

# American Hypocrisy: The Constant Violation of Title 4 Flag Code

By: Shane Radliff

September 22nd, 2015



In the past month, I have been harassed and trolled for my views on the American Flag. Hypocritical Patriots have made a mess of the FPRN chat, claiming that since I don't worship a piece of fabric, I'm somehow against freedom. As ridiculous as that sounds, it is the truth and we've had some great laughs watching these people make complete asses of themselves week after week.

This all started a little over a month ago, when I shared an image on Facistbook that pointed out a contradiction within the Patriot movement in regards to the religion of Islam. One woman then commented and another one of my "friends" began debating her. I

simply spectated and when the debate concluded, I posted a [video of Christopher Cantwell burning the American Flag](#). From that point on, I have witnessed the worst possible side of the Patriot movement, which includes a number of ideological inconsistencies and [irrational, unproductive fear-mongering](#).

First off, what is up with the worship of the American Flag, a symbol of the State? There is not a single mention of a "flag" in the Constitution. Additionally, this symbol of the State has been bathed in communism, imperialism, genocide, and democide, among other things, as [I have already published in a previous article](#). All of those things being contrary to what is expressed in the 1787 federal Constitution. Now of course, genocide was an important aspect in the founding of this country, but I'm simply discussing what is in writing.

So, it's been established that the "flag" is nowhere to be found in the Constitution and it represents the complete opposite of freedom, so why are so many in the Patriot community so defensive and hostile when it comes to this immoral symbol? Well, nationalism and rampant statism is the most I have been able to ascertain; it's surely not because they care about freedom.

The only mention of the "flag", is not found in the Constitution, but rather in United States Code. To be more specific, [4 USC § 3](#) and [18 USC § 700](#) discuss the laws, procedures, and punishments for desecration of the flag.

Within 4 USC § 3, “Use of flag for advertising purposes; mutilation of flag”, the penalties for non-compliance are laid out. The code states:

*“Any person who, within the District of Columbia, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature upon any flag, standard, colors, or ensign of the United States of America; or shall expose or cause to be exposed to public view any such flag, standard, colors, or ensign upon which shall have been printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed any word, figure, mark, picture, design, or drawing, or any advertisement of any nature; or who, within the District of Columbia, shall manufacture, sell, expose for sale, or to public view, or give away or have in possession for sale, or to be given away or for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached, or otherwise placed a representation of any such flag, standard, colors, or ensign, to advertise, call attention to, decorate, mark, or distinguish the article or substance on which so placed **shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$100 or by imprisonment for not more than thirty days, or both, in the discretion of the court.**” [Emphasis added]*

Within 18 USC § 700, “Desecration of the flag of the United States; penalties”, the punishment is more severe:

*“(a)(1) Whoever knowingly mutilates, defaces, physically defiles, burns, maintains on the floor or ground, or tramples upon any flag of the United States **shall be fined under this title or imprisoned for not more than one year, or both.**” [Emphasis added]*

The criminality has been established and jail time is on the table. So, if there are codes on the book for imprisonment and fines, why hasn't anyone been charged under these statutes? First off, [18 USC § 700 is not enforced](#). Additionally, in [United States v. Eichman, 496 US 310 \(1990\)](#), the United States Supreme Court ruled that 18 USC § 700 is a violation of free speech under the First Amendment to the Constitution.

It's safe to say that there is no equality under the law, and that is due to selective enforcement.

So, what acts under Title 4 and Title 18 are described as criminality?

- *The flag should not be used as "**wearing apparel, bedding, or drapery**", or for covering a speaker's desk, draping a platform, or for any decoration in general (exception for coffins). Bunting of blue, white and red stripes is available for these purposes. The blue stripe of the bunting should be on the top.*
- *The flag should **never be used for any advertising purpose**. It should not be embroidered, printed, or otherwise impressed on such articles as cushions, handkerchiefs, napkins, boxes, or anything intended to be discarded after temporary use. Advertising signs should not be attached to the staff or halyard.*

- *The flag should **not be used as part of a costume or athletic uniform**, except that a flag patch may be used on the uniform of military personnel, firefighters, police officers, and members of patriotic organizations.*
- *Flag lapel pins may also be worn (they are considered replicas) **and are worn near the heart.***
- *In a parade, the flag **should not be draped over the hood, top, sides, or back of a vehicle, railroad train, or boat.** When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the right fender. [**Emphasis added**]*

That’s certainly quite revealing. As it is stated in the aforementioned code, all of these actions are criminal and **should** lead to imprisonment and/or fine, if there’s going to be any consistency. Let’s examine each one of those points separately.

First off, it is against the law to wear any apparel with the American Flag printed on it. Since that is the case, it’s safe to say that most Americans are performing mass civil disobedience every single day without even realizing it. Let’s take a look at some criminals-in-action, shall we?



In Exhibit A, we see Sarah Palin wearing the American Flag. As much as she loves the State and all of the laws found within its apparatus, she was in blatant violation of Title 4.

Enter Exhibit B: Katy Perry, the pop “goddess”, is sporting her American Flag dress. How Patriotic. We could now call Katy Perry an “activist”, as she is performing civil disobedience.



Enter Exhibit C: In the presence of Barack Obama, Jonny Gomes, left-fielder for the Kansas City Royals, sports

his American Flag suit. Mr. Gomes is performing civil disobedience, and right in front of the Chief Executive Officer. Here’s your activist award, Jonny. Good work?



There are plenty of other examples, including Jon Stewart, Stephen Colbert, Justin Bieber, and Dennis Snyder.

Those are just some various folks who have taken part in public criminal activity, but what about the clothing outlets that sell this “forbidden” merchandise? Well, with [one Google search](#), there were over 20 blatant violations of Title 4 Flag Code by Forever 21. I’m sure you’ve seen some department store or website selling

American Flag merchandise, so we won’t spend much time on that.



click to enlarge

Now, what about those “law-abiding”, cop and military loving, Oathbreakers and Three Percenters? Well, surprisingly, the Oathbreakers either intentionally or inadvertently follow Flag Code from what I have been able to find, but the Three Percenters are a different story, as shown in Exhibit D.

Let’s move forward onto the next bullet point. The next one references the illegality of using the American Flag for advertising purposes. Of course, that would entail any business using the American Flag to help sell their product. Let’s take a look, shall we?

In a rather atrocious example, [Hardees used the American Flag](#) to help sell Carl Jr. In this commercial, you see a model with an American Flag bikini on in the back of an American Flag painted truck; multiple violations of flag code.

Next, we have [an advertisement for a Dodge](#). In this commercial, they re-enact the Revolutionary War, but present the Dodge Challenger (with an American flag hanging out of the window, I might add), as the reason for winning.

There is an ironic aspect to both of these commercials that I feel is worth a mention. They present America as the “land of the free”, without even realizing that the commercials they released were against the law. It’s [wonderfully Orwellian](#).

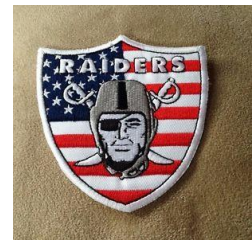
We’ll end with that example, but as stated in United States Code, both of these corporations are in open violation of the law.

Next, is in regards to the banning of the use of the American Flag on costumes and athletic uniforms.



First, we have the Northwestern football uniforms designed by Under Armour. Again, we have multiple violations of Flag Code within one example.

The next example is a bit more subtle, but nonetheless, there is an Oakland Raiders patch with the American flag in the background, which is surely a violation of Flag Code.



The final example we will look at is this one: in a parade, the flag *should not be draped over the hood, top, sides, or back of a vehicle, railroad train, or boat.*





The initial search I did was pure gold, as the Illinois Democrats openly violated Flag Code multiple times. In a 2012 Independence Day Parade, State Rep. Karen May was [called out on her violation by Breitbart](#). And would you look at that? She's also in violation of another section of Flag Code, but it appears mainstream media only cares about the hood violation.

Coincidentally, in the same weekend, another Illinois violation of Flag Code was referenced in the previous Breitbart article. At a Gay Pride Parade, US Congresswoman Jan Schakowsky audaciously draped both, the Gay Pride flag and the American Flag over the hood of her van. If that isn't bad enough, the Gay Pride flag was above the American Flag.



Two examples, both of them from The Communist State of Illinois, and both occurred in Independence Day Parades.

As you can see from the four sections I chose to examine, there are endless examples of these violations and it's quite comical to see "law-abiding, taxpaying, American citizens" openly performing mass civil disobedience, completely unknowingly.

## Conclusion

I'd like to discuss the reasoning behind the lack of enforcement when it comes to Flag Code. There are a couple of possibilities that I have been able to come up with. First off, I would suggest that as long as people are worshipping the State, the most dangerous superstition, they don't really care what happens to the flag. The final suggestion I can think of, is that if the State started tossing Americans in a cage for violations of Flag Code, there would be a major backlash and could potentially lead some to engage in tax resistance or other forms of rebellion.

Either way, it still stands: there is no equality under the law because of selective enforcement.

I think it's also important to re-emphasize the fact that the mainstream media is picking and choosing what parts of Flag Code to ridicule violators on, and it seems limited to the draping of the flag or the destruction of it. Beyond that, there is no mention of the advertising and apparel sections that have already been covered.

Selective enforcement now meets selective reporting.

As I mentioned in the introduction, I've been taking a lot of flak from some Patriots in regards to my beliefs on the American Flag. It really doesn't bother me, as my beliefs are consistent with



the accompanying philosophy of Voluntaryism; but on the Patriot side, it is surely inconsistent to worship a flag that is not even recognized in the federal Constitution, in addition to their violation of "the law" that they hold so close to their heart.

The reason I point out the inconsistency within the Patriot community, is because after the Chattanooga shootings, instead of setting up [Committees of Safety](#), they [decided to defend](#)

[the military recruitment centers](#) (and wouldn't you look at that, another violation of Flag Code).

They also questioned the matter of why "our" soldiers couldn't be armed when they returned home. There's any easy answer to that question, and it's one that they should be well aware of: [Posse Comitatus](#).

Now let's widen the parameters to all Americans. Regretfully (in terms of wearing the symbol of the State), I can safely say that when I was a child growing up I definitely violated Flag Code a few times. With that said, 99.9% of Americans probably have at some point in their life, and the majority of them probably still do on a regular basis. How can you say you live in "the land of the free", when there are laws on the books that could get the average American fined and tossed in a cage for simply showing "their love for their country"? How can a select few of these Patriots have the conscience to attack me for my anti-political beliefs, when they don't even have their own ideology in order? More generally, how can Americans make a conscious decision to worship a symbol of the State that is tainted with so many horrible and despicable atrocities?

As a Voluntaryist, those are things I will never understand.

Let me propose an alternative. Instead of worshipping the American Flag, why not use the Gadsden instead? The Gadsden represents true freedom and it has a near spotless track record, contrary to the American Flag.

Consistency is key, and if we are going to be successful in our goal in restoring Liberty, we must make sure the message and the agenda is clear. Inconsistencies only confuse those that may want to hop on board the train to Liberty and counter-productively prolong the battle.

I will end with a quote from Samuel Edward Konkin III (SEK3) from his book, "[The New Libertarian Manifesto](#)":

*“Many thinkers have expressed the **need for consistency** between means and ends and not all were libertarians. Ironically, many statisticians have claimed inconsistency between laudable ends and contemptible means; yet when their true ends of greater power and oppression were understood, their means are found to be quite consistent. It is part of the statist mystique **to confuse the necessity of ends-means consistency**; it is thus the most crucial activity of the libertarian theorist to **expose inconsistencies**. Many theorists have done so admirably; but we have attempted and most failed to describe the consistent means and ends combination of libertarianism.” [Emphasis added]*