



Written by [Raven Clabough](#) on August 27, 2013

Citizens are Challenging Rules on American Flag Displays

Citizens across the country are fighting what they believe are erroneous rules regarding their American flag displays, and some are determined not to give up.

Boston, Massachusetts, resident Mark DiGiovanni is [refusing](#) to remove the American flag hanging from his condominium window even though he will be fined \$25 a day for breaking the management's "white curtains only" rule.



The *Boston Herald* [reports](#):

[DiGiovanni] told the *Herald* he used a provision in his condo deed to ask for an exception to the building's white-curtains-only rule in May, but the board of trustees denied his request the same day. Now, the managers for the building at the intersection of Congress and A streets have given him until [Tuesday, August 28] to take it down, or be fined.

He refuses to remove his flag from the window, as he placed it there to honor his five uncles who served in World War II.

"There's so much conflict and questions about the future of our country, I think it's a good reminder for people to think about what it means," said Mark DiGiovanni, 52. "Maybe they think it's déclassé or tacky. I don't know."

Condo association trustee Sean McGrail asserts that the management company is merely responding to a complaint by one of the condominium residents. He dubbed DiGiovanni's efforts to maintain his flag as "fake patriotism."

Michael Avery, another trustee and a college professor, declined comment on the subject, but made his opinion on the subject of American flags quite clear in 2011 when he said in an e-mail to his colleagues at Suffolk University Law School that it was "shameful" to support "men and women who have gone overseas to kill other human beings."

But DiGiovanni remains confident that the law is on his side, citing the 2005 federal Freedom to Display the American Flag Act.

Further down the East Coast, retired Marine Captain Jim Lowe has lost his challenge against a rule that limits his ability to display patriotic decorations outside his home in a Georgia retirement community.

Fox News [writes](#), "Sun City-Peachtree's codes state that each home in the retirement community can only have one flag, but Lowe fought the rule, arguing that the traditional Marine Corps battle color is not a flag."

According to Lowe, he received a code violation notice which stated that he and his wife would face fines of up to \$25 per day and a potential lien on his home if he did not remove one of the flags.

"When a bunch of arbitrary rules trump the Constitution, it's a sad day because indeed a piece of America is lost," Lowe told MyFoxAtlanta.com after the board made its decision.



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The board is defending its decision, however, citing a sort of “majority rules” defense.

“A recent poll of residents asking their opinion about a possible change in the number of flags permitted indicated no overwhelming preference for a change in the governing documents,” the board wrote in a statement.

Lowe has already indicated that he and his wife may move as a result of the dispute.



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