

District Judge Censors Christian Viewpoint in Boston

U.S. District Judge Denise Casper denied a request to display the Christian flag in a public forum. Boston resident Hal Shurtleff and his civic organization, Camp Constitution, requested to fly the Christian flag in the city's public forum during an event celebrating the Constitution in September.

The city regularly extends civic and cultural organizations the opportunity to raise their flags on one of the city hall flagpoles to commemorate whatever events are important to the organizations. The city's application policy refers to the flagpoles as a "public forum."

The city's written permit guidelines promise the public "to accommodate all applicants seeking to take advantage of the city of Boston's public forums," referring to the flag pole as a "public forum." However, the city admitted in a court filing that government officials consider the message of the applicant and, based on that unwritten policy, will only permit non-religious messages. This city has allowed a wide array of messages by private individuals and groups but denied a flag containing a Latin cross that Camp Constitution requested to raise during its event celebrating the Constitution and highlighting the religious views of the Founding Fathers.

The district court acknowledged the exclusion of the flag was content-based censorship and that the city historically allowed a wide array of private speech, but the judge denied the preliminary injunction. And, despite the fact that the city's policy refers to the flagpole as a "public forum," the opinion makes no mention of this critical fact. Liberty Counsel is appealing this ruling.

"Today's ruling disregards the evidence that the city of Boston treats its flagpole as a public forum for all applicants except when it comes to a religious viewpoint," said Roger Gannam, assistant vice president of legal affairs. "The Constitution does not allow the city to treat Camp Constitution and other Christian organizations differently from all others who are allowed to raise their flags for important events," said Gannam. {eo}

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