

Opinion of SOUTER, J.

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 782-784, 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.