

## A porch, a pole, a story

On a breezy Saturday one summer, I climbed a rickety ladder and clipped a small, faded flag to the pole on my porch. It was not the Stars and Stripes. It was a reproduction of a Revolutionary era standard with a pine tree in the canton and the words "An Appeal to Heaven." My grandfather kept a postcard of that flag tucked into his toolbox. He said it made him think of the scrappy boats that carried ordinary people into extraordinary risks. I did not hang it to provoke anyone. I hung it to keep a family thread from fraying.

By evening, a neighbor stopped to ask about it. The conversation ran longer than a quick hello. We talked about George Washington commissioning similar flags for naval cruisers before the Continental Navy had uniforms. We talked about Thomas Jefferson's letter to Abigail Adams after the Revolution, his hope that liberty would not harden into habit. We talked, too, about how symbols drift, how a field of cloth can be read ten different ways depending on who is looking and when.

That night I thought about what flying a historic flag means to me. Heritage is not a fixed museum label. It breathes through memory and argument, through the rights we keep and the ones we test. The First Amendment, with its tangle of cases and careful limits, leaves room for that breathing. The law does not tell me what to feel. It draws a boundary so I have time and space to work out what I feel, and to hear what the neighbor across the sidewalk feels too.

## Why flags stir more than the wind

Flags compress complicated stories into a few stripes and symbols. They work because they carry both history and projection. When I raise a historic banner, I may be honoring my ancestry and heritage. I may also be taking part in a live debate about what that ancestry means now. Some people see the Betsy Ross flag and think of early experiments in republican government. Others see it and think of who was excluded from that early promise. Both reactions have weight. Both belong in the public square.

The First Amendment does not promise harmony. It promises the freedom to speak, to assemble, to publish, and to ask the government to listen. That freedom includes the choice to fly a flag, turn it upside down as a signal of distress, or burn it to protest government action. Those choices will be admired by some and condemned by others. The Constitution and defending our freedoms do not always feel polite.

Flags invite us to reconcile pride with pain. My family fought in World War II and Korea. When someone in my town lowers a flag to half staff or unfolds one at a graveside, I think first of honoring those who fought and died defending our freedom. I also think of the unfinished duties they handed to us, which include making sure our neighbors can speak their minds, even when the message makes us bristle.

## What the First Amendment actually protects

Start with the core. The First Amendment restrains the government, not private actors. It prevents public officials from censoring speech based on viewpoint or punishing speakers for protected expression. Private property owners, private employers, **Buy Flag online** and private platforms generally set their own rules, subject to a few exceptions in civil rights laws and contracts.

Flag displays are treated as symbolic speech. The Supreme Court said so clearly in *Texas v. Johnson* in 1989, when it held that burning the United States flag as part of political protest is protected expression. The Court reaffirmed that principle a year later in *United States v. Eichman*, striking down a federal statute

that tried to criminalize flag desecration. You do not have to applaud such expression to understand that, in legal terms, it sits near the heart of free speech.

That does not mean anything goes anywhere. Governments can enforce content neutral time, place, and manner restrictions, as long as those rules serve a legitimate interest and leave open ample alternative channels for expression. A city can set height limits for residential flagpoles, keep sidewalks clear for pedestrians, or block giant banners from dangling into traffic. A county can require permits for parades that temporarily close streets. What it cannot do is say yes to one flag because it likes the message and no to a different flag because it dislikes the message.



Public schools operate with added nuance because students and staff have different roles and duties. Students do not shed their speech rights at the schoolhouse gate, but administrators can intervene when expression substantially disrupts school operations or infringes on the rights of others. Workplaces pose their own complexity. Government employers face First Amendment constraints when disciplining employees for speech on matters of public concern. Private employers usually have more leeway to set dress codes and display rules during work hours.

## **Where government speech begins and ends**

Sometimes the government speaks through flags of its own. That is a different legal category known as government speech. When the government is speaking, it can choose its message, which means it can select which flags to fly on its masts. The Supreme Court explored that idea in *Pleasant Grove City v. Summum* and *Walker v. Texas Division, Sons of Confederate Veterans*, cases about monuments and license plates. The government did not have to accept every proposed monument for a public park or every design for a specialty plate because, in those settings, the display was treated as the government's own expression.

The twist comes when a city or school opens a space for private speakers, creating what the law calls a public forum. In *Shurtleff v. City of Boston*, the Court found Boston violated the First Amendment when it let many private groups raise their flags on a city hall pole but then rejected one based on viewpoint. If a government creates such a forum, it must treat speakers neutrally. It cannot approve flags that honor one community's heritage, then deny flags for another simply because officials disapprove of the group.

That line between government speech and a public forum can be fine grained. If your town flies only official flags on municipal property, it has wide discretion. If it invites residents to take turns hoisting banners for cultural celebrations, it probably cannot exclude a group because of disagreement with its message.

## **Historic flags, present debates**

History is not a prop. It is context. A Bennington 1777 flag tells a different story than a Gadsden rattlesnake, and both tell different stories in a Black churchyard than on a militia forum. Over the past decade, several historic American flags have been pulled into current conflicts. Some people use them to signal broad ideas like limited government or local pride. Others use them to signal narrower agendas. The same cloth can carry both meanings at once.

I have flown the Grand Union flag on January 1 to mark the day Washington raised it outside his headquarters in Cambridge. A neighbor once asked whether it meant I supported monarchy, since the British Union Jack sits in its canton. That opened a conversation about transitional times, how the colonies moved

from petitions to separation over the course of months, not hours. It also reminded me that if I fly an obscure or contested symbol, I shoulder an extra duty to explain it clearly.

What flying a historic flag means to me changes with experience. Some years it is a link to a family story. Some years it is a way to say thank you to an old teacher who walked us through Federalist 10 line by line. Occasionally, it is a dare to my own comfort, a reminder that liberty is not neat, and that the same First Amendment that shields my flag also shields a neighbor's banner I would never choose.

## Cases every flag flyer should know

- *West Virginia State Board of Education v. Barnette*, 1943. The Court held that public schools cannot force students to salute the flag or recite the Pledge, famously stating that no official can prescribe what is orthodox in politics or nationalism.
- *Texas v. Johnson*, 1989, and *United States v. Eichman*, 1990. The Court recognized flag desecration as protected speech and struck down laws punishing it based on offense at the message.
- *Snyder v. Phelps*, 2011. Protests on public issues in public places, even at funerals and even when deeply hurtful, receive strong protection if they comply with local time, place, and manner rules.
- *Walker v. Texas Division, Sons of Confederate Veterans*, 2015. Specialty license plates were treated as government speech, giving the state discretion to approve designs.
- *Shurtleff v. City of Boston*, 2022. When a city created a practice of allowing private groups to raise flags on a city pole, denying one group's flag based on viewpoint violated the First Amendment.

These are not the only cases that matter, but they frame the key boundaries between private expression, public forums, and government speech.

## A practical guide to flying your heritage with fewer headaches

- Check where you are standing. On your own property, your First Amendment rights are generally at their strongest. On government property, you are bound by forum rules and any neutral regulations. On private property you do not own, like a shopping center, the owner sets the rules.
- Read the local code. Many towns regulate structure height, setbacks, and lighting. A ten to twenty foot pole is common in residential areas. Pay attention to noise rules if you plan to use halyard clips that rattle in the wind.
- Understand your agreements. Homeowners associations and landlords often regulate exterior displays. Federal law protects your right to display the United States flag within reasonable limits, but that statute does not cover every flag. Get permission in writing if you are unsure.
- Be ready to explain context. If you choose a historic or uncommon flag, keep a short, respectful explanation handy. A laminated card near your porch or a friendly chat can defuse tension before it grows.
- Think about the neighbors. Good lighting, clean edges, and a flag in sound condition signal care rather than provocation. Consider lowering or swapping a banner on solemn days if it conflicts with community observance.

I follow these steps not out of fear, but because they make it likelier that my act of remembrance lands as invitation rather than insult.

## Where private rules meet public rights

It is natural to feel frustrated when a private rule curtails your display. More than one friend has called me after a property manager asked them to take down a historic flag from a balcony. The First Amendment may not help in those settings, because it restricts government action, not private preferences. But that does not mean you have no tools.

Leases and HOA bylaws function as contracts. They must be enforced as written, and many contain explicit carve outs for the Stars and Stripes. The federal Freedom to Display the American Flag Act of 2005 prevents associations from banning the United States flag, though associations may impose reasonable restrictions on time, place, or manner to protect property interests. That protection does not automatically extend to military, state, historic, or advocacy flags. Some states have broader protections, especially for service flags or support for first responders. Those details change, so read the exact text for your jurisdiction and ask questions before you invest in a large installation.

Workplaces are another zone where expectations matter. Private employers can regulate on duty expression and clothing, especially to avoid customer confusion, harassment, or disruption. If you are a public employee, your speech as a citizen on matters of public concern receives some protection, balanced against the employer's interest in efficiency and discipline. A patch on a work jacket, a sticker on a hard hat, or a desktop flag can cross into policy quickly. I have learned to ask in advance and to keep a small, respectful display at my desk when policy allows, then save the bolder expression for my porch, my truck bed at the park, or my weekend events.

Schools mix all these threads. Students have speech rights, but not a license to substantially disrupt. Teachers and staff, as government employees, have to set aside some expressive choices during instructional time. If your child wants to wear a shirt with a historic flag, ask the school for its dress code in writing. If a principal singles out one symbol for discipline because of its viewpoint, that raises red flags. If the issue is about safety or disruption, be prepared to discuss facts rather than generalities.

## **Lines the First Amendment does not cross**

Some expression falls outside or at the edge of protection. True threats are not protected. Incitement to imminent lawless action, which the Court defines narrowly, is not protected. Harassment and discrimination laws restrict conduct, especially in workplaces and housing. Vandalism is still vandalism, even if done with political intent. If you plant a flag on someone else's lawn without permission, that is trespass, not a First Amendment test case.

Many people ask about symbols widely perceived as hateful. The law does not carve out a general hate speech exception. A flag may be ugly to many and still protected as speech, unless it crosses into specific threats or targeted harassment. That reality puts more weight on ethics and neighborliness. You can exercise a right and still ask yourself if the time, place, and manner serve your larger aims.

I have stood outside a courthouse next to someone flying a banner I abhor, and I have been grateful that the police kept us both safe while we spoke our minds. The better answer to bad speech is often more speech. A counter flag, a calm sign, a firm vote, a donation to a group that advances the values you want to see thrive.

## **Digital spaces, analog rights**

People often assume social platforms must carry any flag image under the First Amendment. That is not how the law works. Private platforms write their own terms of service and enforce them, sometimes clumsily. They are not bound by the First Amendment in the way a city or county is. They can remove images they

consider hateful, misleading, or unsafe, and they can suspend users who break their rules. Your remedy, in practical terms, is to take your message to another service, to your own website, or to the many physical places where the government's rules on speech do apply.

A civic lesson hides here. If you rely entirely on privately owned channels for expression, you accept their control. If you build some of your speech life in truly public forums, or on your own property, you stand on firmer rights. Both paths have value. Choose them with eyes open.

## **Heritage without blinders**

Honoring my ancestry and heritage does not give me a free pass to ignore other people's histories. The flags I love carry stains alongside their light. Washington and Jefferson argued brilliantly for liberty, and both held human beings in bondage. The Revolution cracked a door that would not swing fully open for another two centuries, and some hinges still scrape. Flying early American flags asks me to keep those contradictions in view. It is not weakness to say that a symbol holds both pride and grief. It is honesty.

When I fly a battle flag to mark a family connection, I name the people harmed by that battle's outcome too. When I hang a banner tied to a movement, I study where that movement lifted lives and where it trampled them. I let neighbors teach me what my symbol looks like from their porch. If the gulf between intent and impact grows too wide, I reconsider. That is not surrender. That is care.

## **The Constitution in ordinary hands**

The Constitution can feel abstract until you put your hands on the halyard and start pulling. Then its protections show up in the friction on the rope, the crack of the cloth, the quiet pause when the flag catches at full height. The document does not tell you which flag to fly. It keeps that choice free, which is itself a form of honoring those who fought and died defending our freedom. They did not give us unanimity. They gave us room to disagree without handcuffs.

When my neighbor questioned my pine tree flag, we stood in the yard until the porch light clicked on. We did not agree on every detail of the history. We did agree that neither of us wanted a city inspector choosing our symbols for us. We agreed that if either of us used a flag to scare the other, the spirit of the thing would be lost. We agreed that a hand extended across a fence solves more than a bylaw ever will.

Freedom to express yourself with any flag you choose, at least in America you are protected by the First Amendment, is not a dare to be reckless. It is a chance to be thoughtful in public, to practice courage and restraint at the same time. It is a way to carry The Constitution and Defending our Freedoms from the civics textbook into the looped knot by your porch rail.

So I still fly historic flags. Some days it is the Bennington, with its jaunty sevens. Some days it is a simple black POW MIA banner for a friend's father who never came home. Some days it is the Stars and Stripes at dawn, nothing more complicated than that. Whatever the choice, I try to remember that a flag is a conversation starter, not a conversation ender, and that the country's first freedom is not the fabric. It is our shared, stubborn promise to argue in the open, and to leave room on the pole for someone else's story tomorrow.