

LIFESTYLE

A BURNING ISSUE | Who desecrates the flag? The list is long

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Gregory Johnson probably didn't make many friends in 1984 when he burned the American flag in protest. And certainly those five Supreme Court justices lost a few friends when they ruled recently that Johnson, a member of the Revolutionary Communist Youth Brigade, has a constitutional right to burn Old Glory.

But Johnson is not alone in desecrating the flag. Every time a restaurant decorates a sandwich with flag-topped toothpicks, every time a flag is raised over a car dealer's lot, every time the flag waves on a television station, the flag code is bent or broken.

We may all be guilty -- with the biggest violator being the United States government.

Forty-seven years ago, said George F. Cahill, president of the National Flag Foundation in Pittsburgh, Pa., Congress jointly approved and President Franklin D. Roosevelt signed a resolution dictating how the American flag should be used.

"Guidelines for the use and good, tasteful presentation of the flag," said Cahill. "And some very thoughtful people will very quickly tell you that the chief violator of the flag code is the federal government because one of the things you're not supposed to do is put the flag on any disposable item.

"What on earth do you call a postage stamp? How many millions and billions of the things have been put out with flags on them? I'm not suggesting that the government take the flag off stamps, but in the strict adherence to the code, it's a violation."

Of course, nobody seems to take this particular resolution very seriously. In fact, nobody seems to know much about it.

"I'd like to find three people who know that," said Tom DiZinno, owner of a San Diego marketing services agency when informed the use of the flag in any type of advertising is prohibited.

"I guess this is a law that hasn't been enforced," surmised Ron Smithies, vice president of the National Advertising Division for the Council of Better Business Bureaus.

"This whole thing is ironic," said Bertram Minkin, artist-in-residence at the Museum of Modern Mythology in San Francisco. "I picked up a newspaper the other day detailing the controversy about flag-burning and at the same time walked by a local candy emporium that had tiny chocolates wrapped in American flag foil."

Americans, it would seem, like to wrap themselves -- and just about everything else -- in the flag.

"There are so many diverse things in America. We don't have the same faith, same ethnic background, not even the same language. So the flag is a touchstone. People react to it with a Pavlovian response," said Whitney Smith, executive director of the Flag Research Center in Winchester, Mass., and a consultant to government and private industry on flag history, design and symbolism.

"Business comes into this, I think, in the sense that as Calvin Coolidge said, 'The business of America is business.' We have put a high value on commercial enterprise. We feel that success in business is a sign of divine favor, and we look back on the founding fathers as good businessmen.

"So bringing in the flag is a very American thing to do. It's part of advertising, packaging. It's part of the actual product in many cases. Of course, it can be overdone. It can be trivialized. It can be done in bad taste. But generally speaking, it's like Mickey Mouse and Snow White. You know that you will be able to use the flag with a favorable response in 99.9 percent of the population."

On the other hand, said Cahill, "Some people don't give it any thought. An advertising agency lays something out, it looks sexy and so they print it."

That bothers Cahill and people like John Minnick, a spokesman for the American Legion in Washington, D.C.

Minnick adamantly supports the idea of a Constitutional amendment forbidding flag desecration, which he hopes will prod states to write laws with criminal penalties.

"The problem with the flag code is there aren't any sanctions. The worst thing that can happen is a Legionnaire will come up to you and say, 'Why the hell are you violating the flag code?' " said Minnick.

"We are opposed to (non-traditional uses of the flag). And we let people know about it. You talk about ironies. All the networks have had their graphic artists paint pictures of the flag burning to be used to introduce their stories. That's silly, and we wish they

have had their graphic artists paint pictures of the flag burning to be used to introduce their stories. That's silly, and we wish they wouldn't do that. They're basically doing what the majority of American people say shouldn't be done. But that's freedom of the press, I suppose."

Since the turn of the century, there have been almost 40 judicial decisions involving violations of flag desecration statutes -- most of them during the late '60s and early '70s.

People have been prosecuted for wearing the flag as a vest, poncho, cape, shirt and for using it to cover private parts on a photograph of an otherwise nude female, Albert M. Rosenblatt wrote in the Washington University Law Quarterly.

Most Americans prosecuted for desecrating the flag, however, eventually found protection in constitutional freedoms and prevailing common sense.

Smith of the Flag Research Center thinks it's a healthy sign that the American flag has become ubiquitous, showing up over the years on everything from lapel pins and buses to bed sheets and toilet paper.

"It shows that the flag has permeated American life. It's not their flag, meaning the government. It's our flag. We have it in clothing, in home products, in folk art, in architecture, in religion.

"The flag is a piece of cloth that is flown as a symbol. When you have a representation of it, for example on a postage stamp, what you have is a picture of the flag. It can evoke the same symbols and feelings, but to outlaw it, as in a Constitutional amendment, would mean the law would have to be all-encompassing. My feeling is you can't and shouldn't try to legislate good taste, particularly in this country."

Over the years, adoration for the flag has been carried to extremes. At the pinnacle, the flag "is the holy cloth. To touch it is to touch the ark of the covenant, the body of Christ," said Ray B. Brown, chairman of the Department of Popular Culture at Bowling Green State University in Ohio.

Brown thinks that sort of veneration is ridiculous. And most Americans aren't likely to equate the flag that inspired Francis Scott Key with the post-card-sized plastic flags planted on lawns by real estate agents or pictures on postage stamps.

Nonetheless the prospect of laws making flag desecration a punishable crime leaves artist Minkin confused about where the line can and will be drawn.

"I consider myself a patriotic citizen," he said, but "is the flag that drapes the casket of a war hero to be treated the same as the flag on a toothpick on a tray of cocktail weenies?"

4 PICS; Caption: 1. File photograph 4. Associated Press

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