

Supreme Court Rules Against Minnesota Law Banning 'Political' Apparel at Polling Places

[Via Cato:](#)

This morning, the Supreme Court [ruled 7-2](#) that a Minnesota law banning “political” apparel at polling places violates the First Amendment. This was ultimately an easy case, as it should have been all along, and this decision was [predictable after oral argument](#).

Obviously voters shouldn't be allowed to harass, intimidate, misdirect, or otherwise interfere with other voters – and politicking or electioneering can be disruptive, so there's [nothing wrong](#) with restricting that. But merely wearing a “political” hat or T-shirt doesn't do any of those things, which are covered by other laws anyway. As Cato argued in [our amicus brief](#), a complete ban on political expression should be met with the most searching judicial inquiry, regardless of the setting.

In this time when the freedom of speech is becoming an increasingly controversial idea, the Supreme Court did well to remind us that the First Amendment [protects expression even and especially when Americans go to vote](#).

The ruling hands a victory to Tea Party voters who [filed a lawsuit](#) just prior to the 2010 election. Andrew Cilek, a Minnesota political activist, sued the state after he was [twice turned away](#) from the polls for wearing a “Don't Tread on Me” T-shirt. In delivering the court's opinion, Chief Justice John Roberts said Minnesota's law does not define what apparel

is “political,” a word he said could be fairly flexible.

“It can encompass anything ‘of or relating to government, a government, or the conduct of governmental affairs,’” he said, quoting Webster’s dictionary definition, “or anything ‘of relating to, or dealing with the structure or affairs of government, politics, or the state,’” he added, quoting the American Heritage Dictionary. “Under a literal reading of those definitions a button or T-shirt merely imploring others to ‘Vote!’ could qualify.”

The ruling does not come as a surprise. Oral arguments suggested such an outcome. But the case does raise interesting questions about what Americans today view as “political” messaging. As American ideas on morality and virtue and the proper role of government continue to diverge, one suspects we’ll see more of such court cases in the near future.

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[Image Credit: U.S. Air Force photo by/Airman 1st Class Janine Thibault