

House Bill 5129 as enrolled
Public Act 460 of 1998
Third Analysis (1-12-99)

Sponsor: Rep. Paul Wojno
House Committee: Regulatory Affairs
Senate Committee: Government Operations

THE APPARENT PROBLEM:

The United States flag is a symbol imbued with many of the values and ideals embraced by many of the citizens of this nation and of the state of Michigan. Many believe that displaying the United States flag on one's own property is an admirable expression of patriotism and support for this country's values and ideals. It is also seen as way of remembering and honoring those who have given their lives in service of this country and as a way of expressing support for the men and women who are currently dedicated to protecting and preserving this country's values and ideals, especially those who serve in the armed forces.

Although June 14 has been established as the national day for honoring the flag since 1949 (see **BACKGROUND INFORMATION**), as a result of a grassroots action initiated by a Nicholas Marty, the city of Warren and Macomb county have adopted resolutions to declare the 31-day period from June 14 to July 14 as flag month. It has been suggested that the state should also provide a similar extension of the time period for honoring the flag of the United States.

THE CONTENT OF THE BILL:

The bill would designate June 14 through July 14 each year as the official flag month of Michigan. The bill would also encourage people to observe the following guidelines when displaying of the flag of the United States:

- The flag of the United States 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.
- 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 flag of the United States should 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 other flag or pennant should be placed above the flag of the United States or to the United States flag's right.

- When the flags of two or more nations are displayed, they should be flown from separate staffs of the same height. The flags should be of approximately equal size. A flag of one nation should not be placed above the flag of another nation in a time of peace.
- 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. The flag should be hoisted out, union first, from the building.
- When the flag of the United States is displayed either horizontally or vertically, the union should be uppermost and to the flag's own right and should be to the observer's left. When displayed in a window, the flag of the United States should be displayed in the same way, with the union or blue field to the left of the observer in the street.
- 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-west street and to the east in a north-south street.
- 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 should be at the clergyman's or speaker's right as he or she faces the audience. Any other flag displayed should be placed on the left of the clergyman or speaker or to the right of the audience.

- The flag of the United States should form a distinctive feature of the ceremony of unveiling a public statue or monument, but the flag should not be used as the covering for the public statue or monument.

- The flag of the United States, 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 raised to the peak before it is lowered for the day.

BACKGROUND INFORMATION:

The Second Continental Congress resolved on June 14, 1777, "That the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation." The adoption of the stars and stripes pattern for the national flag came almost one year after the Declaration of Independence was signed and more than a decade before the U.S. constitution was finalized. The Stars and Stripes first flew in a flag day celebration in Hartford, Connecticut in 1861, the first summer of the Civil War. The first national observance of flag day came on June 14, 1877, the centennial of the original flag resolution, when Congress ordered the flag to be flown over public buildings on that day. This was a one-time observance, however, that was not repeated until the 20th century. One history of Flag Day notes that the idea for a regular observance originated at the grassroots level when George Bolch, a New York City kindergarten principal, held patriotic ceremonies at his school on June 14, 1889.

The New York legislature subsequently passed a law requesting similar observances to be held in schools throughout the state. Others also encouraged efforts to honor the flag, such as Pennsylvanian William T. Kerr, who called for observances to be held in the state and local communities. In addition, Bernard J. Cigrand, a Wisconsin teacher, is recorded as having celebrated a flag birthday with his pupils at the end of school in 1885. Cigrand subsequently founded the American Flag Day Association in 1894 and called for the observance to take place on the flag's birth date instead of moving it to the third Sunday in June. The campaign continued with Pennsylvanian Joseph H. Hart who established in 1907 the Allentown Flag Day Association. There also were efforts at the national level by the Fraternal Order of Elks and the American Legion, which encouraged flag day activities in

communities across the country. In 1916, President Woodrow Wilson issued a national proclamation for a flag day that year, and President Calvin Coolidge issued a similar proclamation 11 years later. The establishment of a national day to honor the flag, however, did not occur until 1949 when President Harry Truman officially designated June 14 as Flag Day.

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bill would have no fiscal impact. (5-22-98)

ARGUMENTS:

For:

More than any other symbol of the United States, the U.S. flag is seen to represent all that is good and noble and right about this country. When it is displayed it projects the image of strength and freedom and instills a sense of pride in citizens. The single day currently assigned to honor the flag and those ideals it embodies is viewed by many as insufficient. The designation of a flag month by the state of Michigan would allow for more sustained and, probably, more visible demonstration of the pride that residents have in the U.S. flag. Although the flag month created by the bill would not require citizens to fly the flag during that time, it is hoped that it will encourage citizens to show their pride in their country by doing so.

Against:

For the most part, the guidelines in the bill provide what most would see as common sense rules regarding flag display. However, some of the guidelines are somewhat confusing. While the bill offers the guidelines as suggestions rather than obligations, it seems that they should be clear for those citizens who wish to display the flag appropriately. In particular, the guidelines suggest that when the flag is to be displayed vertically or horizontally, the union should be in the upper left-hand corner of the flag as viewed by the observer. However, while this instruction makes sense if the flag is against a wall or some other backdrop, it makes no sense where the flag may be viewed from either side. For example, a group wishes to display the flag hung vertically from the center of the ceiling of its meeting hall -- the left hand of the observer is entirely dependent upon the direction from which the observer is viewing the flag. Questions could also arise when attempting to follow the

recommendations when a flag is to be suspended over a street, particularly when the flag is to be suspended at an intersection.

Response:

The guidelines are not meant to cause citizens concern as to whether a particular display is within the guidelines. Those citizens whose display of the flag is done with due honor and respect will not likely be confused with the efforts of those who display of the flag in order to provoke others or to express their own contempt or disapproval of the nation as a whole or of specific policies.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.