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(note March 27, 2013 post)  
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April 12, 2013

[Relevant portions of two letters:]  
[from Letter #1]  
(Identical letter to all Hennepin Co Commissioners)

Re: the United Nations Flag Issue; **your personal response requested.**

Dear Hennepin County Commissioners:

I have several questions flowing from the Action of the Commissioners March 27, 2012.

#### **BACKGROUND**

1. On March 27, 2012, the Hennepin Plaza Flag motion [page four below], was apparently unanimously passed by five [Hennepin County] Commissioners, four of whom remain on the Board. Mr. Stenglien left the Board and was replaced: For some reason, Commissioners McLaughlin and [Jeff] Johnson were absent for the Flag vote.

The effective result of the motion was the removal of the United Nations flag, which had first flown on what is now the Hennepin County Plaza May 1, 1968, and continuously since at least 1986, and likely far longer.

The stated issue in the aforementioned motion was **"compliance with the U.S. Flag Code."**

2. I raised the issue about the Flag in a letter to all of you dated December 29, 2012. I had not known of your action previously.

3. March 28, 2013, Mr. Opat [Chair of Hennepin County Commissioners] responded [in a letter] to my complaint as follows: **"it was discerned that our previous arrangement was slightly out of compliance with the U.S. Flag Code."**

4. On April 8, 2013, in [an e-mail] response to an April 1 e-mail from me, Mr. Opat stated **"we now have an updated policy that is in line with our place in the pecking order of governments in Minnesota. We will not revisit the matter"**, and that the flagpoles **"are the property of Hennepin County."**

#### **PERSONAL COMMENT**

To date, I have found zero evidence that the U.S Flag Code was ever violated on this issue, and the Code has existed since 1942 (with major subsequent amendment in 1953). Indeed, if in fact there had been a violation, even an outlandish one (there was no

violation), said U.S. Flag Code appears to have no enforcement clause at all as the U.S. Supreme Court apparently ruled in 1989 that violations of flag protocols came under the category of protected Freedom of Speech.

I see offensiveness manifested on occasion in particularly outrageous displays of the United States flag, including one "patriot" in Finland in early June, 2003. He chose to show his love of the U.S. by wearing his United States Flag leather jacket.

The U.S. Flag Code is simply a codification of suggested protocols which are almost universally and voluntarily followed, as was the case in the Plaza situation, and still is at Augsburg College and Fairview Southdale [Hospital], to name just two places displaying the UN flag along with others. Abusive mis-interpretations and mis-applications can and do happen on occasion. I can only speculate, but my guess is that some UN hater(s) demanded that the UN Flag be gone, and a legislative vehicle was identified to do the deed. I don't know that for sure, yet.

**REGARDING THE MARCH 27, 2012 ACTION:**

**QUESTIONS FOR EACH HENNEPIN COUNTY BOARD MEMBER:**

1. **Specifically what constitutes Mr. Opat's "slightly out of compliance" statement? I'd like to know exactly what was "out of compliance".**
2. **Who, specifically, first raised this issue with the Hennepin County Board, and when did this happen?**
3. **What public hearings were advertised and held on this matter before the March 27, 2012 action was taken?**
4. **Which of the flags currently flying on the Plaza replaced the UN Flag?**
5. **If you voted on this issue on March 27, 2012 (presumably "aye"), why did you vote as you did?**
6. **There are costs to this action, more than the cost of a flag. Have you even thought about these costs, such as cost to reputation of the County?**

There are perhaps other questions. I am not a lawyer, and I do not have a staff to do the exhaustive research necessary to get to the bottom of this. You as individuals can help.

(s) Dick Bernard

**[Relevant portion from Letter #2, also delivered April 12, 2013]**

Tuesday, I stopped by the Hennepin Government Center Plaza and took the enclosed photo from the exact same place where former Gov. Elmer L. Andersen made his speech about World Law and the UN flag on May 1, 1968. Of course, at that time, the Government Center was likely being planned, opening a few years later. In 1967-68, there was a unity of political minds, Hennepin County, Minneapolis Council and Mayor working in concert. The need for strong sense of World Citizenship, effective World Law and the important symbolism of the United Nations flag were deemed extraordinarily compatible with the well-being of the people of Minneapolis, the state of Minnesota and the United States. Mr. Andersen was very proud of [his] speech.

How things have changed, or so it seems. How ironic, given 1968s reputation in history.

It was apparently more important, in 2012, for Hennepin County to replace the United Nations with another (Hennepin County?) flag in "the pecking order" (Opat).

If you have read my previous mail, you'll recall that this issue came to my attention only accidentally. I was simply seeking information about some photos which were processed in May, 1968 relating to the Declaration of World Citizenship. Microfilms of the Minneapolis papers had a cartoon, but no news articles were found. Elmer Andersen kept his speech but didn't note the exact date he gave it. Mayor Arthur Naftalins archives at the History Center gave the answer. And here I am.

I've wondered why there wasn't some outcry in 2012 when you passed your motion suggesting that the United Nations flag was not "in compliance with the U.S. Flag Code." Certainly there had to have been some news. Living in Washington County [MN] as I do, and as I did, then, I would not have picked up on it.

Most likely, the common citizen even if concerned would simply say it's no use, bucking the system is hard. Responses like "we will not revisit the matter" blunt complaints.

As I've done this research (which continues, by the way), I understand the lack of response more clearly. There is an implication that the U.S. Flag Code prohibits flying the U.N. flag - an implication I believe was and is intended by UN haters.

You on the Hennepin County Board of Commissioners made a very large decision last year when you took down the United Nations flag from the Plaza of Hennepin County Government Center. Perhaps you will get away with not revisiting the matter and allowing open and balanced and substantive community conversation.

Do take another look.... It will take some courage, but you can reverse and resolve this issue.

And do something substantive this World Law Day, Wed., May 1, 2013. At minimum, learn what Law Day is, as established by [President] Dwight Eisenhower in 1958.

(s) Dick Bernard

## BOARD MINUTES

### BOARD OF HENNEPIN COUNTY COMMISSIONERS

Tuesday, March 27, 2012

1:30 PM

The Board of County Commissioners of Hennepin County, Minnesota, met in the Hennepin County Government Center in the City of Minneapolis, at 1:34 PM.

The meeting was called to order by Commissioner Opat, Chair, and all Commissioners were present with the exception of Commissioners McLaughlin and Jeff Johnson.

Pursuant to Minnesota Statutes 375.12 and Hennepin County Board Resolution No. 04-5-232, the County Board has directed the Clerk of the Board to publish the board proceedings in a summary manner that conforms to Minnesota Statute 331A.01. The following includes item descriptions, resolution numbers and final disposition of each item dealt with at the meeting. The full text of the board proceedings is available in the Clerk of the Board's office located at A2400 Government Center, Minneapolis, Minnesota and also is available at [www.hennepin.us](http://www.hennepin.us), the County's website.

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Last of many items on what appears to be a consent agenda of the Board.

#### 12-0167

#### Display of Flags at the Government Center North Plaza

##### Resolution No. 12-0167

The following Resolution was moved by Commissioner Opat, seconded by Commissioner Stenglein

BE IT RESOLVED, that Resolution 86-7-539 is hereby rescinded; and

BE IT FURTHER RESOLVED, that Property Services is directed to fly at the Government Center North Plaza solely the flags of the United States, Minnesota and Hennepin County, in compliance with the U.S. Flag Code.

RESOLUTION ADOPTED ON 3/27/12

On motion, the County Board adjourned at 2:01 PM, until Tuesday, March 27, 2012.