

Flag

From A7

against the constitutional right to freedom of speech.

she was shocked when she saw the high-flying display of four-letter words directed at President Biden just down the block from her home.

"I never thought we'd see that. But, then, the world is

changing," Willms said. "I don't know what to expect anymore."

The owner of the flag could not be reached for comment at the house on Schemmer Street despite

multiple attempts.

The owner of the house, Thomas Culbert of Union Grove, said he was unaware of the flag. But after hearing about it, he contacted his tenants on Schemmer Street and told them to remove the flag, because he considered the language inappropriate.

"We can't have swearing on a flag in public," he said.

Culbert declined to identify his tenants.

Some neighbors defend the Biden critic's right to express a political viewpoint, even using language that many people consider profane.

Shanta Pasika, who lives just a few doors away, said that while she disagrees with the message, she supports the flag waver. She said she has heard criticism herself for having a yard sign outside her house that proclaims, "Black Lives Matter."

Of the "F-- Biden" flag, she said: "Not my personal choice for decoration, but who am I to judge? If you feel that way, show it. Be authentic."

City Council calls off discussion

One neighbor who asked not to be identified contacted the City of Burlington, asking city officials whether the flag is prohibited under a local ordinance that restricts public nuisances. The ordinance defines a public nuisance as any action or property use that continues long enough to "substantially annoy" others, or to "greatly offend the public morals or decency."

Members of the Burlington City Council were scheduled to consider the issue at their Sept. 7 meeting. But the matter was pulled from the agenda at the last moment, and the discussion was cancelled.

City Attorney John Bjelajac said he determined that enforcing the nuisance ordinance in this instance would run the risk of violating the flag owner's First Amendment right to freedom of speech.

"It is constitutionally protected free speech," Bjelajac said in an email. "That constitutional protection 'trumps' our ordinance."

Expert weighs in

A constitutional law expert agreed that the issue is a tricky one for any government official.

Edward Fallone, an associate law professor at Marquette University, said the city could control flagpole messages based on such factors as a flag's height, size or even proximity to schools. But trying to enforce standards on the content, Fallone said, would be asking for a First Amendment lawsuit — which the city probably would lose.

The situation on Schemmer Street would best be handled by neighbors talking among themselves and agreeing on whether they want the F-word displayed on their street, Fallone said. He understands why that sort of exchange is not likely, given America's current political culture of hostility

and confrontation.

"Unfortunately, that sort of civility is a thing of the past," he said.

'I think we're stuck with it'

Some neighbors of the Schemmer Street house say they are old enough to remember a time when many people would not even utter the F-word in polite company — let alone run it up a flagpole and direct it at the president.

Neighbor Bob Friend said he, too, voted for Trump last year. But nasty politics has created an environment, he said, where people feel emboldened to engage in rude behavior.

He referred to the Jan. 6 insurrection at the U.S. Capitol, where some Trump supporters engaged in violence in an attempt to overturn Biden's election.

"Everybody's getting a lot bolder," he said. "I think we're stuck with it."

Another neighbor, Sandy Kohler, who also voted for Trump, shook her head in disbelief while looking down the block at the "F-- Biden" flag.

Displaying that sort of message is "asking for trouble," Kohler said. She admitted to having mixed feelings about whether city government should permit such an exhibition to continue.

"Our country's taken a very bad turn, and I don't know what to do to get it back," she said. "It's just a changed world. I fear for my grandkids."