

ACLU warns Heber City not to remove LGBTQ Pride banners

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FOX13

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HEBER CITY, Utah — The American Civil Liberties Union is warning city leaders not to remove a series of banners commemorating Pride month.

The banners have been the subject of controversy after a group of residents asked the Heber City Council to remove them. One woman said she had a problem with people's sexual orientation "being flashed in front of my face."

In a letter to Heber City, the ACLU of Utah warned that the banners were protected under the First Amendment.

"We understand that there are voices in the Heber City community seeking removal of the Pride banners based on their disagreement with the messages they convey. Removing the banners would be a serious mistake, since, as noted, viewpoint discrimination is not allowed in a limited public forum. As such, capitulating to public complaints about the banners would likely violate the First Amendment rights of the person who applied for and was granted the ability to place the banners," ACLU legal director John Mejia wrote.

Heber City's mayor has said the banners would not be removed.

Read the ACLU of Utah's letter here:



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June 10, 2019

Dear Mayor Potter and Heber City Council:

The American Civil Liberties Union of Utah (ACLU of Utah) would like to add our perspective to the public discussion about the "Pride in the Wasatch Back" banners displayed this month on city lampposts on Heber City's Main Street. These banners are said by their sponsor to commemorate June as Pride Month, which also marks the 50th anniversary of the Stonewall uprising, a demonstration by the LGBTQ community against a police raid that took place at the Stonewall Inn in New York City that is remembered as a milestone in the movement for LGBTQ civil rights.

From the publicly reported facts of this issue, the lamppost banners appear to be what is known in First Amendment cases as a "limited public forum." Unlike a "traditional public forum," where private expressions of free speech are and will always be available and protected, a limited public forum is a public space that is opened up for private expression by the government. Once that forum is available, the government has some ability to restrict expression, but may not exclude or prohibit expression based on the content or viewpoint of the speaker.

We understand that there are voices in the Heber City community seeking removal of the Pride banners based on their disagreement with the messages they convey. Removing the banners would be a serious mistake, since, as noted, viewpoint discrimination is not allowed in a limited public forum. As such, capitulating to public complaints about the banners would likely violate the First Amendment rights of the person who applied for and was granted the ability to place the banners.

We agree with Mayor Kelleen Potter that these banners are an important expression of pride in and support of people who are still too often subjected to discrimination and marginalization. Some of our staff and volunteers recently visited Heber City and found that the banners enlivened even more an already vibrant and welcoming community. We are glad to read that you plan to keep the banners up, especially as the law appears firmly on your side in doing so.

Best regards,

A handwritten signature in black ink, appearing to read "John Mejia", written over a light blue grid background.

John Mejia,
ACLU of Utah Legal Director

The ACLU of Utah Foundation, Inc. chartered in 1958 as an affiliate of the national ACLU, operates through public education, legal advocacy, litigation, and lobbying at both the state and local levels to ensure the constitutional rights and freedoms of everyone living in or visiting Utah. Our work is based on those principles outlined in the Bill of Rights and the U.S. Constitution. Find us online at www.acluutah.org