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APPROVED  
JUL 7 - 1976

8/7/76

THE WHITE HOUSE  
WASHINGTON

ACTION  
LAST DAY: July 7

Posted  
7/7

Archives  
7/7

MEMORANDUM FOR THE PRESIDENT  
FROM: JIM CANNON  
SUBJECT: S.J. Res. 49 - Display and Use of the Flag of the United States

Attached for your consideration is S.J. Res. 49, sponsored by Senators Bayh and Thurmond.

The enrolled resolution would amend current law to codify guidelines on the proper methods for honoring, using and displaying the American flag for use by civilians and civilian organizations.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus), Jack Marsh, Ted Marrs and I recommend approval of the enrolled resolution.

RECOMMENDATION

That you sign S.J. Res. 49 at Tab B.



A





EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

JUN 29 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution S.J. Res. 49 - Display and use  
of the flag of the United States  
Sponsor - Sen. Bayh (D) Indiana and Sen. Thurmond (R)  
South Carolina

Last Day for Action

July 7, 1976 - Wednesday

Purpose

To codify guidelines on the proper methods for honoring, using,  
and displaying the American flag for use by civilians and  
civilian organizations.

Agency Recommendations

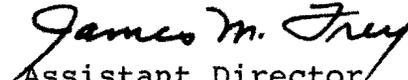
Office of Management and Budget	Approval
Department of Defense	Approval
American Revolution Bicentennial Administration	No objection <sup>(Informally)</sup>
Department of Justice	No objection

Discussion

S.J. Res. 49 is based on Congressional recognition that there now  
exists throughout the nation considerable confusion as to the  
proper method for use and display of the American flag, that some  
of the long-standing customs and usages for the flag are outdated,  
and that existing provisions of the flag code require additional  
clarification and reemphasis. The enrolled joint resolution

amends current law regarding the use and display of the flag. Major features of S.J. Res. 49 would:

- More precisely define the methods for civilian and military salute of the flag during rendition of the national anthem and the Pledge of Allegiance to the Flag.
- Permit display of an all-weather flag for a patriotic effect twenty-four hours a day if properly illuminated during darkness.
- Provide specific instructions for the display of the flag indoors and when not flown from a staff. When displayed in churches, the flag is to be displayed to the right of the clergyman and church flags are to be displayed on the clergyman's left.
- Specifically define the occasions and procedures for flying the flag at half-staff as a mark of respect to the deceased. It also states who may order the national flag to be flown at half-staff, those public officials for whom the flag shall be flown at half-staff and the period of time it is to be flown in that position.
- Prohibit use of the flag for advertising purposes, its embroidery on fabrics, printing on items for temporary use and discard, or use as a costume or athletic uniform. However, flag patches may be affixed to the uniforms of military personnel, firemen, policemen, and patriotic organizations.
- Recodify existing authority for the Commander in Chief of the Armed Forces to alter, repeal, or add rules pertaining to display of the flag.

  
Assistant Director  
for Legislative Reference

Enclosures

B



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

JUN 29 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution S.J. Res. 49 - Display and use  
of the flag of the United States  
Sponsor - Sen. Bayh (D) Indiana and Sen. Thurmond (R)  
South Carolina

Last Day for Action

July 7, 1976 - Wednesday

Purpose

To codify guidelines on the proper methods for honoring, using, and displaying the American flag for use by civilians and civilian organizations.

Agency Recommendations

Office of Management and Budget	Approval
Department of Defense	Approval
American Revolution Bicentennial Administration	No objection (Informal)
Department of Justice	No objection

Discussion

S.J. Res. 49 is based on Congressional recognition that there now exists throughout the nation considerable confusion as to the proper method for use and display of the American flag, that some of the long-standing customs and usages for the flag are outdated, and that existing provisions of the flag code require additional clarification and reemphasis. The enrolled joint resolution



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 29

Time: 522pm

FOR ACTION:

Jack Marsh *oh Secretary*  
Ted Marss  
Max Friedersdorf *M*  
Ken Lazarus *al*  
David Lissy *M*

cc (for information):

Jack Marsh  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 30

Time: 500pm

SUBJECT:

S.J. Res. 49-Display and use of the flag of the U.S.

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.  
For the President





DEPARTMENT OF THE ARMY  
WASHINGTON, D.C. 20310

25 JUN 1976

Honorable James T. Lynn  
Director, Office of Management and Budget  
Washington, D. C. 20503

Dear Mr. Lynn:

The Secretary of Defense has delegated responsibility to the Department of the Army for reporting the views of the Department of Defense on enrolled enactment S. J. Res. 49, 94th Congress "To amend the joint resolution entitled "Joint resolution to codify and emphasize rules and customs pertaining to the display and use of the flag of the United States of America."

The Department of the Army on behalf of the Department of Defense recommends approval of the enrolled enactment.

The purpose of this enrolled enactment is to modernize, clarify, and make easier to understand the rules with respect to the display of the flag of the United States and the showing of reverence and respect for the flag during times of usage in public places.

The enactment of this measure is considered desirable because with the celebration of the country's Bicentennial upon us, it is appropriate, and, indeed, timely to have an up-to-date flag code governing the use of our flag - the honored symbol of our proud nation.

Approval of the enactment will cause no apparent increase in budgetary requirements for the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

Sincerely,

A handwritten signature in cursive script that reads "Don Brotzman".

Donald G. Brotzman  
Assistant Secretary of the Army  
(Manpower and Reserve Affairs)

**Department of Justice**  
**Washington, D.C. 20530**

June 24, 1976

Honorable James T. Lynn  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled bill, S. J. Res, 49, "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.'"

The Department of Justice has no objection to Executive approval of this bill.

Sincerely,



Michael M. Uhlmann  
Assistant Attorney General

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

due: 6/30 (Wed)  
LOG NO.: 500

Date: June 29

Time: 522pm

~~FOR ACTION~~ ~~Jack Marsh~~  
Ted Marrs  
Max Friedersdorf  
Ken Lazarus  
David Lissy

cc (for information):  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: ~~June 30~~

Time: ~~500pm~~

SUBJECT:

~~S. J. Res. 49 Display and use of the flag of the U.S.~~

Jim:

Strongly suggest consideration be given to a signing ceremony. We have reports from Hill of interest by veterans groups in this legislation. Max Friedersdorf concurs.

ACTION REQUESTED:

Jack Marsh

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to Judy Johnston, Ground Floor West Wing

*Max*  
*Your view on signing ceremony.*  
*Recommend signing ceremony.*  
*Max.*



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 29

Time: 522pm

FOR ACTION: Jack Marsh  
Ted Marrs  
Max Friedersdorf  
Ken Lazarus  
David Lissy

cc (for information):

Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 30

Time: 500pm

SUBJECT:

S.J. Res. 49-Display and use of the flag of the U.S.

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to Judy Johnston, Ground Floor West Wing

*Recommend Approval. 6/30*  
*Bill is talking to meet with*  
*about a possible signing ceremony*  
*involving veterans groups etc*  
*[Signature]*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon  
For the President



THE WHITE HOUSE

WASHINGTON

June 30, 1976

MEMORANDUM FOR: JIM CAVANAUGH  
FROM: MAX L. FRIEDERSDORF *M.L.F.*  
SUBJECT: SJRes. 49 - Display and use of the flag of the US

The Office of Legislative Affairs concurs with the agencies  
that the subject bill be signed in signing ceremony. (Schedule  
proposal submitted)

Attachments

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 29

Time: 522pm

FOR ACTION: Jack Marsh  
Ted Marrs  
Max Friedersdorf  
Ken Lazarus  
David Lissy

cc (for information):

Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 30

Time: 500pm

SUBJECT:

S.J. Res. 49-Display and use of the flag of the U.S.

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to Judy Johnston, Ground Floor West Wing

No objection -- Ken Lazarus 6/30/76



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

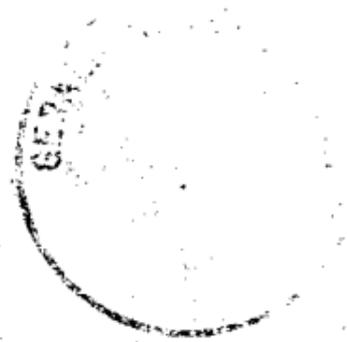
If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon  
For the President

Judy -

For the bill file -  
please

Kate



American Revolution  
Bicentennial Administration  
2401 E Street, N.W.  
Washington, D.C. 20276

JUN 29 1976



Mr. James M. Frey  
Assistant Director for  
Legislative Reference  
Office of Management and Budget  
Executive Office of the President  
Washington, D.C. 20503

Dear Mr. Frey:

This is in response to OMB request of June 28, 1976, for the views and recommendations of the American Revolution Bicentennial Administration (ARBA) on enrolled bill S.J. Res. 49, "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'."

The ARBA has no objection to the approval by the President of the enrolled bill.

In the Spirit of '76,

A handwritten signature in black ink, appearing to read "Eugene J. Skora". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Eugene J. Skora  
General Counsel

# Ninety-fourth Congress of the United States of America

## AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,  
one thousand nine hundred and seventy-six*

### 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—

- (1) by adding after the last sentence of section 1 the following:  
"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";
- (2) by striking out the second sentence of section 2(a) and inserting in lieu thereof the following: "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.";
- (3) by inserting in section 2(c) before the period a comma and the following: "except when an all weather flag is displayed";
- (4) by striking out section 2(d) and inserting in lieu thereof the following:  
"(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.";
- (5) by striking out ", weather permitting," in section 2(e);
- (6) by striking out "radiator cap" in section 3(b) and inserting in lieu thereof "right fender";
- (7) in the last sentence of section 3(f), by striking out "to the right of the flag of the United States." and inserting in lieu thereof the following: "to the United States flag's right.";
- (8) by striking out section 3(i) and inserting in lieu thereof the following:  
"(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.";

(9) by striking out section 3(k) and inserting in lieu thereof the following:

“(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.”;

(10) by striking out section 3(m) and inserting in lieu thereof the following:

“(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.”;

(11) by adding at the end of section 3, a new subsection as follows:

“(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.”;

S. J. Res. 49—3

(12) by striking out section 4(a) and inserting in lieu thereof the following:

“(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.”;

(13) by striking out section 4(d) and inserting in lieu thereof the following:

“(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.”;

(14) by striking out section 4(e) and inserting in lieu thereof the following:

“(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.”;

(15) by striking out section 4(i) and inserting in lieu thereof the following:

“(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.”;

(16) by redesignating section 4(j) as section 4(k) and by inserting after section 4(i) a new subsection as follows:

“(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.”;

(17) by striking out section 5 and inserting in lieu thereof the following:

“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.”;

(18) by striking out section 6 and inserting in lieu thereof the following:

“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.”;

S. J. Res. 49—4

(19) by striking out section 7 and inserting in lieu thereof the following:

“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.”; and

(20) by striking out section 8 and inserting in lieu thereof the following:

“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 a proclamation.”.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*