

# news

ACLU of Southern California  
1313 W. 8th St. Los Angeles, CA 90017  
213.977.5252 aclu-sc.org



For Immediate Release  
Dec. 11, 2009

Contact:  
Gordon Smith or Rachel Uranga  
213.977.5252

## **Charges against Army Veteran Are Dismissed Only Days after ACLU/SC Takes His Case**

LOS ANGELES, Calif. – A series of citations against a 67-year-old Army veteran for displaying the American flag upside down on federal property have been dismissed only days after the U.S. Attorney's Office learned that the ACLU of Southern California was representing him in defense of his free speech rights.

Robert Rosebrock, who has been protesting the planned conversion of Veterans Administration property in the Brentwood area to a public park, received the dismissal order signed by a federal judge late yesterday. The order means that five citations Rosebrock received for displaying the American flag upside down as part of his protest have been dropped.

Rosebrock began protesting the planned transfer of VA land for use as a public park in March 2008. Since then he has virtually become a fixture outside the Brentwood-area property every Sunday, hanging a flag on a fence around it to draw attention to his viewpoint that the agency's land is legally and morally bound to be used for the care and housing of veterans, particularly homeless veterans.

For more than a year, Rosebrock and his supporters hung the flag right side up, but in June they began hanging the flag upside down to signify their view that the property was in distress and that its transfer would endanger veterans. He received the first of five citations a few weeks later from federal law enforcement officers. Subsequently, Rosebrock got an e-mail from Lynn Carrier, associate director of the West Los Angeles Veterans Administration office, that said he "may not attach the American flag, upside down, on VA property" because "this is considered a desecration of the flag and is not allowed on VA property."

"The government has no business telling Mr. Rosebrock that it is OK to hang the flag one way because it is fine with the message expressed, but that he cannot hang the flag another way because it expresses a different message that the government does not approve of," said Peter Eliasberg, Manheim Family Attorney for First Amendment Rights and managing attorney for the ACLU/SC.

"Protecting the right of Americans to criticize government officials or their decisions is one of the key goals of the First Amendment of the Constitution," Eliasberg added. "Displaying the flag upside down may be offensive to some, as burning the flag was in the Vietnam-war era. But in our society and in our courts, we have a long tradition of giving protesters wide latitude, and we uphold our principles as a free country in doing so."

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