

From: [Debbie](#)
To: [City Council](#)
Subject: Fly "Thin -Blue Line" Flag
Date: Wednesday, March 16, 2022 5:25:05 PM

Dear Council Members,

Interesting that you approved the Pride Flag for the whole month of June but won't consider flying the "Thin Blue Line" flag during National Police Week..... Sounds like you have no respect for our officers that put their lives in danger each day to protect and serve us.

The thin blue line flag features a black and white image of the American flag with the horizontal stripe beneath the field of white stars on the black background. The stars represent the citizenry who stand for justice and order. The darkness represents chaos and anarchy, and according to some, a memorial to the deaths of those law officers who have perished in the line of duty.

Consider showing some respect and approving this flag. It's only a week.

Thank you

From: [David Campbell](#)
To: [City Council](#)
Subject: Thin Blue Line Flag Proposal
Date: Wednesday, March 23, 2022 10:10:47 AM

Dear City Council Members,

My name is David Campbell. I live and pastor a local church here in Capitola.

I want to first express my gratitude to all of you for serving our city with your time and effort. All of us that live, work, and spend time in this beautiful community are very fortunate to be here. Thank you for watching over and operating our city with care. I will continue to pray for you as you do so.

I appreciate the opportunity to have you hear and consider my opinion on the current “thin blue line” flag proposal.

I understand that the proposal to fly the flag during law enforcement appreciation week has been initially denied. I honestly have a very hard time seeing how that could happen. Actually, I am extremely disappointed and disturbed by this decision. I’ve heard some of the arguments as to why that would be the decision but, frankly, they don’t hold much water and are in contradiction to past decisions this council has made to align with and support other groups. The City has chosen to align themselves in support of politicized and controversial groups in very recent history. That said, I acknowledge that as totally being your prerogative as the officials elected to run our city. I respect your authority to do so even if I don’t necessarily, personally, agree with those decisions. That is not what I am necessarily challenging here. However, to make those decisions and then turn your back on supporting the police force that protects us and our way of life here by not simply flying a flag is very disappointing.

Our own U.S. flag has found itself at the center of, or at least, connected to several controversial gatherings and/or protests. To the point that, many in our own country look down on our U.S. flag and have attributed their own false narrative and symbolism to it. So, should we refrain from flying the flag of our own country or continue to stand on the truth of its symbolism and meaning as it has always been intended?

The thin blue line flag gets its name and it’s whole intent of symbolism and meaning from the fact that law enforcement in our society is the thin blue line holding back lawlessness from completely invading our otherwise relatively lawful way of life. That line has grown thinner in recent years putting more pressure on the officers that are still serving us and literally laying their lives on that line for us every day. I believe we all need to support them and show our appreciation to them with every opportunity we get. Flying a flag for a week seems like a no brainer and an obvious and easy opportunity. Refusing to do so, seems to me, like backing down to the opposition that would want the thin blue line to disappear altogether. It would be playing into the hands of those that oppose any sort of structure and system of lawful peace that our city government is trying to uphold. Any other meaning to the flag that people want to give it is completely false, manipulative and ignorant. Bowing down to any of that, only strengthens and perpetuates the ignorance and feeds the false narrative. In this case, that hurts our way of life protected by our law enforcement. At the very least, it is a slap in their face.

Please don't get me wrong. I mean no disrespect to any of you on this council by my remarks.

I only, respectfully, ask that you reconsider your decision and show your support and appreciation of our brave officers by flying the flag.

Thank you and God bless you,
David Campbell

Capitola City Council Members
420 Capitola Ave, Capitola, CA 95010

March 23, 2020

RE: Proposal to Fly Police Flag-March 24, 2022, Agenda Item 8A

City Council Members,

I respectfully ask that you accept this letter as my response to the City Managers recommendation to deny flying the police flag during National Law enforcement week annually. It is my opinion, that if the city is going to fly non-governmental flags, they should be flags that honor city, state, and country, but not causes or political persuasions.

After spending a career in public safety, sitting on many state boards, and serving eight years as a planning commissioner for the City of Capitola, I find that facts are best suited for writing staff reports, as opposed to using talking points from the internet. I believe the city chose the latter. I will attempt to respond with factual information.

Is the police flag a desecration of the U.S. Flag?

Fact 1. The city's suggestion that the police flag is a desecration of the American flag is a false narrative that activist groups use. I have attached a copy of the flag code for your review, but it clearly states §1. Flag; stripes and stars on the flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be forty-eight stars, white in a blue field. (July 30, 1947, ch. 389, 61 Stat. 642.) Two additional stars were added in 1959 and 1960 for the last two states of Hawaii and Alaska added to the union. ¹ Even PolitiFact, far from a conservative source has rated this narrative as false. Staff is correct that the American Legion has not taken a position regarding the flag. This is because the police flag is not a desecrated version of the U.S. flag since it has black and white stripes, a field of black with stars and one blue stripe.

Does the police flag create an "Us vs. Them" environment?

Regarding the city staff reports statement about an article written by *The Marshall Project*, which references another article written by criminologist Michael D. White. ² The article referenced does not mention any flag or an "Us vs. Them" environment. It is written specifically about police officers killed in the line of duty by ambush. Statements such as this, is how certain groups mislead others by redefining a meaning to meet a false narrative. **Fact 2.** The thin blueline has always been defined as the courageous who stand between the lawful and lawlessness.

Regardless of the unfounded reference, the theory of a flag being divisive could be true for any flag, including the U.S. flag and even the *Progressive flag* recently adopted by the city.

I find it interesting that when a city council member brought her desire to fly the Progressive flag at city hall, the city chose to agendize the item as “Administrative Policy Regarding Proper Flag Procedures at the City Hall Complex. With one sentence regarding the Progressive flag that states *the following flag(s) are approved for the following locations and time periods. The City Council may update this list at its discretion.*

Fact 3. There is no discussion, no pros or cons or comments on *what some people say.* One might think the city was just trying to add the new policy without anyone noticing. I think it would only be fair to use the same deep dive into the Progressive flag as the city staff chose to conduct with the police flag. I am sure that you will find some of the information as inflammatory as I did.

Is the Progressive flag divisive?

There is no shortage of concerns from parents of school age children that the LGBTQ+ community is trying to indoctrinate kids in schools to the beliefs and views of the LGBTQ+ community. **Fact 4.** the state of Florida just passed the *Parental Rights in Education Bill*, that bans schools from teaching children ages kindergarten to third grade about sexual orientation and gender identity. ¹¹ Text from law states *Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in kindergarten through grade 3 or in a manner that is not age appropriate or developmentally appropriate for students in accordance with state standards.*

Why would this even have to be a law? However, the LBGTQ+ community fought the bill, ¹² falsely calling it the “Don’t say gay bill”, as they proudly displayed the Progressive flag in protest. It should not matter what your political affiliation is, or your personal sexual preferences, No one should be teaching kids about these things without parental approval. Even then, it should not be an option for kids from kindergarten to third grade to be taught sexual topics.

Fact 5. Many believe it is the parents who should have the responsibility to educate their kids. The LGBTQ+ community has made this an issue under the umbrella of acceptance. ¹³ A mother from the neighboring town of Spreckles lost her daughter to suicide and is blaming the schools pride club for her death.

FACT 6. ¹⁴ The Archives of Sexual Behavior, in a study of 229 convicted child molesters, found that “eighty-six percent of offenders against males described themselves as homosexual or bisexual.”

I could go on, but I think you get the point. The Progressive flag that represents the LBGTQ+ community does not exist without being divisive in our communities.

Is it the Police Flag or the hatred for police?

Fact 7.^{3,4,5} Flags are frequently stolen from public and private property, even those flags honoring cops who died in the line of duty. It doesn't appear to be from those afraid of racist cops either, it appears to be lawless individuals with total disdain for law enforcement. Aside from the links provided above, a local church who proudly demonstrated their support of police officers captured two young females on video stealing a police flag from the church property.

Are people intimidated by police officers?

I could not find statistics regarding individuals intimidated by police. Although, there are several articles where people state they are intimidated by a police presence. However, I have no doubt that there are those out there since so much disinformation and lies are made about our police officers. **Fact 8.** Recently,⁶ Harvard University removed their police force because students did not like being watched by police. One student interviewed stated "I am well aware that the police are not there to keep me actively safe," Instead, she said, "it implies that we're being watched and policed, which is not a pleasant feeling." These are the true anti-government and biased individuals. The same individuals who want to defund the police.

It is unfortunate, that we have come to a place in our country that people say they do not feel safe with police officers in their presence. Note that in the statement above, she states *police are **not** there to keep us actively safe.* I submit this is because of the false narratives that is continually being spread by activist groups and supported by media and politicians throughout the country.

This past year, some of our city council members participated in a demonstration by an activist group that marched through Capitola. The protesters demeaned our officers calling them names and even spitting at them. Not one city leader defended our officers. As the group walked past our police station, they stopped, took a knee and shouted *hands up don't shoot.* **Fact 9.**⁷ A false narrative born out of the Michael Brown shooting in Ferguson. The city also participated in this demonstration by not charging the required permit fees and insurance bond. I believe 100% in the first amendment and the right for groups to protest, but I do not believe the city should have made an exception for fees and insurance. This is especially true since many businesses had to close.

In contrast, weeks later the city denied a sound permit to a local church to have a paddle out for one of our community members who was killed by a shark while surfing. This person actively worked with our BIA in marketing and was admired by those who knew him. After a lot of discussion, the city finally allowed for the permit to be approved but charged the full fee schedule and required the insurance bond. All of this so a pastor and the wife could share a few words before the paddle out. I am embarrassed by a city decision that would demonstrate such bias.

Is the flag tied to white supremacist and anti-government beliefs?

This must be the most unsettling statement in the entire biased staff report. It is biased reports and statements like this that cause distrust of our government. **Fact 10.** Not all of those who attended the rally were white supremacist, extremist, or anti-government. In fact, the majority of those attending the January 6 protest are honorable upstanding citizens that just wanted to voice their concerns, which happens to be a constitutional right and separates our great country from others. Of the tens of thousands who attended the rally, approximately 725 were arrested. **Fact 11.** Of those arrested, 8.9 none of them were charged with insurrection as falsely stated by the city staff report.

I completely support the arrest and conviction for anyone guilty of breaking the law, but to tie everyone there with insurrection is dishonest and an abuse of the city managers office. An important fact that the city manager left out of his report regarding the protest on that January 6th. I understand that some, including the city manager and his staff have made this flag political. But I am appalled that the city would go to the extreme depths to identify the police flag to white supremacist and the January 6 protest. **FACT 12.** Let me remind you that regardless of your political affiliation, or your view of cops, the one single group, let's call it the thin blue line, that stood between the politicians and those who broke the law, were the Capitol police officers.

There is one other important fact left out of the city staff report. **Fact 13.** 10The Progressive flag that the city adopted under the guise of a new flag policy, was also present at the January 6 protest.



[LGBTQ fly the rainbow flag at the January 6 riot.](#)

It is no secret that I have been disappointed in the actions and inactions of our city manager and city council for their lack of support of our cops. During covid the city council hid behind zoom computer meetings and city hall hid behind plexiglass, it was our cops and public workers who dealt with the public face-to-face every single day. To make matters worse, the city cut the police officers pay.

I have a question for you. Did the city consider reimbursing our employees for their loss of pay after receiving covid reimbursement money from the government that was based on the employees' salaries?

I have heard from several people in the community that you have already made your minds up on this matter and that may very well be. Despite the city managers recent statement that the city would never fly a flag of Ronald Reagan, I would just leave you one of his wise statements.

"Evil is powerless if the good are unafraid." Be Unafraid.
-Ronald Reagan

Respectfully,

TJ Welch

References

1. [Politifact factcheck Blank and white Police Flag h](#)
2. [Ambush killing of police](#)
3. [Thin Blue Line Flag stolen from memorial in Minnesota](#)
4. [Thin Blue Line flag honoring late mesa police officer stolen](#)
5. [Police flag to honor fallen officer stolen](#)
6. [Harvard to close police station](#)
7. [Reminder hands up don't shoot is a fabricated narrative from the Michael Brown case](#)
8. [January 6 Insurrection one year later](#)
9. [Reminder not one person involved with the Jan 6 riot has been charged with insurrection.](#)
10. [Protesters wave the rainbow flag at Capitol](#)
11. [Florida Bill HB 1557](#)
12. [Florida Parental Rights Bill passes protecting K-3rd Grade](#)
13. [This Mom believes that the transgender movement took her daughter's life](#)
14. [Pedophiles link to homosexuals and or bisexual](#)

ADDITIONAL MATERIALS ITEM 8.A
CAPITOLA COUNCIL MEETING 3/24/2022

From: [TJ WELCH](#)
To: [City Council](#)
Cc: [Woodmansee, Chloe](#); [Dally, Andrew \(adally@ci.capitola.ca.us\)](#)
Subject: [PDF] Flag code
Date: Wednesday, March 23, 2022 10:17:06 AM
Attachments: [U.S.C. Title 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES.pdf](#)

My apologies, I forgot to attach the flag code.

4 U.S.C.

United States Code, 2011 Edition

Title 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES

CHAPTER 1 - THE FLAG

From the U.S. Government Publishing Office, www.gpo.gov**CHAPTER 1—THE FLAG**

Sec.

1. Flag; stripes and stars on.
2. Same; additional stars.
3. Use of flag for advertising purposes; mutilation of flag.
4. Pledge of allegiance to the flag; manner of delivery.
5. Display and use of flag by civilians; codification of rules and customs; definition.
6. Time and occasions for display.
7. Position and manner of display.
8. Respect for flag.
9. Conduct during hoisting, lowering or passing of flag.
10. Modification of rules and customs by President.

AMENDMENTS**1998**—Pub. L. 105–225, §2(b), Aug. 12, 1998, 112 Stat. 1498, added items 4 to 10.**§1. Flag; stripes and stars on**

The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be forty-eight stars, white in a blue field.

(July 30, 1947, ch. 389, 61 Stat. 642.)

SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111–41, §1, July 27, 2009, 123 Stat. 1962, provided that: “This Act [amending section 6 of this title] may be cited as the ‘Korean War Veterans Recognition Act’.”

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110–41, §1, June 29, 2007, 121 Stat. 233, provided that: “This Act [amending section 7 of this title and provisions set out as a note under section 7 of this title] may be cited as the ‘Army Specialist Joseph P. Micks Federal Flag Code Amendment Act of 2007’.”

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–252, §1, July 28, 2000, 114 Stat. 626, provided that: “This Act [enacting sections 116 to 126 of this title and provisions set out as a note under section 116 of this title] may be cited as the ‘Mobile Telecommunications Sourcing Act’.”

EXECUTIVE ORDER NO. 10798

Ex. Ord. No. 10798, Jan. 3, 1959, 24 F.R. 79, which prescribed proportions and sizes of flags until July 4, 1960, was revoked by section 33 of Ex. Ord. No. 10834, set out as a note under this section.

EX. ORD. NO. 10834. PROPORTIONS AND SIZES OF FLAGS AND POSITION OF STARS

Ex. Ord. No. 10834, Aug. 21, 1959, 24 F.R. 6865, provided:

WHEREAS the State of Hawaii has this day been admitted into the Union; and

WHEREAS section 2 of title 4 of the United States Code provides as follows: “On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission.”; and

WHEREAS the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended [see chapters 1 to 11 of Title 40, Public Buildings, Property, and Works, and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of Title 41, Public Contracts] authorizes the President to prescribe policies and directives governing the procurement and utilization of property by executive agencies; and

WHEREAS the interests of the Government require that orderly and reasonable provision be made for various matters pertaining to the flag and that appropriate regulations governing the procurement and utilization of national flags and union jacks by executive agencies be prescribed:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, and the Federal Property and Administrative Services Act of 1949, as amended [see Short Title of 1949 Act note under section 101 of Title 41, Public Contracts], it is hereby ordered as follows:

PART I—DESIGN OF THE FLAG

SECTION 1. The flag of the United States shall have thirteen horizontal stripes, alternate red and white, and a union consisting of white stars on a field of blue.

SEC. 2. The positions of the stars in the union of the flag and in the union jack shall be as indicated on the attachment to this order, which is hereby made a part of this order.

SEC. 3. The dimensions of the constituent parts of the flag shall conform to the proportions set forth in the attachment referred to in section 2 of this order.

PART II—REGULATIONS GOVERNING EXECUTIVE AGENCIES

SEC. 21. The following sizes of flags are authorized for executive agencies:

<i>Size</i>	<i>Dimensions of Flag</i>	
	<i>Hoist (width)</i>	<i>Fly (length)</i>
(1)	<i>Feet</i> 20.00	<i>Feet</i> 38.00
(2)	10.00	19.00
(3)	8.95	17.00
(4)	7.00	11.00
(5)	5.00	9.50
(6)	4.33	5.50
(7)	3.50	6.65
(8)	3.00	4.00
(9)	3.00	5.70
(10)	2.37	4.50
(11)	1.32	2.50

SEC. 22. Flags manufactured or purchased for the use of executive agencies:

(a) Shall conform to the provisions of Part I of this order, except as may be otherwise authorized pursuant to the provisions of section 24, or except as otherwise authorized by the provisions of section 21, of this order.

(b) Shall conform to the provisions of section 21 of this order, except as may be otherwise authorized pursuant to the provisions of section 24 of this order.

SEC. 23. The exterior dimensions of each union jack manufactured or purchased for executive agencies shall equal the respective exterior dimensions of the union of a flag of a size authorized by or pursuant to this order. The size of the union jack flown with the national flag shall be the same as the size of the union of that national flag.

SEC. 24. (a) The Secretary of Defense in respect of procurement for the Department of Defense (including military colors) and the Administrator of General Services in respect of procurement for executive agencies other than the Department of Defense may, for cause which the Secretary or the Administrator, as the case may be, deems sufficient, make necessary minor adjustments in one or more of the dimensions or proportionate dimensions prescribed by this order, or authorize proportions or sizes other than those prescribed by section 3 or section 21 of this order.

(b) So far as practicable, (1) the actions of the Secretary of Defense under the provisions of section 24(a) of this order, as they relate to the various organizational elements of the Department of Defense, shall be coordinated, and (2) the Secretary and the Administrator shall mutually coordinate their actions under that section.

SEC. 25. Subject to such limited exceptions as the Secretary of Defense in respect of the Department of Defense, and the Administrator of General Services in respect of executive agencies other than the Department of Defense, may approve, all national flags and union jacks now in the possession of executive agencies, or hereafter acquired by executive agencies under contracts awarded prior to the date of this order, including those so possessed or so acquired by the General Services Administration, for distribution to other agencies, shall be utilized until unserviceable.

PART III—GENERAL PROVISIONS

SEC. 31. The flag prescribed by Executive Order No. 10798 of January 3, 1959, shall be the official flag of the United States until July 4, 1960, and on that date the flag prescribed by Part I of this order shall become the official flag of the United States; but this section shall neither derogate from section 24 or section 25 of this order nor preclude the procurement, for executive agencies, of flags provided for by or pursuant to this order at any time after the date of this order.

SEC. 32. As used in this order, the term “executive agencies” means the executive departments and independent establishments in the executive branch of the Government, including wholly-owned Government corporations.

SEC. 33. Executive Order No. 10798 of January 3, 1959, is hereby revoked.

DWIGHT D. EISENHOWER.



Standard proportions

Hoist (width) of flag 1.0	Fly (length) of flag 1.9	Hoist (width) of Union 0.5385 (7/13)	Fly (length) of Union 0.76	0.054	0.054	0.063	0.063	Diameter of star 0.0616	Width of stripe 0.0769 (1/13)
A	B	C	D	E	F	G	H	K	L

§2. Same; additional stars

On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission. (July 30, 1947, ch. 389, 61 Stat. 642.)

§3. Use of flag for advertising purposes; mutilation of flag

Any person who, within the District of Columbia, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature upon any flag, standard, colors, or ensign of the United States of America; or shall expose or cause to be exposed to public view any such flag, standard, colors, or ensign upon which shall have been printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed any word, figure, mark, picture, design, or drawing, or any advertisement of any nature; or who, within the District of Columbia, shall manufacture, sell, expose for sale, or to public view, or give away or have in possession for sale, or to be given away or for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached, or otherwise placed a representation of any such flag, standard, colors, or ensign, to advertise, call attention to, decorate, mark, or distinguish the article or substance on which so placed shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$100 or by imprisonment for not more than thirty days, or both, in the discretion of the court. The words “flag, standard, colors, or ensign”, as used herein, shall include any flag, standard, colors, ensign, or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America.

(July 30, 1947, ch. 389, 61 Stat. 642; Pub. L. 90–381, §3, July 5, 1968, 82 Stat. 291.)

AMENDMENTS

1968—Pub. L. 90–381 struck out “; or who, within the District of Columbia, shall publicly mutilate, deface, defile or defy, trample upon, or cast contempt, either by word or act, upon any such flag, standard, colors, or ensign,” after “substance on which so placed”.

§4. Pledge of allegiance to the flag; manner of delivery

The Pledge of Allegiance to the Flag: “I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.”, should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove any non-religious headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.

(Added Pub. L. 105–225, §2(a), Aug. 12, 1998, 112 Stat. 1494; amended Pub. L. 107–293, §2(a), Nov. 13, 2002, 116 Stat. 2060.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
4	36:172.	June 22, 1942, ch. 435, §7, 56 Stat. 380; Dec. 22, 1942, ch. 806, §7, 56 Stat. 1077; Dec. 28, 1945, ch. 607, 59 Stat. 668; June 14, 1954, ch. 297, 68 Stat. 249; July 7, 1976, Pub. L. 94–344, (19), 90 Stat. 813.

CODIFICATION

Amendment by Pub. L. 107–293 reaffirmed the exact language of the Pledge, see section 2(b) of Pub. L. 107–293, set out as a Reaffirmation of Language note below.

AMENDMENTS

2002—Pub. L. 107–293 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “The Pledge of Allegiance to the Flag, ‘I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.’, should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.”

FINDINGS

Pub. L. 107–293, §1, Nov. 13, 2002, 116 Stat. 2057, provided that: “Congress finds the following:

“(1) On November 11, 1620, prior to embarking for the shores of America, the Pilgrims signed the Mayflower Compact that declared: ‘Having undertaken, for the Glory of God and the advancement of the Christian Faith and honor of our King and country, a voyage to plant the first colony in the northern parts of Virginia.’

“(2) On July 4, 1776, America's Founding Fathers, after appealing to the ‘Laws of Nature, and of Nature's God’ to justify their separation from Great Britain, then declared: ‘We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness’.

“(3) In 1781, Thomas Jefferson, the author of the Declaration of Independence and later the Nation's third President, in his work titled ‘Notes on the State of Virginia’ wrote: ‘God who gave us life gave us liberty. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the Gift of God. That they are not to be violated but with His wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever.’

“(4) On May 14, 1787, George Washington, as President of the Constitutional Convention, rose to admonish and exhort the delegates and declared: ‘If to please the people we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God!’

“(5) On July 21, 1789, on the same day that it approved the Establishment Clause concerning religion, the First Congress of the United States also passed the Northwest Ordinance, providing for a territorial government for lands northwest of the Ohio River, which declared: ‘Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.’

“(6) On September 25, 1789, the First Congress unanimously approved a resolution calling on President George Washington to proclaim a National Day of Thanksgiving for the people of the United States by declaring, ‘a day of public thanksgiving and prayer, to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a constitution of government for their safety and happiness.’

“(7) On November 19, 1863, President Abraham Lincoln delivered his Gettysburg Address on the site of the battle and declared: ‘It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this Nation, under God, shall have a new birth of freedom—and that Government of the people, by the people, for the people, shall not perish from the earth.’

“(8) On April 28, 1952, in the decision of the Supreme Court of the United States in *Zorach v. Clauson*, 343 U.S. 306 (1952), in which school children were allowed to be excused from public schools for religious observances and education, Justice William O. Douglas, in writing for the Court stated: ‘The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concern or union or dependency one on the other. That is the common sense of the matter. Otherwise the State and religion would be aliens to each other—hostile, suspicious, and even unfriendly. Churches could not be required to pay even property taxes. Municipalities would not be permitted to render police or fire protection to religious groups. Policemen who helped parishioners into their places of worship would violate the Constitution. Prayers in our legislative halls; the appeals to the Almighty in the messages of the

Chief Executive; the proclamations making Thanksgiving Day a holiday; “so help me God” in our courtroom oaths—these and all other references to the Almighty that run through our laws, our public rituals, our ceremonies would be flouting the First Amendment. A fastidious atheist or agnostic could even object to the supplication with which the Court opens each session: “God save the United States and this Honorable Court.” ’

“(9) On June 15, 1954, Congress passed and President Eisenhower signed into law a statute that was clearly consistent with the text and intent of the Constitution of the United States, that amended the Pledge of Allegiance to read: ‘I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.’

“(10) On July 20, 1956, Congress proclaimed that the national motto of the United States is ‘In God We Trust’, and that motto is inscribed above the main door of the Senate, behind the Chair of the Speaker of the House of Representatives, and on the currency of the United States.

“(11) On June 17, 1963, in the decision of the Supreme Court of the United States in *Abington School District v. Schempp*, 374 U.S. 203 (1963), in which compulsory school prayer was held unconstitutional, Justices Goldberg and Harlan, concurring in the decision, stated: ‘But untutored devotion to the concept of neutrality can lead to invocation or approval of results which partake not simply of that noninterference and noninvolvement with the religious which the Constitution commands, but of a brooding and pervasive devotion to the secular and a passive, or even active, hostility to the religious. Such results are not only not compelled by the Constitution, but, it seems to me, are prohibited by it. Neither government nor this Court can or should ignore the significance of the fact that a vast portion of our people believe in and worship God and that many of our legal, political, and personal values derive historically from religious teachings. Government must inevitably take cognizance of the existence of religion and, indeed, under certain circumstances the First Amendment may require that it do so.’

“(12) On March 5, 1984, in the decision of the Supreme Court of the United States in *Lynch v. Donnelly*, 465 U.S. 668 (1984), in which a city government's display of a nativity scene was held to be constitutional, Chief Justice Burger, writing for the Court, stated: ‘There is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789 . . . [E]xamples of reference to our religious heritage are found in the statutorily prescribed national motto “In God We Trust” (36 U.S.C. 186) [now 36 U.S.C. 302], which Congress and the President mandated for our currency, see (31 U.S.C. 5112(d)(1) (1982 ed.)), and in the language “One Nation under God”, as part of the Pledge of Allegiance to the American flag. That pledge is recited by many thousands of public school children—and adults—every year . . . Art galleries supported by public revenues display religious paintings of the 15th and 16th centuries, predominantly inspired by one religious faith. The National Gallery in Washington, maintained with Government support, for example, has long exhibited masterpieces with religious messages, notably the Last Supper, and paintings depicting the Birth of Christ, the Crucifixion, and the Resurrection, among many others with explicit Christian themes and messages. The very chamber in which oral arguments on this case were heard is decorated with a notable and permanent—not seasonal—symbol of religion: Moses with the Ten Commandments. Congress has long provided chapels in the Capitol for religious worship and meditation.’

“(13) On June 4, 1985, in the decision of the Supreme Court of the United States in *Wallace v. Jaffree*, 472 U.S. 38 (1985), in which a mandatory moment of silence to be used for meditation or voluntary prayer was held unconstitutional, Justice O'Connor, concurring in the judgment and addressing the contention that the Court's holding would render the Pledge of Allegiance unconstitutional because Congress amended it in 1954 to add the words ‘under God,’ stated ‘In my view, the words “under God” in the Pledge, as codified at (36 U.S.C. 172) [now 4 U.S.C. 4], serve as an acknowledgment of religion with “the legitimate secular purposes of solemnizing public occasions, [and] expressing confidence in the future.” ’

“(14) On November 20, 1992, the United States Court of Appeals for the 7th Circuit, in *Sherman v. Community Consolidated School District 21*, 980 F.2d 437 (7th Cir. 1992), held that a school district's policy for voluntary recitation of the Pledge of Allegiance including the words ‘under God’ was constitutional.

“(15) The 9th Circuit Court of Appeals erroneously held, in *Newdow v. U.S. Congress* (9th Cir. June 26, 2002), that the Pledge of Allegiance's use of the express religious reference ‘under God’ violates the First Amendment to the Constitution, and that, therefore, a school district's policy and practice of teacher-led voluntary recitations of the Pledge of Allegiance is unconstitutional.

“(16) The erroneous rationale of the 9th Circuit Court of Appeals in *Newdow* would lead to the absurd result that the Constitution's use of the express religious reference ‘Year of our Lord’ in Article VII violates the First Amendment to the Constitution, and that, therefore, a school district's policy and practice of teacher-led voluntary recitations of the Constitution itself would be unconstitutional.”

REAFFIRMATION OF LANGUAGE

Pub. L. 107–293, §2(b), Nov. 13, 2002, 116 Stat. 2060, provided that: “In codifying this subsection [probably should be “section”, meaning section 2 of Pub. L. 107–293, which amended this section], the Office of the Law Revision Counsel shall show in the historical and statutory notes that the 107th Congress reaffirmed the exact language that has appeared in the Pledge for decades.”

§5. Display and use of flag by civilians; codification of rules and customs; definition

The following codification of existing rules and customs pertaining to the display and use of the flag of the United States of America is established for the use of such civilians or civilian groups or organizations as may not be required to conform with regulations promulgated by one or more executive departments of the Government of the United States. The flag of the United States for the purpose of this chapter shall be defined according to sections 1 and 2 of this title and Executive Order 10834 issued pursuant thereto.

(Added Pub. L. 105–225, §2(a), Aug. 12, 1998, 112 Stat. 1494.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5	36:173.	June 22, 1942, ch. 435, §1, 56 Stat. 377; Dec. 22, 1942, ch. 806, §1, 56 Stat. 1074; July 7, 1976, Pub. L. 94–344, (1), 90 Stat. 810.

REFERENCES IN TEXT

Executive Order 10834, referred to in text, is set out as a note under section 1 of this title.

FREEDOM TO DISPLAY THE AMERICAN FLAG

Pub. L. 109–243, July 24, 2006, 120 Stat. 572, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Freedom to Display the American Flag Act of 2005’.

“SEC. 2. DEFINITIONS.

“For purposes of this Act—

“(1) the term ‘flag of the United States’ has the meaning given the term ‘flag, standard, colors, or ensign’ under section 3 of title 4, United States Code;

“(2) the terms ‘condominium association’ and ‘cooperative association’ have the meanings given such terms under section 604 of Public Law 96–399 (15 U.S.C. 3603);

“(3) the term ‘residential real estate management association’ has the meaning given such term under section 528 of the Internal Revenue Code of 1986 (26 U.S.C. 528); and

“(4) the term ‘member’—

“(A) as used with respect to a condominium association, means an owner of a condominium unit (as defined under section 604 of Public Law 96–399 (15 U.S.C. 3603)) within such association;

“(B) as used with respect to a cooperative association, means a cooperative unit owner (as defined under section 604 of Public Law 96–399 (15 U.S.C. 3603)) within such association; and

“(C) as used with respect to a residential real estate management association, means an owner of a residential property within a subdivision, development, or similar area subject to any policy or restriction adopted by such association.

“SEC. 3. RIGHT TO DISPLAY THE FLAG OF THE UNITED STATES.

“A condominium association, cooperative association, or residential real estate management association may not adopt or enforce any policy, or enter into any agreement, that would restrict or prevent a member of the association from displaying the flag of the United States on residential property within the association with respect to which such member has a separate ownership interest or a right to exclusive possession or use.

“SEC. 4. LIMITATIONS.

“Nothing in this Act shall be considered to permit any display or use that is inconsistent with—

“(1) any provision of chapter 1 of title 4, United States Code, or any rule or custom pertaining to the proper display or use of the flag of the United States (as established pursuant to such chapter or any otherwise applicable provision of law); or

“(2) any reasonable restriction pertaining to the time, place, or manner of displaying the flag of the United States necessary to protect a substantial interest of the condominium association, cooperative association, or residential real estate management association.”

§6. Time and occasions for display

(a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed 24 hours a day if properly illuminated during the hours of darkness.

(b) The flag should be hoisted briskly and lowered ceremoniously.

(c) The flag should not be displayed on days when the weather is inclement, except when an all weather flag is displayed.

(d) The flag should be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; Martin Luther King Jr.'s birthday, third Monday in January; Lincoln's Birthday, February 12; Washington's Birthday, third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Father's Day, third Sunday in June; Independence Day, July 4; National Korean War Veterans Armistice Day, July 27; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, second Monday in October; Navy Day, October 27; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States; the birthdays of States (date of admission); and on State holidays.

(e) The flag should be displayed daily on or near the main administration building of every public institution.

(f) The flag should be displayed in or near every polling place on election days.

(g) The flag should be displayed during school days in or near every schoolhouse.

(Added Pub. L. 105–225, §2(a), Aug. 12, 1998, 112 Stat. 1494; amended Pub. L. 106–80, §1, Oct. 25, 1999, 113 Stat. 1285; Pub. L. 110–239, §1, June 3, 2008, 122 Stat. 1559; Pub. L. 111–41, §2, July 27, 2009, 123 Stat. 1962.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
6	36:174.	June 22, 1942, ch. 435, §2, 56 Stat. 378; Dec. 22, 1942, ch. 806, §2, 56 Stat. 1074; July 7, 1976, Pub. L. 94–344, (2)–(5), 90 Stat. 810.

In subsection (d), the words “Veterans Day” are substituted for “Armistice Day” because of the Act of June 1, 1954 (ch. 250, 68 Stat. 168).

AMENDMENTS

2009—Subsec. (d). Pub. L. 111–41 inserted “National Korean War Veterans Armistice Day, July 27;” after “July 4;”.

2008—Subsec. (d). Pub. L. 110–239 inserted “Father's Day, third Sunday in June;” after “Flag Day, June 14;”.

1999—Subsec. (d). Pub. L. 106–80 inserted “Martin Luther King Jr.'s birthday, third Monday in January;” after “January 20;”.

§7. Position and manner of display

The flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

(a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (i) of this section.

(b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the right fender.

(c) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any Territory or possession thereof: *Provided*, That nothing in this section shall make unlawful the continuance of the practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.

(d) The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.

(e) The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.

(f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.

(g) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

(h) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half-staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.

(i) When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.

(j) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.

(k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as he faces the audience. Any other flag so displayed should be placed on the left of the clergyman or speaker or to the right of the audience.

(l) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.

(m) The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the

top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any State, territory, or possession of the United States or the death of a member of the Armed Forces from any State, territory, or possession who dies while serving on active duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff, and the same authority is provided to the Mayor of the District of Columbia with respect to present or former officials of the District of Columbia and members of the Armed Forces from the District of Columbia. When the Governor of a State, territory, or possession, or the Mayor of the District of Columbia, issues a proclamation under the preceding sentence that the National flag be flown at half-staff in that State, territory, or possession or in the District of Columbia because of the death of a member of the Armed Forces, the National flag flown at any Federal installation or facility in the area covered by that proclamation shall be flown at half-staff consistent with that proclamation. The flag shall be flown at half-staff 30 days from the death of the President or a former President; 10 days from the day of death of the Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, or the Governor of a State, territory, or possession; and on the day of death and the following day for a Member of Congress. The flag shall be flown at half-staff on Peace Officers Memorial Day, unless that day is also Armed Forces Day. As used in this subsection—

(1) the term “half-staff” means the position of the flag when it is one-half the distance between the top and bottom of the staff;

(2) the term “executive or military department” means any agency listed under sections 101 and 102 of title 5, United States Code; and

(3) the term “Member of Congress” means a Senator, a Representative, a Delegate, or the Resident Commissioner from Puerto Rico.

(n) When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.

(o) When the flag is suspended across a corridor or lobby in a building with only one main entrance, it should be suspended vertically with the union of the flag to the observer's left upon entering. If the building has more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with the union to the north, when entrances are to the east and west or to the east when entrances are to the north and south. If there are entrances in more than two directions, the union should be to the east.

(Added Pub. L. 105–225, §2(a), Aug. 12, 1998, 112 Stat. 1495; amended Pub. L. 110–41, §3, June 29, 2007, 121 Stat. 233.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7	36:175.	June 22, 1942, ch. 435, §3, 56 Stat. 378; Dec. 22, 1942, ch. 806, §3, 56 Stat. 1075; July 9, 1953, ch. 183, 67 Stat. 142; July 7, 1976, Pub. L. 94–344, (6)–(11), 90 Stat. 811; Sept. 13, 1994, Pub. L. 103–322, title XXXII, §320922(b), 108 Stat. 2131.

AMENDMENTS

2007—Subsec. (m). Pub. L. 110–41, in sixth sentence, inserted “or the death of a member of the Armed Forces from any State, territory, or possession who dies while serving on active duty” after “present or former official of the government of any State, territory, or possession of the United States” and substituted “, and the same authority is provided to the Mayor of the District of Columbia with respect to present or former officials of the District of Columbia and members of the Armed Forces from the District of Columbia. When the Governor of a State, territory, or possession, or the Mayor of the District of Columbia, issues a proclamation under the preceding sentence that the National flag be flown at half-staff in that State, territory, or possession or in the District of Columbia because of the death of a member of the Armed Forces, the National flag flown at any Federal installation or facility in the area covered by that proclamation shall be flown at half-staff consistent with that proclamation.” for period at end.

FINDING

Pub. L. 110–41, §2, June 29, 2007, 121 Stat. 233, provided that: “Congress finds that members of the Armed Forces of the United States defend the freedom and security of the United States.”

PROC. NO. 3044. DISPLAY OF FLAG AT HALF-STAFF UPON DEATH OF CERTAIN OFFICIALS AND FORMER OFFICIALS

Proc. No. 3044, Mar. 1, 1954, 19 F.R. 1235, as amended by Proc. No. 3948, Dec. 12, 1969, 34 F.R. 19699, provided:

WHEREAS it is appropriate that the flag of the United States of America be flown at half-staff on Federal buildings, grounds, and facilities upon the death of principal officials and former officials of the Government of the United States and the Governors of the States, Territories, and possessions of the United States as a mark of respect to their memory; and

WHEREAS it is desirable that rules be prescribed for the uniform observance of this mark of respect by all executive departments and agencies of the Government, and as a guide to the people of the Nation generally on such occasions:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Commander in Chief of the armed forces of the United States, do hereby prescribe and proclaim the following rules with respect to the display of the flag of the United States of America at half-staff upon the death of the officials hereinafter designated:

1. The flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions for the period indicated upon the death of any of the following-designated officials or former officials of the United States:

(a) The President or a former President: for thirty days from the day of death.

The flag shall also be flown at half-staff for such period at all United States embassies, legations, and other facilities abroad, including all military facilities and naval vessels and stations.

(b) The Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives: for ten days from the day of death.

(c) An Associate Justice of the Supreme Court, a member of the Cabinet, a former Vice President, the President pro tempore of the Senate, the Majority Leader of the Senate, the Minority Leader of the Senate, the Majority Leader of the House of Representatives, or the Minority Leader of the House of Representatives: from the day of death until interment.

2. The flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the metropolitan area of the District of Columbia on the day of death and on the following day upon the death of a United States Senator, Representative, Territorial Delegate, or the Resident Commissioner from the Commonwealth of Puerto Rico, and it shall also be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the State, Congressional District, Territory, or Commonwealth of such Senator, Representative, Delegate, or Commissioner, respectively, from the day of death until interment.

3. The flag of the United States shall be flown at half-staff on all buildings and grounds of the Federal Government in a State, Territory, or possession of the United States upon the death of the Governor of such State, Territory, or possession from the day of death until interment.

4. In the event of the death of other officials, former officials, or foreign dignitaries, the flag of the United States shall be displayed at half-staff in accordance with such orders or instructions as may be issued by or at the direction of the President, or in accordance with recognized customs or practices not inconsistent with law.

5. The heads of the several departments and agencies of the Government may direct that the flag of the United States be flown at half-staff on buildings, grounds, or naval vessels under their jurisdiction on

occasions other than those specified herein which they consider proper, and that suitable military honors be rendered as appropriate.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 1st day of March in the year of our Lord nineteen hundred and fifty-four, and of the Independence of the United States of America the one hundred and seventy-eighth.

[SEAL]

DWIGHT D. EISENHOWER.

§8. Respect for flag

No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

(a) The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.

(b) The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.

(c) The flag should never be carried flat or horizontally, but always aloft and free.

(d) The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of the platform, and for decoration in general.

(e) The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.

(f) The flag should never be used as a covering for a ceiling.

(g) The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.

(h) The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.

(i) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.

(j) No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firemen, policemen, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin being a replica, should be worn on the left lapel near the heart.

(k) The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

(Added Pub. L. 105–225, §2(a), Aug. 12, 1998, 112 Stat. 1497.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8	36:176.	June 22, 1942, ch. 435, §4, 56 Stat. 379; Dec. 22, 1942, ch. 806, §4, 56 Stat. 1076; July 7, 1976, Pub. L. 94–344, (12)–(16), 90 Stat. 812.

§9. Conduct during hoisting, lowering or passing of flag

During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present in uniform should render the military salute. Members of the Armed Forces and veterans who are present but not in uniform may render the military salute. All other persons present should face the flag and stand at attention with their right hand over the heart, or if applicable, remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Citizens of other countries present should stand at attention. All such conduct toward the flag in a moving column should be rendered at the moment the flag passes.

(Added Pub. L. 105–225, §2(a), Aug. 12, 1998, 112 Stat. 1498; Pub. L. 110–181, div. A, title V, §594, Jan. 28, 2008, 122 Stat. 138.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9	36:177.	June 22, 1942, ch. 435, §5, 56 Stat. 380; Dec. 22, 1942, ch. 806, §5, 56 Stat. 1077; July 7, 1976, Pub. L. 94–344, (17), 90 Stat. 812.

AMENDMENTS

2008—Pub. L. 110–181 substituted “all persons present in uniform should render the military salute. Members of the Armed Forces and veterans who are present but not in uniform may render the military salute. All other persons present should face the flag and stand at attention with their right hand over the heart, or if applicable, remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Citizens of other countries present should stand at attention. All such conduct toward the flag in a moving column should be rendered at the moment the flag passes.” for “all persons present except those in uniform should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Aliens should stand at attention. The salute to the flag in a moving column should be rendered at the moment the flag passes.”

§10. Modification of rules and customs by President

Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Armed Forces of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation.

(Added Pub. L. 105–225, §2(a), Aug. 12, 1998, 112 Stat. 1498.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
10	36:178.	June 22, 1942, ch. 435, §8, 56 Stat. 380; Dec. 22, 1942, ch. 806, §8, 56 Stat. 1077; July 7, 1976, Pub. L. 94–344, (20), 90 Stat. 813.

REFERENCES IN TEXT

Herein, referred to in text, means sections 4 to 10 of this title.

PROC. NO. 2605. THE FLAG OF THE UNITED STATES

Proc. No. 2605, Feb. 18, 1944, 9 F.R. 1957, 58 Stat. 1126, provided:

The flag of the United States of America is universally representative of the principles of the justice, liberty, and democracy enjoyed by the people of the United States; and

People all over the world recognize the flag of the United States as symbolic of the United States; and

The effective prosecution of the war requires a proper understanding by the people of other countries of the material assistance being given by the Government of the United States:

NOW, THEREFORE, by virtue of the power vested in me by the Constitution and laws of the United States, particularly by the Joint Resolution approved June 22, 1942, as amended by the Joint Resolution approved December 22, 1942 [now sections 4 to 10 of this title], as President and Commander in Chief, it is hereby proclaimed as follows:

1. The use of the flag of the United States or any representation thereof, if approved by the Foreign Economic Administration, on labels, packages, cartons, cases, or other containers for articles or products of the United States intended for export as lend-lease aid, as relief and rehabilitation aid, or as emergency supplies for the Territories and possessions of the United States, or similar purposes, shall be considered a proper use of the flag of the United States and consistent with the honor and respect due to the flag.

2. If any article or product so labelled, packaged or otherwise bearing the flag of the United States or any representation thereof, as provided for in section 1, should, by force of circumstances, be diverted to the ordinary channels of domestic trade, no person shall be considered as violating the rules and customs pertaining to the display of the flag of the United States, as set forth in the Joint Resolution approved June 22, 1942, as amended by the Joint Resolution approved December 22, 1942 (U.S.C., Supp. II, title 36, secs. 171–178) [now sections 4 to 10 of this title] for possessing, transporting, displaying, selling or otherwise transferring any such article or product solely because the label, package, carton, case, or other container bears the flag of the United States or any representation thereof.