



MOUNTAIN
STATE
JUSTICE

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Mountain State Justice
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Mountain State Justice Files Lawsuit Against the City of Morgantown for Violating Citizens' Right to Free Speech as Guaranteed by the First Amendment

Morgantown, WV: Mountain State Justice (MSJ)—a statewide nonprofit legal services and advocacy organization—has filed a lawsuit against the City of Morgantown (“City”) on behalf of Anthony Rowand and similarly situated persons for violating his rights pursuant to 42 U.S.C. § 1983 and the First and Fourteenth Amendments to the United States Constitution.

Morgantown, like many communities in West Virginia and throughout the nation, is experiencing a homelessness crisis: a crisis that is felt most acutely by our neighbors who are living it each day. As the crisis has grown in visibility, so have government efforts to shame, drive out, and ticket, fine, and arrest our neighbors for experiencing poverty and illness in public. Such is Anthony’s story.

The City has ramped up efforts to criminalize panhandling—constitutionally protected speech—by invoking and enforcing a 2005 facially unconstitutional ordinance that banned the practice. The City, by and through the Morgantown Police Department, ticketed Anthony as many as seven times under the ban since June 2023, once ticketing him twice in one day. Anthony, who is the primary caretaker for his disabled partner, is wholly reliant on solicited charity for survival: absent the contributions of others, Anthony and his partner don’t eat.

Anthony is seeking declaratory and injunctive relief, as well as individual damages, for the harm the City has caused him.

"As the Supreme Court today considers the limits on punishing people for experiencing homelessness, we want West Virginians who are struggling to know that we’re in their corner,” staff attorney Lesley Nash said. “Soliciting charity is speech protected by the First Amendment and we aim to protect that right in Morgantown, Monongalia County, and through West Virginia.”

MSJ stands firm in its conviction that experiencing poverty is not criminal and the solutions lie in policy changes, not policing. We encourage similarly impacted West Virginians in Morgantown and throughout the state to contact our office at (304) 344-3144 for a consultation.

Please direct media inquiries to Lindsey Jacobs at lindsey@msjlaw.org.

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