

Rights Groups and Citizen Activists Sue U.S. Postal Service Over Ban on Collecting Petition Signatures

American Civil Liberties Union Press Release

FOR IMMEDIATE RELEASE

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WASHINGTON--In a case that could affect the right of grassroots activists across the nation to bring issues before their fellow voters, a coalition today filed a federal lawsuit seeking to overturn a new U.S. Postal Service regulation banning citizens from collecting signatures for initiative petitions on postal property.

The lawsuit was filed by attorneys with the Initiative & Referendum Institute, the American Civil Liberties Union, and the law firm Swidler Berlin Sheriff Friedman, on behalf of a wide spectrum of politically active organizations and individuals from across the country.

"This lawsuit is essential to the preservation of self-government," said M. Dane Waters, President and Founder of the Initiative & Referendum Institute, the group spearheading the lawsuit.

"Today, citizens across the political spectrum are coming together to protect the initiative and referendum process, uphold the First Amendment, and overturn an unconstitutional and unnecessary government restriction," he said. The Washington, D.C.-based Institute is a nonprofit, nonpartisan educational and research organization dedicated to the study and protection of the initiative and referendum process.

At issue is a June 1998 change in policy that prohibits "soliciting signatures on petitions, polls or surveys" in front of any post office. As a result, citizens of every political stripe have lost an important, and often times necessary, location to gather petition signatures. Prior to the policy change, citizens were allowed to gather signatures for ballot issues in front of all post offices, so long as they were not disruptive to postal business.

"Although the Postal Service likes to think of itself as a private business, it is still a part of the United States government and subject to the First Amendment," said Arthur Spitzer, Legal Director of the ACLU of the National Capital Area.

"Sidewalks and similar outdoor areas open to the public, where people meet and greet each other, are also areas where people have a constitutional right to exchange political information and to seek signatures on petitions," he noted.

Twenty-four states and thousands of cities and towns currently allow citizens to gather signatures to put an issue on the ballot. The change in postal policy is substantially hampering the efforts of citizens in those states and towns who are working to get propositions on the ballot for voters to decide.

The Initiative & Referendum Institute spent six months attempting to negotiate a resolution to the issue prior to deciding to filing today's lawsuit, but said Postal Service officials failed to even offer a compromise.

"We wish that we didn't have to take the Postal Service to court," said Waters, "but officials have not shown any willingness to rescind their prohibition on petitioning on postal property and instead has chosen to waste the taxpayers dollars to defend a clearly unconstitutional regulation."

The reversal of position was unsupported by evidence that any behavior warranted the dramatic change in its position, the groups charged in the lawsuit.

"As a nation, we lament the decline in public participation in the democratic process," said John Ferguson of Swidler Berlin Sheriff Friedman, the firm handling the case. "Thus it is particularly surprising and unfortunate when an agency of the government acts to preclude vital aspects of public participation."

The case is Initiative & Referendum Institute et al., v. U.S. Postal Service, Civil Action No.1:00CV01246, filed in the U.S. District Court for the District of Columbia.

The lawsuit was filed on behalf of the Humane Society of the United States (D.C.); U.S. Term Limits (D.C.); Clean (WA state); Oregon Taxpayers United; Citizens for Limited Taxation (MA); Americans for Medical Rights (CA); Oregonians for Fair Elections; Nebraskans for Limited Terms; David Morris (SC); John Michael (ME); Dennis Polhill (CO); Bart Grant (UT); Lynn Fritchman (ID); Sherry Bockwinkel (WA state); Barbara Anderson (MA); Bill Sizemore (OR); Andrew Bandyk (MI); Gloria Robinson (MI); Mary Baggett (GA); Vincent Ott (MI); Kathleen Snarey (MI); and William Westermeyer (AZ).

The full text of the complaint is online at <http://www.iandrinstute.org/postofficecomplaint.htm>

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