

SENATE No. 20

To accompany the petition of M. A. O'Brien, Jr., relative to the misuse of the flag. Legal Affairs.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-Two.

AN ACT

Relative to the Misuse of the Flag.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section five of chapter two hundred and sixty-
2 four of the General Laws is hereby amended to
3 read as follows:— *Section 5.* Whoever publicly
4 mutilates, tramples upon, defaces or treats con-
5 temptuously the flag of the United States or of
6 Massachusetts, whether such flag is public or
7 private property; or whoever displays such flag
8 or any representation thereof upon which are
9 words, figures, advertisements or designs; or
10 whoever exposes to public view, manufactures,
11 sells, exposes for sale, gives away, or has in pos-
12 session for sale or to give away, or for use for any
13 purpose, any article of substance, being an article

14 of merchandise or articles upon which is attached,
15 through a wrapping or otherwise, engraved or
16 printed in any manner, a representation of the
17 United States flag; or whoever uses any repre-
18 sentation of the arms or the great seal of the
19 commonwealth for any advertising or commercial
20 purpose; or who shall publicly use or cause any
21 such flag, shield or ensign to be publicly used as
22 a receptacle for the placing, depositing or collect-
23 ing money or any other article or thing, shall be
24 punished by a fine of not less than ten or more
25 than one hundred dollars, or by imprisonment
26 for not more than one year or both. But a flag
27 belonging to a Grand Army Post, to a camp of
28 the United Spanish War Veterans, to a post of
29 the department of the American Legion, or be-
30 longing to or used in the service of the United
31 States or the commonwealth, may have the
32 names of the battles and the name and the
33 number of the organization to which such flag
34 belongs inscribed thereon. Words, figures, ad-
35 vertisements or designs attached to, or directly
36 or indirectly connected with, the flag or any
37 representation thereof in such manner that the
38 flag or its representation is used to attract atten-
39 tion to or advertise such words, figures, advertise-
40 ments or designs, shall for the purpose of this
41 section be deemed to be upon the flag.