

Opinion of SOUTER, J.

SUPREME COURT OF THE UNITED STATES

No. 02–1609

CITY OF LITTLETON, COLORADO, PETITIONER *v.*
Z. J. GIFTS D–4, L. L. C., A LIMITED LIABILITY
COMPANY, DBA CHRISTAL’S

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE TENTH CIRCUIT

[June 7, 2004]

JUSTICE SOUTER, with whom JUSTICE KENNEDY joins,
concurring in part and concurring in the judgment.

I join the Court’s opinion, except for Part II–B. I agree that this scheme is unlike full-blown censorship, *ante*, at 7–9, so that the ordinance does not need a strict timetable of the kind required by *Freedman v. Maryland*, 380 U. S. 51 (1965), to survive a facial challenge. I write separately to emphasize that the state procedures that make a prompt judicial determination possible need to align with a state judicial practice that provides a prompt disposition in the state courts. The emphasis matters, because although Littleton’s ordinance is not as suspect as censorship, neither is it as innocuous as common zoning. It is a licensing scheme triggered by the content of expressive materials to be sold. See *Los Angeles v. Alameda Books, Inc.*, 535 U. S. 425, 448 (2002) (KENNEDY, J., concurring in judgment) (“These ordinances are content based, and we should call them so”); *id.*, at 455–457 (SOUTER, J., dissenting). Because the sellers may be unpopular with local authorities, there is a risk of delay in the licensing and review process. If there is evidence of foot-dragging, immediate judicial intervention will be required, and judicial oversight or review at any stage of the proceedings must be expeditious.