

THE "REAL" FLAG OF THE UNITED STATES

..by Richard R Gideon

On the 24th of June, 1912, President William Howard Taft signed Executive Order 1556 and by doing so rectified an oversight that had plagued all three Flag Acts in our nation's history. For the first time the flag of the United States got some definitions - and some say it finally got some "respect."

There were, of course, entities in the United States before 1912 that knew how to make a flag, and what size to make it. Those entities were the nation's military forces; particularly the Navy. But for civilian government departments, and for the public at large, the Flag of the United State was only known by the vague descriptions given in the various flag acts.

IN THE BEGINNING...

Actually, the nation's first Flag Act wasn't applicable to the United States of America for the simple reason that a nation by that name did not exist at the time. The first flag act is described in the Journal of the Continental Congress for June 14, 1777. It is sandwiched in between a lot of resolutions pertaining mostly to naval matters as a result of a report by the Maritime Committee, chaired by Francis Hopkinson - who would later take credit for designing the flag and submitting a bill to Congress for his trouble. Here is a portion of that day's journal entry:

.....

Resolved, That the Marine Committee be empowered to give such directions respecting the continental ships of war in the river Delaware, as they think proper, in case the enemy succeed in their attempts on the said river.

Resolved, 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 council of the State of Massachusetts bay having represented by letter to the president of Congress, that Captain John Roach, some time since appointed to command the continental ship of war the Ranger, is a person of doubtful character, and ought not to be entrusted with such a command; therefore,

Resolved, That Captain Roach be suspended, until the Navy Board for the eastern department shall have enquired fully into his character, and report thereon to the Marine Committee.

Resolved, That Captain John Paul Jones be appointed to command the said ship Ranger.

.....

You'll note that nothing is said about proportions, star arrangements, star shapes, whether the alternating red and white stripes should start and end with either red or white, or anything at all about the shade of blue and red to be used. And in the subsequent Flag Acts - those of 1794 and 1818 - the same situation occurs. The Flag Act of 1794ⁱⁱ changed the number of

stripes and stars to 15 each, and the Flag Act of 1818ⁱⁱⁱ returned the stripes to 13, but allowed for additional stars to represent new states on the July 4th following their admittances into the Union; still, nothing was said or written about how the flag should be constructed.

These oversights would lead to some pretty interesting iterations of our national symbol. Although there are examples extant of U.S. flags made with alternating red and white stripes, starting with white and ending with white, and a few examples of U.S. flags with red, white and blue stripes, the most common free-form variations involved star arrangements, star shapes, and proportions. Not all American flags had 5-pointed stars, and star arrangements were as varied as one's imagination would allow.

THE CULT OF THE FLAG

Most of this didn't matter to the average American citizen in the late 1700's and for most of the 19th Century for the simple reason that average citizens didn't own American flags. The Civil War would change things - but not the free-form construction of the flag; although after the War the flag began to settle down into more or less standard iterations. Still, there were two major organizations that were not happy about the flag's lack of detail: the Navy, and the powerful Union Veterans' Lobby.

Because ships at sea need a way to identify themselves the Navy had established dimensions for flags from its earliest days. Ensigns, Jacks, and other identifying flags came in a variety of sizes, but in sizes that were established by the military. The Army also had various flag sizes and construction details available through its Quartermaster Corps. During the Civil War regulations covering flags would be an important part of the Army's and Navy's operations. Some of these regulations spilled over into the civilian world, which by now had developed a great interest in the national flag. This interest would actually intensify after the war, resulting in what some historians have called "the cult of the flag." Aided by Union Veterans' organizations, and certain well-placed public educators, the flag's place in society was secure. But the flag often found itself a billboard for various commercial products, and as a partisan device for various political candidates. Eventually the flag code would be modified to "prohibit" the use of the American Flag as a canvas for commercial or political advertising. Still, by the turn of the 20th Century the flag lacked an official construction manual, as it were.

BY THE NUMBERS

By the time of the Taft Administration various special interest groups decided that enough was enough. Still, pushing a standard upon the nation as a whole seemed out of character for the United States of America - back then, anyway. But the President could issue orders that applied to the "Department of the Government," otherwise known as the Executive Branch, and the military. Aided by the Navy, proportions were established, as were some special sizes, and on Monday, June 24th, 1912, President William Howard Taft signed Executive Order 1556, which reads in part^{iv}:

It is hereby ordered that all National Flags and Union Jacks for the Department of the Government, with the exception noted under (a), shall conform to the following proportions:

- Hoist (width) of Flag ----- 1**
- Fly (length) of Flag-----1.9**
- Hoist (width) of Union----- $\frac{7}{13}$**

Fly (length) of Union-----.76

Width of each stripe----- $\frac{1}{13}$

Four months later Taft signed another Executive Order concerning the flag. This order reads, in part^v:

EXECUTIVE ORDER 1637, OCTOBER 29, 1912

The Executive Order of June 24, 1912, is hereby revoked, and for it is substituted the following:

Whereas, "An Act to Establish the Flag of the United States," approved on the 4th of April, 1818, reading as follows:

"Section 1. Be it enacted, etc., That from and after the fourth day of July next, the flag of the United States be thirteen horizontal strips, alternate red and white; that the union have twenty stars, white in a blue field.

"Section 2. Be it further enacted, That on the admission of every new State to the Union, one star be added to the union of the flag; and that such addition shall take effect on the fourth of July next succeeding such admission,"

fails to establish proportions; and

Whereas investigation shows some sixty-six different sizes of National flags, and of varying proportions, in use in the Executive Departments;

It is hereby ordered that National Flags and Union Jacks for all Departments of the Government, with the exceptions noted under (a), shall conform to the following proportions:

Fly (length) of Flag.....1.9

Hoist (width) of Flag.....1

Hoist (width) of Union..... $\frac{7}{13}$

Fly (length) of Union..... .76

Width of each stripe..... $\frac{1}{13}$

..etc..

This order was really nothing more than an explanation for the previous one signed by Taft, along with some schematic drawings supplied by the Navy.

The Taft Administration was followed by the Wilson Administration, which issued its own Executive Order concerning the flag on May 29th, 1916, number 2390, which primarily was concerned about redefining the flag of the President of the United States. From that point until the Eisenhower Administration the Executive branch was rather quiet on flag issues. But in 1959, with the admission of Alaska as the 49th State on January 3rd, President Dwight D. Eisenhower issued Executive Order number 10799, which established the new star field design, and on August 21st, 1959, Eisenhower signed another Executive Order, number 10834, which established the design of the upcoming 50 star U.S. Flag, which would become official on July 4th, 1960. From that time until now the 50 star flag has been the longest running American Flag design in our nation's flag history.

CONGRESS HAS ITS SAY

While the Executive Branch could command flags for itself and the military, it could not command that civilians adopt its standards. But that situation would change, more or less,

with the Congress. During World War II the 77th Congress passed a joint resolution dealing with "existing rules and customs pertaining to the display and use of the flag of the United States of America." Public law 77-623^{vi}, passed on June 22nd, 1942, did not deal with the design of the flag; rather, it dealt with how the flag was to be treated and displayed. The law technically applied not only to the Congress but to the people of the United States as well; but it included no penalties or enforcement provisions, and therefore was, essentially, an etiquette decree. As far as the Congress was concerned, it didn't matter what the U.S. Flag looked like as long as it was treated with great respect.

But in 1976, on July 7th of the nation's Bicentennial year, the Congress passed Public Law 94-344^{vii}, and that action finally made government specifications applicable to the people of the United States. For the sake of this article, the most important provision of the law reads as follows:

Resolved by the Senate and House of Representatives of the United States "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^{viii} issued pursuant thereto";

William Howard Taft's flag, amended twice by Dwight David Eisenhower, finally became not only the responsibility of the Executive branch of the government of the United States, but of the people as well.

WHY?..AND WHY NOT?

If an official national flag of the United States of America has an aspect ratio of 1.9:1, why are they so rare? Good question. Although you will see properly made U.S. flags on military reservations and on some government buildings (but not all!), most civil flags come in more traditional commercial sizes of two feet by three feet, three feet by five feet, and four feet by six feet - although there are certainly other sizes available at your local flag store. By far the most common size sold commercially is the ubiquitous 3 x 5 flag. But why "3 x 5" feet? One explanation, and certainly not the only one, involves architecture and the ancient Greeks. The Greeks were enamored with a rectangular shape based on what is sometimes called the "Golden Ratio"^{ix} of 1.618.. to 1. It is based on the following equality:

$$A/B = B/(A+B)$$

What is interesting about this ratio is that the fractional value of the ratio remains the same if reciprocated, and it's the only ratio that exhibits this quality. Since flags at one time were based on measurements called "breadths," and an original breadth was 18 inches, a flag two breadths on the hoist was one yard, or three feet, or 36 inches long. Multiply that by the "Golden Ratio" of 1.618.. and you get a fly length of four feet, 10 and 1/4 inches - or 58 1/4 inches; which is close enough to 60 inches or five feet for "government work."

Can the government make you buy a "properly made" U.S. Flag? As of this writing, no. As mentioned before, there are no penalties in the Flag Code for displaying an "improperly made" flag, nor are flag manufacturers required to make only those U.S. flags that meet government specifications. Perhaps that will change one day. But as President Eisenhower said when asked a similar question, there is a lot of latitude for deviations from official specifications, and it is the spirit of the law that, in this case, is more important than the law itself. Still, a properly made U.S. Flag has a certain look to it that sets it apart from the run of the mill commercial variety, and that in itself is a recommendation for it.

- i For the complete day's journal entries for Saturday, June 14, 1777, see Library of Congress at <http://memory.loc.gov/cgi-bin/ampage?collId=lljc&fileName=008/lljc008.db&recNum=90&itemLink=r%3Fammem%2Fhlaw%3A%40field%28DOCID%2B%40lit%28jc0081%29%29%230080001&linkText=1>
- ii See http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/3rd_Congress/1st_Session/Chapter_1
- iii See http://en.wikipedia.org/wiki/Flag_Acts_%28United_States%29#Flag_Act_of_1818

iv Executive Order 1556, Monday, June 24, 1912

(..Public Domain document from en.wikisource.org)

EXECUTIVE ORDERS:

It is hereby ordered that all National Flags and Union Jacks for the Department of the Government, with the exception noted under (a), shall conform to the following proportions:

- Hoist (width) of Flag ----- 1
- Fly (length) of Flag ----- 1.9
- Hoist (width) of Union ----- $\frac{7}{13}$
- Fly (length) of Union ----- .76
- Width of each stripe ----- $\frac{1}{13}$

(a) - *Exceptions:* The colors carried by troops, and camp colors, shall be the sizes prescribed for the Military Service (Army and Navy).

Limitation of the number and size: With the exception of colors under note (a), the size of flags manufactured or purchased for the Government Department will be limited to those of the following hoists:

- (1) - - - 20 feet
- (2) - - - 19 feet (standard)
- (3) - - - 14.35 feet
- (4) - - - 12.19 feet
- (5) - - - 10 feet
- (6) - - - 8.94 feet
- (7) - - - 5.14 feet
- (8) - - - 5 feet
- (9) - - - 3.52 feet
- (10) - - - 2.90 feet
- (11) - - - 2.37 feet
- (12) - - - 1.31 feet

When in the manufacture of any flag under these specifications the resulting dimensions appear as fractions of an inch, such fractions shall be taken as the nearer inch. In the event of a fraction of one half inch, the whole inch greater shall be adopted.

Union Jacks: The size of the Jack shall be the size of the Union of the National Flag with which it is flown.

Number of Stars: All National Flags having hoist less than five (5) feet, except colors to be carried by troops, and the corresponding Jacks, shall have only thirteen (13) stars in the Union, in order that the identity of the stars may be plainly distinguishable.

Position and size of Stars: The position and size of each star for Unions of forty-eight (48) and thirteen (13) stars, respectively, shall be as indicated on blueprint of a plan which will be furnished to the Departments by the Navy Department. From this plan can be determined the location and size of stars

for flags of any dimensions. Extra blueprints of this plan will be furnished upon application to the Navy Department.

Order effective: All National Flags and Union Jacks now on hand or for which contracts have been awarded shall be continued in use until unserviceable, but all those manufactured or purchased for Government use after July 4, 1912 shall conform strictly to the dimensions and proportions herein prescribed.

The color of the field of the President's Flag shall be blue.



WM. H. TAFT.

THE WHITE HOUSE,
June 24, 1912

v See http://en.wikisource.org/wiki/Executive_Order_1637

vi See http://en.wikisource.org/wiki/Public_Law_77-623

vii **Public Law 94-344**

**94TH UNITED STATES CONGRESS
2ND SESSION**

(..Public Domain document from en.Wikisource.org)

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.”;

(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.”;

(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.”.

Approved July 7, 1976.

viii See http://en.wikisource.org/wiki/Executive_Order_10834

ix Also known as the "Magic Ratio"