

May 5, 1964



R. A. Michael, D. O.
218 Jackson Street
Jefferson City, Missouri

Dear Dr. Michael:

This is in response to your inquiry as to whether the Missouri State Flag may be flown from a flagpole in front of the Charles E. Still Osteopathic Hospital.

We believe that, subject to traditional standards of respect and protocol, the flag of this state may be flown in the same manner and under the same circumstances as the flag of the United States. We are of the further opinion that this is a practice which is not only permissible but one which should be encouraged.

The foregoing is said in the knowledge that an opinion issued by this office to the Honorable Walter H. Toberman under date of February 23, 1956, holds that the Secretary of State may not grant permission for the use of the flag to particular persons or corporations. (A copy of that opinion is attached herewith.) That opinion is bottomed on two principals: (1) a lack of statutory authority on the part of the Secretary of State to grant (or, for that matter, to deny) permission for the use of the flag under any circumstances; (2) public interest in the state flag prohibits its use for private purposes. Neither of these principals applies in the instant situation.

We certainly recognize that circumstances surrounding the use of the flag could make the use grossly improper. For example, it would certainly violate the public interest in the flag if a reproduction of it were used as part of a trademark or in connection with private advertising endeavors. However,

R. A. Michael, D. O.

-2-

May 5, 1964

to display the flag from a flagpole in the same manner as the flag of our country is to express respect for it and for the State of Missouri.

Consequently, we believe that, just as any person or corporation may fly the United States flag, so may the Missouri State Flag be flown by anyone so long as it is displayed under conditions consistent with the respect due it.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

AJS:lt
Enclosure