



The National Standard

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NOT STREET LEGAL: The proposed design of the Sons of Confederate Veterans license plate rejected by the agency. *Courtesy Customer Relations Div., Tex. Dept. of Motor Vehicles*

CONFEDERATE LICENSE PLATE REJECTED

The Texas Motor Vehicles Board rejected a proposed specialty license plate that features the Confederate battle flag logo of the Sons of Confederate Veterans at its November 2011 board meeting. The board's vote affirmed its April 2011 rejection of the plate.

Land Commissioner Jerry Patterson, an SCV member who sponsored the plate, says he only wanted to honor the men who fought "honorable" for the Confederacy during the Civil War and is not making a statement about slavery. Patterson, who has announced that he will run for lieutenant governor in 2014, noted that it's appropriate for Texas to issue the plate now because 2011-2015 marks the war's sesquicentennial. He dismissed any controversy over the plate's use of the flag logo as "making something out of nothing."

"Tens of thousands of Texans marched into battle behind that flag, and we are here to commemorate the soldiers, not the politicians," Patterson told the board in November.

The Texas branch of the National Association for the Advancement of Colored People collected over 22,000 signatures on an online petition opposing the plate that was delivered to board members. Elected officials, community leaders, and political activists increased public pressure before the meeting; 19 legislators sent a letter to the board denouncing the plate.

Had the board approved the plate, Texas would have joined nine other states that adopted similar plates: Alabama, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. Under the state's specialty license plate program, profits from the sale of the plate will go to the SCV; officials estimated the annual proceeds would be about \$20,000.

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President's Flag



Vice President's Flag



Secretary-Treasurer's Flag

BOARD ADOPTS VAST OFFICER FLAGS

VAST's officers were assigned flags of office by the board in March. The new flags were designed by member Petr Exner, who also designed the Association's seal. With dimensions of 1:1, the colors are PMS 193 (red), 281 (dark blue), and 116 (yellow).

The flags' "square shape is characteristic for that of an association's representative," Exner writes. The triangles charged by stars in the corners refer to the wedge with a star as depicted on the Association's flag, the dominant color of which is also the color of the field.

"The seal's device—an intertwinéd mullet—is used as a symbol of those who are authorized to sign—to seal—the Association's decisions. The device is rendered in yellow (or gold) as on the Association seal for the president and countercharged for the others. The middle field is red for executive officials and white for the administrative official." *Artwork by Petr Exner*

REPORT: 2012 BUSINESS MEETING, HOUSTON

The Association held its annual business meeting on Saturday, March 3, 2012, 12 noon, at the Houston Yacht Club. President James Liston presided.

Members re-elected James Liston, Hugh Brady, and Charles Spain as members of the board and adopted three amendments to the bylaws, including one to create the honor of Fellow of the Association. The board held its annual meeting immediately after the business meeting and re-elected Liston as president; Brady as vice president; and Spain as secretary-treasurer.

REPORT: TREASURER'S YEAR-END STATEMENTS

STATEMENT OF FINANCIAL POSITION			STATEMENT OF INCOME		
	12/31/10	12/31/11	FOR CALENDAR YEAR	2010	2011
AS OF			Income (revenue):		
Assets:			Contributions	\$2735.00	\$5565.00
Cash	\$1658.08	\$1420.70	Membership dues	100.00	90.00
Prepaid expenses	60.00	120.00	Total income (revenue)	<u>\$2835.00</u>	<u>\$5655.00</u>
Total assets	<u>\$1718.08</u>	<u>\$1540.70</u>	Expenses:		
Liabilities:			Total expenses	<u>\$3056.07</u>	<u>\$5822.38</u>
Accounts payable	\$0.00	\$0.00	Net income:	<u>\$(221.07)</u>	<u>\$(167.38)</u>
Loan	0.00	0.00			
Prepaid member dues ..	10.00	0.00			
Total liabilities	<u>\$10.00</u>	<u>\$0.00</u>			
Net assets:					
Total net assets	<u>\$1708.08</u>	<u>\$1540.70</u>			
Total liabilities & net assets .	<u>\$1718.08</u>	<u>\$1540.70</u>			

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VEXILLOLOGICAL ASSOCIATION OF THE STATE OF TEXAS

JAMES T. LISTON President | **HUGH L. BRADY** F.F. Vice President | **CHARLES A. SPAIN, JR.** Secretary-Treasurer

**ICV 24 OFFICIALS:**

From left: NAVA President **Hugh L. Brady** FF; FIAV Secretary-General **Charles A. Spain, Jr.**; FIAV President **Michel R. Lupant** COC, CCOM; FIAV Secretary-General for Congresses **Graham M.P. Bartram** FFI. *Courtesy NIFDA*

REPORT: WASHINGTON FLAG CONGRESS

For the first time in 25 years, an International Congress of Vexillology was held in the United States from Aug. 1-5, 2011, at the George Washington Masonic Memorial in Alexandria, Va.

About 100 delegates from 25 countries traveled to Alexandria for the Washington Flag Congress. The Congress was organized by the North American Vexillological Association and the Chesapeake Bay Flag Association under the auspices of the Fédération internationale des associations vexillologiques. The last Congress held in the United States was ICV 12 at San Francisco in 1987; the last held in North America was ICV 18 at Victoria, B.C., in 1999.

Delegates viewed an exhibition of the Ben Zaricor Collection by its namesake and by its curator, James Ferrigan, 3d, that included the c. 1963 car flags from the presidential and vice presidential limousines used in Dallas when John F. Kennedy was assassinated. Zaricor and Ferrigan also exhibited the only known 17-stripe U.S. flag and a British Union Flag from the Battle of Trafalgar. Delegates also viewed several items from the Smithsonian Institution collection.

VAST was represented by Hugh Brady, who presided as NAVA president, and Charles Spain, who was present and re-elected as the FIAV Secretary-General. Dr. Scot Guenter's presentation discussed the rise and fall of Worldface, a Facebook-satire on global relations that substituted nations for individuals. Pete and Henry Van de Putte brought new VAST flags to the Congress.

Awards and honors were presented at the closing dinner. For NAVA, Brady presented:

- Kenneth Hartvigsen, a doctoral fellow in art history at Boston University, with the Captain William Driver Award for his paper "Picturing Flag Violence in Civil War Sheet Music: The Case of 'Down With The Traitors' Serpent Flag'."

- Dr. Guenter with Honorary NAVA membership for his contributions to vexillology.

- Tony Burton, the meeting flag designer with a Congress flag.

- FIAV President Michel R. Lupant with a World War I-era certificate displaying the U.S. and Belgian flags in recognition of the FIAV-NAVA cooperation for the Congress.

- Karen Lowe, volunteer supervisor, and Deborah Kaye, accompanying persons' tour coordinator, with a crystal and pewter tray respectively.

The FIAV awards followed; Lupant presented:

- the Best Paper Award to Patrice de la Condamine for his study of the flags of constructed languages.

- the Vexillon to Anne M. Platoff for her monograph "Russian Regional Flags" published in *Raven: A Journal of Vexillology*.

- Fellowships of the Federation to Brady, Michael Faul, Guenter, Zachary Harden, Roman Klimeš, John Lowe, and Jan Henrik Munksgaard.

- certificates marking service as FIAV officers to Ralph Bartlett, Graham Bartram, Bruce Berry, Emil Dreyer, Whitney Smith, Spain, and himself.

- insignia marking their status as Laureates of the Federation to Guenter and Smith.

SCV FILES LAWSUIT OVER REJECTION

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State Sen. Rodney Ellis, D-Houston, objected to the design on the basis that the “battle flag” never was the Confederate national flag.

“We’ve used this flag for honorable purposes since 1896 to recognize and honor the veterans and it’s our logo and we believe that we have the right to have our logo on that license plate to honor those veterans,” Ray James, former SCV Texas Divisions president, told KUT-FM on Oct. 17.

“We’re not a racist organization, we’re open to all,” James told the board said, noting that the Texas chapter had “a black lieutenant brigade commander in West Texas; we have black members who are friends of our camp.”

The November action came after the board deadlocked in a tie vote at its April 2011 meeting.

Gov. Rick Perry, a Republican presidential candidate at the time, initially stayed above the discussion over the plate but later opposed the plate, saying “we don’t need to be opening old wounds.”

Before the April meeting, the board posted an image of the proposed plate for public comment as required by state law. “Overwhelmingly the comments in favor of this plate far exceeded the approval” of other plates approved by the board, said member Cheryl Johnson. She noted that “[t]he public comment on [the SCV] plate was 77 percent positive[.]”

The board “may refuse to create a new specialty license plate if the design might be offensive to any member of the public,” according to the state Transportation Code. However, federal courts in Virginia, Maryland, and North Carolina have ruled that groups like the SCV have a First Amendment right to put the battle flag logo on plates.

Maryland’s law permitted officials to reject plates that “could be considered objectionable or offensive as a term of bigotry, a term of hostility, an insulting or derogatory term, or a racially degrading term,” according to a 1999 federal court opinion. Under the First Amendment, any governmental regulation of speech must be viewpoint-neutral. That is, a government agency “may not target the particular views taken by speakers on a subject, in an effort to discourage one viewpoint and advance another,” the court wrote in ordering Maryland to issue the license plate. In March 2011, a Florida federal judge agreed that government refusal to issue license plates with the Confederate flag violates the First Amendment because it regulates the presentation of viewpoints. That judge, however, did not order the state to issue the requested plate and the parties are still reviewing their options. The SCV Kentucky division is seeking a plate there.

The Texas SCV filed a lawsuit in December 2011 with the Federal District Court in Austin seeking to compel the board to issue the license plate. After U.S. District Judge Sam Sparks denied the board’s motion to dismiss the lawsuit in March 2012, the case has been pending trial.

The case is *Texas Division, Sons of Confederate Veterans, Inc. v. Vandergriff*, No. 1:11-cv-01049-SS (W.D. Tex.).

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