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REVEREND BOUCK WHITE
1874-1951

BOUCK WHITE: THE FIRST AMERICAN PROSECUTED FOR FLAG BURNING

by Robert Goldstein, PhD

On 2 June 1916 the front page of newspapers across the United States — including *The New York Times*, *The Washington Post*, the *Atlanta Constitution*, the *Chicago Tribune* and the *Detroit Free Press* — reported, often in breathless and outraged tones, that a New York City cleric had presided over a ceremony in which a United States flag had been burned the previous evening in the back yard of his church. The clergyman, the Reverend Bouck White, was pastor of the “Church of the Social Revolution.”

He was reported to have officiated while a United States flag, along with the flags of many other countries, had been placed in a large kettle aflame with lighted kerosene and marked with the words *MELTING POT*, as his followers verbally renounced nationalism in favor of “internationalism and universal brotherhood.”¹

Although American flags had been burned during political protests at least twice before in the nation’s history, the Bouck White flag burning marked the first time that such an event had taken place after New York state (and many other states) had passed flag desecration laws. It led to the very first prosecution for flag burning in American history.

Until the Civil War the American flag had played relatively little part in the nation’s consciousness. It was generally flown only over federal buildings, such as forts and federal courthouses and on ships at sea, but it was rarely, if ever, hoisted on private homes or even over schoolhouses. Only with the outbreak of the war in April 1861 did the flag become an object of

widespread display and devotion — of course, only in the North. As the Connecticut chapter of the Sons of the American Revolution reported in 1896, although before 1861 there had been “comparatively but little display of the flag, “with the outbreak of war,

all at once the people of the northern states of the Union discovered that there was an American Flag and towns and villages, cities and county hamlets blossomed full-bloom with a most gorgeous display of the Red, White and Blue.

After the Civil War, the flag’s popularity and usage continued to increase, at least in the North, but it was not treated as any kind of sacred object, and one of the most common forms in which it was used was in connection with advertising or other commercial activities. Thus, an 1878 advertisement depicted an Uncle Sam pointing to a large ham against the backdrop of a flag which had printed across its stripes, “ The Magnolia Ham is an American Institution.”

Primarily in response to such commercialization of the flag and also to the increasing tendency of American politicians to print their pictures or campaign slogans on flags, a movement grew up during the 1890s to outlaw what was termed “desecration” of the flag. That movement, which led to the formation of the American Flag Association (AFA) in 1898, sought especially to outlaw using pictures of the flag in any way for commercial purposes, placing any writing or other markings on the flag, physically harming, or even verbally criticizing the flag.

Although the AFA failed in its original purpose of obtaining passage of a federal flag desecration law, it did succeed in getting all the then 48 states to enact such measures between

1897 and 1932. No federal law was passed until 1968, amidst controversy over flag burning to protest the Vietnam War. New York was one of the earliest states to pass a flag desecration law when it acted in 1899. Although at first the AFA concentrated on perceived “mainstream” political and commercial abuse of the flag, increasingly after 1900 immigrants, political radicals, and trade unionists were targeted for alleged cursing or physical abuse of flags.

In a pamphlet published in 1900, for example, Charles Kingsbury Miller, one of the leading spokesmen of the AFA, warned that the country had become “the international dumping ground” for “hundreds of thousands of the lowest class of immigrants” from the “most poverty-stricken and lawless classes of humanity” who swelled “the populace who abuse the United states flag” and posed “a menace to the nation.” Such elements, he warned, along with “the riotous elements of the labor organizations” and “Socialists, Anarchists, Nihilists, Populists, Tramps and Criminals” made up a “vast army of men who are ready for any and all kinds of disturbance.”²

BOUCK WHITE

The prosecution of Bouck White for his 1 June 1916 flag burning reflected the intersection of the movement to protect the flag with the career of a colorful and eccentric clergyman who had already attracted considerable notoriety well before he attained national front page status.

White was born in Middleburgh, New York, in 1874. He graduated from Harvard University in 1896, where he had developed an interest in journalism. His first job was as a reporter for the *Springfield Republican*. While working there, he later recounted, he heard voices which called him to enter the ministry and he was ordained in 1904 after studying at Union Theological Seminary in New York City. While studying for the

ministry, White was strongly influenced by the Christian Social Gospel movement, which stressed the need for Christians to deal with the pressing social problems of the nation.³

After serving as the pastor of a church in Clayton, New York, for several years White was hired in 1908 to administer the youth program of The Holy Trinity Episcopal Church in New York City. During his six years at Holy Trinity, White became increasingly sympathetic to and eventually a member of the then-flourishing American Socialist Party.

White began to attract considerable publicity for his views and acts beginning in 1910, when he published a book about the well-known Wall Street speculator Daniel Drew, portraying Drew as an unscrupulous businessman and provoking him to make threats of a lawsuit. In 1911, White published another book, *The Call of the Carpenter*, which portrayed Jesus as a social radical and which attracted both enthusiastic praise and bitter condemnation. Rumors that White would be the subject of an ecclesiastical trial were published but proved untrue.

The Literary Digest referred to his work as a "much-talked-of book" and reported that it had discovered laymen among those who condemned the book for "bad taste, bad scholarship, and even blasphemy," but had found "prominent clergymen among those who pay enthusiastic tribute to the book's message and inspiration."⁴ In 1913 Bouck was arrested while speaking to a group of striking garment workers. He told a magistrate, "I am a revolutionist because I believe that the partnership of the police with capitalism is oppressive all over our land, and unless we can break it there will be revolutionary violence."

Also in 1913 White published yet another controversial book, which portrayed the residents of a small town as small-minded and bigoted. Officials in both Middleburgh, White's birthplace, and in Clayton, where he had preached, viewed the

book as being about their cities and expressed outrage. When officials in Middleburgh brought charges of criminal libel against White, he responded that the citizens of Middleburgh should be complemented because, "I made of them flesh and blood characters, although there are no flesh and blood people in Middleburgh."⁵

White's notoriety increased considerably after he left Holy Trinity in 1914 and established the Church of the Social Revolution. During this period his physical appearance was described in a profile in *Harper's Weekly* as that of a tall, slim man with a "thin intelligent face, a bald head, eyeglasses, a gray sack suit, tan boots, a soft collar, a black bow tie, and a sonorous voice."⁶ Sunday morning congregants, under White's leadership, sang socialist songs and often marched behind the American flag and the red flag of socialism to nearby street corners, where they preached about the evils of capitalism.

The church's "covenant" referred to the social order as being marked by an "idle class sucking the substance of the poor." Committed supporters were to "stay with the workers in class solidarity till class shall have been done away in fellowship's glad dawn." In 1914 White introduced marriage services at his church which recognized the possibility of divorce by including marriage vows binding for "so long as love shall endure" instead of for life and at the same time he introduced a baptismal service in which babies dedicated their lives to revolutionary thinking.

The New York Times seems to have had a love-hate relationship with White — loving his publicity value and extensively covering his activities but hating his beliefs. The paper termed the new marriage vows a "cheap attempt at notoriety" and characterized White as mistaking "notoriety for fame" while along the way being, "likely to mislead many impressionable young people and wreck their lives."⁷

White was catapulted to national press coverage and to the front pages of New York newspapers for the first time on 10 May 1914, when he and some of his followers attempted to speak from the audience during services at Calvary Baptist Church, the church of John D. Rockefeller, in New York City. Rockefeller was widely blamed for the infamous 20 April 1914 "Ludlow Massacre" in Colorado, in which state militia burned the tent colony of strikers protesting a Rockefeller-owned mining company.

The militia killed about 20 people, including more than a dozen women and children. White had announced publicly that he would seek to challenge the pastor of the church to a debate on the question, "Did Jesus teach the immorality of being rich?" When White attempted to speak, two ushers seized him and White cried out that he wanted to speak about "one member of your congregation who is guilty of the murder of women and children in Colorado."

White and his followers were, in some cases, manhandled or beaten by police and angry members of the congregation. For example, Frank Tannenbaum, a well-known Industrial Workers of the World protester was picked up by church ushers and bodily thrown from the church vestibule to the sidewalk outside while another protester was beaten by police with fists and clubs until several teeth were knocked out. White and about ten followers were arrested and ultimately he and seven of his supporters were sentenced to six months in the workhouse for disorderly conduct and disruption of a church service.

The Calvary Church affair was the subject of considerable discussion across the country: thus *The New York Times* hailed White's jailing on the grounds that "mob violence" needed to be suppressed "wherever it occurs," while novelist Upton Sinclair compared White to Jesus and the magistrate who sentenced him to Pontius Pilate. *The Independent* magazine termed White's sentence "excessive," but also declared that his actions

were wrong since “the right of free speech does not mean that one may say whatever he pleases whenever he pleases wherever he pleases” and that White had struck a “serious blow” at “decency and good orders and the rights of others” by seeking to interrupt their worship.⁸ While White languished in prison, all appeals for reducing his sentence proving unsuccessful, the membership of his church doubled to 500 and when he was released in November 1914 he was greeted by a crowd of 3000.⁹

White was back in the news again in March 1916. He was charged with violating New York’s flag desecration law by circulating flyers advertising a lecture on the conversion of the American flag from patriotism to militarism which included a cartoon depicting a blood-soaked flag, with dollar signs replacing the stars lying on the ground near a bag of money, with both objects entwined by a serpent bearing the legend *War* and surmounted by a flag bearing the slogan *Revolution*.¹⁰ It was on the eve of his trial for this alleged offense that White presided over the 1 June 1916 flag burning ceremony that attracted nationwide media attention amid the rising tensions that led up to American participation in World War I.

BURNING THE AMERICAN FLAG

According to media accounts, the flag burning ceremony was conducted in the backyard of the church’s building on West Twenty-First Street following church services attended by over 100 people. During the services, White told his congregation that renouncing one’s flag was an act of the highest courage and at the end of the services he invited the congregation to adjourn to the yard to “witness the birth of internationalism.”¹¹ The congregation gathered around the flaming “melting pot” kettle. Ned Ames, one of White’s followers, acted as master of ceremonies as representatives of eight foreign nationalities and of the United States deposited in the kettle the flags of their

respective nations while renouncing nationalist feelings in favor of international solidarity.

The American flag was deposited in the kettle by artist Albert Henkel, a socialist living in Queens, who declared that he was willing to “forsake American allegiance” for the “higher cause of internationalism.” As the Stars and Stripes burned, White unfurled a large flag bearing the slogan *INDUSTRIAL INTERNATIONALISM*. The congregation sang from the church songbook while avid onlookers standing on the balconies and fire escapes of neighboring houses booed, hissed, and threw missiles to indicate their disapproval. Following the flag burnings, congregants returned to the church for lemonade and cake.

On 2 June White was tried for his offensive caricature by a three-judge panel of the New York Court of Special Sessions. Before the trial, White told reporters that the previous night’s flag burning had been “the most beautiful exhibition I have ever had the pleasure of seeing.” By melting together the flags of the “present super-prevalent nationalisms” his hope, he claimed, was to “unite the world brotherhood which has for the last two years been shedding its blood.” White added, “It would be the greatest Godsend to this country if like ceremonies were held in every city from here to the Pacific coast.”¹² Meanwhile, New York City district attorney Swann pledged that he would “jail every person who took part” in burning the American flag and declared, “This is not a time to tolerate such a frightful thing.”¹³

At his trial White was found guilty and sentenced to the maximum penalty, 30 days in jail and a \$100 fine. During the trial White, acting as his own attorney, admitted distributing the cartoon, but declared that he had the right to do so “under the fundamental privilege guaranteed me by the constitution.” In words prefiguring Supreme Court decisions of later decades, White declared that the Constitution made the “privilege” of criticizing the government “inviolable,” whether it was exercised

by “word of mouth, by written word or picture.”

When he admitted to the judges that he had characterized the flag as no longer standing for “idealism,” but instead for “the vulgarest and greediest set of profit-grabbers since history began,” one judge responded, “I think if you feel that way about it, you had better go and find some country of your own. If you don’t believe in America and Old Glory, you had better quit this country.”

White told the court that he had the deepest reverence for the true American flag and that he had no intent to desecrate it, but that he wanted to protest the desecration of the flag by “militarists and capitalists who sought to involve the nation in war.” New York Assistant District Attorney Albert Ungar responded to White’s explanation by declaring, “I speak for the people of New York County, who will see that not a stripe is erased nor a star dimmed in the American flag.” In handing down the sentence, one of the judges expressed regret that “the term specified in this statute is insufficient to fit the crime.”¹⁴

Following the trial, White announced, “This is the “first time in the history of the state that man has been jailed for a political cartoon.” He added that the previous night’s flag burning ceremony had probably “aggravated the court’s attitude though they had no right to consider it.” Meanwhile, New York officials seized the “melting pot” for use as evidence and began questioning witnesses to the flag burning ceremony¹⁵ and White’s actions were condemned by a broad spectrum of opinion.

Thus, the 3 June *New York Times* termed the flag burning “obnoxious and reprehensible in a dozen ways” and as reflecting “pathetic stupidity” while the socialist *New York Call* of the same date denounced the flag burning as “certain to arouse the antagonism of many people,” thus making it harder for political radicals to attract support. The 5 June *Detroit Free Press* termed the ceremony a “wrong-headed and misguided effort

to express a belief in internationalism" that demanded punishment. The Executive Committee of the United Spanish-American War Veterans of Brooklyn adopted resolutions denouncing the flag burning and White's church.¹⁶

While White was carted off to Queens County Jail for his cartoon, ten of his followers, who had participated in the flag burning ceremony, were arraigned on charges of flag desecration in a New York City Court on 5 June.¹⁷ Nine of them were subsequently released on bail, while Ned Ames, the master of ceremonies during the flag burning, was first referred to Bellevue Hospital for mental examination before being declared sane and released in the custody of his wife. Upon completing his sentence on 1 July, White was immediately rearrested for the flag burning incident and then released on bail.¹⁸

While he awaited trial for the flag burning, White was expelled from the Socialist Party in December 1916 on the grounds that he had violated party rules by supporting non-Socialist candidates during the 1916 elections.¹⁹ After repeated delays, White and ten of his followers were finally tried for the flag burning. They appeared before Judge McIntyre of the New York City Court of General Sessions beginning on 2 March 1917, on the eve of American entrance into World War I.

Before the trial White told a reporter that he was not a criminal but rather a "political offender" who was being tried for his "ideals." In response to a newsman's query as to whether he would withdraw his "opposition to the flag" and incline "toward patriotism" in view of the tense political situation in the country, he declared, "Indeed no! Because of the present national intoxication it is doubly and trebly important that I adhere to my ideals." He added, "An extraordinary situation demands extraordinary measures. I would not go in for burning of flags in an ordinary time, but even the most unimaginative mind must perceive that we are in a catastrophic moment."

As the trial began, White's followers distributed pamphlets

outside the courtroom which described the 1 June flag burning ceremony and termed the prosecution an attack on free speech.²⁰ The first three days of the trial were consumed by a laborious examination of potential jurors, during which White, acting as his own attorney, and Assistant District Attorney Alexander Rorke, representing New York, both subjected veniremen to some of the most bizarre and varied questioning in the history of American trials. While Rorke sought to detect any signs of sympathy towards radicalism among the prospective jurors, White was equally determined to select a jury that was open to radical ideas.

The result was that the jury selection process was prolonged and the questions they were asked clearly left many of the veniremen baffled. Thus the *New York Tribune* 6 of March reported that White's testing of potential jurors in their knowledge of history, political science, philosophy, and sociology included some questions that were so long and complicated that "the victims in the [jury] box blinked and puckered their brows, not knowing what on earth the clergyman was talking about."

The questions asked of potential jurors by Rorke included "Do you advocate free love?" "Do you believe in confiscation of property by the state?" "Have you any prejudices against the rich?" "Do you believe in America?" "Are you an anarchist, a socialist, a communist or a member of the Church of the Social Revolution?"

White's questions included, "If, convinced that only the holiest motive was meant [by the flag burning] would you acquit?" "Do you believe, with Napoleon, that God is on the side of the heaviest artillery?" "Have you read of the persecution of the Christians up to the seventh century by the Roman emperors?" "Do you believe that war or peace is more consistent with the ideas of Christianity?" "Have you ever had experience in moral courage so that you could stand against those drunk with an abnormal patriotic fever and uphold the truth?" "Would the

power of contemporary opinion swerve you from what you knew to be right?" "Have you the power of imagination to project yourself into the future and think what your children's children will say?"

White challenged one juror's right to sit on the grounds that he was ignorant about John Brown and other figures in American history, while Rorke refused to accept a young graduate of Dartmouth College on the grounds that "he was of more than average intelligence." At one point, after White said that John Brown's raid and the technical illegality of the Boston Tea Party would help to bolster his position that there was a "higher constitution" and that American traditions established that "there are times that force men to go outside the letter of the law to accomplish good." Judge McIntyre responded²¹

I am not going to try John Brown or the Boston Tea Party. This trial will be conducted under Section 1025 [the New York state flag desecration law] of the Penal Law. The higher constitution has no more to do with this case than the unwritten law in a murder case.

At another point, White objected that Rorke was disparaging the red flag, symbol of international socialism, during his questioning of prospective jurors and declared that,

It is not right to mention the red flag in a way that indicates that it stands for something wrong, for at Harvard University, of which I have fond memories, they are proud of their red flag, and also of their paper, which is known as *The Crimson*.

Rorke responded, "I also come from New England stock.

Let me tell you that in Harvard that college flag has always been subordinate to the American emblem."²²

BOUCK'S TRIAL

After a jury acceptable to both sides was finally selected, the trial finally began on 7 March. The major witness for the prosecution was William F. Cox, a reporter for the New York City News Associations, who testified that he had observed the flag burning ceremony and that before it had begun White had stated that he and his followers were about to engage in something that would be "very interesting, but is likely to be fraught with some measure of danger to ourselves, but we have the moral courage to go through with it."

He added that his fellow reporters had termed the ceremony a "damned shame" and that some had urged beating up the flag burners. In response to cross-examination by White, Cox said that he felt during the ceremony that "you were doing harm to the cause you represented by burning the American flag," but added that he also recalled "thinking that it was a corking [newspaper] story."²³ When White rejoindered, "Then you were there as a reporter, and not as a human being," Rorke objected that it was "an unfair and unnecessary characterization as to whether this man was a human being or not," and Judge McIntyre declared, "Well, I will rule that a reporter is a human being."²⁴

Another prosecution witness, Mrs. Elizabeth Holder, testified that she witnessed the flag burning from her house next door to the church and that she was "twice as mad" as anyone else who saw the ceremony, because she was English by birth and had to see both the English [sic] and American flags burned. She declared that when the demonstrators prepared to burn the American flag she had shouted from her window, "For God's sake, fetch a policeman. I'm not dressed."

Another neighbor and witness, Mrs. Anna Gebauer, declared that when Henkel was preparing to throw the American flag into the "melting pot" kettle, she had yelled out, "You brute; don't do that. You ought to be shot!" Mrs. Gebauer added, "Then I grabbed half a grapefruit from the garbage pail and threw it" at the demonstrators, but "unfortunately it didn't hit anyone." Another witness for the prosecution was a New York policeman who exhibited the melting pot to the jury and pointed out a fragment of the flag lying inside it.²⁵

After the prosecution rested, Judge McIntyre denied a defense motion to dismiss the case on the grounds that the flag burning ceremony symbolized international brotherhood and had not sought to disparage the American flag. McIntyre declared that the flag burning had violated the New York state flag desecration law, leading the 10 March *New York Tribune* to conclude that White's chance of victory "appeared as that of a captain ordered to lead a company of boy scouts against a well-entrenched army corps."²⁶

The basic defense offered by White and the other defendants was that they had not sought to disparage the flag, but rather to celebrate the brotherhood of all men. Thus Bernard Raymond, the attorney for White's codefendants, declared, "I would rather mingle with lepers than defend these people if I thought they were disloyal to the flag."²⁷

The Reverend Lawrence Plank, the pastor of a Connecticut church, testified that the flag burning was a "solemn, serious ceremony" conducted with "reverence, humility and prayer" and was a regular religious proceeding, that included a number of prayers and hymns, including a hymn with the lines "Our leader is the Prince of Peace, Our people are no longer geese, Humankind our Fatherland."²⁸

Plank added that he had learned at Union Theological Seminary to take "Christianity into movements along radical lines." Judge McIntyre interrupted Plank to declare that "that semi-

nary does not teach social revolution," while district attorney Rorke added, "And it does not teach men to burn the flag of the nation."²⁹ Several other clerics, including the Reverend Percy Grant and the Reverend John Haynes, testified that White had a good reputation and that the flag did not stand for "liberty, justice and equality" as much as it should. Grant said that White had "followed high examples in the Old and New Testaments" and that the flag burning in particular "did not show contempt" for the flag.³⁰

White answered questions which he posed to himself during his appearance on the witness stand, for example asking himself, "What do you mean, Bouck White, when you say that you are a good citizen but a bad patriot?" White answered that he favored good citizenship, such as peaceful devotion "to building up a community 365 days a year," but that he was "utterly opposed to murderous methods that take a man off to war to kill at the request of someone who is probably wrong" and that patriotism had caused "more deaths than all the whiskey, all the bubonic plagues and all the animals of the jungle during all time, and the time is coming when it will be wiped out."³¹

He termed the flag burning "the most impressive ceremony I ever witnessed." He declared that Henkel had kissed the American flag "most reverentially" before placing it in the melting pot and that Henkel's demeanor had been "spiritual, majestic and reverential."³² White spoke at length about his personal history leading up to the flag burning, suggesting that the ceremony had reflected his belief in "brotherhood of the world" and pronounced that he was "almost exclusively responsible" for the events of 1 June. White said he had advised his followers that only to place the flags in a kettle with a fire under it rather than burning the flags themselves would "be too kindergartenish a proceeding to appeal to a war-maddened world."

White added that after the American flag had been burned, “we sang a song of world solidarity and displayed a red flag symbolizing world brotherhood and friendship.” He declared that newspaper reports presented the “sensational side” of the 1 June ceremony, neglecting the “reverential” aspects and had “called the ceremony a flag burning, whereas it was a flag melting.”³³

In response to a question from the prosecutor concerning his views of the American military, White said the army and navy “are under the control of capitalism and are being used to oppress the people of this country.” Asked if he would enlist in the military if the nation were threatened, White said, “that would depend on the cause and who held the flag. I would not fight for the capitalists.” After Judge McIntyre warned White that a “crime cannot be committed behind the cloak of religion,” that instead of discussing “all kinds of ologies and isms” it was “time to get down to something practical” and that the only issue was whether he had participated in burning the flag.

White asked if using the flag to bind the wounds of a bleeding man would violate the flag desecration law. When McIntyre said it would not unless “contempt for the flag were shown,” White declared, “That’s just what I am maintaining here. Unless I can show to this jury that the motive of myself and these defendants was one of consecration, and not of desecration, this trial is a silly farce.”³⁴

Henkel, an architect, who was accused of having actually burned the American flag in the melting pot, declared that he loved the flag and had acted only from the best of motives” to symbolize in a “forceful manner” the “welding together of the people of the earth into a closer brotherhood, which would not recognize national boundary lines.”

Henkel said he had never met White or any other members of White’s church until the day of flag burning ceremony and that he only learned about the ceremony a few minutes before

it go underway, but that he volunteered to burn the American flag when White explained to him that the ceremony was designed to “symbolize the brotherhood of the world,” which struck him as “such a beautiful and elementary truth.”

Henkel testified that he loved the American flag. “Certainly I didn’t consider it desecration to take part in a ceremony tending to weld together God’s people. It was “a great and holy cause.” He added, “I place my allegiance to the flag second to the future state, in which humanity to man will be paramount. The American flag is supposed to represent the highest ideals of our people, but the greedy profit grabbers have changed that.” When Bernard Raymond, Henkel’s attorney, termed Henkel’s motivations religious, prosecuting attorney Rorke shouted, “According to you then, a man’s motive would justify him for any crime he might commit. I cannot permit any such anarchisms here.”³⁵

Two witnesses who were not involved in the flag burning ceremony testified that it had been carried out in a reverential way. Thus Mary Stewart stated that Henkel had “kissed the flag, his eyes filled with tears, and turning his head away dropped the flag into the pot. It was as reverential a church and religious ceremony as I have ever witnessed.”³⁶

Before the case was scheduled to be considered by the jury White and Ramond asked the judge to dismiss the charges, as wrongly filed, but Judge McIntyre rejected their request with a bitter blast. The judge declared that if citizens of the European countries then at war had performed similar acts “they would be court-martialed, stood up against a wall and shot for high treason.”³⁷ He added that it was only under “the very lenient laws” of the United states that the defendants would “dare to defy and defame the great principles for which the flag that they burned stands.”

In closing arguments White declared that the flag “melting” had sought to “bind the wounds of millions of men” and

to lead them to thoughts of liberty and peace." He maintained that, "Instead of desecration, the flag never had received a more profound and mighty consecration." Had such ceremonies occurred in Europe, White maintained, "it would be a beacon light of progress and would end the most appalling human slaughter the world has ever seen." White told the jurors that, "If you find me guilty you will have set the world in a backward direction" and that their decision was either "for bloodshed or for humanity. Not only in America, but all around the world, your decision will reverberate."

In his closing remarks, prosecutor Rorke declared that the flag was burned to "symbolize the destruction of the United States and the ascendancy of White and his followers" and the ceremony involved throwing the "helpless emblem of our independence into the fires of anarchy" by those who advised "men to disobey our law, to refuse to enlist in our army and navy, to be shot down in the streets before they would serve the country in war time." Rorke associated White and his followers with

anarchy, radical socialism, sabotage, industrial syndicalism, race and class hatred, religious intolerance and ten thousand other crack-brained, half-baked, hostile, un-American, vicious and perverted doctrines... daily pumped into the minds of the people of this country.

He stated that they were creating a "crop of disloyal citizens who believed themselves above the law." Rorke added, "We cannot permit outlaw intellectuals to sow the seeds of another French Revolution in the hearts of the American people." Had White burned national flags in Europe, Rorke declared in an echo of McIntyre's comments, White "would never get out alive" and "if an enraged American citizen had shot White dead

when the American flag was being desecrated at that orgy of anarchism" it would have been impossible to find "a jury in the whole country that would have convicted the slayer!"

Rorke expressed regret that the maximum sentence for flag desecration was thirty days in jail, declaring that those guilty of such conduct

should be put in public stocks, publicly flogged, towed beyond the three mile [4.8 k] limit to avoid polluting the territorial waters of this nation, and then, at the mid hour of night, cast into the sea of oblivion, there to dwell in infamy and eternal obloquy.

In charging the jury, McIntyre instructed the jury that "the worthiest motive is no defense in this case" and the only question was whether or not the American flag had been burned. The American flag, he added, "must not be treated with contempt" and "must not be jeered at" as it "is the greatest emblem of liberty, the greatest symbol of freedom that floats over mankind." He added that the jury had discretion with regard to those who had burned the flags of other countries.³⁸

The jury returned a verdict of guilty for White, Ames (the master of ceremonies at the flag burning), and Henkel after deliberating about five hours. They acquitted the other eight defendants, who had been involved in burning the flags of foreign countries. Furthermore there were several signs that the jury was sympathetic to White.

Not only did the jury recommend clemency for those convicted, but during their deliberations the jury asked Judge McIntyre if flag burning was a crime in itself and, when told that it was, inquired if there might be times so turbulent that flag burning might be warranted for the public good. When McIntyre responded negatively, a juror declared, "Then I un-

derstand we are recharged to bring in a verdict of guilty." Judge McIntyre praised the verdict, declaring that the jury had demonstrated "to the world" that the flag "must be revered and respected" and to aliens that "American institutions must be accorded proper respect, especially in these momentous days in the nation's history."

White and the two others who were convicted were given the maximum sentence of 30 days and White was also fined \$100 as McIntyre ignored the jury's recommendation of clemency — supported by Rorke with regard to Ames and Henkel, on the grounds that they were "in need of treatment" but not with regard to White, whom Rorke termed "an anarchist masking in the garb of a man of God to make money fooling the gullible." In fact McIntyre expressed regret that "I haven't the power to make this sentence a matter of years."

Although all three of the guilty defendants were native-born Americans, McIntyre declared that he was sending to immigrants and others "the warning that hereafter it must be hats off to the flag." McIntyre declared that the jury had made clear that immigrants to the United States "must respect the flag of their adopted country and that if they fail to do so they will be punished."³⁹

After the sentencing, White declared, "There never was a more unrepentant prisoner at the bar." When asked by a reporter what he would do if the country were invaded, White referred to a constantly growing gulf between rich and poor and declared, "I would rather be dictated to by the German emperor than by John D. Rockefeller."⁴⁰

By a special order of the New York City commissioner of corrections, White and his fellow prisoners were directed to carry out daily flag raising and lowering ceremonies while imprisoned. This required the hasty construction of a flagpole at The Tombs, as it turned out that that prison had failed to comply with the orders of New York City alderman that all city

buildings fly the flag.

Ames was directed to carry the flag from the warden's office each morning to White, White was required to raise and lower the flag, and Henkel was directed to return the flag to the warden's office each evening. As he hauled the flag up on his first day in jail, White declared, "It looks good to me but I wish my flag was there too." Queried, "What is your flag?" White responded, "The red banner of internationalism."

In explaining why White had been given the flag raising task, Commissioner of Corrections Burdette Lewis maintained that it was simply a mattering of finding "some suitable work for White to do," especially since during his prior imprisonment "we put him in charge of the scrubbing squad, but in two days he completely demoralized it."⁴¹

White lived out the rest of his life in relative obscurity. He became interested in pottery during the 1920s and made his living as a potter until becoming ill several years before his death. He died in 1951 at the age of 76 at the Home for Aged Men in Menands, a suburb of Albany. Before becoming ill he lived at a castle-like retreat he built south of Albany in the Helderberg mountains, where he was known as the "hermit of the Helderbergs."⁴²

NOTES

1. *The New York Times*.
2. For a summary and documentation of American attitudes towards the flag before 1900 see Robert J. Goldstein, *Saving Old Glory: The History of the American Flag Desecration Controversy* (Boulder CO: Westview, 1996), pp. 1-46.
3. Chester McCown, *The Genesis of the Social Gospel* (New York: Knopf, 1929) briefly discusses White at pp. 18-19.
4. For reviews of *The Book of Daniel Drew*, see *The New York Times*, 7 May 1910; *Book Review Digest*: 1910; for threats of a lawsuit, see *The New York Times*: 26, 29 April 1910. For a lengthy treatment of *The Call of the Carpenter* see *Literary Digest*, 17 August 1912, pp. 264-265; see also *Crafts-*

man, October 1912, pp. 122 ff., "Rumors of Trial," *The New York Times*: 16 November 1911, and book reviews in *Book Review Digest* 1912, p. 481.

5. *The New York Times*, 7 February 1913, 12 February 1917; 23 January 1914.

6. *Harper's Weekly*: 23 January 1915, p. 82.

7. *The Independent*: 26 October 1914, p. 138; *Harper's Weekly*: 23 January 1915, pp. 82-83; *The New York Times*: 23, 24, 30 November 1914.

8. *The New York Times*: 7, 10, 11, 17, 25 May 1914, 11 June 1914; *Chicago Tribune*: 11 May 1914; *The Public*: 22 May 1914, pp. 492-493; *The Independent*: 26 October 1914, p. 118.

9. *The New York Times*: 13 November 1914; *The Public*: 27 November 1914.

10. Description in *The New York Times*: 27 March 1916, 4 April 1916; *San Francisco Examiner*: 3 June 1916.

11. *New York World*, *New York Sun*, *The New York Times*: 2 June 1916.

12. *Detroit Free Press*, *Chicago Tribune*: 3 June 1916, *Philadelphia Evening Bulletin*: 2 June 1916.

13. *The New York Times*, *New York Call*: 3 June 1916.

14. *New York Sun*, *Los Angeles Times*, *San Francisco Examiner*: 2 June 1916; *New York Herald*, *New York Call*: 3 June 1916.

15. *New York World*: 3 June 1916.

16. *New York World*: 5 June 1916.

17. *New York Call*: 6, 9, 18 June 1916.

18. *New York Call*: 2 July 1916.

19. *The New York Times*: 28 December 1916.

20. *New York Evening Sun*: 2 March 1917; *New York World*: 3 March 1917.

21. *New York Evening Sun*: 2 March 1917; *New York Tribune*, *New York Times*: 3 March 1917; *New York World*: 3, 7 March 1917; *New York Call*: 6 March 1917; *New York Sun*: 3, 6, 7 March 1917.

22. *New York City*: 8 March 1917.

23. *The New York Times*, *New York Call*, *New York Exchange Sun*: 8 March 1917; *New York Tribune*, *New York Herald*: 9 March 1917.

24. *New York Sun*: 9 March 1917.

25. *New York Herald, New York Call, New York World*: 10 March 1917.
26. *The New York Times*: 10 March 1917.
27. *The New York Times*: 10 March 1917.
28. *The New York Times*: 10 March 1917.
29. *New York Herald, New York World*: 10 March 1917.
30. *New York World*: 10 March 1917.
31. *New York Tribune*: 14 March 1917.
32. *Evening Sun*: 12 March 1917.
33. *New York Herald*: 13 March 1917; *New York Call*: 14 March 1917.
34. *New York Evening Sun*: 12 March 1917; *The New York Times, New York Sun, New York Call*: 13 March 1917; *New York Sun*: 14 March 1917.
35. *The New York Times, New York Sun, New York Call, New York World*: 14 March 1917.
36. *New York Call*: 14 March 1917.
37. *New York Evening Sun*: 14 March 1917.
38. *New York World, New York Tribune, New York Sun, New York Call, New York Times, New York Herald*: 15 March 1917.
39. *New York World, The New York Times*: 15, 16 March 1917. *Ann Arbor News, South Bend Tribune, Detroit News, Washington Post, Chicago Tribune p. 1, Detroit Free Press*: 15 March 1917.
40. *New York World, New York Herald*: 16 March 1917.
41. *New York World, The New York Times*: 18 March 1917.
42. *The New York Times*: 9 January 1951.

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THE STANDARD OF FREEDOM AND INDEPENDENCE

Wherever the standard of freedom and independence has been unfurled, there will [America's] heart, her benedictions, and her prayers be. But she goes not abroad in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own. She will recommend the general cause by the countenance of her voice and the benignant sympathy of her example.

She well knows that, by once enlisting under other banners than her own, were they even the banners of foreign independence, she would involve herself, beyond the power of extrication, in all the wars of interest and intrigue, of individual avarice, envy, and ambition, which assume the color and usurp the standard of freedom.

The fundamental maxims of her policy would insensibly change from liberty to force. The frontlet upon her brows would no longer beam with the ineffable splendor of freedom and independence; but in its stead would soon be substituted an imperial diadem, flashing in false and tarnished lustre the murky radiance of dominion and power. She might become the dictatress of the world; she would no longer be the ruler of her own spirit.

quote from 4 July 1821 by John Quincy Adams
(US President 1825-1829) cited in the introduction
to *Twelve Against Empire* by Robert L. Beisner

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AGGRESSOR NATION SYMBOLS

The flags **Fig. A and B** on the back cover of this issue are respectively the regimental flag and naval ensign of “Aggressor Nation,” a country invented by the United States Army.¹ Those flags served as part of an elaborate system of uniforms, awards and decorations, military insignia, documents, conventional signs, and similar systems paralleling those in use by armed forces around the world. Unlike many invented flags,² those symbols – as part of the American military training program – played a substantive role for decades.

The Aggressor concept was originally devised after World War II “as the remedy to serious deficiencies observed during the war in the standard old-time training method by which [American] troops were opposed only by their own comrades in identical uniforms and using similar equipment and tactics [.] which put them at something of a loss initially when they came up against a really alien foe.”³

The program of an “enemy” force that could challenge troops in war games was originally developed and managed by the US Army Aggressor Center at Fort Riley, Kansas. The goal was to help US forces learn how to face and defeat a realistic enemy differing from themselves in language, equipment, ideology, customs, etc. Esperanto was utilized as the language of the Aggressor Nation; its tactical and command structure differed from American norms; and a national history and ideology, reminiscent of the Soviet Union and Communism, were simulated to give alien characteristics to the Aggressor troops.

It was posited that a political movement, the Circle Trigon

Fig. 1: SAFE CONDUCT CERTIFICATE



Fig. 2: THE CIRCLE TRIGON LOGO

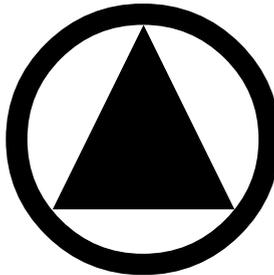
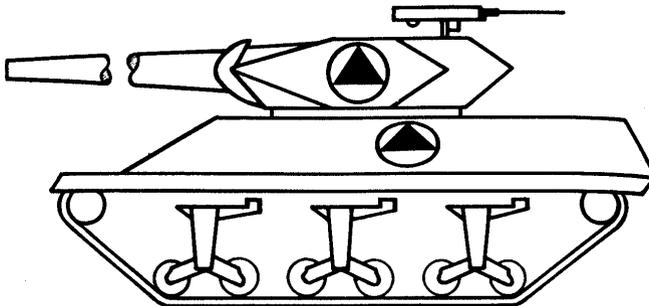


Fig. 3: TANK IDENTIFICATION MARKING



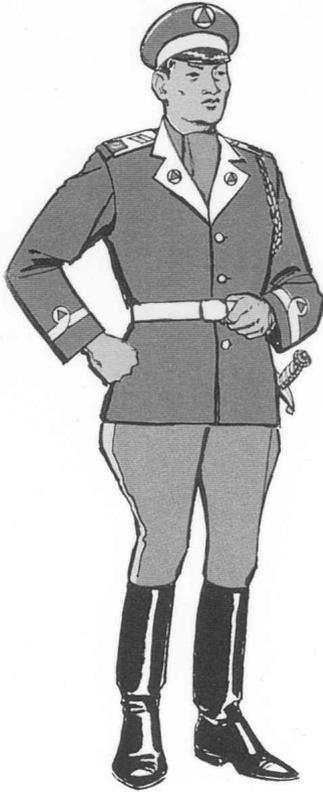
Party, had managed to seize power in an unidentified European state that had been neutral during the Second World War. Inspired by the "late nineteenth century radical, Akilo Petrovansi," its operatives with their "perfect organization, iron-clad discipline and single-minded purpose" soon were able to establish a dictatorship under a triumvirate consisting of Vasily Krostychovic, Shei-Chao Mong, and Henry R. Lormin.⁴

Aggressor Nation and its allies then undertook a military, psychological, and political program aiming at world domination. Beginning with its seizure of the Antilles in late 1946, it attacked a number of countries, including the United States, with varying degrees of success. "Long and vicious battles took place, but Aggressor hoisted the flag of victory over the nations involved:"⁵ that scenario presumably referred to use of the white flag with a green central trigon (i.e. triangle) in both its normal rectangular version and its swallowtailed naval ensign variant.

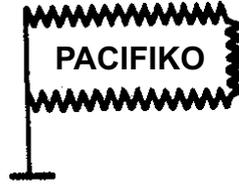
Unfortunately for the vexillologist, no explanation of the symbolism of the trigon or its green color is given. They may have been chosen by US Army officials because of their dissimilarity to actual national symbols and/or because the color and shape were readily identifiable. There is also a possibility, probably impossible to verify, that the use of the symbol was in fact an in-group joke by someone in the Army.⁶ Both versions of the flag had unusual finials resembling a wick and flame and also a green staff decoration resembling a horsetail or a torn cravat.⁷

A different version of the "Aggressor flag" (**Front cover**) shows a green triangle, set on a white disk centered on a green flag. This may have been the national flag (as distinct from the regimental color and naval ensign) of Aggressor Nation or perhaps only an alternative design that later was replaced. The flag appears in color on a "safe conduct certificate," (**Fig. 1, p. 191**) with text in Esperanto and English, that apparently was utilized during the Korean War (1950-1953). It has the imprinted

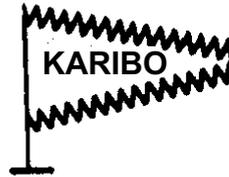
**Fig. 4: AGGRESSOR ARMY
GENERAL OF DIVISION**



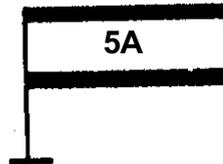
**Fig. 6: AGGRESSOR ARMY
GROUND HEADQUARTERS**



REGIONAL COMMAND



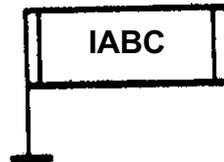
ARMY GROUP



ARMY



**Fig. 5: AGGRESSOR
AIR FORCE WINGS**



CORPS

signature of “Wolfgang François Umberto, Field Marshall [sic], Aggressor Army, Commander-in-Chief, Northeast Asia Forces.”⁸

The trigon was utilized (within a circle [Fig. 2, p. 191]) by Aggressor Nation as a vehicle and aircraft identification marking (Fig. 3, p. 191) and as a uniform cap badge of officers and senior soldiers (Fig. 4, p. 193). The wings badge of the Aggressor Air Force was marked (Fig. 5, p. 193) with a letter indicating the specialty of the airman (e.g. P for pilot). Aggressor military uniforms were “jungle green” but neither they nor the decorations and awards available to its military personnel incorporated the circle and trigon. Aggressor “flag officers” are mentioned but there is no indication of any flags corresponding to their ranks. Various flags, in black and white only, were used as conventional symbols on Aggressor maps (Fig. 6, p. 193).

Some of the elements of this program pre-date the specific symbols and practices referred to here.⁹ In 1917 an author advised¹⁰ that “An effective method of conducting a combat exercise is to outline [identify] the enemy with a few men equipped with flags.” War Department Basic Field Manual 21-30¹¹ advised that “When colors are used, military symbols representing objects in territory occupied or controlled by our forces are shown in blue, and those in territory occupied or controlled by the enemy are shown in red.”

Even after the introduction of the symbols of Aggressor Nation cited above, “Flags for maneuver control, Aggressor, and Friendly Forces were as determined by the maneuver commander.”¹² Servicemen simulating battle conditions have actually died under maneuver flags of imaginary countries. “Desert Strike,” a 1964 US Army 100,000-man exercise pitting Calonia against Nezona, resulted in 31 deaths – mostly caused by vehicular accidents.¹³

NOTES

1. See *Aggressor: The Maneuver Enemy* (Washington: Department of the Army, 1961), pages 52 and 57. As part of its conversion from regular US Army forces, "Each Aggressor regiment will draw [from supplies] an Aggressor flag." *ibid*, p. 180.
2. See Whitney Smith, "Frauds, Fantasies, Photo-Ops, Filibusters, and Fourth-Worlders," *The Flag Bulletin*, No. 150, pp. 2-12, for a typology and explanation.
3. Gladwin Hill, "Mythical 'Aggressor' Haunts Alert U.S. Defensive Forces," *The Growl*, 14 November 1949.
4. *Handbook on Aggressor Military Forces* (Washington: Department of the Army, 1966), p. 13.
5. *Ibid*, p.15.
6. James Ferrigan alerted the author to the fact that a triangle within a ring had been used as a logo since the 1930s by a US organization, Alcoholics Anonymous. See *Alcoholics Anonymous...* (New York: Alcoholics Anonymous World Services, 1955). The motto of the organization was UNITY, SERVICE, RECOVERY, but it was known as Alcoholics Anonymous and its logo showed AAAs within a ring – the emblem of the Trigon Party.
7. Concerning the horsetail flag finial, see "Flag Words of the Middle Ages, 'Tug'", pp. 69-70, *The Flag Bulletin*, No. 216.
8. See SGM Herbert A. Friedman (Ret.), "Allied Banknotes PYSOP of the Korean War," accessed 1 January 2003 at <<http://www.psywarrior.com/KoreaSCP.html>>.
9. Access to restricted and limited-issue US Army publications might provide further relevant data.
10. Colonel James A. Moss, US Army, *Manual of Military Training* (Menasha WI: George Banta Publishing, 1917), p. 105.
11. War Department, *Conventional Signs, Military Symbols, and Abbreviations* (Washington DC: War Department, 1943), p. 39.
12. *Flags and Guidons: Description and Use of Flags, Guidons, Tabards, and Automobile Plates* (Washington DC: Department of the Army, 1962) p. 37.
13. "Army Maneuvers Take Lives..." *The New York Times*, 28 May 1964.

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DON'T FORGET TO RENEW YOUR SUBSCRIPTION!

50 YEARS AGO

The 1950s was a time when great changes took place in flags. Many African national flags were created. Cameroon became independent under its national flag on 1 January 1960, but another flag preceded it. A rebel group attempted in 1955-1958 to gain recognition as the rightful rulers of Cameroon. Their flag was red with a black crab in the center. The design was chosen because the name of the country was based on the Portuguese word for shrimps, which were characteristic of the area as noted by early Portuguese explorers there.

Figure A

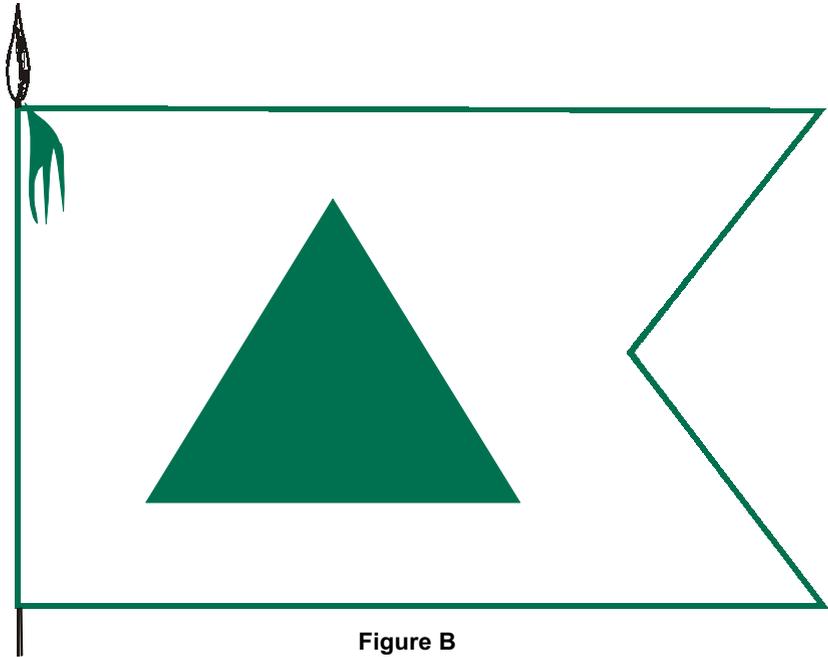
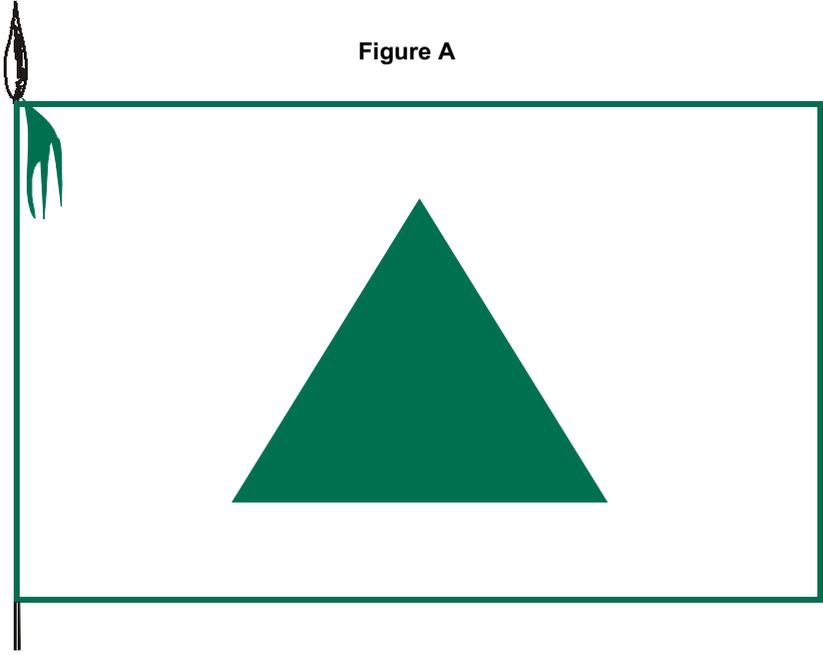


Figure B