

FAITH U.S.

WND

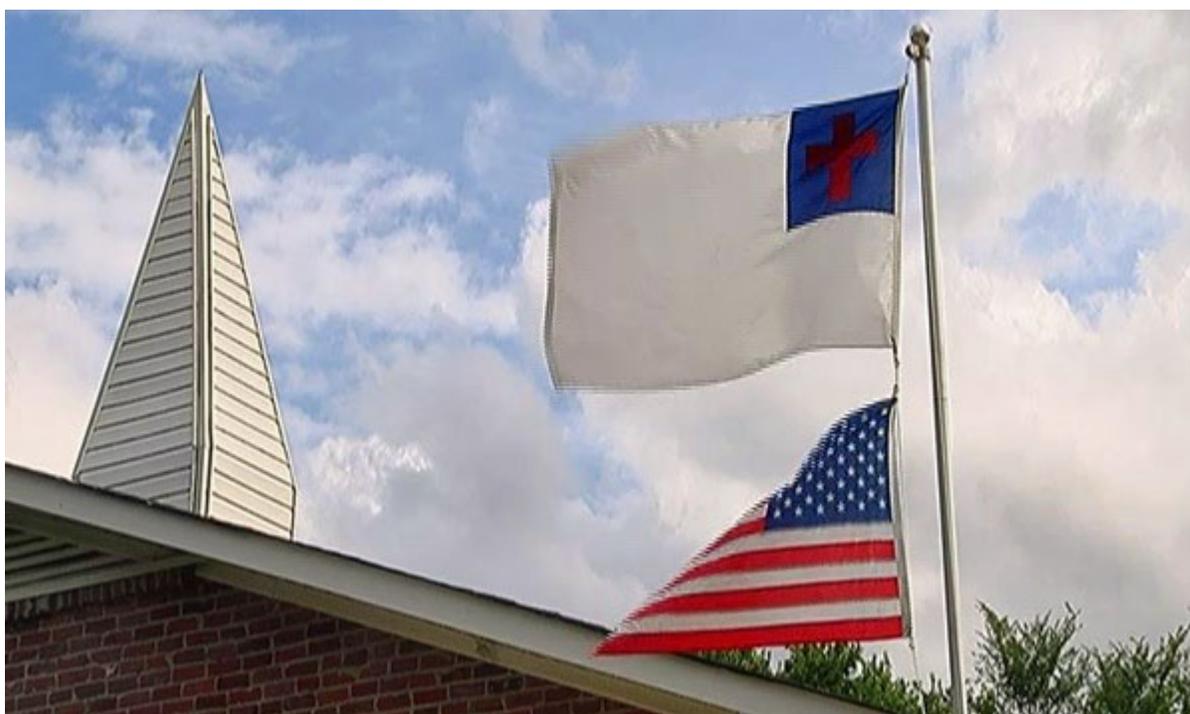
## Boston's fight against Christian flag moves to appeals court

**Officials banned banner, after allowing hundreds of others in 'public forum'**



By **WND Staff**

Published June 13, 2020 at 6:50pm



Boston's years-long fight against the Christian flag has moved to the Third Circuit Court of Appeals, where the city is facing accusations that it allowed hundreds of other private banners in a designated "public forum" but then banned the emblem of faith.

The issue is that the city refused to allow Camp Constitution to fly its flag on a public flagpole that previously had been used for many other private banner, includes those advocating specific social causes, those representing foreign nations, even others with religious meaning.

Liberty Counsel is handling the battle on behalf of the camp and its manager, Hal Shurtleff,, and now has submitted a brief to the appeals court. It argues that the city is violating the First Amendment in its censoring of the flag.

The document questions whether the lower court was wrong to decide that "private flags" are actually government speech "when they are raised briefly on a city flag pole," especially when the city policy "expressly" designated the pole a public forum.

The ban on the Christian flag also is disallowed "viewpoint discrimination," the brief explains, and is an illegal prior restraint on free speech.

"The city's blatant discrimination against Camp Constitution's Christian viewpoint is unconstitutional censorship and an insult to the First Amendment," explained LC chief Mat Staver. "The city admitted in a court filing that its official policy is to make permit decisions based on whether the city approves the 'message' of the applicant.

"There is a crucial difference between *government* endorsement of religion and *private speech*, which government is bound to respect. Private religious speech in a public forum where secular viewpoints are permitted does not violate the Constitution. Censoring religious viewpoints does violate the First Amendment. Where the city of Boston allows numerous other flags from private organizations, it may not ban the Christian flag as part of a privately-sponsored event."

The camp wanted to use the city flagpole like other organizations have. It wanted to raise the flag for about an hour while celebrating Constitution Week.

"Never has Boston censored any flag until the Christian flag, which is white with a blue square in the upper corner and a red cross. The flag contains no writing," Liberty Counsel explained.

A lower court judge sided with the city.

Shurtleff and Camp Constitution first asked the city in 2017 for a permit to raise the Christian flag on Boston City Hall flagpoles to commemorate Constitution Day and the civic and cultural contributions of the Christian community to the city of Boston, the Commonwealth of Massachusetts, religious tolerance, the Rule of Law, and the U.S. Constitution, the legal team explained.

City records confirm the city has allowed at least 284 applications by private groups to use the flagpole.

Those have included the Turkish flag, which includes the Islamic star and crescent, and the Portuguese flag, which also has religious imagery.

Other flags have honored the homosexual agenda, the pink and blue of the transgender movement, Albania, Brazil, Ethiopia, Peru, Portugal, Communist China and Cuba.

It was Judge Denise Casper who decided Boston was just fine discriminating against the Christian flag.

She claimed there was no evidence the city had any "improper preference for non-religion over religion."

The court filing explains the city specifically has solicited participation in the flag flying.

"We want to create an environment in the city where everyone feels included, and is treated with respect," the city boasts. "We also want to raise awareness in Greater Boston and beyond about the many countries and cultures around the world. Our goal is to foster diversity and build and strengthen connections among Boston's many communities."

It specifically invites "all applicants" for events at Boston's "public forums."