

Christmas Ad Rejected for Including the Real Reason for the Season

On Nov. 28, 2017, the Archdiocese of Washington filed a legal action in federal court challenging the Washington Metropolitan Area Transit Authority's (WMATA) advertising guidelines and sought injunctive relief after WMATA rejected the advertisement promoting the archdiocese's annual "Find the Perfect Gift" initiative.

"The rejected ad conveys a simple message of hope, and an invitation to participate in the Christmas season. Yet citing its guidelines, WMATA's legal counsel said the ad 'depicts a religious scene and thus seeks to promote religion,'" said Ed McFadden, Secretary for Communications for the Archdiocese of Washington. "To borrow from a favorite Christmas story, under WMATA's guidelines, if the ads are about packages, boxes or bags ... if Christmas comes from a store ... then it seems WMATA approves. But if Christmas means a little bit more, WMATA plays Grinch."

"We believe rejection of this ad to be a clear violation of fundamental free speech and a limitation on the exercise of our faith," said Kim Fiorentino, the Archdiocese of Washington's chancellor and general counsel. "We look forward to presenting our case to affirm the right of all to express such viewpoints in the public square."

"As the papers filed in court today make clear, WMATA's rejection of the Archdiocese's speech amounts to a violation of the First Amendment, plain and simple. We are bringing this complaint to vindicate the basic principle that the government may not allow a wide variety of speech in a forum and then turn around and deny the archdiocese access because of the

religious nature of its speech,” said Paul Clement of Kirkland & Ellis LLP, who is serving as counsel to the archdiocese in this case.

“Our ad was designed to be placed on metro bus exteriors to reach the broadest audience and to invite everyone to experience the well-accepted joyful spirit of the season, or to share their many blessings with others less fortunate through service opportunities. The archdiocese wishes to encourage our society to help feed, clothe and care for our most vulnerable neighbors, and to share our blessings, and welcome all who wish to hear the Good News,” said Susan Timoney, secretary for pastoral ministry and social concerns for the archdiocese.