



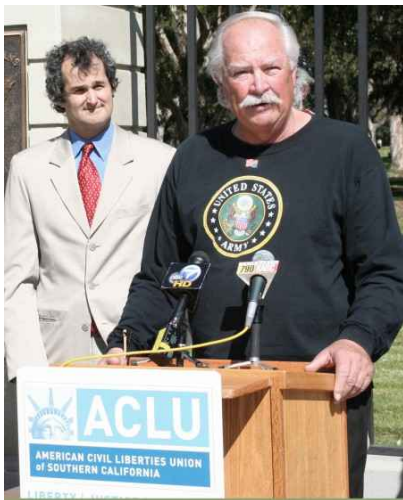
ACLU/SC SUES VETERANS ADMINISTRATION FOR DENYING FREE SPEECH RIGHTS TO VETERAN

AUTHOR

[ACLU of Southern California \(/en/biographies/aclu-southern-california\)](/en/biographies/aclu-southern-california)

March 16, 2010

The American Civil Liberties Union of Southern California sued the Veterans Administration today for denying a 67-year-old Army veteran his free-speech right to protest the agency's failure to use part of its property in west Los Angeles for the benefit and care of veterans, particularly those who are homeless.



The ACLU filed the lawsuit in federal court in Los Angeles on behalf of Robert Rosebrock, who, along with other veterans, has protested the VA's land-use policies every Sunday since March 9, 2008. During the protests, Rosebrock often displays the American flag upside down on a fence outside VA property in west Los Angeles as a distress symbol to draw attention to the group's cause. On Feb. 28, VA police demanded that he remove the flag, and when Rosebrock refused, the police removed it themselves. A week earlier, VA police had allowed Rosebrock to display the flag right side up at the same site.

”The VA has shown a basic misunderstanding of the meaning of the First Amendment of the Constitution, the very document that Mr. Rosebrock and other veterans have served in the military to protect,” said Peter Eliasberg, managing attorney and Manheim Family Attorney for First Amendment Rights at the ACLU/SC. “The government cannot say it’s OK to hang the flag one way but not another just because the latter expresses a message that the government does not approve of.”

The recent harassment of Rosebrock by VA police continues a campaign by the VA of selective enforcement against him depending on how he displays the flag during his protests. For 66 weeks in a row, Rosebrock hung the flag right side up without any interference from the VA police. However, after he started hanging



the flag upside down in June 2009, he was quickly cited six times for “unauthorized demonstration or service in a national cemetery or on other VA property.”

Rosebrock also received an e-mail from Lynn Carrier, associate director of the Veterans Administration Greater Los Angeles Healthcare System, which said in part that he and his fellow demonstrators “may not attach the American flag, upside down, in VA property including our perimeter gates.”

The VA eventually dismissed the citations against Rosebrock, but the recent action of the VA police in removing a flag that Rosebrock had hung upside down makes it clear that the agency’s unconstitutional policy of denying him his free speech rights continues.

The VA complex was specifically deeded to the United States in 1888 as a home for disabled veterans. Rosebrock and his fellow veterans demonstrate in front of a portion of the complex that the VA is planning to lease for use as a public park. Another portion of the land is now leased to a nearby private school for tennis courts, which veterans are not allowed to access. Other buildings on the land are leased for use as theaters. Rosebrock was particularly incensed last year when the VA allowed a “celebrity carnival” to take place on the property, at a time when there



are more than 6,500 homeless veterans in Los Angeles, including some who sleep on the sidewalk adjacent to the VA land that has been leased to build a public park.

“Our protest is an outcry that sovereign and sacred land deeded for the use and care of veterans is being stolen away and leased to

private, special interest groups with no transparency or accountability for the money generated,” Rosebrock said. “The U.S. Flag Code allows for the flag to be displayed upside down when property is in danger. It’s clear to us that this property is in danger, and has been for a long time.”

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