

# THE CONSTITUTION OF THE UNITED STATES OF AMERICA

## UNITED STATES FLAG

### LESSON 12 SESSION 02

#### **12.5 Inspiration of the flag.**

Like the cross, the flag is sacred. It represents the living country and is itself considered a living thing. It flies not only as the symbol of organization and protection, it also calls to duty. To the flag of the United States, and all that it represents, every citizen of America should render respect, reverence, and devotion.

As you feel about your flag, so you feel about your Nation. Your flag, my flag, our flag!  
May we honor her as she honors us!

#### **12.6 The future of the flag.**

This flag, the emblem of justice and government, stands for the just use of undisputed national power. No nation is going to doubt our power to assert its rights.

It is henceforth to stand for self-possession, dignity, for the assertion of the right of one nation to serve the other nations of the world — an emblem that will not condescend to be used for purposes of aggression and self-aggrandizement; that it is too great to be debased by-selfishness; that has vindicated its right to be honored by all nations of the world and feared by none who do righteousness. — *Woodrow Wilson*.

165. Kinds of national flags. — There are four kinds of national flags: Flags which are flown at military posts or on ships and used for display generally; small flags or ensigns which are used on small boats; colors which are carried by unmounted regiments; and standards which are carried by mounted regiments, and are, therefore, smaller in size than colors.

There is prescribed in Army Regulations a knotted fringe of yellow silk on the national standards of mounted regiments and on the national colors of unmounted regiments. However, there is no law which either requires or prohibits the placing of a fringe on the flag of the United States. Ancient custom sanctions the use of fringe on the regimental colors and standards, but there seems to be no good reason or precedent for its use on other flags.

## 12.7 Federal laws.

There is no Federal law now in force pertaining to the manner of displaying, hanging, or saluting the United States flag, or prescribing any ceremonies that should be observed in connection therewith.

There are but four Federal laws on the statute books that have any bearing upon this subject:

(1) The act of Congress approved February 20, 1905, providing that a trade-mark can not be registered which consists of or comprises "the flag, coat of arms, or other insignia of the United States. or any simulation thereof."

(2) A joint resolution of Congress approved May 8, 1914, authorizing the display of the flag on Mother's Day.

(3) The act of Congress approved February 8, 1917, providing certain penalties for the desecration, mutilation, or improper use of the flag within the District of Columbia.

(4) The act of Congress approved May 16, 1918, providing, when the United States is at war. for the dismissal from the service of any employee or official of the United States Government who criticizes in an abusive or violent manner the flag of the United States.

Several States of the Union have enacted laws which have more or less bearing upon the general subject, and it seems probable that many counties and municipalities have also passed ordinances concerning this matter to govern action within their own jurisdiction.

No present Federal statute punishing the desecration or abuse of the flag, in time of peace or in time of war. — *Attorney General John G. Sargent*

A majority of States have passed acts designed to punish the desecration of the National flag and to prevent its use for advertising purposes. The constitutionality of such State legislation was upheld by the Supreme Court in *Halter v. Nebr.*, 205 U. S. 34.

There is a Federal statute similar in terms to many of the State laws which punishes the improper use of the flag in the District of Columbia — act February 8, 1917, chapter 34 (39 Stat. 900), but there is no Federal enactment which punishes such use outside the District.