

# Plum Island homeowners push back on town warning over July 4 flags

*Pacific Legal Foundation challenges a Massachusetts town's warning that homeowners could face liability for flying American flags on July 4.*

NEWBURY, MA, UNITED STATES, June 29, 2026 /EINPresswire.com/ -- Plum Island homeowners push back on town warning over July 4 flags

Less than two weeks before the nation's 250th birthday, Plum Island property owners, including Marc Sarkady, received letters from the Town of Newbury warning that flying American flags and patriotic banners on their own property could violate state and federal endangered species law. This week, Pacific Legal Foundation sent a letter to the town demanding it clarify whether residents face legal liability for celebrating Independence Day on their own land.



American flags fly outside a home on Plum Island, where homeowners say a Town of Newbury notice has cast uncertainty over patriotic displays ahead of Independence Day.

"Americans have been flying flags and hanging bunting to celebrate Independence Day for 250 years. The idea that doing so on your own property could now trigger liability under wildlife law would have been unthinkable to the Founding Fathers. It should be unthinkable today," said Mark Miller, director of Environment and Natural Resources Litigation at Pacific Legal Foundation.

The town's notice identified flags, mylar streamers, and reflective materials as potential violations of the Massachusetts and federal Endangered Species Acts for discouraging Piping Plovers and Least Terns from using habitat on Plum Island's beach and dune system.

PLF's letter argues that no court has ever found a homeowner liable under either law for displaying decorative items on private property, and demands the town identify any legal authority supporting its position. Americans living near protected habitat retain the right to use



When governments send letters that look like threats, sound like threats, and walk like threats, they shouldn't be surprised when people take them as threats."

*Mark Miller, director of  
Environment and Natural  
Resources Litigation*

and enjoy their land, as well as their right to free speech.

"Flying the red, white, and blue on the Fourth of July is as American as apple pie. For Massachusetts local officials to claim otherwise violates both the First and Fifth Amendments to the United States Constitution," Miller said. "As Massachusetts Founding Father John Adams famously said, 'property must be secured, or liberty cannot exist.'"

PLF's Environment and Natural Resources practice exists to protect the rights of property owners to steward and enjoy

their land — even when government agencies invoke environmental law to prevent it.

Pacific Legal Foundation represents Marc Sarkady free of charge.

#### About Pacific Legal Foundation

Pacific Legal Foundation is a national nonprofit law firm that defends Americans threatened by government overreach and abuse. Since our founding in 1973, we challenge the government when it violates individual liberty and constitutional rights. With active cases in 34 states plus Washington, D.C., PLF represents clients in state and federal courts, with 18 wins of 21 cases litigated at the U.S. Supreme Court.

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