

MEDIA RELEASE

ACLU Protests Censorship of Political Speech by Montgomery County Government

Full details at the ACLU of Maryland website: http://www.aclu-md.org/press_room/82

FOR IMMEDIATE RELEASE

October 23, 2012

CONTACT: Meredith Curtis, ACLU of Maryland, 410-889-8555; media@aclu-md.org

TAKOMA PARK – Concerned that Montgomery County government is unlawfully censoring ads opposing the “FOR Question B” ads that the County itself is running on public transit buses, the American Civil Liberties Union of Maryland (ACLU) today contacted Montgomery County Executive Ike Leggett detailing the constitutional violation inherent in this viewpoint discrimination by the government. The ACLU asked for a quick resolution to the matter, given that the political question at issue will be decided by voters on November 6.

“If the County wants to prohibit political advertising on county buses, it can, but it cannot run its own political ads on county buses and then claim that political advertising is not permitted,” said David Rocah, staff attorney for the ACLU of Maryland. “When the government privileges one side of a political debate in a forum open to private speakers, as Montgomery County is doing here, it engages in viewpoint discrimination clearly prohibited by the First Amendment.”

The ACLU’s letter concerns actions taken by or on behalf of the Montgomery County Department of Transportation, Division of Transit Services, in connection with ads that the Fraternal Order of Police, Lodge 35 (FOP) sought to place on Ride On buses concerning the referendum on Question B on November 6. Montgomery County is currently running its own ads on both the inside and outside of county Ride On buses stating “Who Do You Think Should Run the County Police? The Police Chief or Union Leaders? Vote FOR Question B.” Wishing to respond to these explicitly political ads by the County, the FOP contacted the contractor responsible for managing the advertising program for the Division of Transit services, seeking to run its own responsive ads. Once the content of the FOP’s intended ad became clear, the FOP was told, on two different occasions, that because the ad FOP wished to run was political in nature, they would not be allowed to purchase the space.

The ACLU letter argues that the County cannot impose advertising rules only on private speakers who wish to express a contrary viewpoint. Because the County ran its own ads with respect to Question B, it must now allow the FOP to speak on the same issue, on the same terms as are available to other private speakers.

Go to the ACLU of Maryland website for more details: http://www.aclu-md.org/press_room/82. The ACLU has not taken a position on the substance of Question B.