

The History of our Flag



THE UNITED STATES FLAG 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.

Respect of the 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.*



AN APPEAL TO HEAVEN



streets . . . It received the name of liberty tree, from the association called the Sons of Liberty holding their meetings under it during the summer of 1765. The ground under it was called Liberty Hall. A pole fastened to its trunk rose far above its branching top, and when a red flag was thrown to the breeze the signal was understood by the people. Here the Sons of Liberty held many notable meetings, and placards and banners were often suspended from the limbs or affixed to the tree.”

After some time, meetings were held at this tree and following the repeal of the Stamp Act and the Boston Tea Party, the British cut down the tree. Thus, it became a symbol for the colonists. The pine tree was a symbol of New England and used on many patriot flags during the Revolution. The symbol of the tree also appears on a 1775 “Bunker Hill” flag, within the red St. George’s cross, another common symbol on New England flags of this period.



Gadsden Flag – 1775

The rattlesnake, the Gadsden flag’s central feature, had been an emblem of Americans even before the Revolution. The Pennsylvania Gazette published an article in 1751 bitterly protesting the British practice of sending convicts to America where the author suggested that the colonists should return the favor by shipping them “a cargo of rattlesnakes.” Three years later the same newspaper published what is believed to be one of the first political cartoons in America. It was of a snake cut into eight sections with the words “Join, or Die.” Each section represented a colony and was warning of the dangers of disunity. The rattle-snake symbol caught on and became a part of several other Revolutionary War flags. Before the departure of the United States Navy’s first mission in 1775, Continental Colonel Christopher Gadsden from South Carolina presented the newly appointed commander with a yellow rattlesnake flag to serve as a standard for his flagship.



this flag to the masthead on December 3, 1775.



thirteen stripes, alternate red and white, that the union be thirteen stars, white in a blue field, representing a new constellation.” Stars represent Delaware, Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland, South Carolina, New Hampshire, Virginia, New York, North Carolina and Rhode Island. This banner was first flown at Fort Stanwix, called Fort Schuyler at that time, near the city of Rome, New York on August 3, 1777.



Serapis Flag – 1779

The Serapis flag was not an “official” U.S. flag, since it did not meet the standards set by Congress in the 1777 Flag Act. In 1778, the Dutch Ambassador requested a description of the United States flag from Ambassador Benjamin Franklin. It is believed that Franklin had not yet received news of the 1777 Flag Act and, unaware that an official national flag existed, provided a description of what is now known as the “Serapis” flag. Along with the description were orders that this flag be officially recognized on the seas. The Serapis flag sketch from Dutch naval records survives, verifying Franklin’s description.

In the 1779 naval battle of Flamborough Head, the *Bonhomme Richard*, captained by John Paul Jones, engaged in battle with Captain Richard Pearson’s Serapis. During the battle, the colors were shot down from the mast of the *Bonhomme Richard*. In naval battles, “striking the colors” is a sign of surrender, and Captain Pearson of the Serapis asked Jones if he intended to surrender. Here, it is believed Jones gave his famous reply, “I have not yet begun to fight!,” continuing the battle and forcing the Serapis to surrender.

Though victorious, the *Bonhomme Richard* was beyond repair and Jones transferred his crew to the *Serapis*, sailing to the Dutch port of Texel. There, the British ambassador accused Jones of piracy, since the captured Serapis was not flying a recognized national ensign. However, the earlier documented description provided by Benjamin Franklin existed in the Dutch archives and saved Jones from British charges of piracy.

The Serapis flag was featured on a stamp in the U.S. Postal Service’s *Stars and Stripes* series in 2000.



15 Stars – 1795

Vermont and Kentucky joined the Union in 1791 and 1792. This flag with 15 stars and 15 stripes was adopted by a Congressional act of 1794. The flag became effective May 1, 1795. It was the sight of this flag flying over Fort McHenry on September 14, 1814 that inspired Francis Scott Key to write “The Star Spangled Banner.”



20 Stars – 1818

On April 14, 1818, Congress adopted a resolution mandating that the number of stripes be fixed at 13 and that one new star was to be added for each new state the following July 4th after admission. The 5 stars represent Louisiana, Indiana, Mississippi, Ohio and Tennessee.



34 Stars – 1861

At the outbreak of the Civil War in 1861, President Lincoln refused to remove the stars representing those states which seceded from the Union. In the first three months of the war a star was added when Kansas joined the Union in 1861. President Lincoln was the only president to serve under this flag as the Civil War raged.



35 Stars – 1863

A star was added when West Virginia separated from Virginia to join the Union in 1863. This remained our flag until the close of the Civil War.

Pennsylvania’s Civil War Battle Flag Collection



This is what remains of the original flag from the 97th Regiment out of West Chester, Pa. There were 49 companies from Chester County. A company would initially have 100 men in it so just under 5,000 men from Chester County served in 20 different Pennsylvania regiments during the Civil War. A monument dedicated to the 97th Regiment stands in Marshall Square Park, West Chester, Pa. This flag is included in the Capitol Preservation Committee’s flag collection.

After the war, Pennsylvania’s men-in-arms presented their colors to the Commonwealth at a large ceremony on July 4, 1866, in Philadelphia. General George G. Meade gave the keynote address and officially handed over the collection of flags to Governor Andrew Curtin. The banners were transported to the old state arsenal, and in the 1870’s were placed in a special flag room adjacent to the state Capitol. When the Capitol building was destroyed by fire in 1897, the collection remained safe. By 1911, large bronze cases in the main Rotunda of the new Capitol building were built to house the Commonwealth’s Civil War flag collection. On June 14, 1914, a parade consisting of some 300 Civil War veterans carried the flags to the Capitol, where they were placed in the cases and remained for nearly 75 years.

In 1981, the 87th Civil War Reenactment group began to raise funds in order to conserve its own banner for posterity and, in so doing, created awareness of the need for conservation of the entire collection. In 1984, the Capitol Preservation Committee began a project of sponsorship and conservation of the collection. By 1992, the entire collection, which now numbers close to 400 flags, was conserved and remains one of the most impressive single collections of battle flags in the country.

The Capitol Preservation Committee offers free public tours of the collection, via appointment. The flag conservation and storage facility is conveniently located just a few blocks from the Capitol. The Committee has also installed a new exhibit in the collection that includes a loan of Civil War artifacts, firearms, and accoutrements, which will help visitors to the flag facility better understand the nature of Civil War combat and the job of bearing the colors.

Visitors can request an appointment to view specific flags Monday through Friday, 9 a.m. - 4:30 p.m. Individual and group tours are welcome. To schedule a tour or to receive additional information about the collection, or obtain a free copy of the Committee’s booklet, “Preserving Pennsylvania’s Historic Civil War Flags,” call 717-783-6484 or visit www.cpc.state.pa.us/flags/flag-tours.cfm



48 Stars – Old Glory Flag – 1912

An executive order of President Taft dated June 24, 1912, established the proportions of the flag and provided for arrangement of the stars in six horizontal rows of eight each, a single point of each star to be upward. This flag was official for 47 years, longer than any other flag, through two world wars and eight presidents.



Our Flag Today

In 1959, a star was added for Alaska and, in 1960, one for Hawaii.

