

Bartlett, dealers waving flag bill

Legislation would override rules prohibiting displays

By GWYNETH K. SHAW
SUN NATIONAL STAFF

WASHINGTON — Hugh Warner has been selling flags in Frederick for 30 years — ones as varied as the standard Old Glory and a reproduction of the banner of the Irish Brigade. So when he heard at a convention last year about a Florida man who'd been barred from flying a flag by his homeowners association, his professional pride was affronted, along with his patriotism.

Warner did what disgruntled constituents all over the country do every day: He picked up the phone and called his congressman, Rep. Roscoe G. Bartlett.

Bartlett, a Republican who represents Frederick and a large swath of Western Maryland, was outraged. He introduced a bill last fall to override rules prohibiting flag displays; when it died before reaching a committee vote, he proposed it again this year.

"This is more than just free speech," Bartlett said of the restrictions that some homeowners associations and condominiums have on flags and flagpoles. "This is a real dishonor to those who have fought and died, and to their families."

This year, Bartlett is using patriotic holidays, including Flag Day and Independence Day, to promote his bill. He drew hope, too, from President Bush's reminder to Americans during a speech last week to fly their flags on the Fourth of July.

"I think if you put this to a vote of the majority of the American people, it would pass easily," Bartlett said.

Warner and flag dealers across the country are working on a grass-roots version of that vote. Warner took Bartlett's legislation to this year's gathering of the National Independent Flag Dealers Association, and he hands petitions to anyone who will take them. He said he's puzzled that the bill hasn't



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gained more traction in Congress.

"I would think that would be something that the Democrats would jump on and the Republicans would jump on," Warner said.

The flag is a passionate issue for many people, especially veterans, said Belinda Kennedy, owner of a flag shop in Huntsville, Ala., and president of the dealers association.

When a homeowners association says they can't do what they want, she said, "people get their nose bent out of shape pretty quick about that."

Restrictions on flags, which often revolve around a homeowner's desire to put up a flagpole, have become controversial in several states. Some, including Colorado, Florida and Maryland, have changed their laws to allow people to fly flags.

Frank Rathburn, a spokesman for the Community Associations Institute, said about 54 million people live within the 274,000 associations in the United States, including home-

owners groups, condominium associations, and cooperatives. Conflicts between property owners and associations occur regularly, he said, and the flag issue has cropped up frequently.

The institute, he said, encourages members to treat everyone fairly and be as flexible as possible. For example, Rathburn said, after the Sept. 11 attacks, the institute urged members to relax flag restrictions for a few months to allow homeowners to express their patriotism.

The group worked with Maryland lawmakers on legislation, passed last year, to supersede rules on flags in the state, said Tom Schild, a Silver Spring lawyer who is vice chairman of the legislative committee for Maryland's chapter of the institute. Schild said the bill preserved some common-sense rules for associations.

"These communities come in all sizes and shapes," Schild said, noting that high-rise condominium buildings are common. "Do you really want your flag flying on the 14th story

without some regulation of how it's mounted?"

Schild said he could not recall a major case in Maryland involving a dispute between a property owner and an association.

Schild said he is concerned that Bartlett's bill might be too broad. But Bartlett said his legislation would allow associations to control some elements for practical or safety reasons. An enormous American flag, he said, might be a great thing for a car dealership but not for a residential neighborhood.

Bartlett, who was elected in 1992, knows that it often takes years for legislation to move from introduction to passage. He said he'll keep introducing it — and keep promoting it when national pride runs highest — until he gets his chance to bring it to the House floor for a vote.

"Certainly, if it comes up, it will be passed with an overwhelming vote. The question is when," he said. "You have to have both patience and perseverance."