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**Second Federal Court Holds
"Anti-Prostitution Pledge Requirement" Unconstitutional**

WASHINGTON, DC – A second federal judge has ruled that a sweeping restriction on the privately funded speech of groups participating in the federal government's international HIV/AIDS program violates the First Amendment.

At issue is a requirement that public health groups receiving U.S. funds pledge their "opposition to prostitution" in order to continue their life-saving HIV prevention work. Under this "pledge requirement," recipients of U.S. funds are forced to censor even their privately funded speech regarding the most effective ways to engage high-risk groups in HIV prevention.

"[T]he Supreme Court has repeatedly held that the government may not compel private individuals or organizations to speak in a content-specific, view-point specific manner as a condition of participating in a government program," wrote Judge Emmet G. Sullivan of the U.S. District Court for the District of Columbia. Judge Sullivan's ruling in a challenge brought by the non-profit group DKT International comes on the heels of a similar ruling last week in [Alliance for Open Society International v. USAID](#).

While none of the relief organizations receiving funds "supports prostitution," it is essential that they maintain their ability to engage in proven, effective HIV prevention methods with at-risk populations.

"Two federal judges now have affirmed that it's wrong for the government to force public health organizations to make ideological pledges in order to do their work of preventing HIV/AIDS," said Rebekah Diller, Associate Counsel at the Brennan Center. "This decision has wider implications. As nonprofit organizations partner with government to address social problems, it should be clear that what counts is whether they do the work, not whether they are willing to espouse ideological positions."

The lawsuit, DKT International v. USAID, was brought on August 11, 2005 in the U.S. District Court for the District of Columbia. The Brennan Center for Justice assisted in the representation of the plaintiffs, with the law firm of Jenner & Block serving as lead counsel. Defendant is the United States Agency for International Development, which distributes U.S. funds for international HIV/AIDS work.

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