



FACT SHEET

Boardley v. U.S. Department of the Interior

ABOUT Boardley v. U.S. Department of the Interior

On August 9, 2007, Minnesota resident Michael Boardley and a few other individuals passed out gospel tracts near the visitors' center of the front entrance of South Dakota's Mt. Rushmore National Park without incident or comment from park officials. The next day, a National Park Service ranger approached them and informed them that they had to have a speech permit. Without the permit, they could not distribute the tracts, and it would take two days to obtain one. After Boardley returned home, he made multiple requests for a permit, but the permit never arrived. The park service did not grant Boardley a permit until ADF attorneys filed a federal lawsuit several months later. Federal regulations require both individuals and groups to apply for a permit before exercising their First Amendment rights in designated areas of national parks across America.

CURRENT STATUS OF Boardley v. U.S. Department of the Interior AS OF 5/12/10

ADF attorneys filed suit in November 2007 with the U.S. District Court for the District of Columbia against the U.S. Department of the Interior of behalf of Boardley over his constitutional right to free speech at a national park. After a federal hearing in September 2008, the federal court found in March 2009 that one of the regulations challenged in the lawsuit facially violated the First and Fifth Amendments of the U.S. Constitution. ADF attorneys subsequently filed an appeal with the U.S. Court of Appeals for the District of Columbia Circuit in May 2009 over the continued requirement that individuals, not just groups, must obtain a permit in advance before they may engage in speech or distribute literature in designated areas of national parks. ADF Senior Counsel Nate Kellum will be presenting oral argument at a hearing on May 13 at the D.C. Circuit, which ADF Litigation Staff Counsel Heather Gebelin Hacker will also be attending.

FOCUS OF HEARING – WHAT IS AT STAKE?

Thursday's hearing will focus on whether the National Park Service at Mt. Rushmore will be allowed to restrict free speech based on a permit requirement for any public expression or distribution of literature—even for individuals. If the regulations are upheld, the First Amendment right to freedom of speech and religious expression will be denied to individuals and groups on public property, where they will be required to get a "permission slip" to exercise their fundamental rights protected by the U.S. Constitution.

CONTACT

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ABOUT ADF

ADF is a legal alliance of Christian attorneys and like-minded organizations defending the right of people to freely live out their faith. Launched in 1994, ADF employs a unique combination of strategy, training, funding, and litigation to protect and preserve religious liberty, the sanctity of life, marriage, and the family.

ABOUT Nate Kellum

Nate Kellum serves as senior counsel with the Alliance Defense Fund at its Memphis Regional Service Center in Tennessee, where he focuses his litigation on defending religious free speech rights in the public square. Joining ADF in 2004, Kellum is admitted to the bar in Tennessee, Mississippi, and numerous federal appellate courts. He has practiced law since 1988 and earned his J.D. from the University of Mississippi.

ABOUT Heather Gebelin Hacker

Heather Gebelin Hacker serves as litigation staff counsel with the Alliance Defense Fund at its Sacramento Regional Service Center in California, where she litigates cases to protect the rights of Christian students, faculty, and staff at public colleges and universities across the nation. Hacker is admitted to the state bar in California and Arizona. She has practiced law since 2005 and earned her J.D. from the University of Pennsylvania Law School. Hacker served as an ADF Blackstone intern and became an ADF Blackstone Fellow in 2003. She also completed a legal internship at the Rutherford Institute. Hacker joined ADF in 2005.

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