



# LEGISLATIVE POINT PAPER

## PROTECT THE U.S. FLAG

### BACKGROUND

Appropriate care, display, and respect for the United States flag has been a mission of The American Legion for nearly its entire history. In June of 1923, the Americanism Commission called the first National Flag Conference in Washington D.C. There, representatives from The American Legion, Daughters of the American Revolution, Boy Scouts, Knights of Columbus, the American Library Association, and more than 60 other patriotic, fraternal, civic and military organizations gathered to draw together one standard set of guidelines relating to the flag from the many traditions and variations rampant in the country at that time. President Warren G. Harding even addressed the attendees. A second National Flag Conference was held in June 1924. After both conferences, The American Legion printed and distributed the results nationwide.

Congress made the U.S. Flag Code public law in 1942. Amended several times in the decades since its adoption, the U.S. Flag Code is a codification establishing advisory rules for the care, display, and respect of the American flag. However, the law does not provide any criminal or civil penalties for violating any of its provisions. Minor changes have been made, but Congress has never made comprehensive changes to the code.

The American Legion believes our flag, which predates our Constitution, says "America" more than any other symbol does. America is a tapestry of diverse people, and the flag represents the values, traditions, and aspirations that bind us together as a nation. It stands above the fray of day-to-day politics and differences of opinion. It unites us in times of national crisis.

Therefore, The American Legion urges Congress to approve changes to the U.S. Flag Code to codify multiple accepted patriotic customs and practices pertaining to the display and use of the flag of the United States of America. These changes include additional times and occasions where the flag should be displayed at half-staff, how other flags should be flown when accompanying the U.S. Flag and allowing for a flag patch to be worn on the uniforms of military personnel, first responders, and members of patriotic organizations.

## **KEY POINTS**

- The United States Flag Code, Title 4, United States Code, Chapter 1, Subsections 1-10, is a codification of existing rules and customs pertaining to the display and use of the flag of the United States of America.
- Practices and customs have been modified in the past few years regarding certain display procedures.
- The Flag Code needs to reflect current, accepted patriotic practices.

## **WHAT CONGRESS CAN DO**

- The American Legion urges Congress to approve changes to the U.S. Flag Code to codify multiple customs and practices pertaining to the display and use of the flag of the United States of America.
- Reintroduce H.R. 4212 - Flag Code Modernization Act of 2021, which would amend the U.S. Flag Code to codify multiple common patriotic customs and practices as described in The American Legion Resolution No. 19.

## **RELEVANT RESOLUTIONS**

- American Legion Resolution No. 19 (2016): Flag Code Amendment<sup>1</sup>

---

<sup>1</sup> American Legion Resolution No. 19 (2016): [\*Flag Code Amendment\*](#).