



Members Brief

An informational brief prepared by the LSC staff for members and staff of the Ohio General Assembly

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Flag Etiquette

This brief explains the rules and practices for the display and treatment of the United States flag.

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Brief history of the current flag

The current iteration of the United States flag was adopted in July of 1960, on the order of President Eisenhower, after the admission of Hawaii to the Union. It was designed by Robert G. Heft, an Ohioan who, at 16, designed the flag for a school project. His teacher at Lancaster High School gave him a “B-” grade, but informed him he would change the grade to an “A” if the flag was accepted by Congress. Heft sent the flag to his Congressman, Walter Moeller, and the

design was eventually adopted as the U.S. flag. True to his word, Mr. Heft's teacher changed his grade for the project to an "A."¹

Displaying the U.S. flag

Time and place

Federal law governs the display of the U.S. flag. The law states that the universal custom is to fly the flag from sunrise until sunset. But if a "patriotic effect" is desired, the flag may be displayed at night as long as it is properly illuminated. The flag should not be displayed on days in which inclement weather is expected, unless it is an all-weather flag. The law encourages the flag to be displayed on all days, but lists the days on which display is especially important.

Important Days to Display U.S. flag	
Day	Date of Observance
New Year's Day	January 1
Inauguration Day	January 20
Martin Luther King Jr.'s Birthday	3 rd Monday in January
Lincoln's Birthday	February 12
Washington's Birthday	3 rd Monday in February
Birthdays of States (date of admission)	March 1 for Ohio
National Vietnam War Veterans Day	March 29
Easter Sunday	Varies
Mother's Day	2 nd Sunday in May
Armed Forces Day	3 rd Saturday in May
Memorial Day (half-staff until noon)	Last Monday in May
Flag Day	June 14
Father's Day	3 rd Sunday in June
Independence Day	July 4

¹ Ohio History Connection, Robert G. Heft. See also *Ohio Magazine, How an Ohio High Schooler Designed Our 50-Star Flag*, June 2015.

Important Days to Display U.S. flag	
Day	Date of Observance
National Korean War Veterans Armistice Day	July 27
Labor Day	1 st Monday in September
Constitution Day	September 17
Columbus Day	2 nd Monday in October
Navy Day	October 27
Veterans Day	November 11
Thanksgiving Day	4 th Thursday in November
Christmas Day	December 25
Other days proclaimed by U.S. President	Varies
Other days appointed or recommended by the Governor as a state holiday.	Varies

The law also lists various places the flag should be displayed every day, which are on or near the main administration building of every public institution, in or near every polling place on election days, and during school days in or near every schoolhouse.²

Raising and lowering

The flag should be “hoisted briskly and lowered ceremoniously.” When doing so, or when the flag is passing in a parade or in review, all persons present should render a form of salute: those in uniform should render the military salute, and veterans and members of the armed forces not in uniform may render the military salute. Other people present should face the flag and stand at attention with their right hand over the heart, holding any hat in hand. Citizens of other countries who are present should stand at attention.³

Position and manner of display

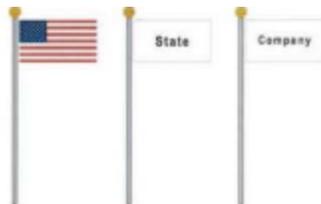
On a flagpole

No other flag or pennant should be placed above or, if on the same level, to the right of the U.S. flag, with the exception of church services conducted by naval chaplains at sea (the church pennant may be flown above the flag during church services for Navy personnel). When

² 4 United States Code (U.S.C.) § 6.

³ 4 U.S.C. § 6(b) and 9.

flags are flown from adjacent staffs, the U.S. flag should be hoisted first and lowered last. No other national or international flag may be displayed equal to, above, or in a position of superior prominence or honor to, or in place of, the U.S. flag, except the United Nations flag (which may be placed in a more prominent position) and other national flags (equal position) at the United Nations headquarters in New York City.



Flags of states, cities, or localities, or pennants of societies that are flown on the same halyard with the U.S. flag must be below the U.S. flag.



When flags like this are grouped together, the U.S. flag should be at the center and at the highest point of the group.



When flags of two or more nations are displayed, they must be approximately equal size, and flown from separate staffs of the same height. The flag of one nation must not be displayed above that of another nation in time of peace.⁴



⁴ 4 U.S.C. § 7(c), (e), (f), and (g).

In a procession

The flag, when carried in a procession with other flags, should be either on the marching right (the flag's right) or, if the other flags are in a line, in front of the center of that line. The flag should not be displayed on a float in a parade except from a staff. If the flag is displayed in the middle of the street, it should be suspended vertically with the union (the field of blue) to the north (in an east and west street) or to the east (in a north and south street).



The flag should not be draped over the hood, top, sides, or back of a vehicle, whether car, boat, or train. When the flag is displayed on a car, the staff must be fixed firmly to the chassis or clamped to the right fender.⁵



Crossed flags

A good rule of thumb is that the union, should almost always be on the observer's left. An exception is when the U.S. flag is displayed with another flag against a wall to form crossed staffs; the flag should be on the flag's own right, and its staff should be in front of the staff of the other flag.⁶



Windows, walls, and balconies

When the U.S. flag is displayed from a staff projecting from a window sill, balcony, or front of a building, the union should be placed at the top of the staff unless the flag is at half-staff.



⁵ 4 U.S.C. § 7(a), (b), and (j).

⁶ 4 U.S.C. § 7(d).

When the flag is suspended over a sidewalk from a rope extending from a building to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.



When displayed either horizontally or vertically against a wall or in a window, the union should be uppermost and to the flag's own right – i.e., the observer's left (the observer from the point of view of the street in the case of a window).⁷



Speaker's platforms

When used on a speaker's platform or stage, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed in a church or public auditorium, the flag should hold a position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as the speaker faces the audience. Any other flag should be placed on the left of the clergyman or speaker (the right of the audience).⁸



As a covering

Though a flag should be a distinctive feature of the ceremony of unveiling a statue or monument, it should never be used as the covering for the statue or monument. A flag may be used to cover a casket, with the union at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.⁹



⁷ 4 U.S.C. § 7(h) and (i).

⁸ 4 U.S.C. § 7(k).

⁹ 4 U.S.C. § 7(l) and (n).

Indoors

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, 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.¹⁰

Half-staff

"Half-staff" is one-half the distance between the top and bottom of the staff. When flown at half-staff, the flag first should be hoisted to the peak for an instant and then lowered to half-staff. When lowering the flag for the day, it should be again raised to the peak, then lowered.

Ordering flag to half-staff

Only the President, a Governor, or the Mayor of the District of Columbia may order the flag flown at half-staff. They may order the flag flown at half-staff for any number of reasons, including the death of prominent public figures, members of the armed forces who die on active duty, and first responders who die in the line of duty.

When flag must be flown half-staff

The U.S. flag must be flown at half-staff on four designated holidays: Memorial Day (the last Monday in May) until noon, Peace Officer's Memorial Day (May 15) unless the day also happens to fall on Armed Forces Day, Patriot Day (September 11), and Pearl Harbor Remembrance Day (December 7).

In addition, the deaths of certain public officials require that the flag be flown at half-staff: for 30 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 U.S., 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.¹¹

Freedom to display the flag

The law also prohibits a condominium association, cooperative association, or residential real estate management association from restricting or preventing a member of the association from displaying the U.S. flag on residential property within the association if the member has a separate ownership interest or a right to exclusive possession or use of that property.

But, the association may prohibit display that is inconsistent with federal law requirements, or inconsistent with any rule or custom pertaining to the proper display or use of the flag, and the association may impose any reasonable restriction pertaining to the time, place,

¹⁰ 4 U.S.C. § 7(o).

¹¹ 4 U.S.C. § 7(m).

or manner of displaying the U.S. flag if necessary to protect a substantial interest of the association.¹²

Respecting the flag

The law declares that no disrespect should be shown to the U.S. flag. Note that these rules are ceremonial – for First Amendment reasons, their violation is generally not punishable by law.¹³ The rules are as follows:

- The flag should not be dipped to any person or thing – regimental colors, state flags, and organization or institutional flags should be dipped as a mark of honor.
- The flag should never be displayed with the union down, except as a signal of dire distress in cases of extreme danger to life or property.
- The flag should never touch anything beneath it, including the ground, the floor, water, or merchandise.
- The flag should never be carried flat or horizontally, but always aloft and free.
- The flag should never be used as clothes, including as a costume or athletic uniform, with the exception of a flag patch affixed to the uniform of military personnel, firefighter, police officer, and members of patriotic organizations, on top of the heart.
- The flag should never be used as bedding or drapery.
- The flag should never be festooned, drawn back or up, or in folds, but should always be allowed to fall free, and should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged.
- The flag should never be used to cover a ceiling.
- The flag should never be attached to or placed under any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.
- The flag should never be used as a bag.
- The flag should never be used for advertising. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.
- The flag should not be embroidered on cushions or handkerchiefs and the like, and it should not be printed or impressed on paper napkins or boxes or anything disposable.

The flag should be destroyed when it is no longer a fitting emblem for display. It should be destroyed in a dignified way, preferably by burning.¹⁴

¹² 4 U.S.C. § 5. See also R.C. 5321.131.

¹³ See, e.g., *Texas v. Johnson*, 491 U.S. 397 (1989).

¹⁴ 4 U.S.C. § 8.