

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KRISTI L., *et al.*,

Plaintiffs,

v.

NATIONAL AIR AND SPACE MUSEUM,
et al.,

Defendants.

Civil Action No. 23-0335 (ABJ)

CONSENT ORDER

Stipulation of Agreed Facts

The parties hereby stipulate to the following agreed facts:

A. Plaintiffs allege in Paragraph 9 of their Complaint that on January 20, 2023, they were “subject to a pattern of ongoing misconduct” within the Smithsonian’s National Air and Space Museum (“NASM”) by “at least 5 different staff, personnel, employees, and/or security guards of NASM including Defendants Jane and John Does,” who allegedly targeted Plaintiffs and intentionally chilled their religious speech and expression by requiring Plaintiffs to remove or cover their attire because of their pro-life messages.

B. The Smithsonian Institution (“Smithsonian”) represents that it welcomes all visitors without regard to their beliefs. Smithsonian represents that its policy prohibits, among other things, the displaying or carrying of placards, signs, banners, and flags in Smithsonian museums. Smithsonian represents that its policy does not prohibit visitors from wearing hats or other types of clothing with messages, including religious and political speech.

C. Smithsonian regrets the events of January 20, 2023, and will remind all security officers stationed at NASM of the rights of visitors and of the policy set forth in Paragraph B above.

D. Plaintiffs represent that they are fearful that when they return to NASM during the pendency of this action wearing clothing and other attire containing pro-life messaging, Plaintiffs will be targeted and not permitted to exercise their First Amendment right to freedom of speech.

Consent Preliminary Injunction

The parties consent to the following to obviate the need for motions practice on Plaintiffs' prospective request for provisional injunctive relief. Accordingly, IT IS HEREBY ORDERED THAT:

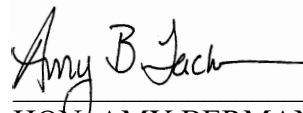
1. Pursuant to Federal Rule of Civil Procedure ("Rule") 65(a), Defendants, their officers, successors in office, employees, and agents are PRELIMINARILY ENJOINED from prohibiting visitors to the Smithsonian's National Air and Space Museum from wearing hats or other clothing with messages, including religious and political speech so long as the visitors' conduct is otherwise in compliance with Smithsonian policy, which preliminary injunction shall terminate upon the earliest of (i) a final judgment in this action; (ii) further order by this Court, or (iii) January 19, 2025.

2. The Smithsonian shall provide a copy of this Consent Order to all security officers stationed at NASM, as well as other Smithsonian personnel who interact with the public at NASM, including volunteers and museum staff, within 7 days of its entry by the Court. The Smithsonian shall further reiterate to all security officers stationed at all Smithsonian museums open to the public and the National Zoological Park, that Smithsonian policy does not prohibit visitors from wearing hats or other types of clothing with messages, including religious and political speech.

3. Pursuant to the parties' agreement, the matter will be referred to the District Court's Mediation Program by separate order of this Court which will be entered on this date.

It is FURTHER ORDERED that this action, including all deadlines, is STAYED during the mediation period and pending further Order of the Court.

SO ORDERED, this 13th day of March, 2023.

Handwritten signature of Amy Berman Jackson in black ink.

HON AMY BERMAN JACKSON
United States District Judge