

# TEXAS REGISTER

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## Texas Historical Commission

### Recommended Historic Designs: The "Six Flags Over Texas"

#### Suggested Motion:

Through its general powers and duties granted in the Texas Government Code, §442.005(a), the Texas Historical Commission (THC) approves the designs, shown as Exhibit A of this notice, for the six national flags of Texas history. THC has reviewed these designs and determined that they represent the appropriate flags of the six nations at the time of each claim to this soil, with the exception of the current flag of the United States of America. THC urges that these standard designs be adopted for display in all appropriate locations. THC gratefully acknowledges the assistance of Charles Adkin Spain and Dr. Whitney Smith for their research of these designs.

#### Background:

The "Six Flags" sets purchased by the state, businesses, and individuals are generally the flags manufactured in mass quantities by the six largest U.S. flag manufacturers (Annin, CF, Collegeville, Dettra, J.C. Schultz, and Valley Forge). Two of the flags in these sets, Spain and Mexico, are historically inaccurate because they do not represent a flag that flew over Texas during the time those two nations claimed sovereignty over Texas. The French flag is also oftentimes historically incorrect. It is, however, economically infeasible to display the historically correct flags because the flags would have to be custom manufactured.

The only practical way to purchase a correct "Six Flags" set is for the State, acting through the commission, to specify the proper designs of the "Six Flags" and to request the major flag manufacturers to make this historically correct set once existing supplies have been sold.

The art for the proposed designs has been provided by Dr. Whitney Smith of the Flag Research Center in Winchester, Massachusetts, who is the world's leading expert on flags. Dr. Smith was an adviser to the State Preservation Board and Office of the Secretary of State when the reverse of the state seal was redesigned in 1991-1992, and an adviser to the Texas Department of Transportation when it featured color art of the "Six Flags" in the travel publication *A Quick Look at Texas*. The proposed designs are basically the same designs that appear in the current version of the reverse of the state seal. Dr. Smith has agreed to allow the commission to use the art for the proposed designs as long as a copyright acknowledgment is published in the *Texas Register*.

**Kingdom of Spain:** Spain has had four significant flags during its occupation of the New World. The royal banner of Castile and Leon, bearing two lions and two castles, was used as a state flag from circa 1230 to circa 1516. This flag, although widely used in "Six Flags" displays, predates any Spanish presence in Texas: the first Spanish mission, Ysleta Mission in present El Paso, was established in 1681.

From 1516 to May 28, 1785, Spain used a state flag consisting of a modified red saltire on white to signify the House of Burgundy. A variant of the state flag existed from 1580 to 1640 that depicted the complete Spanish coat of arms on a white field. Although displaying the Burgundian saltire as a "Six Flag" would be historically correct, few people would recognize the flag.

King Charles III established the familiar Spanish flag containing horizontal stripes of red-gold-red and the simple arms of Castile and Leon as the Spanish state flag on land effective March 8, 1793, and this flag was used until April 27, 1931. This flag appears in the reverse of the Texas state seal and would be the logical choice for inclusion in the "Six Flags."

**Kingdom of France:** The flag of France that was allegedly carried by Rene Robert Cavelier, Sieur de la Salle in 1685, was probably a plain white flag strewn with fleurs-de-lys. This flag (circa 1643 to October 31, 1790) was a simplified version of the French state flag that bore the entire royal arms superimposed over numerous fleurs-de-lys strewn on a white field. Another French flag frequently (and incorrectly) included in the "Six Flags" contains three or more fleurs-de-lys on a blue field; this was the French state flag from circa 1370 to circa 1600. The fleurs-de-lys flag on a white field without the royal arms appears in the reverse of the Texas state seal. Technically, the heraldic description of the flag is "white, seme [strewn] of gold fleurs-de-lys," so the actual number of fleurs-de-lys is indeterminate and they would bleed off the four edges of the flag.

**United Mexican States:** In April 1823, Mexico adopted its first republican flag, which was used until 1863. This flag is similar to the current Mexican flag with vertical strips of green-white-red. Both flags contain an eagle holding a serpent in its mouth and standing on a nopal, or cactus, but the current Mexican flag depicts a stylized Aztec eagle rather than the natural eagle in the 1823 flag. The 1823 Mexican flag appears in the reverse of the Texas state seal.

**Republic of Texas:** Texas had two official national flags for use on land during its existence: the 1836 national standard and the 1839 national flag that became the state flag. Some authorities also erroneously claim that Lorenzo de Zavala designed a Republic of Texas flag (usually portrayed as a blue field with white star of five points central and with the letters "T-E-X-A-S," one letter between each star point).

The first official flag for use on land, the "National Standard of Texas," was adopted by the Congress and approved on December 10, 1836. It consisted of an azure ground with a large golden star central. This flag, known as David G. Burnet's flag, served as the national flag until January 25, 1839.

The second official flag for use on land, the Lone Star Flag, was adopted by the Texas Congress and approved on January 25, 1839: "[T]he national flag of Texas shall consist of a blue perpendicular stripe of the width of one third of the whole length of the flag, with a white star of five points in the center thereof, and two horizontal stripes of equal breadth, the upper stripe white, the lower red, of the length of two thirds of the whole length of the flag." This flag later became the state flag.

Although it would be historically correct to display David G. Burnet's flag in the "Six Flags," the Lone Star Flag appears in the reverse of the Texas state seal and would be the logical choice for inclusion in the "Six Flags."

**Confederate States of America:** The Confederate States of America had three principal flag designs during its existence. The first, known as the Stars and Bars, was chosen by a legislative committee of the provisional government as the national flag and was raised over the capitol in Montgomery, Alabama on March 4, 1861. The flag consisted of: "a red field with a white space extending horizontally through the center, and equal in width to one-third the width of the flag. The red space above and below to be the same as the white. The union blue extending down through the white space and stopping at the lower red space. In the center of the union a circle of white stars corresponding to the number with the States in the Confederacy." The Stars and Bars was never adopted by legislation, but served as the Confederate flag for more than two years. Texas was the seventh state to join the Confederacy.

Because of the Stars and Bars's similarity with the United States flag, it was unsatisfactory for use as a battle flag. The most famous Confederate battle flag was the battle flag of the Army of Northern Virginia, a square having a red ground with a blue saltire bordered with white and emblazoned with white five-pointed stars corresponding in number to that of the Confederate States. The design of this battle flag was used in the second national flag of the Confederacy, the Stainless Banner. This flag flew from May 1, 1863, to March 4, 1865, and consisted of a white field with the battle flag of the Army of Northern Virginia in the canton.

The Stainless Banner was revised on March 4, 1865, in part because naval officers objected that the flag looked both like a flag of truce and the British White Ensign. The revision added a vertical red stripe to the flag's fly. This third national flag was short-lived as the Confederacy surrendered in April 1865.

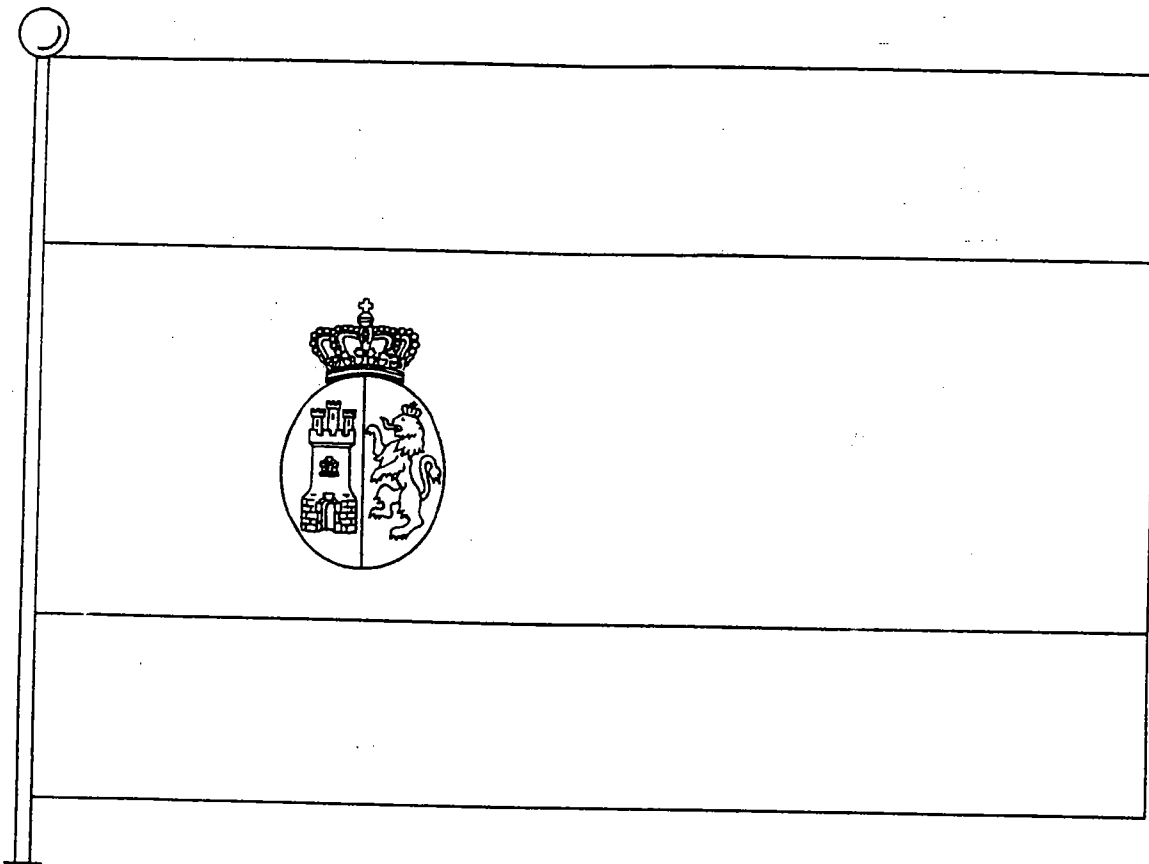
Another Confederate flag that is sometimes displayed in Texas today is a rectangular version of the battle flag of the Army of Northern Virginia. This flag was the Confederate naval jack as it appeared after May 26, 1863, and was similar to the battle flag of the Army of Tennessee that was issued in 1864.

It would be historically correct to display either the seven-star Stars and Bars, the Stainless Banner, or the 1865 revision of the Stainless Banner in the "Six Flags." The Texas State Seal Advisory Committee choose to use the seven-star Stars and Bars when the committee updated the design of the reverse of the Texas state seal in 1992 because the Stars and Bars is the most recognizable and least inflammatory of the three Confederate Flags. The seven-star Stars and Bars would be the logical choice for inclusion in the "Six Flags."

**United States of America:** The last of the "Six Flags" to fly over Texas is the flag of the United States. Texas entered the Union on December 29, 1845, as the 28th state. The 27 star United States flag was first raised in Texas on February 19, 1846, when the state government was organized in Austin. The 28 star United States flag flew only from July 4, 1846, to July 3, 1847, after which Iowa's admission necessitated the addition of another star. A 28 star United States flag appears on the reverse of the Texas state seal to avoid the necessity of changing the reverse should another state be admitted in the future, but it would make economic sense to use the current United States flag in the "Six Flags."

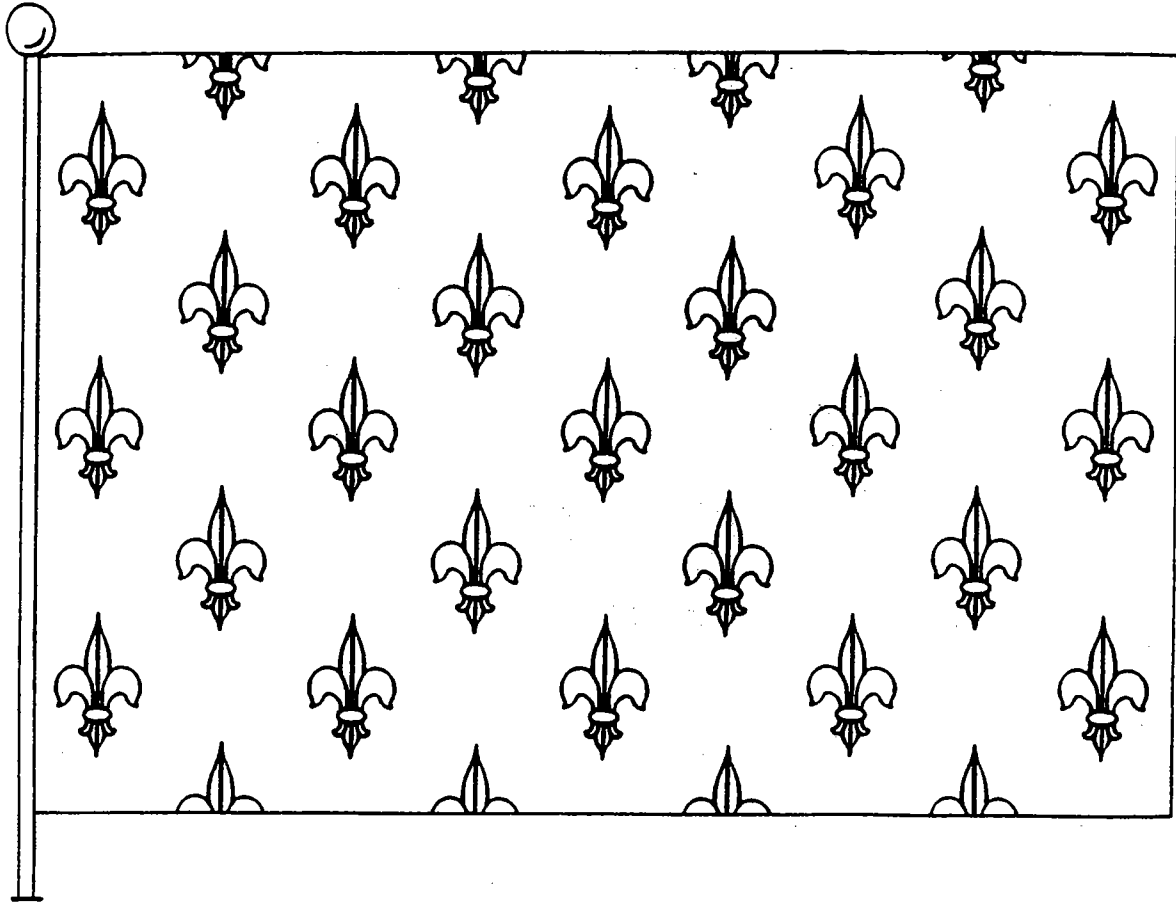
The "Six Flags Over Texas" are shown in the following Exhibit A.

# EXHIBIT A



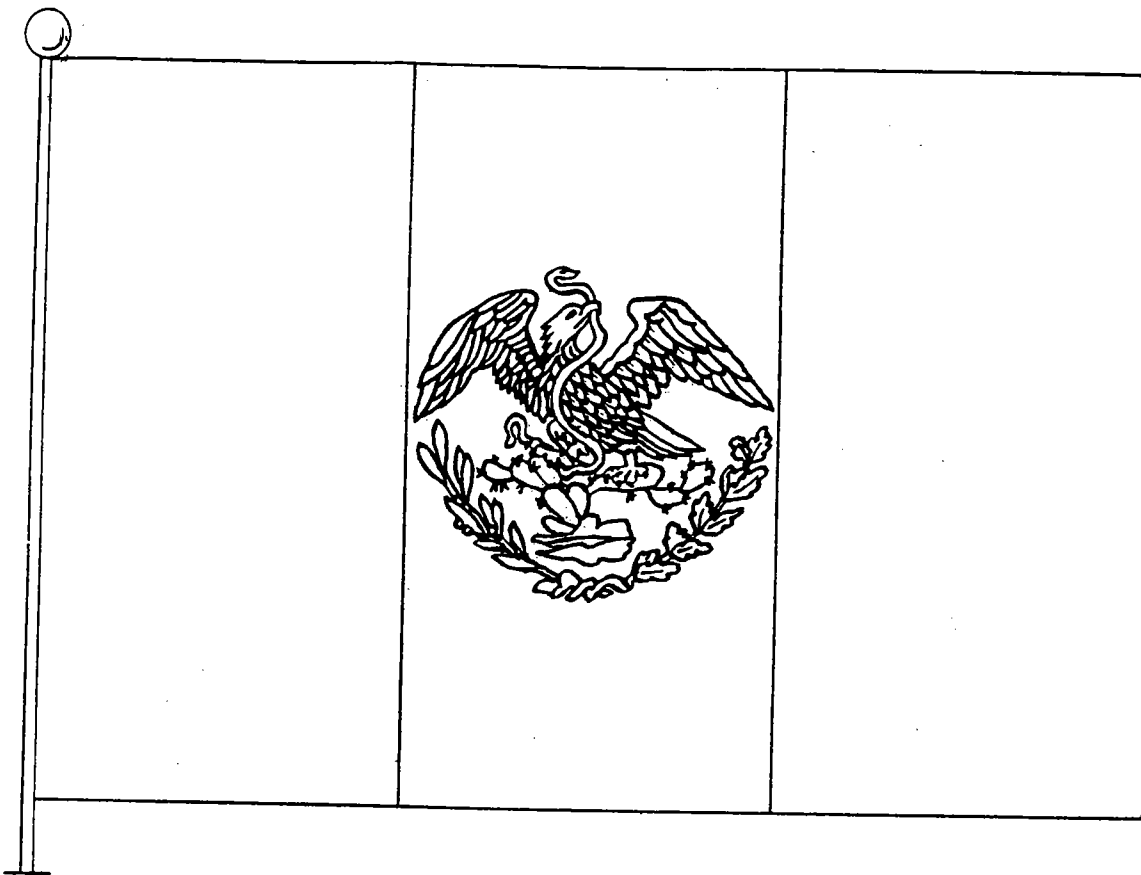
**KINGDOM OF SPAIN**  
**March 8, 1793 to April 27, 1931**

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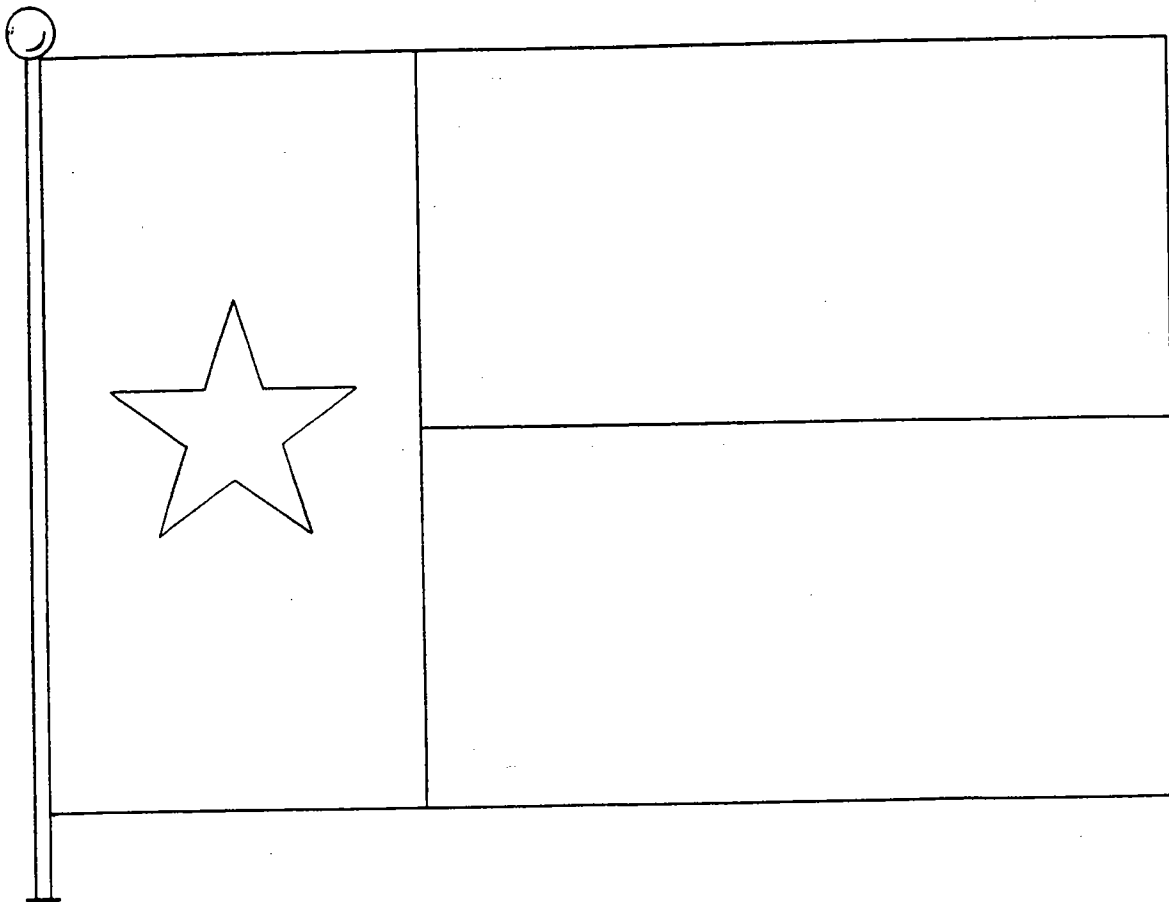
**KINGDOM OF FRANCE**  
**circa 1643 to October 31, 1790**

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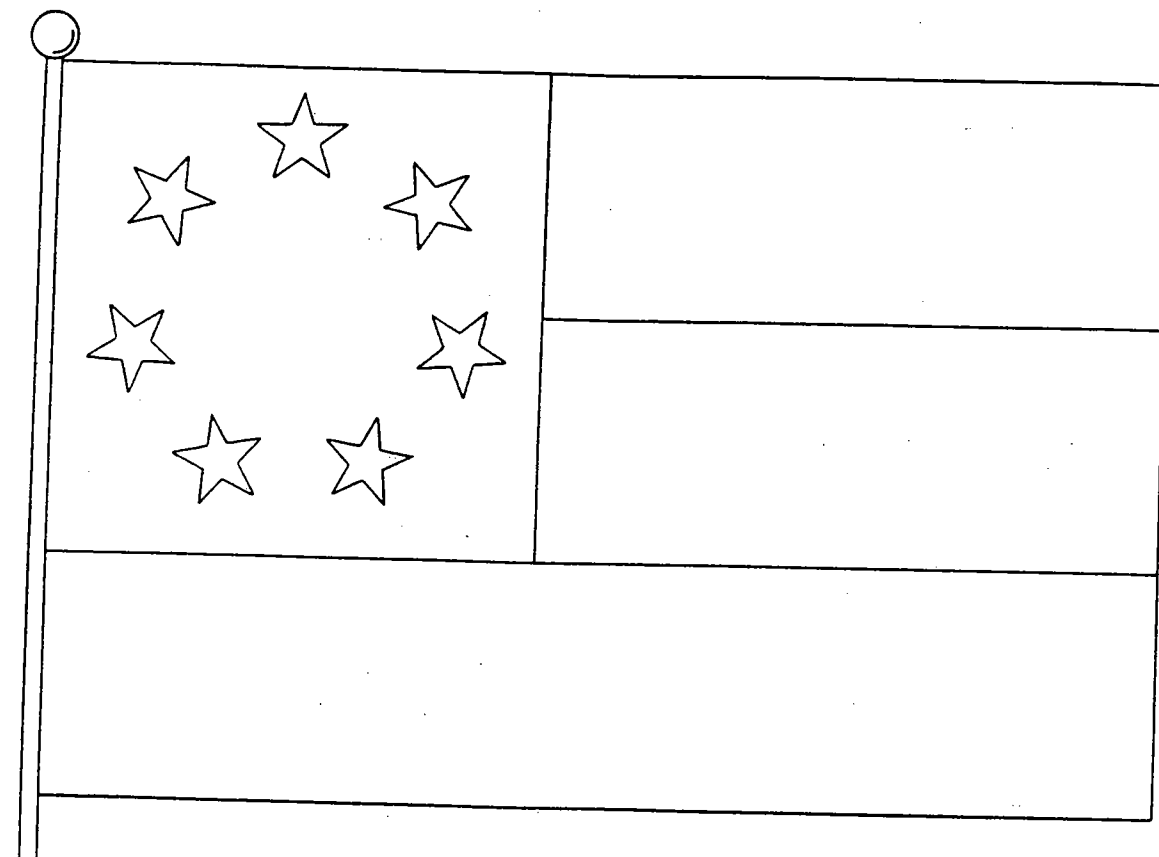
**UNITED MEXICAN STATES  
April 1823 to 1863**

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**REPUBLIC OF TEXAS/STATE OF TEXAS  
January 25, 1839 to present**

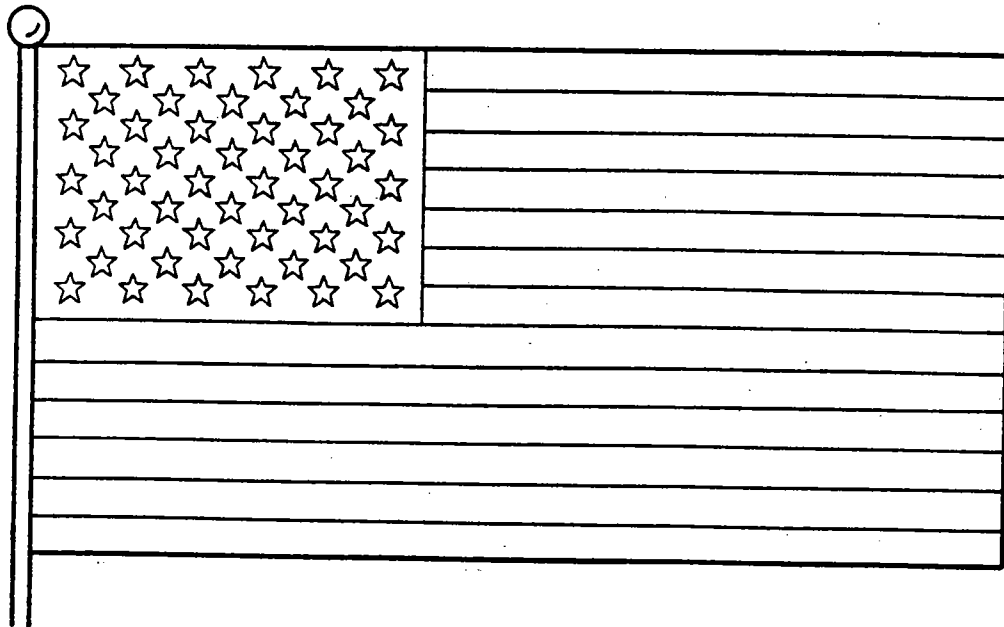
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**CONFEDERATE STATES OF AMERICA**  
**March 4, 1861 to May 1, 1863**

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**UNITED STATES OF AMERICA  
July 4, 1960 to present**

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Curtis Tunnell  
Executive Director

Texas Historical Commission  
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