

County attorney OKs GLCO's flag display

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Story County Attorney Mary Richards said Thursday the display of an American flag by the Gay/Lesbian Campus Organization in a Memorial Union booth does not violate Iowa law.

The flag, which is dyed red and has "102,621 reported AIDS cases as of August 1989" written across it in white letters, was being displayed as a part of the GLCO's Awareness Days and was due to be taken out of the booth Thursday afternoon.

Richards said Section 723.4 of the Iowa Code states that a desecrated flag must be displayed in such a manner that it persuades others to break the law.

In a statement released late Thursday afternoon Richards said, "I have carefully reviewed the investigative materials and considered them in light of the elements required to be proved beyond a reasonable doubt for a conviction under Section 723.4 ... of the Iowa Code.

"It is my opinion that the facts show no evidence of the particular intent required and that the behavior involved in this incident therefore does not violate this law."

The statement also said, "It is not the role of the prosecutor to pass judgement on the wisdom of the use of any particular symbol. It is the prosecutor's role to determine if a law has been violated, and if so, whether the violation should be prosecuted."

James Schafer, president of the GLCO, said he was disappointed with Richards' decision. He said he thought the county attorney's office was trying to avoid the issue.

"I think (the county attorney's office) simply decided to re-interpret the law because they didn't want to take action on it," Schafer said. "The way the Iowa statute reads, or at least my understanding of it is that our display was in violation of the law.

"I've spent a lot of time looking at the Iowa statute, and I haven't seen anything in the statute which says that our display wasn't a violation of the law.

"It seems to me like (the county attorney) is following the First Amendment in this and using it to say that we aren't in violation of the Iowa law. It's a really bizarre twist."

Schafer said the GLCO will go ahead with plans to exhibit the flag in the display case in front of their office in Room 38 of the Memorial Union.

Scott Duke, ART 6, the artist who created the flag, said he is glad the dispute surrounding it is over.

"We weren't willing to take it (the flag) down and we were willing to go to jail to stand up for our freedom of expression, but I really didn't want to be arrested," Duke said. "I'm glad to see that the county attorney is recognizing our First Amendment rights."

Ronald Schappaugh, EA SC 4, the student who brought the flag to the attention of University officials, was disappointed that no action was taken to prevent the display.

Schappaugh said he doesn't think the controversy surrounding the flag will die down.

"I know a lot of people who are still upset about this," Schappaugh said. "I don't think (the controversy) is going to slow down."

The controversy surrounding flag desecration has progressed since October of last year when the federal Flag Protection Act went into effect.

The law has been tested several times and overturned twice by two federal courts. Federal District Court Judge Barbara Rothstein overturned the law in Seattle and said it prohibited certain forms of freedom of expression.