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**FOR IMMEDIATE RELEASE**

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**ACLU OF UTAH FILES COMPLAINT CHALLENGING  
BRIGHAM CITY'S UNCONSTITUTIONAL "FREE SPEECH ZONE" ORDINANCE**

SALT LAKE CITY— Today, the ACLU of Utah filed a complaint on behalf of the Main Street Church of Brigham City challenging Brigham City's "Free Speech Zone" Ordinance. The suit alleges that on its face, the ordinance violates the Utah and United States Constitutions because it requires a permit for almost any conceivable form of public expression and imposes civil and criminal penalties for failing to comply. This ordinance could subject many unsuspecting people in Brigham City to liability for engaging in activities protected by the First Amendment.

Because Brigham City is actively barring Main Street Church from two public sidewalks in the city, Main Street Church has also moved for a temporary restraining order to immediately prohibit Brigham City from continuing to restrict Main Street Church's First Amendment rights to assembly, free speech, and free exercise of religion in a traditional public forum.

The ACLU of Utah believes that Brigham City's "Free Speech Zone" Ordinance turns the entire city into a place where free speech, free assembly and free exercise of religion are prohibited until people are granted a special permit designating free speech zones where they are allowed to engage in those activities. The process of granting such permits is controlled by the city's police chief, attorney, and administrator, who are given absolute discretion of how, when, and why to establish such zones, and have taken it upon themselves to limit the exact nature of what the activities will include and how many people may be involved. Failure to comply with these restrictions will mean civil and criminal penalties for those engaged in activities that are clearly protected by the First Amendment.

Main Street Church's religious activities include distributing religious-themed literature to the public, some of which includes information concerning what Main Street Church views as the differences between the beliefs of its members and the beliefs of the Church of Jesus Christ of Latter day Saints. One of Main Street Church's planned activities is to distribute literature during the Open House of the LDS Temple in Brigham City, which runs from August 18 to September 15. On August 18, 2012, members of the congregation contacted Brigham City Police about handing out literature on all of the city sidewalks surrounding the LDS Temple during the Open House. Brigham City Police told them that they needed to apply for a permit for activity on any public sidewalk in Brigham City. Main Street Church applied for that application on August 20 and received it on August 21. The permit places several severe restrictions on what activities Main Street Church is allowed to engage in until September 15. Most egregiously, the permit completely prohibits Main Street Church from accessing the public sidewalks bordering the two most trafficked sides of the LDS Temple.

"If Main Street Church were to access those sidewalks during the Open House, we would not impede the flow of pedestrian traffic, nor would we attempt to force anyone to take any of our literature." said Jim Catlin, Pastor of the Main Street Church. "Main Street Church

vehemently opposes the hate speech and perverse actions that some groups have used to badger, mistreat and disrespect the Mormon people. However, we do believe we have the right to express our beliefs to the public on public sidewalks.”

“The overbreadth of Brigham City’s “Free Speech Zone” Ordinance is breathtaking,” said John Mejia, Legal Director of the ACLU of Utah. “Under this ordinance, you would arguably have to apply for a permit to engage in nearly any speech in the city. The ordinance could be used to silence anyone, from two friends debating politics on the sidewalk to a missionary handing out fliers. When we saw that Brigham City was completely barring a church from the public sidewalk based on the ordinance, we were compelled to take action,” he added.

To view a copy of the pleadings, go to [http://www.acluutah.org/MS\\_C\\_v\\_BrighamCity.html](http://www.acluutah.org/MS_C_v_BrighamCity.html)

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