



Lawsuit Over Police Censorship of Gay-Themed Play Settled

City Pays Milwaukee Gay Arts Center and Clarifies
Theater License Requirements

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MILWAUKEE, WI – The Milwaukee Gay Arts Center yesterday received a check for \$20,000 from the City of Milwaukee in settlement of a federal lawsuit filed on its behalf by the ACLU of Wisconsin. The suit alleged that the City violated the First Amendment by shutting down “Naked Boys Singing,” a musical play with gay themes that has been produced around the country, after receiving complaints from a citizen who objected to its content.

Paul Masterson, the Executive Director of the Milwaukee Gay Arts Center, said the settlement sends a message that the government should not interfere lightly with theatrical works, including works that express and celebrate gay identity. “Good theater sometimes challenges convention,” he said. “The police should not shut down a play because some people find it offensive.”

City officials told MGAC representatives that it could not stage the play because the Center had not obtained a theater license required by a local ordinance. The ordinance requires that the Common Council approve theater license applications, but the Common Council was not meeting until long after “Naked Boys Singing” was scheduled to run. After the play was shut down, the City determined that, because the Milwaukee Gay Arts Center was a non-profit organization, it was exempt from the license requirement. After the dispute over “Naked Boys Singing” emerged, the City changed its theater licensing forms to make clear that non-profits were not required to get a theater license. However, the city ordinance still requires for-profit theaters to obtain a license and puts no time limit on when the Common Council must decide on the license application.

“Requiring any theater to get a license before putting on a play comes dangerously close to the kind of ‘prior restraint’ on speech the First Amendment was designed to prohibit,” said ACLU of Wisconsin Legal Director Larry Dupuis. “We are pleased that the City has clarified the process so that non-profits will know they are not required to get a license. However, we continue to believe that the City should amend its ordinance to limit the time the City has to issue any theater license. It’s too easy for the authorities to just delay giving the permit to performances they don’t like.”

MGAC was represented in the case by cooperating counsel Steve Porter and Jeff Scott Olson of Madison, Wisconsin, and ACLU of Wisconsin legal director Larry Dupuis.

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