

# LONG ISLAND JOURNAL

By DIANE KETCHAM

## ...And See Who Salutes

**T**RIVIA question of the year: What can East Hamptonites put on a flagpole? The query began last year in the village when Morgan Rank put more than a flag on his flagpole. An "American primitive art" dealer, Mr. Rank decided to add some "American primitive art" to the landscape. In front of his building, he had constructed a 20-foot-high flagpole, on the top of which is perched a 6-foot-tall "life size" wooden lumberjack.

Mr. Rank and many East Hamptonites, including "the checkout at the A.&P.," he says, love it. Officials of the Village government and many other East Hamptonites, they say, hate it. Therein lies the tale.

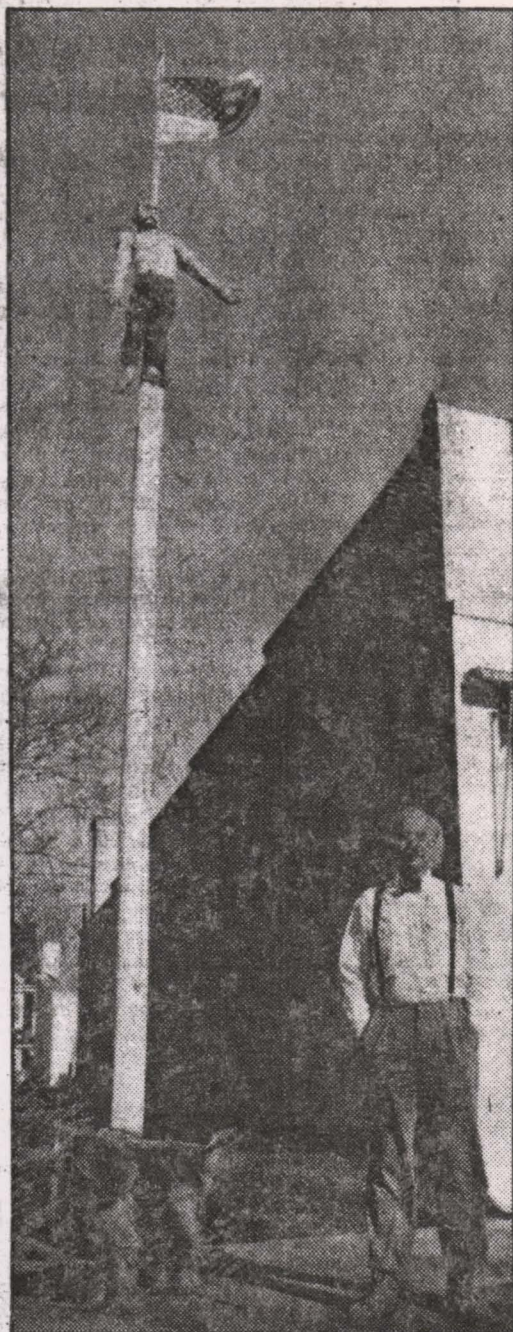
In 1987, When Mr. Rank decided to put up the flagpole with its controversial "finial," as the top of a flagpole is called, he requested and received a permit from the village. But as soon as the village fathers saw the huge lumberjack with the American flag flying at its feet, they knew it had to go, said the village administrator, Larry Cantwell. "We've been working decades to maintain an historic character and appearance to the downtown area," he said. "If we don't keep a handle on it we'll end up with a flea market on Main Street."

So last summer the Village Board adopted a flagpole ordinance, which — on this nobody disagrees — was passed to get rid of Mr. Rank's lumberjack. The new law states that flagpoles in the village can't be over 35 feet high and that the finial on top can't exceed 12 inches in height, unless it's an eagle, which can be 18 inches. That, the Village government thought, should be the end of Mr. Rank's lumberjack.

But, according to Mr. Rank, they miscalculated. His flagpole was only 20 feet high, and even with the legendary lumberjack on top it was only 26 feet high. So a few months ago Mr. Rank added an extension to his flagpole. Now the lumberjack is no longer on top, and therefore no longer a finial. And the American flag is flying above the lumberjack, not below it. And that Mr. Rank thought, should be the end of the government's problem with his flagpole.

But, according to Mr. Cantwell, Mr. Rank miscalculated. He should have received approval from the Design Review Board for altering his flagpole, and besides, Mr. Cantwell added, the figure on the flagpole constitutes advertising. The matter is being turned over to the the village's "special attorney," he said, and if Mr. Rank doesn't take his lumberjack and his pole down soon, he could face a \$250 daily fine.

Mr. Rank says the lumberjack and pole will stay because artistic freedom is at stake. "In a community of so many artists, it's incredible that this is going on," he said. "But then there are some in this town who feel if it doesn't come from Ethan Allen or Caldor's, they don't understand why someone would buy it."



The New York Times/Rameshwar Das

Morgan Rank by the flagpole outside his shop in East Hampton.