

FEDERAL JUDGE RULES IN FAVOR OF REVEREND IN FIRST AMENDMENT ACTION

A local minister has prevailed in a First Amendment lawsuit against two Orange County communities in connection with her effort to hold a peace rally at the Moffat Lawn in Town of Blooming Grove.

Rev. Alexandra Coe sued Town of Blooming Grove and Village of Washingtonville in October 2006 after she was thwarted in her effort to hold a rally at the Moffat Lawn, at the intersection of Routes 94 and 208, in the center of Town. In ruling on her lawsuit on July 7, 2008, among other things, U.S. District Judge William C. Conner held the following:

1. The Town is liable in damages to Rev. Coe in enforcing an unconstitutional prohibition against free speech at Moffat Lawn, which Judge Conner declared a "public forum" over the Town's objections. That designation means the Town cannot restrict peaceful protest and public assemblies at the Town-owned property, which the court deemed comparable to a public park.
2. The Town also cannot require indigent persons from organizing a rally at Moffat Lawn or other Town-owned parks because of their inability to afford liability insurance. Adopting the reasoning of courts around the country, Judge Conner ruled that the insurance requirement is "fundamentally incompatible with the principle that freedom of speech is available to all, not merely to those who wish to those who can pay their own way. People of limited financial means who wish to exercise their First Amendment rights may not be shut out of the public square."
3. The Town violates the First Amendment in requiring even small groups to obtain a permit for public assemblies on Town property. Adopting the reasoning of courts around the country, Judge Conner noted that the permit requirements are typically necessary for the municipality to prepare for large gatherings, not small groups.

"This decision rings loud and clear. Towns and villages cannot declare municipal property non-speech zones," said Rev. Coe's lawyer, Stephen Bergstein, of Chester, N.Y. "They also cannot discriminate against poor people in requiring them to get expensive insurance policies in order to speak and publicly assemble. That this case grows out of Rev. Coe's attempt to protest an unpopular war makes it all the more important and timely."