

# Lawyers: Bush staff can eject dissenters

BY DAN FROSCH  
*The New York Times*

DENVER — Lawyers for two men charged with illegally ejecting two people from a speech by President Bush in 2005 are arguing the president's staff can lawfully remove anyone who expresses points of view different from his.

Lawyers for the two, Michael Casper and Jay Klinkerman, said the men were working as organizers for a public presidential forum on Social Security at the Wings Over the Rockies Air & Space Museum in Denver on March 21, 2005, when they were involved in ejecting two audience members, Alex Young and Leslie Weise.

Young and Weise filed a lawsuit in U.S. District Court in Denver, saying they were ejected shortly after they had arrived in a car that had an anti-war bumper sticker, although they had done nothing disruptive. The suit charged Casper and Klinkerman with violating Young's and Weise's First Amendment right to free speech.

Casper and Klinkerman lost their motion for dismissal, and last week their lawyers filed an appeals brief arguing that their clients had the right to take action against Young and Weise because the two held views different from those of Bush.

"The president's right to control his own message includes the right to exclude people expressing discordant viewpoints from the audience," says the brief.

A lawyer for Casper, Sean Gallagher, said, "They excluded people from a White House event because they posed a threat of being disruptive."

The White House declined comment.

The brief filed by Gallagher and other lawyers refers to a 1992 case involving a woman who wore a button supporting Bill Clinton for president as she tried to enter a campaign rally in support of the elder George Bush and Dan Quayle. She was denied entry until she removed the button.

A lawyer for Weise and Young, Martha Tierney, said that case was different because the event was sponsored by the Strongsville, Ohio, Republican Party, a private entity. "I think if the court adopts this argument, they'll essentially gut the First Amendment in terms of viewpoint discrimination," Tierney said.

Earlier this year, Young and Weise filed a separate lawsuit against three White House staff members who were also working at the Denver speech, saying they were responsible for their removal and thus had violated their right to free speech.