



Written by [Dave Bohon](#) on April 11, 2012

Wyoming Admits It Violated Free Speech Rights of Pro-Life Group

According to the [Alliance Defense Fund](#) (ADF), the conservative legal advocacy group that represented WyWatch in the case, Cathcart had initially approved the pro-life group's request for "walk by" space in Herschler Gallery, a long and wide enclosed tunnel situated between the State Capitol Building (above left) and the Herschler State Office Building. But on February 4, 2011, the morning after the group placed the signs, Cathcart changed his mind and had them removed, ruling that they fell outside the boundary of the "generic stuff" he claimed was allowed, "even though the application process never specified any such limitation," noted the ADF.



According to the AP report, "Cathcart has said he decided the posters were unacceptable because they were graphic and shouldn't be viewed by children who pass through the area during the legislative session. After WyWatch filed its lawsuit early this year, the State Building Commission, which includes Gov. Matt Mead and the other four statewide elected officials, enacted a new policy banning all public displays of materials in the tunnel area."

Under the terms of the settlement in the lawsuit, approved by U.S. District Judge Nancy Freudenthal, the state agreed to pay the pro-life group \$1 in token damages, along with \$30,000 in attorney fees.

Becky Vandenberghe, chairman of WyWatch, said that she was pleased that the state admitted it had violated her group's constitutionally guaranteed right to free speech. "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," Vandenberghe said in a prepared statement.

In a case of strange bedfellows, even the [ACLU](#) sided with WyWatch, agreeing that the state had trampled the pro-life group's free-speech rights. "While the ACLU doesn't agree with WyWatch's anti-choice message, we firmly support their right to say it," explained Jennifer Horvath, staff attorney for Wyoming's ACLU franchise. "Sometimes the most effective message is one that gets our attention. The government cannot suppress the right to free speech, even on government property, just because someone doesn't like what the organization has to say or how they say it."

ADF attorney Jonathan Scruggs said that while his group is pleased with the outcome of the suit, there is still the issue of the state using the case as a pretext for banning all materials in the Capitol tunnel.

"Honoring free speech doesn't come about by completely eliminating it," said Scruggs. "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



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disagree that the solution is to then shut everyone up so that you don't have to allow pro-life speech anymore."

In related Wyoming news, on April 10 the state Supreme Court ruled that the city of Jackson, Wyoming, violated the free speech rights of a group of pro-life activists when it banned them from holding a rally on the city square last year.

As reported by [LifeSiteNews.com](#), Chet Gallegher and Mark Holick of the pro-life group [Operation Save America](#) were arrested May 20, 2011 while attempting to hold a three-day vigil in opposition to the state's only abortion clinic, located in the community. "That's when they found out city attorney Audrey Cohen-Davis had [sought a temporary restraining order](#) against them without notifying them," reported LifeSiteNews. "The group had no opportunity to defend itself before District Judge Tom Day granted the motion, to prevent the protesters from being in the same location as a group of Boy Scouts."

Rusty Lee Thomas, another member of Operation Save America, told LifeSiteNews the group assured police "that we would not bring our graphic signs to that venue. But we told them we would come, we would preach, and we would hand out Christian pro-life literature. Well, they didn't believe us. Behind our back, they sought this order. When we arrived, that's when we found out they had brought this injunction against us."

Thomas told LifeSiteNews that in its 3-2 decision in favor of the pro-life group, the state High Court "ruled that graphic signs in the public square are free speech under the First Amendment, and anywhere we go on the public square, that is to be protected. These local governments do not have the authority to remove or abridge or violate our First Amendment rights."

He added that "this is a major ruling. It's a great blow against tyranny and a great defense of liberty."



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