

Flag Etiquette



Portraying the Flag In AI Art

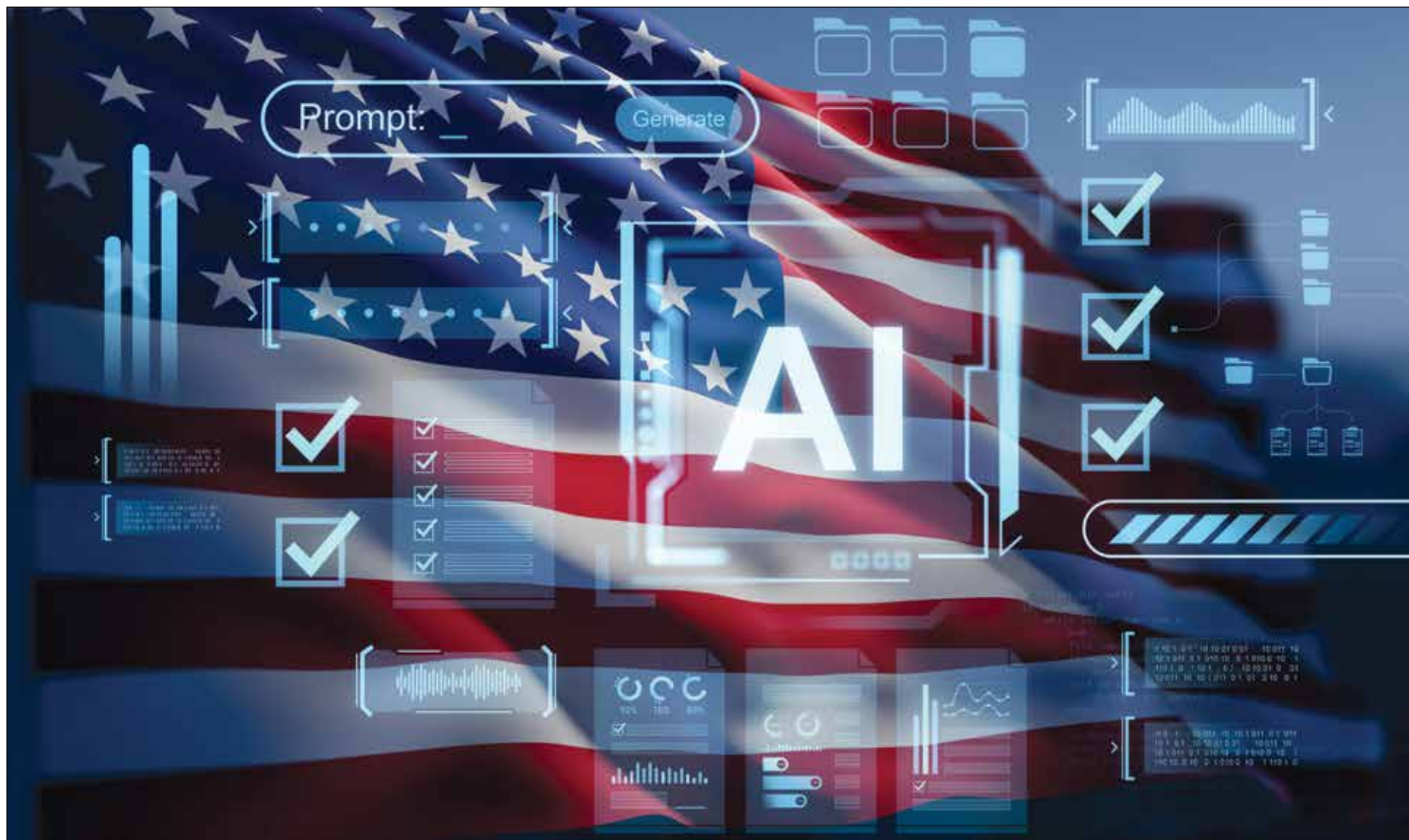
Generative AI art is growing increasingly popular — and fast — especially on social media, where new trends seem to sweep for you pages daily.

However, when it comes to displaying the flag, even the best-intended AI images can run afoul of U.S. law and guidelines for depicting the flag respectfully.

WHAT IS THE FLAG CODE?

Use of the American flag is governed by the U.S. Flag Code, first established in 1923 and adopted into federal law in 1942. It provides guidelines for handling, displaying and respecting the flag, including in artwork. For instance, it provides for proper times for flag display (sunrise to sunset on buildings and on flag staffs in the open without proper lighting), proper places for display (not on the hood, top, sides or back of a vehicle of any kind), and proper treatment of the flag.

The flag should never be displayed with the field of stars facing down, except for as a sign of dire distress or danger to life or property. It shouldn't be used as clothing, bedding or drapery and should always be allowed to fall free. It should never have placed upon it a "mark, insignia, letter, word, figure,



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design, picture or drawing of any nature.” It shouldn't be used as a receptacle and should never be used in advertising or on a costume. The code also advises against using the flag in advertising, on disposable items or in manipulated ways, which can be a challenge when using generative AI.

As the code says, “the flag represents a living country and is itself considered a living thing.”

WHAT IS GENERATIVE AI?

Generative AI is a type of

technology that creates text, images, music and more by learning patterns from existing data sets, mimicking human creativity.

Unlike humans, however, AI doesn't differentiate between copyrighted images and can even manipulate images beyond rational belief. For instance, humans may have a couple of extra fingers or a flag a few fewer stripes than it should.

In 2023, the U.S. Copyright Office ruled art generated wholly by AI or where there is insufficient human control

over expressive elements cannot be copyrighted. However, work that uses AI to assist human creativity can be copyrighted.

USING GENERATIVE AI AND THE U.S. FLAG

Because generative AI churns out images based largely on recognizing patterns in datasets without the analytical brain power of a human, it can fail to recognize when it has disrespectfully rendered the U.S. flag, including by producing the incorrect number of stars or

stripes, or depictions that place the flag in distress or disrespectful contexts. Even if the artwork is meant to be a celebration of patriotism or the flag itself, understand that the Flag Code and other federal guidelines strictly prohibit any representation of the flag that is incorrect or disrespectful.

Unless specifically prompted, generative AI usually doesn't recognize those guidelines, and even with instructions, may generate images that are inadvertently disrespectful.

Displaying the Flag on a Vehicle

Nothing may seem more patriotic than a flag rippling in the breeze behind a pickup or muscle car, but there are specific rules for displaying the American flag from a vehicle that are actually federal law.

The Flag Code provides for the display of the flag from a vehicle under certain circumstances, and state laws may also apply for safely flying the flag.

THE FLAG CODE AND VEHICLE DISPLAYS

The U.S. flag is considered a living symbol and must be treated with proper respect according to the U.S. Flag Code and the Flag Protection Act of 1989. In general, Car and Driver says, display a single flag from the right side of the vehicle. If two or more U.S. flags are displayed, they should be mounted at the same height and hung the same way.

The field of stars, also called the union, should always be in the highest position of honor. On a moving vehicle with the flag on the right side, that means the stars should be at the upper-right hand corner, making the stars closest to the front. On motorcycles, mount the flag at the center on the rear of the bike or to the



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rider's right when driving forward, also known as marching right. When flown with another flag, such as a state flag or the flag of another country, no other flag should be larger than the American flag, and Old Glory should take the center position and be the highest flag flown.

WHAT ABOUT STICKERS AND DECALS?

As long as they are displayed appropriately, stickers and decals are fine. However, draping a flag over the hood, trunk or truck bed is considered disrespectful. Stickers and other representations should depict the flag proportionally and

have the correct number of both stars and stripes.

THE FLAG AND VEHICLE SAFETY

Flags, whether they're real or stickers or decals, should never interfere with the safe operation of a vehicle. When flying proudly, they shouldn't

disrupt the driver's field of vision or safe operation of the vehicle, such as the visibility of turn signals or license plates. Flags should also not be so large or numerous as to distract or interfere with other vehicles, nor should the American flag ever touch the ground.

Flags and Bunting

The Flag Code sets rules for displaying flags, but there are other ways to invoke the flag and express patriotism in an appropriate and respectful way.

Bunting and other banners provide a way for festive displays that evoke the flag without violating the Flag Code or mistreating an actual flag.

WHY IS THE FLAG SPECIAL?

The American flag represents 250 years of freedom, unity and national identity. It sports 13 stripes for the 13 original colonies and 50 stars for the current 50 states. It was first adopted in 1777 and has evolved with the United States itself. The Flag Code, a set of federal rules governing the flag's use, says it's considered a living representation of the country and should be treated as such.

That means the flag should be displayed only during the light of day or when illuminated, should be protected from weather or be an all-weather flag, be raised and lowered with due ceremony and, when its life is at an end, disposed of respectfully. These rules may run afoul of certain design choices, which is where representations of that flag, such as bunting or banners, come in.



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WHAT IS BUNTING?

Bunting is flag-like, but not a flag, that's designed to invoke the same feelings without all the rules and regulations. It's usually made of fabric and can be triangles, streamers, draperies, semi-circles or other shapes in the

same red, white and blue as Old Glory, sometimes even with stars. It derives from the signal flags originally used on ships; the officer responsible for raising those flags is called a bunt.

When displaying patriotic bunting, make sure the blue

field is to the observer's left and make sure it doesn't touch the ground. Don't hang it as a flat flag, but drape or pleat it to avoid confusion. Don't let the bunting drag or sag. For exterior displays, choose an all-weather bunting or ensure it is protected from the

elements. Space out the flags evenly and make sure the bunting doesn't obstruct entryways and exits or walking paths. Before storing it, clean the bunting according to the manufacturer's instructions and fold it to avoid sharp creases or wrinkles.

Multiple Flag Etiquette

There's nothing wrong with being full of spirit as long as all the flags are flown properly and with all due respect.

When flying other flags on U.S. property with the American flag, Old Glory should always hold a position of prominence. This is how to make sure your flag display stays on the right side of the law.

- DO NOT fly any other nation's flag on the same halyard as the American flag. State, local or society flags flown on the same halyard should be flown below the American flag. A church pennant may be flown above the flag if a church service is done by naval chaplains at sea for Navy personnel.

- DO position the American flag in a group of flags at the highest point and in the center. It should be hoisted first and lowered last. If flags of another nation are also displayed, they should be flown at an equal height in times of peace. An exception is when the American flag is flown in another nation; in that case, that nation's flag should be placed in a place of prominence.

- DO carry the American flag in a procession of flags to its own right or in the center of a line of flags.

- DO NOT display the American flag against a wall to its left or with any other flag's



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staff in front of it.

- DO NOT fly an American flag that is smaller than any other flag on display. It may be equal to or larger than the other flags and positioned so it remains the most prominent.

- DO hang the flag with the

union, or field of stars, in the upper left from a visitor's perspective.

- DO NOT display company flags on the same staff as the American flag. The Flag Code prohibits the use of the American flag for advertising purposes.

- DO use an all-weather flag if the flag is exposed to the elements or remove the flag during inclement weather. Keep the flag illuminated at night or take it down for the evening hours.

- DO NOT allow the flag to touch the ground.

- DO hang a flag over a street with the union — the field of stars — to the north or east.

- DO fly the American flag to half-staff when appropriately ordered to honor deceased officials or during a time of national mourning.

The U.S. Flag and Fashion

According to the U.S. Flag Code, you shouldn't use the flag as apparel. The key word there is flag, meaning an actual, physical flag.

Flag-patterned clothing or apparel with flag imagery, however, is perfectly legal. Designers through the ages have used the flag on the runways, some as a protest and others as patriotic expression.

VIETNAM-ERA PROTESTS

Protesters angry about U.S. involvement in Vietnam intentionally violated the Flag Code by wearing actual flags, tearing it, burning it and otherwise using it to voice their discontent with U.S. policies. Supporters of the war sported flag apparel to show support for American involvement and what they called traditional American values.

PREPPY FASHION

Designers such as Ralph Lauren and Tommy Hilfiger took the flag from polarizing protest symbol to the height of preppy fashion. This gave rise to clothing lines such as Old Navy popping the flag into T-shirt designs and the identification of certain styles with a more conservative look. The '80s and '90s also saw politicians everywhere donning American flag lapel pins, first spotted in the 1972



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movie "The Candidate."

POST-9/11

After the terrorist attacks of Sept. 11, 2001, American flags cropped up everywhere, including in fashion. It was a powerful symbol of unity and even defiance as Americans wore flag-themed clothing, patches, hats and even dresses. This eventually gave rise to

a whole commercialized patriotic culture with military and police symbolism in fashion growing in popularity.

ETIQUETTE

Even though flag-patterned or inspired clothing passes the Flag Code test, it's still best to obey basic rules of respect. This includes not depicting the flag or flag-inspired fabric

where it may be sat upon. Orient the stars and stripes properly and, to avoid courting controversy, don't depict the field of stars upside down. That indicates extreme distress or a threat to life and property.

Sometimes, even the best-intentioned fashion choices can raise issues. In 2019, Nike pulled a pair of Air

Max 1 USA shoes inspired by the Betsy Ross flag. It depicted the original Revolutionary War-era flag with 13 white stars on the heel of the shoe. Former NFL quarterback Colin Kaepernick reached out to the company, the Associated Press reported, saying the sneaker called back to a time when Black people were enslaved.



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The Upside-Down Flag

Time was when flags were more common at sea than on land. They were used to identify a ship and to communicate between ships safely.

During that time, flying a flag upside down became a symbol of a ship in distress. In the U.S. Flag Code, it says the inverted flag means “extreme danger to life or property.”

A HISTORY OF PROTEST

In more recent years, as flags became much more common on land, the Supreme Court has held flying an American flag upside down can be a

form of protest. In *Spence v. Washington* in 1974, the high court upheld the right of a student to display a U.S. flag upside down with a black peace sign taped onto it. Even more recently, protesters on Jan. 6, 2021, stormed the U.S. Capitol holding upside-down flags to support their belief President Donald J. Trump lost the 2020 election because of fraud. In 2022, those protesting the overturning of the *Roe v. Wade*

decision held the flag upside down to protest the reversal of a woman’s right to abortions. In 2025, employees at Yosemite National Park appeared to have placed an upside-down flag on El Capitan to protest cost-cutting measures.

BUT IS IT ILLEGAL?

Technically, yes, it can be illegal. The U.S. Flag Code is part of federal law but it lacks penalties. It uses words such as “should” instead of “shall,” meaning it’s advisory in nature rather than mandatory. The Supreme Court has ruled that using the flag as a protest symbol by mistreating it is protected under the First

Amendment. Instead, adherence to the code is considered a sign of patriotism, not a legal requirement. Even burning the flag has been upheld by the Supreme Court as protected speech.

An exception here may be for federal employees or members of certain organizations or company employees. Different organizations or agencies may have their own rules and policies regarding treatment of the American flag, and while the First Amendment protects people from government intervention in the exercise of free speech, it doesn’t protect people from other consequences of their actions.

Flag Retirement Ceremonies

The Flag Code says that when an American flag is no longer suitable for display, it should be destroyed “in a dignified way, preferably by burning.”

It doesn't provide particular guidelines, but other organizations do. Here's how to respectfully dispose of an American flag that has seen better days.

AMERICAN LEGION GUIDELINES

The American Legion has a set of rules for disposing of un-serviceable flags that dates back to 1937. It says that Flag Day, June 14, is the most appropriate day to hold a disposal ceremony. Rules say the American Legion post assembles outside, at night, in two parallel rows about 20 feet apart. Officers go to their stations and there's a small fire opposite the commander and beyond the rows of members.

There's a specific script, and the sergeant-at-arms presents the un-serviceable flags with a special detail. The commander then declares the flags “faded and worn in a tribute of service and love,” and recommends they be destroyed fittingly. Members then stand at attention while the Color Guard, followed by the flag detail, marches to the fire. A prayer is offered, and members salute



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while a bugler plays “To the Colors” while the detail dips the flags in kerosene and places them on a rack over the fire.

SCOUTING FLAG RETIREMENT CEREMONIES

In Scouting, the troops form a line on either side of a fire. A Color Guard holds the flag to be retired up behind the fire while a script is read from the viewpoint of the flag. It ends, “Now I

am tired and it's time for me to rest in the sacred flames of your campfire. My colors are faded and my cloth is tattered, but my spirit remains unbroken.” The Scouts then cut the blue field away from the stripes and tear each stripe apart. Each stripe is laid on the fire as the names of the 13 original colonies are read aloud. Scouts then kiss the blue field and lay it into the fire and stand in silence until the flag is consumed.

NATIONAL ASSOCIATION OF COUNTIES (NACO)

This organization facilitates the retirement of American flags by providing collection boxes where people can dispose of old and tattered flags. In a program with the National Sheriffs Association, the boxes are provided and then, when full, given to organizations such as the Scouts or veterans groups for proper retirement.

“The community response continues to grow as more people learn about how they can properly dispose of their worn-out flags,” says David Zimmerman, board chairman of NACo member Tazewell County, Illinois. “This new NACo benefit allows our citizens to conveniently and respectfully recycle their flags while helping enhance our county's reputation as a positive resource for people's needs.”