

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Doug Mays at 2:35 p.m. on February 5, 2001 in Room 313-S of the Capitol.

All members were present except: Representative Ray Cox, Excused  
Representative Broderick Henderson, Excused  
Representative L. Candy Ruff, Excused  
Representative R. J. Wilson, Excused

Committee staff present: Theresa M. Kiernan, Revisor of Statutes  
Russell Mills, Legislative Research Department  
Shelia Pearman, Committee Secretary

Conferees appearing before the committee: Representative Becky Hutchins  
Representative Jim Garner  
Charles Yunker, American Legion  
Gary Slimmer  
Ralph Snyder

Others attending: See attached list

No bill introductions were requested.

The Chairman opened the hearing on **HB 2105 - Instruction program on flag use, display and etiquette.**

Representative Hutchins said this bill was necessary to educate the youth of our state about the U.S. flag as encompassed in United States Code 170 through 177 (Attachment #1). This was previously submitted in 1999 as **HB 2475** with no fiscal implications at that time. Current fiscal note anticipates \$2,500 to cover printing of literature and postage expenses for mailing literature to 1,500 locations (Attachment #2).

Representative Garner submitted written testimony which documented the first introduction of flag education and proper display was the 1998 **HCR 5057**. (Attachment #3)

Mr. Yunker noted February is Americanism month and that Missouri and Louisiana are the latest states to require Flag Education be taught in their respective schools. (Attachment #4)

As an educator at various levels, Mr. Slimmer noted lifetime "pride in themselves ... and our country" as potential benefits for children through this program. He also relayed information Senator Jackson provided that **SB 163** is a companion bill with 23 sponsors. (Attachment #5)

Mr. Snyder became concerned when he learned at a Veterans Day program the Pledge of Allegiance is seldom spoken in the classroom. (Attachment #6) He urged the committee to support this bill and encourage our future leaders to return to their patriotic roots

The hearing on **HB 2105** was closed.

Representative Hutchins moved that Committee recommend **HB 2105** favorable for passage. Representative Dahl seconded the motion. Motion passed unanimously.

The committee meeting adjourned at 2:50 p.m. The next schedule meeting is February 6, 2001.



STATE OF KANSAS

BECKY HUTCHINS  
REPRESENTATIVE, FIFTIETH DISTRICT  
JACKSON AND SHAWNEE COUNTIES  
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HOLTON, KANSAS 66436  
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TOPEKA, KANSAS 66612-1504  
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TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
VICE CHAIR: FEDERAL AND STATE AFFAIRS  
MEMBER: ENVIRONMENT  
TOURISM

TESTIMONY ON HB 2105

HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

FEBRUARY 5, 2001

Mr. Chairman and members of the House Federal & State Affairs Committee:

Thank you for the opportunity to come before you today and speak in support of HB 2105. How many of you are familiar with Jay Leno's "Jaywalking" segment on the *Tonight Show*? I remember watching one particular evening when Mr. Leno asked people on the street "How many stars are on the American flag?" Surprisingly, more young people knew the zip code for Beverly Hills (e.g. 90210) than the fact that there were 50 stars on the American flag. It is my concern that many young people in our country are not learning about our flag and its proper use and display.

HB 2105 is mirrored after a Missouri law passed in 1997. HB 2105 would require the State Board of Education to establish and implement an instructional program on flag etiquette and the proper use and display of the flag of the United States of America. The course would include the requirements contained in Title 36 of the United States Code (U.S.C.) 170 through 177, and may include other provisions deemed necessary by the board.

HB 2105 is the exact bill that was introduced during the 1999 legislative session. (HB 2475) The fiscal note on that bill stated that the provisions of the bill could be carried out with the Department's current resources.

Thank you.

Representative Becky Hutchins  
50th District State Representative

House Fed. &  
State Affairs  
Date 2/5/2001  
Attachment No. 1  
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DIVISION OF THE BUDGET  
 State Capitol Building, Room 152-E  
 Topeka, Kansas 66612-1575  
 (785) 296-2436  
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<http://da.state.ks.us/budget>  
 February 2, 2001

Bill Graves  
 Governor

Duane A. Goossen  
 Director

The Honorable Doug Mays, Chairperson  
 House Committee on Federal and State Affairs  
 Statehouse, Room 170-W  
 Topeka, Kansas 66612

Dear Representative Mays:

SUBJECT: Fiscal Note for HB 2105 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2105 is respectfully submitted to your committee.

HB 2105 would require the State Board of Education to implement a program of instruction relating to the etiquette, use, and display of the U.S. flag. The Board would also be required to adopt rules and regulations for the program.

Estimated State Fiscal Effect				
	FY 2001 SGF	FY 2001 All Funds	FY 2002 SGF	FY 2002 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$2,500	\$2,500
FTE Pos.	--	--	--	--

The Department of Education states that it would cost \$2,500 to cover printing of program literature and postage expenses for mailing that literature to 1,500 locations.

Sincerely,

Duane A. Goossen  
 Director of the Budget

House Fed. &  
 State Affairs

Date 2/5/2001

Attachment No. 2

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cc: Dale Dennis, Department of Education



# State of Kansas

## House of Representatives

JIM D. GARNER  
House Democratic Leader



Topeka Address  
State Capitol  
Room 327-S  
Topeka, Kansas 66612-1504  
(785) 296-7630

### Office of the Democratic Leader

TESTIMONY IN SUPPORT OF HOUSE BILL 2105  
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
FEBRUARY 5, 2001

Mr. Chairman and Members of the Committee:

Thank you for this opportunity to appear and express my support for HB 2105 which would have the State Board of Education develop and implement a curriculum for the teaching of proper flag etiquette and respect to students in Kansas schools.

Rep. Clay Aurand and myself, along with eight other colleagues, first introduced this proposal in the 1998 legislative session (1998 HCR 5057). It was our response to the perennial debate on flag burning. We can continue the futile efforts pushing to limit the protections of free speech set out in the First Amendment to our Constitution, as interpreted by the U.S. Supreme Court. Or we can channel our energies in to something truly positive and something that will bear long term results -- the education of our school children on respect, the meaning and the proper display of our nation's flag.

I strongly believe that education is the best approach for ensuring that future generations understand and appreciate the significance of our flag and what it stands for.

We need to increase the teaching of civic responsibilities and role citizens must play in our communities. This bill is a small, but important, step in this direction.

I was born on Flag Day, 1963. I have a great love and respect for this symbol of our nation. Let's make sure the children of Kansas have a grounded understanding and education about our flag.

Again, thank you for the opportunity to appear and testify. I urge the committee to give its strong support for this legislation. I would be glad to stand for any questions you may have.

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TESTIMONY IN FAVOR OF  
HOUSE BILL 2105  
BY CHARLES M. YUNKER, ADJUTANT  
THE AMERICAN LEGION, DEPARTMENT OF KANSAS  
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
MONDAY, FEBRUARY 5, 2001

Thank you Mr. Chairman, and members of this committee for the opportunity to appear before you today and present testimony in support of House Bill 2105. My name is Charles M. Yunker and I serve as the State Adjutant for the American Legion Department of Kansas. HB 2105 is a simple twelve line act that can provide every youngster in Kansas an invaluable element of their education that will last a lifetime. My use of the term "lifetime" may be somewhat bold but if I can still recall the Flag education course taught to me in the seventh grade I'm certain I am not alone.

According to American Legion National Headquarters, twenty-seven states currently have laws requiring the recitation of the Pledge of Allegiance or a Flag Education/Flag Etiquette course be taught in those respective states' schools. Our nation's Flag is the one symbol which binds our diverse society together. Unfortunately in recent years knowledge of its proper display, handling and treatment has waned.

Today it is not uncommon to see the United States Flag ordered lowered by schools, local governments and private firms as a way of acknowledging the death of a student, local elected official or fellow employee. As much as we can offer our sympathy for those individuals and their families, local governments and private industry simply do not have the authority to lower the Flag to half staff. That privilege is reserved for the President of the United States and in some cases to the Governor of every state within specific guidelines which spell out for whom and for how long the Flag can be flown at half staff. If local governments, including specific Departments with the local or county governments such as police or fire, and private industries have their own flag or banner those can be lowered to half staff. But they do not have the authority to fly the Flag of the United States a half staff unless approved or directed to do so by the President or Governor.

There is a common myth that only veterans and some elected officials may have a Flag draped coffin. That is not true; every United States citizen can. The only difference is who provides the Flag; in the case of a veterans' funeral the federal government does at no charge to the veteran's family.

The reason I cite the two examples I just mentioned is merely to bring to your attention facts that I and, I'm certain many of you, learned in grade school. Facts which are no longer taught to our children and grandchildren. There are several other facts regarding Flag Etiquette which I could mention today regarding proper display and disposal of the Flag but chose two which I think are rather obscure or unfortunately have been forgotten by too many people.

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Earlier I stated our nation's Flag is the one symbol which binds us together; it also serves as a way to promote patriotism and pride in not only our country and its form of government but also pride in ourselves and who we are, Americans. I'll never lose or ignore my ethnic heritage -- that's who I am, that's who my family and my ancestors are and were -- likewise I'll never lose sight of my religion, but right along side of those, I am an American who is very proud of my state's Flag and the Flag of my country. That pride was taught to me in grade school, HB 2105 will provide today's students the same gift.

February is Americanism month, and I acknowledged that in my monthly column for the American Legion's newspaper the Sunflower Legionnaire. I've attached a portion of that column to my testimony and would like to take a moment to read two sentences from it. "This goes back to a lack of education; not necessarily to a lack of respect. How can we expect others to respect our Nation's Flag and anthem unless we first educate them?"

Missouri and Louisiana are the two latest states to require Flag Education be taught in their respective schools. Missouri passed their law 136 to 10 in its House and 34 to 0 in its Senate; the State of Louisiana approved their version 100 to 0 in its House and 36 to 0 in its Senate. I have attached a copy of Missouri's basic program to my testimony for your review.

Again thank you for this opportunity to urge your support of HB 2105.

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**ADJUTANTS  
COLUMN**  
\*\*\*\*\*  
**Chuck Yunker**

Last month I attended a Topeka Scarecrows hockey game as a guest of my nine year old son Michael. (I'll explain how I became my son's guest later in this column.) Naturally the pregame activities included the National Anthem which reminded me of two 'pet peeves.' First; the lack of some to pay proper respect for the flag (or others who were) while the anthem was being sung, and second; the increasing trend to modify the anthem's closing words from "Home of the brave" to "Home of (insert name of team here)."

In the first instance we as veterans have a duty and obligation to help educate and remind others of the respect due our flag. We can accomplish this by setting an example and by reminding those with us to do the same. We can also make ourselves available to scouting groups, schools, and even adult groups to explain flag etiquette. February is Americanism Month and a perfect time to contact groups to offer your services on behalf of The American Legion (you do not have to be a Post Officer; only someone who cares about our flag; ask your Post for assistance).

Department Headquarters can also assist you in preparing a presentation: some materials we have are free of charge while others do have a slight fee (our cost) including small \$ .10 peel and stick lapel flags you can present to each member of an audience. Other items include a video, "George Learns The Pledge" aimed at children in grades 1-5 (available for the cost of a blank tape), Let's Be right on Flag Etiquette and Americanism manuals - see page two of the January Sunflower for more ideas. Recently I presented this very same material before a pair of 3rd grade classes in Gardner; I'm still not sure who had more fun, the students or me. What a GREAT group of kids!

In the second instance I visualize myself sounding like Andy Rooney of 60 Minutes when I think "Who said it's okay to end our National Anthem with... "And the Home of the Chiefs!", the Crows, or the Toledo Mud Hens for that matter? What are we as a society trying to do? Raise a generation who has to consult a book to learn the correct ending of our Nation's Anthem? Or will any future generation even know, or care, that "insert name of favorite team" isn't correct? This goes back to a lack of education; not necessarily to a lack of respect. How can we expect others to respect our Nation's flag and anthem unless we first educate them?

Today's lack of respect and/or education to the flag and other traditional values did not occur overnight nor can we cure the problem overnight. We all know how or why the trend away from patriotism began; and we all know what we can do to reestablish that pride and respect...we begin with our youth. It will take time but in many cases when parents see their children displaying respect for our flag mom and dad will do likewise.

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State Affairs

Date 2/5/01

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# Guidelines for Teaching Flag Etiquette in Missouri Public Schools



Published by the  
Missouri Department of Elementary and Secondary Education  
Robert E. Bartman, Commissioner of Education  
December 1998

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## Introduction

This booklet was developed as a result of legislation (House Bill 630) enacted by the Missouri General Assembly in 1997. The bill was sponsored by Rep. Bill Boucher of Kansas City and Rep. Bill Ransdall of Waynesville. The law is now found in state statutes as Section 161.104, RSMo.

The intent of this law and the State Board of Education's accompanying regulation is to encourage local schools to provide appropriate instruction for young people about the United States flag and flag etiquette. Local schools have

discretion, however, in deciding how and when such instruction will be provided.

The Department of Elementary and Secondary Education acknowledges the encouragement and assistance of Representatives Boucher and Ransdall in developing this material. The Department also is grateful to the following statewide organizations for their assistance and support in developing this booklet for local schools:

- The American Legion
- Disabled American Veterans
- Veterans of Foreign Wars
- The Missouri Association of Veterans' Organizations

Except for the cover, the illustrations used in this publication were originally created by The American Legion and are used here with permission.

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## Statutory Authority

Here is the complete text of the 1997 state law concerning instruction about flag etiquette.

### Section 161.104 - State board to adopt rules on instruction of etiquette concerning the U.S. flag.

1. The state board of education shall provide by rule for a program of instruction relating to the flag of the United States of America and instruction in etiquette and in its correct use and display and such other patriotic exercises as may be expedient. Such instruction, at a minimum, shall include sections 36 U.S.C. 170 to 177.\*
2. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

**\*Note:** Throughout this material, reference is made to "The Flag Code" and to different sections of Title 36 of the United States Code (U.S.C.) or the United States Code Annotated (U.S.C.A.). The Flag Code was adopted into federal law by Congress on July 7, 1976 (Public Law 344). In this publication, all references to The Flag Code are based on this source.

The Missouri State Board of Education adopted a regulation, as required by this statute, in June of 1998. The rule became effective October 30, 1998. It may be found in the Code of State Regulations (CSR) under 5 CSR 50-865.400 and in Appendix B of this publication.



## Ideas For Instruction In Flag Etiquette

### Activities

- At the first assembly of the school year, have the principal, a faculty member, a student, or a person from the community show students how to stand during the playing of the national anthem. At future assemblies, have someone on stage model the proper way to stand, with teachers and Student Council members reinforcing what that person does.
- In elementary classes, discuss the meaning of the words in the Pledge of Allegiance. Discuss what this or any other country would be like if it did not have liberty and justice and if its people were so divided that they

could not live peacefully with each other. Students could show what they learned by dramatizations or by making drawings to illustrate their ideas.

- Have older students create posters, using newspaper articles they find, that show examples of liberty, justice, and people living peacefully together as opposed to other examples showing those conditions not being present in different parts of the world. Maps could show the locations of the sites where the stories took place.
  - Have a group of students, perhaps Student Council members or Scouts, together with a student who plays a trumpet, lead a dignified flag-raising ceremony and a flag-lowering ceremony each day at the flagpole by the front of the school. If such a ceremony is not conducted each day, it could be conducted in connection with national and state holidays, special school or community events, or on the first day of the week. Prior to such ceremonies, students need to be instructed on how to behave during the ceremony. (See Sections 174d and 177 of The Flag Code, Appendix A.)
  - Have students study and then demonstrate proper displays of the flag using flags and The Flag Code as resources. (See Section 175 of The Flag Code, Appendix A.)
  - As a follow-up to Activity 5, have students discuss the rationale for the code, i.e., why flags are sometimes flown at half staff, or why flags of two or more nations are flown from separate staffs of the same height and are approximately the same size.
- 
- Have students conduct research on the flag as a symbol that evokes strong feelings among many of our citizens, such as those who have fought for this country and those who have immigrated from other nations.
  - Have students discuss the ideals the flag represents, such as liberty and justice, and even the right of some citizens not to pledge allegiance to it. There was a controversy over students in school saluting the flag, which resulted in two Supreme Court decisions in the 1940s. Those cases are *Minersville v. Gobitis* (1940) and *West Virginia State Board of Education v. Barnette* (1943). Students could conduct research about these cases and present reports to the class in a variety of creative ways.
  - Have students collect or make pictures of the various forms the U.S. flag has taken since our nation's beginnings. Have them investigate and explain the symbolism in the various forms of the flag, how and why it has changed, and how it has stayed the same.
  - Have students investigate and identify arguments concerning a constitutional amendment that would outlaw desecration of the United States flag.
- 

## Resources

To assist in conducting research about the flag, its history, and etiquette concerning its use, schools should consider the following sources:

### 1. School and Public Libraries

### 2. Organizations

There are many organizations who may be contacted by teachers and/or students for assistance with flag-related activities and patriotic observances. Many of these organizations have offices or local affiliates throughout the state. Only a few of them are listed here.

- The American Legion, State of Missouri, P.O. Box 179, Jefferson City, MO 65102-0179 (Phone: 573-893-2353, Fax: 573-893-2980)
- Veterans of Foreign Wars of the United States, VFW Building, 406 West 34th Street, Kansas City, MO 64111 (Phone: 816-756-3390, Fax: 816-9681157). The VFW has a curriculum entitled *Citizenship Education Programs for School and Youth Groups - Curriculum Guide for Educators*, which it provides to schools at no cost.

### 3. Resources on the Web

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There is a wealth of flag-related information and resources available to students and teachers on the World Wide Web.

Here are just a few currently available sites:

- [American Embassy, London](#)
- [The American Legion](#)
- [Betsy Ross Homepage](#)
- [Fort McHenry National Monument and Historical Shrine](#), which includes all sorts of interesting information in the [Guided Tour](#) of the fort one can take by clicking on the fort's logo.
- [National Flag Foundation](#)
- [Surfing the Net With Kids](#)
- [A site by Duane Streufert](#)
- [A site on the history of the U.S. flag](#)
  
- [A site on vexillology, the study of flags](#)
  
- [The Star-Spangled Banner Project](#)
  
- Information on the U.S. flag at the site of [Smithsonian's National Museum of American History](#)

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## Appendix A

### Excerpts from The Flag Code

The following excerpts from The Flag Code may be used in connection with [Activities 4 and 5](#).

**§ 174. Time and occasions for display; hoisting and lowering(d) The flag should be displayed on all days, especially on**

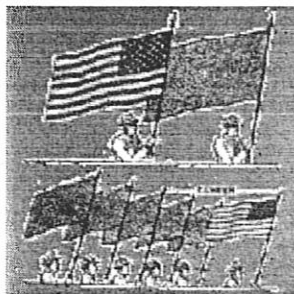
- New Year's Day - January 1
- Inauguration Day - January 20
- Lincoln's Birthday - February 12
- Washington's Birthday - third Monday in February
- Easter Sunday - (variable)
- Mother's Day - second Sunday in May
- Armed Forces Day - third Saturday in May
- Memorial Day (half-staff until noon) - last 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
- Other days as may be proclaimed by the President of the United States
- Birthdays of States (date of admission)
- State holidays

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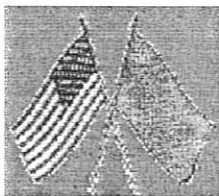
### § 175. Position and manner of display

The flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

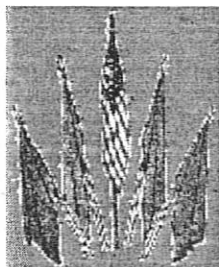
(a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (i) of this section.

(b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the right fender.

(c) No other flag or pennant should be placed above, or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any Territory or possession thereof: Provided, That nothing in this section shall make unlawful the continuance of the practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.



1. The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.



1. The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.

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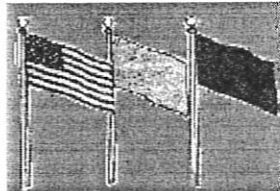
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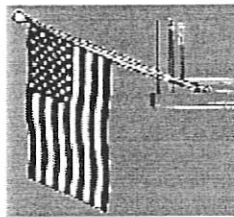




(f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.

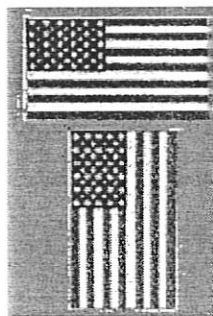


(g) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

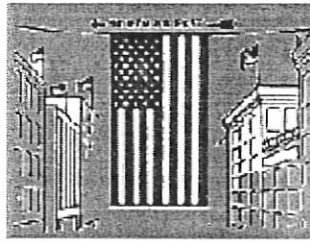


(h) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half staff.

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



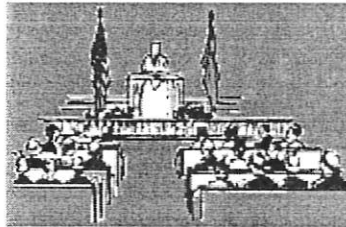
1. When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.



(j) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.



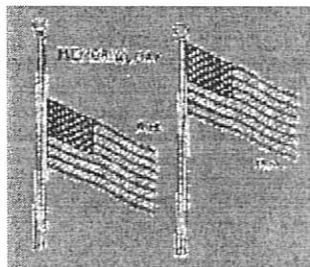
(k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker.



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.

(l) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.

1. 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.



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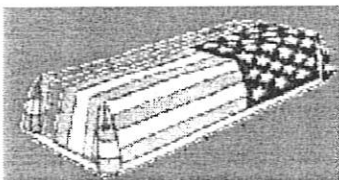
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**On Memorial Day** the flag should be displayed at half-staff until noon only, then raised to the top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States

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 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 internment 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. The flag shall be flown at half-staff on Peace Officers Memorial Day, unless that day is also Armed Forces Day. 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; and
- (3) the term "Member of Congress" means a Senator, a Representative, a Delegate, or the Resident Commissioner for Puerto Rico.



(n) When the Flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.

1. 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.

## § 177. Conduct during hoisting, lowering or passing of flag

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.

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## Appendix B

### State Board of Education's Regulation on Flag Etiquette

#### 5 CSR 50-865.400 Flag Etiquette

PURPOSE: This rule provides guidelines for flag etiquette and the correct use and display of the United States of America flag.

1. School districts may adopt a program of instruction relating to the flag of the United States of America, instruction in flag etiquette, correct use and display of the flag and its use in other patriotic exercises.
2. The program of instruction should include, but not be limited to the following areas:

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Times and occasions for display of the flag of the United States, as stated in 36 U.S.C.A. section , included as Appendix A to this rule, including:

1. Displays on buildings and stationary flagstaffs in the open;
2. Night display;
3. Manner of hoisting the flag;
4. Prohibitions on display during inclement weather;
5. Appropriate days of display; and
6. Display of the flag on or near public buildings, polling places or schoolhouses.

(B) Proper position and manner of display of the flag of the United States as stated in 36 U.S.C.A. section 175, included as Appendix B of this rule, including:

1. Appropriate display of the flag;
2. Position of the flag with other flags;
3. Inappropriate displays and prohibited uses of the flag; and
4. Display of the flag at half-staff.

(C) Showing respect for the flag of the United States, as stated in 36 U.S.C.A. section 176, included as Appendix C of this rule including:

1. Personal displays of respect for the flag;
2. Prohibited uses of the flag;
3. Storage of the flag;
4. Prohibitions on alteration of the flag; and
5. Appropriate destruction of flag no longer suitable for display; and

(D) Conduct during hoisting, lowering or passing of flag of the United States as stated in 36 U.S.C.A. section 177, included in the rule as Appendix D of this rule.

1. The Department of Elementary and Secondary Education shall provide to school districts sample of instructional activities that meet the requirements of section (2) of this rule, as well as other patriotic exercises. Use of the sample will be voluntary by any school district.

AUTHORITY: section 161.104, RSMo Supp. 1997\* Original rule filed March 24, 1998, effective Oct. 30, 1998.

\*Original authority 1997.

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## APPENDIX C

### Respect for 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.

1. 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.
2. The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.
3. The flag should never be carried flat or horizontally, but always aloft and free.
4. 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.
5. The flag should never be fastened, displayed, used, or stored in such a manner as to expose it to be easily torn, soiled, or damaged in any way.
6. The flag should never be used as a covering for a ceiling.

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7. The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, figure, design, picture, or drawing of any nature.
8. The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.
9. 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.
10. 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.
11. 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.

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## APPENDIX D

### Conduct during hoisting, lowering or passing of flag.

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.

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URL <http://www.dese.state.mo.us/divinstr/curriculum/>

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HOUSE BILL 2105

Gary Slimmer

785-246-1291

Good Afternoon ladies and gentlemen, my name is Gary Slimmer and I am appearing before you today in support of House Bill 2105. I would like to begin by thanking my Representative Becky Hutchins for introducing HB 2105 and everyone who has co-sponsored or has indicated their support of HB 2105.

While my adult career has been varied my primary focus has been in education at all levels including service as an elementary school principal in the Seaman School District here in Shawnee County. Currently I am with Washburn University and I do quite a bit of substitute teaching throughout the county at every grade level. Therefore I feel I am in a unique position to observe and interact with today's children and students of all ages.

Although we are living in a fast paced society of computers, ever expanding technology and rapidly changing views, one thing that has remained constant with our children is the need to "fit in and to have a sense of belonging or a pride in themselves, their family, community, our state and our country."

I believe a Flag Education or Etiquette program in every Kansas school is an excellent method to instill those very attributes in students at an early age. Such programs will provide every youngster with an intangible attitude of self-worth which will translate into tangible results reflected in their behavior, pride and knowledge that they very well may carry with them throughout life.

I urge your support of House Bill 2105. I thank you for the opportunity to address you this afternoon and ask if you have any questions of me.

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TESTIMONY BY  
RALPH SNYDER  
ON HB - 2105

THANK YOU CHAIRMAN MAYS, AND THE MEMBERS OF YOUR COMMITTEE, TO ALLOW ME THE PRIVILEGE TO TESTIFY BEFORE YOU TODAY. I AM RALPH SNYDER, A VETERAN OF THE KOREAN WAR.

WHEN I ATTENDED PUBLIC SCHOOL DURING THE LATE 30'S AND 40'S EVERY MORNING IN OUR FIRST CLASS EVERYONE RECITED THE "PLEDGE OF ALLEGIANCE" AND THEN GAVE "THE LORD'S PRAYER." IT IS MY OPINION A LARGE MAJORITY OF THESE PEOPLE TURNED OUT VERY WELL. IN FACT, WE MAY NOT HAVE THE FREE ELECTIONS IN OUR COUNTRY TODAY IF IT WERE NOT FOR THE SACRIFICES THESE PEOPLE GAVE AS TOM BROKAW WROTE IN HIS BOOK TITLED, THE GREATEST GENERATION, WHICH SAVED THE FREE WORLD.

I AM A VERY EMOTIONAL PERSON WHEN IT COMES TO THE AMERICAN FLAG AND THE "PLEDGE OF ALLEGIANCE." WHILE I WAS IN KOREA, I CARRIED TWO ITEMS CLOSE TO MY HEART, ONE ITEM WAS A SMALL BIBLE AND THE OTHER A 3"X 5" AMERICAN FLAG, GIVEN TO ME BY MY FATHER.

TODAY WE HAVE DONE AWAY WITH "THE LORD'S PRAYER" IN THE PUBLIC SCHOOLS AND THE "PLEDGE OF ALLEGIANCE" IS NOW GIVEN AT THE DISCRETION OF THE SCHOOL ADMINISTRATOR.

MY PERSONAL EXPERIENCE WAS WHEN I WAS INVITED TO A SENIOR HIGH SCHOOL IN SHAWNEE COUNTY WITH TWO OTHER MILITARY VETERANS. ONE WAS A VIETNAM VETERAN AND THE OTHER WAS FROM DESERT STORM. WE GAVE OUR VERSION OF HOW LIFE WAS IN THE AREA WE SERVED OVERSEAS IN TWO DIFFERENT CLASSES.

FOLLOWING THE LAST CLASS, I ASKED THE TEACHER, "IF THEY GAVE THE PLEDGE OF ALLEGIANCE IN HIS CLASS?" HIS ANSWER WAS, "NO." I ASKED, "WHY NOT? WAS IT BECAUSE THERE IS NOT AN AMERICAN FLAG IN THE ROOM, AND WHY ISN'T THERE ONE HERE?" HE SAID "IT WAS MORE THAN LIKELY A BUDGET PROBLEM." AS I LEFT THE SCHOOL, I WONDERED WHAT THE COST WOULD BE TO PROVIDE AMERICAN FLAGS IN EACH CLASSROOM IN THAT SCHOOL DISTRICT. AT THAT TIME MY MAJOR CONCERN WAS THAT I WAS A RESIDENT IN THAT SCHOOL DISTRICT.

WE ALWAYS TALK ABOUT GOING BACK TO THE GRASS ROOTS AND DO SOME OF THE THINGS THAT YOUR FOREFATHERS STARTED, THE FIRST STEP WOULD BE TO PUT "THE PLEDGE OF ALLEGIANCE" BACK IN OUR SCHOOLS.

I URGE THIS COMMITTEE TO VOTE IN FAVOR OF HB 2105 AND TO START IT ON A SUCCESSFUL JOURNEY THROUGH THE HOUSE AND SENATE CHAMBERS.

THANK YOU FOR YOUR TIME.

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