last I had read them, was that there
12 could be up to six beds in a facility, except --

13 QUESTION: But not here?

14 MR. HICKS: No, that's not correct. Except
15 when this money is going to state institutions like
16 state schools for mentally retarded people, in which
17 case they have no limit on the number of beds. Some of
18 those places have 1,000 beds, for instance.

19 So, no, it is not true that --

20 QUESTION: I didn't ask you -- if you had
21 filed your petition today under the present rules, could
22 you get the license?

23 MR. HICKS: If the Cleburne Living Center
24 people that were going to open a group home -- I don't
25 think so.

1 QUESTION: Well then, what's this case all
2 about?

3 MR. HICKS: Well, the case --

4 QUESTION: I mean you can't -- and there's no
5 grandfather clause in these regulations.

6 MR. HICKS: Well, in the record there is
7 evidence that indicates that this is grandfathered, this
8 particular group home has been grandfathered. The
9 administrator of the program, Department of Human
10 Resources program which promulgates the rules, has said
11 that this group home is not subject to those rules
12 because it had filed its application before May 1
13 of 19 --

14 QUESTION: Was this fact before the Court of
15 Appeals?

16 MR. HICKS: Yes.

17 QUESTION: That these rules had been changed?

18 MR. HICKS: Yes. This whole matter has been
19 in the case from the beginning. And the group home,
20 this group home could open today if the Court were to
21 rule that the City ordinance --

22 QUESTION: Only because you filed it before
23 the rule was changed.

24 MR. HICKS: Yes. But I still think,
25 Your Honor, that that doesn't indicate that the City

1 hasn't discriminated against mentally retarded people,
2 which is what this case is about. This case I don't
3 think is about whether state Medicaid rules are valid
4 or --

5 QUESTION: I think it certainly bears on
6 whether there's a rational basis for the City's action
7 to think the home is overcrowded if the State now will
8 not permit six -- more than six beds.

9 MR. HICKS: The State is not concerned about
10 overcrowding in that rule. I think this is clear.
11 They're concerned about financial strains on the
12 Medicaid program. The preamble to the regulation makes
13 that clear.

14 And the distinction that's drawn between
15 privately operated group homes and State-run
16 institutions makes it doubly clear. State-run
17 institutions can get Medicaid funding if they have 1,000
18 people in a facility. So they are not concerned about
19 overcrowding there.

20 I might also add that this case has a damages
21 claim in it, and they were operating for two years
22 before that rule was promulgated; the claim was sitting
23 there.

24 So I do not think that that rule indicates
25 that the City acted rationally at all. I think it's

1 important that the Court recognize that there is no
2 basis -- zoning laws are not set up as standardless
3 licensing procedures in the normal course of affairs,
4 and there's certainly no indication in this one that
5 that's so.

6 It's indicated -- zoning ordinances are
7 concerned about external impacts of certain uses.
8 That's what they are traditionally concerned with.

9 So I think it's very important for the Court
10 to keep that in mind. I think that the City's objective
11 that is now posited is not its objective. Its objective
12 was to single out mentally retarded people and exclude
13 them from living in group homes in the community, and
14 it's been effective at that. It has done that.

15 The court -- the trial court found that the
16 primary motivation for the special use permit denial
17 that Justice Powell was referring to was that the people
18 were going to be mentally retarded.

19 QUESTION: But this change that Justice White
20 has just spoken about, how does that affect the full
21 pattern, even if it doesn't moot the case?

22 MR. HICKS: Did you does it?

23 QUESTION: Has the decision been made that 13
24 is too many?

25 MR. HICKS: No, Your Honor, as I indicated to

1 Justice White, the decision was not made that 13 is too
2 many.

3 QUESTION: What did the decision amount to?

4 MR. HICKS: It amounted to a determination
5 that the Medicaid program in Texas was facing a
6 significant drain, and the way that the State controlled
7 that particular matter was to control the money going
8 into private group homes by basically clamping down and
9 making it nearly impossible to open them.

10 And the indication that they weren't concerned
11 about --

12 QUESTION: The fact is that they won't allow
13 more than six beds in a home.

14 MR. HICKS: But they will. They won't in a
15 private one, but if it's a public one where the money is
16 going to be going to the State --

17 QUESTION: Maybe so, but you couldn't get a
18 license now for this one.

19 MR. HICKS: Well, if we applied now, we
20 couldn't get a license now. We can get a license now if
21 this ordinance is declared invalid. And I think it's
22 very important. This is a prime indication of how these
23 things operate to exclude group homes from a community.

24 If this drain on resources is fast enough in
25 the State, a City just has to wait a long time and see

1 that the State clamps down on the program so that they
2 can't open it.

3 QUESTION: What form, Mr. Hicks, did the
4 grandfathering of this case take?

5 MR. HICKS: The --

6 QUESTION: Is it something official from a
7 State agency?

8 MR. HICKS: It's a letter from the Executive
9 Director --

10 QUESTION: Is that in our record?

11 MR. HICKS: It's Plaintiff's Exhibit No. 3.

12 QUESTION: And what does it say?

13 MR. HICKS: It says that the group home has,
14 after the conclusion of this litigation that we're
15 involved in now, the group home has up to 120 days to
16 complete the requirements that it was operating -- that
17 it was applying under to be certified.

18 And the way these particular things work is
19 that you can't actually get a certificate that you can
20 operate until you actually have at least one person
21 living in the group home.

22 QUESTION: Do you think this change suggests
23 anything, even remotely, about the decision that was
24 made here?

25 MR. HICKS: By the City Council? No,

1 Your Honor, I don't. I think it's clear that it
2 doesn't, because they have not said that six is a good
3 size. They have said they're putting a limit of six on
4 private group homes, not because of any concern about
5 how well they operate, but --

6 QUESTION: You mean on financing. I think you
7 said they're putting a limit of six on financing by the
8 group home.

9 MR. HICKS: Yes. More than six could live
10 there, I suppose.

11 QUESTION: But they wouldn't finance it.

12 MR. HICKS: But they just wouldn't get
13 Medicaid funding for it. And up to 1,000 or 1,200 can
14 live at --

15 QUESTION: But you say that the reason the
16 State is doing it because it wants to prevent more group
17 homes from starting up?

18 MR. HICKS: That was -- well, from starting up
19 and receiving Medicaid funds. That was the impetus for
20 the action.

21 Two of the people that participated in the
22 study group that drew up that regulation testified at
23 trial, and both of them said it had -- that the
24 financial impetus was the reason they did it.

25 And the preamble to the regulation that

1 finally was promulgated says that it's concerned about
2 the drain on financial resources.

3 QUESTION: And the State's modus operandi is
4 to limit the people in a group home who receive Medicaid
5 to a number that's too small to make the group home
6 practicable?

7 MR. HICKS: That was the reason it was done
8 here.

9 QUESTION: Mr. Hicks, do you still take the
10 position that the City ordinance violates state law in
11 requiring a special use permit?

12 MR. HICKS: Do you mean that it violates the
13 State Mentally Retarded Persons Act, for instance, or
14 the state constitution?

15 I'm sorry, I'm a little confused.

16 QUESTION: Well, we had some discussion about
17 this before, and the State has adopted certain
18 requirements for group homes for the retarded. And at
19 one point, I understood you to take the position that
20 the City ordinance violated that state law by requiring
21 a special use permit for the group home.

22 Is that your position?

23 MR. HICKS: Well, my argument was that it
24 could not posit as one of its objectives the setting of
25 these kinds of standards, because it was precluded from

1 doing so by state law which it preempted; that it was
2 inconsistent with state law.

3 But I think that is --

4 QUESTION: Is that your position today, that
5 the City may not require a special use permit for a
6 group home for the retarded in the State of Texas?

7 MR. HICKS: No. I'm not arguing that -- I'm
8 sorry, I must be a little confused. I'm not arguing
9 that cities cannot require -- ever -- special use
10 permits for group homes for mentally retarded people.

11 The problem in this case is the distinctions
12 that are drawn in section 8 which -- also, to answer a
13 question Justice White asked previously, is the
14 ordinance -- the part of the ordinance we attack on its
15 face.

16 The distinctions drawn there are the problem.
17 Nursing homes, which also are Medicaid-funded by and
18 large, can operate -- a nursing home could have opened
19 here without a special use permit.

20 QUESTION: Well, let's get back to the
21 question I'm interested in. Does this city ordinance
22 violate the law of the State of Texas? And, if so,
23 how?

24 MR. HICKS: The only way that -- well, I don't
25 think it violates the laws of the State of Texas because

1 the one objective that they posited, I don't think, is a
2 real objective. So I don't think in that regard it
3 violates the laws of the State of Texas.

4 QUESTION: Can I city in Texas have health and
5 safety requirements for group homes that are more
6 restrictive than those adopted by the State of Texas?

7 MR. HICKS: I think not. The state law in
8 this, the primary case that I know of that speaks to
9 this is called City of Brookside Village v. Comeau --
10 C-o-m-e-a-u.

11 And it says that no local -- local laws are
12 preempted by state laws in terms of licensing in matters
13 like that if they are inconsistent with or in conflict
14 with the state laws.

15 And I think if it set more restrictive
16 standards, it would be in conflict with the state law
17 setting the standards and the state policy set out on
18 the Mentally Retarded Persons Act, which is that
19 mentally retarded people are supposed to be able to live
20 in group homes.

21 QUESTION: As Texas standards now stand, the
22 City's requirements would be the same as the State's
23 with its number of beds and so forth.

24 MR. HICKS: The City has no standards. They
25 have no requirements. The City has never said that a

1 group home for six could operate here. It has said this
2 one can't.

3 And its reasons are standardless. It never
4 said what was appropriate, what would be an appropriate
5 standard. The City has mentioned in argument today that
6 they had pointed to Cleburne Living Center that there
7 was another place available in the community. The
8 record reflects that isn't so.

9 They pointed it out at trial that that was so,
10 and the evidence is that Texas officials have said that
11 place could never be appropriate, could never be made
12 appropriate.

13 QUESTION: When we're talking about special
14 use permits under a typical zoning ordinance, isn't it
15 fairly common for the zoning board when they're talking
16 about whether you should be granted a special use permit
17 as opposed to a zoning classification, which is usually
18 heavily specified in the ordinance, to deal on an ad hoc
19 basis? We think there is going to be too much traffic
20 here, or you haven't quite got a big enough screen
21 between your commercial property and the residential
22 property next door -- without dealing with a code for
23 issuing of the special use permit.

24 MR. HICKS: Without dealing with a what? A
25 code.

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QUESTION: A code.

MR. HICKS: It agree. But those things are always risks to the external impacts of the use they're considering.

QUESTION: Well, your colleague says what about requiring sprinklers or, you know, smoke warners in an apartment?

MR. HICKS: I've never seen that in a zoning ordinance. Those are set out in building codes and certificates of occupancy, matters like that, which it's possible to look at them and say okay, we can do that; we can install sprinklers, we can install whatever it takes.

But that wasn't done here. There was no standard set except the standard that nothing's good enough. That's the only standard the City set. And it's clear why they set it; they didn't want the group home to open.

I want to mention briefly the question of whether heightened scrutiny is appropriate here. I don't think that there is a group of citizens in the United States today that has been more stigmatized than mentally retarded people.

They have been subject to a long history of purposeful, unequal treatment, and they fit precisely

1 within the standards this Court has adumbrated over the
2 years for what constitutes a group that, when
3 classifications affect them, call for heightened
4 scrutiny.

5 Mentally retarded people have been
6 disenfranchised historically. Most of them can't vote
7 and haven't been able to. Mentally retarded people have
8 been excluded from all of the principal assimilating
9 institutions in the country. They've been excluded from
10 the public school system historically.

11 Mentally retarded people, as the trial court
12 found, have been isolated in remote, stigmatizing living
13 arrangements. And it's precisely under these
14 circumstances that this Court has said in the past, I
15 think over and over again, that heightened scrutiny is
16 appropriate because it's in these circumstances that the
17 groups that are subject to these unfair and untrue
18 stereotypes can't in essence fight back in the
19 democratic system.

20 And if there is ever a group that has been
21 unable to fight back and overcome the stereotypes that
22 have been ensconced traditionally, it's mentally
23 retarded people.

24 QUESTION: Why wouldn't you insist on strict
25 scrutiny?

1 MR. HICKS: Well, it seems from my reading of
2 the cases --

3 QUESTION: Those are the criteria for strict
4 scrutiny.

5 MR. HICKS: I agree.

6 QUESTION: Well then, why not?

7 MR. HICKS: Well, it seems that the Court has
8 essentially limited strict scrutiny to racial
9 classifications. In the past it had gone beyond that, I
10 think, and it seems to have backed away to some extent.

11 And racial classifications obviously are the
12 crime situation at which the equal protection clause was
13 aimed. But it wasn't the only thing.

14 I think that in some instances also, mentally
15 retarded -- classifications based on mental retardation
16 will fit certain standards. They will fit the standard
17 that this Court has used in heightened scrutiny, that it
18 has to be substantially related to important
19 governmental interests.

20 This one doesn't. Some others will. It all
21 depends on the facts of the individual case, as these
22 things always do.

23 QUESTION: Well, would you be satisfied to win
24 the case on a rational basis test?

25 MR. HICKS: Yes. As I think a prior counsel

1 said, I would be satisfied to win on any basis,
2 Your Honor.

3 But yes, I would be satisfied. Of course, I
4 would like to have the mentally retarded as a --

5 QUESTION: That would just be a decision on
6 this particular living place in a particular city.

7 MR. HICKS: And I think that's the way this
8 Court usually operates on a case-by-case basis. So
9 that's the reason I posited as my first argument --

10 QUESTION: Well, if we thought the standard
11 was wrong, we don't agree with you on heightened
12 scrutiny because rational basis applies, why shouldn't
13 we remand it?

14 MR. HICKS: I don't think you should remand it
15 because the only objective has been left by the City is
16 this one to protect, that they did it to protect
17 mentally retarded people.

18 And before remanding the case to determine,
19 for instance, whether they may, under state law, have
20 that as an objective, I think the Court ought to look at
21 the case as it already has -- it's had two arguments --
22 and determine whether that is the objective.

23 I think the Court has spent a lot of time on
24 this case. I think it's an artificial bifurcation of a
25 case that has as the only issue basically the equal

1 protection clause to say we'll decide that one standard
2 is not applicable and we just will not look at the other
3 standard right now; we will send it back to the lower
4 courts.

5 And I don't think it promotes judicial
6 economy; it doesn't promote economy for my clients; and
7 it slows the process down.

8 I think this Court has the record before it
9 and has an understanding of the case and is quite
10 capable, as capable of any court at least, of making a
11 decision on the rational basis.

12 QUESTION: Well, don't you think a district
13 court would have a better understanding of arguments of
14 Texas law, the law of preemption, and that sort of
15 thing?

16 MR. HICKS: No, Your Honor, I don't. I don't
17 think there's anything more specific than what I've told
18 you, and that's the inconsistent --

19 QUESTION: Yes, but a lawyer who has practiced
20 for 20 years in Texas before he or she went on the bench
21 is going to have a feel for state law arguments, it
22 seems, that this Court is not going to have just because
23 it's removed.

24 MR. HICKS: I just don't think that's an
25 accurate reading. I know that this Court uses that

1 rationale to do these kinds of things. I don't think
2 it's accurate in this case, and I don't think any Court
3 would have had to consider as carefully the issues as
4 this Court has, and had them as focused as this Court
5 has had them.

6 I do think it would be an artificial
7 bifurcation to send the case back, that it would lend --
8 doing it on that basis, that is, the state preemption
9 argument, would lend undue dignity to the State's
10 insupportable argument that it had as its reason to
11 protect mentally retarded people.

12 I don't think any fair reading --

13 QUESTION: You mean the City's argument.

14 MR. HICKS: I'm sorry. Yes. I don't think
15 any fair reading of this record can lead to the
16 conclusion that that was the City's purpose. I just
17 don't think it's possible to arrive at that conclusion.

18 And so remanding it to determine whether that
19 may be the objective, when it is so clear that it is not
20 the objective, it seems to lend too much dignity to that
21 argument.

22 And that's my basic position, Your Honor.

23 QUESTION: Mr. Hicks, may I ask you a question
24 along that line? Supposing we agreed with you that the
25 record demonstrates conclusively that that was not the

1 purpose, and you say we shouldn't hypothesize some other
2 purpose.

3 Say we then reversed and they passed a new
4 ordinance and said we didn't think of it before, but we
5 now realize it would be for the best interests of the
6 people who live in the home to deny the permit.

7 Would then it become constitutional?

8 MR. HICKS: Well, there would be a new case.
9 And there would be a battle, I am sure, over whether
10 they intentionally discriminated.

11 QUESTION: With the disposition you propose,
12 would the City be free to do that?

13 MR. HICKS: It would be free to do it, but it
14 wouldn't be free to exclude this group home, because
15 this group home would have been, but for the City's
16 unconstitutional action -- if they were to enact a new
17 ordinance -- a prior, nonconforming use. And it would
18 be singling them out for different treatment once again.

19 So this particular group home should be able
20 to open, if this Court says what the City has done is
21 unconstitutional. Then the City is free to go back and
22 amend its zoning ordinance, I hope this time in a
23 constitutiona manner.

24 It might result --

25 QUESTION: Do you think it would be rational

1 for them to say well, we think that the mentally
2 retarded people need this protection, even if other
3 somewhat similar people don't need this protection?

4 In other words, their crowding argument, it
5 seems to me --

6 MR. HICKS: I agree. I gave up too much in my
7 response to you. I don't think it's appropriate if they
8 just amended the ordinance to say okay, and stuck in a
9 provision saying we're doing this to protect mentally
10 retarded people, I still don't think it would make sense.

11 I think people in nursing homes, a lot of the
12 elderly people, they are much more likely to need more
13 protection than mentally retarded people in the sense
14 that quite often they aren't ambulatory; all of these
15 people would be ambulatory.

16 QUESTION: So what do you conclude from that?
17 So what if they do? Does that mean that the reason is
18 suspect? Is that all --

19 MR. HICKS: I think it indicates the
20 intention, the exclusionary intention of the zoning
21 ordinance. And I think again it would raise a new case
22 if a new group home were to try to open.

23 QUESTION: Of course, the other answer to the
24 argument is that, well, they shouldn't permit any kind
25 of -- any of these homes. If all of them need this kind

1 of protection, they shouldn't permit any of them.

2 MR. HICKS: Well, I think that would be a
3 totally different ordinance. If they were to take every
4 use that's now permitted in section 8 of the zoning
5 ordinance and say we're turning them all into special
6 use permit situations, there would be other problems
7 perhaps with the case, but it wouldn't be particularly
8 discrimination against mentally retarded people, because
9 then the nursing homes also would have to get special
10 use permits, and so on.

11 Thank you.

12 CHIEF JUSTICE BURGER: Thank you, gentlemen.
13 The case is submitted.

14 (Whereupon, at 2:01 p.m., the case in the
15 above-entitled matter was submitted.)
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CERTIFICATION

Alderson Reporting Company, Inc., hereby certifies that the attached pages represents an accurate transcription of electronic sound recording of the oral argument before the Supreme Court of The United States in the Matter of:

#84-468 - CITY OF CLEBURNE, TEXAS, ET AL., Petitioners V. CLEBURNE LIVING CENTER, ET AL.

and that these attached pages constitutes the original transcript of the proceedings for the records of the court.

BY Paul A. Richardson

(REPORTER)

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