News

Protesters gathered for a rally Nov. 13, 2018, sponsored by Church Militant in Baltimore. (CNS

Protesters gathered for a rally Nov. 13, 2018, sponsored by Church Militant in Baltimore. (CNS/Tennessee Register/Rick Musacchio)



by Brian Fraga

Staff Reporter

View Author Profile

Join the Conversation

Send your thoughts to *Letters to the Editor*. Learn more

October 13, 2021

Share on BlueskyShare on FacebookShare on TwitterEmail to a friendPrint

A federal judge has sided with the far right-wing Catholic group Church Militant in its quest to overturn the city of Baltimore's cancellation of its planned protest during the U.S. bishops' meeting there this November.

The city had cited public safety concerns, and the possibility of violence at the protest, as reason to cancel the Nov. 16 event. Church Militant said the cancellation violated the organization's constitutional rights to free speech and assembly.

In an 86-page ruling filed Oct. 12, U.S. District Judge Ellen Hollander said that St. Michael's Media, the Michigan-based entity that operates Church Militant, was likely to succeed on the case's merits.

"The First Amendment to the Constitution is at the heart of this case," wrote Hollander, who found that the city engaged in "viewpoint discrimination" against Church Militant and then sought to justify its decision to cancel the "prayer rally" by

citing, after the fact, details such as the expected large crowd size of more than 3,000 people and the strain the event would have on public safety resources.

"The City cannot conjure up hypothetical hecklers and then grant them veto power," Hollander wrote.

The judge's order prohibits Baltimore officials from preventing the private company that manages the MECU Pavilion, a tent-like structure that functions as a summer concert and entertainment venue, from contracting with St. Michael's Media to use the venue for its rally. Hollander's order said she "anticipates good faith negotiations, but expresses no opinion on the terms of a contract."

"We are disappointed by the Court's decision and potential threat to public safety if this event ensues. The proposed rally is slated to take place on Baltimore City property, and we have a responsibility to protect our property and fellow citizens," said Cal Harris, communications director for Baltimore Mayor Brandon Scott. "We remain committed to this charge and will appeal this decision."

The Church Militant prayer rally has advertised far-right political activists Steve Bannon and Milo Yiannopoulos as featured speakers. According to court documents, social media advertisements for the event also promised "confirmed speakers" to be Michael Voris of Church Militant, conservative personality Michelle Malkin and Archbishop Carlo Maria Viganò, the controversial former Vatican ambassador to the United States.

Advertisement

Yiannopoulos testified during a two-day hearing at U.S. District Court in Baltimore, Sept. 30-Oct. 1, where attorneys argued over the lawsuit that St. Michael's Media filed on Sept. 13.

"The only reason [the city] canceled the rally is due to the content of St. Michael's speech, namely, speech that is critical of the USCCB made in such a way that USCCB members could not ignore it," attorneys for St. Michael's Media wrote in their motion for a preliminary injunction.

Lawyers representing Baltimore countered that St. Michael's Media had not yet signed a contract with the city to use a waterfront pavilion for its rally. The outlet

and the company that operates the city-owned pavilion were negotiating the event's details when the city ordered the company in August to stop those negotiations.

In court filings, the city said it halted those talks after learning more details of the event, including the speaker lineup. The city noted Bannon's and Yiannopoulos' histories of making incendiary statements, the expected large size of the crowd, and Church Militant's sympathetic reporting of the Jan. 6 insurrection at the U.S. Capitol.

"With such a 'star studded' group on the Plaintiff's program, as soon as the City became aware of Plaintiff's plan to use the Pavilion for a rally that included speakers known for encouraging violent actions that have resulted in injuries, death, and property damage, the City instructed SMG not to move forward with the event out of a legitimate fear that it would incite violence in the heart of downtown Baltimore," city attorneys wrote in court filings. SMG is the business that operates the city-owned pavilion.

In a ten-page witness declaration he signed prior to his testimony in court, Yiannopolous said he was asked to emcee at the rally, and that he had planned to do so free of charge because the event aligned with his "sincerely-held convictions about urgent and overdue reform needed within the Catholic Church."

Despite once texting a reporter that he hoped to see vigilante squads shoot journalists on sight, Yiannopoulos wrote in his witness statement that he "abhorred" violence. Yiannopoulos also opined that he, "as a speaker and business owner" who had purportedly raised tens of millions of dollars in capital over the last decade, had the "experience and expertise" to "reliably judge" the security risks of staging the event.

Attorneys for St. Michael's Media did not rely solely on Yiannopoulos; they also filed a nine-page report written by James Derrane, a retired FBI agent, who concluded that the threat of violence stemming from the protest was "very unlikely."

"There are no credible accounts of St. Michael's Media espousing violence, and no specific and/or articulable threats against the group," Derrane wrote.

In other filings, attorneys for St. Michael's Media submitted witness declarations from several people who said they planned to attend the Nov. 16 rally, and that they had no violent intentions.

"I know the St. Michael's Media organization and I have supported them for many years. We are a group of happy warriors doing battle with prayer, truth, and love as our weapons," Maris Bentley, a 65-year-old Nebraska resident, wrote in support.

A version of this story appeared in the **Oct 29-Nov 11, 2021** print issue under the headline: Judge orders city to allow Church Militant protest.