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News Story

Colorado city, ACLU resolve dispute over flag display

By The Associated Press 04.16.03

ALAMOSA, Colo. — City officials resolved a dispute over a business owner flying a U.S. flag upside down and avoided a lawsuit, an official with the American Civil Liberties Union said yesterday.

Mark Silverstein, legal director of the ACLU's Colorado chapter, said his organization was ready to sue on behalf of John Fleming, owner of a book and music store. Fleming said police threatened to arrest him in March for displaying an American flag upside down in his store window to express his views on the war in Iraq.

Police referred to a state law that prohibits publicly burning, defacing, tearing or trampling on a U.S. flag.

Fleming has said the Boy Scout manual shows that an upside-down flag signals distress, and he believes the war is a sign our country is in distress, Silverstein said. He removed the flag because he was afraid of being arrested.

"Mr. Fleming's flag display is peaceful, symbolic expression that is fully protected by the First Amendment," Silverstein said.

He said the U.S. Supreme Court has upheld the constitutionality of burning the flag in protest. Part of the Colorado law that police referred to was declared unconstitutional in the 1970s, Silverstein said.

The businessman contacted the ACLU, which was prepared to sue. Silverstein said the city attorney and city manager agreed to resolve the dispute by making it clear to police that Fleming's flag display was constitutionally protected freedom of expression.

Messages left by the Associated Press for Fleming and City Attorney Rick Jacobs weren't returned yesterday.

Silverstein praised city officials for acting quickly to defuse the conflict. He said this was the first time the Colorado ACLU has received a complaint about a flag display since he joined the staff in 1996.

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