

Federal Judge Grants ACLU Request To Allow Winter Solstice Display At State Capitol

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Group Had Been Illegally Barred From Putting Up Display Despite Meeting State Requirements
FOR IMMEDIATE
RELEASE

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LITTLE ROCK, AR – A federal judge this week granted a request by the American Civil Liberties Union of Arkansas that a temporary Winter Solstice display be allowed to be erected on the grounds of the state Capitol. (The ACLU of Arkansas filed a federal lawsuit last week charging Arkansas Secretary of State Charlie Daniels with violating the free speech rights of the Arkansas Society of Freethinkers by illegally barring them from putting up their display, despite the fact that it meets the requirements of the state capitol display policy and despite the presence of another display on the grounds.((

"This is a victory for freedom of speech in America," said Rita Sklar, Executive Director of the ACLU of Arkansas. "People cannot be arbitrarily denied their constitutionally protected right to free expression in a public forum, and that is exactly what had happened in this case."

In 1993, the Arkansas Secretary of State adopted a policy for "Temporary Displays on State Capitol Grounds." The policy set up a system whereby any person or group could put up a temporary display by meeting certain requirements, including sturdiness and non-interference with pedestrian traffic. The Freethinkers' proposed display met the guidelines of the policy, but was nonetheless rejected by Daniels, who cited an Arkansas statute providing authority to the state capitol police to maintain "proper order and decorum."

On further inquiry, the Secretary of State's office asserted that the proposed display did not have the proper "tone." Later, the office added that a Winter Solstice display would not be consistent with the other displays and decorations at the Capitol. According to court papers filed by the ACLU, the only other temporary display on state capitol grounds is "a crèche with a wood exterior and nativity figures carved out of wood. The display is not decorated with lights or ornamentation of any kind and is devoid of a festive tone."

The Arkansas Society of Freethinkers is a statewide non-profit organization in part dedicated to promoting education and awareness of Freethinkers, their history, activities and holidays. The group filed a written application to put up a display October 16, describing the meaning and history of the Winter Solstice holiday. Though the Society of Freethinkers could have sought to have the existing nativity scene removed, the suit did not request this relief. Instead, the Society of Freethinkers sought and obtained permission to include their display as part of the celebration, as was intended by the Secretary of State's policy and by the First Amendment.

The Winter Solstice celebration is an ancient tradition that is celebrated by the Freethinkers annually from approximately November 15 to January 5. The Society of Freethinkers asserts that the purpose of the Winter Solstice display is to express some of the members' beliefs and to educate the public about the Winter Solstice and Freethinkers.

Pictures of the Freethinkers display can be seen at: wintersolsticedisplay.info and more information about the ACLU's work on Religious Freedom and Belief can be found at <http://www.aclu.org/religion-belief> .

Attached:

Opinion and Order Granting Preliminary Injunction - December 16, 2009