

Case 5

The "Adopt-A-Highway" programs began in Texas in 1985 to enlist the help of private citizens and organizations to keep highways clean. The program allows an individual or, more typically, an organization to take responsibility for cleaning up and beautifying a stretch of highway that it "adopts." In recognition of this effort, the name of the organization is posted on a sign along the highway, indicating that particular stretch of the highway is maintained by that organization. Similar programs now exist in most other states and have proven to be an effective way for states to save money and keep highways clean.

In 1994 the Ku Klux Klan submitted an application for Missouri's "Adopt-A-Highway" program, but was denied on the grounds that the Klan had a history of violating anti-discrimination laws and committing violent acts against individuals from racial minorities. However, the Klan sued, arguing that Missouri's rejection of its application violated its right to free speech under the First Amendment. The lower courts ruled in its favor. Senior U.S. District Judge Stephen Limbaugh, in St. Louis, stated that "the state unconstitutionally denied the Klan's application based on the Klan's views." Hence, in November of 2000, signs went up designating a one-mile stretch of Interstate 55 south of St. Louis as having been adopted by the Ku Klux Klan. The Klan seemed to have selected that particular section of I-55 because it is used for bussing St. Louis Black students to county schools under a court-ordered desegregation program. In a symbolic response to the KKK, Missouri passed a bill to name that section of I-55 "Rosa Parks Highway" in honor of the famous civil rights heroine. (Parks became a symbolic figure in the civil rights movement after refusing to give up her bus seat to a white man in 1955 in Montgomery, Alabama.)

Missouri's subsequent appeal to the U.S. Supreme Court was joined by 28 other states arguing that a highway sign acknowledging the Klan suggests an implicit acceptance of the Klan and gratitude for its participation. However, forming an unusual alliance, the Klan found legal representation in the American Civil Liberties Union. The ACLU attorneys representing the Klan successfully argued that the First Amendment protects the organization "against those who would misuse government power to suppress political dissidents."

Attempts have been made in other states to prohibit the Ku Klux Klan from participating in their Adopt-A-Highway programs. In 2000, high school students in Palatine, Illinois adopted all available stretches of highway in order to prevent the KKK from adopting any section of highway in the state. Maryland's Anne Arundel County tried a different strategy. When the Klan asked to participate in its Adopt-A-Highway program, the county took down all 52 of the Adopt-A-Highway signs, rather than allow the Klan to participate. In Missouri's case, some community leaders are suggesting that the Adopt-A-Highway program be discontinued altogether.