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## ***Another Provocative Flag Was Flown at Another Alito Home***

The justice's beach house displayed an "Appeal to Heaven" flag, a symbol carried on Jan. 6 and associated with a push for a more Christian-minded government.



The "Appeal to Heaven" flag flew outside the Alitos' New Jersey vacation home last summer, along with a "2022" Phillies flag and a Long Beach Island flag.

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Last summer, two years after [an upside-down American flag](#) was flown outside the Virginia home of Justice Samuel A. Alito Jr., another provocative symbol was displayed at his vacation house in New Jersey, according to interviews and photographs.

This time, it was the “Appeal to Heaven” flag, which, like the inverted U.S. flag, was carried by rioters at the Capitol on Jan. 6, 2021. Also known as the Pine Tree flag, it dates back to the Revolutionary War, but largely fell into obscurity until recent years and is now a symbol of support for former President Donald J. Trump, for a religious strand of the “Stop the Steal” campaign and for a push to remake American government in Christian terms.

Three photographs obtained by The New York Times, along with accounts from a half-dozen neighbors and passers-by, show that the Appeal to Heaven flag was aloft at the Alito home on Long Beach Island in July and September of 2023. A Google street view image from late August also shows the flag.

The photographs, each taken independently, are from four different dates. It is not clear whether the flag was displayed continuously during those months or how long it was flown overall.



A Google street view photo taken in August 2023 shows the flag flying at the Alitos' house.

Justice Alito declined to respond to questions about the beach house flag, including what it was intended to convey and how it comported with his obligations as a justice. The court also declined to respond.

In commenting for the Times report last week about the upside-down American flag at his Virginia home in 2021, Justice Alito said that it had been raised by his wife, Martha-Ann Alito, during a clash with a neighbor.

The revelation about that flag prompted concerns from legal scholars and ethicists, and [calls from dozens of Democratic lawmakers](#) that the justice recuse himself from cases related to Jan. 6. The news also drew criticism from some [conservative politicians](#), including Senator Lindsey Graham, who said that displaying the inverted flag was [“not good judgment.”](#)

During the period the Appeal to Heaven flag was seen flying at the justice's New Jersey house, a key Jan. 6 case [arrived](#) at the Supreme Court, challenging whether those who stormed the Capitol could be prosecuted for [obstruction](#).

In coming weeks, the justices will rule on that case, which could scuttle some of the charges against Mr. Trump, as well as on whether he is immune from prosecution for actions he took while president. Their decisions will shape how accountable he can be held for trying to overturn the last presidential election and [his chances](#) at regaining the White House in the next one.



The flag was a presence at the Jan. 6 attack on the capitol. Credit...JT/STAR MAX/IPx, via Associated Press

The disclosure about the new flag is troubling, several ethics experts said in interviews, because it ties Justice Alito more closely to symbols associated with the attempted election subversion on Jan. 6, and because it was displayed as the obstruction case was first coming for consideration by the court.

Judges are not supposed to give any impression of bias, yet the flag could be seen as telegraphing the Alitos' views — and at a time when the justices were [on the cusp](#) of adopting a [new ethics code](#).

“We all have our biases, but the good judge fights against them,” said Charles Geyh, a law professor at Indiana University Bloomington. “When a judge celebrates his predispositions by hoisting them on a flag,” he added, “that’s deeply disturbing.”

Records show that the Alitos have owned the beach house since 2014, and he is a well-known presence in the waterfront community. Residents said they recalled seeing the justice last summer, though it is unclear how much time he spent there. Neighbors said that once they realized what the flag signified, they were surprised to see it displayed, particularly in a prominent spot where many boaters glide by. The six people who shared their accounts and photographs asked not to be identified because they didn’t want to antagonize a longtime neighbor. When The Times visited the house on Wednesday, the flagpole was bare.

Until about a decade ago, the Appeal to Heaven flag was mostly a historical relic. But since then it has been revived to represent “a theological vision of what the United States should be and how it should be governed,” said Matthew Taylor, a religion [scholar](#) at the Institute of Islamic, Christian and Jewish studies. He is also the author of a [forthcoming book](#) tracing how a right-wing Christian author and speaker who repopularized the flag helped propel Mr. Trump’s attempt to overturn the election.

That figure, Dutch Sheets, has led a yearslong campaign to present the flag to political figures, including [Sarah Palin](#), the former Alaska governor and vice-presidential pick, and an Indiana gubernatorial [candidate](#) whom Mr. Sheets wrapped in the flag at a recent rally. Republican [members](#) of Congress and [state](#) officials have displayed the flag as well, among them Doug Mastriano, a Pennsylvania state senator and a [leader](#) of the “Stop the Steal” campaign. The highest-ranking elected official known to show the flag is Representative Mike Johnson, who hung it at his office last fall shortly after becoming speaker of the House.

A spokesman for Mr. Johnson said that the speaker “has long appreciated the rich history of the flag, as it was first used by General George Washington during the Revolutionary War.” It was a gift, the spokesman said, from Pastor Dan Cummins, a guest chaplain for the House of Representatives.





“An Appeal to Heaven” is one of three flags outside the office of the House speaker, Mike Johnson. Credit...Kenny Holston/The New York Times

Since its creation during the American Revolution, the flag has carried a message of defiance: The phrase “appeal to heaven” comes from the 17th-century philosopher John Locke, who wrote of a responsibility to rebel, even use violence, to overthrow unjust rule. “It’s a paraphrase for trial by arms,” Anthony Grafton, a historian at Princeton University, said in an interview. “The main point is that there’s no appeal, there’s no one else you can ask for help or a judgment.”

In 2013, Mr. Sheets, a prominent figure in a far-right evangelical movement that scholars have called the [New Apostolic Reformation](#), discovered the nearly forgotten flag and made it the symbol of his ambitions to steep the country and the government in Christianity, he wrote in a 2015 book also titled “An Appeal to Heaven.”

“Rally to the flag,” he wrote. “God has resurrected it for such a time as this. Wave it outwardly: wear it inwardly. Appeal to heaven daily for a spiritual revolution that will knock out the Goliaths of our day.”

He placed the high court at the [center](#) of his mission. In 2015, the court's ruling that states must allow same-sex marriage had galvanized the movement and helped it to grow. In a speech three years later, he said, "There's no gate that has allowed more evil to enter our nation than that of the Supreme Court."

But Mr. Sheets and fellow leaders described Justice Alito, the member of the court most committed to expanding the role of faith in public life, as their great hope: a vocal defender of religious liberty and opponent of the right to abortion and same-sex marriage.



Dutch Sheets, a right-wing Christian author and speaker, repopularized the flag and helped propel Mr. Trump's attempt to overturn the election. Credit...Gary S. Chapman

"You can't say that marriage is a union between one man and one woman," the justice said in a 2020 [speech](#). "Until very recently that's what the vast majority of Americans thought. Now it's considered bigotry," he said, a point he had made strongly in his [dissent](#) to the ruling.

The religious leaders cast Mr. Trump as another of their heroes. A few weeks before the 2020 election, at a Las Vegas megachurch prayer service for his second term, a pastor from the group [presented](#) Mr. Trump with an "Appeal to Heaven" flag from the stage. When he lost, Mr. Sheets and a team of others formed an instant, ad hoc religious arm of the "Stop the Steal" campaign, blitzing swing state megachurches, [broadcasting](#) the services at each stop and drawing hundreds of thousands of viewers.

On Jan. 6, the “Appeal to Heaven” flag was prominent: at the Washington Monument, where throngs gathered to hear President Trump deliver a speech contesting the election results, and later above the angry mob that surrounded the Capitol. The flag was visible above clashes with law enforcement on the building’s west terrace, as rioters breached police lines underneath the scaffolding set up for President Biden’s inauguration, and finally, inside the building.

By that day, scholars say, the flag had become popular enough to sometimes be used by a few other groups, including militia members. But most often, they said, it is tied directly to Mr. Sheets, his contemporaries and adherents and their vision for a more Christian America.

Last October, soon after the flag was last documented at the Alito beach home, Mr. Sheets devoted a [prayer session](#) to the court, this time sounding triumphant. He cited the Dobbs decision, overturning the federal right to abortion, in which the majority decision had been written by Justice Alito.

“We have reached another phase in the process of shifting the Supreme Court,” he announced. Through the justices, he said, “God’s intent for institutions of government can now be fulfilled.”

Alan Feuer contributed reporting.

[https://www.nytimes.com/2024/05/22/us/justice-alito-flag-appeal-to-heaven.html?campaign\\_id=190&emc=edit\\_ufn\\_20240522&instance\\_id=124177&nl=from-the-times&regi\\_id=98314118&segment\\_id=167480&te=1&user\\_id=710c521cc7306caa45e2f0157c246eb3](https://www.nytimes.com/2024/05/22/us/justice-alito-flag-appeal-to-heaven.html?campaign_id=190&emc=edit_ufn_20240522&instance_id=124177&nl=from-the-times&regi_id=98314118&segment_id=167480&te=1&user_id=710c521cc7306caa45e2f0157c246eb3)