

No. 20-1800

IN THE
Supreme Court of the United States

HAROLD SHURTLEFF, *et al.*,
Petitioners,

v.

CITY OF BOSTON, MASSACHUSETTS, *et al.*,
Respondents.

**On Writ of Certiorari to the
United States Court of Appeals
for the First Circuit**

**BRIEF OF LOCAL GOVERNMENT
ORGANIZATIONS AS *AMICI CURIAE*
IN SUPPORT OF RESPONDENTS**

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TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES.....	iii
INTERESTS OF <i>AMICI CURIAE</i>	1
INTRODUCTION AND SUMMARY	2
ARGUMENT.....	5
I. <i>AMICI'S</i> SURVEY SHOWS THAT LOCAL GOVERNMENTS FLY THIRD-PARTY FLAGS TO CONVEY GOVERNMENT MESSAGES	5
A. Local Governments Rarely Fly Third-Party Flags	5
B. When Local Governments Fly Third-Party Flags, They Do So to Convey Government Messages	7
C. Local Governments Generally Exercise Close Control over the Third-Party Flags Flown on Their Flagpoles.....	9
D. The Public Understands that Local Governments Express Government Messages in Flying Third-Party Flags	12
II. LOCAL GOVERNMENTS SHOULD BE ALLOWED BROAD CONTROL OVER THE THIRD-PARTY FLAGS THAT THEY FLY	13
A. Local Governments Engage in Government Speech When They Fly Third-Party Flags.....	13

TABLE OF CONTENTS—Continued

	Page
B. Important Government Speech Will Be Discouraged or Lost If Flying Third-Party Flags is Held to Create a Forum.....	15
III. LOCAL GOVERNMENTS NEED GUIDANCE ON HOW THEY MAY FLY THIRD-PARTY FLAGS WITHOUT CREATING A FORUM.....	18
CONCLUSION	22
APPENDIX:	
APPENDIX A: IMLA Survey Summary.....	1a
APPENDIX B: IMLA Survey Detailed Responses	19a

TABLE OF AUTHORITIES

CASES	Page(s)
<i>Arkansas Educ. Television Comm’n v. Forbes</i> , 523 U.S. 666 (1998).....	18
<i>Cornelius v. NAACP Legal Defense & Educ. Fund, Inc.</i> , 473 U.S. 788 (1985).....	21–22
<i>Griffin v. Sec’y of Veteran’s Affairs</i> , 288 F.3d 1309 (Fed. Cir. 2002).....	14
<i>Johanns v. Livestock Marketing Ass’n</i> , 544 U.S. 550 (2005).....	14, 15
<i>Leake v. Drinkard</i> , 14 F.4th 1242 (11th Cir. 2021).....	16
<i>Matal v. Tam</i> , 137 S. Ct. 1744 (2017).....	20
<i>Pleasant Grove City, Utah v. Summum</i> , 555 U.S. 460 (2009).....	<i>passim</i>
<i>Spence v. State of Wash.</i> , 418 U.S. 405 (1974).....	2, 14
<i>Texas v. Johnson</i> , 491 U.S. 397 (1989).....	2, 14
<i>Walker v. Tex. Div., Sons of Confederate Veterans, Inc.</i> , 576 U.S. 200 (2015).....	14, 15, 20
<i>West Va. State Bd. of Educ. v. Barnette</i> , 319 U.S. 624 (1943).....	14
CONSTITUTION	
U.S. Const. amend. I.....	13, 14, 18, 19

TABLE OF AUTHORITIES—Continued

LEGISLATIVE MATERIALS	Page(s)
Largo, Florida, Legislative Policies § 7.1: Inclusion and Community Recognition, Resolution 2249 (Nov. 4, 2019), https://tinyurl.com/mrxp3rfm	11
Whitney McDonald, City Manager for the City of Arroyo Grande, Memorandum to City Council (May 25, 2021), https://tinyurl.com/ysk8kj9n	10
OTHER AUTHORITIES	
Josh Bickford, <i>Town Manager Flies Black Lives Matter Flag at Town Hall</i> , East Bay Exclusive (Sept. 1, 2020), https://tinyurl.com/ycybcjcm	9
<i>City Receives Many Complaints, Few Compliments about Pride Flag</i> , NCFL Independent (June 28, 2018), https://tinyurl.com/4w2bb2p3	12
Mike Emmett, <i>San Felipe de Albuquerque and the Five Flags over Albuquerque</i> , Clio: Your Guide to History (June 10, 2017), https://theclio.com/entry/41691	7
Jenna Fisher, <i>There's a Ceremonial Flag Pole for That: Newton Mayor, Patch</i> (June 29, 2020), https://tinyurl.com/49dbjn9j	11
Amanda Holpuch, <i>Confederate Flag Removed from South Carolina Capitol in Victory for Activists</i> , The Guardian (July 10, 2015), https://tinyurl.com/2yubhbkm	13

TABLE OF AUTHORITIES—Continued

	Page(s)
Cynthia Laird, <i>LGBTQ History Month: Staten Island Museum Throws Open Austen’s Closet Door</i> , <i>Out In Jersey</i> (Oct. 25, 2021), https://tinyurl.com/ywzrkktv	9
Kaytlyn Leslie, <i>Arroyo Grande City Hall Will Fly Pride Flag. ‘Our Town Won’t Stand for Intolerance,’</i> <i>San Luis Obispo Tribune</i> (May 26, 2021), https://tinyurl.com/ra8n6pn	10–11
Joey Peters, <i>Albuquerque Removes Confederate Flag from Old Town; ‘Inaccurate Plaques’ Coming Down</i> , <i>NM Political Report</i> (Aug. 3, 2015), https://tinyurl.com/29jmezec	13
Lupe Zapata, <i>Why Dallas City Leaders Are Bragging about Their Pride Flag</i> , <i>Spectrum Local News</i> (June 14, 2021), https://tinyurl.com/2p97cbpb	9

INTERESTS OF *AMICI CURIAE*¹

Amici curiae are organizations that represent cities, counties, and other local governments as well as local officials and local government attorneys:

- Founded in 1935, the National Association of Counties is the only national association that represents county governments.
- The National League of Cities is the oldest and largest organization representing municipal governments, currently numbering more than 19,000 cities, villages, and towns throughout the United States.
- The United States Conference of Mayors is the official nonpartisan organization of the more than 1,400 United States cities, each represented by its chief elected official, with populations of 30,000 or more.
- The International City/County Management Association is a nonprofit professional and educational organization of over 9,000 appointed chief executives and assistants serving cities, counties, towns, and regional entities.
- Owned solely by its more than 2,500 members, the International Municipal Lawyers Association (“IMLA”) is an advocate and resource for local government attorneys and serves as a clearing-

¹ The parties have provided blanket consent to filing amicus briefs. No counsel for a party authored this brief in whole or in part; no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief; and no person other than amici, their members, or their counsel made a contribution to its preparation or submission.

house for legal information and cooperation on municipal legal matters.

Many of the local governments represented by *amici* own and operate flagpoles. Some local governments occasionally raise flags from unaffiliated jurisdictions, private organizations, and movements on their flagpoles, and other local governments have considered doing so. As a consequence, *amici* are deeply interested in whether local governments create a forum for private speech by raising third-party flags on their flagpoles.

To ensure that the Court considers this issue with knowledge of current local practices, *amicus* IMLA surveyed its members concerning those practices. This brief describes the results of that survey and discusses their implications. IMLA submitted an *amicus* brief describing a similar survey in *Pleasant Grove City, Utah v. Summum*, 555 U.S. 460 (2009); see also *id.* at 471–72, 475–76 & n.3 (citing IMLA’s brief).

INTRODUCTION AND SUMMARY

Flags are a “form of symbolism” that provides “a primitive but effective way of communicating ideas.” *Spence v. State of Wash.*, 418 U.S. 405, 410 (1974) (quotation marks omitted). The American flag, for example, is a symbol not only of solidarity and national unity, but also of “the ideas that characterize the society that has chosen that emblem.” *Texas v. Johnson*, 491 U.S. 397, 436 (1989) (Stevens, J. dissenting).

Most local governments use their flagpoles to fly the American flag as well as state and local flags in order to convey such messages of unity and shared community values. Occasionally, however, local governments fly flags of third parties not directly

affiliated with them. For example, local governments may fly flags of other countries, flags of non-profit organizations and charities, or flags associated with a movement or idea such as the POW/MIA or Lesbian, Gay, Bisexual, Transgender and Queer (“LGBTQ”) Pride flags. Doing so conveys important government messages. By flying the flag of a foreign country, a local government may express welcome to visitors from that country or support for members of the community with connections to the country. By flying the flag of a non-profit organization or charity, a local government may express support for that entity and its objectives. And by flying the POW/MIA or LGBTQ Pride flag, a local government may endorse the particular message associated with that flag.

Local governments do not choose to fly third-party flags lightly. Indeed, the survey conducted by IMLA reveals that most local governments do not fly third-party flags at all. However, when local governments fly third-party flags, they generally do so with the conscious intent of conveying a government message, and they maintain control over such messages. In fact, many local governments fly third-party flags only at their own initiative, and decisions whether to fly such flags typically are made by the governing legislative body or by a high-ranking executive official such as the mayor. Not surprisingly, the public understands that third-party flags express government messages, and members of the public may protest when they disapprove of those messages.

Local governments should be allowed to exercise broad control over the third-party flags flown on their flag poles. Third-party flags express messages wherever flown. However, when flown on a government flagpole, third-party flags convey additional messages, often of

unique importance, from the local government that owns the flagpole, and the local government should be permitted to exercise broad control over such messages. If raising third-party flags were deemed automatically to create a forum for private speech—whether a designated public forum, limited public forum, or non-public forum—local governments would lose such control, which would discourage them from flying third-party flags, and valuable government speech would be lost.

Amici support the City of Boston and urge that the decision below be upheld. However, the IMLA survey demonstrates that Boston has flown an unusually large number of third-party flags. Consequently, whatever the Court ultimately rules in this case, it should make clear that a party claiming that a local government flagpole has become a government-created forum for private speech bears a heavy burden. In addition, the Court should provide local governments with clear guidance on how they may avoid creating such a forum while still flying third-party flags, for example, by issuing resolutions endorsing the third-party flags that they fly, adopting written policies explicitly stating that they are expressing government messages by flying third-party flags, or otherwise expressly retaining control over the content of third-party flags. At a minimum, the Court should make clear that a local government does not create a forum for private speech by deciding on its own initiative to fly a third-party flag.

ARGUMENT**I. AMICUS SURVEY SHOWS THAT LOCAL GOVERNMENTS FLY THIRD-PARTY FLAGS TO CONVEY GOVERNMENT MESSAGES**

To aid the Court in deciding this case, *amicus* IMLA surveyed hundreds of its members about local government practices concerning third-party flags—that is, flags not from the local government or a related jurisdiction, such as flags from foreign countries, private organizations, or social movements—on flagpoles owned by the local governments. IMLA received over 240 responses in total with more than 100 providing detailed information. The appendices to this brief summarize the results of the survey (Appendix A) and detail selected responses (Appendix B).

The survey's results show that most local governments do not fly third-party flags. However, the local governments that fly third-party flags do so to convey a government message, often of friendship for or support of a community group. In addition, local governments carefully control the third-party flags flown on their flagpoles. Indeed, many do not entertain requests to fly third-party flags and consider whether to fly such flags only on their own initiative. And most of the local governments that entertain requests from private parties grant such requests only if they approve of the content of the flags, usually through either the governing legislative body or a high-ranking executive official.

A. Local Governments Rarely Fly Third-Party Flags

IMLA's survey shows that local governments rarely fly third-party flags. The survey asked what types of third-party flags local governments fly, but included

the option that the local government did not fly third-party flags. App. 3a. Out of the 115 local governments that responded to this question, most answered that they do not fly third-party flags. *Id.* Indeed, 78 local governments—nearly 68%—answered that they do not fly third-party flags, *id.*, and that number goes up to 84 (or 73%) when those who otherwise explained that they do not fly third-party flags are included.

In addition, about half of the 31 local governments that answered that they fly third-party flags indicated that they did so at their own initiative, not at the request of third parties.² The survey asked local governments that fly third-party flags what initiated their action. App. 4a. Only 16, approximately 52% of the local governments that fly third-party flags—and about 15% of all those responding to the relevant questions—responded that the requests were initiated by private persons. *Id.* Two of the remaining local governments flying third-party flags solicit requests, *id.*, and several others indicated that requests were initiated by government officials, such as a city commissioner, App. 48a (Largo, FL, #208), city council member, App. 26a (Montgomery, MD, #63), or city council, App. 45a (Overland Park, KS, #195).

² The third-party flags flown by local governments fall into a few dominant categories: flags of foreign countries, flags honoring a person or entity, event-specific flags, and flags affiliated with charities. App. 3a. Only one local government indicated that it had flown a religious flag. App. 43a (Ashland, OH, #189).

B. When Local Governments Fly Third-Party Flags, They Do So to Convey Government Messages

In the IMLA survey, local governments indicated that, when they fly third-party flags, they do so to convey a government message. The survey asked what message local governments try to convey when they fly third-party flags. App. 9a. Of the 40 local governments that responded, 34 (or 75%) answered that they intended to convey some message, and sometimes multiple ones, by flying third-party flags. *Id.* These messages include: support for an event (11), support for a party (3), welcome to a party or its representative (5), identification of a party (5), promotion of a local entity (4), and endorsement of the message conveyed by the flag (9). *Id.*

Local governments often fly flags of foreign countries at events or during holidays associated with particular nationalities. For example, local governments may fly foreign flags during Irish or Italian holidays and festivals. *E.g.*, App. 31a–32a (Cuyahoga Falls, OH, #98). Like Boston, many local governments fly foreign flags to celebrate the diversity of their citizens, such as Philadelphia (#219), which raises international flags to honor the city’s immigrant communities. App. 53a. And Albuquerque, New Mexico (#240) flies the Spanish and Mexican flags alongside the American, New Mexico, and Albuquerque flags in a city-owned plaza to commemorate the city’s Spanish and Mexican heritage. App. 57a; *see also* Mike Emmett, *San Felipe de Albuquerque and the Five Flags over Albuquerque*, *Clio: Your Guide to History* (June 10, 2017), <https://theclio.com/entry/41691>.

In addition, local governments fly third-party flags to welcome individuals. For example, five local

governments reported that they fly third-party flags to welcome parties or their representatives. App. 23a, 31a, 41a, 50a, 55a (Juneau, AK, #26; Midvale, UT, #86; Mitchell, SD, #162; Largo, FL, #208; Philadelphia, PA, #219). Some fly flags to welcome individuals within their own community. *E.g.*, App. 48a (noting that Largo, FL, #208 flies the Pride flag and a National Police Week flag); App. 39a (noting that Mitchell, SD, #162 flies the flags of military and veteran groups). Local governments also fly flags of foreign countries to welcome foreign dignitaries. *E.g.*, App. 21a, 23a (Juneau, AK, #26). And the City of Juneau, Alaska (#26) welcomes tourists by flying the flags of every state in the nation at the port where cruise ships dock. App. 21a.

Other local governments fly third-party flags to express support for community members and organizations. Several local governments fly flags of local universities and local non-profits to express community support for them. *E.g.*, App. 23a–24a (Plymouth, IN, #44). Others fly flags to honor individuals of distinction, such as Greenfield, Indiana (#229), which flies a flag for an annual event honoring James Whitcomb Riley, an Indiana writer, poet, and author. App. 55a.

Local governments also fly third-party flags because they endorse the message conveyed by the flags. *E.g.*, App. 25a, 29a, 31a, 37a, 39a, 46a, 50a, 59a (Plymouth, IN, #44; San Luis, AZ, #76; Midvale, UT, #86; Aliso Viejo, CA, #134; New York, NY, #160; Overland Park, KS, #195; Largo, FL, #208; Portland, OR, #214; Albuquerque, NM, #240). For example, many cities fly the POW/MIA flag to express support for and thanks to veterans and their families as well as respect for prisoners of war and those missing in action. *E.g.*, App. 19a, 29a, 45a, 57a (Idaho Falls, ID, #23; San Luis, AZ, #76; Overland Park, KS, #195; Gilbert, AZ, #238).

Other local governments fly the Black Lives Matter flag or the LGBTQ Pride flag to communicate support for diversity, inclusivity, equality, and respect. *E.g.*, App. 26a, 33a, 42a (Montgomery County, MD, #63; Shoreline, WA, #118; Iowa City, IA, #180).³ For example, during Pride month, New York City (#160) flies the Pride flag at the Alice Austen house, a museum that is a nationally designated LGBTQ historic site. *See* Cynthia Laird, *LGBTQ History Month: Staten Island Museum Throws Open Austen’s Closet Door, Out In Jersey* (Oct. 25, 2021), <https://tinyurl.com/ywzrkktv>.⁴ And in Dallas, Texas, the City Council took the extra step of authorizing a customized Pride flag including the city’s seal to fly at the Dallas City Hall during Pride month. *See also* Lupe Zapata, *Why Dallas City Leaders Are Bragging About Their Pride Flag*, Spectrum Local News (June 14, 2021), <https://tinyurl.com/2p97cbpb>.

C. Local Governments Generally Exercise Close Control over the Third-Party Flags Flown on Their Flagpoles

Local governments generally do not open up their flagpoles to a broad range of third-party flags. As noted above, of the more than 240 local governments that responded to the IMLA survey, only 31 fly third-party flags, and only 16 of these accept requests from third parties. *See supra* p. 6. Moreover, even local governments that fly third-party flags frequently reject requests to do so. The survey asked local

³ *See* Josh Bickford, *Town Manager Flies Black Lives Matter Flag at Town Hall*, East Bay Exclusive (Sept. 1, 2020), <https://tinyurl.com/ycybcjem>.

⁴ This information was confirmed by telephone conversation with Stephen Louis and Sheryl Neufeld, New York City Law Department, November 21, 2021.

governments that fly third-party flags whether they had ever rejected a request to fly a flag. App. 4a. More than one-third, 10 out of the 26 local governments that responded to this question, indicated that they have rejected a request. *Id.* Sometimes these requests are refused based on content-neutral considerations such as lack of space or the timing of the request. App. 5a (noting three denials for lack of space and one based on timing). Even more often, however, local governments deny requests to fly third-party flags based on the subject matter of the flag, the message conveyed, or opposition to the third-party. *Id.* (noting two denials on each ground).

For example, in response to the Black Lives Matter movement, one city received a request to display the “Thin Blue Line” flag, but the city declined the request due to the flag’s association with opposition to the Black Lives Matter and racial justice movements. App. 30a (Midvale, UT, #86). Many local governments refuse to fly third-party flags altogether out of concern that doing so will express a controversial message from the local government. *E.g.*, App. 26a, 29a–30a (Shaker Heights, OH, #53; Redmond, OR, #81).

In addition, some local governments have policies expressly stating that they will fly a third-party flag only if they endorse the message expressed by the flag. For example, Arroyo Grande, California has a policy that commemorative flags may be flown on flagpoles owned by the city “as an expression of the City Council’s official sentiments (government speech).” Whitney McDonald, City Manager for the City of Arroyo Grande, Memorandum to City Council (May 25, 2021), <https://tinyurl.com/ysk8kj9n>; see Kaytlyn Leslie, *Arroyo Grande City Hall Will Fly Pride Flag. ‘Our Town Won’t Stand for Intolerance,’* San Luis

Obipso Tribune (May 26, 2021), <https://tinyurl.com/ra8n6pn>. Similarly, Newton, Massachusetts has a policy stating that the “ceremonial” flagpole at city hall “has traditionally been used to promote government speech” and “any flag placed on the ceremonial flagpole espouses a message that is important to the City.” See Jenna Fisher, *There’s a Ceremonial Flag Pole for That: Newton Mayor*, Patch (June 29, 2020), <https://tinyurl.com/49dbjn9j>. Other local governments have policies that limit the subject matters that may be addressed by third-party flags, for example, to national flags celebrating citizens’ origins, App. 53a–54a (Philadelphia, PA, #219), or to “honor or feature someone or something, including groups, events, or special designations,” App. 48a–49a (Largo, FL, #208); Largo, Florida, Legislative Policies § 7.1: Inclusion and Community Recognition, Resolution 2249 (Nov. 4, 2019), <https://tinyurl.com/mrxp3rfm>.

Further, local governments do not allow third parties to raise flags without government approval. To the contrary, when local governments allow flags of unrelated entities or of movements, the decisions are usually made by the governing legislative body or by some high-ranking executive such as the mayor. IMLA’s survey asked local governments to identify the decision-maker regarding acceptance or rejection and display of third-party flags, and 60% of local governments that responded to the question, 38 out of 63, reported that a government executive, such as the mayor, is the decision maker. App. 7a; see also App. 22a, 27a, 42a (Juneau, AK, #26; Montgomery County, MD, #63; Iowa City, IA, #180). The next largest category (with 22 responses) was local governments that identified their legislative body as the decision-maker regarding third-party flags. App. 7a. In some cases, such legislative bodies have enacted written policies approving certain third-party flags or

otherwise governing use of local government flagpoles. *E.g.*, App. 21a, 50a (Idaho Falls, ID, #23; Largo, FL, #208).

D. The Public Understands that Local Governments Express Government Messages in Flying Third-Party Flags

The public understands that flying third-party flags on government flagpoles expresses government messages. IMLA's survey asked whether the local governments were aware of any instances of expressed public opposition to the existence of a government-conveyed message of a third-party. App. 18a. In response, several local governments reported protests against the governments flying third-party flags when community members disagreed with the message conveyed.

For example, in some cities, flying the LGBTQ Pride flag provoked opposition from community members who objected to the cities expressing support for the LGBTQ community. In Fernandina Beach, Florida (#101), the city manager received nearly 40 complaints about raising the Pride flag at city hall during Pride month. *See City Receives Many Complaints, Few Compliments about Pride Flag*, NCFL Independent (June 28, 2018), <https://tinyurl.com/4w2bb2p3>. The following year, he chose to not fly the Pride flag. *See id.*

In other cities, community members have objected to the message conveyed by flying the Confederate flag. For instance, in addition to flying the Spanish and Mexican flags, Albuquerque (#240) used to fly the Confederate flag. App. 57a. However, a coalition of civic leaders and lawmakers protested the flag and the message that it conveyed, and in 2015

Albuquerque replaced the Confederate flag with the city's flag. See Joey Peters, *Albuquerque Removes Confederate Flag from Old Town; 'Inaccurate Plaques' Coming Down*, NM Political Report (Aug. 3, 2015), <https://tinyurl.com/29jmezec>; see also Amanda Holpuch, *Confederate Flag Removed from South Carolina Capitol in Victory for Activists*, The Guardian (July 10, 2015); <https://tinyurl.com/2yubhbkm> (Confederate flag removed from South Carolina's statehouse after decades of protest).

II. LOCAL GOVERNMENTS SHOULD BE ALLOWED BROAD CONTROL OVER THE THIRD-PARTY FLAGS THAT THEY FLY

When governments speak on behalf of themselves and their constituents, First Amendment restrictions do not apply, and the governments are permitted to exercise full control over that speech's content even though it is associated with that of third parties. See, e.g., *Pleasant Grove City, Utah v. Summum*, 555 U.S. 460, 467–68 (2009). This Court should recognize that local governments engage in government speech when they fly third-party flags on government flag poles. If local governments are deemed to create a forum for private speech whenever they fly third-party flags, they will lose control over the message conveyed, and most will refuse to fly such flags and valuable government speech will be lost.

A. Local Governments Engage in Government Speech When They Fly Third-Party Flags

As the City of Boston demonstrates, flags are a quintessential means by which governments—and local governments in particular—historically have conveyed

messages to the public. Resp. Br. 19, 22–27; *see also Texas v. Johnson*, 491 U.S. at 426 (Rehnquist, C.J., dissenting) (noting the message conveyed by flying the American flag in “city halls”). Because flags can “symbolize some system, idea, institution or personality,” *West Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 632 (1943), flying a flag is a symbolic act that communicates ideas, *Spence*, 418 U.S. at 410, and therefore governments engage in speech when they fly flags. *See Griffin v. Sec’y of Veteran’s Affairs*, 288 F.3d 1309, 1324 (Fed. Cir. 2002).

It is well-settled that, while the Free Speech Clause of the First Amendment “restricts government regulation of private speech,” it “does not regulate government speech.” *Sumnum*, 555 U.S. at 467; *see also Walker v. Tex. Div., Sons of Confederate Veterans, Inc.*, 576 U.S. 200, 215 (2015) (“[When] the State is speaking on its own behalf, the First Amendment strictures that attend the various types of government-established forums do not apply.”); *Johanns v. Livestock Marketing Ass’n*, 544 U.S. 550, 553 (2005) (“The Government’s own speech . . . is exempt from First Amendment scrutiny.”)⁵ Thus, a local government “is entitled to say what it wishes, and to select the views that it wants to express.” *Sumnum*, 555 U.S. at 467–68 (citations and quotation marks omitted).

In addition, as this Court has recognized in prior cases, a local government’s right to express its own views is not diminished “when it receives assistance from private sources for the purpose of delivering a

⁵ Government speech, however, “must comport with the Establishment Clause.” *Sumnum*, 555 U.S. at 468. Thus, the Establishment Clause limits the ability of local governments to fly religious flags in a manner that endorses or expresses support for religious groups or creeds. *See infra* p. 19 n.7.

government-controlled message.” *Summum*, 555 U.S. at 468. “The fact that private parties take part in the design and propagation of a message does not extinguish the governmental nature of the message or transform the government’s role into that of a mere forum-provider.” *Walker*, 576 U.S. at 217. Indeed, this Court has consistently recognized that private parties can, and often do, assist government entities in delivering government speech. *See id.* at 210–11 (license plates designed and proposed by private parties); *Summum*, 555 U.S. at 481 (monuments donated by private party to be displayed in public park); *Johanns*, 544 U.S. at 562 (beef promotions designed by private party).

Thus, when a local government flies a third-party flag on a government flagpole, it is engaging in government speech and should have broad control over the speech conveyed even though that speech is mixed with speech by the country, private entity, or movement symbolized by that flag.

B. Important Government Speech Will Be Discouraged or Lost If Flying Third-Party Flags is Held to Create a Forum

As IMLA’s survey demonstrates, local governments express important messages in raising on their flagpoles the flags of unaffiliated jurisdictions, private entities, and movements. For example, by flying the flags of foreign countries and other flags associated with particular parts of their communities, local governments express support for specific communities, and more generally, convey a message of diversity and inclusivity that knits the entire community together. This valuable government speech would be discouraged or lost entirely if raising such flags were held to establish a government-created forum for private speech automatically or easily.

IMLA's survey shows that many local governments already have decided not to raise third-party flags because of uncertainty whether doing so would create a forum for private speech. Such a forum, whether public or nonpublic, would restrict the local government's control over the content of—and consequent messages conveyed by the flying of—those flags. Fourteen local governments specifically identified fear of litigation over other requests the local government would oppose under forum analysis as a reason they reject requests to fly third-party flags. App. 8a. Moreover, the City of Boston has halted its flag-raising program in light of this case. Resp. Br. 7 n.1, 21; *see also Leake v. Drinkard*, 14 F.4th 1242, 1247 (11th Cir. 2021) (noting that city stopped sponsoring a parade in response to litigation over whether it had created a public forum). Were this Court to rule that raising third-party flags generally creates a forum for private speech, still other local governments that currently fly third-party flags would discontinue doing so and part of the fabric knitting together their communities would be shorn.

There are practical reasons why local governments are reluctant to establish a government-created forum for private speech in their flagpoles. For example, New York City (#160) has resisted requests to raise third-party flags out of concern that the city would be inundated with requests. While smaller cities and counties may not face the threat of so many requests, smaller cities and counties often lack the administrative resources needed to develop the written policies or regulations necessary to exercise adequate control over a forum for private speech.

In addition, no local government will raise third-party flags if doing so would force it to allow its flagpoles to be used to convey messages offensive to their communities. For example, many local governments celebrate the ethnic heritage of members of their communities by raising the Irish flag on St. Patrick's Day. However, no local government would grant a request to fly the Irish flag on St. Patrick's Day if doing so would force it to fly an ISIS flag upon request. Nor would any local government fly a Kiwanis Club flag if doing so also would force it to fly the KKK or Nazi flag.⁶

These are not mere hypothetical concerns. Local governments already deny requests to fly third-party flags even though they support the message that would be conveyed out of fear of establishing a government-created forum for private speech by doing so. For example, Arlington, Texas (#206) received a request by a group to fly the Philippines flag during a celebration of Philippines Independence Day. App. 47a. Although the city supported raising the flag to express support for its Filipino community, it denied the request because of concern that it would establish a government-created forum by doing so. *Id.*

This adverse impact on speech counsels against the application of forum analysis to government flagpoles. As this Court has observed, "where the application of forum analysis would lead almost inexorably to closing of the forum, it is obvious that forum analysis is out of

⁶ Third-party flags may offend local sensibilities in other ways as well. For example, no Michigan town would accept being forced to fly the Ohio State University flag if its flagpole were deemed a public forum. And if Boston were forced to hoist the Yankee flag over its city hall, there would likely be tea in the harbor.

place.” *Sumnum*, 555 U.S. at 480; *see also* *Arkansas Educ. Television Comm’n v. Forbes*, 523 U.S. 666, 681–82 (1998) (“Were it faced with the prospect of cacophony, on one hand, and First Amendment liability, on the other, a public television broadcaster might choose not to air candidates’ views at all.... A First Amendment jurisprudence yielding these results does not promote speech but represses it.”).

III. LOCAL GOVERNMENTS NEED GUIDANCE ON HOW THEY MAY FLY THIRD-PARTY FLAGS WITHOUT CREATING A FORUM

For the reasons stated in Boston’s brief, *amici* agree that the city did not establish a government-created forum for private speech by flying third-party flags because (a) flags have historically been used to convey government messages (Resp. Br. 23–27); (b) a reasonable observer would understand that flags flown on a city flagpole in front of the seat of the city government express government speech (*id.* at 27–30); and (c) the city controlled the third-party flags flown on its flagpoles by, among other things, stating overall goals and later adopting a specific written policy (*id.* at 31–37).

It is important to recognize, however, that this issue raises difficulties here only because of the unusual extent of Boston’s practices. As *amici*’s survey showed, flags generally are raised on government flagpoles to convey governmental messages, *see supra* pp. 7–9 and they are understood as such by the public, *see supra* pp. 12–13. In addition, most local governments either do not entertain requests from third parties to fly flags, or they grant such requests sparingly. *See supra* pp. 5–6, 9–12. Boston is unusual in the number of

third-party requests it has entertained and granted.⁷ However the Court ultimately rules here, it should make clear that government flagpoles and other similar mediums⁸ are generally used to communicate government messages and that any party claiming that a local government has established a government-created forum for private speech in these fora bears a heavy burden.

In distinguishing government speech from private speech in a government-created forum, this Court has looked at three factors: (1) whether the medium in question traditionally has been used for government speech, (2) whether the medium is closely identified

⁷ *Amici* agree that petitioners have not presented sufficient evidence to establish any discrimination. As Boston demonstrates, petitioners have shown only that other requests were granted in the year or so prior to their request, and they have failed to show that these requests were in all material ways similar to theirs. Resp. Br. 34. Moreover, petitioners' request to fly the "Christian Flag" (Pet. App. 131a) appears to have raised a novel issue for Boston because of, among other things, the problems under the Establishment Clause that would be created by flying a third-party flag in a manner that might be understood as supporting or endorsing a religious group or creed. *See supra* p. 14 n.5. If the Court finds that Boston acted improperly in denying petitioners' requests, it should explain how local governments may grant such requests without running afoul of the Establishment Clause, especially when they fly third-party flags at their own initiative or otherwise maintain close control over the content of such flags.

⁸ The IMLA survey shows that, in addition to flagpoles, many local governments allow street banners, pole banners, bulletin boards, murals, and cross-walk paintings, App. 10a, these mediums are sometimes opened to use by third-parties, App. 11a, and such use is intended to convey support, endorsement, and other government messages, App. 13a. The Court also should provide guidance on when such activities create a forum for private speech.

with government speech in the public's mind, and (3) whether the government has maintained control over the messages conveyed in the medium. *See Matal v. Tam*, 137 S. Ct. 1744, 1759–60 (2017); *Walker*, 576 U.S. at 209–10; *Summum*, 555 U.S. at 470–73. As shown above, the first two factors generally favor finding that third-party flags flown on government flagpoles express government speech. As a consequence, where, as in this case, a party claims that a local government has established a government-created forum for private speech in its flagpole, the party bears the burden of showing that the local government has not exercised sufficient control over the messages conveyed by flags flown at the requests of third parties and that this practice has been so pervasive that it has changed the traditional nature of the medium and the public's understanding of it.

Alternatively, the Court should make it clear that local governments may avoid establishing a government-created forum in several ways. *First*, as the United States recognizes, United States Br. 30, a local government may establish that it is endorsing or adopting the message conveyed by flying a third-party flag if it passes a resolution expressly stating that it is sponsoring the raising of the flag. With such a resolution, there can be no question that a local government is conveying a government message by flying a third-party flag.

Second, as the United States also recognizes, United States Br. 30, a local government may adopt written policies expressly stating that in flying third-party flags on government flagpoles it is conveying government messages and retaining full discretion over the content of those messages.

Third, a local government may make it clear that flying a flag is government speech by requiring any party requesting that the government fly a flag donate the flag to the local government. As this Court has recognized, taking ownership of an object and then displaying it is a “dramatic form of adoption,” which signifies a government decision to express the message conveyed by the object. *Summum*, 555 U.S. at 473–74.

At a minimum, the Court should confirm that a local government does not establish a government-created forum for private speech by deciding to fly the flag of a foreign country, a private organization, or a movement on its initiative without any formal request. It cannot be disputed that a local government may decide by itself to fly the flag of a foreign country to welcome a foreign dignitary or celebrate the heritage of a portion of the community without creating a forum. *See Summum*, 555 U.S. at 470 (“Neither the Court of Appeals nor respondent disputes the obvious proposition that a monument that is commissioned and financed by a government body for placement on public land constitutes government speech.”). Moreover, because local governments frequently and properly receive informal suggestions from private citizens, they likewise should be able to entertain suggestions from private parties to fly third-party flags on their flagpoles without losing control over the messages conveyed by those flags.

Finally, even if a local government so frequently accepts and grants requests to fly third-party flags that it establishes a government-created forum for private speech, it still should be able to impose reasonable, viewpoint neutral restrictions on the types of flags that may be flown. *See, e.g., Cornelius v. NAACP Legal Defense & Educ. Fund, Inc.*, 473 U.S. 788, 799–

800, 806 (1985). Thus, for example, local governments may decide to fly only flags of foreign countries, flags of local non-profit and charitable groups, or flags of local non-profit institutions and sports teams without transforming their flagpoles into public fora.

CONCLUSION

The judgment below should be affirmed.

Respectfully submitted,

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December 22, 2021

APPENDIX

APPENDIX A**Instructions and Purpose of Survey**

We are asking all IMLA members to respond quickly to a brief online survey. Doing so will assist IMLA in representing municipal interests by filing an amicus brief in *Shurtleff v. City of Boston*, a case in which the United States Supreme Court recently granted cert. At issue is whether municipal display of a flag a private party requests be flown on a city flag pole is government speech or creates a public forum for private display of flags which once created may require the city to fly flags whose symbol or message the city does not endorse. There are only a few short questions to this survey. Please reply as soon as possible; we need your response by November 19, 2021.

Survey Directions:

- If you represent more than one municipality, please choose one on which to base your answers, giving preference to the one on which you have the most information relevant here.
- Please complete only those questions regarding which you have personal knowledge or other reliable evidence. You do not need to answer all questions to provide helpful information.
- Please provide narrative information where available and responsive.
- For every question, please check all that apply.
- The term “flag” as used herein includes the ordinary meaning of the term and refers to a symbol which conveys or tends to convey some communicative message.

2a

- Other terms used herein include “street mural” or “crosswalk painting” that include messages or symbolic paintings; “pole banners” have their ordinary meaning; “bulletin boards” include fixed message boards and digital message boards on which a municipality may post messages; “street banners” are banners strung across rights of way[;] and for purposes of this survey each of these terms mean forms of communication adopted or approved by a municipality for use on its property and intended to convey a message.
- The term “private person” as used herein includes organizations.
- The term “municipality” as used herein includes cities, counties, special districts, towns, townships and affiliated governmental or quasi-governmental agencies, such as park districts and public building commissions.

Q1

1. Optional Information: (Name of Municipality is asked in next question and is not optional to avoid duplication in the results)

Population of Municipality:
Your Name:
Position:
E-mail:

3a

Q2

What is the name of the Municipality for which you are answering? If you are answering for a unit of local government please specify (*e.g.*, school board, fire district, regional planning commission) so that we can distinguish properly between the local governments that answer. (This is a required answer to ensure no duplication in the tabulated results.)

Q3

2. Type of third-party flag(s) (check all that apply):

ANSWER CHOICES	RESPONSES	
Charitable	6.96%	8
Religious	0.87%	1
Foreign national	5.22%	6
Event Specific	10.43%	12
Corporate	0.00%	0
Honorific (i.e., honoring a person, entity or event)	10.43%	12
Other	19.13%	22
We do not fly third party flags under any circumstance	67.83%	78
Total Respondents: 115		

4a

Q4

3a. When your municipality flew a third-party's flag what initiated your municipality doing so? (check all that apply)

ANSWER CHOICES	RESPONSES	
Private person initiated	38.10%	16
Private person responded to municipal request for proposals	4.76%	2
Other	66.67%	28
Total Respondents: 42		

Q5

3b. If your municipality flies third-party flags, has your municipality ever rejected a request to do so?

ANSWER CHOICES	RESPONSES	
Yes	38.46%	10
No	61.54%	16
Total Respondents: 26		

5a

Q6

3c. If your municipality flies third-party flags and has rejected a request to fly a third party's flag in whole or in part, what were the reasons?

ANSWER CHOICES	RESPONSES	
Lack of Space	14.29%	3
Timing of request	4.76%	1
Request was for too long a period	0.00%	0
The subject matter of the flag (symbolic or textual)	9.52%	2
Message being conveyed (symbolic or textual)	9.52%	2
Opposition to the third-party (do not want to endorse the third-party)	9.52%	2
Other	85.71% ⁸	18
Total Respondents: 21		

6a

Q7

3d. If your municipality flies third-party flags, where is the flagpole flying those located?

ANSWER CHOICES	RESPONSES	
On or before (in front of, alongside, in rear of) a municipal government building	26.47%	9
In a park or plaza near or associated with municipal buildings	8.82%	3
In a park or plaza not near or associated with municipal buildings	11.76%	4
Other (please describe)	52.94%	18
Total Respondents: 34		

Q8

3e. If you fly third-party flags, how is the flagpole flying those flags normally used when not flying third-party flags?

ANSWER CHOICES	RESPONSES	
Flying municipal flag	5.71%	2
Flying state or federal flags	22.86%	8
Not ordinarily in use	2.86%	1
Normally flies third party flags	17.14%	6
Other (please describe)	51.43%	18
Total Respondents: 35		

7a

Q9

3f. If your municipality flies a third-party's flag for how long does it do so?

Q10

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

ANSWER CHOICES	RESPONSES	
Planning or cultural department personnel	4.76%	3
Municipal executive (i.e., mayor)	60.32%	38
Legislative body (i.e., city council)	34.92%	22
Public-private committee	1.59%	1
Other	23.81%	15
Total Respondents: 63		

Q11

5a. Did the municipality employ any content-related criteria (*e.g.*, subject matter, community support or opposition, viewpoint) in determining acceptance/ rejection/placement of the flag(s)?

ANSWER CHOICES	RESPONSES	
None of the above	30.00%	15
Fear of litigation under the Establishment Clause	12.00%	6
Inappropriate subject matter	10.00%	5
Opposition to the specific message	8.00%	4

8a

ANSWER CHOICES	RESPONSES	
Opposition to the third party (do not want to endorse the third party)	4.00%	2
Fear of litigation over likelihood of other requests that municipality would oppose under forum analysis	28.00%	14
Other (please specify)	42.00%	21
Total Respondents: 50		

Q13

6. If you answered “yes” to question 5a, were such criteria set forth in any of the following (check all that apply):

ANSWER CHOICES	RESPONSES	
Written policy	21.05%	4
Request for proposal	0.00%	0
Ordinance	10.53%	2
Regulation	15.79%	3
Contract	0.00%	0
Established practice	15.79%	3
Other	36.84%	7
Total Respondents: 19		

9a

Q14

7. If your municipality decides to fly the flag of a third party, what is the message that your municipality intends to convey (check all that apply)?

ANSWER CHOICES	RESPONSES	
Support for or endorsement of third party	7.50%	3
Welcome to the third party or its representative	12.50%	5
Support for an event	27.50%	11
Identification of the third party	12.50%	5
Promotion of a local business, sports team, school, etc.	10.00%	4
Endorsement of the message conveyed by the flag	22.50%	9
No Message	15.00%	6
Other (please specify)	35.00%	14
Total Respondents: 40		

10a

Q15

8. Does your municipality put up banners, pole banners, signs, street or crosswalk paintings, or use a municipal bulletin board or other communicative content at the request of third parties (*i.e.*, event sponsors, chamber of commerce, etc.)? (check all that apply):

ANSWER CHOICES	RESPONSES	
Banners	47.37%	54
Pole banners	46.49%	53
Bulletin Boards	32.46%	37
Street Murals, Painting or Messages	17.54%	20
Cross walk paintings	7.89%	9
Murals on Buildings	17.54%	20
All of the above	0.88%	1
None of the above	20.18%	23
Other	11.40%	13
Total Respondents: 114		

11a

Q16

9. Type of banners, murals, paintings, etc. (check all that apply):

ANSWER CHOICES	RESPONSES	
Charitable	35.19%	38
Religious	12.04%	13
Foreign national	2.78%	3
Event Specific	66.67%	72
Corporate	11.11%	12
Honorific (i.e., honoring a person, entity or event)	37.96%	41
Other	22.22%	24
We do not use any of these forms of communication under any circumstance	12.96%	14
Total Respondents: 108		

Q17

10a. If your municipality uses any of these forms of communication, does it accept or reject third-party requests to convey a message using them?

ANSWER CHOICES	RESPONSES	
Yes	38.71%	36
No	25.81%	24
Other (please specify)	35.48%	33
Total Respondents: 93		

12a

Q18

10b. If your municipality uses these forms of communication and has rejected a request for any in whole or in part, what were the reasons?

ANSWER CHOICES	RESPONSES	
Lack of Space	35.09%	20
Timing of request	33.33%	19
Request was for too long a period	15.79%	9
The message being conveyed (symbolic or textual)	31.58%	18
The subject matter of the flag (symbolic or textual)	19.30%	11
Opposition to third-party (do not want to endorse third party)	15.79%	9
Other	50.88%	29
Total Respondents: 57		

Q19

11. If your answer to 10b above was that the municipality's refusal was based on content (e.g., message conveyed, subject matter), what criteria does your municipality use to accept or reject a message? (check all that apply)

ANSWER CHOICES	RESPONSES	
Written policy (or regulation)	38.78%	19
Ordinance	8.16%	4
Established practice	36.73%	18
Request for proposal	4.08%	2

13a

ANSWER CHOICES	RESPONSES	
Contract	2.04%	1
Municipality does not refuse on the basis of content	10.20%	5
Other (please specify)	32.65%	16
Total Respondents: 49		

Q20

12. If your municipality decides to use one of the communicative forms of a third-party described in Question 8, what is the message that your municipality intends to convey (check all that apply)?

ANSWER CHOICES	RESPONSES	
Support for or endorsement of third party	10.98%	9
Welcome to the third party or its representative	8.54%	7
Support for an event	53.66%	44
Identification of the third party	15.85%	13
Endorsement of the message	14.63%	12
Promotion of a local business, sports team, school, etc.	24.39%	20
The municipality makes clear that it does not take a position on the Message	13.41%	11
Other (please specify)	41.46%	34
Total Respondents: 82		

Q21

13. If your municipality rejects requests to use a form of communication as described in Question 8 above, and your municipality does so based on content, for what reasons does it reject requests? (Check all that apply.)

ANSWER CHOICES	RESPONSES	
Support for or endorsement of third party	10.98%	9
Fear of litigation under the Establishment Clause	15.09%	8
Opposition to the specific message	11.32%	6
Inappropriate subject matter	37.74%	20
Opposition to the third party (do not want to endorse the third party)	11.32%	6
Fear of litigation over likelihood of other requests that municipality would oppose under forum analysis	22.64%	12
Other (please specify)	60.38%	32
Total Respondents: 53		

15a

Q22

15. Does the municipality own the medium of communication; *i.e.*, flag pole, bulletin board, etc.?

ANSWER CHOICES	RESPONSES	
Yes	83.87%	78
No	2.15%	2
Some, but not all	9.68%	9
Don't know	5.38%	5
Total Respondents: 93		

Q23

16. If you answered “yes” or “some, but not all” to Question [15], is that ownership shown by:

ANSWER CHOICES	RESPONSES	
Contract	9.86%	7
Deed	52.11%	37
Ordinance	18.31%	13
Other	45.07%	32
Total Respondents: 71		

Q24

17. Does the municipality have a right to control what is displayed on the medium of communication, including, but not limited to, the right to (check all that apply):

ANSWER CHOICES	RESPONSES	
Move	72.94%	62
Remove	83.53%	71
Dispose	70.59%	60
Don't know	15.29%	13
Total Respondents: 85		

Q25

18. Does the municipality maintain (*i.e.*, clean and repair, as needed) the medium of communication?

ANSWER CHOICES	RESPONSES	
Yes	77.27%	68
No	6.82%	6
Don't know	15.91%	14
Total Respondents: 88		

17a

Q26

19. In the area(s) adjacent to the medium of communication, is the public permitted to engage in speech-related activities (check all that apply):

ANSWER CHOICES	RESPONSES	
Yes	66.67%	58
No	4.60%	4
Speech	36.78%	32
Protest	35.63%	31
Distribution of leaflets/communicative material	34.48%	30
Assembly	36.78%	32
Depends on specific location of medium of communication	44.83%	39
Other (please explain)	12.64%	11
Total Respondents: 87		

Q27

20. If you answered “yes” to question 19, are you aware of such activities taking place from time to time?

ANSWER CHOICES	RESPONSES	
Yes	70.51%	55
No	29.49%	23
Total Respondents: 78		

Q28

21. If you answered “yes” to question 20, are you aware of any instances where the content of the speech was in some manner related to the implied or stated message(s) of the medium of communication?

ANSWER CHOICES	RESPONSES	
Yes	19.05%	12
No	80.95%	51
Total Respondents: 63		

Q29

22. Are you aware of any instances of expressed public opposition to the existence of a municipally conveyed message of a third-party, whether proposed, new, or previously-existing?

ANSWER CHOICES	RESPONSES	
Yes	14.46%	12
No	85.54%	71
Total Respondents: 83		

19a

APPENDIX B*

**Idaho Falls, ID
Respondent #23**

2. Type of third-party flag(s) (check all that apply):

other

Please describe: POW flag

3a. When your municipality flew a third-party's flag what initiated your municipality doing so? (check all that apply)

Private person initiated

3b. If your municipality flies third-party flags, has your municipality ever rejected a request to do so?

No

3d. If your municipality flies third-party flags, where is the flagpole flying those located?

(please describe): The POW flag flies in a park at the Viet Nam Memorial (Freeman Park), on our riverwalk at the Veteran's Memorial, at City Hall, and at the Idaho Falls Power building. These are currently the only locations where the POW flag is allowed to be flown.

* Questions skipped by respondents have been omitted.

3e. If you fly third-party flags, how is the flagpole flying those flags normally used when not flying third-party flags?

Other (please describe): The POW flag flies below the US flag. The US flag is always displayed at those locations, as well as at other locations around the City where the POW flag is NOT displayed.

3f. If your municipality flies a third-party's flag for how long does it do so?

Always at the 4 locations identified

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Legislative body (*i.e.*, city council)

5a. Did the municipality employ any content-related criteria (*e.g.*, subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

Yes

5b. If your municipality rejects requests to fly a third-party's flag based on content what are the reasons for doing so? (Check all that apply.)

Other (please specify): We have a process (through a City policy established by Council Resolution) that allows a request to City Council to fly a third party flag but no request has been made since adoption of the policy.

21a

6. If you answered “yes” to question 5a, were such criteria set forth in any of the following (check all that apply):

Written policy

Please describe: policy was adopted by Council Resolution

7. If your municipality decides to fly the flag of a third party, what is the message that your municipality intends to convey (check all that apply)?

Support for or endorsement of third party

**Juneau, AK
Respondent #26**

2. Type of third-party flag(s) (check all that apply):

Foreign national

Event Specific

Please describe: We fly every state flag on light poles in the right-of-way near the cruise ship terminals. We also fly foreign national flags when foreign dignitaries come for official business.

3a. When your municipality flew a third-party’s flag what initiated your municipality doing so? (check all that apply)

Please describe: I don’t know how it started, but we have been doing it for many years.

3c. If your municipality flies third-party flags and has rejected a request to fly a third party's flag in whole or in part, what were the reasons?

Please describe: I am not sure that we have rejected a flag because we only fly state and foreign national flags.

3d. If your municipality flies third-party flags, where is the flagpole flying those located?

(please describe): light poles in a right-of-way

3e. If you fly third-party flags, how is the flagpole flying those flags normally used when not flying third-party flags?

Flying state or federal flags

3f. If your municipality flies a third-party's flag for how long does it do so?

States: the entire cruise ship season

Foreign national: just for the official business trip, which is generally a day.

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Municipal executive (*i.e.*, mayor)

5a. Did the municipality employ any content-related criteria (*e.g.*, subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

No

5b. If your municipality rejects requests to fly a third-party's flag based on content what are the reasons for doing so? (Check all that apply.)

None of the above

7. If your municipality decides to fly the flag of a third party, what is the message that your municipality intends to convey (check all that apply)?

Welcome to the third party or its representative

**Plymouth, IN
Respondent #44**

2. Type of third-party flag(s) (check all that apply):

Charitable

Please describe: One of our city parks has a flag pole that was installed by a local scout as an Eagle Scout service project. In honor of that contribution, we fly a Boy Scouts of America flag (the blue version with the fleur de lis surrounded by a knotted rope) below the American flag.

3a. When your municipality flew a third-party's flag what initiated your municipality doing so? (check all that apply)

Private person initiated

Please describe: See answer above.

3b. If your municipality flies third-party flags, has your municipality ever rejected a request to do so?

No

3d. If your municipality flies third-party flags, where is the flagpole flying those located?

In a park or plaza not near or associated with municipal buildings

3e. If you fly third-party flags, how is the flagpole flying those flags normally used when not flying third-party flags?

Other (please describe): The one flag pole referenced above always flies the American flag and the Boy Scouts of America flag.

3f. If your municipality flies a third-party's flag for how long does it do so?

The Boy Scouts of America flag is always flying.

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Municipal executive (*i.e.*, mayor)

Please describe: We don't have a formal process. We have only been presented with one request to fly a third-party flag associated with the Eagle Scout project mentioned above. Our Mayor, who himself is a former Eagle Scout, authorized the flag to go up. Again, the idea was that this was recognition for the donation of the flag pole from this local scout.

5a. Did the municipality employ any content-related criteria (*e.g.*, subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

Yes

5b. If your municipality rejects requests to fly a third-party's flag based on content what are the reasons for doing so? (Check all that apply.)

Other (please specify): Again, we've never had any other requests beyond the Boy Scouts of America flag request. The decision making was content-related as the organization is directly linked to the construction of the flag pole on which the flag flies.

6. If you answered "yes" to question 5a, were such criteria set forth in any of the following (check all that apply):

Please describe: No, see above answers for context.

7. If your municipality decides to fly the flag of a third-party, what is the message that your municipality intends to convey (check all that apply)?

Endorsement of the message conveyed by the flag

Other (please specify): The Boy Scout flag is flown in recognition of the service project that resulted in the construction of the flag pole.

**Shaker Heights, OH
Respondent #53**

2. Type of third-party flag(s) (check all that apply):

We do not fly third party flags under any circumstance

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Municipal executive (*i.e.*, mayor)

Other

Please describe: Chief Administrative Officer and Law Director

5b. If your municipality rejects requests to fly a third-party's flag based on content what are the reasons for doing so? (Check all that apply.)

Fear of litigation over likelihood of other requests that municipality would oppose under forum analysis

Other (please specify): Concern it would cause political/public controversy and community division.

**Montgomery County, MD
Respondent #63**

2. Type of third-party flag(s) (check all that apply):

other

Please describe: Fly Gay Pride Rainbow Flag for one month per year.

3a. When your municipality flew a third-party's flag what initiated your municipality doing so? (check all that apply)

Other

Please describe: Request from Councilmember

3d. If your municipality flies third-party flags, where is the flagpole flying those located?

On or before (in front of, along side, in rear of) a municipal government building

3e. If you fly third-party flags, how is the flagpole flying those flags normally used when not flying third-party flags?

Flying municipal flag

3f. If your municipality flies a third-party's flag for how long does it do so?

For one month

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Municipal executive (*i.e.*, mayor)

5a. Did the municipality employ any content-related criteria (*e.g.*, subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

Don't know

7. If your municipality decides to fly the flag of a third-party, what is the message that your municipality intends to convey (check all that apply)?

Support for or endorsement of third party

**San Luis, AZ
Respondent #76**

2. Type of third-party flag(s) (check all that apply):

other

Please describe: The City flies the POW/MIA flag

3a. When your municipality flew a third-party's flag what initiated your municipality doing so? (check all that apply)

Other

Please describe: City Manager who was a veteran of the Vietnam War initiated it based on knowledge of state law requirement.

3b. If your municipality flies third-party flags, has your municipality ever rejected a request to do so?

No

3d. If your municipality flies third-party flags, where is the flagpole flying those located?

On or before (in front of, along side, in rear of) a municipal government building

3e. If you fly third-party flags, how is the flagpole flying those flags normally used when not flying third-party flags?

Flying state or federal flags

3f. If your municipality flies a third-party's flag for how long does it do so?

We have flown the POW/MIA flag for the last 12 years.

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Municipal executive (*i.e.*, mayor)

Please describe: City Manager who was familiar with state law initiated city complying with statute.

5a. Did the municipality employ any content-related criteria (*e.g.*, subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

Yes

6. If you answered “yes” to question 5a, were such criteria set forth in any of the following (check all that apply):

Regulation

Please describe: The Arizona Revised Statutes provides that the flag must be flown. ARS §38-449. Display of POW/MIA flag

7. If your municipality decides to fly the flag of a third party, what is the message that your municipality intends to convey (check all that apply)?

Endorsement of the message conveyed by the flag

**Redmond, OR
Respondent #81**

2. Type of third-party flag(s) (check all that apply):

We do not fly third party flags under any circumstance

Please describe: To my knowledge, we have never been asked. My advice would be to decline, if we were.

5b. If your municipality rejects requests to fly a third-party’s flag based on content what are the reasons for doing so? (Check all that apply.)

Opposition to the third party (do not want to endorse the third party)

Fear of litigation over likelihood of other requests that municipality would oppose under forum analysis

30a

Other (please specify): For opposition to the third party it is really opposition to endorsing any third party.

**Midvale, UT
Respondent #86**

2. Type of third-party flag(s) (check all that apply):

other

Please describe: Our city was offered a thin blue, green, and red line flag by a corporation.

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Municipal executive (*i.e.*, mayor)

Legislative body (*i.e.*, city council)

Please describe: Our city council would need to adopt policies and procedures for the acceptance/rejection and display of third-party flags.

5a. Did the municipality employ any content-related criteria (*e.g.*, subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

Yes

5b. If your municipality rejects requests to fly a third-party's flag based on content what are the reasons for doing so? (Check all that apply.)

Fear of litigation under the Establishment Clause

Inappropriate subject matter

Opposition to the specific message

31a

Fear of litigation over likelihood of other requests that municipality would oppose under forum analysis

6. If you answered “yes” to question 5a, were such criteria set forth in any of the following (check all that apply):

Please describe: No. We do not have a policy for accepting flags because, to my knowledge, it has happened so infrequently.

7. If your municipality decides to fly the flag of a third party, what is the message that your municipality intends to convey (check all that apply)?

Welcome to the third party or its representative

Support for an event

Promotion of a local business, sports team, school, *etc.*

Endorsement of the message conveyed by the flag

**Cuyahoga Falls, OH
Respondent #98**

2. Type of third-party flag(s) (check all that apply):

Event Specific

Please describe: During festivals like Irish or Italian Festival, those flags are flown on certain locations.

32a

3a. When your municipality flew a third-party's flag what initiated your municipality doing so? (check all that apply)

Other

Please describe: We have done this for a number of years and I believe it happens without much or any discussion.

3b. If your municipality flies third-party flags, has your municipality ever rejected a request to do so?

No

3d. If your municipality flies third-party flags, where is the flagpole flying those located?

(please describe): We have a number of flags on a certain main street and that is where they are located.

3e. If you fly third-party flags, how is the flagpole flying those flags normally used when not flying third-party flags?

Flying state or federal flags

3f. If your municipality flies a third-party's flag for how long does it do so?

Just a few weeks around the event.

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Municipal executive (*i.e.*, mayor)

5a. Did the municipality employ any content-related criteria (e.g., subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

No

7. If your municipality decides to fly the flag of a third-party, what is the message that your municipality intends to convey (check all that apply)?

Support for an event

**Shoreline, WA
Respondent #118**

2. Type of third-party flag(s) (check all that apply):

Event Specific

Honorific (*i.e.*, honoring a person, entity or event)

Please describe: I believe we have flags that the VFW fly on certain days. We fly pride flag with regular flag during pride month. We put up Seahawks football flag when they are in the super bowl. May be other flags.... I believe the VFW flags are theirs, the others I believe we own, again would have to confirm so I'm not sure they are considered third party flags.

34a

3a. When your municipality flew a third-party's flag what initiated your municipality doing so? (check all that apply)

Other

Please describe: Not sure about the facts. The City was asked to work with the VFW to create a memorial area around the flag pole for fallen veterans that they contributed money towards. The new flagpole is in the area with bricks and seating around the area.

3b. If your municipality flies third-party flags, has your municipality ever rejected a request to do so?

Yes

3c. If your municipality flies third-party flags and has rejected a request to fly a third party's flag in whole or in part, what were the reasons?

Other

Please describe: Not sure of the facts.

3d. If your municipality flies third-party flags, where is the flagpole flying those located?

On or before (in front of, along side, in rear of) a municipal government building

3e. If you fly third-party flags, how is the flagpole flying those flags normally used when not flying third-party flags?

Flying state or federal flags

35a

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Municipal executive (*i.e.*, mayor)

5a. Did the municipality employ any content-related criteria (*e.g.*, subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

Don't know

**Aliso Viejo, CA
Respondent #134**

2. Type of third-party flag(s) (check all that apply):

Charitable

Event Specific

Honorific (*i.e.*, honoring a person, entity or event)

3a. When your municipality flew a third-party's flag what initiated your municipality doing so? (check all that apply)

Private person initiated

3b. If your municipality flies third-party flags, has your municipality ever rejected a request to do so?

Yes

3c. If your municipality flies third-party flags and has rejected a request to fly a third party's flag in whole or in part, what were the reasons?

Lack of space

The subject matter of the flag (symbolic or textual)

Message being conveyed (symbolic or textual)

3d. If your municipality flies third-party flags, where is the flagpole flying those located?

On or before (in front of, along side, in rear of) a municipal government building

3e. If you fly third-party flags, how is the flagpole flying those flags normally used when not flying third-party flags?

Flying state or federal flags

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Municipal executive (*i.e.*, mayor)

Legislative body (*i.e.*, city council)

5a. Did the municipality employ any content-related criteria (*e.g.*, subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

Yes

5b. If your municipality rejects requests to fly a third-party's flag based on content what are the reasons for doing so? (Check all that apply.)

Inappropriate subject matter

Opposition to the specific message

37a

6. If you answered “yes” to question 5a, were such criteria set forth in any of the following (check all that apply):

Established practice

7. If your municipality decides to fly the flag of a third party, what is the message that your municipality intends to convey (check all that apply)?

Endorsement of the message conveyed by the flag

New York, New York

Respondent #160

2. Type of third-party flag(s) (check all that apply):

Foreign national

Event Specific

Honorific (*i.e.*, honoring a person, entity or event)

3a. When your municipality flew a third-party’s flag what initiated your municipality doing so? (check all that apply)

Private person initiated

Please describe: In conjunction with permit request to hold special event on site.

3b. If your municipality flies third-party flags, has your municipality ever rejected a request to do so?

Yes

3c. If your municipality flies third-party flags and has rejected a request to fly a third party's flag in whole or in part, what were the reasons?

Other

Please describe: Refinement of policy. City must be supportive of underlying message or purpose for flying flag.

3d. If your municipality flies third-party flags, where is the flagpole flying those located?

In a park or plaza not near or associated with municipal buildings

3e. If you fly third-party flags, how is the flagpole flying those flags normally used when not flying third-party flags?

Not ordinarily in use

3f. If your municipality flies a third-party's flag for how long does it do so?

For duration of event.

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Other

Please describe: Parks Department

5a. Did the municipality employ any content-related criteria (e.g., subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

Yes

5b. If your municipality rejects requests to fly a third-party's flag based on content what are the reasons for doing so? (Check all that apply.)

Fear of litigation under the Establishment Clause

Inappropriate subject matter

Opposition to the specific message

Fear of litigation over likelihood of other requests that municipality would oppose under forum analysis

6. If you answered "yes" to question 5a, were such criteria set forth in any of the following (check all that apply):

Established practice

7. If your municipality decides to fly the flag of a third party, what is the message that your municipality intends to convey (check all that apply)?

Endorsement of the message conveyed by the flag

**Mitchell, SD
Respondent #162**

2. Type of third-party flag(s) (check all that apply):

Charitable

Event Specific

Honorific (i.e., honoring a person, entity or event)

other

Please describe: Various military and veteran groups, event related flags

40a

3a. When your municipality flew a third-party's flag what initiated your municipality doing so? (check all that apply)

Private person initiated

Other

Please describe: Most initiated or facilitated by veterans groups

3b. If your municipality flies third-party flags, has your municipality ever rejected a request to do so?

No

3d. If your municipality flies third-party flags, where is the flagpole flying those located?

(please describe): Near cemetery, veterans park, other park/plaza spaces

3e. If you fly third-party flags, how is the flagpole flying those flags normally used when not flying third-party flags?

Normally flies third party flags

3f. If your municipality flies a third-party's flag for how long does it do so?

Most are year round. Event specific for event only.

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Other

Please describe: Generally staff decision

41a

5a. Did the municipality employ any content-related criteria (e.g., subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

Don't know

5b. If your municipality rejects requests to fly a third-party's flag based on content what are the reasons for doing so? (Check all that apply.)

Other (please specify): unclear if there have been rejections

6. If you answered "yes" to question 5a, were such criteria set forth in any of the following (check all that apply):

Other

Please describe: n/a

7. If your municipality decides to fly the flag of a third party, what is the message that your municipality intends to convey (check all that apply)?

Welcome to the third party or its representative

Support for an event

Identification of the third party

Promotion of a local business, sports team, school, etc.

Other (please specify): show of respect for military service

42a

**Iowa City, IA
Respondent #180**

2. Type of third-party flag(s) (check all that apply):

other

Please describe: We fly Pride flags, but suspect we procure them ourselves. We also allow banners on our light poles for the University, as well as some non-profits.

3a. When your municipality flew a third-party's flag what initiated your municipality doing so? (check all that apply)

Other

Please describe: Approached by the University of Iowa, and the City's Downtown District.

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Municipal executive (i.e., mayor)

7. If your municipality decides to fly the flag of a third-party, what is the message that your municipality intends to convey (check all that apply)?

Promotion of a local business, sports team, school, etc.

43a

**Ashland, OH
Respondent #189**

2. Type of third-party flag(s) (check all that apply):

Charitable

Religious

Event Specific

We do not fly third party flags under any circumstance

Please describe: 25 or more years ago, the City of Ashland permitted street banners. I urged that this policy be promptly discontinued on the bases of 1) street banners created a traffic and safety hazard (drivers looking up from the roadway, banners falling onto pedestrians and/or vehicles, causing accidents, aesthetics and no minimum standards of quality, saturation, duration, the City's ability to satisfy all requests or security of attachments) AND 2) that such a practice might create the requirement that the City would have to permit any message offered for display, providing such was not illegal or for an illegal purpose, including those which the City might not favor or endorse.

3a. When your municipality flew a third-party's flag what initiated your municipality doing so? (check all that apply)

Private person initiated

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Municipal executive (*i.e.*, mayor)

Legislative body (*i.e.*, city council)

5a. Did the municipality employ any content-related criteria (*e.g.*, subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

Yes

5b. If your municipality rejects requests to fly a third-party's flag based on content what are the reasons for doing so? (Check all that apply.)

Fear of litigation under the Establishment Clause

Inappropriate subject matter

6. If you answered "yes" to question 5a, were such criteria set forth in any of the following (check all that apply):

Regulation

7. If your municipality decides to fly the flag of a third party, what is the message that your municipality intends to convey (check all that apply)?

No message

**Overland Park, KS
Respondent #195**

2. Type of third-party flag(s) (check all that apply):

Honorific (*i.e.*, honoring a person, entity or event)

Please describe: NATIONAL POW/MIA RECOGNITION DAY. PLEDGING A CONTINUAL VIGIL AND ENCOURAGING EFFORTS TOWARD A FULL ACCOUNTING OF THOSE WHO HAVE NOT RETURNED FROM THEIR INVOLVEMENT IN THE VIETNAM WAR.

3a. When your municipality flew a third-party's flag what initiated your municipality doing so? (check all that apply)

Other

Please describe: City Council action

3b. If your municipality flies third-party flags, has your municipality ever rejected a request to do so?

Yes

3c. If your municipality flies third-party flags and has rejected a request to fly a third party's flag in whole or in part, what were the reasons?

Other

Please describe: Avoid creating additional public forums on City property

3d. If your municipality flies third-party flags, where is the flagpole flying those located?

On or before (in front of, along side, in rear of) a municipal government building

3e. If you fly third-party flags, how is the flagpole flying those flags normally used when not flying third-party flags?

Other (please describe): Flying municipal, state, and federal flags

3f. If your municipality flies a third-party's flag for how long does it do so?

Daily since 1988

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Legislative body (*i.e.*, city council)

5a. Did the municipality employ any content-related criteria (*e.g.*, subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

Don't know

5b. If your municipality rejects requests to fly a third-party's flag based on content what are the reasons for doing so? (Check all that apply.)

Fear of litigation over likelihood of other requests that municipality would oppose under forum analysis

7. If your municipality decides to fly the flag of a third party, what is the message that your municipality intends to convey (check all that apply)?

Endorsement of the message conveyed by the flag

47a

**Arlington, TX
Respondent #206**

2. Type of third-party flag(s) (check all that apply):

Foreign national

We do not fly third-party flags under any circumstance

Please describe: Request to fly the Philippine flag for Philippine independence day was denied.

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Municipal executive (*i.e.*, mayor)

5a. Did the municipality employ any content-related criteria (*e.g.*, subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

No

5b. If your municipality rejects requests to fly a third-party's flag based on content what are the reasons for doing so? (Check all that apply.)

Fear of litigation over likelihood of other requests that municipality would oppose under forum analysis

48a

**Largo, FL
Respondent #208**

2. Type of third-party flag(s) (check all that apply):

Honorific (*i.e.*, honoring a person, entity or event)

Please describe: We fly the Pride flag in June and also a flag commemorating National Police Week.

3a. When your municipality flew a third-party's flag what initiated your municipality doing so? (check all that apply)

Private person initiated

Other

Please describe: A Commissioner requested the Pride Flag and National Polic[e] Week was from an organization through a Commissioner.

3b. If your municipality flies third-party flags, has your municipality ever rejected a request to do so?

No

3c. If your municipality flies third-party flags and has rejected a request to fly a third party's flag in whole or in part, what were the reasons?

Please describe: I don't believe we have rejected a request but our policy states "The City will not accept community recognition from a third party. Proclamations, commemorative flags, and public information campaigns are expressions of City official sentiments and will be consistent with the mission, vision, and values of the organization. Recognition efforts are expected to incorporate

themes [of] diversity, equity, social justice, and inclusion.

3d. If your municipality flies third-party flags, where is the flagpole flying those located?

On or before (in front of, along side, in rear of) a municipal government building

3e. If you fly third-party flags, how is the flagpole flying those flags normally used when not flying third-party flags?

Flying municipal flag

3f. If your municipality flies a third-party's flag for how long does it do so?

Month or week

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Municipal executive (i.e., mayor)

5a. Did the municipality employ any content-related criteria (e.g., subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

Yes

5b. If your municipality rejects requests to fly a third-party's flag based on content what are the reasons for doing so? (Check all that apply.)

Opposition to the specific message

Other (please specify): Message not in support of diversity, equity, and inclusion or not aligned with our mission, vision, and values.

50a

6. If you answered “yes” to question 5a, were such criteria set forth in any of the following (check all that apply):

Written policy

7. If your municipality decides to fly the flag of a third party, what is the message that your municipality intends to convey (check all that apply)?

Welcome to the third party or its representative

Identification of the third party

Endorsement of the message conveyed by the flag

**Portland, OR
Respondent #214**

2. Type of third-party flag(s) (check all that apply):

other

Please describe: We have, at times, flown third-party flags at the direction of the City commissioners. It is not at the request of third parties.

3a. When your municipality flew a third-party’s flag what initiated your municipality doing so? (check all that apply)

Other

Please describe: Public official.

3b. If your municipality flies third-party flags, has your municipality ever rejected a request to do so?

Yes

3c. If your municipality flies third-party flags and has rejected a request to fly a third party's flag in whole or in part, what were the reasons?

Lack of space

The subject matter of the flag (symbolic or textual)

Message being conveyed (symbolic or textual)

Opposition to the third-party (do not want to endorse the third-party)

Other

Please describe: We have been disinclined to fly at the request of third parties because of First Amendment concerns.

3d. If your municipality flies third-party flags, where is the flagpole flying those located?

On or before (in front of, along side, in rear of) a municipal government building

3e. If you fly third-party flags, how is the flagpole flying those flags normally used when not flying third-party flags?

Other (please describe): MIA flag

3f. If your municipality flies a third-party's flag for how long does it do so?

No specified time

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Please describe: N/A

52a

5a. Did the municipality employ any content-related criteria (e.g., subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

Don't know

5b. If your municipality rejects requests to fly a third-party's flag based on content what are the reasons for doing so? (Check all that apply.)

Fear of litigation under the Establishment Clause

Fear of litigation over likelihood of other requests that municipality would oppose under forum analysis

6. If you answered "yes" to question 5a, were such criteria set forth in any of the following (check all that apply):

Other

Please describe: The City Attorney's office has ongoing discussions with bureaus and elected officials regarding such decisions.

7. If your municipality decides to fly the flag of a third-party, what is the message that your municipality intends to convey (check all that apply)?

Endorsement of the message conveyed by the flag

53a

**Philadelphia, PA
Respondent #219**

2. Type of third-party flag(s) (check all that apply):

Foreign national

Please describe: The Office of Immigrant Affairs runs a program to celebrate citizens' origins, so we accept international flags.

3a. When your municipality flew a third-party's flag what initiated your municipality doing so? (check all that apply)

Private person responded to municipal request for proposals

3b. If your municipality flies third-party flags, has your municipality ever rejected a request to do so?

Yes

3c. If your municipality flies third-party flags and has rejected a request to fly a third party's flag in whole or in part, what were the reasons?

Other

Please describe: It did not fall into the policy's requirement of accepting only countries with an embassy or consulate in the United States.

3d. If your municipality flies third-party flags, where is the flagpole flying those located?

In a park or plaza near or associated with municipal buildings

54a

3e. If you fly third-party flags, how is the flagpole flying those flags normally used when not flying third-party flags?

Normally flies third-party flags

3f. If your municipality flies a third-party's flag for how long does it do so?

72 hours maximum

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Planning or cultural department personnel

5a. Did the municipality employ any content-related criteria (e.g., subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

Yes

5b. If your municipality rejects requests to fly a third-party's flag based on content what are the reasons for doing so? (Check all that apply.)

Other (please specify): It did not fall into the policy's requirement of accepting only countries with an embassy or consulate in the United States.

6. If you answered "yes" to question 5a, were such criteria set forth in any of the following (check all that apply):

Written policy

7. If your municipality decides to fly the flag of a third party, what is the message that your municipality intends to convey (check all that apply)?

Welcome to the third party or its representative

**Greenfield, IN
Respondent #229**

2. Type of third-party flag(s) (check all that apply):

Charitable

Event Specific

Honorific (*i.e.*, honoring a person, entity or event)

Please describe: County Foundation flag and flags supporting various activities, like Riley days, the arts council, the Will Vauter painting competition and such.

3a. When your municipality flew a third-party's flag what initiated your municipality doing so? (check all that apply)

Other

Please describe: City supported actives and groups.

3b. If your municipality flies third-party flags, has your municipality ever rejected a request to do so?

No

3d. If your municipality flies third-party flags, where is the flagpole flying those located?

(please describe): Light poles and flag poles in front of city hall.

56a

3e. If you fly third-party flags, how is the flagpole flying those flags normally used when not flying third-party flags?

Normally flies third party flags

3f. If your municipality flies a third-party's flag for how long does it do so?

2-4 weeks

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Municipal executive (*i.e.*, mayor)

5a. Did the municipality employ any content-related criteria (*e.g.*, subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

No

5b. If your municipality rejects requests to fly a third-party's flag based on content what are the reasons for doing so? (Check all that apply.)

None of the above

7. If your municipality decides to fly the flag of a third party, what is the message that your municipality intends to convey (check all that apply)?

Support for or endorsement of third party

Support for an event

Identification of the third party

57a

**Gilbert, AZ
Respondent #238**

2. Type of third-party flag(s) (check all that apply):

other

We do not fly third party flags under any circumstance

Please describe: The Town Council has allowed the MIA flag to fly at the Town's 9-11 Memorial but has no policy/procedure to allow any other group or individual to fly flags on Town-owned flag poles. To my knowledge, the Town has never allowed any group or individual to utilize the Town's flag poles.

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Other

Please describe: If a request were to be made, it would be decided by the Town Council because the Town has no policy or procedure in place to allow it.

**Albuquerque, NM
Respondent #240**

2. Type of third-party flag(s) (check all that apply):

Foreign national

Honorific (*i.e.*, honoring a person, entity or event)

Please describe: Patriot Flag flown by AFD at AFD academy Spain, Mexico, United States, the New Mexico flag, and the Confederate States flag at Albuquerque Old Town

58a

3a. When your municipality flew a third-party's flag what initiated your municipality doing so? (check all that apply)

Other

Please describe: request by entities

3c. If your municipality flies third-party flags and has rejected a request to fly a third party's flag in whole or in part, what were the reasons?

Other

Please describe: confederate flag taken down after being flown at old town plaza

3d. If your municipality flies third-party flags, where is the flagpole flying those located?

(please describe): in a park or plaza not near or associated with municipal buildings Convention center

3e. If you fly third-party flags, how is the flagpole flying those flags normally used when not flying third-party flags?

Other (please describe): flying federal, state, or municipal flag.

3f. If your municipality flies a third-party's flag for how long does it do so?

unknown

4. Identify the municipal decision-maker(s) regarding acceptance/rejection and display of the flag(s)? (check all that apply)

Municipal executive (*i.e.*, mayor)

59a

5a. Did the municipality employ any content-related criteria (e.g., subject matter, community support or opposition, viewpoint) in determining acceptance/rejection/placement of the flag(s)?

Don't know

5b. If your municipality rejects requests to fly a third-party's flag based on content what are the reasons for doing so? (Check all that apply.)

Other (please specify): unknown

7. If your municipality decides to fly the flag of a third party, what is the message that your municipality intends to convey (check all that apply)?

Support for an event

Endorsement of the message conveyed by the flag