

Geren	Mascara	Rush
Green	Matsui	Sabo
Gutierrez	McCarthy	Sanders
Hall (OH)	McDermott	Sawyer
Hamilton	McHale	Schroeder
Harman	McKinney	Schumer
Hastings (FL)	McNulty	Scott
Hefner	Meehan	Serrano
Hinchey	Meek	Shays
Holden	Mfume	Skaggs
Jackson-Lee	Miller (CA)	Slaughter
Jacobs	Mineta	Spratt
Jefferson	Minge	Stark
Johnson (SD)	Mink	Stenholm
Johnson, E. B.	Moran	Stokes
Johnston	Nadler	Studds
Kanjorski	Neal	Stupak
Kaptur	Oberstar	Tanner
Kennedy (MA)	Obey	Tejeda
Kennedy (RI)	Olver	Thornton
Kennelly	Ortiz	Thurman
Kildee	Orton	Torricelli
Kleczyka	Owens	Tucker
Klink	Pallone	Velazquez
LaFalce	Pastor	Visclosky
Lantos	Payne (NJ)	Ward
Levin	Pelosi	Waters
Lewis (GA)	Peterson (FL)	Watt (NC)
Lofgren	Poshard	Waxman
Lowey	Rangel	Williams
Luther	Reed	Woolsey
Maloney	Richardson	Wyden
Markey	Rivers	Yates
Martinez	Roybal-Allard	

NOT VOTING—11

Burton	Livingston	Reynolds
Gibbons	Meyers	Vento
Hoyer	Moakley	Young (FL)
Hyde	Pomeroy	

□ 1218

Ms. VELÁZQUEZ and Mr. BERMAN changed their vote from "aye" to "no." Mrs. CLAYTON changed her vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I missed the last rollcall vote, No. 429. I ask that the RECORD reflect had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. POMEROY. Mr. Speaker, I inadvertently missed rollcall vote 429. I was just off the House floor meeting with North Dakotans on legislative matters. Had I been present, I would have voted "nay."

CONSTITUTIONAL AMENDMENT TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 173, I call up the joint resolution (H.J. Res. 79), proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States, and ask

for its immediate consideration in the House.

The clerk read the title of the joint resolution.

The text of House Joint Resolution 79 is as follows:

H.J. RES. 79

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States."

The SPEAKER pro tempore. Pursuant to House Resolution 173, the gentleman from Florida [Mr. CANADY] and the gentleman from Michigan [Mr. CONYERS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is no greater symbol of our unity, our freedom, and our liberty than our flag. In the words of Justice John Paul Stevens:

It is a symbol of freedom, of equal opportunity, of religious tolerance, and of good will for other peoples who share our aspirations.

Our flag represents We the People—the most successful exercise in self-government in the history of the world.

In 1989 in Texas versus Johnson, the Supreme Court of the United States in a narrow 5 to 4 decision, invalidated the laws of 48 States and an act of Congress depriving the people of their right to protect the most profound and revered symbol of our national identity. In 1990, Johnson was followed by the decision in United States versus Eichman, which held unconstitutional a Federal statute passed by Congress in the wake of the Johnson decision.

House Joint Resolution 79 proposes to amend the Constitution to restore the authority of the Congress and the States—which was taken away by the Supreme Court—to pass legislation protecting the flag from physical desecration.

I believe, as do many of my colleagues, and eminent jurists such as former Chief Justice Earl Warren and Justice Hugo Black—ardent defenders of the first amendment—that the Constitution, properly interpreted, allows Congress and the States to prohibit the physical desecration of the U.S. flag.

Justice Black bluntly stated:

It passes my belief than anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense.

The Solomon-Montgomery amendment will overturn the opinions of the Supreme Court in Johnson and

Eichman by restoring the authority to Congress and the States to prohibit the physical desecration of the flag.

This amendment poses no threat to free speech. As legal commentator and columnist Bruce Fein testified before the Subcommittee on the Constitution:

I don't think [the flag desecration amendment] really outlaws or punishes a person's ability to say anything or convey any idea. Indeed, every idea that is conveyed by burning a flag can clearly be conveyed without burning the flag using your vocal cords, for example, and therefore it doesn't, in my judgment threaten to dry up rich political debate.

As Chief Justice Rehnquist stated in his dissent in the Johnson case, the physical desecration of the flag:

. . . is the equivalent of an inarticulate grunt or roar that, it seems fair to say, is most likely to be indulged in not to express any particular idea, but to antagonize others.

In protecting the flag from physical desecration we will do nothing to impede the full and free expression of ideas by Americans.

The people of the United States—through their elected representatives—have the power and the right to amend the Constitution under article V. After the amendment is ratified by the States, legislation will need to be crafted to prohibit the physical desecration of the flag.

In an unprecedented demonstration of public support, the legislatures of 49 States have called on this Congress to exercise its power under article V and to submit a flag protection amendment to the States for ratification. We should not ignore the 49 legislatures which have called for action. We should listen to them and pursuant to article V.

Our flag was raised at Iwo Jima, planted on the moon and drapes the coffin of every soldier who has sacrificed his or her life for our great country. It is a national asset, a national asset which deserves our respect and protection. Indeed our flag is a national asset which deserves to be protected from physical desecration as much as the Capitol Building itself, or the Supreme Court, or the White House.

I say to my colleagues, "If you want to protect the flag, this unique national asset, from physical desecration, you must support the Solomon-Montgomery constitutional amendment. There is no other way."

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the majority be granted an additional 10 minutes of time for general debate to be controlled by the gentleman from Mississippi [Mr. MONTGOMERY] and that the minority be granted an additional 10 minutes of general debate to be controlled by the gentleman from Arizona [Mr. KOLBE] which would give each side 40 minutes of general debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, my colleagues, I rise as a patriotic American and a veteran today to debate under a very restricted rule the consideration of a constitutional amendment to outlaw the physical desecration of the flag of the United States. If adopted, this amendment would represent the first time in our Nation's history that we will have altered the Bill of Rights to limit freedom of expression.

Along with other constitutional amendments being considered, this Congress, relating to the budget, to term limits, to school prayer, the flag desecration proposal can be viewed, in my view, as a broad-ranging effort by the Republican majority to alter our fundamental national charter and to unintentionally undermine our commitment to individual liberty.

I deplore flag burning, but I am concerned by amending the Constitution we will be elevating a symbol of liberty over the liberty that it protects and provides itself. What I mean is that the true test of any nation's commitment to freedom, to freedom of expression, lies in its ability to protect unpopular expression such as flag desecration. As Justice Oliver Wendell Holmes wrote as far back as 1929, the Constitution protects not only freedom for the thought and expression we agree with, but freedom from that thought that we hate. By limiting the scope of the first amendment's free speech protections, the supporters of the flag desecration amendment will be setting a most dangerous precedent. If we open the door to criminalizing constitutionally protected expression related to the flag, it will be difficult to limit further efforts to censor speech; certainly it would be hard to justify a constitution which bans flag burning but does not prohibit burning a cross or the Bible.

Mr. Speaker, once we decide to limit freedom of speech, limitation of freedom of speech and religion will not be far behind. I quote former solicitor general Charles Free, who testified:

Principles are not things that you can make an exception to just once. The man who says that you can make an exception to a principle may not know what a principle is, just as a man who says that only once let's make two plus two equal five does not know what it is to count.

Mr. Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

□ 1230

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I cannot tell you how excited I am that finally we are going to have the chance to pass this amendment that will restore the flag to its rightful position of honor. It has been a

long time coming since that tragic day back in 1989 when five Supreme Court Justices decided it was OK to burn the flag and thereby hurt so many feelings around this country. Just ask all of the supporters you see here in this gallery and all over this Capitol here today in their uniforms, who put thousands of hours into the grassroots effort to pass this amendment. That is why I am so proud to be on the floor today sponsoring this amendment on behalf of the American people.

Mr. Speaker, today we are going to hear the same arguments against this amendment that we have heard for years now. I respect the opinions of those opponents. That is their first amendment right. But, Mr. Speaker, supporters of this amendment come to the floor today with the overwhelming support of nearly 80 percent of the American people. All around this Capitol today you see all of the major veterans organizations who, along with 100 organizations making up the Citizens Flag Alliance, have asked for this amendment to be put forth to the American people. They are the people who have spearheaded this grassroots effort. In fact, you can see for yourself the stack of over 1 million names of all our constitutions that are right here on the table. One million. I invite all Members to come over here and take a look at them.

Mr. Speaker, perhaps most impressive is the resounding support from the States around this country. Forty-nine out of the 50 States, and that is what is in this book, 49 of 50 States, have asked Congress to pass this flag protection amendment and send it to them for ratification. This amendment, not one watered-down or changed by amendment. Mr. Speaker, when have 49 out of 50 States agreed on anything?

Mr. Speaker, some opponents of this amendment claim it is an infringement of their First Amendment rights of freedom of speech, and they claim if the American people knew it, they would be against this amendment. Well, there is a recent Gallup poll taken of people outside the beltway, that is real people, you know, real down-to-earth people. Seventy-six percent of the people in that poll say no, a constitutional amendment to protect our flag would not jeopardize their right of free speech. In other words, they do not view flag burning as a protected right, and they still want this constitutional amendment passed, no matter what.

Mr. Speaker, we should never stifle speech, and that is not what we are seeking to do here today. People can state their disapproval for this amendment. They can state their disapproval for this country, if they want to. That is their protected right. However, it is also the right of the people to have a redress of grievances and amend the Constitution as they see fit. They are asking for this amendment.

Therefore, I am asking you to send this amendment to the States and let

the American people decide. That is really what this is all about, speaking of Old Glory, Mr. Speaker, and America. It is what makes us Americans and not something else. Over the past two centuries, especially in recent years, immigrants from all over this world have flocked to this great country. They know little about our culture, they know nothing about our heritage, but they know a lot about our flag. They respect it, they salute it, they pledge allegiance to it.

Mr. Speaker, it is the flag which has brought that diverse group together. It is what makes them Americans. No matter what our ethnic differences are, no matter where we come from, whether it is up in the Adirondack Mountains of New York where I come from, whether it is Los Angeles, CA, it does not matter what our ideology is, be it liberal or conservative, we are all bound together by those uniquely American qualities represented by that flag behind you, Mr. Speaker.

It is only appropriate that the Constitution, our most sacred document, include within its boundaries a protection of Old Glory, which is our most sacred and beloved national symbol. All that lies before us now, all that is required, is for each of us to get the patriotic fire burning in our belly and come over here and vote for this. We need 290 votes. Get over here and let the American people decide. Put this out to them.

Mr. BRYANT of Texas. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Texas.

Mr. BRYANT of Texas. If we are going to do what the gentleman is advocating, why don't we describe what the flag is here in the Congress and pass a constitutional amendment permitting the Congress to prohibit flag burning? Otherwise all 50 States write a different definition of desecration and all 50 States write a different definition of what the flag is.

Mr. SOLOMON. Mr. Chairman, is it not funny, for 200 years nobody infringed on this? We are just going to put the Constitution back to where it was before five out of nine judges tore down this Constitution and said this protection of the flag was invalid.

Mr. BRYANT of Texas. Three of the five judges were Republicans, Mr. SOLOMON.

Mr. SOLOMON. So what?

Mr. BRYANT of Texas. So why not pass laws here today that will stand the test of time, rather than having 50 different laws? We have a substitute that just says it is going to be one law. Does that not make more sense?

Mr. SOLOMON. The gentleman's substitute is in order. Offer it.

Mr. BRYANT of Texas. I will. I hope you vote for it.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in strong opposition to House Joint Resolution 79.

Mr. Speaker, I rise in strong opposition to House Joint Resolution 79. This legislation typifies the GOP leadership's mad rush throughout the 104th Congress to stifle individual rights and freedoms in our great country merely to appease certain constituencies. Last week we saw over 1 million Americans denied representation when voting was cut off in this Chamber so that Republicans could get to a fund-raising dinner.

Every time I turn around the Republicans are trying to amend the Constitution which has served this country well for all these years. They want to amend the Constitution against a woman's right to choose. They want to amend the Constitution to mandate the balancing of the budget. They want to amend the Constitution to mandate school prayer. They want to amend the Constitution to mandate term limits. Now they want to amend the Constitution so they can cut off the very free speech and open expression that defines our democracy simply because they feel benefits will flow to them politically by its passage. I say: let us end this charade once and for all.

I agree with my colleagues and the vast majority of Americans who find the act of desecrating the flag absolutely distasteful. However, it is a form of expression and, therefore, must be protected under the first amendment.

When it comes to amending the Constitution, we must always ask the questions: Is it the right thing to do? and What would James Madison and the other framers of the Constitution do?

It is my belief that, with respect to flag desecration, they would not favor any change in the Constitution which they wrote and none in the Bill of Rights, the rock upon which our democracy has stood for over 200 years.

When I ask myself "What makes America great?" at the top of the list is the first amendment. Worldwide, millions have struggled, fought, and died to experience the freedom of expression which is such an integral part of our society that it is often taken for granted. On the hierarchy of national treasures, it reigns supreme.

Madison knew this. The first amendment was not drafted with exceptions. A few have since been created by the Supreme Court for public safety and the like, but never for what some, or even most of us, might deem to be offensive forms of political speech or protest. Political demonstrations were the foundation of our Nation and remain a vital part of the democratic process. That heritage is not ours to change. When we took the oath of office, "to support and defend the Constitution of the United States," no one suggested an exception for popular campaign issues.

The good fortune which all of us in America share is the right to live in and enjoy the benefits of the greatest country in the world. I love the United States and bristle at anyone who chooses to defile any national symbol, including the flag.

However, for me, the bottom line is simply the question of which is more important: the flag or the Constitution. One is a treasured symbol of our pride and patriotism, made of cloth that some people will tear, burn, or tram-

ple. The other is a set of basic principles which embody the best of what is American.

Mr. Speaker, does it make sense to canonize the symbol by utterly destroying what it represents? I do not believe so and, therefore, do not support House Joint Resolution 79. It is misguided and it is wrong-headed.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Speaker, I rise in opposition to House Joint Resolution 79.

Mr. Speaker, the first amendment is the touchstone of our constitutional democracy. It enriches our national discourse by permitting all views—however obnoxious—to enter public debate. It guarantees the political equality of all citizens by protecting the right of the least popular among us to express our opinion.

The first amendment represents a national promise to tolerate dissent. The Supreme court repeated that promise not too long ago when it ruled that any meaningful protection of speech must protect political speech even when we do not like it, even when it involves dishonoring the flag.

The flag is a beautiful symbol of the United States, of our history, of our constitutional principles—and of our struggles to be a more perfect democracy. It is precisely because of its power as a political symbol of the liberties we have fought to defend and extend that we need to uphold the right of individuals to free expression. To amend the Constitution to censor the content of political expression would erode the very liberties for which the flag is a symbol.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I must say one of the reasons our flag has become so important and such an important symbol is because there was such substance behind it. I find it very sad that we are rushing today to change this Constitution with very little debate, after over 200 years of not doing it, when at really the same time we are going to have a budget coming shortly that is going to take \$32 billion worth of cuts out of veterans programs and another \$7 billion worth of cuts out of veterans health care over the next 7 years. It seems to me we are going to be gutting the substance that this very symbol stands for.

We also, in this great rush to do this today, are dealing with the time where we just have the majority decide they are going to close the flag office. No more flag flying over the Capitol for American citizens who buy those flags and want that symbol.

What does that mean?

I think we are really trying to distract people almost from what is really going on in this body by this action today, and I find it very sad. When you read this amendment, this amendment does not say flag burning. This amend-

ment says flag desecration. What does that mean? A 32-cent stamp with a flag on it could be cancelled and someone could consider that desecration, because we the Congress will not just be the only ones defining that. All the States will be able to define what that means, too. It could very clearly be different in different places.

So you hear flag burning, but you better read, because when you read, it is something entirely different, and the standard is going to be very different. I wonder why this rush, why this hustle, why we cannot really debate this openly and why this now.

When you look at what the facts are, they tell us that there were just a few flag burnings. In fact, there were three in 1994, and there were none that they had on record, according to Congressional Research, the year before. Yes, zero, none.

So why the rush to this symbol? I think it is to fog what we are doing to the substance of being an American.

Mr. Speaker, I submit for the RECORD an editorial from the June 21 Rocky Mountain News that I think puts the flag desecration issue in perspective.

I'm personally affronted by flag desecration, but, like the editorial writer, I am more affronted by big government efforts to stifle the free speech the flag represents.

That's why I have joined my colleagues, Representative DAVID SKAGGS of Colorado and Representative JIM KOLBE of Arizona, in sponsoring the alternative resolution to the proposed constitutional amendments to ban flag desecration that the editorial talks about. The resolution simply reaffirms the place of honor that the American flag holds and states that respect for the flag cannot be mandated, especially at the expense of the first amendment guarantee of free speech.

[From the Rocky Mountain News, June 21, 1995]

SYMBOLISM TO THE FORE

According to the Congressional Research Service, there were three flag-burning incidents in 1994—yes, all of three. There were none the year before. Zero. Doesn't flag-burning sound like a practice that is virtually irrelevant to the vast majority of this nation's 260 million citizens?

Yes, but even so, flag-burning remains an irresistible topic for many politicians. This has been the case since 1989, when the Supreme Court ruled that flag-burning was a form of expression protected by the First Amendment. That decision was seized by President George Bush and others, and the political impetus for a constitutional amendment has never died.

Indeed, no fewer than 279 members of the U.S. House of Representatives are now co-sponsoring a resolution that would amend the Constitution to permit Congress and the states to prohibit physical desecration of the flag. A vote could occur this month.

Needless to say, we hold no brief for the odd flag burner, but simply see little point in passing a constitutional amendment to outlaw the practice. At the very least, such amendments should deal with issues of great moment, for which there is an upsurge of popular demand. Congressional term limits would be a good contemporary example. Many issues of an older vintage come to mind, too, such as voting rights and the prohibition, and then legalization, of alcoholic beverages.

But there has been no great popular movement for a constitutional amendment on flag-burning. If asked by a pollster, most citizens indicate they favor the idea, but it has been driven forward since its inception by politicians.

As Democratic Rep. David Skaggs points out, not the least of the problems with flag-burning amendments is how far to extend the protection. What about flags with 48 stars? Or small American flags attached to clothing? How about those mini-flags that are planted atop tables and cakes? And what constitutes desecration?

To be sure, the authors of the Bill of Rights probably meant only to protect speech involving actual verbal or written utterances. Yet even if the Supreme Court's flag-burning decision is dubious, there is no doubt that the protest act itself is meant as a political statement. Why such eagerness to suppress dissident, if obnoxious, views?

Skaggs and Rep. Jim Kolbe, R-Ariz., are offering an alternative resolution to the House that honors the flag but leaves the Constitution untouched. Don't expect it to succeed, though. Not when there is a chance to corral a practice that has occurred an average of 1½ times annually during the past two years.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of House Joint Resolution 79.

Mr. Speaker, what is proposed here today is not unprecedented. We are proposing to overturn a Supreme Court decision which is wrong, just as wrong as the *Dredd Scott* decision which provoked the 13th, 14th and 15th amendments to be proposed by Congress, just as wrong as the Supreme Court's decision invalidating the income tax which resulted in a constitutional amendment, and just as wrong as the Supreme Court's decision in the first decade under our Constitution on court jurisdiction that provoked the 11th amendment to be ratified by the States after being proposed by the Congress.

So the question before us here today is whether or not you agree with the 5-to-4 majority of the Supreme Court that flag burning is protected free speech. If you think it is protected free speech, go ahead and vote no on this constitutional amendment. If you object to the Supreme Court's decision, vote aye, and you are not setting a new precedent, because that has been done at least five times in the history of this country, when Congress and the States have flat out said those judges over there are wrong. They are wrong this time, and we ought to pass this amendment and send it to the States for ratification.

The SPEAKER pro tempore. Under the unanimous-consent agreement, the gentleman from Arizona [Mr. KOLBE] is recognized for 10 minutes.

Mr. KOLBE. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I rise today in opposition to House Joint Resolution 79, a proposed constitutional amendment to ban flag burning.

I am a Vietnam veteran, a combat veteran. I am not sure I know why I have to state that credential, as

though somehow my credentials would not be valid to speak in opposition to this amendment were I not a combat veteran. Let me lay that issue to rest. You can be for this amendment or against it whether you ever served in uniform or in combat. We are all Americans and our patriotism should not be questioned wherever we stand on this issue.

Mr. Speaker, this House is bringing fundamental change to the Federal Government. We are altering the very relationship Washington has with the States and the American people. And that should continue to be our focus.

This year we have voted on two constitutional amendments—one to require Congress to balance the budget, the other to limit terms of Members of Congress. I supported both amendments. They either proposed to alter the institutions of our National Government or to fundamentally change the way Congress conducts its business.

Mr. Speaker, there is not a crisis of disrespect for the American flag as a symbol of this great country. There is not a rash of flag burning. In fact, the Congressional Research Service reports that there were all of three incidents of flag-burning in 1994. We can count on our fingers the flag burning incidents since the Supreme Court ruled that such behavior—despicable though it may be—is constitutionally protected. I disagreed with that Court decision. I do not believe our Founding Fathers contemplated that a physical act of desecration of the flag would be construed as speech. Nonetheless, that is the ruling, and it is one that we can live with.

Mr. Speaker, I will not dwell on the many questions this proposed amendment raises—does it include flag patches or a uniform? Are partial reproductions of flags covered by the intent of the amendment? Suffice it to say that this amendment very simply is not necessary.

We honor our flag with our behavior every day. We show our respect in large ways and in small ways. But this body could do nothing more fundamental to honor our country—and its symbols—than by restoring fiscal responsibility to this Government.

So let us get on with the business we were sent here to do. Let us balance the budget, let us return responsibilities to the States, let us empower the American people. We do not need to pass a constitutional amendment on the flag to show that we love and respect this great symbol of America. We cannot legislate patriotism and we cannot pass laws to make people love their flag.

I urge a "no" vote on this resolution. The SPEAKER pro tempore. The gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, we need to set the record straight. They are saying that flags had not been burned around the

country, and they are going back to 1994. Only two blocks from here, Mr. Speaker, they burned two flags on June 14. A fellow had a nice cake down there and was passing out the cake, and two nuts came up and started burning the American flag. The Interior Department tried to stop them.

So we need this bill. They are burning the flags only two blocks from here.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

(Mrs. KENNELLY asked and was given permission to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, some years ago, this House voted on a constitutional amendment to prohibit desecration of the flag. I voted against that amendment because I felt—and still do—that the Constitution should be amended only as a last recourse. I had hoped a statute prohibiting desecration of the flag would reach the same end. The statute passed but was overturned by the Supreme Court.

Once again, Congress is considering a flag desecration amendment. This time, I plan to vote for it.

It is not that my views about the flag have changed; I have always felt that desecration should be against the law. And it is not that my views about the Constitution have altered; changes to this document must be kept to a strict minimum. But given the fact that a law will not stand, I believe a constitutional amendment is warranted. I do not believe we endanger our freedoms by protecting our flag.

Like every Member of Congress, I am constantly aware of our flag. I salute it on the House floor in the morning; I often bring a flag to a school or a firehouse when I am home. When I review a parade—on Memorial Day, Veterans Day, or the Fourth of July—I never see the flag pass without my heart expanding with love.

And I am constantly aware of how Americans revere their flag.

The various anniversary celebrations of World War II demonstrated so strongly the significance our flag has for veterans. Men and women who had never heard of Okinawa or Iwo Jima followed the flag to those distant battlefields so democracy could survive.

To Americans, our flag is unique. This amendment recognize this uniqueness in our Constitution in a special way.

I have only once before supported a Constitutional amendment, believing that the Constitution was a near-perfect document. I now believe that the Constitution will be brought even closer to perfection by adding to it a special place for our flag. For this reason, I will support this amendment today.

□ 1245

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. SERRANO], an outstanding member of the Committee on the Judiciary.

Mr. SERRANO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, to my right here is the reason why this amendment makes very little sense. Let me first preface by saying that I, too, like the gentleman from New York, served our country's armed services. I was doing it to protect not only the flag but what the flag stands for. I, too, like the gentleman, if I am walking on the street and I see someone hurting our flag, will grab him and slap him around, not because he does not have the right to do it but because he is being stupid.

The problem with this amendment is that it really cannot be enforced fairly. Here are symbols of the flag. The question to be asked is, does this amendment cover these symbols? Will every State uniformly speak to this issue? So if you wear a soccer shirt with the American symbol on it and you sweat it up or you are a terrible soccer player, will that offend somebody and therefore be covered by this amendment?

How about those tacky ties to the far right? One is orangy red; the other one gets even worse because it tries to imitate the flag in a miserable way. That tie really does not look good on anyone, but will it look better on someone and, therefore, be OK? That is a question.

On July 4, this weekend, people throughout this country will be eating cake made out to look like the American flag. Some will be light. Some will be full of cholesterol. Is that offensive to someone? That is a question to be asked.

Get ready for this. You see this flag here? This could be covered by this amendment. This flag was made in Taiwan. If you really want to talk about offending the flag, should not all flags be made in this country by American workers? Buy America, only American flags.

Right here we have a young woman who looks very good in a flag. She has got a flag skirt on. How about someone who does not look good in that flag?

Up here is the symbol of my hometown, Mayaguez, PR, where I was born. It has the Puerto Rican flag and the American flag as symbols of the Commonwealth. Some statehooders use that symbol to express their desire to be the 51st State. Some people who believe in independence or Commonwealth find that offensive to put both flags together. Some might decide that that is improper for their flag or for their Commonwealth, and how would they be protected under this amendment?

The point is a simple point. Do any of these symbols of the American flag get covered under this amendment? If so, why will you not let us discuss the issue of what constitutes the flag and what constitutes desecration of the flag?

I realize that we have an amendment, but we wanted to amend piece by piece to be able to discuss this. The gen-

tleman from New York should know that.

I would think, my colleagues, that the best way to protect our flag is not to worry about what constitutes the flag and what constitutes desecration. If that flag could speak to us, it probably would tell us to stop this silly debate and to do what it stands for. It would tell us to feed the children that are hungry. It would tell us to take care of the senior citizens who need Medicare. It would tell us to stop disliking each other along racial lines. It would tell us to respect each other. If you do that, you honor the flag. If you put this as a question, you make a mockery of the flag.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Speaker, let there be no doubt about it, this is the American flag. I do not think there is any, and I certainly hope there is no, school child in America from the seventh district of Georgia to the first district of New York to the third district of California that does not know that this is the American flag. It is defined in statute. And even if it were not, there is a very commonsense and very broad understanding in America, obviously not to some Members of this Chamber on the other side, as to what is the American flag.

Let us be very clear, Mr. Speaker, about what we are not doing here today, just as we are clear about what we are doing here today. We are not amending the Bill of Rights. We are not limiting free speech, which is what the Bill of Rights talks about. We are limiting offensive conduct. Congress does that every year when we look at our criminal code. There is nothing wrong with that. There are precedents for it every single year of our Union. That is all that we are doing.

The constitutional amendment that is contained in this resolution is very narrow; it is very clear. And more important, Mr. Speaker, the American people are demanding it.

They are demanding that we do for them the one thing, the only avenue that they have left open to them by the Supreme Court of the United States: To give voice to their sentiments, to give voice to their patriotism and protect this flag. If we were today to deny them that opportunity, and that is all I would say to my colleagues on the other side of the aisle, that is all we are doing, is giving them the opportunity to do what the Supreme Court has said: This is the only way you can accomplish what you, the American people, want to do. If we deny them that right, that would be the height of everything that we do not stand for here in this Congress. We stand for representative democracy based on our Constitution.

Let us not, Mr. Speaker, let us not deny to the American people what they are demanding in overwhelming numbers. The stack here before me is but a

very small token of that. I urge strong support and adoption of this resolution for the American people.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Indiana [Mr. VISCLOSKEY].

(Mr. VISCLOSKEY asked and was given permission to revise and extend his remarks.)

Mr. VISCLOSKEY. Mr. Speaker, I rise in opposition to the pending amendment.

Mr. Speaker, as we debate a constitutional amendment to ban flag desecration, the following questions must be answered. Do people have greater freedom in Communist China and Iraq, where protests that offend the government are crushed violently? Or do people in the United States have more freedom, where offensive political protest is constitutionally protected? In the United States, the flag flies on the mast of freedom and liberty. In China and Iraq, the flag flies on the mast of totalitarian oppression. In which country does the flag fly as a true symbol of national pride?

Some people have said that the last election was a call for freedom from Government intrusion. According to this analysis, people across the Nation who felt that Government had become an oppressive force voted for less Government and more individual freedom. The constitutional amendment to ban desecration of the flag turns this analysis on its head.

I am disgusted and offended by the act of burning the American flag. Burning or otherwise desecrating the flag is a stupid, mean, and reprehensible act. I cannot comprehend why anyone living in our great Nation would want to desecrate this beloved symbol of our country. However, the Supreme Court has ruled that burning the American flag is symbolic political speech, protected by the first amendment to the Constitution—the cornerstone of our freedoms.

As Roger Pilon of the Cato Institute said, "The principles at stake could not be more simple or clear. Indeed, they are the principles at the core of the American vision. The right of the individual to be free is the right to do what one wishes short of violating the rights of others. That includes the right to do or say what is popular, for sure. But it includes, as well, the right to do or say the unpopular. For it is then, when our actions give offense, that our freedom is put to the test. It is then, precisely, that we learn whether we are free or not." Pilon then quotes Sir Winston Churchill's observation that "the United States is the land of free speech."

When I was sworn into office, I took an oath to uphold the Constitution of the United States. That document and the principles it embodies have made our country the greatest in the history of the world. For more than 200 years, it has endured—through times of tranquility and tremendous crises. Through two world wars and a civil war bloodier and more costly to our country than both world wars combined, the Constitution has preserved our freedom. Through the Korean war and then through the long years of wrenching involvement in Vietnam, the Constitution has protected the freedom of the people from the oppression of Government.

The U.S. Constitution has made ours a better country than any in the world because it

has guaranteed that certain basic individual rights are more important than the powers of Government. The Constitution says that certain inalienable rights, such as liberty, cannot be invaded by Government—Federal or State—no matter how well-meaning the Government might be.

At times in our history, when we feared the Constitution was not strong enough to protect the rights of every citizen regardless of their situation in life, we amended it to provide greater protection of individual rights. For example, the 13th amendment prohibited slavery and the 19th amendment allowed women to vote.

But never, never, in our history, not because of our greatest fears or in our darkest despair, never have we jeopardized our Bill of Rights. We may very well do that today. And for what terrible threat are we willing to risk our most fundamental constitutional right? Has there been an epidemic of flag desecration sweeping the Nation? Have any of my colleagues seen anyone desecrate the flag? Why, when we have been through such tough times and accomplished so much as a Nation, why would we let a few jerks who have desecrated the flag limit everyone's freedom.

I have two sons, Tim and John. I would not be my father's son if I left my children—or any other American—with fewer freedoms than my father has given me. We are the greatest Nation on Earth in no small part because of the individual freedoms contained in the Constitution and the Bill of Rights. If the Constitution and Bill of Rights were good enough for Washington, Madison, Jefferson, and Franklin and good enough for our Nation to become the world's greatest, it is good enough for this Congress and this Nation.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. REED], a distinguished member of the Committee on the Judiciary.

Mr. REED. Mr. Speaker, I rise in opposition to this amendment. My respect for the flag and reverence for the flag stems from many, many years of service as an Army officer, a graduate of West Point. Indeed, this is not just rhetorical reverence, it is reverence born by experience.

I am offended when the flag is abused, deeply offended. But today we are considering a constitutional amendment which I think, although attempting to preserve the symbol of our freedom, encroaches substantially on the substance of our freedom. I cannot describe that phenomenon any better than the words of James Warner, a former marine flier in Vietnam who was a POW. He wrote an opinion letter back in 1989, when this was being debated before.

Mr. Warner was captured by the Vietnamese. He was being tortured. In fact, at one point the Vietnamese officer showed him a picture of American protesters burning a flag and the interrogator said, "People in your country protest against your cause. That proves you are wrong."

Mr. Warner replied, "No, that proves I am right. In my country, we are not afraid of freedom, even if it means that people disagree with us."

I do not think we should be afraid of freedom. I think we should in fact support freedom. If we were to pursue a constitutional approach to preserving the flag, it cannot be this approach, because just on technical merits, this fails miserably. As my colleague, the gentleman from New York [Mr. SERRANO], indicated, physical destruction or desecration of the flag is something that encompasses a range of things. Is underwear in the shape of the flag a physical desecration? I believe in many, many cases, it is disrespectful, but is it constitutionally desecration?

More than that, some States could say it is; some States could say no. We would be living in a situation where if you were wearing an American flag tie in one State and crossed the border, you could be arrested. We must reject this amendment. Indeed, we must support the substance of our freedoms.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, as an original cosponsor, I fully support this amendment which an overwhelming majority of the American people support and feel strongly that it is an important addition to the Constitution. Through their elected representatives, the people have spoken: 49 of the 50 State legislatures, including my State of Virginia, have passed resolutions calling on Congress to pass this amendment.

The American flag is the most powerful symbol of the United States. It represents the ideals of freedom, equality and liberty on which this Nation was founded. The Stars and Stripes have led our Nation, our Armed Forces in conflict time and again, reassuring our troops and reminding them of what they were fighting for.

Many Americans have given their lives carrying that flag and protecting it. Many Americans are outraged when we think of our grand flag being desecrated. We are not altering the Bill of Rights as some in the minority has said. I am a staunch defender of first amendment rights. I do not believe that burning a flag is free speech despite what the Supreme Court has said in two wrong-headed decisions.

Talking about the flag is free speech. Criticizing America and its Government, for those who care to do so, is free speech. But physically desecrating an American flag is not. Americans know speech when they see it, and they know that what Gregory Lee Johnson and Sara Eichman, the defendants in those court cases, did to the American flag is not free speech.

The American people want us to confirm what one of the verses of America the Beautiful asks our Nation, "confirm thy soul in self-control, thy liberty in law."

Pass the amendment.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from

Pennsylvania [Mr. MASCARA], a member of the Committee on Veterans' Affairs, a new Member of Congress and a great patriot.

Mr. MASCARA. Mr. Speaker, I thank the gentleman from Mississippi for yielding time to me.

Mr. Speaker, I rise to express my support for House Joint Resolution 79, the amendment to protect the flag. Many members of my immediate family including myself have served in the Armed Forces to protect the American flag. My father, a decorated veteran of World War I, was the first member of my family to serve in the Armed Forces of the United States of America.

He did not fight in World War I and earn a Silver Star for someone to burn the flag that he served under. My brothers, veterans of World War II, did not fight for someone to burn the flag that they fought to defend. From my family's record of service I have learned both great respect and love for my flag.

Moreover, I have long supported the effort to protect the American flag from desecration. Unlike my father and brothers, my battle is not on foreign soil. But I defend our flag in the most ironic of all places—the floor of the U.S. House of Representatives. I have joined them in the battle to protect our flag.

Our American flag must be protected. It is more than a mere symbol of our Nation. Our flag is the living embodiment of what this Nation stands for, freedom, liberty, justice, and equality. When someone destroys our flag he is saying that he would destroy those values for which our flag stands. He is saying that he does not believe in justice. He does not believe in liberty. He does not believe in equality. He does not believe in the United States of America.

I assure my well meaning opponents, this debate is not about curtailing protest or an infringement of first amendment rights. Most forms of protest are patriotic and very American. In fact, many competing protest movements have as their center piece our American flag.

Our flag flies above the protesting factions proudly casting a shadow on the protesters below. Our flag unites these people. Our flag proves to the world that while we may disagree, we all are united by one common bond—we are Americans.

In closing I would like to share with you a section of a poem given to me by one of my constituents, Mary Smith, of Fayette County, PA.

"Old Glory" is my nickname and proudly do I wave on high. Honor me, respect me and defend me with your lives and fortunes. Never, never let the enemy bring me down from this place that I hold so high because, if you do—if you do—I may never return.

Please, vote to protect the flag.

□ 1300

Mr. KOLBE. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland [Mr. GILCREST].

Mr. GILCREST. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as the House moves closer to a constitutional amendment to ban flag burning, I am reminded strangely enough of the book of Exodus. When the Israelites were given the Ten Commandments, they were warned against graven images as symbols of God. The wisdom of this is obvious. It is easy to confuse the symbol of something with what that symbol represents, and what that symbol symbolizes, so one worships the statue instead of what the statue represents.

Mr. Speaker, the House is about to make a similar mistake, confusing the flag with what it symbolizes. I remember when I came home from Vietnam, after spending 4 years in the Marine Corps, I read about incidents where students were insulting servicemen and waving North Vietnamese flags instead of American flags, and I started to think "Is this what I and members of my platoon were fighting and dying for?"

It took a few years for me to realize that the right to be obnoxious, the right to be unpatriotic, was the essence of what we are fighting for. Freedom means the freedom to be stupid, just as surely as it means the freedom to be wise. No government should ever be so powerful as to differentiate between the two.

I understand the anger and the frustration of people when they hear about malcontents who burn the flag, and most of the time they do that to get attention. I was raised to respect the flag, and I cannot understand anybody that would do otherwise. However, if these malcontents can get us to alter the Constitution, the very premise and foundation of this country, then they have won and we have lost. I read about a southern State legislator who said that nothing is more stupid than burning the flag and wrapping oneself in the Constitution, except burning the Constitution and wrapping oneself in the flag.

When we accept the principle of free speech, we have to recognize that it is both a blessing and a curse. We have to understand that the reasoned voices of good men will often be drowned out by the blustering of fools. We have to understand that the government will not be able to protect us from speech which is imprudent or offensive, in most cases, and we accept all of this as the price of freedom.

The work of Betsy Ross is beautiful. The flag is an honored symbol which deserves reverence and respect. However, it is meaningless without the work of Jefferson and Madison. How do we protect and show respect for the flag? We are good family members, we are good fathers, good mothers, we serve our country, we serve our com-

munity, we serve our Nation, and we serve our family.

Mr. CONYERS. Mr. Speaker, I am delighted to yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I revere the flag, I respect the Constitution, and for those reasons, I rise in opposition to the constitutional amendment.

Mr. CONYERS. Mr. Speaker, I am delighted to yield such time as he may consume to the gentleman from Maryland [Mr. CARDIN].

(Mr. CARDIN asked and was given permission to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, I rise in support of our flag and Constitution and against this constitutional amendment.

Mr. Speaker, 2 weeks ago today, on June 14, I rose on the floor of this Chamber to lead the House in the Pledge of Allegiance to the flag. On June 14, of course, we celebrate Flag Day.

It will come as no surprise to my colleagues to learn that Flag Day is observed with a great sense of history and pride at Fort McHenry, in Maryland's Third Congressional District, which I have the honor to represent. At 7 p.m. that evening, 8,000 Marylanders gathered at the fort from which Francis Scott Key watched the rockets' red glare, to participate in the Pause for the Pledge.

The Pause for the Pledge is organized and directed by the National Flag Day Foundation, which is also based in Baltimore. The foundation began in 1982 to promote Flag Day. Since then, the foundation has received more than 100,000 requests from all over the United States for information on scheduling ceremonies to observe the Pause for the Pledge. This year, more than 600,000 Americans will visit Fort McHenry, seeking to learn more about the stirring events that occurred there in the War of 1812.

We are here to debate the very serious issue of amending the Constitution. Since Francis Scott Key peered through the "dawn's early light" for a glimpse of the "broad stripes and bright stars", we have added only a dozen new provisions to the Constitution, and none that would compromise the Bill of Rights, as the constitutional amendment before us today would do.

The overwhelming majority of my colleagues now propose that we provide a measure of constitutional protection for the flag, our most treasured national symbol. I understand their feeling for the flag, and their anger at those few misguided fools who would seek attention by desecrating it.

According to the Congressional Research Service, in the past 2 years there have been three instances of individuals burning our flag. The Supreme Court has ruled, wrongly in my judgment, in a 5-to-4 decision, that State statutes aimed at criminalizing such behavior do not stand constitutional scrutiny.

Considering the split opinion on the Supreme Court, we should continue to pursue statutory means of protecting our flag. By pur-

suing a statutory approach, we will protect both our flag and our Constitution.

Today we are here debating a constitutional amendment to protect our flag. The Republican leadership has given us no opportunity to vote on a statutory approach. In thinking about whether the flag needs protection, however, I have found no need to look to the Constitution. Instead, I would encourage my colleagues to look to the American people. There they will find the flag in good hands, and well-protected.

I have mentioned the events 2 weeks ago at Fort McHenry, and the work of the National Flag Day Foundation. Flag Day provides a special occasion on which Americans proudly show their colors and demonstrate their love of our country and our flag.

Next week we will observe another special day for honoring the red, white, and blue. On July 4, Independence Day, millions of Americans will march in parades, attend festivals, wave the flag, watch fireworks, and gather with their neighbors and friends to celebrate our country's birth.

These 2 days, Flag Day and Independence Day, provide special opportunities for honoring our country and our flag. But we do not need to look at these 2 days a year to find evidence of the American people's feeling for their flag.

This past weekend, more than 180,000 fans filed into Oriole Park at Camden Yards in Baltimore. Before they settled in to watch the Red Sox and the Orioles, they joined in the tradition of singing the national anthem, "The Star Spangled Banner."

Every day of the school year, which ended for most Maryland children the day before Flag Day, begins with the Pledge of Allegiance. In my congressional district, nearly 100,000 school children, from kindergartners through high school, know the Pledge of Allegiance and respect the flag.

Mr. Speaker, every day, in ball parks, in school classrooms, at historic sites like Fort McHenry, millions of Americans from all parts of the country and all walks of life affirm their affection for their country and their flag. I salute their patriotism. We have nothing to fear from the pathetic handful of misfits who would burn or otherwise dishonor the flag.

The Constitution sets forth the freedoms we guarantee to every American. The flag symbolizes the freedoms protected in the Constitution. It has been that way for all of our Nation's history.

In the minds and hearts of the overwhelming majority of Americans, the flag and the Constitution stand together. Neither needs protection from the other. Indeed, both the Constitution and the flag derive the protection they need from the American people.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from Virginia [Mr. SCOTT], one of the great constitutional members of the Committee on the Judiciary.

Mr. SCOTT. Mr. Speaker, I think first we want to put what we are doing in perspective. Every year over 2,300 murders occur in my congressional district. We are having cutbacks in health care, we are reducing funding for homelessness, we are reducing funding for veterans' health care, veterans' pensions, we are cutting back on our future by cutting back in education, and here we are, discussing the flag.

Whatever we do with this amendment, Mr. Speaker, there will be no more respect for the flag. Not one of those million people will respect the flag any more or less, depending on what we do. What we will have if we pass this amendment is a legal quagmire about what is a flag and what is desecration. The flag is burned more today in American Legion halls and Boy Scout troops than anywhere else, because that is the ceremony you use for disposing of the flag.

Mr. Speaker, the flag and the principles for which it stand do not need protection from the occasional imbecile who protests without realizing that he is destroying the very symbol of his right to protest, and somebody that cannot figure out that his method of protesting cannot possibly benefit his cause.

Finally, Mr. Speaker, if we do not pass this amendment, we will be sending a message to the American people that we are saying that Americans do not need the criminal code to enforce their patriotism.

Mr. Speaker, I would hope that we would defeat this amendment.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. FLANAGAN].

(Mr. FLANAGAN asked and was given permission to revise and extend his remarks.)

Mr. FLANAGAN. Mr. Speaker, as an original cosponsor of House Joint Resolution 79, I am proud to be here today along with Congressmen SOLOMON and MONTGOMERY, as well as all those patriotic Americans, past and present, who are with us today in the galleries and in spirit, as we take this giant step forward in our long struggle to adopt an amendment to the Constitution which will forever protect our majestic and glorious flag from those ungrateful and disingenuous individuals that purposefully desecrate it. I believe this amendment will be an excellent addition to our Constitution—a document I believe to be the greatest invention ever created by the mind and hands of man—and I urge all my colleagues to support it.

When the Court ruled in 1989, in a 5 to 4 decision, that flag burning in public protest was an act of free speech protected by the first amendment, it did not only free Gregory Johnson, a miscreant who danced around a burning flag chanting, "Red, white and blue, we spit on you!," it also nullified the flag-protection laws in 48 States.

A vast majority of Americans were, and still are, outraged over the Texas versus Johnson decision. Unfortunately, the only sure way of reversing this decision is for the Congress to report to the States for ratification this wonderfully crafted constitutional amendment. The Congress has failed in its previous attempts, but this time I think we have the votes to push it through.

This amendment is long overdue, and while being a veteran is no litmus test

of patriotism, as a veteran especially, I feel it is imperative that our beloved symbol of nationhood and freedom be guaranteed the respect that it deserves since it represents the souls of all those departed American heroes who fought so valiantly to protect it for over the last 200 years.

Mr. Speaker, before closing, I want to reiterate my strong support for House Joint Resolution 79 and thank those grassroots groups, especially the veterans organizations, who worked so tirelessly to rally the necessary support for this measure.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York [Ms. SLAUGHTER].

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, as a 10th generation American who realizes that every country has had a flag and most have a constitution, I would remind my colleagues the one thing that makes us unique is the Bill of Rights. I do not think we need to trifle with it. I rise in opposition to this legislation.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN], a distinguished member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, debating the rule, I showed everyone my tie that my son got me, and my wonderful flag earrings that my 13-year-old daughter got me. I wore it today because if this amendment were to become part of the Constitution, I could be arrested for wearing this.

I do not feel unpatriotic. We fly our flag at home on holidays. I love my country. I love the flag. What I love more than the flag, Mr. Speaker, is the Constitution that stands behind that flag. We have had our Bill of Rights for 204 years. I have heard that this is not about the first amendment. That is not so, because the Supreme Court has made a ruling, and the Constitution provides that it is the Court that decides final questions of law, not the Congress.

Mr. Speaker, I will never vote to amend the first amendment. I think real conservatives do not want to amend the first amendment or any of the Bill of Rights. Real conservatives do not try to amend the Constitution three times in 6 months.

Mr. WILLIAMS. Mr. Chairman, will the gentlewoman yield?

Ms. LOFGREN. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Speaker, I asked the gentlewoman to yield for the purpose of saying to people, particularly our veterans, I encourage Members to look at the timing of this, the timing of it. Within 24 hours this House, including a majority who vote for amending the Constitution, will vote to cut \$17,900,000,000 out of veterans' benefits.

Within 24 hours from where that clock is now, the House of Representa-

tives, and a majority of whom are going to vote for this amendment, will have voted to cut \$32 billion below today's veterans services. Do Members know what the timing of this amendment is? It is a duck, a dodge, a camouflage. It is a dupe, a ruse, a subterfuge.

If people are veterans and they are worried about fewer hospitals, they should not worry about that, we are going to save the flag for them. They should not worry about too few outreach centers or losing physicians or losing pharmacies, the Republican leadership is going to save the flag for them. They should not worry that they do not have any veterans' nursing homes; my veterans' friends, the Republicans, are going to save the flag for them. If they are Desert Storm victims, they should not worry about the fact that they are getting inadequate service.

Rudyard Kipling a long time ago wrote about a fellow that came back named Tommy Atkins, a veteran. This is what he wrote:

Now it's Tommy this, an' Tommy that, an' "Tommy go away;"
But it's "Thank you, Mister Atkins," when the band begins to play.
Now it's Tommy this, an' Tommy that, an' "Tommy fall be' ind,"
But it's "Please to walk in front, sir," when there's trouble in the wind.
You talk o' better food for us, an' schools, an' fires, an' all:
We'll wait for extra rations if you treat us rational.
Yes, it's Tommy this, an' Tommy that, and "Chuck him out, the brute!"
But it's "Savior of his country" when the guns begin to shoot.
Yes, "It's Tommy this, an' Tommy that, and anything you please;
But Tommy ain't no blooming fool, you know, Tommy can see.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, the veterans of our country are the first to recognize that the march toward a balanced budget is absolutely necessary for the national security of our Nation, for the standard of living that applies to every American citizen, and for the future security of our country and everyone in it. The veterans are in the front on that march, just as on every other march.

In the meantime, there is a missing element in this debate. That is the heart of Americans. That heart, that collective heart, was horrified beyond belief when they watched on television the hostage crisis in Iran, when our enemies were burning the American flag and otherwise desecrating it. That horror was magnified a thousand times when they saw American citizens, our fellow Americans, doing the same thing on domestic grounds.

That heart can tolerate no longer any further desecration of the symbol that binds all our American hearts together. If I had it in me, I would add

another amendment to make the English language the language of our Nation, because only the flag and the language are the unifying symbols of our country.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT], one of the great new constitutionalists on the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Speaker, I have risen many times in this cherished Hall in defense of the Constitution of the United States. I do so again today. Our flag is but a symbol of our democracy, but our democracy and the freedoms which make it unique and strong are not defined by a symbol, but by the guarantees in our Constitution and our Bill of Rights.

Most of those guaranteed freedoms often do not enjoy a majority support. In some cases, they were written into the Constitution to protect them against the majority. That is what makes our democracy unique. That is what makes America America. What do we gain by protecting the symbol if we fail to protect the rights it symbolizes?

The supporters of this amendment will argue that they are the true patriots, but where were these patriots when the constitutional principles of our democracy were under attack during the first 100 days of this Congress? Where were these patriots when we voted on the language of the fourth amendment?

Mr. Speaker, I come from North Carolina, a State that refused to ratify the U.S. Constitution until the Bill of Rights was incorporated into it. It is a State that recognized in 1792 that our fundamental rights were so important that they had to be delineated in the charter of this Nation. Today I stand in support of that same charter, and I stand patriotically in support of that same charter.

□ 1315

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I was in the Hall as I heard the remarks from the gentleman from Montana which were quite disturbing to me, being a Desert Storm veteran.

We all have the intellectual abilities to spin this however we want. Those who are going to vote against this amendment are going to be scared to death going back to their districts. I can understand that. I also respect your intellect. None of us here challenges your patriotism.

Let me do say, though, that I believe that the flag is definitely a national symbol that is worthy of respect and should be protected against acts of disgrace. That is what this issue is about. None of us that will vote to support this amendment challenge the patriotism of those who are going to vote against this amendment, so stop the spinning there and trying to spin politics into this one, also.

I think this is a great credit to our system, where we have 49 States out there come to us and they say, this is what the American people are asking of us. There are some in this body that are going to say no to that. I think that is really unfortunate.

We should listen to the American people. Because the American people when they say, "We are upset with the direction of the country," there are a lot of things that they say about that. One of these is a symbolic vote and one of substance here by supporting this amendment to prevent desecration of the flag.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Colorado [Mr. SKAGGS], who has worked very, very energetically on the proposal before us.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, amending the Constitution, and for the first time amending the Bill of Rights, is an extremely serious step. We should take it only under the most compelling circumstances. The few idiots who misguidedly believe that flag desecration will further their cause should not cause us to weaken the first amendment.

What is the grave danger to the Republic that will be remedied by this amendment? There is none. What case can be made that this amendment enhances our constitutional order? None. And absent a significant evil to be avoided, or a significant improvement to be made, we should not undertake the most serious step of all acts of Congress—an amendment to the Constitution.

We have heard a lot this year about cost-benefit analysis in other contexts. What about now? The costs: a real if subtle paring down of the rights of open and free expression; a softening up of the first amendment, making subsequent and more damaging cuts into its protection of freedom that much easier; perhaps the prospect of years of litigation about the multiplicity of definitions of "flag" and "desecration" which will abound under this amendment.

The benefits: Old Glory will be protected, even as the magnificent freedoms for which it stands are diminished.

Our Nation was founded on the ideals of democracy and freedom, the freedom to speak our minds without interference from Government. And while isolated acts of disrespect for the flag may test our tempers, we should not let them erode our commitment to freedom of speech.

The first amendment and its guarantee of free and open political expression is at the very heart of this Nation's tradition of freedom and self-government. We change it at our great peril.

We do not need to amend the Bill of Rights to show our respect for the flag. Respect for the flag should not be man-

dated, especially at the expense of the first amendment's guarantee of free speech. It cannot be mandated. That respect, to be genuine, to be a respect that truly honors the flag, cannot be a legal requirement. It must flow from the natural love of our freedom-loving people for the beautiful standard of our Nation and the exquisite symbol of our freedoms.

The great irony here is that a constitutional amendment will ultimately render respect for the flag into a Government mandate, and so sadly will contribute to its own undoing.

Let us not leave a tear in the Bill of Rights.

Mr. Speaker, for the first time in our history, we are on the verge of amending—and weakening—the Bill of Rights. What a shame.

I can think of no better invocation on this debate than the words of Justice Oliver Wendell Holmes: " * * * we should be eternally vigilant against attempts to check the expression of opinions we loathe * * *"

As a veteran, I have great pride in the American flag. I know the strong feelings of patriotism and pride in flag and country which motivate the supporters of this proposal.

I too am fiercely proud of the values and ideals the flag symbolizes. Our flag should command the deepest respect. I believe the flag commands that respect because it stands for a nation and a community strong enough to tolerate diversity and to protect the rights of those expressing unpopular views, and even expressing them on some regrettable occasions in an offensive manner. It is our Nation's strong commitment to these values, not the particular design of our flag, that makes the United States an unparalleled model of freedom and, in my opinion, the greatest of all the nations.

As an American, I am deeply offended by any act of disrespect to the flag, including physical desecration such as flag burning. But it would be a mistake if, in the attempt to prohibit disrespect for the flag, we show greater disrespect for the Constitution and for the essential liberties of a free people now guaranteed by the Constitution.

There are only a handful of flag burning incidents each year—according to the Congressional Research Service, only three in the past 2 years.

Amending the Constitution, and for the first time amending the Bill of Rights, is an extremely serious step. We should take it only under the most compelling circumstances. The few idiots, who misguidedly believe that flag desecration will further their cause, should not cause us to weaken the first amendment.

What is the grave danger to the Republic that will be remedied by this amendment? There is none. What case can be made that this amendment enhances the constitutional order? And absent a significant evil to be avoided, or a significant improvement to be made, we should not undertake the most serious of all acts of Congress—an amendment to the Constitution.

We've heard a lot this year in other contexts about cost/benefit analysis. What about now? The costs—a real, if subtle, paring down of the rights of open and free expression; a softening up of the first amendment, making subsequent and more damaging cuts into its protection of freedom that much easier—a school

prayer amendment, perhaps; the prospect of years of litigation about the multiplicity of definitions of "flag" and "desecration" that will abound under this amendment. The benefits—Old Glory will be protected—even as the magnificent freedoms it stands for are diminished.

Our Nation was founded on the ideals of democracy and freedom—the freedom to speak our minds without interference from Government. While isolated instances of disrespect for the flag may test our tempers, we should not let them erode our commitment to freedom of speech. The first amendment, and its guarantee of free and open political expression, is at the very heart of this Nation's tradition of freedom and self-government. We change it at our great peril.

We do not need to amend the Bill of Rights to show our respect for the flag. Respect of the flag should not be mandated, especially at the expense of the first amendment guarantee of free speech. I cannot be mandated. That respect, to be genuine, to be a respect that truly honors the flag, cannot be a legal requirement. It must flow from the natural love of our freedom-loving people for the beautiful standard of the Nation and the exquisite symbol of our freedoms. The great irony here is that a constitutional amendment will ultimately render respect for the flag into a Government mandate and so, sadly, will contribute to its own undoing.

Mr. KOLBE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, the first amendment to the Constitution, the supreme law of our Nation, proclaims that, "Congress shall make no law abridging the freedom of speech or of the press." This principle of free speech is an absolute, without proviso or exception. The citizens of the newly free colonies had lived through the tyranny of a repressive government that censored the press, prevented meetings, and silenced those who would speak out to criticize it. They wanted to make certain that no such government would arise in their new land of freedom and the first amendment—as with all 10 amendments of the Bill of Rights—was a specific limitation on the power of the Government to prevent free expression.

We have lived for more than 200 years true to that original principle: that personal utterances, expressions or writings, however offensive to others, or however critical of our Government, cannot be repressed by a majority in our Congress.

Now there are those who would like to write an exception, who would for the first time in our history to qualify that right written by the first Congress 200 years ago. Their burden is a heavy one. Only the most dangerous of acts to the very continuance of our Republic could possibly be of sufficient import to require us to qualify in any way the principle which lies at the bedrock of our free society.

That act they claim is the desecration of the flag, in protest or criticism of our Government, I submit, Mr. Speaker, that such an act is exactly the kind of expression our Founders in-

tended to protect, that they themselves had torn down, spit on, and burned the Union Jack in protest of the British Government's oppression; and that their greatest fear was of a central government of our own so powerful that individual protests and criticisms could be silenced.

We have lost our way in America if we believe criticism of the Government should now be curtailed. We have forgotten our history. We have laid our Constitution and the Bill of Rights aside.

The act of desecrating the American flag is abhorrent in the extreme, an outrage to the sensibilities of patriotic Americans and representative only of the perpetrators' small minds, lack of judgment, and ignorance of the history and meaning of our country. But Mr. Speaker, it is not an act that threatens in the least our existence as a Nation. Rather, our toleration of it reaffirms our commitment to free speech, and to the supremacy of individual expression over governmental power, which is the essence of our history, the essence of America.

The real threat to our Nation, to the principles that have guided us for 200 years, comes from changing them.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that this debate has been good for all of us. We are all learning more about the Constitution, and that is what it is all about.

I was reading opinions from constitutional scholars, Steven Presser of Northwestern University among them, and they keep coming back to the idea that blowing up of buildings, doing crazy things on the streets is really not an expression of freedom and goes beyond common sense. Therefore, burning the flag is beyond common sense and, therefore, the flag amendment does not hurt the first amendment freedom of speech. I think that is a very, very strong point, that when you burn the flag, you are going beyond the common speech or the common sense that individuals are entitled to in this country.

Mr. Speaker, there are more signatures—and I have been around here for quite a while—that is the most signatures I have ever seen from the American people, over 1 million signatures saying that they want a constitutional amendment. I want to commend the American Legion and other veterans' organizations, plus the Citizen Flag Alliance, for going out. This is what the people want, Mr. Speaker. They want a constitutional amendment; over 80 percent of them in a poll have said that. We ought to give them what they want.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for leading this fight and for the great work he has done. I have to agree with him with respect to

burning the flag. That is not a statement, that is not speech. That, as Judge Rehnquist said, is an inarticulate grunt. There are a lot of other ways to express yourself rather than lighting a fire, and this is not speech. I think the gentleman is right on that. I thank him for his leadership.

Mr. MONTGOMERY. Mr. Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today to express my strong support for House Joint Resolution 79. As has already been stated, this amendment is supported by 49 State legislatures and more than 80 percent of the American public. I hope that when the day ends, it will also have received the resounding support of this Chamber.

Since the birth of our country, the flag has been the accepted symbol of our national unity, pride, and commitment to democracy. It was the inspiration for our national anthem, was raised in victory for the immortalized moment of Iwo Jima, was placed on the Moon to proclaim the U.S. conquering of space, and is waved by millions of Americans at parades, rallies, and sporting events.

The flag is not just a piece of cloth. It is the embodiment of all that the brave men and women of our country have fought, sacrificed, and laid down their lives for.

We cannot allow the U.S. flag to be set on fire, spit upon, and trampled as a form of political expression. These acts are not speech; they are examples of destructive conduct that insult every patriotic American.

Mr. CONYERS. Mr. Speaker, I am proud to yield 3 minutes to the gentleman from Michigan [Mr. DINGELL], the dean of the House.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, behind you stands the great flag of this beloved country, the symbol of our liberty, the sign of our freedom, the hopes of our people. I love it, I revere it, and I have served it in World War II and for 40 years in this body. It is a precious national treasure, and it deserves to be honored by all.

But I have also in my hand something else which is even more precious to any free man in this country. It is the embodiment of our liberties. It defines our freedom, it lays out the structure of our Government. It sets forth those things which distinguish Americans from any other race in the world. It is the document which defines how an American is different from any citizen of any other Nation.

This morning I had a call from a veteran who, like me, served his country. In that he urged me to protect the flag, but he said to do so by protecting the

Constitution. He shares with me the disgust for those who would dishonor the flag. However, he reminded me, more importantly, that by voting for this amendment I would create a monster that would trample the rights that he fought to protect.

If this amendment is adopted, it will be the first time in the entire history of the United States that we have cut back on the liberties of Americans. That is not something which I want on my record.

The flag is precious. It deserves honor. But remember, it is the symbol of the country and of the Constitution. The Constitution, however, Mr. Speaker, is the soul of this country. It, above all things, must be preserved and protected.

I would remind my colleagues that we take with pride and pleasure the privilege of pledging allegiance to the flag of the United States. But each 2 years when we are sworn in to the Congress of the United States, we take a solemn oath to defend and protect the Constitution of the United States against all enemies, foreign, and domestic. The Constitution is one of the most extraordinary documents ever written. Insofar as Government is concerned, it is the most perfect document of Government ever written. It is the freedom of expression which is set forth in this great document which the Supreme Court has said is at stake here.

In two recent decisions, the Supreme Court has ruled that it is unconstitutional for the States and the Federal Government to enact laws prohibiting flag burning. I find that regrettable, but on careful evaluation, I understand that we are talking really about the protection of rights of American citizens regardless of how odious that exercise might be.

We do not protect the flag by defaming the Constitution. The flag is the symbol. I urge my colleagues to protect the Constitution, the definer and the glory of our liberties.

□ 1330

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. STENHOLM], a leader in this Congress.

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I rise today in support of this amendment, I learned early in life that the flag of the United States represents something very special and should be treated with respect. My parents, as descendants of Swedish immigrants who came to this great land in search of opportunity, taught me to respect the flag by their example. I learned to remove my hat when the flag passes by; to never let the flag touch the ground; and, with hand over heart, to be silent as the Star Spangled Banner is played and the flag is raised.

Today, you can barely hear the national anthem above the noise at athletic games, school assemblies and other public events. People wear shirts and shorts made out of the

U.S. flag, and receptions feature flag cakes—which will be cut—and flag napkins—which will wipe mouths. As those examples illustrate, flag desecration takes many forms. However, the worst abuse has occurred when some individuals have burned this cherished national symbol in protest.

In 1989, the Supreme Court by a 5-to-4 margin struck down a Texas law—and all other State and Federal efforts—making flag desecration a crime, arguing that such a statute was inconsistent with freedom of expression as guaranteed by the first amendment to the U.S. Constitution. In reviewing Chief Justice Rehnquist's dissenting opinion, I found myself in agreement with his perspective when he wrote:

For more than 200 years, the American flag has occupied a unique position as the symbol of our Nation . . . The flag is not simply another "idea" or "point of view" competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with an almost mystical reverence regardless of what sort of social, political, or philosophical beliefs they may have. I cannot agree that the First Amendment invalidates the Act of Congress and the laws of 48 out of the 50 States, which make criminal the public burning of the flag.

Justice Rehnquist went on to reference a unanimous 1942 Court decision which said:

It is well understood that the right of free speech is not absolute at all times and under all circumstances. There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any constitutional problem. These include insulting or "fighting" words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace.

This year, our own Texas Legislature commemorated the 50th anniversary of the raising of the U.S. flag on Iwo Jima by voting to ask Congress for a constitutional amendment to exempt flag desecration from first amendment protection. The grassroots support for such an amendment is so strong that 49 legislatures have pledged to ratify such an amendment.

Amending the U.S. Constitution should be done only in rare circumstances. I still believe we must be very cautious about limiting the freedom of expression and speech as guaranteed in the Bill of Rights. However, during the past 5 years I also have been deeply troubled by the increasing cynicism and negativism toward our Government. The culmination of these negative feelings resulted in the tragedy in Oklahoma City. While I will continue to defend the right of every citizen to petition the government for a redress of grievances, I am disturbed both by the violence of a few individuals and the nonviolent but pervasive cynicism many Americans feel towards their country. It is time for us to better encourage a respectful attitude toward the American ideals which our flag represents.

I always have believed that physical desecration of the flag should be prohibited. At the same time, I sincerely have hoped that we could protect our flag without amending our beloved Constitution. After much deliberation, a review of recent court history, and a deep concern about a growing, negative and disrespectful national attitude, I have come to the conclusion that the way to honor the flag at this time is by amending the Constitution.

I wish that recent circumstances were not dictating this course of action. However, with

a somber attitude and a great love of the country for which our flag stands, I urge my colleagues to support this amendment.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Speaker, this morning an elderly gentleman from Massachusetts, Mr. Stephen Ross, stopped by my office to speak with me. Mr. Ross is a survivor of Dachau, where he was imprisoned and tortured by the Nazis for over 5 years, starting when he was a 9-year-old boy.

He was liberated from that hellhole, where almost his entire family was killed, in 1945 by the U.S. 7th Army. One young American tank commander stopped to comfort him as the young Mr. Ross wept. That Army commander wiped away the boy's tears with a piece of cloth and gave it to him.

Later on, Mr. Ross realized that the cloth was a small American flag taken from the tank. Since that day, Mr. Ross has carried that flag with him every single day in a small velvet bag, a sacred symbol.

Mr. Ross wants that flag to be protected. As he said to me, "Protest if you wish. Speak loudly, even curse our country and our flag. But please, in the name of all those who died for our freedoms, do not physically harm what is so sacred."

I understand and respect the arguments of those who oppose this bill, but I urge my colleagues to support this amendment.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LEWIS], a distinguished civil rights proponent before he came to the Congress.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong opposition to this amendment.

Our flag is a powerful symbol. It represents the freedoms and individual liberty that make the United States the greatest democracy on earth. It makes me sick to see any person burn our flag.

But I am appalled when I hear my colleagues try to tell that person that he or she cannot burn the flag.

I would say to my colleagues the right to desecrate our flag is protected by the most important document in our country—the Bill of Rights.

There would be no United States of America without the Bill of Rights. The States refused to join the union until they were assured that the rights of our citizens would be protected.

And what is the first freedom guaranteed in the Bill of Rights? Freedom of speech. The freedom to disagree. The freedom to have political beliefs—and to express those beliefs publicly and openly.

More than any other freedom, this is what makes our country great.

Our freedom, our individual rights and liberties, are what our flag represents. When we deny our citizens the

right to desecrate the flag, we diminish these freedoms. When we diminish our freedoms, we diminish our flag, our country, and ourselves.

Our flag, while a great symbol, is still just a symbol—a symbol of our rights and freedom. What is worse, destroying a flag, or destroying the liberty that flag represents?

Mr. Speaker, we must not choose the symbol over the real thing. This resolution is an affront to the flag. It is an affront to the Bill of Rights. This amendment will do more to desecrate the flag than any bonfire—or any protest.

If Old Glory would speak, she would cry for us. She would weep.

Old Glory is strong. She has stood the test of time. She has stood the test of the Civil War, World War I, World War II, and Vietnam. Old Glory does not need 435 Members of Congress to defend her. She is not crying out for our help.

I urge each and every one of you to look within yourself, to stand up for freedom. Show the world that the United States is, indeed, the greatest Nation on earth.

Mr. Speaker, I ask my colleagues to vote against this amendment—it is the only way, the sure way, to protect our flag.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

(Mr. FOX of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Speaker, the flag is a symbol of our country. The founders of our country, when they contemplated free speech, did not envision the burning of our national symbol.

There are many forms of expression that are legitimate, and this is not one of them. Servicemen and women have died in support of the country and what the flag represents. Burning the flag is as inappropriate as yelling "fire" in a crowded theater when no fire exists.

I was proud to sponsor and vote for the Pennsylvania House resolution in 1989 that recommended that we in Congress now approve a constitutional amendment to prohibit the desecration of our flag. Forty-eight other States have now joined.

I am hoping that the House will, in fact, pass this and move it on to the Senate and the people of the United States will know that we, in fact, uphold the flag, believe in the flag, and believe in this country. God bless you all.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker I have been preceded in the well by several Members who spoke eloquently and personally of reverence for our freedoms as symbolized by the flag: the gentlewoman from Florida who fled the oppressive Castro regime for her freedom; the gentleman from Korea who

immigrated to America for great freedom and opportunity. In Castro's Cuba, South Korea, mainland China, and the old Soviet Union, there was one common thread. Show disrespect to the hammer and sickle, you go to jail. In Cuba, China, Korea, all the tottering oppressive regimes, show disrespect to their symbol, you go to jail.

Until today, America was different. We had a Bill of Rights that was the beacon of liberty to oppressed people around the world. When they throw off the chains of oppression, they do not endeavor to copy our flag. They endeavor to copy our Bill of Rights and our Constitution.

Vote "no". Do not be afraid to be free. Save the Constitution and the Bill of Rights.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Speaker, there are two compelling reasons to support this legislation—the letter and the spirit of the law.

Title 36, chapter 10, section 176 of the U.S. Code states that "The flag represents a living country and is itself considered a living thing." If it is illegal to commit acts of violence against persons or property as a means of expression, and the flag is considered a living thing, then prohibiting acts of violence against the flag is entirely consistent with previous interpretations of the first amendment.

Just as important, Mr. Speaker, is the spirit of that law, which makes it clear that our flag is more than a piece of cloth, it is the symbol of freedom to millions of people around the world.

Whether it is being flown by a Navy ship off some foreign shore, waving proudly over the U.S. Capitol, or fluttering from the window of a house on the Fourth of July—our flag represents everything for which this Nation stands—and as such, it should be treated with respect.

Mr. Speaker, I urge my colleagues to support House Joint Resolution 79.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina [Mr. SPENCE].

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Speaker, I thank the gentleman for yielding time to me.

I was sitting there just listening and it occurred to me that we are trying to decide what speech means and the protection of speech and expression under our Constitution and Bill of Rights. I have said on other occasions that our Maker has endowed us with minds that can allow us to look at the same set of facts and arrive at conclusions 180 degrees apart from one another.

I use that to justify the thinking of Members on the other side sometimes, but this is carrying it too far. Anyone, including the Supreme Court, that cannot look at a dictionary definition of what speech means and expression means and decide the correct way on this question is beyond me.

If we were to say that burning or desecrating a flag is speech and expression, we could also say that tossing a bomb into a building is our way of free speech and expression. Put another way, you can cuss the flag, you can call it all kind of names, you can speak at length against the flag, but you cannot do the act of desecrating or destroying it.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from Texas, Mr. GENE GREEN, who has been a strong supporter of this amendment.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise as a proud cosponsor of this resolution. There is a need to set aside our flag as a special item and in a special place; an exception to the freedom of speech. That is what this constitutional amendment is about.

We can disagree on particular language that we have, and I am sure that the U.S. Senate will even make some changes in it. But I think what we are doing today is so important. We need to make the flag designation a separate symbol of our country. Once again, I rise again in proud support of this resolution.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding time to me.

I love our country and I love our flag, and several years ago in this body I voted for a law, a statute, that would have made it illegal to desecrate the American flag. I would vote for such a statute again, but the Supreme Court in its wisdom declared such a law unconstitutional, and may I point out that the Supreme Court appointees, conservative Republican appointees, appointees of Reagan and Bush, declared the law unconstitutional.

So the question we have now is should we amend the Bill of Rights for the first time in American history? Should we tamper with our Constitution, which is sacred, to do something which really is not a threat to the Republic? The idiots that burn the American flag, and I hate them, are not that many. Why highlight them? They are no threat to the Republic. This is what they want.

I do not think we should tamper with the Constitution. I do not think we should amend the Constitution. Several years ago, someone before mentioned Nazi Germany, Nazi Germany had a statute to make it a crime to desecrate their flag. I do not think we want to follow in their footsteps. While we abhor what these idiots do, we should not desecrate our Constitution. Vote "no."

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there have been many points made in the debate today. I want to read a statement by Chief Justice Rehnquist which I think puts this issue in perspective in a way that we have not seen it put in perspective thus far. The Chief Justice said:

The significance of the flag, and the deep emotional feelings it arouses in a large part of our citizenry, cannot be fully expressed in the two dimensions of a lawyer's brief or of a judicial opinion. But if the Government may create private proprietary interests in written work and in musical and theatrical performances by virtue of copyright laws, I see no reason why it may not . . . create a similar governmental interest in the flag by prohibiting even those who have purchased the physical object from impairing its physical integrity. For what they have purchased is not merely cloth dyed red, white, and blue, but also the one visible manifestation of 200 years of nationhood—a history compiled by generations of our forefathers and contributed to by streams of immigrants from the four corners of the globe, which has traveled a course since the time of this country's origin that could not have been "foreseen . . . by the most gifted of its begetters."

Mr. Speaker, I reserve the balance of my time.

□ 1345

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the most thoughtful gentleman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker and Members, I love America. I love the Constitution. I love all of the symbols of our free society, our democracy.

My ancestors loved America. They loved America even when America did not love them. My ancestors loved America when they were not free to pray to their God. They loved America when they were not free to rally or protest. They loved America even when they had to die to help America live up to her ideals.

Their sacrifices instilled in me an undying loyalty and commitment to always defend the Bill of Rights. It is the Bill of Rights that gave my ancestors hope that there could be a democracy for all people, even people who look like me.

This amendment being offered here today endangers the most profound protection guaranteed to us by the Bill of Rights, the right to disagree, the right to confront, the right to rally, the right to march, the right to protest.

The flag is, indeed, a precious symbol, a powerful symbol, but no symbol is more powerful than the powerful ideas embodied in the Bills of Rights that guarantees to us all the freedom of expression, the right to express ourselves as a proud and determined people.

Mr. KOLBE. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, in making a decision today on the proposed constitutional amendment to ban desecration of the flag, I was confronted with the fundamental question of our democracy. That question is: What is it that makes us free?

The flag is a symbol, perhaps the sacred symbol, of our freedom, but the Constitution is the guarantee of our freedom. The flag reminds people

throughout the world of everything we stand for, but the Constitution is the bedrock upon which we stand.

The flag touches our mystic chords of memory, but the Constitution is not about the past only, but our future as well.

The founders made it possible for the Congress of the United States to change the flag tomorrow, its color, its shape, its size. But the Constitution can only be changed when the great weight of the Nation comes to believe that human liberty is at stake.

Like each of my neighbors, I pledge allegiance to the flag. Yet each of us who have the honor to serve our Nation has taken a higher oath before God and man to uphold the Constitution. At the heart of that great document is the Bill of Rights, and at the center are 10 words that settle forever the issue of whether the State or the individual is our Nation's sovereign. "Congress," the majestic first amendment begins, "shall make no law abridging the freedom of speech." Speech we admire and speech we despise, protest we support and protest we condemn, beliefs we embrace and beliefs we reject, nonviolent actions we applaud and nonviolent actions we deplore, all are protected here.

I honor the flag. I revere everything it represents. But in the end, I cannot vote for this amendment.

Those who fought for the flag, those of us who defend its honor today do not fight for a piece of cloth, no matter how treasured it is, but for an idea now more than 200 years old that human liberty, even the liberty to disagree, is the greatest treasure of mankind.

Mr. Speaker, we stand in the most sacred shrine of freedom in the history of the Earth, and if we abandon the Bill of Rights here, where will it then find a home?

I urge a "no" vote, Mr. Speaker.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. It is very appropriate that I am allowed to speak right after that previous speech, because I take a different point of view.

The burning of the flag is a behavior. It is not free speech.

When you find a book you do not like, you do not burn down the library. When you argue against a government policy, which you have the right to do under the first amendment, you do not blow up a Federal building, and the sooner that person get the death penalty, the sooner we can reaffirm our constitutional liberties.

But this flag is more than just a colored piece of rag. It is a symbol of liberty and justice. It is beyond free speech. It is a foundation of liberty, and you do not tear down the foundations because you do not like an action of government or the people in government.

We would not amend the Constitution if it were not for the Supreme Court ruling, unless we do make it clear in the Constitution the States

and the people therein cannot protect their own flag.

We find this 5 to 4 decision disheartening. We decry this 5 to 4 ruling, and we are now allowing the States and the people therein to have their voices be heard.

So this debate is not about free speech. It is about the preservation of a great experiment in liberty.

Can we continue to speak about our elected officials and the government without tearing down our foundations and falling, like most democracies have done over the 2,000-year history that we are so familiar with? And the answer is "yes."

Give liberty a chance. Vote "yes" on this amendment.

Mr. CONYERS. Mr. Speaker, I yield the remainder of my time to the gentleman from Utah [Mr. ORTON].

(Mr. ORTON asked and was given permission to revise and extend his remarks.)

Mr. ORTON. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I also love the United States of America and the principles of liberty and justice guaranteed in the Constitution which established our Nation. I would lay down my life to protect those rights and our Nation.

I also love and respect our flag, which is the symbol that represents all that our Nation stands for. But we err if, in our attempts to protect the symbol, we damage the rights which the symbol represents.

Thomas Jefferson, in his first inaugural address in 1801, said, "If there be any among us who would wish to dissolve this Union or change its republican form, let them stand as monuments of the safety with which error of opinion may be tolerated where reason is left to combat it."

My fellow Americans, if there be any among us who wish to desecrate this flag, let them stand undisturbed as monuments of the liberties and freedoms which it represents.

I urge you to vote against this amendment.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Michigan for giving me the opportunity to have this time. I thought that was very, very fair, and I appreciate it, along with the gentleman from Florida.

Mr. Speaker, I hope this amendment is adopted. This is not the last vote. This amendment will go to the Senate. Then, if it is adopted, it will go to the different States, and it will take three-fourths of the States to ratify this amendment.

So I would certainly hope that today will give the first step forward in a constitutional amendment to protect the flag.

Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. VOLKMER].

Mr. CANADY of Florida. Mr. Speaker, I yield 30 seconds to the gentleman from Missouri [Mr. VOLKMER].

(Mr. VOLKMER asked and was given permission to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I rise in strong support of the proposed constitutional amendment, and it does not do what many of the people in opposition to it have said.

I have no problems with defining a flag. We can do that through implementing legislation. Once it has gone through the process, as the gentleman from Mississippi has talked about, and three-fourths of the States have ratified this proposed constitutional amendment, it will come back to here, and the Congress at that time will have to pass implementing legislation. I have no difficulty with that.

One of the things that I disagreed strongly with the Supreme Court, and many Supreme Court decisions I have disagreed with, and that was the one on flag burning. In my opinion, that Supreme Court, in its decision, amended the Constitution of the United States because it said for the first time that I know of, that actions, not words, were protected by freedom of speech. The act or the conduct of burning a flag was protected by the speech provisions of the first amendment. I strongly disagree with that.

I find no problem with proposing an amendment to the Constitution that would say that that action, not the words, the action, is not protected by the Constitution.

So I just remind everybody here that, in my opinion, the Supreme Court has already amended our Constitution, and it was a 5-to-4 decision. It could very easily have been the other way, and we would not be here today.

So I have no difficulty at all in proposing and supporting this constitutional amendment so that flag desecration will no longer be possible, hopefully, in the United States after we go through the process. Surely it will take several years, but that, to me, is worthwhile, and there is nothing wrong with this Congress, because it has done it in the past, in the past years has said the Supreme Court was wrong, and we have had constitutional amendments to change what the Supreme Court has done.

Mr. CANADY of Florida. Mr. Speaker, I yield the remainder of my time to the gentleman from Georgia [Mr. DEAL], who will close the debate.

Mr. DEAL of Georgia. I thank the gentleman for yielding me this time.

Mr. Speaker, this topic is a great one for patriotic speeches, and we have certainly heard some sincere ones on both sides of this issue today, that in itself perhaps the best illustration of what the first amendment, freedom of speech, is all about.

But this debate symbolizes more than just a venting of patriotism. It highlights the perversions which the Supreme Court has allowed in the

name of free speech, and the very Constitution that both sides to this argument have revered in their comments allows us, through the process we are engaged in at this very minute, to correct those perversions of that Supreme Court.

For those who would suggest that this proposed constitutional amendment would in any way detract from the original first amendment, I would suggest quite the opposite is true. Freedom of speech is elevated in importance as much by what it excludes as by what it includes.

For those who would suggest that someone would intentionally violate this law by wearing clothing that has a flag on it, I suggest, is a hollow argument, indeed.

As Chief Justice Oliver Wendell Holmes once observed, "Even a dog can tell the difference between a man who unintentionally stumbles over him and the one who intentionally kicks him." Certainly, we can do the same with regard to desecration of the flag.

A nation that tolerates every form of behavior, no matter how demeaning, under the passport of free speech will eventually find that it has very little power to govern, indeed.

I support this constitutional amendment to protect our flag. You do not have to love it. You do not have to leave it. But you should not be allowed to burn it.

If it is, indeed, the symbol of liberty and that symbol can be destroyed, can the freedom that it symbolizes it be far behind?

I suggest not. I urge you to support this amendment to protect the freedom that all of us hold so dear.

Mr. MINGE. Mr. Speaker, I have a deep and abiding respect for our flag and what it symbolizes. Freedom is our greatest commodity. The flag is our greatest representation of that freedom. We should never take lightly the supreme sacrifice our fallen soldiers have made in defense of freedom. Likewise, I do not believe we can take lightly the freedoms their sacrifice entrusted to us.

One of the most important liberties our Founding Fathers gave us, and one of the most important liberties our soldiers died for, is the freedom of expression. If everyone in America is truly free to express opinions, each of us will undoubtedly be disgusted by someone's views or actions at one time or another. Nothing enrages me more than when someone burns our flag. Nonetheless, I do not believe that the people who are disrespectful of the flag should move us to limit personal freedom and amend the Bill of Rights, something that has never been done. If any limits, no matter how reasonable they appear to us, are placed on the freedom of expression, we will open the possibility that other limits can be placed on our freedoms in the future.

Each of us must decide how we will be patriots to our hallowed past. I believe defending the freedom of expression is patriotic. I also believe doing what I can to serve the people of the Second District, including our veterans, is patriotic. Others, such as veterans organizations, have shown their continued patriotism in part by educating young people about what

this great symbol represents. Educating young people about its significance, rather than mandating respect, is the only way to build the true and enduring reverence our flag deserves.

It is ironic that many of the congressional champions of the amendment to prohibit flag burning are advocating harsh reductions in veterans programs to finance substantial tax cuts for higher income Americans. Secretary of Veterans Affairs Jesse Brown has indicated that 35 to 40 veterans medical centers will close and the jobs of more than 50,000 professionals providing care to veterans will be eliminated as a part of the congressional Republican budget plan that includes tax cuts. Sadly, passing a flag burning amendment when no pressing problem exists appears to be, not a display of patriotism, but a gesture to provide political cover for my colleagues who are financing tax cuts on the backs of veterans.

Mr. VENTO. Mr. Speaker, I rise today in support of the motion to recommit House Joint Resolution 79 with instructions offered by my colleague from Texas.

House Joint Resolution 79 would amend the Constitution of the United States prohibiting the desecration of the American flag. I too am concerned about the treatment of our flag; in 1989 I supported the Flag Protection Act. However, the language of this proposed amendment, as it stands, raises serious questions as to its exact extent and intent.

Mr. BRYANT's motion to recommit with instructions, in my opinion, clarifies this amendment by establishing guidelines for Federal and State courts and legislatures to follow when interpreting and developing future laws. The motion calls for a definition of what constitutes a flag, as well as the proper procedure for the disposal of a flag. Together with its decided definition of "physical desecration", this motion ensure the amendment will lead to clear and specific laws.

For over 200 years our Constitution and the Bill of Rights has stood strongly protecting the freedom of the citizens of this Nation without ever being amended. Today, Congress is attempting to amend arguably the most precious doctrine within the Constitution's Bill of Rights, the first amendment guarantee of free speech. We must not, and can not enter into this process without proper consideration and understanding endangering the strength and integrity of our most valuable liberty and freedoms protected by the first amendment. The flag is a symbol of our freedom, but the Bill of Rights is the substance of our freedoms and rights.

I urge my colleagues to join me in support of the Bryant motion to recommit with instructions and provide at the very least some specifics to this proposed constitutional action.

Mr. FRELINGHUYSEN. Mr. Speaker, on June 14, America celebrated flag day. Millions of American men and women all across the country retrieved their Star Spangled Banner from the basement or attic and proudly displayed it to honor the day. For many families, the flag itself is a tradition. Perhaps it was a grandfather's flag, or a gift from a son or daughter serving in the military. Perhaps it even draped the coffin of a sister or brother who made the ultimate sacrifice for the United States.

Whatever the case—the American flag means something special and personal to each and every one of us. It represents our

freedom, our liberty, and our common bond. It is the emblem of a unity to which every fourth-grader has pledged their allegiance in home-room. In the House of Representatives, we begin every day with that same pledge. We pledge allegiance to the flag because of "the Republic for which it stands." As a veteran, I believe that our flag is our Nation's most enduring symbol.

It is unfortunate and saddening that some disagree. They use the flag to express an opinion or make a statement. I think that this is wrong. Burning our flag is simply wrong, and should be outlawed. As an original co-sponsor of a constitutional amendment to ban flag desecration, and with nearly 280 of my colleagues in the House of Representatives, I am working to protect the flag and what it stands for.

I plan to vote today for this constitutional amendment. Our goal is to pass the amendment this year and to present it to the States for ratification. Forty-nine States have already passed resolutions requesting that Congress pass this amendment banning the desecration of our American flag.

We hold high respect for the flag not because of what it is but because of what it stands for. We have rules which define the proper way to display, store, and maintain our flag. These rules were established for a reason. They were established so that we would not grow complacent about our flag, and hence our unity and our freedom. They protect our flag so that we remember the high price we paid for our freedom and personal liberties. Our flag reminds us that we are one nation, one People—regardless of our diverse backgrounds, religions, or heritage.

Our flag reminds us of who we are as Americans, and deserves the utmost honor, esteem, and protection.

Mr. SMITH of New Jersey. Mr. Speaker, in the wake of all the rhetoric, the question boils down to whether or not the flag and the American ideals it symbolizes should be protected by our constitution.

To me the flag is about freedom; about liberty and equality in a nation made up of various cultures; about the American veterans who braved the foreign warlords to preserve our freedoms and to ensure that future generations of Americans can live in the security of life, liberty and pursuit of happiness.

Mr. Speaker, here in Washington we are constantly reminded of the dedicated men and women who died in battle, in lands far away, for the preservation of our country and the ideas for which it stands. The flag, now as then, serves as remembrance for the gift of freedom given to us by those fallen heroes. Should they have died knowing that future generations would permit the desecration of the very symbol for which they lay buried in foreign cemeteries?

Thanks to those veterans who fought and died for our freedom, and promulgated on the idea of the "melting pot", the United States represents a community where heterogeneity is championed and individualism, regardless of race, creed, sex or color, is revered. Hence, we, as Americans, have a unique opportunity available to us. Where Alexander the Great failed to keep his holdings together, and diversity crippled the Roman Empire, our unity under one flag affords us the unique opportunity to maintain a harmonious multicultural superpower. Being the first successful commu-

nity of its kind in history, maintenance does not come easily.

Mr. Speaker, what bonds our seemingly different people into one nation, one soul? Values, ideas, hopes, dreams, all symbolized in our common denominator, the flag. The unity inherent in the flag is beyond measure. What does a person from New Jersey have in common with person living in Wyoming but born in Nepal? They are both Americans, and they both possess an allegiance to our country and the recognition that such allegiance manifests itself in an allegiance to the flag. Without a doubt, the flag remains the best symbol of solidarity for our country.

Furthermore, Mr. Speaker, the flag embodies all that Americans treasure. The vast imagery the flag evokes points to that very fact. Who hasn't seen paintings of Betsy Ross sewing a garment that would consolidate a collection of English colonists in defiance of a King who refused to give them representation. A new and improved system of government is why Betsy Ross created the flag; democracy is what we got.

Who can say they haven't seen the statue of the Marines storming the island of Iwo Jima to raise Old Glory high above the fray. Freedom is why those soldiers raised the flag; liberty is what we—what the world—got.

Who hasn't heard the story of Francis Scott Key as he sat aboard a British frigate and watched our flag continue to flutter above the devastation in Fort McHenry. Sheer amazement is why Mr. Key wrote down what he saw; an understanding of the transcendently unifying nature of our flag is what we got.

Burning or desecrating the flag is a destructive act, Mr. Speaker. It is not free speech. And it is only a small fringe group who even care to mutilate, desecrate or burn the flag. In fact, the vast majority of Americans support a constitutional amendment to protect this symbol of freedom. Indeed, it is time the Congress of the United States act to protect our flag.

Mr. UNDERWOOD. I would like to call attention to an oversight in the text of House Joint Resolution 79, the constitutional amendment to prohibit the physical desecration of the flag of the United States. While it may seem improbable that an amendment of only 20 words can contain an important oversight, the amendment would grant Congress and the States the power to pass laws to prohibit the physical desecration of the flag.

So, it is conceivable that some States will pass restrictive laws, some States will pass more lenient laws, and some States will not do anything. And it is conceivable that flag desecration would have various State definitions, unless Congress chooses to make a standard of desecration and Federal penalties for such actions. Of course, if such congressional action were taken, or such standardized definitions were adopted by Congress, then all the arguments we hear today that it is up to the States to determine what is desecration, and all the arguments we hear today that this is a transferring of Federal power to the States, fly out the window.

If Congress instead defers to the States, and chooses to let the States make their own determinations, then it is possible that flag burning and other acts of desecration would be made illegal in the several States, but there would be no similar Federal law for the territories and the District of Columbia. We could then have the incredibly ironic situation where

flag burning would be illegal everywhere but here, and those who would burn flags as an expression of their free speech or in protest of some cause would be able to do so legally in the Nation's capital.

In the case of Guam, and the other far flung American territories of American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and Puerto Rico, the territorial governments would have no power under this amendment to act one way or the other to prohibit flag desecration. As you know, Mr. Speaker, but as many of our colleagues tend to forget, the flag also flies over there.

Should this constitutional amendment be adopted by the States, then I intend to introduce legislation to give the territories and the District of Columbia the same authority as the States to prohibit flag desecration. My concern is that as the new federalism emerges to transfer powers to the States, as this amendment represents, let's not forget to transfer powers to the territories, too. If it does not make sense for Congress to act for the States, it makes even less sense for Congress to act for Guam, 10,000 miles away.

Or, conversely, if Congress were to legislate a restriction on free speech only for the territories and the District, places where American citizens have no voting representation, what is that saying about the value of our constitutional rights? What is the Congress saying when it legislates restrictions on the basic freedoms in the Bill of Rights for the territories that do not even vote in this body? Would it not seem more logical for Congress to allow such decisions to be made by the territories in recognition of their lack of representation? If Congress tries to dictate to the disenfranchised Americans in the territories what it would not dictate to the States, maybe then flag burning would become the protest of choice for those Americans in the territories who value their freedoms as much as any other American.

Mr. STOKES. Mr. Speaker, I rise in strong opposition to House Joint Resolution 79, the constitutional amendment to prohibit flag desecration. While I am aware of the deep and sincere feelings of many Americans concerning this emotional issue, I am also mindful of my duty as a Member of Congress to act in the best interest of the people I represent and in the best interest of the U.S. Constitution I have sworn to uphold.

We cannot and should not, in an attempt to protect the flag, trample on the freedoms so many of our bravest citizens have fought and died to protect. As Members of the U.S. Congress, we must not shirk our responsibility to act in the best interest of the American people by disregarding the dangers to all of our civil liberties this resolution symbolizes.

The bill before us today, House Joint Resolution 79, seeks by constitutional amendment, to prohibit the physical desecration of the American flag. The objective of this amendment is to overturn the U.S. Supreme Court's decisions in *Texas v. Johnson*, 491 U.S. 397 (1989).

In *Texas versus Johnson*, a majority of the Supreme Court considered for the first time whether the first amendment protects desecration of the U.S. flag as a form of symbolic speech. Like the State argued in *Texas versus Johnson*, proponents of this resolution argue that flag desecration results in breaches of the

peace and attacks the integrity of the our national symbol of unity. The majority opinion of the Court correctly responded that the desecration was "expressive conduct" because it was an attempt to convey a particular message.

The Supreme Court also correctly held that the State may not use incidental regulations as a pretext for restricting speech because of its controversial content or because it simply causes offense. Justice Brennan concluded that "If there is a bedrock principle underlying the first amendment, it is that Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

Mr. Chairman, I find the desecration of the American flag abhorrent, but I find the compromise of the principles the flag represents absolutely unacceptable. This attempt to infringe upon the proud American tradition of dissent is the hallmark of authoritarian States, not democracies. Voting against this resolution is a vote for the Constitution and for the Bill of Rights, but most importantly it is a vote for the freedom and democracy the flag symbolizes.

In addition to compromising our first amendment rights this resolution is defective on its face because it fails to define what constitutes a flag, or constitutes desecration. The resolution simply gives Congress and the States sweeping powers to criminalize a broad range of acts falling far short of flag burning or mutilation. This kind of broad amendment to the Constitution will certainly lead to State and Federal flag protection legislation that violates the rights the flag represents.

Mr. Chairman, amending the U.S. Constitution is a serious business. This is one of the most important and sacred acts that can be taken by a Member of Congress. With very little opportunity for open hearing, and with limited debate, this resolution has been placed before us. A measure of this kind required detailed analysis of the impact it may have on the American people, and the greatest pillar of the American Republic: The first amendment to the U.S. Constitution—but no such review has, or will, take place.

During a period when the House of Representatives is slashing public assistance and medical benefits to the poor, our children, the elderly and veterans across this Nation we are faced with this cynical attempt to protect the flag. Individuals who wish to protect the flag should first protect the citizens who hold the flag so dear.

In the current rush to force this bill through the House, the liberty of the American people and the Constitution I have sworn to uphold will certainly be compromised. I urge my colleagues to join with me and vote against this resolution.

Mr. BORSKI. Mr. Speaker, I rise today in opposition to the amendment and in support of the Constitution of the United States.

For over 200 years, the Constitution of the United States and the Bill of Rights have endured as real, physical symbols of the values of this country. Never in our Nation's history has Congress passed a constitutional amendment to curtail the freedoms guaranteed by these documents. After careful thought, I have come to the conclusion that we must not do so now.

The issue of free-speech inherent in the flag-burning argument is far too important to

be politicized or trivialized through name-calling and scare tactics. The values and freedoms embraced by the Constitution are so fundamental to this Nation, that we should defend against any attempts to relinquish these rights.

Let me clearly state that I do not condone flag burning. I strongly oppose it. Flag burning—for whatever reason—is offensive to me and to all patriotic citizens. It is repulsive to see people burning our flag. I stand alongside patriotic citizens and veterans, nationwide, in condemning flag burners everywhere. Yet, even these unpatriotic acts of protest must remain protected if the essential freedoms our Founding Fathers and veterans have fought for are to mean anything. We cannot protect freedom by taking away freedom.

The Stars and Stripes has always had a special meaning for my family and me. My father, a World War II Marine veteran, was born on Flag Day, June 14. In proudly serving his country during the war, my father successfully fought against the tyrannical and strong-handed suppression of freedom of Nazi Germany. The flag under which he fought symbolizes the constitutional freedoms for which he risked his life. Let us not chip away at these real fundamental beliefs and freedoms for protection of the symbol.

For over 200 years, the Bill of Rights has never once been amended. Historically, lawmakers have been unwilling to tamper with these liberties, reflecting an appropriate reverence for the Constitution and a hesitance for turning this document into a political platform. Yet amending the Constitution in order to prevent a few disgruntled citizens from expressing their views creates a special exception in the definition of free speech, opening up the door for further clarifying of our God-given freedoms.

By overwhelming numbers, Americans have chosen to display the flag proudly. And what gives this deed its patriotic and unique symbolism is that the choice was freely made, coerced by no man, out of respect for the symbol of freedom. Were it otherwise—should respectful treatment of the flag be the only choice for Americans—this gesture would mean something different, possibly something less.

In addition, Mr. Speaker, I find it ironic that at the same time we stand here pledging our respect for the flag and to the veterans who fought under it, the majority will soon pass a package of cuts to the hard-fought and long-earned benefits to our Nation's veterans and senior citizens. The Republican budget agreement, which I strongly oppose, calls for \$32 billion in cuts to veterans programs over the next 7 years as well as a \$270 billion cut in Medicare spending over 7 years. At the same time, the majority's budget calls for a \$245 billion tax break for our Nation's wealthiest citizens. It is unfortunate that the same veterans who so proudly fought under this flag will soon be denied the benefits for which they fought and worked all their lives.

Finally, Mr. Speaker, I stand here today to proudly express my respect for the flag and for the constitutional freedom it symbolizes and for the men and women who fought for these freedoms. Yet, I must remain faithful to my sworn duty to protect the Constitution from attacks on its integrity, and oppose this amendment.

Mr. DINGELL. Mr. Speaker, my colleagues, behind the Speaker's rostrum stands the glorious symbol of the United States—our flag—the most beautiful of all the flags, resplendent with colors of red, white, and blue, carrying on its face the great heraldic story that of 50 States descended from the original 13 colonies. I love it and I revere it. I have served it with pride, in the Army of the United States, actively in one war and in reserve status in another. Like millions of young Americans in all the wars of this country, I have served under this great flag, symbol of our Nation, our unity, our freedom, tradition, and the glory of our country.

This small book, my dear colleagues, which I now hold up in my hand, is the Constitution of the United States. It is not so visible as is our wonderful flag, and regrettably oftentimes we forget the glory, the majesty of this magnificent document—our most fundamental law and rule of order, the document which defines our rights, liberties, and the structure of our Government. Written in a few short weeks and months in 1787, it created a more perfect framework for government and unity and defined the rights of the people of this great republic. As Chief Justice Burger, Chairman of the Commission on the Bicentennial of the U.S. Constitution observed in his remarks on the Constitution.

The work of 55 men at Philadelphia in 1787 was another step toward ending the concept of the divine right of kings. In place of the absolutism of monarchy the freedoms flowing from this document created a land of opportunities. Ever since then discouraged and oppressed people from every part of the world have made their way to our shores; there were others too—educated, affluent, seeking a new life and new freedoms in a new land.

This is the meaning of our Constitution.

Justice Burger observed the Declaration of Independence was the promise, the Constitution was the fulfillment.

This is the most successful and magnificent document ever to create a government. The Government which is the product of the agreement of the people on this Constitution is the most successful government that has ever served free men, now over 200 years old, and still a wonder of the world.

The Constitution was designed to assure that it could be amended, but only with difficulty. High hurdles were imposed on successive generations, lest it be too easy to amend, and lest it be too easy to impair the greatness of this wondrous document by unwise actions taken in the haste of a moment of passion or folly.

We are today compelled to debate in a process constrained by inadequate time. We are told we must choose between the glorious symbol of our Nation and the great, majestic fundamental document which is the soul and the guardian of principles which not only define the structure of our Government, but the rights of every American.

This is not a choice that I like to make, and it is not a choice that other Members of this body like. There is regrettably enormous political pressure for us to constrain rights set forth in the Constitution to protect the symbol of this Nation. And yet when we make the decision today, we must keep in mind that we are choosing between the symbol of our country and the soul, and the guardian principles of our democracy.

I call upon this body and all Americans to understand the issue before us. I believe that if Americans understand this issue, they will come to the same wise conclusion. Like other Americans, I say the Pledge of Allegiance to our flag with reverence and pride. I join my colleagues here in reciting this great pledge to our Nation's flag as I do in joining my constituents at home in frequent public ceremonies in saying this important Pledge of Allegiance to the dear flag of this country.

I again hold up before you the Constitution of the United States, a small document, successfully amended only a few times, and wisely subject to strong constraints on attempted amendments. On many occasions, because of the difficulty in amending this wonderful document, unwise attempts to amend it have thankfully not come to fruition.

The Constitution says "the Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press * * *

That right of freedom of speech is absolute, not in any way constrained. And there is no power in the Congress to abridge the freedom of speech.

That is the question before us here. Only here, we are called on to not simply pass a law, but rather, to amend the Constitution itself, or to permit the States to do so.

The Constitution is the soul of our Nation, the guiding principles of both government and protection of our liberties. It is the Constitution which makes being an American so unique and which gives us such precious quality and character to our lives as citizens of this great Nation.

The Supreme Court is hardly a group of left-wing antigovernment protestors, but rather a group of conservative men and women, given lifetime tenure, to carry out one of the most singularly important responsibilities in our Government—the interpretation of our Constitution and laws. That court has said plainly and clearly that freedom of speech guaranteed by the first amendment is a right so precious that it may not be interfered with by a statute which criminalizes the conduct of anyone who "knowingly mutilates, defaces, physically defiles, burns, or maintains on the floor or ground or tramples upon" a United States flag, *United States, appellant v. Eichman, et al.* 496 U.S. 310. In this case and in the case of *Texas v. Johnson*, 491 U.S. 397, a similar conversion was reached.

My colleagues, we are compelled to choose—a great symbol of the Nation, our beloved flag, or the majestic Constitution of the United States and the great 10 amendments to that Constitution, the first amendment guaranteeing freedom of speech and freedom of expression.

In this there is only one choice, defend the majesty and glory of the Constitution. Protect, support, and defend the Constitution and the rights guaranteed thereunder.

Like the rest of my colleagues, I pledge allegiance to the flag, regularly in this body. But, I remind all here and elsewhere, that every 2 years each Member of Congress takes a great and solemn oath, to support and defend the Constitution of the United States against all enemies, foreign and domestic. This oath is a far higher and greater responsibility than that which we take in any of our other activities as citizens. It is a precious commitment to the

people of the United States, to those who have served here before us, to those who will serve here after us, and to all Americans throughout history.

In this oath we honor all those who have loved and served this country. And, we commit solemnly to all Americans from the first days of its founding until the end of time, that the principles of our Government will be protected and defended by us against all, regardless of how powerful politically they might be or how wonderful a cause that they may assert. When I vote today, I will vote to support and defend the Constitution in all its majesty and glory, recognizing that to defile or dishonor the flag is a great wrong, but recognizing that the defense of the Constitution and the rights that are guaranteed under it is the ultimate responsibility of every American.

Whether we hold elective office, or whether we are simply citizens living our day-to-day lives under the protection of the Constitution, this commitment is to defend our greatest Government treasure. When I cast my vote today, it will be for the Constitution, it will be for the rights enunciated in the Constitution, it will be against wiping away or eroding the constitutional rights of Americans in even the slightest way. I remind my colleagues of their oath and I call on them for keen awareness of that oath to defend and support the Constitution. The great and awesome oath binds me to a duty of the greatest importance to all Americans past, present, or future.

We do not defend our beloved flag by passing the first amendment to our Constitution to reduce the rights of Americans. Honor our flag. Honor a greater treasure to Americans, our Constitution. Vote down this bill.

Mr. LEACH. Mr. Speaker, I rise in reluctant opposition to the amendment.

It is interesting to note that this debate is taking place almost 5 years to the day since the last time the House considered amending the Constitution to protect the flag. The intervening years have been ones of momentous change.

As we approach the conclusion of the bloodiest century in human history, the United States has emerged as undisputed leader of the world community. The individualistic, democratic values that are the hallmark of our society are in ascendancy everywhere and America has never been more secure from foreign threat.

Yet all is not well here at home. The heinous crime perpetrated in Oklahoma City this spring raises anew questions about America's social fabric, of whether, in William Butler Yeats' terms, the center—that is, civilization—can hold.

In what may be the most disturbingly prophetic poem in Western civilization, "The Second Coming," Yeats wrote:

Turning and turning in the widening gyre
The falcon cannot hear the falconer;
Things fall apart; the center cannot hold;
Mere anarchy is loosed upon the world
The blood-dimmed tide is loosed, and every-
where

The ceremony of innocence is drowned;
The best lack all conviction while the worst
are full of passionate intensity.

"Surely," Yeats continues, "some revelation is at hand."

The question is of what that revelation might be.

In America today hate is one the rise; prejudice is bubbling. There is growing doubt, if not

fear, of the very values—such as free competition within the rule of law—that have impelled America to the position of unprecedented preeminence on the world stage it now occupies.

It is in this context that the amendment before us has been brought forward. It is an attempt to affirm all that is good about our great country. It is, in the words of our distinguished colleague from Illinois and chairman of the Judiciary Committee, HENRY HYDE, "an effort by mainstream Americans to reassert community standards. It is a popular protest against the vulgarization of our society."

This is an honorable motive, and I am reluctant to oppose it.

Moreover, this amendment is championed by organizations—particularly the American Legion, VFW, and DAV—which represent those without whose sacrifices this country and its values would not exist. Had it not been for our Nation's veterans, the only competition in the world today would be between totalitarianism of the left and totalitarianism of the right.

These are honorable men and women, and I am reluctant to oppose them.

Yet, Mr. Speaker, I cannot support this amendment because I am convinced that to do so is to undercut the very essence of the system of governance for which the flag itself stands.

At the heart of our democracy is a struggle, an ongoing conflict of ideas for which the Constitution provides the rules. It is in this conflict that the *e pluribus unum*—the "one out of many," as the motto borne on the ribbon held in the mouth of the American bald eagle on the Great Seal of the United States puts it—arises. And it is precisely this unity in multiplicity for which our flag with its 50 stars and 13 stripes stands.

The genius of our Constitution lies in the ways in which it structures and ensures the continuity of this conflict of ideas which is our democracy. It does so through the system of checks and balances and separation of powers with which it structures our Government on the one hand, and the protection of freedom of expression it provides in the first amendment on the other. The former ensures that the fight is always a fair one and that no momentary majority uses its temporary advantage to destroy its opponents; the latter ensures that no idea, however obnoxious, is excluded from the consideration in the debate.

It should be stressed that the protection provided by the first amendment is a two-edged sword. In fact, the Bill of Rights does not exempt ideas and the actions that embody them from criticism, but ensures they are exposed to it. As Jefferson put it in his "Act for Establishing Religious Freedom" in Virginia:

Truth is great and will prevail if left to herself . . . she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapon, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them.

Thus any abridgment of the protections provided by the first amendment, no matter how nobly motivated, would diminish freedom and in all likelihood precipitate, in this instance, more symbolic incidents tarnishing the flag than would otherwise be the case. Accordingly, great care must be taken not to take actions in the name of protecting the flag that

have the effect of misinterpreting the meaning of the flag.

In this assessment, the distinction between liberties to protect and symbols to rally behind must be made. Freedom of speech and freedom of religion require constitutional protection. The flag, on the other hand, demands respect for what it is—the greatest symbol of the greatest country on the face of the Earth. It is appropriate to pass laws expressing reverence for the flag and applying penalties, wherever possible, to those who would trash it, but I have grave doubts the Constitution is the right place to address these issues.

Mr. SHAYS. Mr. Speaker, I find it abhorrent that someone would desecrate the flag of the United States of America. But I will not support an amendment to the Constitution to prevent it.

When I think of the flag, I think about the men and women who died defending it. What they really were defending was the Constitution of the United States and the rights it guarantees.

My colleagues in Congress, and I, sought to address this problem when we overwhelmingly passed the Flag Protection Act of 1989. I don't feel anyone should be allowed to desecrate the flag. I wish the Supreme Court had decided in favor of the law, but regretfully, by a vote of 5 to 4, it declared the act unconstitutional.

Congress anger and frustration with the decision led us to consider an amendment to the Constitution. Keep in mind the Constitution has been amended only 17 times since the Bill of Rights was passed in 1791. This is the same Constitution that eventually outlawed slavery, gave blacks and women the right to vote, and guarantees freedom of speech and freedom of religion.

Republicans have proposed amendments to the Constitution to balance the budget, mandate school prayer, impose term limits on Members of Congress, institute a line-item veto, change U.S. citizenship requirements, and many other issues.

Amending the Constitution is an extraordinarily serious matter. I don't think we should allow a few obnoxious attention-seekers to push us into a corner, especially since no one is burning the flag, and there is no constitutional amendment.

I love the flag for all that it represents—the values of freedom, democracy, and tolerance for others—but I love the Constitution even more. The Constitution is not just a symbol. It defines the very principles on which our Nation is founded.

Mrs. ROUKEMA. Mr. Speaker, I strongly support House Joint Resolution 79, the resolution proposing a constitutional amendment to prohibit desecration of the American flag.

The last time that the House considered a constitutional amendment allowing the States or Congress to prohibit the desecration of the American flag was June 1990. This vote followed an earlier decision by the Supreme Court which struck down the Flag Protection Act of 1989 that had passed the House overwhelmingly the year before. And, although the constitutional amendment failed, I strongly supported both the amendment and the Flag Protection Act.

Although the Supreme Court agrees that desecrating our flag is deeply offensive to many, it has twice overturned laws that bar flag burning. In both cases, the decision has

been handed down by the narrowest of margins, 5 to 4. Such distinguished constitutionalists as Justices Stevens and White hold that burning of the U.S. flag is not an expression protected by the first amendment. Instead, they believe that flag burning is an action, a repugnant action. And, therein lies the distinction. Burning a flag is conduct, not speech.

I believe strongly in this amendment, although I believe it to be an issue on which patriotic Americans of good faith can, and do, have legitimate differences. Many assert that burning a flag endangers no one. Using that standard, one would then assume that we would not see the inherent violation of decency of throwing blood on the U.S. Capitol, painting a swastika on a synagogue, or defacing a national monument. These actions also endanger no one. And, yet, laws have been wisely enacted to prohibit these actions.

I feel very strongly that we must do all we can to protect our flag. This constitutional amendment is a necessary good-faith measure that defends our most treasured national symbol.

Mr. CLINGER. Mr. Speaker, 5 years ago, I was one of only 17 Republicans in the House of Representatives and the only Republican from the Pennsylvania delegation who did not support the constitutional amendment prohibiting flag desecration.

I did not arrive at this decision easily. Polls showed an overwhelming majority of Americans supporting the amendment, and my Republican colleagues and President Bush were lobbying hard for its passage.

Only after painful reflection did I come to the conclusion that the amendment would diminish the first amendment and make martyrs of the twisted lowlifes who defile the flag for public attention. Although I deplore flag burners and despise their cheap theatrics, I have greater reverence for the Constitution and the Bill of Rights and refuse to give these pathetic individuals and their sorry causes the stature that a constitutional amendment provides.

When I learned that the flag burning amendment would be coming to the House floor again for a vote, I dug out my old files on the flag burning amendment to review the constituent letters I received after the 1990 vote.

Many constituents were irate with me, and they didn't sugarcoat their feelings or pull any punches. I was invited to "stick it where the sun don't shine." I was told that I was "as guilty as the flag burners" and "should hang my head in shame." I convinced several lifelong Republicans to join the Democratic Party. And I was instructed by several of my strongest supporters and closest friends to remove their names from my mailing list.

But not all of the mail was as negative as one might imagine. In fact, a majority of the letters were supportive of my vote.

As I read these letters from former servicemen, widows, and disabled veterans who explained what patriotism meant to them and why they opposed the flag burning amendment, I realized that many were far more eloquent than any statement or speech I could compose. So rather than read a prepared statement that merely outlines my views, I would like to read passages from several of the letters I received and let some of my constituents speak for me.

One reads:

DEAR CONGRESSMAN: I had four and one half years in the United States Army. Three

of those years were overseas helping to fight a war to keep fascism and Nazism away from our shores. I was not drafted. I volunteered to serve my country. I love and respect the flag as much as anyone, but I love the freedom for which it stands more so.

Another reads:

DEAR CONGRESSMAN CLINGER: My father tried to raise his sons as patriots. Only time will tell if he succeeded. I enlisted on my 17th birthday and served in the submarine force. This was my way of trying to preserve our land as a nation of free people. It would have been tragic to risk my life for freedom, only to have it voted away.

A third one reads:

DEAR CONGRESSMAN CLINGER: I am a 100% service-connected, double amputee veteran of the Korean War. I agree with you on your vote on the flag burning amendment. Please feel free to use my name or letter to support your position as stated.

A fourth letter reads:

DEAR MR. CLINGER: I am not a resident of your voting district. I am a disabled Vietnam era veteran. I could easily have avoided service, however, I chose to serve my country when it was not a popular thing to do. It was a difficult choice. I see that you recently made a difficult and unpopular choice; the choice to vote against the Constitutional amendment prohibiting burning of the U.S. flag. I am glad that you had the courage to vote against this amendment and I thank you for standing up for the "Bill of Rights."

Finally, the shortest, but probably the most poignant, struck a chord with me:

DEAR CONGRESSMAN CLINGER, I support your vote on the flag amendment.

If the day ever comes when we must ensure patriotism by statute, it will already be too late for our country.

The point is it isn't too late; we don't need to ensure patriotism by statute. The vast majority of Americans have a deep-seated respect for the flag and fly the flag proudly. We shouldn't let an ignorant few force us to compromise the integrity of the Constitution and the Bill of Rights—the true source of our Nation's greatness.

If we really want to stop the burning, we should not adopt this measure. A constitutional amendment will turn a fool's act of cowardice into a martyr's civil disobedience, and encourage more dimwits to burn the flag.

Preserving and exercising the first amendment's guarantee of freedom of expression, not suppressing it, is the best way to combat this disgraceful behavior. We must ridicule those fringe elements and expose them for what they are: despicable, grandstanding losers who are beneath contempt and unworthy of any attention whatsoever.

Mr. JONES. Mr. Speaker, I have the privilege of representing three military bases, many active and retired military personnel, and a large group of patriotic civilians who all have strong feelings of respect for the American flag. As a proud cosponsor of the flag desecration constitutional amendment, I strongly believe in protecting the American flag and everything that it symbolizes. Old Glory, the most respected and recognized symbol in our country, represents the continued struggle for freedom and democracy. Far too often people disregard and betray all that the flag has stood for throughout our history and continues to. The flag is the physical embodiment of that for which many men and women have sacrificed their lives. To desecrate the flag is to desecrate them. We owe it

to these unsung heroes to continue the job they started by ensuring passage of this constitutional amendment. Our flag is a unique symbol of our country's heritage that deserves the highest degree of respect and dignity.

Mr. MINETA. Mr. Speaker, as a former Army intelligence officer, as a former major in the U.S. Army Reserve, and as a Member of Congress who is sworn to uphold the Constitution, I cannot support this proposed amendment.

More than a half century ago, President Franklin Roosevelt spoke to this country and told us we had nothing to fear but fear itself. Truer words were never spoken.

Time and again throughout our history, the greatest tragedies have occurred when we have allowed our fear or anger to lead us into drastic overreaction.

The redbaiting of the 1950's with its blacklists and purges, arose in response to the fear of the Soviet Union. Even at the time, many Americans realized that Senator McCarthy's crusade was not the way to respond to the threat of communism. With 20-20 hindsight today, virtually all Americans regret the national hysteria that caused so many lives to be ruined.

In the 1940's it was our justified anger over the Empire of Japan's attack on our naval installation at Pearl Harbor, HI, that led this Nation to ignore the civil liberties guaranteed by our Constitution and force 120,000 Americans from their homes and into internment camps simply on the basis of their Japanese ancestry.

It is unfortunate that President Roosevelt, in authorizing that action, failed to appreciate the wisdom of his own warning on the dangers of fear.

Today, we are faced with a situation in which a few individuals have on occasion set fire to the American flag. That is an action which, as a former Army officer, as a Member of Congress, and as an American, I find repugnant.

Our response to these incidents will say a lot about this country. Will we once again allow our anger to overrule our reason? If this resolution were to pass, the answer would unfortunately be "Yes."

Our response to flag burning should be to denounce it.

However, this resolution goes so far as to narrow the provision of the Constitution which guarantees to all Americans the freedom of speech and the freedom of political debate.

That is unnecessary, it is an over-reaction, and it represents an action which is far more dangerous to the future of this Nation than a few misguided flag burners.

This resolution will do nothing but cut off the Constitution's nose to spite its face. In an effort to deny the right of a few people to express an idea we despise, it would place at risk the right of all Americans to freedom of speech.

I would have hoped that this Congress would have learned more from the mistakes of history than to take this road. The vote today in the House will tell us whether that is true.

I urge my colleagues to join me in opposing this misguided resolution, and vote "no" on House Joint Resolution 79.

Mr. MARTIN. Mr. Speaker, I rise today in strong support of House Joint Resolution 79, an amendment to the Constitution to allow the banning of the desecration of the American flag.

It is a crucial amendment, one aimed at restoring a civility and patriotism that our Nation seems to have been lacking in recent years.

For the better part of two centuries, democracy in America has been characterized by vibrant and rich debate. Disagreement has been a hallmark of our system of government; the competition of ideas has helped make us the greatest nation on Earth. Unanimity on political matters has never been achieved, and it has never been pursued. It has been the freedom to disagree, to criticize, and to dissent that has made the United States so worthy of our loyalties.

Indeed, the freedom of expression is something so precious as to be worth fighting and dying for. This freedom of expression has enabled individuals to engage in the great American discourse, a legacy which will go down in history as perhaps our Nation's finest accomplishment.

Yet in recent years, it seems as if a once eloquent discourse has become something of a rough, almost violent argument. As individuals in the public arena raise their voices, it appears that nothing is sacred.

Almost every constituent with which I speak, no matter what political stripe he or she is, agrees on at least one point: They demand that a degree of civility be returned to the public debate. And this amendment is one of the first and one of the few legislative steps we can take to answer these demands.

The flag is a symbol of our heritage; it represents our common institutions and traditions. It has stood for peace and democracy abroad, and justice and progress at home.

For two centuries, millions of our finest men and women have sacrificed to defend the flag and all that it stands for. They have risked their lives in every corner of the world so that we may enjoy the liberties guaranteed us by the Constitution.

Yet there are some in our society who would abuse the freedoms and privileges our land provides. They do such offensive and outrageous things to the symbol of our Nation that they cause us to propose amendments to the Constitution.

House Joint Resolution 79 will help remind the American people of the debt we all owe to those who have fought and died for the freedoms we enjoy.

This would be an altogether healthy development for the United States and one which a great majority of the people would applaud.

But the need for this amendment runs even deeper than these positive effects.

If a society that holds the freedom of expression as a right of all citizens wishes to remain free, then that society needs to state some kind of baseline to that expression. Without that baseline, such a society would soon devolve to anarchy. And out of anarchy, there will come no freedom of speech.

To the contrary, if we want to continue the excellent American tradition of freedom of speech, then at the very least we must all agree on one thing: It is the U.S. Government and its institutions that allow us to exercise that speech. And as the symbol of those institutions, the flag ought to be protected from heinous and debasing acts.

You see, those that speak out against this amendment in defense of the freedom of speech are threatening their own freedom.

By leaving nothing sacred, not even the symbol of hope and liberty for billions around

the world, we are doing a great disservice to all those who have come before us, and all those who will come after. In fact, we threaten the freedom of speech itself.

House Joint Resolution 79 represents the opportunity to do just what Americans across the country are pleading for: namely, returning civility to the public arena.

It would allow States and Congress to prohibit the gross mistreatment of our national symbol, and help restore a faith in our institutions that has been sorely missed by the public at large. Protect Old Glory and the freedom of speech, support House Joint Resolution 79.

Mr. COYNE. Mr. Speaker, I rise today to express my opposition to the proposed amendment to the U.S. Constitution that would seek to amend our Nation's Bill of Rights for the first time in American history. This is the wrong way to honor the American flag which is intended to symbolize the freedoms first set forth by our Nation's Founders in the Constitution and the Bill of Rights.

There is a very real question about why this amendment is before the House today. It seems that there have been very few, if any, reports of flag desecration since the late 1980's when the flag became embroiled in a Presidential political campaign. I will venture to predict, however, that efforts to pass this amendment will prompt some malcontent in our society to engage in the very act some would prohibit. There will always be a few who will do anything to claim their 15 minutes of fame, or infamy in this case.

Still, simply stated, the most important question before us today is whether we should carve out a constitutional exception to first amendment protections under the pretext of saving the flag. The issues before us involve legal matters but, more importantly, they also involve fundamental questions about the nature of our democracy and the freedoms we will celebrate in less than a week on July 4.

The United States has always been a beacon of freedom to the world because of the principles of liberty set forth by our Nation's Founders. This was true over 200 years ago and it is true today. Our freedoms have endured and prevailed over monarchists, Fascists, and Communists. This is due in large part to the fact that our Nation's Founders enshrined in our Constitution and the Bill of Rights an unyielding commitment to liberty. This commitment finds its most noble expression in the first amendment to the U.S. Constitution. And one of the most fundamental elements of this amendment is the idea that each person should be free to express his or her views, no matter how repugnant they may be.

The freedom of speech embodied in America's first amendment is celebrated here in the United States and around the world. It has provided inspiration to prisoners of conscience who have struggled in foreign lands against dictatorship. It has been repeatedly upheld by the U.S. Supreme Court as one of our Nation's most important constitutional principles. Our right to free speech is something that makes us uniquely American.

No one has ever attempted an outright repeal of our first amendment right of free speech. Instead, there have been efforts over the course of our history to nibble away at these rights. This periodic pressure to erode the full expression of free speech in our Nation has always been dangerous. Such efforts

have always raised basic questions of where do we stop if we start down the slippery road of curbing speech or expressions that some may find offensive. Such a selective defense of liberty has always threatened to eat away at the very foundations of our democratic values. These are the true threats to our Nation's most sacred principles.

We see an example of this danger today in the proposed amendment to prohibit the desecration of the flag. It is an important step in the wrong direction.

I would stress at this point that I share the belief of many Americans that desecration of the U.S. flag is an offensive act. Burning the American flag is an extremely despicable way for any individual to express their views on the U.S. Government, its laws, or the flag itself. I also understand that American veterans feel especially offended to see the flag that they have served under desecrated. As someone who is proud to have worn the uniform of the U.S. Army, I am also disgusted to see our flag desecrated at any time by malcontents who seek to draw attention to an issue by burning the American flag.

Yet, the real issue before us is how committed we are to the Bill of Rights and the guarantee of free speech set forth in the first amendment. The question is whether we are willing to defend the right of free speech even while we condemn the acts of those who would express their views by burning the American flag.

I have every right to join the vast majority of Americans in condemning those who would burn our Nation's flag. Yet, I have taken a solemn oath to defend the Constitution and that also requires a defense of the first amendment. I refuse to let the actions of a few despicable malcontents who would burn the flag lead me to take an action that would erode the freedoms guaranteed by our Constitution and the Bill of Rights. I cannot permit myself to join with those who would honor the flag by weakening the first amendment.

Supreme Court Justice William Brennan said it well, "we do not consecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents."

Mr. Speaker, I believe that the U.S. flag is best honored by upholding all of the traditions of freedom outlined in the U.S. Constitution and the Bill of Rights. I urge my colleagues to vote against this amendment.

Mr. HEINEMAN. Mr. Speaker, for more than 200 years, the American flag has been a symbol of all that was good, honorable and just in our great Nation. Unfortunately, on June 21, 1989, the Supreme Court ruled that the American flag could be burned just like any other piece of cloth. This amendment will remedy this gross error.

I am proud to say that I am an original cosponsor of this amendment and strongly support the flag desecration constitutional amendment. Throughout the U.S. history, during wars abroad and at home, the one symbol that unites this great Nation is the flag. Since Congress last voted on the flag desecration issue, 49 States, including my home State of North Carolina, have passed resolutions requesting Congress give them the opportunity to protect the American flag by ratifying such an amendment.

We should have the deepest gratitude for those wartime heroes who fought and died for

our freedom. We should be humbled by those who gave their lives in defense of those things we treasure as Americans. We should be in awe of the ultimate symbol of these acts of patriotism and heroism. With every act of flag desecration, we are allowing patriotism and heroism to be mocked.

Opponents of the flag desecration amendment argue that this is an infringement on free speech and the first amendment. This amendment will simply restore what was the law of the land for more than two centuries. The flag is a unique symbol in our society. No other act arouses the amount of outrage as flag desecration. This amendment will simply give the States the power to decide on what is and what is not flag desecration. I urge my colleagues to vote yes on this bi-partisan amendment. Our greatest national treasure deserves no less.

Mr. FOGLIETTA. Mr. Speaker, here we go again.

Here we go again spending time on a sound-bite solution to an issue.

The symbol of our flag is very important to me. It was in my hometown of Philadelphia where Betsy Ross sewed the first flag. But that's not all that happened in Philadelphia. The Constitution and its first amendment were also written there.

Our goal here is to honor America. And it is an admirable goal to pay homage to this, the greatest Nation on Earth.

But the flag—no matter how beautiful and special—is a symbol. Justice Jackson said this more than 50 years ago in a landmark decision about pledging allegiance to our flag: "The use of an emblem or flag * * * is a short cut from mind to mind."

We can honor America and pass on to our children reverence for our country in much more genuine ways. First, as Members of Congress we should spend every day in this institution living up to the highest ideals of democracy and constitutional Government.

Second, we should do our best to preserve and expand debate and free speech. Free speech is the essence of democracy and the energy that drives our Nation.

Burning the flag is speech; it is hideous speech but it is speech. Oliver Wendell Holmes said this about offensive speech: we need to protect the "freedom for the thought we hate."

It is unfortunate that we are spending our time passing this amendment. There's a better way. The next time someone desecrates our flag—I would rather spend my energy defending our Nation by challenging this ugly form of speech, through speech. That's the way to pledge allegiance to America.

Mr. BILIRAKIS. Mr. Speaker, I rise today, as an original cosponsor of House Joint Resolution 79, in strong support of this legislation to protect our flag from desecration. I congratulate my colleague and friend from New York for introducing this measure and for his persistence in bringing it to the floor today.

Because of what America is, our flag should always be one of our most cherished and revered symbols. Therefore, I was astounded and gravely disappointed by the 1989 Supreme Court decision legitimizing desecration of our flag as protected conduct. I was one of those in Congress at the time who immediately afterward introduced legislation to reverse it.

However, I must tell you that I took this step not at all lightly. I believed that to reverse this

decision of the Supreme Court, one course and one course only was open to us: Amending the U.S. Constitution. Today we seek to do just that with this legislation authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States.

My friends, I have to tell you that I never believed that the issue involved is one of free speech—that burning the flag is a form of protest against government policies. The American flag does not stand for any particular government policy or decision or official. It stands for the United States of America, and to desecrate it means that America should not exist—that freedom and democracy should not exist—that, in fact, right to peaceful protest should not exist. I cannot and will not support this idea.

It has been said that allowing the desecration of the flag is the best way to prove we believe in equal freedom for those with whom we disagree. The late Senator from Illinois, Everett M. Dirksen, once answered this argument. He called it false and sour.

"A person can revile the flag to his evil heart's content," he said, but it is only if his contempt takes physical form—such as trampling, tearing, spitting on and burning the flag—that he can be punished. Only his violence is punished. I could not agree more.

Let me repeat, I say that by protecting our flag we deny no one the right of free speech or of peaceful political protest. I will defend the right of anyone to get up and say whatever is on his mind. That is, in fact, the entire point: By defending the flag we ensure that this right never will be denied.

All we ask is that the flag be accorded the same respect we offer to those who protest under its freedoms.

If living symbols of freedom and liberty mean nothing, if the ideals and not the evidence are all that matter, why don't we just open up the National Archives and tear up the Constitution and Declaration of Independence? They're just fading, old pieces of paper, aren't they?

The fact of the matter is that they are much more than that. They have told generations and generations of immigrants seeking a better life—immigrants like my parents and some of yours—that here in America we believe it is an individual's right to choose, to control his own destiny.

Senator Dirksen had it right—he said that:

Reverence for our stars and stripes is but our simple tribute to the republic and to all of its hopes and dreams.

In this country, we do not pledge allegiance to a king or a President or even a piece of old parchment.

We pledge allegiance to a flag because its bright stars and bold stripes mean something that no other flag on Earth today means: Here in America, the people are the Government, and for that reason we will always be free.

No, it is not lack of commitment to the flag and the great freedoms and ideals it symbolizes that make me uneasy.

What disturbs me is that we as a Nation must go to these lengths—to the extreme of amending the document upon which all of our national history and heritage rests—to reconfirm these very national beliefs.

We cannot hold ourselves apart, we cannot claim that we are Americans, and at the same time believe that this flag should be burned or otherwise desecrated.

This flag means America, it means that we should be able to disagree. How can anyone believe otherwise? How could anyone not choose freedom over tyranny, justice over injustice, liberty over servitude? This flag—our flag—stands for these great ideals. It is hope, dreams, the very best man can offer the world and the future.

Our cemeteries are filled with the bodies of those who had great dreams of productive lives with loving families—dreams that were forfeited in order that you and I and our children would be able to lead better lives.

Our freedoms have been bought and paid for by their sacrifice, and we own it to them to ensure that this country can be all that it was meant to be.

That does not include contempt and desecration—it requires determined, constructive effort every day. All of this and more is woven into those few yards of cloth. We need to remember that.

Mr. Speaker, I urge all of my colleagues to support this valuable and needed legislation today. Protect our flag and ensure that its protections will never be compromised.

Mr. EWING. Mr. Speaker, I rise today in strong support of House Joint Resolution 79. I take great pride in supporting this resolution which will protect Old Glory, from being desecrated. Contrary to what this resolution's opponents say, we are not trampling on the Bill of Rights. Indeed, we are ensuring the rights of millions of Americans who find burning the American flag to be offensive to their beliefs.

It does not make sense to argue that burning the American flag is a protected form of expression. It is a felony to burn U.S. currency, even if a political statement is being made, and it is illegal to damage a Postal Service mailbox. But you can burn the American flag. This makes no sense.

Until 1989 the Supreme Court upheld State laws that prohibited the desecration of the flag. In 1989, the Supreme Court overturned a Texas statute that prohibited the desecration of the flag. Consequently, Congress passed a Federal law that prohibited the desecration of the flag. Once again, the Supreme Court overturned a statute that barred flag-burning. Faced with these two decisions, A constitutional amendment is the only way to give the American flag the protection it so dearly needs. This amendment will provide Congress and the States with the constitutional authority to protect the flag, authority that they had prior to the Supreme Court's intervention in 1989. This amendment itself will not prohibit desecration of the flag, it will simply return this authority to the States.

Public opinion polls show that more than 80 percent of the American people support this amendment. Forty-nine State legislatures have passed resolutions calling on Congress to pass this amendment and send it to the States. One needs only to look at the Iwo Jima Memorial to witness the powerful nature of the American flag. The American flag is a symbol throughout the world for liberty and justice and we should treat it with the utmost respect and admiration, not just for what it symbolizes but also for countless numbers of soldiers and others who fought, served and died protecting it. In a country as wonderfully diverse as ours, the American flag serves as a national symbol of unity. No matter who you are, whether you are rich or poor, African-American or Irish-American, male or female it

is our flag that reminds us of our common history and our heritage.

The American people want us to pass this amendment, and I urge my colleagues to vote for it.

Mr. KLECZKA. Mr. Speaker, I rise in opposition to this unnecessary constitutional amendment.

All of us here today respect and honor our flag. We all feel so proud when we see the Stars and Stripes on a front porch.

We all agree that the flag is a treasured symbol of our democratic ideals and the values we hold most dear to our hearts. And, we all agree that damaging that symbol is disgraceful and should never be condoned.

The key question is, are we truly prepared to amend the Bill of Rights for the first time ever, to begin eroding the freedom of speech and expression? Our Founding Fathers drafted the Bill of Rights as a guarantee against the abuses and tyranny they had fled. These inalienable rights have stood the test of time and survived for 204 years. Are we prepared to begin placing qualifications on the first amendment? What provision of the Bill of Rights will be next?

If we start down the slippery slope of eroding fundamental rights like free speech, where will the assault on individual freedom we all take for granted end? What is the logical extension?

I am disturbed by the remarks of American Legion National Commander William Detweiler, who stated, "Burning the flag * * * is a problem even if no one ever burns another American flag." These comments show an alarming lack of perspective. Is Congress going to begin amending the Constitution to prohibit actions which do not even occur? There is no rampant abuse of the flag occurring in this country. There has not been a major incident in 5 years. But know full well, as soon as we pass this amendment, someone will burn a flag just to get in the news.

Old Glory has a special place in our Nation's history and damaging it is disgraceful. But we should not let a few isolated hooligans and malcontents blackmail us into whittling away at the Bill of Rights.

Moreover, our flag, while revered and held in honor, is a secular symbol and thus should not be worshiped. It should not be elevated to the exalted status this amendment would confer.

That is why I am perplexed by the use of the word desecration in connection with the flag. The word actually means "to violate the sanctity of," a definition with obvious religious undertones.

William Safire, one of the most conservative commentators in America today, addressed the question of the flag's true secular symbolism eloquently. In 1990 he wrote,

"* * * in this democracy, nothing political can be consecrated, 'made sacred.' * * * Any attempt to make the nation's flag sacred—to endow this secular symbol with the holiness required for 'desecration'—not only undermines our political freedom but belittles our worship of the Creator.

He continued,

Should we respect the flag? Always. Should we worship the flag? Never. We salute the flag but we reserve worship for God.

Mr. Speaker, in spite of my deep respect and affection for our flag, I will vote against

this constitutional amendment. This amendment would alter our Bill of Rights for the first time in more than 200 years to prohibit an act which almost never occurs. It is ironic that this amendment's sponsors are using our Nation's symbol of freedom to begin eroding that freedom.

I urge my colleagues to vote no on this unnecessary constitutional tampering.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of House Joint Resolution 79, legislation I have cosponsored to allow Congress and the States to prohibit the physical desecration of the American flag.

As we debate this long overdue legislation to correct a 1989 Supreme Court ruling that allowed for the desecration of the American flag, I cannot help but recall my good friend and constituent Charles Allen, a veteran who served in the Navy during World War I. He is a legend at the Department of Veterans Affairs Hospital at Bay Pines which he helped build. Later he served on the hospital's maintenance team and upon his retirement devoted thousands of hours as a hospital volunteer and donated thousands of dollars to the volunteer services program. Although Charlie died 4 years ago, he is buried at the National Cemetery at Bay Pines and is with us in spirit during every memorial day and Veterans Day program.

Perhaps the greatest gift left to us by Charlie Allen was a special tribute to the American flag he wrote and recited at Memorial Day and Veterans Day services for more than 25 years. It is a stirring tribute to Old Glory which I would like to share with my colleagues.

It is my privilege and high honor to direct your attention to this beautiful flag of our beloved country. It is, and should always be displayed in the proper place and conditions where it is accorded the position of highest honor and is a constant inspiration to every loyal citizen. It demands unswerving loyalty and wholehearted devotion of the principals of which it is the glorious representative. It is the majestic emblem of freedom under constitutional government.

Beneath its protective folds, liberty, equality, and fraternity have become the heritage of every citizen—while the opposed of many nations have found peace and happiness in the land over which it floats.

Each time I see Old Glory wave against a clear blue sky.

I know that deepest reason that our flag will always fly.

And so I set about to write just how it made me feel.

To see the banner fluttering, our guardian so real.

I will not say, as others did, for which each color stands.

I'll only state this grand old flag a Nation great commands.

And that each mother's sons of us would more than gladly give.

Our blood, and yes, our very life so it can wave and live.

The flags of many empires have come and gone, but the Stars and Stripes remain.

Alone of all flags, it has the sanctity of revelation. He who lives under it, is loyal to it, is loyal to truth and justice everywhere. For as long as it flies on land, sea, or air, Government of the people, by the people, for the people, shall not perish from this earth.

(Charles Allen, WW I veteran)

Before his death, Charlie willed his tribute to the flag to another legend of Bay Pines and our local veterans community, Mr. W.B. Mackall. He is a leader of Florida's Citizen

Flag Alliance who now carries on the tradition of reciting this tribute at the appropriate events.

Mr. Speaker, as a veteran and as one who dedicated his life to other veterans and to our Nation, it is most appropriate that Charlie Allen's word from the heart about the American flag be a part of this historic debate. In just a few sentences, he captures its essence and the urgent need to protect the Stars and Stripes from those who would desecrate it. Those who would trample on our flag also trample upon our Nation, the honor of Charlie Allen, all those who went before him into battle, and all those who will go into battle in the future in defense of our Nation and our way of life.

Mr. GUNDERSON. Mr. Speaker, the flag of the United States is very dear to almost every American. To see it desecrated evokes anger among most of us because it is such a powerful and important symbol. The flag makes us proud and reminds us of what we, our friends and relatives and our forefathers have sacrificed to ensure it will continue to symbolize peace, strength and above all, freedom.

The Supreme Court has ruled that statutes which prohibit flag desecration violate the first amendment protection of freedom of speech and are unconstitutional. Therefore, it has become necessary to amend the Constitution so that Congress and the states may enact legislation protecting the flag. The constitutional amendment before us today provides such power; no more, no less. It states: "The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States." I support this narrowly drawn amendment to allow us to protect the flag, our symbol of all that we are as a people.

The most important part of this debate, and one we won't decide today, is how a future Congress will define two important terms in this amendment. Those terms are "physical desecration" and "flag." This will require careful and thoughtful consideration to make sure we protect both our flag and our right to free speech.

Some would argue that we cannot protect the flag through a constitutional amendment, because to do so would restrict the right to free speech. The first amendment protects a wide variety of expression of ideas and the means by which these ideas are conveyed. For example, the spoken word, a gesture, and picket signs are largely protected by the first amendment. However, the Supreme Court has ruled that first amendment does have reasonable limits. The Supreme Court has ruled that the first amendment does not protect one from yelling "fire" in a crowded movie theater or from provoking a riot. It has also allowed restrictions on when, where and how speech is conveyed in public.

Let me illustrate with a hypothetical situation. Assume that I am the owner of a business on Main Street in town and the mayor decides to close Main Street. I can express my dislike for the mayor's decision by giving a speech against the idea in a public square or by holding a picket sign. However, the town can legally regulate when, where and how I can do these things. In my example above, the town could prevent me from screaming my speech through a megaphone at 2 o'clock in the morning. It could also prevent me from throwing a paint bomb at city hall. But it can-

not prevent me from expressing my dislike of the mayor's decision to close Main Street.

It will be necessary for a future Congress to be thoughtful in defining the term "physical desecration." Obviously, the definition cannot be so narrow that it prevents burning of a soiled or tattered flag. That is considered a respectful means of disposal. However, it should not be so broad as to prevent a flag being present at a protest against a certain government action. Such a prohibition would not involve physical contact with the flag and would not, therefore, involve any changes to the flag.

The definition of "physical desecration" will depend upon how a future Congress defines "flag," which will be just as difficult. What exactly is a flag? I have no problem with the traditional "flag" that is flown on a flag pole in front of a house or city hall or above the Capitol. Similarly, a flag on a stick distributed at a Fourth of July parade seems clearly to be a flag which deserves protection. But what about a flag emblem on a sweater or on a shoe? What about a flag cake or a flag tie on the Fourth of July? Or a video picture of a flag that is transformed into the face of a politician? Is this video emblem a flag capable of desecration?

These are the very detailed and difficult questions which a future Congress must resolve if the amendment is adopted and ratified by the States. I support this amendment because I believe in protecting the flag. However, I also support the amendment because in the process of defining "flag" and "physical desecration," the American public will see just how challenging it is to define what is and what is not protected by the first amendment. This civics lesson will increase our understanding of the freedoms which our flag symbolizes.

The SPEAKER pro tempore (Mr. OXLEY). All time has expired.

Pursuant to House Resolution 173, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BRYANT OF TEXAS

Mr. BRYANT of Texas. Mr. Speaker, as the minority leader's designee, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. BRYANT of Texas. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit with instructions.

The Clerk read as follows:

Mr. BRYANT of Texas moves to recommit the joint resolution, H.J. Res. 79, to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution

when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. The Congress and the States shall have power to prohibit the burning, trampling, soiling, or rending of the flag of the United States.

"SECTION 2. For the purpose of this article of amendment, the Congress shall determine by law what constitutes the flag of the United States, and shall prescribe procedures for the proper disposal of a flag."

□ 1400

The SPEAKER pro tempore (Mr. OXLEY). Pursuant to House Resolution 173, the gentleman from Texas [Mr. BRYANT] and the gentleman from New York [Mr. SOLOMON] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would dearly love to be freed at this moment from any restraints of conscience so that I could simply content myself with a sincere speech about my love of this country and this flag and then go on my way because life would certainly be more simple for me and for many others who have spoken here today if we did that, but the fact of the matter is, if we love this country, if we truly want to be patriots who bear responsibility for the future of our people, and, after all, they are this country, we have the obligation to legislate for the long run in a way that is workable and in a way that protects them from accidentally getting in trouble and in a way that protects the things that we hold dear insofar as possible.

The fact of the matter is that in haste to bring this bill to the floor in time to precede the July Fourth recess the bill that has been brought to us today is one that I think bore a great deal more study and a great deal more consideration than it received. Why is that? Because either inadvertently or perhaps on purpose the way this current provision is written, Mr. Speaker, it allows 52 different definitions of what the flag is and 52 different definitions of what desecration of the flag is.

Well, I submit to my colleagues that the polls that I have heard the gentleman from New York [Mr. SOLOMON] make reference to during this debate, that the American people are for a prohibition on burning the flag, certainly would not be the same if they knew it was going to be 50 different laws and 50 different definitions of the flag; 52 that is. Surely, if there is anything that is within the province and responsibility of this Congress, it is defining what is an American flag. That should not be subject to 52 different definitions, and surely if we are going to deal with this problem in a way that goes as far as possible to avoid limiting freedom of speech and to avoid accidental prosecutions and accidental crossing of the