

Pro-Life Group Wins Free Speech Victory in Wyoming

Members of the Wyoming State Building Commission admit they unconstitutionally violated the **free speech** rights of a **pro-life** group in Wyoming.

It happened in February 2011 when state officials first approved and later removed WyWatch Family Action's **pro-life signs** from Herschler Gallery at the state capitol.

A federal court issued a consent order last week that settles a lawsuit filed by Alliance Defense Fund (ADF) attorneys on behalf of WyWatch in January.

Beyond the **First Amendment** concession, the commissioners agreed to pay for WyWatch's attorneys' fees. However, state officials skirted a mandate to allow **pro-life speech** in the future by eliminating the right of any outside groups to engage in free speech activities in Herschler Gallery.

"Honoring **free speech** doesn't come about by completely eliminating it," says ADF Litigation Staff Counsel Jonathan Scruggs, who litigated the case together with ADF-allied attorney Nate Kellum.

"Although the commissioners have done the right thing by recognizing that they violated the **First Amendment** rights of WyWatch members who simply wanted to display signs as others had been allowed to do, we disagree that the solution is to then shut everyone up so that you don't have to allow pro-life speech anymore."

Here's the backstory: Rich Cathcart, executive secretary of the State Building Commission, approved WyWatch's request for "walk by" space in Herschler Gallery, a long and wide enclosed tunnel situated between the State Capitol Building and the

Herschler State Office Building.

On Feb. 3, 2011, WyWatch Family Action Chairman Becky Vandenberghe erected two signs, one depicting a living preborn baby in the womb with a Bible verse. The other sign showed a picture of a group of individuals with the caption "We Regret Our Abortions." WyWatch placed the signs as part of its advocacy for two pro-life bills before the legislature.

By the next morning, Cathcart, after receiving a number of "inflamed calls," had deemed the signs unacceptable and removed them because the pro-life content fell outside of the "generic stuff" that he claimed was allowed, even though the application process never specified any such limitation.

After ADF attorneys filed the lawsuit WyWatch Family Action v. Cathcart in the U.S. District Court for the District of Wyoming, the State Building Commission, rather than allow **pro-life speech** in Herschler Gallery, adopted new rules that prohibit the public from engaging in any free speech activities in the gallery.

"WyWatch Family Action's board of directors is pleased that the state realizes that it infringed on our constitutionally protected freedom of speech and religion and that they admit their previous policy was unconstitutional," says Vandenberghe. "It's sad that it took such drastic measures to bring that about, but it's even sadder that state officials decided to address the problem by stifling more free speech, not less."