



Written by [Bob Adelman](#) on March 22, 2024

ACLU Notches Big Win Against Federal Government in Freedom of Speech Case

After being threatened with a jury trial, attorneys for the U.S. government [settled out of court on Monday](#) for \$50,000 plus other “remedial” measures, including a public apology.

The money goes to the American Center for Law and Justice (ACLU), and the apology goes to the students from Our Lady of the Rosary School in Greenville, South Carolina.

In January 2023, about a dozen students from the school participated in the 50th anniversary of the March for Life event in Washington, D.C. While there, they decided to visit the National Air and Space Museum (NASM).



Twitter

Each was wearing a blue knitted cap emblazoned with “Rosary Pro-Life.” Each was asked to remove the cap when going through security, and each student did, thinking it was some part of the security protocol. They replaced them after leaving security.

But upon entering the museum they were told by museum officials to remove their caps, claiming that the museum was a “neutral zone” where the First Amendment guarantees didn’t apply.

From the lawsuit:

Following their participation in the March for Life event, Plaintiffs visited the NASM whereby all Plaintiffs were subjected to a pattern of ongoing misconduct by at least five different staff, personnel, employees and/or security guards of NASM ... which included targeting, harassment, discrimination and, ultimately, eviction from NASM simply because they wore blue hats with the inscription, “Rosary Pro-Life.”

Not only were the students’ rights under the First Amendment (freedom of speech) and the Fifth Amendment (due process) violated, so were their ears:

As Plaintiffs Patrick M., Kathleen K., Jane K., J.K., and their fellow students walked by Defendant Jane Doe 2 and Defendant Jane Doe 3 [NASM employees] to continue into the exhibit, the Does used expletives in reference to the students, some of whom are minors, including J.K., stating: “They’re f—king pro-life. What a bunch of s—t.” This comment was heard by one of the students who relayed that comment to Plaintiffs Patrick M., Kathleen K., Jane K., [and] J.K.

When the students remarked to the offending officials that other visitors wearing “pride” regalia were allowed to do so without sanction, those officials remarked that the museum was a “neutral” zone



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where the First Amendment “does not apply” to them.

The students suffered further indignities:

At approximately 4:40 pm, several students ... were sitting against the escalator wall outside of the Wright Brothers Exhibit when they were once again approached by a NASM security officer dressed in dark clothing and black beanie/hat. [He] approached the students and had a big grin on his face and was rubbing his hands together as he said, “Y’all are about to make my day.”

[He] continued to address Plaintiffs Patrick M., Kathleen K., Jane K., J.K., and T.L., along with their fellow students by stating, “You’ve been told multiple times to take your hats off, and you have not taken them off. You need to take them off or leave.”

When some of the students protested, the official stated that their caps were “political statements” that didn’t “promote equality.” Another official told the students, “You need to take off your hats. We are a museum that promotes equality, and your hats do not promote equality.”

[The ACLJ filed suit last February](#), threatening a jury trial.

The settlement that ended that threat was filed on Monday, stipulating the payment of \$50,000; a private tour to be given to the students at a time and date of their choosing by the museum’s director, along with his personal apologies; and the dissemination of a report of the incident by the NASM containing the “new” Smithsonian policy regarding the wearing of hats or other types of clothing with messages, “including religious and political speech.”

The museum will provide a Zoom call to those students who can’t make the tour. And, interestingly, it will also provide video footage of the confrontation between its officials and the students while they were being harassed and intimidated.

In making its announcement of the settlement, the ACLJ applauded the students in taking a stand: “We are grateful for this group of clients who alerted us to the violation that occurred and who were willing to take a stand to defend their rights ... they wanted to expose the truth to ensure that this never happens again. We are pleased that our settlement does just that.”



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