

The Law and the Flag

The U.S. Code, Title 4, Chapter 1, Section 7 (f), states that "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."

The U.S. Code, in Section 7 (c), also states that "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."

It may appear that the Yacht Club is ignoring the law governing proper display of our nation's flag - but read on!

Sea Tradition Predates the Law

There exists a tradition predating these laws. A tradition still followed today by the United States Navy, the United States Coast Guard, the United States Power Squadron, the United States Merchant Marine and many yacht clubs.

The basis for this tradition goes back to the time sailing ships plied the seas. Because of all the sail carried by the rigging of these vessels the flag of a nation could not be clearly viewed if placed at the top of the main mast. Instead, the national flag was displayed on the gaff, which is a spar extending from the mast and used to support the top of a sail. The gaff was used because it came first and the flag was more visible.

Over time, this became the place of honor to display a national flag. As the use of sail gave way to mechanical power, the tradition was maintained by displaying the national flag on a gaff-rigged mast when at sea and on a staff on the stern (rear) of a boat or ship in port."

But We're Not At Sea!

So what about onshore display of the flag. If a facility has a simple flagpole then the rules outlined in the U.S. Code above would certainly govern how the flag is to be flown. However, U.S. Navy and Coast Guard shore facilities as well as many yacht clubs use a flagpole which is considered to represent the mast of a vessel. (See the picture above.) That flagpole may also have a gaff (a pole extending, at an angle, from the main mast) in keeping with maritime tradition.

United States Navy NTP 13(B), Chapter 8, Section 801b (3) which covers the Display of National Ensign (U.S. Flag) at U.S. Naval Shore Activities, states "The national ensign will be flown at the peak of the gaff. Half-mast position is half way between top and bottom of gaff."

In addition, according to the National Flag Foundation "when the U.S. Flag is displayed on a gaff-rigged pole, the organization can determine for themselves what display will best convey the love, honor and respect which they feel for the flag."

But It Looks Wrong!

What causes concern with some people is that when the U.S. Flag is flown on a gaff, other flags may be physically higher than it. This is proper because no other flag is above the national flag on the same halyard (rope.) On a United States ship at sea you will note that fleet flags, signal flags, officer's flags, even courtesy flags of foreign nations are displayed in the rigging and may be physically higher than the U.S. Flag. In the case of a gaff-rigged flagpole at a shore facility, fleet flags, signal flags, officer's flags and even yacht club burgees (flags) may be physically higher than the U. S. Flag.

We have many members who are veterans and served to preserve freedom and the way of life our flag represents. All of our members are proud that we display our nation's emblem correctly and in the place of honor according to maritime tradition.