

NEWS

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WIGGIN AND DANA

Counsellors at Law

Decision in Postal Service Establishment Clause Case

Wiggin and Dana Wins Appeal

Hartford – The federal Second Circuit Court of Appeals issued an important Establishment Clause decision on August 20, 2009, in *Cooper v. U.S. Postal Service*, an appeal handled by Wiggin and Dana's Appellate and Complex Legal Issues Practice Group, on behalf of local residents of Manchester, Connecticut.

The court held that a church that operates a local post office under contract with the U.S. Postal Service in Manchester, Connecticut cannot display proselytizing religious materials in the postal unit. The court rejected claims by the church that, because it was a private party, it was not subject to the Establishment Clause, ruling instead that the church's operation of the post office was a "public function" that made the church a government actor, subject to constitutional restrictions.

The court went on to hold that the religious displays violated the Establishment Clause, and sent the case back to the district court to fashion a remedy requiring the church to confine such displays to a clearly demarcated area that is separate from the area in which postal services are provided.

Wiggin and Dana attorney Aaron Bayer argued the appeal, working with Kevin Smith. Greg Brown worked on the case in the district court, along with former Wiggin and Dana partner Suzanne Wachsstock.

Celebrating our 75th Anniversary in 2009, Wiggin and Dana is a full service firm, with 135 attorneys, serving clients throughout the world from offices in Connecticut, New York City and Philadelphia. For more information on the firm, visit our website at www.wiggin.com.

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