

The Supreme Court - May 2, 2022

by Ian Blodger

Today, the Supreme Court of the United States issued one decision:

Shurtleff v. Boston, No. 20-1800: This case concerns whether the City of Boston violated the First Amendment by refusing a private party's request to raise a Christian flag on a city flagpole during an event, where Boston had previously granted hundreds of requests by other groups to raise different flags at their events. Boston argued that flying a flag from the city flagpole constituted government speech, meaning Boston could discriminate based on viewpoint. The district court agreed, and the First Circuit affirmed. Justice Breyer authored the fact-intensive opinion of the Court, holding that Boston's lack of meaningful involvement in the selection of flags or crafting of messages for various events meant the flag-raising program was not government speech. Accordingly, the Court determined that Boston violated the First Amendment by refusing to allow petitioners to fly their flag at the event. Justices Thomas, Alito, and Gorsuch concurred in the Court's judgment.

View the Court's [decision](#).

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