

desecration find it abominable, and I think this is an excellent measure to protect a banner that we all hold dear to our hearts throughout our Nation.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. PAUL].

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

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding me this time. I am in support of this rule. I can think of a better rule. I would have liked the rule to be more open. I had a substitute for the particular amendment that we are proposing to the Constitution, but that will not be permissible. However, I will vote for the rule.

I have to compliment the authors of this legislation, recognizing that this cannot be done with legislation, that we have to alter the Constitution, because if one writes legislation, obviously it would not be constitutional. So therefore, I think the authors of the proposal should be complimented.

Also, they deserve some credit for courage, because it is my understanding that this will be the first time that we will alter the Bill of Rights, and in doing so, I think we should do this with a great deal of thoughtfulness.

The courts, as we know, have quite frequently limited our freedom of speech. This is why we have the Istook amendment. The courts have ruled out voluntary prayer in schools, so we are trying to compensate for that with the Istook amendment, and I am a supporter of that, but this amendment is quite different. Instead of expanding the right of free expression, this is curtailing the right of free expression and for that reason I will be opposing the legislation.

We have no flag crisis, and I am quite concerned that once this has passed into the Constitution, it might incite more flag burnings and more flag desecration. Actually, under the Constitution, a more permissible way and more proper way of dealing with the problems that the courts have presented us, is for we as a Congress to withhold the jurisdiction from the courts, and then allow the States to write the legislation that was ruled unconstitutional.

As a matter of fact, even this amendment, as proposed, we could change two words and make it an acceptable amendment to those of us who interpret the Constitution in a strict manner. All we would have to do is the States could write the laws instead of Congress. The first amendment starts out and says the Congress will write no laws, the Congress will make no laws restricting freedom of expression. But here, the last time this amendment came up, they included the States, it said the Congress and the States could write the regulations and the rules, but now it says only the Congress.

I thought we were for less government. I thought we were for less centralization, less police forces up here. I am quite sure that this will become the

job of the BATF. I guess we will have a BATEFF next, because they will have to police the flag abuse.

There are a lot of reasons why we should oppose this. One is that it is not only a freedom of speech issue, it is also a property rights issue. Withholding and restricting flag burning of other people's flags and Government-owned flags and on Government property, that certainly is legitimate. But freedom of speech and freedom of expression depends on property. We do not have freedom of expression of our religion in other people's churches; it is honored and respected because we respect the ownership of the property. The property conveys the right of free expression, as a newspaper would or a radio station. But once we deal with the property, no matter how noble the gesture, I think that we have to be very, very cautious in this manner.

The original intent of the Founding Fathers in writing the Constitution was never that we would be so involved in writing regulations and legislation of free expression in an attack on private property ownership, and then again, it really defies the ninth and tenth Amendments. We would be much better off taking the part of the Constitution that allows us to remove the jurisdiction from the courts and, thus, then permitting the States to write the laws as they see fit.

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

Let me say before recognizing the next speaker that certainly this Member of Congress would stand and defend any American citizen's right to freedom of speech. I do not consider burning the American flag an expression of speech. I think it is a hateful tantrum.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS], a very distinguished Member.

Mr. STEARNS. Mr. Speaker, I thank the gentleman for yielding. It is probably appropriate that I come to speak after my colleague on this side of the aisle spoke. He talks about amending the Bill of Rights, and that is not what we are doing here. He talks about protecting the first amendment. Let me point out to him that freedom of speech is not absolute. He might believe that freedom of speech is absolute, but it is not, it has never been. That is why we have on the books obscenity laws.

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We have on the books public decency laws. So when he talks about the freedom of speech being absolute, I do not agree with him. I would also like to say to him and to others that express his opinion, we have in this country 49 States, 11 more than the 38 needed for ratification, that have called on Congress to submit a constitutional amendment protecting the American flag against physical desecration. We would be clearly lacking in our representation of the American people if we in this body deny it. So those Mem-

bers of Congress that come from those 49 States where they have asked for ratification, it is on their conscience if they vote against this.

Mr. Speaker, when I think about this issue I am reminded of Theodore Roosevelt when he once said, "There is no room in this country for hyphenated Americanism." I feel that desecration of this flag is a dishonor to over 1 million men and women who have died defending this country.

Our military personnel protect our country's unity, freedom, and value symbolized by the American flag. Mr. Speaker, burning the flag is not a method of speech or expression. It is a measure, a clear measure of hatred for our country. Our flag represents America's past, its present, its struggle and, of course, its promise for a great future.

As an American, I cannot accept the Supreme Court's decision which allows the American flag to be set on fire, spit upon, trampled as a form of political expression protected by the Constitution. That is where the problem many of us have is, where the Supreme Court is allowing people to set it on fire, to spit upon it, and trample it as political expression.

For more than two centuries Old Glory has exemplified the ideals our Nation was founded upon, including its constitutional rights. I remain an ardent supporter of the first amendment; however, I feel strongly that this freedom should not be an excuse for the scornful action of flag desecration. Burning the flag is not simply an expression of personal opinion. Mr. Speaker, it is an act of violence, an act of violence against a national symbol which represents the intangible spirit of liberty.

Again, I say to my colleagues, the freedom of speech is not absolute. The need for a flag protection amendment is a commonsense issue that resonates throughout this country. A vote for this amendment will put a stop to the erosion of decency and mutual respect facing our Nation. Americans do not see it as a partisan or an ideology issue, and neither should we.

Mr. Speaker, I would conclude by pointing out and reminding my colleagues if 49 States, 11 more than needed in the 38 for ratification, have called upon Congress to submit a congressional amendment protecting the American flag against physical desecration, why do not we?

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS], the ranking minority member.

Mr. CONYERS. I thank the gentleman from Massachusetts for yielding time to me, Mr. Speaker.

Mr. Speaker, I would point out to the gentleman from Florida about five Supreme Court cases that prove that the statement that the gentleman uttered about action being equated with speech is not correct. Would that impress the gentleman at all?