

Pro-life Groups Sue DC for Arresting Students, Biased Censoring

Alliance Defending Freedom (ADF) attorneys representing two pro-life organizations filed suit in federal court Wednesday after the city of Washington, D.C., refused to grant permission for the groups to paint a pro-life message on a city street shortly after the city commissioned or allowed the painting of other messages on a different street.

In June, a mural reading “Black Lives Matter” was created using permanent yellow paint, the length of an entire city block, extending the width of the street. Shortly after the mural was painted, another mural reading “Defund the Police” was also painted on the street.

The Frederick Douglass Foundation and Students for Life of America then sought to paint a similar mural outside of the Planned Parenthood Carole Whitehill Moses Center with the message “Black Pre-Born Lives Matter,” but the city refused to grant a permit to the groups.

Every individual and organization should be able to peacefully express their beliefs, but the District is picking winners and silencing those who hold views it doesn't like.

That's unconstitutional.

And that's why ADF is stepping in.

– Alliance Defending Freedom (@AllianceDefends) November 19, 2020

“The government can't discriminate against certain viewpoints by allowing some voices to be heard while silencing others,” said ADF Legal Counsel Elissa Graves. “Because of the city's

actions, Frederick Douglass Foundation and Students for Life of America weren't able to participate in the public square as other groups have. The First Amendment prohibits the government from picking and choosing whose speech to allow."

Students for Life of America applied for a permit and received permission to hold a rally, but neither group received a formal response from the city regarding the painted mural. A Metropolitan Police Department officer gave verbal permission for members of the groups to paint the message in the street with tempera paint.

Based on that, the two groups gathered at approximately 6 a.m. on Aug. 1. Several law enforcement officers were waiting for them and informed them that if they used paint or even washable sidewalk chalk on either the street or the public sidewalk, they would be arrested. Despite this warning, two students began to chalk "Black Pre-Born Lives Matter" on the public sidewalk.

They were immediately arrested.

"The city shouldn't be able to silence and punish us for expressing ideas that it doesn't agree with," said Frederick Douglass Foundation Virginia Chapter President J.R. Gurley. "Government officials can't discriminate against peaceful displays on the basis of our beliefs about abortion when they have allowed other groups the same avenues to express their beliefs. If the mayor allows other messages to be painted and chalked, we should be able to express our views in the same manner without fear of unjust government punishment."

"We are seeing incredible opposition to the pro-life speech of our students as they speak for the most marginalized and defenseless among us," said Students for Life of America President Kristan Hawkins. "The Constitution guarantees the right to peacefully express our views in the public square. If there is disagreement over contentious issues, the answer is

always more speech, not censorship, fines, or jail time.”

In 2018, the U.S. Supreme Court wrote in its decision in *National Institute of Family and Life Advocates v. Becerra* that “the people lose when the government is the one deciding which ideas should prevail.”

ADF attorneys filed the lawsuit, *The Frederick Douglass Foundation v. District of Columbia*, in the U.S. District Court for the District of Columbia. {eo}

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