
SENATE CONCURRENT RESOLUTION

EXPRESSING LEGISLATIVE SUPPORT FOR THE RIGHT TO DISPLAY THE
UNITED STATES FLAG.

1 WHEREAS, President Truman signed an Act on August 3, 1949
2 to declare June 14th of each year as National Flag Day as a day
3 of remembrance and to pay tribute to the U.S. flag; and
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5 WHEREAS, the U.S. Flag is recognized as a universal symbol
6 that should be the center of display in a procession, ceremony
7 and in permitted public places to represent the history of our
8 country; and
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10 WHEREAS, Public Law 94-344, the Federal Flag Code, makes it
11 clear that the U.S. flag is a "living symbol" representing a
12 living country and is itself a living thing which expresses
13 freedom, independence, and patriotism; and
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15 WHEREAS, Public Law 94-344 contains rules for handling and
16 displaying the United States flag; however, imposing no penalty
17 for non-compliance, Public Law 94-344 should be followed by
18 every American citizen on a voluntary basis; and
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20 WHEREAS, Public Law 109-243, the Freedom to Display the
21 American Flag Act of 2005, explicitly states that "[a]
22 condominium association, cooperative association, or residential
23 real estate management association may not adopt or enforce any
24 policy, or enter into any agreement, that would restrict or
25 prevent a member of the association from displaying the flag of
26 the United States on residential property within the association
27 with respect to which such member has a separate ownership
28 interest or a right to exclusive possession or use" as long as
29 "[n]othing in this Act shall be considered to permit any display
30 or use that is inconsistent with...any reasonable restriction
31 pertaining to the time, place, or manner of displaying the flag
32 of the United States necessary to protect a substantial interest



1 of the condominium association, cooperative association, or
2 residential real estate management association"; and
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4 WHEREAS, the family of a U.S. veteran is entitled to an
5 American flag for burial as a symbol of honor and bravery for
6 services that their loved one provided in securing the blessings
7 of liberty; and
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9 WHEREAS, every American should be able to rightfully
10 display the U.S. flag without any apprehension, if applicable
11 guidelines are followed; and
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13 WHEREAS, in public schools, students recite the Pledge of
14 Allegiance, making an oath by saying the following words in
15 relation to the U.S. flag: "I pledge allegiance to the flag of
16 the United States of America and to the Republic for which it
17 stands"; and
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19 WHEREAS, some planned community associations allow the U.S.
20 flag to be flown and flag poles to be installed within certain
21 restrictions imposed by a design review committee upon
22 installation approval; now, therefore,
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24 BE IT RESOLVED by the Senate of the Twenty-fifth
25 Legislature of the State of Hawaii, Regular Session of 2010, the
26 House of Representatives concurring, that the Hawaii State
27 Legislature supports the right of every resident of Hawaii to
28 publicly display or fly the American flag, subject to reasonable
29 association rules for homeowners governing the height and
30 location of flag poles when displaying or flying the flag; and
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32 BE IT FURTHER RESOLVED that the Department of Commerce and
33 Consumer Affairs is urged to work with county permitting
34 agencies, developers, planned community associations, and the
35 Community Association Institute to ensure that the right to
36 display the U.S. flag, guaranteed by Public Law 109-243, is
37 upheld; and
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39 BE IT FURTHER RESOLVED that certified copies of this
40 Concurrent Resolution be transmitted to the Governor, Director
41 of Commerce and Consumer Affairs, all county permitting
42 agencies, the Community Association Institute, and all planned
43 community associations in the State of Hawaii.

