

Apr. 5, 2022

# Exceptionally Appealing: Bear With Us

Our Bear Flag is one of America's most distinctive flags and scores highly in vexillological rankings for design and beauty.



**BENJAMIN G. SHATZ**

Partner, Manatt, Phelps & Phillips LLP

Appellate Law (Certified), Litigation

**Email:** [bshatz@manatt.com](mailto:bshatz@manatt.com)

Benjamin is a certified specialist in appellate law who co-chairs the Appellate Practice Group at Manatt in the firm's Los Angeles office.

[See more...](#)

As litigators – trial court or appellate – we spend a lot of time in courtrooms. Sadly, not all that time is spent arguing our cases. We often have to watch other lawyers argue their cases. When that happens, the eye may wander. What might we gaze upon? Well, we'll certainly spot the flag of the United States (aka the American Flag, the Stars and Stripes, Old Glory). California Government Code section 430 requires that flag “shall be prominently installed, displayed and maintained” in all courtrooms of all courts of the state and all rooms where any court holds sessions. We know that flag well. But there's another flag in the courtroom.

That same Government Code section requires that the flag of the State of California (aka “the Bear Flag”) be prominently displayed. See Govt. Code § 420 (“The Bear Flag is the State Flag of California.”). Thus, as a lawyer, you've no doubt spent many, many hours in rooms sporting the Bear Flag. The bear is always with us. Shouldn't we know a bit more about it?

California's original 1911 flag statute (Senate Bill 219) declared the Bear Flag as the official state flag, and described it like this: a white field; in the upper left-hand corner a single red star; at the bottom of the white field the words “California Republic”; and in the center a California grizzly bear walking toward the left upon a grass plot; the bear shall be dark brown and equal to one-third the length of the flag.

In 1953, Governor Earl Warren signed a bill setting the official design and specifications of the current flag. Current Government Code section 420 adds a few details: In the upper left-hand corner of a white field shall be a five-pointed star with one point vertically upward, and in the middle of the white field, a brown grizzly bear walking toward the left with all four paws on a green grass plot, with head and eye turned slightly toward the observer; a red stripe forms the length of the flag at the bottom, and between the grass

plot and the red stripe appear the words “CALIFORNIA REPUBLIC.” The statute goes on to provide precise dimensions and positioning for the flag’s elements, as well as providing precisely named and numbered colors for each part of the flag (e.g., the bear is Maple Sugar brown #70129 with Dark Brown #70108 paws and fur; the grass plot is Irish Green #70168; the stripe, star, and bear’s tongue are Old Glory red #70180).

Our current Bear Flag evolved from the historic “Todd Flag” Bear Flag, first hoisted in Sonoma on June 14, 1846, by Americans (known as Bear Flaggers) proclaiming California independent of Mexico in the Bear Flag Revolt. William L. Todd was a nephew of Mary Todd (aka Mrs. Abraham Lincoln) and claimed to have been brought up in the Lincoln family. The flag flew only until July 1846, at which point the Bear Flaggers learned that Mexico and the United States were at war, so they replaced the Bear Flag with the American flag. The Bear Flag Republic existed only until July 11, 1847, when the republic was merged into the United States. The original Bear Flag (and an early copy of it) was destroyed during the 1906 San Francisco earthquake and fire.

The elements of the flag did not arise wholly from Mr. Todd’s imagination; he drew inspiration from earlier flags. For instance, the star came from the unsuccessful 1836 coup declaring Alta California’s independence from Mexico. In that uprising, the Californios used a flag created by Juan Bautista Valentín Alvarado y Vallejo, emblazoned with a single red star on a white background, i.e., the Lone Star Flag of California. The last known such flag is on display at the Autry Museum of the American West. Alvarado led the movement for the independence of Alta California, which successfully deposed governor Nicolás Gutiérrez, declared independence, and created a new flag and constitution. Alvarado then essentially immediately negotiated with Mexico to end the independence movement and become governor instead. He was 27 years old. California Historical Landmark number 348 in Monterey is Governor Alvarado’s house.

The Lone Star Flag of California probably derived from flags used in Texas during its own rebellion from Mexico. These included the Burnet Flag (a single yellow star on a blue field) used from 1836 to 1839, the Lone Star and Stripes (resembling the American flag, but with a single white star in the blue field in the upper left quadrant) used from 1835 to 1839; and, of course, the Lone Star flag, officially adopted as the Texas state flag in 1839. Stars are generally seen as symbols of revolution and sovereignty.

The red bar at the bottom of the flag is meant to reference the American flag, which has red and white stripes representing each of the original colonies. The white background symbolizes purity.

This takes us to the most noteworthy emblem on the flag: da bear. The grizzly bear is a symbol of ferocity and strength. Until the mid-1800s, grizzly bears were extremely common in California. Government Code section 425 declares that the official “state animal is the California Grizzly Bear (*Ursus Californicus*).” (We also, of course, have an official state song, dance, fabric [denim], tartan, sport [surfing], gemstone, tree, bird, reptile, marine reptile, amphibian, insect, lichen, marine mammal, dinosaur, fossil, prehistoric artifact, soil, grass, and four official state nuts [almonds, walnuts, pistachios, and pecan]. See Gov. Code §§ 421-425.10.) The grizzly also appears on “the Great Seal of the State of California.” See Govt. Code §§ 399-400; see also Govt. Code 405 (“the bear shall be in colors as set forth in Section 420”). And the bear is the symbol of Cal Berkeley and UCLA. Early drawings of the bear on early California flags were crude, looking more like a pig than a bear.

The bear on the 1911 flag was supposedly modeled on the last California grizzly bear held in captivity, named Monarch. He had been captured in Ventura in 1889 as part of a publicity stunt by a newspaper reporter working for William Randolph Hearst. He was named for a Hearst newspaper tagline, “Monarch of the Dailies.” Monarch spent the rest of his life (22 years) in captivity (first at Woodward Gardens in Golden Gate Park and then at the San Francisco Zoo) while all his fellow *Ursus arctos californicus* were being hunted to extinction. The last reported sighting of a California grizzly in the wild was in 1922. Monarch died in 1911 and was preserved and mounted at the Academy of Sciences in Golden Gate Park. His taxidermized body was last on public display from 2010 to 2012, but his remains remain part of the California Academy of Science’s Ornithology and Mammalogy collection, along with 146 *Ursus* specimens (including six other California grizzlies).

Our Bear Flag is one of America’s most distinctive flags and scores highly in vexillological rankings for design and beauty. It is one of only four state flags that does not feature any shade of the color blue (see also Alabama, Maryland, and New Mexico). Bear Flag elements appear in many local seals (e.g., the City of Glendale), logos, and consumer packaging (e.g., wine bottles). It is also prevalent on tourist souvenirs. One particularly adorable version has a heart for the star and the bear on a surfboard. For countless versions and

photos, check out the Bear Flag Museum blog ([BearFlagMuseum.blogspot.com](http://BearFlagMuseum.blogspot.com)), which features a photo of California Supreme Court Justice Josh Groban with the flag.

And this being California, the bear is always headed leftwards.

P.S. Appellate lawyers with an interest in historical flags probably remember that the old Court of Appeal building on Spurgeon Street in Orange County had a nice collection displayed in the foyer. Those flags are now in the new Court of Appeal building on Santa Ana Boulevard, but no longer on public display.