Fighting "Civic Smallpox": The Civic Club of Allegheny County's Campaign for Billboard Regulation, 1896-1917

by Kristin Szylvian Bailey

Introduction

In February 1911, J. Horace McFarland, President of the American Civic Association, warned a Pittsburgh audience that their city was afflicted by a "civic smallpox." McFarland's audience did not have to go far from their seats to see evidence of this disease. As they emerged from the portals of Carnegie Institute, the magnificent cultural center built a few years earlier with a gift from the industrialist-philanthropist Andrew Carnegie to the city, they faced a wall of billboards enclosing the city block across what is presently known as Forbes Avenue. The billboards were located several feet from the sidewalk, effectively walling off the view from the street. In 1911, people could erect a billboard in any part of the city, providing they obtained a city license and the written consent of the property owner.

Evidence of the need for billboard regulation in the city during the early twentieth century can be found in photographs of the day. In 1915, the hillside of Mount Washington featured huge signs advertising Tech Beer and Beeman's Pepsin Gum which were intended to be viewed from downtown. Similarly, the bluff upon which Duquesne University is located was also dotted with billboards. In 1911, the corner of Hamilton and Fifth Avenues was photographed a month before Christmas. The billboards at that location featured advertisements of national products such as Kellogg's Cornflakes and local

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1 The Carnegie Institute was dedicated to the public in 1895. The present foyer to the Music Hall which faces Forbes Avenue was dedicated in 1907. See Agnes Dodds Kinard, Celebration of Carnegie: The Man, the Institute and the City (Pittsburgh, 1979), 10.

2 See: Pittsburgh Gazette-Times, Feb. 27, 1911, and related clippings in Scrapbooks of the Civic Club of Allegheny County, Record Group 70.2, series 5, Archives of Industrial Society (hereafter AIS), Hillman Library, University of Pittsburgh.
items. Three of the billboards of local interest advertised vaudeville theaters, one of which promised “continuous vaudeville” that “positively opens Christmas Day.” This billboard was directly next to one which advertised a toy store, featuring Santa Claus.

The billboard blight that disfigured Pittsburgh in the early twentieth century plagued most major cities. Critics of unregulated outdoor advertising objected to “all forms of outdoor advertising display not relating to business conducted on the premises,” usually referred to as off-site advertising. They called for the removal of the Pabst Beer sign that was located at the entrance of Philadelphia’s Fairmont Park and for the prohibition of billboards on Fifth Avenue in New York City and the area around the Capitol grounds in Washington, D.C. While unregulated outdoor advertising marred the urban landscape, its effect on the appearance of the rural landscape was even more disconcerting. An early-twentieth-century visitor to Niagara Falls would have found “Coca-Cola advertised along the side, while Menken’s Toilet Powder hangs over the great gorge.” Billboards surrounded many of the nation’s scenic vistas including the Grand Canyon, the Palisades of the Hudson River, and the Great Horseshoe Bend on the Pennsylvania Railroad line in the Allegheny Mountains.

The presence of such advertising signs reflected the inability of various civic reform groups to convince local governments to establish an effective billboard regulatory policy similar to that of many European cities. The emergence of the City Beautiful movement, whose advocates campaigned for visual improvement of the cities, signaled the beginning of a change in public sentiment away from laissez-faire government and towards greater tolerance of government regulation of land use. Throughout American history, the rights of individuals to

3 The forementioned photographs were taken by the city photographer of Pittsburgh. They are located at the Archives of Industrial Society.


5 Ibid.

6 The term “City Beautiful” is a difficult one to define. Mario Manieri-Elia, in “Toward an Imperial City” Daniel H. Burnham and the City Beautiful Movement,” The American City: From the Civil War to the New Deal, translated by Barbara Luigia La Penta (Cambridge, Mass., 1979), 1-142, asserted that scholars should make distinctions between the architectural ideals of Daniel H. Burnham, the civic improvement movement led by Charles Mulford Robinson, the parks and boulevards movement inspired by Frederick Law Olmsted, and the movement for professional city planning. Many scholars have, however, understandably encountered difficulty in separating the above. For the purposes of this paper, the City Beautiful
control the use of their property have been carefully guarded. However, some limits on property usage have always existed when the rights of other individuals were endangered. Such laws governing the use of private property must involve the health, safety, morals, or welfare of society for the state to exercise legally its policing powers. These measures, which have often been referred to as “nuisance laws,” were transplanted from British society to the American colonies. In colonial times, some of these laws included prohibitions against the use of highly flammable materials in construction, the disposal of wastes, and the projection of signs into thoroughfares.

By the nineteenth century, a number of restrictions on land use existed. Long before zoning was introduced in the United States in the 1920s, many cities required slaughterhouses and cemeteries to be located in certain districts. Other such provisions concerned the use and disruption of natural waterways and the width of thoroughfares. While many of these laws helped to protect property values, they also served the public good. However, government regulation of land use was not viewed as favorably in the nineteenth century as it was in colonial times. As the United States became more urbanized and industrialized, legislative proposals affecting the use of private property met with increasing resistance. In this climate, cities grew in a haphazard fashion. It was not until the late nineteenth century that urban-based groups began to organize to improve the quality of city life and the lay-out and appearance of its landscape.

The Civic Club of Allegheny County’s campaign for the regulation of outdoor advertising formed a little-known part of this movement for urban reform. The Civic Club was a typical early-twentieth-century reform group. It was a small, private organization made up of members from the community’s business and professional elite.7


According to Samuel P. Hays, the Civic Club was one of two citizens’ or-
and city beautification, whom Boyer labels "positive environmentalists," wanted to bring order to urban chaos. They believed that a morally superior society could emerge if the elements that disfigured and corrupted it were identified, and then eliminated or corrected. Unlike their earlier predecessors, these reformers rejected the idea that the moral order of the urban masses could be best ensured through personal contact with reformers. Instead, the improvements they advocated were examples of social engineering which would exert a positive influence on city dwellers by their mere presence.  

The advocates of the City Beautiful movement campaigned for the aesthetic improvement of cities. Some civic improvement groups called for the grouping of public buildings in plazas or civic centers such as those designed for the Chicago World's Fair of 1893 by architect Daniel Hudson Burnham. Others, inspired by the landscape architect Frederick Law Olmsted, favored the development of parks linked to the city's parks. This road, which was built overlooking the Allegheny Park which featured the fountain "A Song to Nature," as well as statues and fountains. These diverse attempts to improve the appearance of the urban landscape were often supported by businessmen, many of whom believed that enhancing the attractiveness of a community increased property values.

In Pittsburgh, civic beautification efforts were most successful in the Oakland section of the city where Carnegie Institute was located. Included in the Oakland civic center was the entrance to Schenley Park which featured the fountain "A Song to Nature" as well as several other examples of outdoor art. Efforts to beautify the downtown area were not as successful. One exception was the construction of a trolley-free boulevard, later dedicated to Edward M. Bigelow, a city engineer who was active in the establishment of several of the city's parks. This road, which was built overlooking the Allegheny River, provided motorists with a scenic route to downtown from the city's East End.

When speaking in favor of urban beautification, most commentators advocated control of outdoor advertising, the "chief enemy of the city beautiful." Billboards were often found along a community's trans- 


through the advocacy of city parks, the elimination of slum housing, and flood control helped raise public sentiment in favor of government regulation of land use.

When discussing its history in a publication commemorating its fiftieth anniversary, the Civic Club credited its existence to two other Pittsburgh organizations, the Women's Health Protective Association and The Twentieth Century Club. Little is known about the former organization. It was organized in 1890 by a group of educated, upper-class women who advocated municipal garbage removal, smoke abatement, and a ban on public expectoration, or spitting. The Women's Health Protective Association apparently no longer met under the same name after 1896, when several of its prominent members founded the Civic Club. The other organization with which the founders of the Civic Club were affiliated was The Twentieth Century Club. This women's philanthropic and social club, which was organized in 1894, considered annexing the Women's Health Protective Association as its Social Science Department, but this merger did not take place. It is possible that a separate club was formed because the women who were pursuing reform saw better chances of success in allying themselves with men rather than with a club whose purposes were primarily social. Perhaps the latter organization was, in the end, not hospitable to political activism.17 In any case, the Civic Club succeeded in recruiting no fewer than four hundred members within one year, including "many of the most prominent men and women in the community." 18

While the organizing committee was made up of women, the Civic Club looked to leading male citizens for its leadership in the early days of its existence. Professor John A. Brashear of the University of Pittsburgh, a nationally prominent astronomer, served as its first president. He was succeeded in 1896 by Henry Kirke Porter, owner of the H. K. Porter Iron Company, who was elected and re-elected president until 1899.

While the structure and functions of the organization resembled closely those of the socially-active clubs in the fast-growing women's club movement of the day, its purposes were clearly immediate, practical, and reformist.19 The by-laws instructed members of the Art De-

21 Minutes of the Meetings of the Board of Directors of the Civic Club of Allegheny County (hereafter, Minutes), Jan. 4, 1896, Pittsburgh, 8 vols.; vol. 1, 101-02; Record Group 70.2 (1974 add.), AIS.
22 Ibid.
25 Ibid.
recent (June 1898) city ordinance requiring the licensing of billposters. Brown could have pointed out that as long as the billposters were licensed, there was little legal basis for prohibiting them from carrying on their trade, despite the moral objections of some viewers.26

The Anti-Billboard Campaign Begins

The Civic Club's early objections to outdoor advertising, directed at handbills and theater posters, were founded primarily on moral grounds. By 1907, its moral concerns became incorporated into its quest for a more aesthetically stimulating city.

What is known as the Great Civic Awakening of America touched Pittsburgh very early in the dawn of its progress, arousing a number of our people to the realization . . . that any sort of a City Beautiful could be evolved from this busy, sooty workshop.27

The Civic Club tried to improve the appearance of the "busy, sooty workshop" by joining with other organizations such as the Pittsburgh Chapter of American Architects in advocating a number of civic improvement projects such as the grouping of downtown public buildings on a "commanding site." Although this proposal was later endorsed by city planning consultant Frederick Law Olmsted, Jr., when he was hired by the City Planning Commission in 1910, no downtown civic plaza was built adjacent to the Allegheny Court House.29

Another beautification attempt endorsed by the club was a legislative proposal which would have enabled Pennsylvania cities, towns, and boroughs to regulate and tax outdoor advertising. The proposal was sponsored by the American Civic Association, a national organization with which the Civic Club was affiliated. As a result of the defeat of the bill in the Pennsylvania State Senate in 1907, the "Club's attention to the billboard as a nuisance and a disfigurement was firmly rooted." 30

26 The City of Pittsburgh required the licensing of billposters with the Department of Public Safety on June 3, 1898. See Ordinance Book 12, Section 104, Articles 1-3.
30 CCAC, "Fifteen Years of Civic Club History and Annual Report for 1910" (Pittsburgh: CCAC, 1911), 95, Annals, vol. 1, unpaged.
32 H. Marie Dermitt, Secretary, CCAC, to J. Horace McFarland, President, American Civic Association, Pittsburgh, July 8, 1908, PSA.
34 John W. Beatty to McFarland, Pittsburgh, Nov. 23, 1908, PSA.
served by going elsewhere," the convention would be held in Pittsburgh because he wished to "give help" to the city's beautification efforts.31

By late 1909 the Civic Club took action to further the cause of billboard regulation. A special three-member committee, which was appointed in April of that year, submitted a brief to the club's board of directors which summarized the legal status of billboard advertising in the City of Pittsburgh and the Commonwealth of Pennsylvania.16

With this report prepared by a prominent Pittsburgh law firm as their guide, the directors felt confident they could intensify their attack on billboard advertising. A new three-member billboard committee was appointed. When they met on January 24, 1910, they decided to seek support from other local organizations who favored billboard regulation. A "letter of inquiry" was sent to forty-five "civic and social working bodies" to determine whether they were in favor of billboard regulation and if they would be interested in appointing a delegate to the club's billboard committee if it were enlarged.37

The "very satisfactory" responses received by the committee convinced them that they would be most successful by "combining and crystallizing the forces interested." 19 On April 29, 1910, the committee requested that the board of directors increase its size to accommodate delegates from interested organizations and add two more Civic Club members. It was proposed that once the committee was enlarged, sub-committees should conduct a campaign of education about outdoor advertising and the law, gather data about billboards, and seek the cooperation both of real estate owners who leased property to outdoor advertisers and of "local theatrical managers and all painters, lithographers, and printers of this class of work." 19

Most important to the billboard committee was the establishment of a legislative sub-committee which would write legislation to be proposed at both the state and local levels. The committee admitted that their hopes for establishing outdoor advertising regulation in Pennsylvania had been raised when the Appellate Court of the State of Missouri upheld a St. Louis regulatory ordinance.40


35 McFarland to Dermitt, Harrisburg, Pa., July 10, 1908, PSA.
37 Minutes, Jan. 28, 1910, vol. 6, 23.
39 Minutes, Apr. 29, 1910, vol. 6, 55, and insert.
40 For a short summary of St. Louis Gunning Advertising Co. v. City of St. Louis, see: Ronald G. Aronovsky, "Metromedia, Inc. v. City of San Diego:
returned to the committee because of the dispute they had with the奉会 after their second reading. Before the hearing, Mr. Bell made it clear to Dermitt that their attempts would not be considered “strong outside pressure” were brought to bear on the members.39

After the hearing, Dermitt wrote to McFarland to thank him for his support. She ended the letter by expressing her certainty that the Civic Club’s efforts would not be in vain.40

On April 14, 1911, McFarland wrote to Dermitt to clarify what had happened at the hearing. He indicated that the situation was far from promising, although the “billboard people were worried.” The Civic Association president warned that lobbyists from the billboard industry were “buttonholing” the senators and arguing that passage of the law would mean higher taxation and that higher taxes would influence members to approve those proposed by the Civic Club.41

Dermitt replied that the Civic Club’s members were doing all they could to ensure passage of the bills by encouraging their friends and fellow members to write to their senators urging them to vote in favor of the bills, which had now been favorably reported on by the Municipal Affairs Committee and had survived a second reading in the Senate. She expressed no concern that the crusade for billboard regulation was not yet over. The secretary reported to McFarland that there were six, rather than three, billboard regulatory measures before the Senate, and expressed the hope that the number of such bills would influence members to approve those proposed by the Civic Club.42

On April 11, 1911, three Civic Club members attended a Municipal Affairs Committee hearing concerning the bills in Harrisburg. The

48 McFarland to Dermitt, Harrisburg, Pa., Mar. 11, 1911, PSA.
49 Dermitt to McFarland, Pittsburgh, Apr. 5, 1911, PSA; McFarland to McFarland, Pittsburgh, Apr. 6, 1911, PSA.
50 McFarland to Dermitt, Harrisburg, Pa., Apr. 7, 1911, PSA.
51 Dermitt to McFarland, Pittsburgh, Apr. 13, 1911, PSA.
52 McFarland to Dermitt, Harrisburg, Pa., Apr. 14, 1911, PSA.
53 Minutes, Apr. 28, 1911, vol. 6, 186.
gravesyard." This Republican-dominated "Senate death chamber" had killed bills seeking workingmen's compensation, employer liability, child labor regulation, and other progressive measures favored by the more liberal Republicans who later joined the Progressive Party.55

Dermitt later agreed with McFarland that the billboard committee's legislative proposals had been "too drastic and attempted too much."16 She also indicated that he was correct in urging the club to begin by trying to get the principle of billboard regulation established in Pennsylvania, perhaps by proposing enabling legislation which would apply to only a single class of cities, such as those of the second class, which included Pittsburgh.

Renewing the Fight

Enthusiasm faded after the club's 1911 legislative efforts failed, even though the billboard committee vowed to continue to fight for billboard regulation. The number of meetings of the committee and reports to the board of directors declined. Clearly, the billboard interests had more financial backing and more friends in Harrisburg than the Civic Club did. In addition, the club's efforts were hampered by doubts concerning the power of the city government to enforce a regulatory ordinance. Despite these problems, the new chairman of the billboard committee, John D. Hailman, renewed the fight the following year. On June 28, 1912, the board of directors approved his request to reorganize the billboard committee by discontinuing the practice of including delegates from other organizations. It appeared that the visitors seldom attended the meetings and did little work.17

The billboard committee, now made up of seventeen Civic Club members, began work on a new bill to be introduced in the state legislature in 1913. The sub-committee on publicity prepared and distributed literature designed to enlist public support for billboard regulation. These pamphlets and placards contained data on the amount and kind of billboard advertising in the city. They featured photographs which graphically depicted the effects of unregulated outdoor advertising. One such leaflet featured a photograph of the billboard across Forbes Avenue from the Carnegie Institute with the caption "What do YOU think of the surroundings of the finest Art Museum in America?"58 Expenditures for this literature often put the board committee in debt, and frequently Hailman made personal

55 The Pennsylvania branch of the Progressive Party, whose Presidential candidate in 1912 was Theodore Roosevelt, was led by William Flinn of Pittsburgh. See also: M. Clyde Kelly, Machine Made Legislation (Braddock?, 1913), 67.
56 McFarland to Dermitt, Harrisburg, Pa., May 29, 1911.
The legislative campaign of 1913, which was somewhat more successful than that of 1911, showed that the Civic Club was growing more aware of the bargaining and compromises that were necessary to get legislative approval of a bill. The club tried hard to find new advocates of billboard regulation in Harrisburg, but they were generally unsuccessful. This may have occurred because members of the legislature were either unconcerned with the political influence of the Civic Club in Pittsburgh or simply reflected the interests of their constituents, few of whom were concerned with billboard regulation, or both.63

Despite the repeated legislative failures of the billboard committee, it now asserted that "The fight will be continued till . . . our city . . . shakes herself free from the defilement from which she now suffers."64 Ironically this pledge came at the same time as an acknowledgment that the number of billboards in Pittsburgh had actually increased during the years of the club's anti-billboard campaign. Photographs of the period show that billboards sprang up alongside of the city's major new roads and thoroughfares shortly after they were built.65

In spite of the club's ambitious pledges, 1914 was marked by a decline in billboard committee meetings and activities. Some committee members were discouraged and others recognized the need for state-wide support of billboard regulatory proposals. The details of the plan they outlined are unknown. However, on May 29, 1914, Hailman reported to the board of directors that the billboard committee had decided to recruit support from other civic-minded organizations in the state.66

This plan of attack, however, never got far. In September 1914, Hailman told the board of directors that he intended to speak on the need for the regulation of outdoor advertising at a meeting of the State Federation of Pennsylvania Women which was to take place in Pittsburgh the following month, to "present the matter to representatives throughout the state and secure their cooperation in another legislative campaign against billboards."67

What kind of reception Hailman's pleas met at the federation meeting is not known. He resigned as chairman of the billboard committee one month later, undoubtedly discouraged that his efforts had not proved fruitful. The departure of the anti-billboard campaign's most dedicated leader marked a turning point in the campaign for billboard regulation. From then on, no chairman served the committee for more than one year. In addition, the expenditures made by the committee had considerably decreased. Before he resigned, Hailman paid off the committee's deficit, and one month after his successor was appointed, the billboard committee had paid all the club's treasurer was owed.68

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66 Minutes, May 29, 1914, vol. 8, 120.
ally proved that their influence in Harrisburg was much greater than that of the Civic Club. 72

After the defeat of the regulatory bill, the activities of the billboard committee did not cease altogether, but as in the past, the level of activity declined. As the November elections of 1915 neared, the committee began to contact political candidates to request that they obey the 1903 state law forbidding the placing of signs on trees or telephone poles which were on public property. They wrote letters to seventy-two of the state’s largest newspapers calling for enforcement of the law and informing citizens that the law contained a provision which said that any citizen could remove an illegal sign. In addition, the committee members wrote letters to state and local law enforcement bodies requesting their cooperation in enforcing the law. 73

The billboard committee continued their efforts of the previous year concerning the enforcement of existing laws regarding outdoor advertising throughout 1916. The committee members also spent their time preparing another legislative proposal calling for outdoor advertising control, but it was not introduced because “the lobby of the Billposters’ Association was in complete control [of the state legislature] and public apathy upon this subject did not permit any hope of success under the circumstances.” 74

The “public apathy” that the club saw as one of the causes of the failure of their legislative efforts concerning billboards had never before been acknowledged. The Civic Club worked for the passage of the regulation of outdoor advertising even though no effort had ever been made to determine how the public felt about billboards. They fought against off-site advertising because they were convinced that a cluttered urban landscape, dotted with commercial images and messages, had a demoralizing effect on society. Apparently, it never occurred to the members that some people might have actually liked billboards, especially if they were the brightest visual objects in what were otherwise drab industrial or working-class districts. In addition, it appears that they never perceived the complex role of advertising in society, especially one in which a considerable portion of the population was foreign-born. They disregarded the role which visual images could play in the Americanization of immigrants and their transforma-

77 See related clippings in the Civic Club’s scrapbooks, Record Group 70.2, box 2, AIS.
79 CCAC, The Civic Club of Allegheny County, 1895-1935, 29, AIS.
The anti-billboard campaign was resumed after the war was over, but lacked the zeal which characterized the earlier efforts. Once zoning was introduced in Pennsylvania in 1923, however, regulation of signs became more possible and more complex.

Conclusion

The advocates of outdoor advertising regulation would have preferred that their campaign be as successful as that of some other Progressive crusades such as those for legislation on unadulterated food and drugs, workmen's compensation, and child labor. However, it was not. The proponents of billboard control have had to follow a long road of legal battles, staged mainly at district and state courts, and occasionally in the United States Supreme Court.

Attempts to control billboards have always met with strong opposition from the outdoor advertising industry. Billposters, painters, and printers who were engaged in the production and display of outdoor advertising have formally worked together to protect their interests since the late nineteenth century. Today, the Outdoor Advertising Association of America lobbies on behalf of advertising firms that engage in billboard advertising, and outdoor advertising companies themselves have not been reluctant to become involved in legal battles. They have objected to regulatory measures and the application of zoning ordinances to sign control for several reasons. It has been argued that such measures are unlawful prohibitions of a legitimate business; that they deny equal protection of the law; that they interfere with the use of private property; and that they abridge the First Amendment right of free speech.

Of all the arguments used by the outdoor advertising industry to prevent the regulation or ban of off-site billboards, the most effective has been that based on the right to free speech or expression. While the United States Supreme Court did not recognize the entitlement of some forms of commercial speech to First Amendment protection until 1976 (in Virginia State Board of Pharmacy v. Virginia Citizens' Consumers Council), questions remained about the legality of billboard ordinances which sought to ban all off-site outdoor advertising, including those that feature non-commercial messages such as “Vote for Mary Smith” or “Buckle Up Your Safety Belt.”

Despite the effective use of arguments such as that for free speech, billboard regulation has been established with varying degrees of success. State and local governments have approached sign control in
two different ways. Billboards can be controlled through the use of zoning and/or special ordinances concerning them. Most communities control signs through zoning. In general, fewer legal disputes have developed around this means of sign control. Some state and local governments have, however, passed special laws specifically relating to off-site outdoor advertising.

One of the first municipal billboard regulatory ordinances that was unsuccessfully challenged by an outdoor advertising company closely linked the effect of the billboard itself on its immediate surroundings. In the St. Louis Gunning Advertising Company case referred to above, the Missouri Supreme Court upheld the city of St. Louis' use of the policing power to regulate billboards. In this case, the court ruled that billboards could endanger public safety, and it produced a lengthy list of the social ills associated with them. The court declared that the city could regulate billboards because they could harm people through flimsy construction; they could be a fire hazard; and they could provide a hiding place for persons committing immoral acts, for criminals, and for unsanitary disposal. Today, with legal restrictions and the billboard code of ethics that the outdoor advertising industry has imposed upon itself, such charges seem extreme. However, in 1912, such charges could often be substantiated.

As American society became more automobile-oriented and the number of billboards aimed at motorists increased, the courts began to evaluate billboard regulatory measures by considering the effect they had on society as a whole. Some billboard regulatory measures were upheld because courts were convinced that the placement of some billboards affected traffic safety. In the 1968 case, Markham Advertising v. State, the Supreme Court of Washington found that traffic accidents could be caused by billboards that obstructed the view or attracted the attention of a motorist. The opponents of billboard regulation claimed that there was little concrete evidence linking traffic, health, and moral violations to billboards. They claimed that the courts were accepting "legal fiction" instead of recognizing that governments attempted to regulate or ban billboards primarily on aesthetic grounds.

The use of the policing power of the state for aesthetic considerations had been prohibited by the United States Supreme Court in Vorna and Green v. Williams in 1909, just as the City Beautiful movement was coming to a close. However, within a decade of this decision, courts began a trend towards the acceptance of the use of legislative power for aesthetic reasons. In most cases, economic considerations were combined with aesthetic ones to uphold billboard regulation. For example, courts generally tolerated the regulation or prohibition of billboards where tourism was important to the local economy. Thus, billboard control has been successfully established in scenic and scenic districts such as Colonial Williamsburg and Palm Beach.

Recently, however, the use of the policing powers of the state for aesthetic considerations has been given legal recognition. In a landmark case, Metromedia, Inc. v. City of San Diego, the United States Supreme Court declared that aesthetic considerations could warrant the use of the policing power of the state. The court's decision was a confusing one, however, because it struck down the San Diego ordinance that Metromedia, Inc. was challenging. The court declared the ordinance unconstitutional because of the distinctions between signs bearing commercial and non-commercial messages, both of which were entitled to varying degrees of protection under the First Amendment. Although the court did not deny any real effort to delineate the boundaries of constitutional protection, it did hint that billboard regulations that did not make such distinctions may be within constitutional bounds. While Metromedia, Inc. won the battle against the San Diego ordinance, it lost the war.

The battle for the regulation of outdoor advertising waged by the club of Allegheny County and other civic organizations of the ninetenth century can be seen in two different ways. The Civic League was formed by upper-middle-class individuals who wished to restrict the view, or attention, of a motorist. Its members tried to improve the social conditions they knew needed their attention, and they never doubted their ability to influence the direction which the city's taking. Their pre-World War I campaign against outdoor advertising was a reaction to commercialism in the sense that small-town values were becoming out-of-focus.

80 More than a half century ago, the Supreme Court recognized the legality of using the policing power of the state tozone in Village of Euclid v. Ambler Realty Company (1926).
moded. Affluent Pittsburghers had traditionally fled the soot and congestion of the heavily-industrialized areas of the city. Now they found that badges of commercialization — billboards — were appearing at the side of every major thoroughfare.

Secondly, the advocates of billboard regulation can be viewed as members of a growing segment of Americans who were in favor of the extension of government control into the layout and appearance of the community. Perhaps men of property saw the expansion of the policing power of the state into areas such as zoning as the only way to protect economic value. In any case, zoning eventually made the biggest change in the location and predominance of outdoor advertising.