

**CHAPTER 70**  
**STOCKBRIDGE-MUNSEE TRIBAL LAW**  
**STOCKBRIDGE-MUNSEE FLAG**

**Section 70.1 Statement of Purpose, Findings, and Authority**

**Section 70.2 Definitions**

**Section 70.3 Stockbridge-Munsee Flag**

**Section 70.4 Display of the Stockbridge-Munsee Flag**

**Section 70.5 Respect for Flag**

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**Section 70.1 Statement of Purpose, Findings, and Authority**

(A) Purpose. The Stockbridge-Munsee Tribal Council enacts this ordinance to exercise the fundamental right of sovereignty and self-determination by setting forth the official Flag for the Stockbridge-Munsee Community, its use and who shall be responsible for safekeeping and authorizing its use.

(B) Findings. The Stockbridge-Munsee Flag shall represent the jurisdiction and sovereignty of the Stockbridge-Munsee Community when flown.

(C) Authority. The ordinance is authorized under Article VII (f) of the Stockbridge-Munsee Constitution, which provides for the promulgation and enforcement of ordinance.

**Section 70.2 Definitions**

(A) This section shall govern the definitions of words or phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(1) “Half-staff” means the position of the flag when it is one-half (1/2) the distance between the top and bottom of the staff.

(2) “Stockbridge-Munsee Flag” means the official flag of the Stockbridge-Munsee Community.

(3) “Stockbridge-Munsee owned building” means a building owned by the Tribe.

(4) “Proper illumination” means a light specifically placed to illuminate the flag so it is recognizable by the casual observer.

(5) “Reservation” means all proclaimed reservation and trust land for the Stockbridge-Munsee Community.

(6) “Rule” means a set of requirements, including citation fees and penalty schedules enacted by the Stockbridge-Munsee Community Tribal Council in accordance with the authority delegated in this law in order to implement, interpret and enforce this law.

### **Section 70.3 Stockbridge-Munsee Flag**

(A) Where this law is ambiguous or does not address a situation the Federal flag Code may be used as a guide.

(B) All Stockbridge-Munsee owned buildings within the Reservation possessing a flagpole, stationary flagstaff or other means to display a flag shall adhere to this law.

(1) The building manager or their equivalent of each Stockbridge-Munsee owned building shall appoint a designee to perform the duties set within this law.

### **Section 70.4 Display of the Stockbridge-Munsee Flag**

(A) Locations, time and occasions for display. As the Stockbridge-Munsee Flag represents the Tribe's sovereignty, it shall be displayed according to the following requirements:

(1) The Stockbridge-Munsee Flag may be displayed on all days.

(2) The Stockbridge-Munsee Flag may only be displayed from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, the flag may be displayed twenty-four (24) hours a day if the Stockbridge-Munsee Flag is an all-weather flag and is properly illuminated during the hours of darkness.

(3) The Stockbridge-Munsee Flag shall be displayed in every polling place within the reservation on Stockbridge-Munsee Community election days.

(4) The Stockbridge-Munsee Flag may be mandated to be displayed through resolution of the Stockbridge-Munsee Tribal Council.

(B) Conduct during hoisting, lowering or passing of the Stockbridge-Munsee Flag. The Stockbridge-Munsee Flag shall be hoisted briskly and lowered ceremoniously.

(C) Position of the Flag. The position of the flag is an important symbol of prominence and sovereignty; therefore, the following requirements shall be adhered to:

(1) When flags of two or more countries or Indian Tribes are displayed, the flags are to be flown from separate flagstaffs or flag poles at the same height and shall be approximately of equal size.

(a) Since it is possible the Stockbridge-Munsee Community has a number of buildings with uneven flag poles, therefore when it is financially feasible to change flag poles all buildings will then fly the Stockbridge-Munsee Flag and the United States Flag at the same height and the United States Flag shall fly from the highest flag pole, when appropriate, and the Stockbridge-Munsee Flag shall fly from the pole furthest to the right to show prominence.

(b) Additionally, any future flag poles shall be constructed in such a way as to comply with this law.

(2) The Stockbridge-Munsee Flag shall be displayed to the furthest right in the position of superior prominence.

(3) When other flags are flown from adjacent staffs, the Stockbridge-Munsee Flag shall be hoisted first and lowered last.

(4) When flags of other states, localities or pennants of societies are flown on the same line or rope used to hoist a flag with the Stockbridge-Munsee Flag, the Stockbridge-Munsee flag shall always be on top.

(D) Manner of Display. The Stockbridge-Munsee Flag shall be displayed as follows:

(1) When carried in a procession with another flag or flags, the Stockbridge-Munsee Flag shall be either on the marching right; that is, the Flag's own right, or, if there is a line of other flags, in front of the center of this line.

(2) When the Stockbridge-Munsee flag is displayed with another flag against a wall from crossed staffs, the Stockbridge-Munsee Flag shall be on the right, the Flag's own right, and its staff shall be in front of the staff of the other flag.

(3) If the Stockbridge-Munsee Flag is displayed horizontally against a wall, the Stockbridge-Munsee Flag shall be placed in the upright position.

(4) If the Flag is displayed in a window, the flag shall be displayed in the upright position facing the appropriate way to an observer outside the building.

(5) When the Stockbridge-Munsee Flag is displayed over the middle of the street, the Stockbridge-Munsee flag shall be suspended horizontally and shall be placed in the upright position.

(6) When used on a speaker's platform, the flag, if displayed flat, shall be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the Stockbridge-Munsee Flag shall hold the position of prominence, in advance of the audience, and in the position of honor at the clergy's or speaker's right as he or she faces the audience. Any other flag so displayed shall be placed on the left of the clergyman or speaker or to the right of the audience.

(E) Display of Respect. At certain times, the Stockbridge-Munsee Flag shall be lowered to half-staff as a sign of respect. In doing so, the Flag shall be first hoisted to the peak for an instant and then lowered to half-staff position. The Stockbridge-Munsee Flag shall again be raised to the peak before it is lowered for the day.

(1) On or prior to the following days, the Stockbridge-Munsee Flag shall be lowered to half-staff:

- (a) Stockbridge Day
- (b) Memorial Day
- (c) Flag Day
- (d) Veteran's Day

(2) As a sign of respect, when the United States flag is ordered to be lowered to half-staff, the Stockbridge-Munsee Flag shall also be lowered.

(3) By a directive of the Stockbridge-Munsee Tribal Council President, or his or her designee if the President is not available, the Stockbridge-Munsee Flag shall be flown at half-staff upon the death of a member of the Tribe and remain at half-staff until after the funeral ceremony.

(4) The Stockbridge-Munsee flag shall be lowered to half-staff by directive of the Stockbridge-Munsee President for other reasons deemed appropriate.

#### **Section 70.5 Respect for Flag**

(A) No disrespect shall be shown to the Stockbridge-Munsee Flag, the United States flag or the flags of any other country, Indian Tribe, state or locality.

(B) During the ceremony of hoisting or lowering the Stockbridge-Munsee Flag or when the Stockbridge-Munsee Flag is passing in a parade or in review, all persons present shall face the flag and stand at attention.

(C) The Stockbridge-Munsee flag and the United States flag shall not be dipped to any person or thing. Regimental colors, state flags, and organizational or institutional flags shall be dipped as a mark of honor.

(D) The Stockbridge-Munsee Flag shall never be displayed upside down.

(E) The Stockbridge-Munsee flag shall never touch anything beneath it, such as the ground, the floor, or water.

(F) The Stockbridge-Munsee flag shall never be carried flat or horizontally, but always aloft and free.

(G) The Stockbridge-Munsee flag shall never be draped, drawn back, tied up, folded but always allowed to fall free.

(H) The Stockbridge-Munsee flag shall never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.

- (I) The Stockbridge-Munsee flag shall never be used as a covering for a ceiling.
- (J) The Stockbridge-Munsee Flag shall never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature besides the Stockbridge-Munsee Flag's design.
- (K) The Stockbridge-Munsee Flag shall never be used as a receptacle for receiving, holding, carrying, or delivering anything.
- (L) The Stockbridge-Munsee Flag, when it is in such a condition considered no longer a fitting emblem for display, shall be destroyed in a dignified way, preferably by burning, then burying the ashes.

#### LEGISLATIVE HISTORY

1. On August 20, 2019, the Tribal Council adopted a new ordinance, the Chapter 70 – Stockbridge-Munsee Flag Ordinance, by Resolution No. 062-19. The Tribe affirmed its adoption of the ordinance on January 21, 2021 in Resolution #017-21 after the BIA declined to act for timeliness. The new Flag Ordinance was approved by the BIA on January 28, 2021.