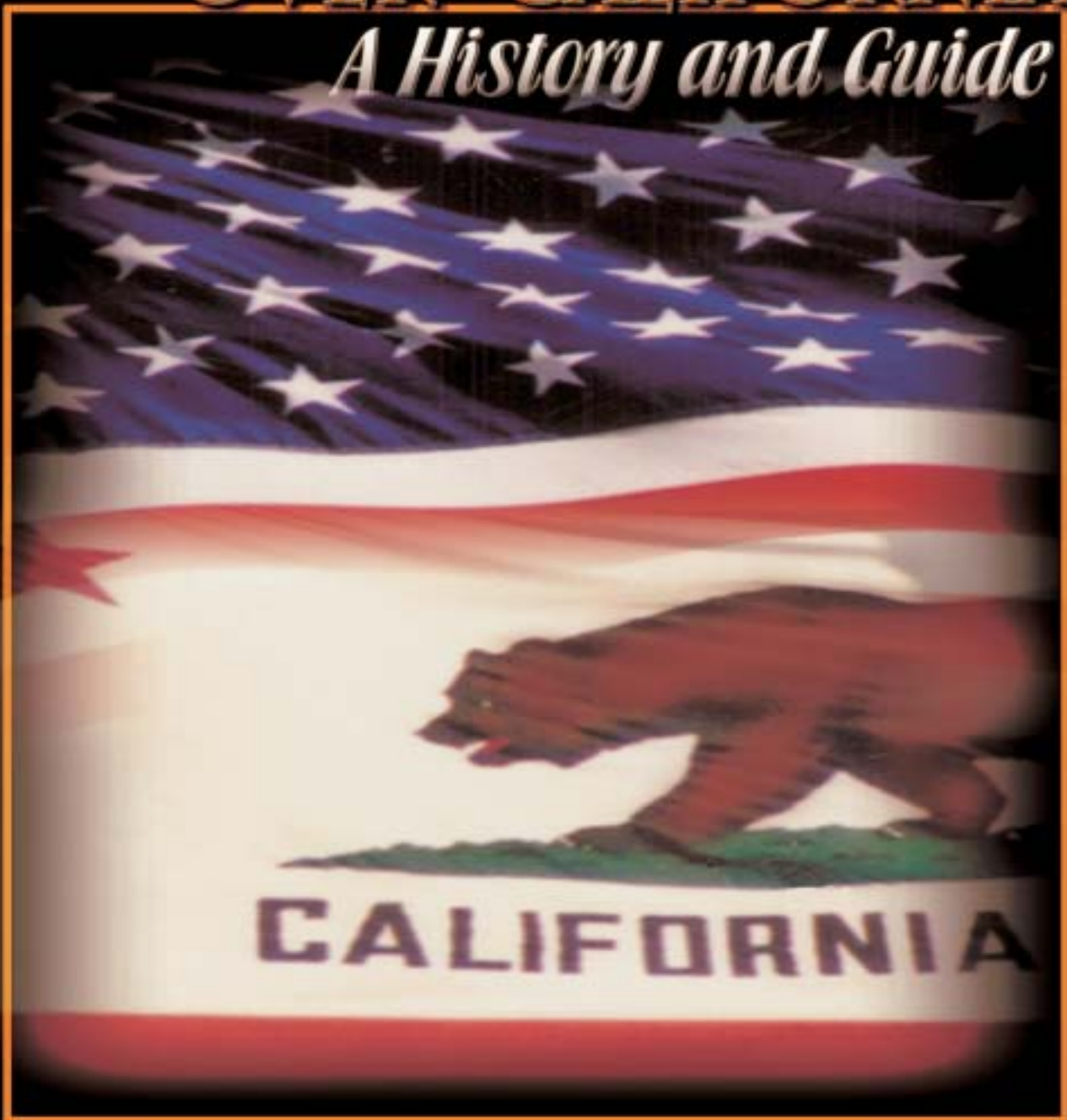


# FLAGS

OVER CALIFORNIA

*A History and Guide*



State of California, Military Department  
March 2002



# *Flags Over California*

This booklet, “Flags Over California”, has been designed to provide information on the California State (Bear) Flag, as well as to set forth the various rules and regulations regarding the proper display of and respect due both our National Flag and the Official Flag of the State of California.

Since the 1961 Regular (General) Session, legislation has been in effect which directs The Adjutant General to periodically compile the laws and regulations regarding the State Flag. Section 439 was added to the Government Code to read:

“439. The Adjutant General shall by regulation, prescribe rules regarding the times, places, and manner in which the State Flag may be displayed. He shall periodically compile the laws and regulations regarding the State Flag. Copies of the compilation shall be printed and made available to the public at cost by the Department of General Services.”

Information contained in this booklet was obtained from the California Blue Books, Government Code, Military and Veterans Code, United States Code and various documents, books and web sites containing information on the Bear Flag.

The information contained in this booklet was prepared by members of the Directorate of Administration of the Military Department, State of California.

Submission of comments, corrections, additions and deletions may be submitted in writing to:

**Military Department**  
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# Flags that have flown over California

*The principal predecessors of the California Bear Flag are shown on the following pages. They represent periods of history and development in California.*

To many people flags are an everyday object, but they generally know little or nothing of their history, symbolism, or usage. Flags have been used for thousands of years by almost every society in which people live in urban conditions. The vast majority of flags have had religious or military significance. In the past few centuries flags have also been used for political parties, commercial enterprises and signaling purposes.

The use of state and national flags is a rather recent development. The American Revolution of 1775-1783 and the French Revolution of 1789 influenced the modern sense of citizen participation in the formation of a nation. That is when flags made a dramatic change from being exclusively the privilege of the ruling classes (kings, soldiers, priests) to becoming symbols of common women and men.

The story of the origin of the California Bear Flag parallels the story of the origin of our state. Flags of explorers, Spanish and Mexican Empires, England, Russia, the United States and even a pirate have waved in the breezes over what is now known as California since the year 1542.



**The Spanish Empire Flag**

This is the royal standard of Carlos V which appeared at the head of every band of Spanish explorers, as Spain had no national flag at the time. The field is white and bears the arms of Castile and Leon, with the royal crown at the top of the shield and around it the collar of the Order of the Golden Fleece. At a point near Mugu Lagoon, in Ventura County, on October 10, 1542, Juan Rodriguez Cabrilo raised the flag of the Spanish Empire and took possession of California for Spain.



**The Flag of England  
1579**

Planted by Sir Francis Drake at Drake's Bay on June 17, 1579, it flew over California, which he called "New Albion", for only 37 days. The flag is white with the red cross of St. George.



**The Spanish National Ensign  
1785-1822**

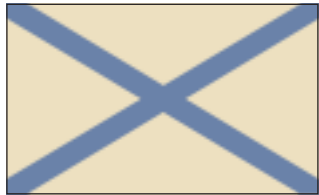
Replacing two previous Spanish Empire Flags raised at San Diego by Gaspar de Portola and Father Junipero Serra, was the newly created Spanish National Flag. This flag was raised over the Monterey Presidio in 1785 where it continued to fly until the end of Spanish rule in 1822. The flag is predominantly yellow with bands of red across the top and bottom. The center of the flag bears the arms of Castile and Leon enclosed by the Collar of the Order of the Golden Fleece, topped by the Crown of Spain.



**Russian-American Company  
1812-1841**

Tsar Paul granted a company charter to the Russian American Company that gave it a complete monopoly over all Russian enterprises in North America. In 1806, the company was granted its own flag.

During June of 1812, an expeditionary crew of 25 Russian Nationals and 80 Alaskans began construction of houses and a stockade on the site of the ancient Pomo Indian village of Mad-shui-miu. The northern California coast outpost has since been renamed Fort Ross. Coincidental with the Flag of Russia the banner that was hoisted above the new colony was the flag of the Russian American Company. It consists of a broad white band filling the top half of the flag, with two equal-width bars of blue and red respectively completing its basic makeup. Centered in the top half was the traditional Russian double eagle. With this flag flew the Czarist Russian Flag.



**The Flag of Russia  
1812-1841**

On September 10, 1812, Ivan A. Kuskov, established Fort Ross and claimed the Northern California coast for the Czar. He unfurled the flag of Russia, the light blue Cross of St. Andrew on a field of white.



**The Flag of Argentina (Bouchard's Flag)  
1818**

The revolutionary colonist Hippolyte de Bouchard, called by some a pirate, sailed into Monterey Bay in November, 1818. Flying the revolutionary flag of Buenos Aires, which was similar to that of the present Argentine national ensign, from his flagship's masthead, Bouchard demanded the complete surrender of the Spanish city. Finding immediate resistance, the pirates sacked, looted and burned the small city "in the name of liberty". The Argentine flag was flown for sixteen days. It consists of three bars of equal width, the outer two of blue, and the center one of white. A stylized golden sun appears on the white band, to the left of the flag's center.



**The Mexican Empire Flag  
1822-1824**

Upon Mexico's gaining of independence from Spain in April of 1822, a meeting of the leading governing officials resulted in the declaration of California's allegiance to the new nation.

The Mexican Empire flag was raised at the Presidio of Monterey, California, on April 11, 1822 and for several years the Northern California community of Monterey, under the flag of the Mexican Empire, was the seat of a provisional government, independent from any ruling sovereign.



**The Mexican Republic Flag  
1824 -1836 & 1837-1846**

Upon the overthrow of Mexican Emperor Augustin Iturbide, the Republic of Mexico was created, and the banner of that new nation was unfurled over California. This flag has three vertical bars of green, white and red. An eagle perched on a cactus over a laurel wreath appears in the center bar. Except for a few brief months in late 1836 and early 1837, when a lone red star flag on a white background was raised in recognition of the efforts of Juan Bautista Alvarado and Isaac Graham's capture of Monterey from the Mexican government—thereby establishing California as "a free and sovereign state—the Mexican Flag continued to fly as California's official flag until the American conquest.



**The Fremont Flag  
1845-1846**

In the year 1845, Captain John Fremont, United States Topographical Engineers, headed what was termed a "scientific" expedition into California. The ruling Mexican authorities permitted the Fremont party to winter in California, providing that they avoided the coastal settlements.

Because Fremont was on a topographical expedition into areas claimed by Mexico, he chose not to carry a regular U.S. flag. Instead, his wife, Jessie, drew and made this flag using elements of design taken from the Stars and Stripes and Army regimental flags.

The white canton featured twenty-six stars, outlined in blue, in two undulating waves above and below a blue eagle clutching in its talons nine blue arrows and a red and white peace pipe as a sign of peace to the local Indians.

Upon learning that Fremont and his 60 armed men were marching towards Salinas, the Mexican officials ordered the "scientific" party out of California. Fremont's group withdrew to Gavilan Peak, where they erected a log fortress. From the newly built fort he flew the Fremont flag (the only flag in his possession). This flag is displayed in the library of the Southwest museum in Los Angeles, California.



**The Flag of the United States  
1846**

The first "Stars and Stripes" were raised over California by Commodore John C. Sloat, commander of

U.S. Naval Forces, at Monterey on July 9, 1846. That banner boasted 28 stars, arranged in four rows of seven stars each, and was subsequently modified as new states entered the Union. The 31st star, in recognition of California's entry into the Union on September 9, 1850, was physically added on July 4, 1851. The flag of the United States grew to 48 stars in 1912. It remained unchanged for 47 years. The territory of Alaska was admitted as the 49th state on January 3, 1959, and the 49th star was added July 4, 1959. Hawaii became the 50th state on August 21, 1959, although the 50th star did not appear on the American flag until July 4, 1960.



# Flags of the Bear Flag Revolt

*The Yankees in California did not revolt under the same flag. The historic bear flag and other flags in use by various groups of the Bear Flag Revolt are shown on the following pages.*



The first Yankees in California did not initially intend to overthrow the Mexican authority, but in 1846 the defense of California was completely neglected by Mexico and it was extremely weak militarily. Mexico lacked the support of their California administrators who were in California and anticipated statehood. Any military power could have easily captured California. A small uprising of settlers in the north resulted in the Bear Flag Republic which existed from June 14 to July 11, 1847. American forces arrived by sea and gained control of the entire region without firing a shot. A small revolt at Los Angeles led to a pocket of California resistance lasting from September 1846 to January 1847.

Today's California State Flag has evolved from the historic Bear Flag (Todd Flag) which was first raised at the town of Sonoma on June 14, 1846 by Americans who proclaimed California independent of Mexico in what became known as the Bear Flag Revolt.



**The McChristian Flag**

This flag is the only surviving flag known to have belonged to a "Bear Flagger." The design combines elements of both the Bear Flag and the Stars and Stripes. The flag was probably made after 1850 because the bear is remarkably similar to a famous painting of a California grizzly done by Charles Nahl in 1850.



**The Revere Guidon**

*A guidon is a small flag used to guide and rally troops.*

The Revere Guidon is believed to be one of the guidons of the California Battalion. This flag was removed by U.S. Navy Lieutenant Joseph Warren Revere, Paul Revere's grandson, from the barracks at Sonoma as a souvenir. It was returned to California at the suggestion of General William T. Sherman, only to be destroyed with the Todd Flag in the San Francisco Earthquake and Fire of 1906.



**The Pico Flag**

This design, which appears as an illustration at the bottom of the Spanish version of California's Proclamation of Independence made for Pio Pico, probably never was made into a flag. This is the only version of the Bear Flag depicted with a vertical strip.



**The Swasey Flag**

This reconstruction is based on a description in Bancroft's History of California. The red, white, and blue stripes were probably inspired by the American flag.



**The Ide Flag**

Was designed by H.L. Ford for William Brown Ide who was the first and only "President" of the California Republic.

A rumor spread that the Mexican government planned to evict all illegal American settlers. In June, 1846, Ide joined a band of Americans who advanced on the pueblo of Sonoma and captured Mariano Vallejo, the Mexican Comandante of Northern California. Sonoma was taken without a shot, and on June 14, 1846, the Bear Flag was raised and Ide was chosen to lead the new California Republic.



**The Dr. Semple Flag**

The image of this flag is based upon a description, since the original flag has not survived. Dr. Robert Semple was one of the men that arrested General Vallejo and was the editor of California's first newspaper, *The Californian*.

On December 22, 1846, Mariano Guadalupe Vallejo deeded an undivided half of a tract of five square miles of the Soscol Rancho to Robert Semple. Vallejo wanted the town to be named Francisca, in honor of his wife, Dona Francisca Benicia Carrillo. The attempt to appropriate the name as well as the commercial supremacy of San Francisco was made difficult by an order requiring the name San Francisco substituted for Yerba Buena on all public documents. Doctor Semple was very displeased at this action and spluttered over it in *The Californian*. To prevent confusion and trouble the name Francisca was changed to Benicia, the second name of Senora Vallejo. There was an attempt to have Benicia named the capital of California. General Vallejo did his best making most generous offers to the legislature of land and money if they would move the capital there.



**The Storm Flag**

This flag, depicting the bear standing, was sewn by Peter Storm for use by the Bear Flag Party, and may have preceded the Todd Flag. It was buried with Storm in Calistoga, California.



# The First California Bear Flag



**Photograph of the Original Todd Flag**

The original Bear Flag was preserved and displayed for many years in the San Francisco offices of the Society of California Pioneers, however it was destroyed during the earthquake and fire of 1906.



**The First Bear Flag  
1846**

The banner was hoisted up a hastily constructed wooden flagpole by a group of American settlers in revolt against the Mexican authorities.

William L. Todd, a nephew of Mary Todd (Mrs. Abraham Lincoln), who is most generally credited with the actual making of the original Bear Flag, stated in a letter to the Los Angeles Express in 1878, that a piece of new unbleached domestic cotton with a stripe of four-inch red flannel attached to its lower side, was used. A "Lone Star" was drawn in the upper

left-hand corner of the flag with blackberry juice in recognition of California's Lone Star flag of 1836, and that a grizzly bear as a symbol of "strength and unyielding resistance filled the flag's center area. Appearing beneath the bear in were the words "California Republic". The whole flag was about three by five feet.

The flag flew over Sonoma until it was replaced on July 9, 1846 by the Stars and Stripes. The design served as the model for the current state flag.

# The Current California Bear Flag



**The State Flag of California**

In 1911, the Legislature adopted the Bear Flag as the State Flag of California. The law was incorporated in the government Doce in 1943 as Section 420. In 1953, Senate Bill No. 1014 (Chapter 1140, Statutes of 1953), amended the section to read as follows:

“420. The Bear Flag is the State Flag of California. As viewed with the hoist end of the flag to the left of the observer there appears in the upper left-hand corner of a white field a five-pointed red star with one point vertically upward and in the middle of the white field a brown grizzly bear walking toward the left with all four paws on the green grass plot, with head and eye turned slightly toward the observer, a red stripe forms the length of the flag at the bottom and between the grass plot and red stripe appear the words CALIFORNIA REPUBLIC.

**Dimensions** excluding heading and unfinished flag ends: The hoist of flag width is two-thirds of the fly or flag length; the red stripe width is one-sixth of the hoist width. The state official flag hoist widths shall be two, three, four, five, six, and eight feet. The diameter of an imaginary circle passing through the points of a star is one-tenth of the fly length; the distance of the star center from the hoist end is one-sixth of the fly length and the distance from the star center to the top of the flag is four-fifths of the star-center distance from the hoist end. The length of the bear diagonally from the nose tip

to the rear right hand paw is two-thirds of the hoist width; the height of the bear from shoulder tip vertically to a line touching the bottoms of the front paws is one-half the length of the bear, the location of the bear in the white field is such that the center of the eye is midway between the top and bottom of the white field and the midpoint of the bear's length is midway between the fly ends. The grass plot in length is eleven-twelfths of the hoist width of the plot between the rear of the left front paw and the front of the right rear paw is one-tenth of the grass plot length. The height of the condensed Gothic letters as shown on the representation is one-half of the fly length with the beginning and ending letters of the words equidistant from the fly ends.

**Colors.** The following color references are those of the Textile Color Card Association of the United States, Incorporated, New York; the colors on the flag are to be substantially the same as these color references; White-of the white field and the bear's eye and on the bear's claws is White cable number 70001. Red-of the red stripe, the star, and the bear's tongue is Old Glory, cable number 70180. Green-of the grass plot is Irish Green, cable number 70168. Brown-of the bear is Maple Sugar, cable number 70129. Dark Brown-of the bear outline, paws, shading, fur undulations, iris of the eye, the 12 grass tufts in the grass plot and the setters is Seal, cable number 70108. The General design and details of the Bear Flag shall correspond substantially with the following

representations. This shall be the official State Flag of all state, county, city and town agencies. The flags now issued or in use shall continue in service until replacement is required. (Ammended by State 1953, Chapter 1140.)”

#### Cable Number to Pantone Matching System Conversion

Note: Color Cable Numbers may be converted to Pantone Matching System (PMS) as Follows:

Color	Cable Number	Pantone Number
Old Glory Red	80108	200
White	80002	none (just white)
Irish Green	80120	348
Maple Sugar	80153	729C
Seal	80192	462C

The Cable Numbers correspond to the Tenth Edition of The Standard Color Reference of America published by The Color Association of the United States.

#### The Color Association of the United States

589 8th Avenue, 12th Floor  
New York, NY 10018-3005  
Telephone: 212-372-8600.

Additional information on colors is available from:

#### The Institute of Heraldry

Technical and Production Division  
Telephone: 703-806-4985



#### Bear Flag Model Painting

1855

*A Bear Flag was used as the symbol for California as early as 1846, but 65 years passed before it was officially designated as the state emblem. Various bear images appeared on the flag until the design was standardized in 1953 modeled after the 1855 watercolor by Charles Nahl, shown here. This image was also used as a model for the sculpture. A copy of this painting, which is in the city of Monterey collection, can be seen in the Colton Hall Museum.*

# State of California Government Code

430. The Flag of the United States and the Flag of the State of California (the Bear Flag) shall be prominently installed, displayed, and maintained in the following places: (a) In the courtrooms of all courts of the State. (b) In all rooms where any court or any state, county, or municipal commission holds any sessions.

431. The Flag of the United States and the Flag of the State shall be prominently displayed during business hours upon or in front of the buildings or grounds of or at each of the following places: (a) Each public building belonging to the State, a county, or a municipality. (b) At the entrance and exit of every state park. (c) At the entrance or upon the grounds of each campus of the University of California. (d) At the entrance or upon the grounds or upon the administration building of every university, college, high school, and elementary school, both public and private, within the State. (e) Upon or at every agricultural inspection station just inside California and located on every highway leading into California. (f) At the entrance of or within every state highway maintenance station where personnel reside or are on duty at the time necessary to raise and lower the Flag.

432. The Flag of the United States and the Flag of the State shall be prominently displayed during any and all games and performances of every kind which take place in a coliseum, stadium, bowl, or other open air sites, and at all race tracks where racing is being conducted.

433. The National and State Flags shall be carried at the head of any procession or parade of: (a) The National Guard. (b) The California State Guard. (c) Any other state military organization. (d) Sheriff's posse. (e) City police or fire department.

434. Where the installation or display of the Flag of the United States and the Flag of the State in a place publicly owned, whether by the State, a county, or a municipality, is prescribed, public officials charged with furnishing the place shall provide for the acquisition of the flags and their installation, display, and maintenance pursuant to this chapter.

434.5. (a) No person, private entity, or governmental agency shall adopt rules, regulations, or ordinances, or enter into any agree mentor covenant, which prevents any person or private entity which would otherwise have the legal right to display a Flag of the United States on private property from exercising that right, unless it is used as, or in conjunction with, an advertising display. (b) As used in this section, "legal right" means the freedom of use and enjoyment generally exercised

by owners and occupiers of land. (c) Nothing in this section shall be construed to prevent a city, county, or city and county from imposing reasonable restrictions as to the time, place, and manner of placement or display of a Flag of the United States when necessary for the preservation of the public's health, safety, or order. However, no restrictions solely to promote aesthetic considerations may be imposed.

435. Where a city or county has adopted an official flag, it is unlawful for any other city or county to adopt an official flag so similar that it might deceive or mislead anyone as to the city or county to which it belongs.

436. Where the National and State Flags are used, they shall be of the same size. If only one flagpole is used, the National Flag shall be above the State Flag and the State Flag shall be hung in such manner as not to interfere with any part of the National Flag. At all times the National Flag shall be placed in the position of first honor.

437. The superior court having jurisdiction of the offense shall enforce this chapter on the complaint of any citizen of the county.

438. All United States Flags now in the possession of state, county, city, and district agencies, or hereafter acquired by such agencies under contracts awarded prior to March 18, 1959, may be utilized until unserviceable.

439. The Adjutant General shall, by regulation, prescribe rules regarding the times, places, and manner in which the State Flag may be displayed. He shall, periodically, compile the laws and regulations regarding the State Flag. Copies of the compilation shall be printed and made available to the public at cost by the Department of General Services.

14613.5. The Department of the California Highway Patrol shall present to the host agency or family member designated by the host agency of any peace officer who is killed in the line of duty in California, the flag that was flown at half-staff over the State Capitol Building in memory of the officer and a memorial certificate.

14686. The Department of General Services shall purchase and provide for the display of both the Flag of the United States and the Bear Flag of California in a prominent place outside of each public building of the state.

69504. The board of supervisors of each county shall purchase and provide for the installation of the Flag of the United States

and the Bear Flag of California in each superior courtroom in the county.

68507. The Secretary of the Judicial Council shall purchase and provide for the installation of the flag of the United States and the Bear Flag of California in all the courtrooms of the Supreme Court and the courts of appeal.

**ACR 87. American Flag Month.**

This measure would declare the 30 days from June 14, 1998, to July 14, 1998, inclusive, as American Flag Month in the State of California.

WHEREAS, For more than two centuries the American flag has been a banner of hope for generation after generation of Americans; and

WHEREAS, The flag is the symbol of a country that has grown from 13 colonies to a united nation of 50 sovereign states; and

WHEREAS, The first flag of the United States was authorized by Congressional Resolution on June 14, 1877, and in 1949, the United States Congress officially designated June 14th of each year as National Flag Day, to be observed by the display of the flag and appropriate ceremonies; and

WHEREAS, The Pledge of Allegiance to the flag was first used in 1892, was made official by the United States Congress in 1945, and through the years has been recited to reaffirm our love and loyalty to our flag and country and to the ideals that have made America a great nation; and

WHEREAS, The Legislature of the State of California recognizes and appreciates the symbolism represented when our flag is proudly displayed and celebrated; now therefore, be it Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby declares the 30 days from June 14, 1998, to July 14, 1998, inclusive, as American Flag Month in the State of California; and be it further Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor.

**ACR 11. American Flag Month.**

This measure would declare that the 30 days from June 14 to July 14, inclusive, shall be observed annually as American Flag Month in the State of California.

WHEREAS, For more than two centuries, the American flag has been a banner of hope for generation after generation of Americans; and

WHEREAS, The flag is the symbol of a country that has grown from 13 colonies to a united nation of 50 sovereign states; and

WHEREAS, The first flag of the United States was authorized by Congressional Resolution on June 14, 1877, and in 1949,

the United States Congress officially designated June 14th of each year as National Flag Day, to be observed by the display of the flag and appropriate ceremonies; and

WHEREAS, The Pledge of Allegiance to the flag was first used in 1892, was made official by the United States Congress in 1945, and through the years has been recited to reaffirm our love and loyalty to our flag and country and to the ideals that have made America a great nation; and

WHEREAS, The Legislature of the State of California recognizes and appreciates the symbolism represented when our flag is proudly displayed and celebrated; now, therefore, be it resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby declares that the 30 days from June 14 to July 14, inclusive, shall be observed annually as American Flag Month in the State of California; and be it further Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor.

**ACR 97. POW/MIA flag.**

This measure would request all state agencies that fly the United States and California flags to fly the POW/MIA flag on specified holidays.

WHEREAS, The United States has fought in many wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action; and

WHEREAS, Many of these Americans are still missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships; and

WHEREAS, As a symbol of the nation's concern and commitment to accounting as fully as possible for all Americans still held prisoner, missing, or unaccounted for by reason of their service in the Armed Forces and to honor the Americans who in future wars may be captured or listed as missing, or unaccounted for, Congress has officially recognized the National League of Families POW/MIA flag (36 U.S.C. Sec. 189); and

WHEREAS, The American people observe and honor with appropriate ceremony and activity the third Friday of September each year as National POW/MIA Recognition Day; now, therefore, be it Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests all state agencies that fly the United States and California flags to fly the POW/MIA flag on the following holidays:

Armed Forces Day, the third Saturday in May;  
 Memorial Day, the last Monday in May;  
 Flag Day, June 14;  
 Independence Day, July 4;  
 National POW/MIA Recognition Day, the third Friday in September;  
 Veterans Day, November 11;

**ACR 136. American flag.**

This measure would encourage all homeowner associations and landlords to obey the law and allow residents and tenants to exercise their lawful right to display the flag of the United States.

WHEREAS, The flag of the United States of America is a national treasure, and no statue, no monument, and no artifact says “America” so eloquently; and

WHEREAS, No other symbol of our nation has led men and women into battle, been sanctified by the blood of patriots, and then draped in honored glory over the caskets of those who gave their last full measure of devotion; and

WHEREAS, Our nation is unique because of our origins; and

WHEREAS, We are mostly a nation of immigrants, a nation of many races and many religions, and from our diversity we draw our strength; and

WHEREAS, The American flag represents all that unites us as one nation, under God; and

WHEREAS, The American flag is a constant reminder of the ideals we share; and

WHEREAS, There have been recent reports and complaints from citizens that some private homeowner association rules or covenants, conditions, and restrictions have been construed to prohibit the display of the flag; and

WHEREAS, Subdivision (a) of Section 434.5 of the Government Code states: “No person, private entity, or governmental agency shall adopt rules, regulations, or ordinances, or enter into any agreement or covenant, which prevents any person or private entity which would otherwise have the legal right to display a Flag of the United States on private property from exercising that right, unless it is used

as, or in conjunction with, an advertising display”; now, therefore, be it Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California encourages all homeowner associations and landlords to obey the law and allow residents and tenants to exercise their lawful rights to display the flag of the United States and that reasonable allowance be made to permit these displays; and be it further Resolved, That the Chief Clerk of the Assembly distribute copies of this resolution to groups and individuals representing homeowner associations, apartment associations, property management groups, and all other appropriate entities and individuals.

**SB 638. Air pollution: nonagricultural burning: American flag.**

Existing law governing nonagricultural burning generally prohibits the use of open outdoor fires for the purpose of disposal or burning of specified materials. Existing law exempts from that prohibition burning to dispose of the combustible or flammable solid waste of a single- or two-family dwelling on its premises and outdoor fires used only for cooking food for human beings or for recreational purposes.

This bill would also exempt the burning, in a respectful and dignified manner, of an unserviceable American flag that is no longer fit for display.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 41806 of the Health and Safety Code is amended to read:

41806. Nothing in this article shall be construed as prohibiting any of the following: (a) Burning for the disposal of the combustible or flammable solid waste of a single- or two-family dwelling on its premises. (b) Open outdoor fires used only for cooking food for human beings or for recreational purposes. (c) The burning, in a respectful and dignified manner, of an unserviceable American flag that is no longer fit for display.



# State of California

## Military & Veterans Code

### SECTION 611-617

611. (a) "Flag," as used in this division, means the State Flag of California and the Flag of the United States, as defined in this section. (b) "State Flag of California" includes any flag, standard, color, or ensign authorized by the laws of this state, and every picture or representation thereof, of any size, made of any substance, or represented on any substance evidently purporting to be any such flag, standard, color, or ensign of this state, and every picture or representation which shows the design thereof. (c) "Flag of the United States" includes any flag, standard, colors, or ensign authorized by the laws of the United States 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, standards, colors, or ensign of the United States of America.

612. (a) The colors and standards carried by organizations of the National Guard or Naval Militia shall be those which are carried by similar organizations of the United States Army, Air Force, or Navy, except that the regimental or battalion colors or standards may show the state coat of arms, instead of the coat of arms of the United States. (b) The Adjutant General may, pursuant to rules and regulations adopted for the purpose, deliver to the members of the family of a deceased member of the National Guard or of the State Military Reserve the colors used during the disposition of the remains of the deceased member according to the custom and usual practice of the United States Army, Air Force, or Navy, which then become the property of the members of the family.

613. No military organization provided for by the Constitution and laws of this State and receiving State support shall, while under arms, either for ceremony or duty, carry any device, banner or flag of any State or Nation except that of the United States or of this State.

614. A person is guilty of a misdemeanor who knowingly casts contempt upon any Flag of the United States or of this state by publicly mutilating, defacing, defiling, burning, or trampling upon it.

615. No provision of this code or of any law of this State which makes unlawful the use of the flag of the United States

or of this State or of any picture or representation thereof shall apply to any act permitted by the statutes of the United States or of this State or by any regulations of the United States Army, or United States Air Force, or United States Navy, nor shall it be construed to apply to any newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant or commission of appointment to office, ornamental picture, article of jewelry, or stationery for use in correspondence, on which is printed, painted, or placed a flag with no design or writing thereon and not connected with any advertisement.

616. Any person who displays a red flag, banner, or badge or any flag, badge, banner, or device of any color or form whatever in any public place or in any meeting place or public assembly, or from or on any house, building, or window as a sign, symbol, or emblem of forceful or violent opposition to organized government or as an invitation or stimulus to anarchistic action or as aid to propaganda that advocates by force or violence the overthrow of government is guilty of a felony.

617. No other flag or pennant shall 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, when the church flag may be flown.

SECTION 1830-1831 These sections of the Military and Veterans Code have been amended by AB 62 Chaptered 08/03/95 and by AB 1838 Chaptered 09/18/98. A summary is as follows:

Section 1830. The Legislature hereby finds and declares all of the following: (a) Thousands of Americans who served our country in military encounters have been captured by the enemy, listed as missing in action, or are unaccounted for and missing. (b) The uncertainty over the welfare of these Americans has caused their families unimaginable suffering. (c) As a symbol of California's concern and commitment to a full accounting of all Americans who are still prisoners of war, missing in action, or unaccounted for, the Legislature officially recognizes the flag of the National League of POW/MIA Families.

Section 1831 of the Military and Veterans Code is amended to read:

1831. (a) So that the people of California will not forget the sacrifices of those members of the United States Armed Forces who, after the termination of hostilities, remain prisoners of war or are missing in action, as well as the sacrifices of missing

United States nonmilitary personnel and civilians, the Governor shall annually proclaim the third Friday of September to be known as Prisoner-of-War/Missing-in-Action (POW/MIA) Recognition Day. (b) The flag of the National League of POW/MIA Families (POW/MIA Flag) is a black and white banner symbolizing those members of the United States Armed Forces who are listed as prisoners of war or missing in action. The flag serves as a powerful reminder to people everywhere of our country's firm resolve to achieve the fullest possible accounting for every member of the United States Armed Forces, and United States nonmilitary personnel and civilians. To the extent it is structurally feasible, the flag shall be flown during business hours, at locations where the United States flag and the California state flag currently fly, over all of the following places on the dates specified in subdivision (c):

#### SECTION 1830-1831

To the extent it is structurally feasible, the flag shall be flown during business hours, at locations where the United States flag and the California state flag currently fly, over all of the following places on the dates specified in subdivision (c):

- (1) All California National Guard armories.
- (2) Department of Veterans Affairs.
- (3) Military Department.
- (4) State Capitol.
- (5) All of the headquarters of the following agencies in Sacramento:
  - (A) Business, Transportation and Housing Agency.
  - (B) California Environmental Protection Agency.
  - (C) Health and Welfare Agency.

- (D) Office of Child Development and Education.
- (E) Resources Agency.
- (F) State and Consumer Services Agency.
- (G) Trade and Commerce Agency.
- (H) Youth and Adult Correctional Agency.

(c) For the purpose of subdivision (b), the POW/MIA Flag shall be flown on the following dates:

- (A) Armed Forces Day, the third Saturday in May.
- (B) Memorial Day, the last Monday in May.
- (C) Flag Day, June 14.
- (D) Independence Day, July 4.
- (E) National POW/MIA Recognition Day, the third Friday in September.
- (F) Veterans Day, November 11.

(2) If June 14, July 4, or November 11 falls upon a Saturday, the flag shall be flown on the preceding Friday. If any of those dates fall upon a Sunday, the flag shall be flown on the following Monday.

(d) The flag shall be flown at the Vietnam Veterans Memorial located on the grounds of the State Capitol whenever the United States flag is flown at that location.

(e) Additionally, the Governor and the Legislature are authorized and requested to issue proclamations calling upon the people, schools, and local governments of California to recognize POW/MIA Recognition Day with appropriate ceremonies and activities.



# State of California Education Code

52720. In every public elementary school each day during the school year at the beginning of the first regularly scheduled class or activity period at which the majority of the pupils of the school normally begin the schoolday, there shall be conducted appropriate patriotic exercises. The giving of the Pledge of Allegiance to the Flag of the United States of America shall satisfy the requirements of this section.

In every public secondary school there shall be conducted daily appropriate patriotic exercises. The giving of the Pledge of Allegiance to the Flag of the United States of America shall satisfy such requirement. Such patriotic exercises for secondary schools shall be conducted in accordance with the regulations which shall

be adopted by the governing board of the district maintaining the secondary school.38117. The governing board of each school district throughout the state shall provide for each schoolhouse under its control, a suitable Flag of the United States, which shall be hoisted above each schoolhouse during all school sessions and on school holidays, weather permitting.

The governing board of each school district shall provide smaller and suitable United States Flags to be displayed in each schoolroom at all times during the school sessions.

The governing board of each school district shall enforce this section.



# United States Code

Previous to Flag Day, June 14, 1923 there were no federal or state regulations governing display of the United States Flag. It was on this date that the National Flag Code was adopted by the National Flag Conference which was attended by representatives of the Army and Navy which had evolved their own procedures, and some 66 other national groups. This purpose of providing guidance based on the Army and Navy procedures relating to display and associated questions about the U. S. Flag was adopted by all organizations in attendance.

A few minor changes were made a year later during the Flag Day 1924 Conference, It was not until June 22, 1942 that Congress passed a joint resolution which was amended on December 22, 1942 to become Public Law 829; Chapter 806, 77th Congress, 2nd session. Exact rules for use and display of the flag (36 U.S.C. 173-178) as well as associated sections (36 U.S.C. 171) Conduct during Playing of the National Anthem, (36 U.S.C. 172) the Pledge of Allegiance to the Flag, and Manner of Delivery were included.

This code is the guide for all handling and display of the Stars and Stripes. It does not impose penalties for misuse of the United States Flag. That is left to the states and to the federal government for the District of Columbia. Each state has its own flag law.

Criminal penalties for certain acts of desecration to the flag were contained in Title 18 of the United States Code prior to 1989. The Supreme Court decision in *Texas v. Johnson*; June 21, 1989, held the statute unconstitutional. This statute was amended when the Flag Protection Act of 1989 (Oct. 28, 1989) imposed a fine and/or up to 1 year in prison for knowingly mutilating, defacing, physically defiling, maintaining on the floor or trampling upon any flag of the United States. The Flag Protection Act of 1989 was struck down by the Supreme Court decision, *United States vs. Eichman*, decided on June 11, 1990.

While the Code empowers the President of the United States to alter, modify, repeal or prescribe additional rules regarding the Flag, no federal agency has the authority to issue 'official' rulings legally binding on civilians or civilian groups. Consequently, different interpretations of various provisions of the Code may continue to be made. The Flag Code may be fairly tested: 'No disrespect should be shown to the Flag of the United States of America.' Therefore, actions not specifically included in the Code may be deemed acceptable as long as proper respect is shown.

## UNITED STATES CODE , TITLE 4, CHAPTER 1 - THE FLAG

### 1. Flag; stripes and stars

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.

### 2. 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.

### 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.

### 171. Conduct during playing of the National Anthem

During rendition of the national anthem when the flag is displayed, all present except those in uniform should stand at attention facing the flag with the right hand over the heart. Men not in uniform 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 render the military salute at the first note of the anthem and retain this position until the last note. When the flag is not displayed, those present should

face toward the music and act in the same manner they would if the flag were displayed there.

**172. 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 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.

**173. 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 title 4 and Executive Order 10834 issued pursuant thereto.

**174. Time and occasions for display**

(a) Display on buildings and stationary flagstaves in open; night display. It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaves in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness. (b) Manner of hoisting. The flag should be hoisted briskly and lowered ceremoniously. (c) Inclement weather. The flag should not be displayed on days when the weather is inclement, except when an all weather flag is displayed. (d) Particular days of display. The flag should be displayed on all days, especially on:

New Year's Day, January 1;  
 Inauguration Day, January 20;  
 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;  
 Independence Day, July 4;  
 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) Display on or near administration building of public

institutions. The flag should be displayed daily on or near the main administration building of every public institution. (f) Display in or near polling places. The flag should be displayed in or near every polling place on election days. (g) Display in or near schoolhouses. The flag should be displayed during school days in or near every schoolhouse.

**175. 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, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff. The flag shall be flown at half-staff thirty days from the death of the President or a former President; ten 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.

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; 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.

#### **176. 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.

#### **177. 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 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.

#### **178. 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.

#### **179. Design for service flag; persons entitled to display flag**

The Secretary of Defense is authorized and directed to approve

a design for a service flag, which flag may be displayed in a window of the place of residence of persons who are members of the immediate family of a person serving in the armed forces of the United States during any period of war or hostilities in which the Armed Forces of the United States may be engaged.

**180. Design for service lapel button; persons entitled to wear button**

The Secretary of Defense is also authorized and directed to approve a design for a service lapel button, which button may be worn by members of the immediate family of a person serving in the armed forces of the United States during any period of war or hostilities in which the Armed Forces of the United States may be engaged.

**181. Approval of designs by Secretary of Defense; license to manufacture and sell; penalties**

Upon the approval by the Secretary of Defense of the design for such service flag and service lapel button, he shall cause notice thereof, together with a description of the approved flag and button, to be published in the Federal Register. Thereafter any person may apply to the Secretary of Defense for a license to manufacture and sell the approved service flag, or the approved service lapel button, or both. Any person, firm, or corporation who manufactures any such service flag or service lapel button without having first obtained such a license, or otherwise violates sections 179 to 182 of this title, shall, upon conviction thereof, be fined not more than \$1,000.

**189. Recognition of National League of Families POW/MIA flag**

The National League of Families POW/MIA flag is hereby recognized officially and designated as the symbol of our Nation’s concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia, thus ending the uncertainty for their families and the Nation.

**Part II—Regulations Governing Executive Agencies**

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

**Dimensions of Flag**

Size	Hoist (width) Feet	Fly (length) Feet
(1)	20.00	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. 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.

**Proclamation Number 3948, December 12, 1969, 45 F.R. 19699. 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.

## **TITLE 10—ARMED FORCES**

### **Subtitle A—General Military Law, PART IV—SERVICE, SUPPLY, AND PROCUREMENT, CHAPTER 134—MISCELLANEOUS ADMINISTRATIVE PROVISIONS, SUBCHAPTER I—MISCELLANEOUS AUTHORITIES, PROHIBITIONS, AND LIMITATIONS ON THE, USE OF APPROPRIATED FUNDS**

Sec. 2249b. Display of State flags: prohibition on use of funds to arbitrarily exclude flag; position and manner of display. (a) Prohibition on Use of Funds.—Funds available to the Department of Defense may not be used to prescribe or enforce any rule that arbitrarily excludes the official flag of any State, territory, or possession of the United States from any display of the flags of the States, territories, and possessions of the United States at an official ceremony of the Department of Defense. (b) Position and Manner of Display.—The display

of an official flag of a State, territory, or possession of the United States at an installation or other facility of the Department shall be governed by the provisions of section 3 of the Joint Resolution of June 22, 1942 (56 Stat. 378, chapter 435; 36 U.S.C. 175), and any modification of such provisions under section 8 of that Joint Resolution (36 U.S.C. 178).

## **TITLE 18—CRIMES AND CRIMINAL PROCEDURE, PART I—CRIMES, CHAPTER 33—EMBLEMS, INSIGNIA, AND NAMES**

Sec. 700. Desecration of the flag of the United States; penalties (a)(1) Whoever knowingly mutilates, defaces, physically defiles, burns, maintains on the floor or ground, or tramples upon any flag of the United States shall be fined under this title or imprisoned for not more than one year, or both. (2) This subsection does not prohibit any conduct consisting of the disposal of a flag when it has become worn or soiled. (b) As used in this section, the term “flag of the United States” means any flag of the United States, or any part thereof, made of any substance, of any size, in a form that is commonly displayed. (c) Nothing in this section shall be construed as indicating an intent on the part of Congress to deprive any State, territory, possession, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section. (d)(1) An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order issued by a United States district court ruling upon the constitutionality of subsection (a). (2) The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal and advance on the docket and expedite to the greatest extent possible.

### **Amendments**

1989—Subsec. (a). Pub. L. 101-131, Sec. 2(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Whoever knowingly casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.”

Subsec. (b). Pub. L. 101-131, Sec. 2(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The term ‘flag of the United States’ as used in this section, 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, color, 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, standards, colors, or ensign of the United States of America.”

Section 1 of Pub. L. 101-131 provided that: “This Act [amending this section] may be cited as the ‘Flag Protection Act of 1989’.”

Penalty for mutilation or use of flag for advertising purposes, see section 3 of Title 4, Flag and Seal, Seat of Government, and the States.

**TITLE 36—PATRIOTIC SOCIETIES AND OBSERVANCES, CHAPTER 10—PATRIOTIC CUSTOMS**

Sec. 174. Time and occasions for display (a) Display on buildings and stationary flagstuffs in open; night display. It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstuffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness. (b) Manner of hoisting. The flag should be hoisted briskly and lowered ceremoniously. (c) Inclement weather. The flag should not be displayed on days when the weather is inclement, except when an all weather flag is displayed. (d) Particular days of display. The flag should be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; 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; Independence Day, July 4; 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) Display on or near administration building of public institutions. The flag should be displayed daily on or near the main administration building of every public institution. (f) Display in or near polling places. The flag should be displayed in or near every polling place on election days. (g) Display in or near schoolhouses. The flag should be displayed during school days in or near every schoolhouse.

**Amendments**

1976—Subsec. (a). Pub. L. 94-344, Sec. 1(2), substituted provision permitting display of the flag for 24 hours a day to produce a patriotic effect if flag is properly illuminated during the hours of darkness, for provision permitting night display of the flag upon special occasions when it is desired to produce a patriotic effect.

Subsec. (c). Pub. L. 94-344, Sec. 1(3), inserted provision excepting display of all weather flag. Subsec. (d). Pub. L. 94-344, Sec. 1(4), struck out "when the weather permits" after "displayed on all days" and "Army Day, April 6" before "Easter Sunday", inserted "Armed Forces Day, third Saturday in May", and substituted "third Monday in February" for "February 22", "the last Monday in May" for "May 30", and "second Monday in October" for "October 12".

**TITLE 36—PATRIOTIC SOCIETIES AND OBSERVANCES, CHAPTER 10—PATRIOTIC CUSTOMS**

Sec. 178. 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.

**Amendments**

1976—Pub. L. 94-344 substituted "Armed Forces" for "Army and Navy".

1942—Act Dec. 22, 1942, reenacted section without change. 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 [sections 171 to 178 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 labeled, 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) 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.

**TITLE 36—PATRIOTIC SOCIETIES AND OBSERVANCES, CHAPTER 10—PATRIOTIC CUSTOMS**

Sec. 189. Recognition of National League of Families POW/MIA flag

The National League of Families POW/MIA flag is hereby recognized officially and designated as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia, thus ending the uncertainty for their families and the Nation.

Pub. L. 102-190, div. A, title X, Sec. 1084, Dec. 5, 1991, 105 Stat. 1482, provided that:

“(a) Display of POW/MIA Flag.—The POW/MIA flag, having been recognized and designated in section 2 of Public Law 101-355 (104 Stat. 416) [36 U.S.C. 189] as the symbol of the Nation’s concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing, and unaccounted for, thus ending the uncertainty for their families and the Nation, shall be displayed—“(1) at each national cemetery and at the National Vietnam Veterans Memorial each year on Memorial Day and Veterans Day and on any day designated by law as National POW/MIA Recognition Day; and “(2) on, or on the grounds of, the buildings specified in subsection (b) on any day designated by law as National POW/MIA Recognition Day. “(b) Specified Buildings for Flag Display.—The buildings referred to in subsection (a)(2) are the buildings containing the primary offices of— “(1) the Secretary of State; “(2) the Secretary of Defense; “(3) the Secretary of Veterans Affairs; and “(4) the Director of the Selective Service System. “(c) Procurement and Distribution of Flags.—Within 30 days after the date of the enactment of this Act [Dec. 5, 1991], the Administrator of General Services shall procure POW/MIA flags and distribute them as necessary to carry out this section. “(d) Termination of Flag Display Requirement.—Subsection (a) shall cease to apply upon a determination by the President that the fullest possible accounting has been made of all members of the Armed Forces and civilian employees of the United States who have been identified as prisoner of war or missing in action in Southeast Asia. “(e) POW/MIA Flag Defined.—As used in this section, the term ‘POW/MIA flag’ means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101-355 (104 Stat. 416).”

#### Public Law 94-344

The Federal Flag Code prescribes the proper display of and respect for the United States Flag. Each state has its own flag law. Here is the code in its entirety:

#### JOINT RESOLUTION

To amend the joint resolution entitled “Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America”. Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled “Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America”, as amended (36 U.S.C. 171-178), is amended —

SEC. 1 That the following codification of existing rules and customs pertaining to the display and use of the flag of the United States of America be, and is hereby, 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 title 4, United States Code, Chapter 1, section 1 and section 2 and Executive Order 10834 issued pursuant thereto.

SEC. 2 (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 twenty-four 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; 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; Independence Day, July 4; 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.

SEC. 3 That 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 (j). (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 motor car, the staff should 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. (See Public Law 107, page 4) (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, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff. The flag shall be flown at half-staff thirty days from the death of the President or a former President; ten 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. 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.

SEC. 4 That 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, (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.

SEC. 5 During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, 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.

SEC. 6 During rendition of the national anthem when the flag is displayed, all present except those in uniform should stand at attention facing the flag with the right hand over the heart. Men not in uniform 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 render the military salute at the first note of the anthem and retain this position until the last note. When the flag is not displayed, those present should face toward the music and act in the same manner they would if the flag were displayed there.

SEC. 7 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.

SEC. 8 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 proclamation.

**Public Law 107**

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 or at any place at which any official meeting or proceeding of the United Nations is in progress. Whoever knowingly violates the provisions of this section shall be fined not more than \$250 or imprisoned not more than six months, or both.



# Display of the California Bear Flag

*Most Americans love and revere the Flag of their country, but the outward manifestation of respect is too often neglected or is incomplete simply because the individual does not know the proper thing to do.*

On every occasion of public display of the Bear Flag, within the State of California, it shall occupy the position of honor when displayed in company with the flags of other states, nations or international organizations, provided, however, that when the United States Flag is displayed with the Bear Flag, the National Flag shall occupy such position of honor.

The Flag of the United States and the Bear Flag should always be raised briskly and lowered slowly and ceremoniously.

There is no law prohibiting the flying of the Flag of the United States or the Bear Flag at night. It is a universal custom to display the Flag only from sunrise to sunset, on buildings or from stationary flag staffs in the open, if however the Flag or Flags are to be displayed outdoors at night, they should be brightly illuminated.

The Flag of the United States and the Bear Flag need not be displayed on days when the weather is inclement. Storm flags may be flown at military installations and armories as defined by Section 430 of the Military and Veterans Code, State of California.

When the Bear Flag and other flags, e.g., flags of cities or pennants of societies, are grouped and displayed from staffs with the Flag of the United States, the latter should be at the center or at the highest point of the group. The Bear Flag takes the next place of honor (on the spectator's left).

When carried in a procession with the Bear Flag and other flags, the Flag of the United States should be on the marching right with the Bear Flag taking the next position. When there is a line of other flags, the Flag of the United States is in front of the center of that line with the Bear Flag on the marching right of the line.

The Bear Flag shall only be dipped as a mark of honor to the Flag of the United States, and to the National Anthem if the Flag of the United States is not being displayed, and shall not be dipped to any person or thing.

The Bear Flag should not be carried flat or horizontally, but always aloft and free, as it is carried in a parade. It should always be attached securely to a staff.

The Bear Flag should not be draped over the hood, top, sides, or back of any vehicle, or of a railroad train, boat or airplane.

When the United States Flag is displayed from a staff on a speaker's platform in a public auditorium, it shall occupy the position of honor and be placed at the speaker's right as he faces the audience. The Bear Flag displayed from a staff on the speaker's platform shall be placed on the speaker's left as he faces the audience.

When the United States Flag is displayed from a staff in a public auditorium, elsewhere then on the platform, it shall be placed in the position of honor at the right of the audience as they face the platform. The Bear Flag shall be placed to the left of the audience as they face the platform.

The Bear Flag should never be used to cover a platform or speaker's desk, nor to drape over the front of a speaker's platform.

When displayed with the Bear Flag from crossed staffs the Flag of the United States should be on the right (Flag's own right) and its staff should be in front of the staff of the Bear Flag.

When the Bear Flag and the United States Flag are displayed at the same time on separate flagpoles, the flagpoles should be of equal length and the Flags should be the same size.

When the Flag of the United States is flown at half staff, so shall the Bear Flag. When flown at half staff, the Flags should be hoisted to the peak for an instant and then lowered to the half staff position, but before lowering for the day, the Flags should again be raised to the peak. When flown from adjacent staffs, the Flag of the United States is raised first and lowered last. By half staff is meant hauling down the Flag to one-half the distance between the top and the bottom of the staff. On Memorial Day display at half staff until noon only; then hoist

to the top of the staff. By order of the Governor or his representative, the Flag of the United States and the Bear Flag will be flown at half staff at all installations or places prescribed in Sections 431 and 432, Government Code, State of California.

The Bear Flag should never be fastened, displayed, used, or stored in such a manner as will permit it to be easily torn, soiled, or damaged in any way.



# Flag Display Examples

## Displaying the Flag Outdoors

When the flag is displayed from a staff projecting from a window, balcony, or a building, the blue field should be at the peak of the staff unless the flag is at half staff.

When it is displayed from the same flagpole with another flag - of a state, community, society or Scout unit - the flag of the United States must always be at the top except that the church pennant may be flown above the flag during church services for Navy personnel when conducted by a Naval chaplain on a ship at sea.



The Flag at Full-Staff



The Flag at Half-Staff



The flag at half-staff when displayed from a window.



The flag at full-staff when displayed from a window.



When the flag is displayed over a street, it should be hung vertically, with the blue field to the north or east. If the flag is suspended over a sidewalk, the flag's blue field should be farthest from the building.



When suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the Flag is hoisted a part of the way out from the building toward the pole, blue field first.



When flown with the national banner of other countries, each flag must be displayed from a separate pole of the same height. Each flag should be the same size. They should be raised and lowered simultaneously. The flag of one nation may not be displayed above that of another nation.



When flown with flags of states, communities, or societies on separate flag poles which are of the same height and in a straight line, the flag of the United States is always placed in the position of honor to its own right. The other flags may be smaller but none may be larger. No other flag ever should be placed above it. The flag of the United States is always the first flag raised and the last to be lowered.



When displayed either horizontally or vertically against a wall, in a show window, or elsewhere the blue field is uppermost and to the Flag's own right—that is, to the observer's left. The Bear Flag will be displayed as shown in the illustrations on this page.



**Displayed Vertically**



When flown on the same halyard with flags of States or cities, or pennants of societies, the United States Flag is at the peak. In the Army there is no exception to this rule. In the Navy, however, the church pennant, which is a signal flag to indicate that the crew is at church, may be flown above the national flag.



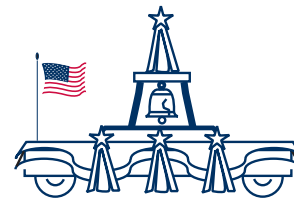
In a group of flags of States or cities or pennants of societies, displayed from staffs, the United States Flag is at the center at the highest point of the group.



In a procession with a line of other flags, the Flag of the United States is in front of the center of the line.



In a procession with another flag, the United States Flag is on the marching right.



**On a Parade Float**

On a float in a parade the Flag is displayed from a staff. Never display the Flag on a float in a parade except from a staff.



**On an Automobile**

When displayed on an automobile, the flag may be fastened to the body, or clamped as shown above. Under no circumstances should the Flag be draped over the hood, top, or sides.



When used on a speaker's platform:

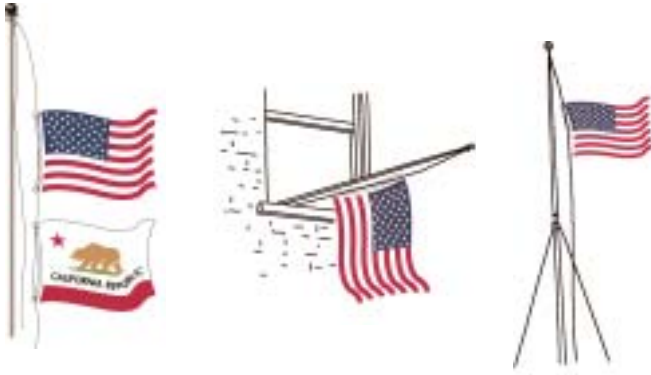
- (a) If displayed flat, the Flag is above and behind the speaker.
- (b) If flown from a staff, the Flag is in the position of honor, at the speaker's right, and preferably slightly in front.



When used in connection with the unveiling of a Statue or monument, the Flag must be allowed to fall to the ground upon the unveiling, but should be carried aloft to wave out, forming a distinctive feature during the remainder of the ceremony. The Flag must never be used for covering the statue or monument. Red, white and blue bunting or other suitable cloth should be used.



# Flags Displayed in Mourning



The Flag is placed at half-staff when flown from a stationary pole to indicate mourning.

1. When flown at half-staff, the flag should be hoisted to the peak for an instant and then lowered to the half-staff position. Before being lowered for the day the Flag should be raised again to the peak.

2. Since the Flag symbolized the Nation, it should be half-masted or dressed with crepe only in cases where it is appropriate that the Nation mourns. If it is desired to show that State, a city, or club, or society mourns, then the State, city, club or society flag should be half-masted or dressed with crepe. The Flag should not be both half-masted and dressed with crepe nor should it ever be tied in the middle with crepe to indicate mourning.



To indicate mourning when the Flag is fastened to a small staff, as when carried in a parade, two streamers of black crepe of suitable length are attached to the spearhead allowing the streamers to fall naturally.



To indicate mourning when the Flag is not on a staff but is displayed flat, a black crepe bowknot, either with or without streamers is placed at the fastening points.



## When used to cover a casket

When used to cover a casket, the blue field is at the head of the casket and over the left shoulder of the deceased. The casket should be carried foot first. The Flag must not be lowered into the grave, nor allowed to touch the ground. The position of the blue field is reversed on a casket to indicate mourning.



If outside the chancel, the United States Flag is in the position of honor at the right of the congregation as it faces the clergyman, and the State or other flag is at their left. This rule for the display of the Flag in a church applies to any other building or hall.



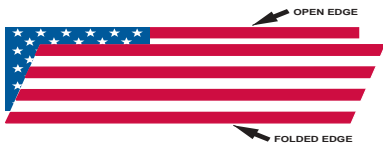
## When displayed in a church (or other gatherings in-doors)

If in the chancel, the United States Flag is in the position of honor at the clergyman's right, as he faces the audience, and the church or other flag is at his left.

# Folding the Flag



There are no Flag Code provisions which require any method, however, the following is traditional:



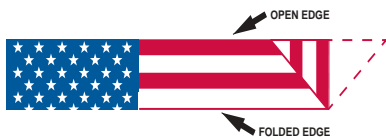
(a) Straighten out the flag to full length and fold lengthwise once.



(b) Fold it lengthwise a second time to meet the open edge, making sure that the union of stars on the blue field remains outward in full view. (A large flag may have to be folded lengthwise a third time.)



(c) A triangular fold is then started by bringing the striped corner of the folded edge to the open edge.



(d) The outer point is then turned inward parallel with the open edge to form a second triangle.



(e) The diagonal or triangular folding is continued toward the blue union until the end is reached, with only the blue showing and the form being that of a cocked (three corner) hat.

## Meaning of Flag Folding Program

The flag folding ceremony represents the same religious principles on which our great country was originally founded.

The portion of the flag denoting honor is the canton of blue containing the stars representing states our veterans served in uniform. The canton field of blue dresses from left to right and is inverted only when draped as a pall on the casket of a veteran who has served our country honorably in uniform.

In the Armed Forces of the United States, at the ceremony of retreat, the flag is lowered, folded in a triangle fold and kept under watch throughout the night as a tribute to our nation's honored dead. The next morning it is brought out and, at the ceremony of reveille, run aloft as a symbol of our belief in the resurrection of the body.

- The first fold of our flag is a symbol of life.
- The second fold is a symbol of our belief in the eternal life.
- The third fold is made in honor and remembrance of the veteran departing our ranks and who gave a portion of life for the defense of our country to attain peace throughout the world.
- The fourth fold represents our weaker nature; for as American citizens trusting in God, it is to Him we turn in times of peace as well as in times of war for His divine guidance.
- The fifth fold is a tribute to our country, for in the words of Stephen Decatur, "Our country, in dealing with other countries, may she always be right, but it is still our country, right or wrong."
- The sixth fold is for where our hearts lie. It is with our heart that we 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.
- The seventh fold is a tribute to our Armed Forces, for it is through the Armed Forces that we protect our country and our flag against all enemies, whether they be found within or without the boundaries of our republic.

- The eighth fold is a tribute to the one who entered into the valley of the shadow of death, that we might see the light of day, and to honor our mother, for whom it flies on Mother's Day.

- The ninth fold is a tribute to womanhood, for it has been through their faith, love, loyalty and devotion that the character of the men and women who have made this country great have been molded.

- The tenth fold is a tribute to father, for he, too, has given his sons and daughters for the defense of our country since he or she was first born.

- The eleventh fold, in the eyes of Hebrew citizens, represents the lower portion of the seal of King David and King Solomon and glorifies, in their eyes, the God of Abraham, Isaac and Jacob.

- The twelfth fold, in the eyes of a Christian citizen, represents an emblem of eternity and glorifies, in their eyes, God the Father, the Son and Holy Ghost.

When the flag is completely folded, the stars are uppermost, reminding us of our national motto, "In God We Trust."

After the flag is completely folded and tucked in, it takes on the appearance of a cocked hat, ever reminding us of the soldiers who served under General George Washington and the sailors and marines who served under Captain John Paul Jones who were followed by their comrades and shipmates in the Armed Forces of the United States, preserving for us the rights, privileges, and freedoms we enjoy today.



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PLEDGE OF ALLEGIANCE TO THE FLAG OF  
THE UNITED STATES

*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.*

This wording of the pledge varies slightly from the original, which was drawn up in 1892 in the office of *The Youth's Companion* magazine in Boston. It was first used in the public schools in celebration of Columbus Day, 12 October 1892.

The pledge received official recognition by Congress in an Act approved 22 June 1942. The phrase "under God" was added to the pledge by a Congressional Act of 14 June 1954. At that time, President Eisenhower said that "in this way we are reaffirming the transcendence of religious faith in America's heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war."

Information pertaining solely to the Flag of the United States is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20310 at a nominal charge.