



Federal Court Accepts ACLU Amicus in Support of WyWatch

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CHEYENNE, WY – U.S. District Court Judge Freudenthal today accepted the American Civil Liberties Union's *amicus* brief in support of conservative organization WyWatch's right to exhibit pro-life displays at the Herschler Gallery in the Wyoming Capitol.

WyWatch, after receiving authorization to set up a booth in the Herschler Gallery, set up two posters, including one of a fetus with a biblical phrase. After receiving calls complaining about the posters, the Executive Secretary of the State Building Commission, Rich Cathcart, removed the display. The SBC's policy gives little guidance to organizations who wish to set up displays. WyWatch requested a change in the policy in April, and after receiving no response, filed suit on January 2.

"While the ACLU doesn't agree with WyWatch's anti-choice message, we firmly support their right to say it. Sometimes the most effective message is one that gets our attention. The government cannot suppress the right to free speech, even on government property, just because someone doesn't like what the organization has to say or how they say it," says Jennifer Horvath, Staff Attorney for the Wyoming ACLU.

On January 18 at its quarterly meeting, the SBC changed its policy to close the Herschler Gallery to all displays and protests.

"In response to WyWatch's legitimate complaint that the state censored its constitutionally protected speech, the state has changed its policy to suppress all speech. The best antidote to speech we disagree with is more speech, not censorship," says Horvath.

At a hearing this morning on WyWatch's preliminary injunction motion, WyWatch's argued that the new policy does not make the case moot, based on the timing of the change in the policy, the fact that the state continues to defend its position against WyWatch, and the likelihood that the state will return to its 2011 policy. The state countered that it would be "remarkable" if the SBC held a special session to go back to the 2011 policy, and that the state has the authority to change the policy, even if it is in response to WyWatch's lawsuit.

The court did not rule from the bench, but accepted the ACLU's *amicus* brief, which argues that the SBC's removal of WyWatch's posters because people complained was unreasonable, as the complaints did not interfere with other organizations' displays, or with foot traffic in the Herschler Gallery.

A copy of the brief is available online at www.aclu-wy.org