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**UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING**

Plaintiff(s),)	
)	
WILLIAMS AYERS)	
MEGHAN LANKER)	Case No. _____
)	
vs.)	
)	
Defendant(s))	
)	
UNIVERSITY OF WYOMING)	
TOM BUCHANAN, in his official)	
capacity)	

COMPLAINT

Plaintiffs, Williams Ayers and Meghan Lanker, by their attorneys, bring this action for declaratory and injunctive relief. The Plaintiffs hereby complain of Defendants and allege for their Complaint, as follows:

I. PRELIMINARY STATEMENT

1. This is a civil rights action for injunctive relief arising under 42 U.S.C. §§ 1983 and 1988 and 28 U.S.C. § 2201, *et seq.*, due to Defendant's current and imminent violations of Plaintiffs rights guaranteed under the First and Fourteenth Amendments to the United States Constitution.

2. Plaintiffs bring this action for the constitutional injuries they are sustaining, and imminently will sustain, upon Defendants' prior restraint of a speech to be given by Plaintiff, Professor William Ayers. The Defendants, acting under color of state law, have declined to permit Professor Ayers to make speeches on the campus of the University of Wyoming, (hereinafter "UW") a public institution, despite the fact that all administrative prerequisites have been met.

3. In the fall of 2008, the UW Social Justice Research Center invited Professor Ayers to present a public lecture and faculty talk at the University of Wyoming on April 5 and 6, 2010. Professor Ayers' speaking engagement was approved by the University.

4. Prior to Professor Ayers' speaking engagement, on March 30, 2010, University officials applied pressure to a UW professor who had invited him to speak causing him to cancel Professor Ayers' scheduled appearances.

5. On April 8, 2010, University of Wyoming student, Plaintiff Meghan Lanker began to raise support to have Professor Ayers speak at the University of Wyoming.

6. Ms. Lanker contacted Pam Schuester in the athletic scheduling office, who confirmed that the University of Wyoming Sports Complex was available, and could be booked for Professor Ayers' speech on April 28, 2010. When Ms. Lanker attempted to book the facility, Ms. Schuester indicated that she would first have to make some telephone calls.

7. Approximately 45 minutes later, UW General Counsel, Susan Weidel contacted Ms. Lanker to notify her that the University of Wyoming was not available as a venue for Professor Ayers.

8. Upon information and belief, the reason that UW is not available to Professor Ayers is that officials at the University are opposed to his political beliefs and are engaged in censoring him based solely upon his perceived message and his activist political background.

9. By imposing a prior restraint on the speech by prohibiting Professor Ayers from delivering his message, Defendants are depriving Plaintiffs of their rights to free speech, their rights to hear a speaker, and their rights to assemble and associate freely,

which rights are guaranteed by the First and Fourteenth Amendments to the United States Constitution.

10. Defendants are enforcing or stand ready to enforce the prohibition barring Professor Ayers from making his speech on April 28, 2010. Plaintiffs seek a declaration of unconstitutionality as to the enforcement of this prior restraint against Professor Ayers and any person who desires to hear him, and seek immediate injunctive relief to prevent Defendants from enforcing this prior restraint on free speech in a manner that would be inconsistent with Plaintiffs' rights to both engage in and to hear speech regarding important issues of the day, and to peaceably assemble for legitimate purposes, and to associate with like-minded individuals for the purpose of free exchange of thoughts and words in the marketplace of ideas.

II. JURISDICTION & VENUE

11. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343. This Court is authorized to grant the declaratory relief requested herein pursuant to 28 U.S.C. § 2201(a).

12. Venue is proper in the District Court of Wyoming pursuant to 28 U.S.C. § 1391.

III. PARTIES

13. Professor William Ayers is a Distinguished Professor of Education and a Senior University Scholar at the University of Illinois, Chicago. He is the founder of both the Small Schools Workshop and the Center for Youth and Society, teaches

courses in interpretive and qualitative research, urban school change, and teaching and the modern predicament. A graduate of the University of Michigan, the Bank Street College of Education, Bennington College, and Teachers College, Columbia University, Professor Ayers has written extensively about social justice, democracy and education, the cultural contexts of schooling, and teaching as an essentially intellectual, ethical, and political enterprise. He is currently the vice-president of the curriculum division of the American Educational Research Association, and a member of the executive committee of the UIC Faculty Senate. His speech has been subject to, and continues to be subject to, prior restraint by Defendants.

14. Plaintiff Meghan Lanker is a student at the University of Wyoming. She raised support, and sought to book a suitable venue on the University of Wyoming campus for a speech by Professor Ayers on April 28, 2010. Ms. Lanker believes it is her First Amendment right to sponsor speakers at the University, to hear what Professor Ayers has to say, to associate with others of like mind and philosophy, and to freely assemble for lawful purposes, and that the Defendants have deprived her of her rights under the First Amendment to the United States Constitution.

15. Defendants University of Wyoming and University of Wyoming President Tom Buchanan, in his official capacity, are state actors and governmental entities, whose actions represent the State of Wyoming. Defendants have acted under color of state law at all times relevant to this Complaint.

IV. FACTUAL BACKGROUND

16. Many years ago Professor Ayers was one of the founders of the Weather Underground, considered by many to be a radical political organization.

17. During the 2008 Presidential campaign, Professor Ayers' tenuous connections with President Barack Obama came under intense scrutiny. President Obama's political opponents accused him of "paling around with terrorists." Professor Ayers denies having any meaningful connection with President Obama, and has attempted to correct dishonesty in the public discourse concerning his association with both "terrorists" and the President. Although a distinguished professor, Professor Ayers continues to be falsely labeled as everything from a radical, terrorist, communist, Nazi, and is largely demonized by members of the Republican Party and, since the 2008 election, the "Tea Party" movement.

18. In April 2010, Professor Ayers was invited to the University of Wyoming to give two talks: a public lecture entitled: "Trudge Toward Freedom: Moral Commitment and Ethical Action," and a talk to faculty and graduate students entitled: "Teaching and Research in the Public Interest: Solidarity and Identity."

19. Professor Ayers was asked to speak about the moral responsibility of keeping educational processes democratic, and about his twenty years of research on education. Professor Ayers' public lecture was scheduled for April 5, 2010, and the faculty speech was scheduled the following day.

20. In February 2010, as the University of Wyoming began to publicize Professor Ayers' scheduled visit, a campaign to rescind the invitation was initiated on several right-wing blogs.

21. A wave of hateful messages hit the University of Wyoming, and this criticism was joined by political leaders and wealthy donors who demanded that university officials cancel Professor Ayers' visit to the campus on threat of withholding donations.

22. On March 28, 2010, a University of Wyoming administrator informed Professor Ayers that the University was receiving vicious e-mails and threatening letters, as well as promises of physical disruption if Professor Ayers gave his two scheduled appearances.

23. For example, Frank Smith, a Cheyenne resident who is active in the Wyoming Patriot Alliance, said "[m]aybe someone could take him out and show him the Matthew Sheppard (sic) Commemorative (sic) Fence and he could bless it or something."

24. Republican gubernatorial candidate, Ron Micheli, released a letter he sent to members of the University of Wyoming Board of Trustees asking them to rescind the invitation.

25. Matt Mead, another gubernatorial candidate, stated in a press release that while he is a "fervent believer in free speech and the free exchange of ideas," allowing

Mr. Ayers to speak would be “reprehensible,” and Professor Ayers should have “no place lecturing our students.”

26. On March 30, 2010, University of Wyoming officials canceled Professor Ayers’ scheduled appearances, citing “security threats” and “controversy.”

27. On April 8, 2010, after the cancellation of Professor Ayers’ speaking engagements, University of Wyoming student, Plaintiff Meghan Lanker, sought to raise support for Professor Ayers to speak on campus. Ms. Lanker asked a student group—The Secular Student Alliance of Wyoming—to sponsor Professor Ayers’ speech.

28. The president of the student group and Ms. Lanker met with University of Wyoming Provost, Myron Allen. Provost Allen was immediately resistant to the idea of Professor Ayers speaking at the University of Wyoming.

29. Provost Allen advised Ms. Lanker: “You need to think about the fact that there are people higher up than me that have trump cards and that this is not a teachable moment. This will inflame public sentiments.”

30. Provost Allen further suggested to Ms. Lanker that that many donors would pull funds, and the speech would adversely affect the university.

31. The following day, based on pressure exerted by the University of Wyoming, the Secular Student Alliance withdrew its sponsorship of Professor Ayers’ speech.

32. Ms. Lanker then began searching for venues and contacted Pam Schuester at the University of Wyoming athletic scheduling office. Ms. Lanker was informed that

the University of Wyoming Sports Complex was available on April 28, 2010, for Professor Ayers' speech.

33. Ms. Lanker asked that the Dome be immediately reserved.

34. Approximately 45 minutes later, Susan Weidel, University of Wyoming General Counsel, contacted Ms. Lanker to advise that the University of Wyoming would not be available as a venue for Professor Ayers.

35. When Ms. Lanker requested an explanation, Ms. Weidel merely reiterated that University of Wyoming was not available as a forum for Professor Ayers.

36. When Ms. Lanker asked whether getting another student group to sponsor the speech would enable Professor Ayers to speak at the University, or if there was anything she could do to facilitate Mr. Ayers' April 28, 2010 speech on campus, Ms. Weidel informed Ms. Lanker that another student group sponsor would make no difference, and there was nothing she could do because Professor Ayers was not permitted under any circumstances to speak on campus.

37. On April 12, 2010, Ms. Weidel sent an email to Ms. Lanker in which she advised "the University of Wyoming will not be available as a venue for the event you are hosting for Mr. William Ayers."

38. Rather than recognize that the University of Wyoming is an appropriate forum for Professor Ayers' speech, the University has chosen to issue a prior restraint against him, prohibiting him from speaking on campus by canceling the public forum previously authorized by University officials, and by prohibiting Dr. Ayers from speaking

on campus by banning him from speaking in the public forum that was available on April 28, 2010.

V. STATEMENT OF CLAIMS

**First Claim for Relief
§1983 First And Fourteenth Amendment Violation –
Unconstitutional Prior Restraint on Free Speech**

39. All statements of fact contained within this Complaint are hereby incorporated into this claim as though fully set forth herein.

40. The enforcement and operation of Defendants' prior restraint on Professor Ayers' speech violates the first amendment rights of the Plaintiffs, both to speak and listen to ideas surrounding matters of public concern, guaranteed by the First and Fourteenth Amendments to the United States Constitution.

41. Plaintiffs and university of Wyoming students who desired to engage in a protected dialogue with one another and Dr. Ayers, will suffer irreparable harm if Defendants are not enjoined from precluding Dr. Ayers' speech on April 28, 2010.

**SECOND CLAIM FOR RELIEF
§1983 FIRST AND FOURTEENTH AMENDMENT VIOLATION –
RIGHTS OF ASSEMBLY AND ASSOCIATION**

42. All statements of fact contained within this Complaint are hereby incorporated into this claim as though fully set forth herein.

43. The enforcement and operation of Defendants' prior restraint on Professor Ayers' speech will deny Plaintiffs their rights to freely assemble and to associate with

one another, and to be free from state action that discriminates on the basis of their viewpoint, as guaranteed by the First Amendment to the United States Constitution.

44. Plaintiffs and university of Wyoming students who desired to assemble and freely associated with one another and Dr. Ayers, will suffer irreparable harm if Defendants are not enjoined from preventing Dr. Ayers' speech on April 28, 2010.

VI. PRAYER FOR RELIEF

WHEREFORE Plaintiffs respectfully request that this Court:

a. Immediately hold a hearing on this complaint. Counsel for Plaintiffs have previously provided counsel for Defendants a copy of this Complaint invited counsel to participate as soon as possible;

b. Issue a declaratory judgment that the enforcement of the prior restraint by Defendants would deprive Plaintiffs of their rights to free speech, assembly and association, in violation of the First Amendment to the Constitution of the United States;

c. Issue an injunction against Defendants barring them from in any way enforcing the prior restraint on Professor Ayers' speech on April 28, 2010;

d. Award Plaintiffs their costs, expenses and reasonable attorney's fees pursuant to 42 U.S.C. § 1988; and

e. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted this 15th day of April, 2010.

s/ David Lindsey¹

s/ David Lane

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¹ David Lindsey is admitted to the practice of Law before this Honorable Court. David Lane and the remaining attorneys will file a motion to be admitted *pro hac vice* tomorrow.