

Washington Archdiocese considers next step in lawsuit over transit ad

WASHINGTON — The Archdiocese of Washington was weighing its options after a federal judge denied a request for an emergency injunction over the Washington Metropolitan Area Transit Authority's advertising guidelines.

U.S. District Judge Amy Berman Jackson Dec. 8 denied the archdiocese's request that WMATA be required to post an ad promoting its annual "Find the Perfect Gift" initiative for the Advent season.

Transit authority officials had denied the ad based on 2015 policies that ban ads "that promote or oppose any religion, religious practice or belief."

"We are disappointed that the federal court denied our emergency request for an injunction to run our 'Find the Perfect Gift' Advent campaign," Ed McFadden, the archdiocese's secretary for communications, said in a statement Dec. 9.

"While this preliminary ruling that there should be no room made for us on WMATA buses is disappointing, we will continue in the coming days to pursue and defend our right to share the important message of Christmas in the public square," the statement said.

Berman found that while buses are controlled by a government agency, the authority's rules likely are legal and reasonable because WMATA's restrictions are not based on whether the agency opposes the advertiser's particular views.

The archdiocese contended WMATA's policy that "prohibits all noncommercial advertising, including any speech that purportedly promotes a religion, religious practice or belief," is a violation of the free speech and free exercise of religion clauses of the First Amendment and a violation of the due process clause of the Fifth Amendment.

The WMATA's prohibition, the archdiocese contends, "violates the free speech rights of the archdiocese because the prohibition creates an unreasonable and

disproportionate burden on the exercise of the archdiocese's speech without any legitimate justification."

The archdiocese has in previous years advertised on WMATA's public buses. Up until 2015, the archdiocese purchased WMATA space for ads that, according to the lawsuit, "were explicitly religious in character."

"These advertisements included a campaign highlighting the importance of the sacrament of reconciliation during the liturgical season of Lent. This campaign, 'The Light Is on for You,' was remarkably successful for the archdiocese — and lucrative for WMATA — with advertisements on the backs of 85 buses throughout the metropolitan area."

The rejected ads highlight the archdiocese's annual "Find the Perfect Gift" campaign, which refers viewers to the FindThePerfectGift.org website that includes Mass schedules, reflections on the meaning of Advent and Christmas, religious holiday traditions and opportunities for charitable service. The image is a silhouette of shepherds and sheep standing on a hill.

Copyright ©2017 Catholic News Service/U.S. Conference of Catholic Bishops.