News



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. (CNS/Archdiocese of Washington)

by Catholic News Service

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The Archdiocese of Washington appealed a federal judge's denial of a request for an emergency injunction over the Washington Metropolitan Area Transit Authority's advertising guidelines.

The appeal was filed Dec. 10 with the U.S. Court of Appeals for the District of Columbia Circuit.

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."

In a statement released after the court filing, Ed McFadden, the archdiocese's secretary for communications said the church officials were concerned that the transit authority was too willing to promote "the secular half" of Christmas gift giving, "but not the 'religious half.'"

"Indeed it seems clear that while Macy's could advertise its extended holiday hours, the archdiocese could not advertise its own extended holiday hours," he said. Such a distinction, he added, amounts to discrimination based on earlier court decisions.

"A retailer offering to help consumers 'find the perfect gift' during the holiday season would be welcomed, but a message suggesting that the perfect gift can be found on altars rather than shopping aisles is verboten," the statement said.

"In a society concerned more with what's under the tree and where the birth of Jesus is treated as an elusive element to the season, we simply want to share the real Christmas story, the full joy of Christmas with our neighbors and share the Christmas spirit with those in need," McFadden 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."

Advertisement

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.

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