

# No charges to come from display of flag

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Staff Writer

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Charges will not be filed in connection with the display of a painted American flag at Iowa State University this week, according to Story County Attorney Mary Richards.

The flag has been on display in the Memorial Union as a backdrop for the Gay and Lesbian Campus Organization's booth promoting the celebration of Gay and Lesbian Awareness Days.

The ISU Department of Public Safety reported the flag incident to

the Story County Attorney's office on Thursday as a case of flag desecration. After investigating the complaint, Richards said the display does not violate Iowa's laws regarding the use of flags.

"An investigation into the reported flag desecration incident was done. After carefully reviewing the investigation materials I find there is reasonable doubt in this case," Richards said. "It, in my opinion, does not violate Iowa Code 723.4 (6) which requires specific intent or the reason-

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# Flag: Piece is artwork of ISU grad student

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able expectation of a person using the flag to cause another person to commit a public offense."

The flag is the work of Scott Duke, an art and design graduate student. Duke's flag is painted over in red, symbolizing blood. The words "102,621 AIDS deaths as of August 1989" are printed in black paint with the word "death" crossed out and the word "cases" written over it.

Display of the flag was challenged under the public disorder chapter of the Iowa Code.

Richards said she did not base her judgment on the flag desecration chapter of the Iowa Code because she has concerns about the constitutionality of that chapter in reference to the ISU flag issue.

"(That chapter) is very broadly stated. I am, at this moment, requesting an opinion from the State Attorney General about the constitutionality and whether the broad law could be applied to this case," Richards said.

Iowa Code on flag desecration reads in part: "Any person who in any manner, for exhibition or display, shall place ... any word, figure, mark, picture, design or drawing ... upon any flag ... or cause to be exposed to public view, any such flag ... upon which shall have been

printed, or painted ... is guilty of a simple misdemeanor."

The code also reads that public desecration includes to "mutilate, deface, defile or defy, trample upon, cast contempt upon, satirize, deride or burlesque, either by words or act, such flag of the United States."

Richards said her opinion on the matter was limited to whether an actual law had been broken and did not take into account the morality of the display.

"It is not the role of a prosecutor to pass judgment on the wisdom of any potential use of a symbol. It is the job of a prosecutor to determine if a law has been violated. My determination is that the behavior does not violate the law," Richards said.