



May 10, 2022

Dear Flag/Banner Program Applicant:

The U.S. Supreme Court, on May 2, 2022, ruled unanimously in *Shurtleff v. the City of Boston* that the City of Boston violated the Constitution by refusing to issue a permit to allow a group to fly its flag on city property, while allowing other organizations to hoist their flags. The court said the City of Boston infringed upon free speech protections by declining the group's request.

In the City of Delaware, organizations can apply to have banner or flags placed on City property, in this case certain street light poles.

As a result of the Supreme Court ruling, the City of Delaware is pausing its flag and banner program to review and evaluate it, in light of the *Shurtleff* decision. The review will be led by our Law Department and its duration is unknown at this time, but likely will require several months. Only the American flag and banners supporting veterans and city-sponsored events will be displayed during the time the program is paused.

While unfortunate for our local nonprofit organizations who use the banner and flag program to support cultural and community events, it is reasonable and prudent to take this step to protect the interests of our city.

Thank you for your patience and understanding.

Yours sincerely,

R. Thomas Homan, ICMA-CM
City Manager

cc: City Council
Directors
Jessica Ormeroid