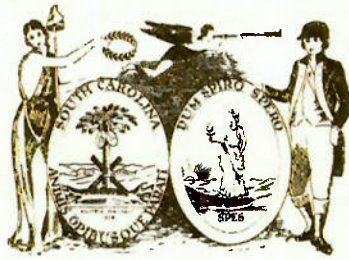


State of South Carolina
Executive Department



FILED

JAN 15 2025

Mark Hammond
SECRETARY OF STATE

Office of the Governor

EXECUTIVE ORDER NO. 2025-03

WHEREAS, in accordance with Title 4, Section 7(m) of the United States Code, as amended, and section 10-1-161 of the South Carolina Code of Laws, as amended, on December 30, 2024, the undersigned issued Executive Order No. 2024-36, directing that the flags atop the State Capitol and on all state buildings be lowered to half-staff until January 28, 2025, in tribute to former President James (“Jimmy”) Earl Carter, Jr., who dutifully served as the thirty-ninth President of the United States of America, and in honor of his extraordinary legacy and lifetime of distinguished service to the United States of America; and

WHEREAS, Chapter 1 of Title 4 of the United States Code, commonly regarded as the “Flag Code,” “codifi[es]” “existing rules and customs pertaining to the display and use of the flag of the United States of America” and provides a guide to States and private citizens regarding the display of our Nation’s flag, 4 U.S.C. § 5; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that “[t]he flag shall be flown at half-staff 30 days from the death of the President or a former President”; and

WHEREAS, section 10-1-161 of the South Carolina Code of Laws, as amended, authorizes the Governor to order that the flags atop the State Capitol be lowered to half-staff for a designated period of time upon the death of a person of extraordinary stature, for a period of thirty days from the date of death of a former President, and for the same designated time when an act of the United States Congress or a presidential order is issued to lower flags to half-staff over federal buildings; and

WHEREAS, on February 18, 1944, the President of the United States, Franklin D. Roosevelt, issued a proclamation, which recognized that “[t]he flag of the United States of America is universally representative of the principles of the justice, liberty, and democracy enjoyed by the people of the United States” and that “[p]eople all over the world recognize the flag of the United States as symbolic of the United States”; and

WHEREAS, on March 1, 1954, the President of the United States, Dwight D. Eisenhower, issued a proclamation pertaining to the display of the flag of the United States at half-staff upon the death of certain current and former government officials, and in doing so, recognized that it was “desirable that rules be prescribed for the uniform observance of this mark of respect by all executive departments and agencies of the Government, and as a guide to the people of the Nation generally on such occasions”; and

WHEREAS, the flag is “a symbol of nationhood and national unity,” *Texas v. Johnson*, 491 U.S. 397, 410 (1989), and “[n]o disrespect should be shown to the flag,” 4 U.S.C. § 8; and

WHEREAS, every presidential inauguration marks a significant moment in American history and should be an occasion to celebrate the enduring nature of the United States Constitution and the Republic and to honor the incoming President of the United States; and

WHEREAS, notwithstanding the foregoing, the Flag Code does not expressly contemplate the flag being lowered on Inauguration Day or address how the flag should be flown on Inauguration Day if the flag is otherwise flying at half-staff because of the death of a former President; and

WHEREAS, despite contemplating the flag being lowered for 30 days following the death of a former President, Title 4, Section 6(d) of the United States Code, as amended, which governs the time and occasions for displaying the flag of the United States, provides that “[t]he flag should be displayed on all days” but “especially” on “Inauguration Day, January 20”; and

WHEREAS, courts have recognized that a statute may not cover every circumstance and a legislature may not have foreseen certain situations arising when enacting a statute, *see, e.g., Greenville Baseball v. Bearden*, 200 S.C. 363, 20 S.E.2d 813, 816–17 (1942); and

WHEREAS, in response to the aforementioned circumstances and in an effort to harmonize the applicable statutes, Governors across the country have similarly acknowledged the simultaneous significance of recognizing Inauguration Day and appropriately honoring the life and legacy of President Carter and have issued orders or directives providing for the display of the flag at full-staff on Inauguration Day before returning the flag to half-staff in tribute to President Carter.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that the flags atop the State Capitol and on all state buildings shall be returned to full-staff and the ordinary manner of display in accordance with Title 4, Section 6(d) of the United States Code, at sunrise on January 20, 2025, in recognition of the inauguration of the forty-seventh President of the United States, Donald J. Trump. Absent an intervening proclamation from the President of the United States, the flags atop the State Capitol and on all state buildings shall return to half-staff at sunset on January 20, 2025, for the duration of the period prescribed by Executive Order No. 2024-36 in tribute to President

January 15, 2025

Carter's extraordinary legacy as a humanitarian and his lifetime of distinguished and patriotic service to the United States of America. This Order is effective immediately.



**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 15th DAY OF
JANUARY, 2025.**

A handwritten signature in blue ink, reading "Henry Dargan McMaster".

HENRY DARGAN MCMASTER
Governor

ATTEST:

A handwritten signature in blue ink, reading "Mark Hammond".

MARK HAMMOND
Secretary of State