

Federal Court Rules D.C. Political Postering Law is Unconstitutional

By [ANSWER](#)

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*Regulation Struck Down as Violating the First Amendment
In related victory, government forced to rescind
\$70,000 in fines against anti-war group*

The Partnership for Civil Justice Fund's five-year-long free speech battle to overturn poster regulations used to target grassroots organizations has resulted in a historic federal court ruling striking down the law as unconstitutional. Chief Judge Royce C. Lamberth of the U.S. District Court for the District of Columbia issued a 58-page opinion yesterday finding that the law "fails First Amendment and Due Process scrutiny."

In an additional huge victory for grassroots organizing, the PCJF has also forced the District to rescind more than \$70,000 in fines it had levied and prosecuted against the ANSWER Coalition (Act Now to Stop War & End Racism), the anti-war and social justice organization. The PCJF has defended the Coalition against the District's prosecution of those fines for the past five years in separate proceedings before the D.C. Office of Administrative Hearings.

Support the PCJF's critical work to defend free speech by making a tax-deductible contribution today.

"Today marks the end of an illegal system where the District of Columbia government created a favored hierarchy of speech. Grassroots organizations and community groups that sought to give voice to their causes with political posters were hit with massive and potentially bankrupting fines, while the politicians were allowed to flood the streets with campaign signs for months on end," stated Mara Verheyden-Hilliard, Executive Director of the PCJF. "Those days are now over."

"This ruling, once and for all, deprives the District of tools by which it discriminates against grassroots political speech in our nation's capital," stated Carl Messineo, Legal Director for the PCJF. "This was a pernicious and discriminatory system that has now been brought to an end."

"We stated in 2007 that we would never pay a penny of these fines, that we would never surrender to this campaign that aimed to intimidate and bankrupt the progressive movement," stated Brian Becker, National Coordinator of the ANSWER Coalition. "This was a targeted action intended to shut down our free speech rights. It threatened all groups advocating for social justice in D.C. using the time-honored tradition of political posters."

Background:

The ANSWER Coalition was originally hit with tens of thousands of dollars in fines for lawfully posted leaflets and posters in 2007 as they organized a mass anti-war demonstration with Iraq war veterans. When they held a press conference in Lafayette Park to protest the fines, the press conference was attacked by the police on horseback. Nearly 100,000 people watched the attack on YouTube. The District continued to target the organization, hitting it with tens of thousands of dollars in additional fines as ANSWER challenged the illegal system in Court.

The PCJF has fought this battle on two fronts. It brought a constitutional rights challenge in federal court on behalf of the ANSWER Coalition and the MASF (Muslim American Society Freedom) to strike down the unconstitutional regulations. This litigation has gone up to the D.C. Circuit Court of Appeals, where the PCJF prevailed, and back to District Court where the case was reassigned to Chief Judge Lamberth. The PCJF simultaneously defended ANSWER against the government's prosecution of \$70,000 fines in separate administrative court proceedings.

“The large corporations, including the biggest war contractors and banks, have billions of dollars to advertise their messages of war and profit,” stated Brian Becker, ANSWER National Coordinator. “Grassroots organizations have always relied on leaflets and posters to build the progressive movement for change. Today that movement has won an important victory for our fundamental rights to speak and organize.”

“This is a great victory for free speech and for the rights of people to have their voices and their messages heard,” stated Imam Mahdi Bray, MASF activist.

In his 58-page opinion, Chief Judge Lamberth found that the plaintiff was entitled to summary judgment, writing that, “When First Amendment rights are at issue, the government must strive to be clear and precise. It should cabin discretion to ensure that its law is enforced fairly and predictably. It cannot simply allow each officer to independently decide whether certain speech runs afoul of the law.”

In response to the lawsuit, the District has rewritten its regulations four times, which the PCJF described in court papers as “simply substitut[ing] a new set of unconstitutional content-based distinctions for the prior set of unconstitutional content-based distinctions.”

The Court's ruling states, “Unfortunately, after five years of litigation and four amendments to the sign regulations, the law still fails First Amendment and Due Process scrutiny.”

The ruling continues, “[O]nce the District opens up public property to political speech, it has a responsibility to be fair, even, and precise in its regulations. If it chooses to make distinctions between different types of speech—even if its distinctions might appear benign—it must justify why it treats different kinds of speech differently, and explain how this distinction furthers its significant interests. When treading on First Amendment interests, it should strive to limit administrative discretion, not codify and endorse it. In order to avoid chilling protected speech, the regulations must be clear, and provide objective standards for enforcement.”

To read more about the case and view the court's opinion, go to www.JusticeOnline.org

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