



MERIDIAN SERVICE METROPOLITAN DISTRICT

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Manager's Message February Special Edition

Flag Etiquette Correction

The District office receives a number calls from local residents whenever a local law enforcement officer is honored by lowering the American Flag. Some have told us that we should honor these local heroes by flying our flags at half-staff. Others, equally passionate, have insisted that only the President of the United States can order the National Flag flown at half-staff. In the *February Manager's Message* column of our District Newsletter, *The View From Meridian Ranch*, I said that only the President can order the national flag flown at half-staff. It turns out that was incorrect. I wanted to do the right thing so I consulted official government sources to find out the answers. In certain cases (the death of an official of the government of the State, including a local law enforcement officer fallen in the line of duty) the Governor has the authority under federal law to order the lowering of the National Flag. The good news is the only controversy has been among patriotic Americans who desire to honor both our flag and our fallen heroes. I hope this *Special Edition Manager's Message* will be helpful in bringing agreement and understanding on the respectful and lawful way to do just that.

David A. Pelsner, General Manager

Meridian Service Metropolitan District

For flag status, see www.colorado.gov/governor/flag-status

Flag etiquette references

U.S. Code, Title 4, Chapter 1, Section 7, paragraph (m):

In the event of the death of a present or former official of the government of any State... or the death of a member of the Armed Forces from any State... who dies while serving on active duty, the Governor of that State...may proclaim that the National flag shall be flown at half-staff." It goes on to say, "When the Governor of a State... issues a proclamation under the preceding sentence that the National flag be flown at half-staff in that State ...because of the death of a member of the Armed Forces, the National flag flown at any Federal installation or facility in the area covered by that proclamation shall be flown at half-staff consistent with that proclamation.

In case there is any question whether a local law enforcement official is an "official of the State" for purposes of this Federal law, I checked with the County of El Paso. The County's Chief Public Information Officer, Dave Rose, was kind enough to write to me in an email:

There should be no confusion that all county officials and sworn county law enforcement personnel are agents of and *officials of state government*... As it relates specifically to law enforcement, a good many state laws empower City Police Officers to enforce state statutes within the boundaries of their respective municipal corporations. In order to eliminate the possibility that City Police would be unable to apprehend a fleeing felon just outside their municipal boundary, many Colorado County Sheriff's, including the El Paso County Sheriff, simply "deputize" city police officers. Once they are deputies of the County Sheriff they have the same state law enforcement authority as the County Sheriff to act on and enforce state laws.

The Governor's website:

The policy of Governor John W. Hickenlooper is to order the United States and Colorado flags lowered on the day of the law enforcement officer or firefighter's funeral, and for the flags to remain lowered for the duration of the day." To check on the flag status on any particular day, the Governor maintains a website at www.colorado.gov/governor/flag-status. This is the source the District now uses as the authority on the matter.

The Congressional Research Service Report to Congress updated April 14, 2008:

..., the provisions of the Flag Code on flying the flag at half-staff are, like all the Code's provisions, a guide only. They do not apply, as a matter of law, to the display of the flag at half-staff by private individuals and organizations. No federal restrictions or court decisions are known that limit such an individual's lowering his own flag or that make such display alone a form of desecration.