



505 Fifth Avenue, Ste. 901  
Des Moines, IA 50309  
(515) 243-3576

## **ACLU of Iowa sues Davenport again over rights at Bix Street Festival**

by R. Ben Stone, Executive Director

6/26/2009

### **Green Party was denied right to petition on city streets**

#### **FOR IMMEDIATE RELEASE - June 26, 2009**

The ACLU Foundation of Iowa has filed suit on behalf of the several Green Party organizations and two individuals to restore the right of citizens to engage in petitioning and similar activities at open public events such as the Bix Street Festival in Davenport Iowa. The suit represents the second time in a decade the ACLU of Iowa has sued the City and groups in Davenport over free speech or petition rights at the annual street festival.

"The ACLU of Iowa laments that it is compelled to sue the City of Davenport and the organization hosting the Bix Street Festival yet again over this very same issue," said Executive Director Ben Stone. "It just goes to illustrate what the ACLU's founder, Roger Baldwin, famously said: 'no fight for civil liberties ever stays won.'"

The dispute arose last year on Saturday July 26th, when officials from Davenport One, which hosts the event, and the Davenport police informed Green Party campaign workers that they could not circulate nomination petitions for Green Party candidates in the downtown Davenport street festival area. A prior court settlement secured by the ACLU of Iowa in a nearly identical case ten years ago would have protected the Green Party workers, but the settlement had expired.

As set forth in the Complaint filed in U.S. District Court for the Southern District of Iowa, three Green Party campaign workers were soliciting signatures nomination petitions to place Green Party Presidential candidate Cynthia McKinney on the ballot at last year's street festival. On that occasion, they were informed by officials from Davenport One that their activities would not be permitted in the festival area.

Green Party workers Jill Bussiere and Monte LeTourneau attempted to persuade the officials that their constitutional right to circulate nomination petitions applied on the downtown city streets blocked off from vehicle traffic for the festival. However, their effort was unsuccessful. A uniformed Davenport police officer working in the festival

area again told the group they would have to stop petitioning, because Davenport One, the festival organizer, had a rule against it.

### **Prior lawsuit**

In 1999, James Getman, a marijuana reform advocate, and his wife Melissa, attempted to distribute a flyer documenting marijuana use by early jazz musicians. Mr. Getman was threatened with arrest by a Davenport city police officer who similarly claimed to be enforcing a rule made by the festival organizer.

The Getmans contacted the Iowa Civil Liberties Union and brought suit against the City of Davenport and Downtown Davenport, which had organized the festival. A settlement in the case that protected free speech activities in the festival area for a period of five years has now expired.

Green Party officials feel their lawsuit is the only way to protect the rights of campaign workers in the future. "City streets are often the last refuge for free speech and political action," says Petitioner Jill Bussiere, Co-chair of the Green Party of the United States, "Once we start granting exclusive licenses to private organizations to shut down these 'avenues' of expression, we've set a precedent that could choke out protests, ballot petitions and a whole host of expression that a democratic and free society depends on."

The lawsuit was filed today June 26th in the Davenport division of the U.S. District Court for the Southern District of Iowa and docketed as number 3:09-cv-101. The plaintiffs in the case include the Green Parties of Iowa, Wisconsin, and the U.S. as well as Jill Bussiere and Monte LeTourneau. The attorneys for the Green Party petitioners are Davenport Attorney Michael McCarthy, and ACLU of Iowa Legal Director, Randall C. Wilson.