ute were "applied in a manner that raises concern about the suppression of disfavored viewpoints," [1015] then such application might be unconstitutional. This was not the result in this case, however, as the statute on its face "impose[d] no categorical requirement," being merely "advisory." [1016] The Court also found that the terms of the statute, "if they appeared in a criminal statute or regulatory scheme, . . . could raise substantial vagueness concerns. . . . But when the government is acting as patron rather than as sovereign, the consequences of imprecision are not constitutionally severe." [1017]

In contrast, in *Agency for International Development v. Alliance for Open Society Int'l*,[1018] the Court found that the federal government could not explicitly require a federal grantee to adopt a public policy position as a condition of receiving federal funds. In *Alliance for Open Society Int'l*, organizations receiving federal dollars to combat HIV/AIDS internationally were required to 1) ensure that such funds were not being used "to promote or advocate the legalization or practice of prostitution or sex trafficking," and 2) have a policy "explicitly opposing prostitution." [1019] While the first condition legitimately ensured that the government was not funding speech which conflicted with the purposes of the grant, the second requirement improperly affected the recipient's protected conduct outside of the federal program. Further, the organization could not, as in previous cases, avoid the requirement by establishing an affiliate to engage in opposing advocacy because of the "evident hypocrisy" that would entail.[1020]

Sometimes it is the nature of the speech at issue that precludes restrictions imposed by a government grant. In *Legal Services Corp. v. Valazquez*,[1021] the Court struck down a provision of the Legal Services Corporation Act that prohibited recipients of Legal Services Corporation (LSC) funds (*i.e.*, legal-aid organizations that provide lawyers to the poor in civil matters) from representing

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[1015] 524 U.S. at 587.

[1016] 524 U.S. at 581. "Any content-based considerations that may be taken into account in the grant-making process are a consequence of the nature of arts funding. . . . The 'very assumption' of the NEA is that grants will be awarded according to the 'artistic worth of competing applications,' and absolute neutrality is simply 'inconceivable.'" Id. at 585. Justice Scalia, in a concurring opinion joined by Justice Thomas, claimed that this interpretation of the statute "gutt[ed] it." Id. at 590. He believed that the statute "establishes content- and viewpoint-based criteria upon which grant applications are to be evaluated. And that is perfectly constitutional." Id. at 581.

[1017] 524 U.S. at 588–89.

[1018] 570 U.S. ___, No. 12–10, slip op. (2013).

[1019] 22 U.S.C. §7631(e), (f).

[1020] 570 U.S. ___, No. 12–10, slip op. at 13.

[1021] 531 U.S. 533 (2001).