

# NEWS RELEASE

**Steve Marshall**  
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## **Attorney General Steve Marshall Leads 21 States in Opposing a Transit Authority's Policy Denying Religious Group's First Amendment Right to Advertise on Public Transportation**

(MONTGOMERY) – Attorney General Steve Marshall led 21 attorneys general in filing a brief opposing the Hillsborough County Florida transit authority's policy denying the First Amendment rights of a religious group to advertise on public transportation.

"Whenever a violation of religious speech occurs, it is of serious concern to all who are dedicated to the preservation of the First Amendment," said Attorney General Marshall. "When a government-run transit authority allows advertising on its public buses but specifically bans any advertising the government deems too religious, the government clearly violates the First Amendment. We rightfully support the plaintiff, Young Israel of Tampa, Inc., in their challenge of the unconstitutional practice of the Hillsborough Area Regional Transit Authority (HART) prohibiting religious advertising on its buses."

Attorney General Marshall and the 20 other attorneys general point out in their brief that HART's policy of banning religious speech runs afoul of Supreme Court cases and the Constitution:

"First, HART lumps in 'religious affiliation advertising' with others forms of advertising it forbids: ads for 'tobacco, alcohol, or related products' and ads containing 'profane language, obscene materials,' 'images of nudity,' or 'depiction[s] of graphic violence,' among others. But one of these things is not like the others. By treating them alike, HART sends the perverse message that religious speech is too controversial, too taboo, and too dangerous for public discussion – a notion that flies in the face of our nation's history and tradition celebrating religious discourse and the First Amendment's dual guarantee of the freedoms of speech and religious exercise.

"Second, HART's policy defies a trilogy of Supreme Court cases holding that blanket bans on religious messaging is unconstitutional viewpoint discrimination. That remains true even if the advertising space on HART's buses is considered a 'nonpublic forum' as HART contends. No matter the forum, religious viewpoint discrimination is never permitted.

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“Third, even if HART’s policy were not viewpoint discriminatory, it fails as an unreasonable content-based restriction. HART presented no evidence that allowing religious advertisements will impact its goals of maximizing revenue or operating a safe transit system. And there is no reasonable way it can conduct the line drawing necessary to implement its policy without running afoul of the Constitution – a fact this case demonstrates.”

Attorney General Marshall and the attorneys general from Alaska, Arizona, Arkansas, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, New Hampshire, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, and Virginia filed their brief September 14, 2022, in the U.S. Court of Appeals for the 11<sup>th</sup> Judicial Circuit.

A copy of the attorneys general brief may be read [here](#).