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Pulling on threads Flags and the city

By ERIC A. HOWALD
Of the Keizertimes

Understanding the legal reasons why the Keizer City Council is reluctant to hang a Pride flag is such a point of contention is no easy chore, and complicated by the knowledge that there is a non-standard flag hanging from the poles outside the Keizer Civic Center.

At its most fundamental, the city cannot regulate content.

“There are rules about regulating content,” said Mayor Cathy Clark at a city council meeting Monday, June 21. “And it’s not the things you agree with, but how [a venue] can be used by people with different views.”

It’s not the first time the city has had to tackle content regulation. During discussions that took place more than a decade ago, city officials were wrestling with whether to allow city residents to broadcast their own shows on Keizer 23, the city’s local broadcast station.

The issue that scuttled the conversation was essentially the same. If Keizer let anyone broadcast on the channel other than city-sponsored events, they had to let everyone broadcast and could not censor specific shows or points of view. At the time, the joking-not-joking fear was that someone would approach

the city with a show featuring naked bowling and the city would have no choice but to air it.

“The city would have more discretion over a display in the civic center,” said City Attorney Shannon Johnson at the meeting Monday.

The same rules that apply to the flags also mean that the city cannot control the content of most signs that appear throughout the city. There are rules about size, placement and even timeframes, but content regulations are far more rare. One exception in Keizer applies to marijuana shops, owners cannot use mascots or cartoon-like characters in their signage as one way to avoid attracting young people.


By the same token, city councils all over the country have made exceptions for Pride flags with simple votes while numerous others have rejected efforts to hang Pride flags. Keizer councilors could adopt a policy that allows flags to be hung in association with proclamations by state and federal governments as one way to circumvent the decisions about allowing flags with more detrimental meanings and symbols.

If hanging flags other than those is such a thorny issue, it leads to another question: Why is there a POW/MIA flag flown on the poles outside the Keizer Civic Center?

The answer there is the Oregon Legislature. In 2015, legislators adopted a new statute requiring a public building with the existing infrastructure to fly the POW/MIA flag along with the national and state flags. The flag honors U.S. Armed Forces members taken as prisoners of war or listed as missing in action.

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