

# City of Sacramento

## Legislation Text

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File #: 2020-00974, Version: 1

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**Title:**

**Ordinance Deleting Section 1.04.080 of the Sacramento City Code Relating to the National Anthem (Majority Vote Required) {To be published in its entirety upon adoption}**

File ID: 2020-00974

**Location:** Citywide

**Recommendation:**

1) Pass a Motion by a majority vote to bypass the Law and Legislative Committee pursuant to Council Rules of Procedure section 13.B.1.b.ii; and 2) adopt an Ordinance deleting section 1.04.080 of the Sacramento City Code relating to standing during the playing of the national anthem, to be published in its entirety within ten days of adoption per City Charter section 32(d).

**Contact:** Sheryl Patterson, Senior Deputy City Attorney, (916) 808-5346, Office of the City Attorney

**Presenter:** None

**Attachments:**

- 1-Description/Analysis
- 2-Ordinance (Redline)
- 3-Ordinance (Clean)

**Description/Analysis**

**Issue Detail:** Under Chapter 1.04 of the City Code, there are various general provisions and section 1.04.080 sets forth the required procedures when the national anthem, "The Star Spangled Banner," is played during official or ceremonial occasions. All present are to stand at attention and face the flag. This ordinance was adopted in May of 1928.

The Star Spangled Banner was written in 1814 and first became recognized for official use by the Navy in 1889 and by President Woodrow Wilson in 1916. This song became the national anthem by an act of Congress in 1916 and again in 1931.

Protests during the playing of the national anthem occurred starting in 1914 with World War I and every war thereafter. During World War II starting in 1939, college students refused to stand during

the playing of the anthem as a means of protest. In 1943 a judge ruled that students could not be suspended for refusing to stand during the playing of the national anthem based on religious grounds opposing war. Saluting the flag during the playing of the national anthem was required by placing one's hand over their heart. During the 1968 summer Olympics awards ceremony, black US athletes raised their gloved fist as a political statement against racism. In 2016, professional football athletes began kneeling and sitting during the playing of the national anthem as a means of protesting police brutality. This type of protest of police actions has since spread throughout the nation.

**Policy Considerations:** Deleting section 1.04.080 from the City Code will not affect playing the national anthem during official or ceremonial occasions. Rather deleting this section of the City Code will remove the requirement to stand at attention.

**Economic Impacts:** None.

**Environmental Considerations:** The ordinance is not a project subject to CEQA because it involves only general policy and procedure making and does not have the potential for resulting in either a direct or indirect physical change to the environment. [CEQA Guidelines section 15002(d), 15378(b)(2) and 15061(b)(3)].

**Sustainability:** Not applicable.

**Commission/Committee Action:** Not applicable.

**Rationale for Recommendation:** Bypassing the Law and Legislation Committee review process will allow this action to delete reference to the national anthem from the City Code to take effect this month, after the ordinance is published following the Council's action. Under the City Charter section 32(d), in lieu of the Pass for Publication of the ordinance title, and ordinance can be enacted by publishing it in full within 10 days after adoption.

**Financial Considerations:** None.

**Local Business Enterprise (LBE):** Not applicable.