

repressive government that censored the press and silenced those who would speak out to criticize it. They wanted to make certain no such government would arise in their new land of freedom. The first amendment, as with all ten amendments, was a specific limitation on the power of government.

Throughout the 210-year history of the Constitution, not one word of the Bill of Rights has ever been altered. But the sponsors of this amendment today, for the first time in our Nation's history, would cut back on the first amendment's guarantee of freedom of expression. I submit that only the most dangerous of acts to the existence of our Nation could possibly be of sufficient importance to require us to qualify the principle of free speech which lies at the bedrock of our free society.

The dangerous act that threatens America, they claim, is the desecration of the flag in protest or criticism of our Government. Now, Mr. Speaker, desecration of the flag is abhorrent to me, as to anyone else. It is offensive in the extreme to all Americans. But it is hardly an act that threatens our existence as a nation.

Such an act, Mr. Speaker, is in fact exactly the kind of expression our Founders intended to protect. They themselves had torn down the British flag in protest. Our founders' greatest fear was of a central government so powerful that such individual protests and criticisms could be silenced.

No, Mr. Speaker, we are not threatened as a nation by the desecration of our flag; rather, our tolerance of this act reaffirms our commitment to free speech and to the supremacy of individual expression over governmental power, which is the essence of our history and the very essence of this country.

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

Mr. STEARNS. Mr. Speaker I thank the gentleman for yielding me this time, and I just wish to acknowledge the ongoing debate here between myself and the gentleman from Michigan.

I would say to the gentleman that I think he is correct in the sense that the Supreme Court did not agree with the O'Brien case. They did not agree in this case, but we in Congress are now saying they should have agreed.

The O'Brien case, *United States versus O'Brien*, was in 1968. Obviously, the gentleman and I both realize that men and women who are on the Supreme Court make different decisions in different periods of the American history; because we can go back and look at some of the decisions they made at the turn of the century, back in the 19th century, and today the gentleman and I would not agree. We would have unanimous opinion that we do not agree with those Supreme Court decisions.

Likewise, I am sure, another 100 years from now, God bless this wonderful country still remains intact and we

are all working for democracy, we will not agree. But in this case Congress has the final say-so. So all we are saying in this legislative debate today is what they said in 1968 was relevant and we think they should abide by it.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. PAUL].

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

I want to point out that the word "desecrate" is a very important word. We have talked about it all day but have not yet defined it. It means to deconsecrate. What I want to know is when we have consecrated the flag.

We are holding the flag in the highest of esteem, and yet liberty is really what should be on the pinnacle. Liberty and the Constitution. When we undermine the Constitution and the Bill of Rights, we undermine liberty and then we diminish the value of the flag.

But to deconsecrate something means that the flag was consecrated. I want to read what that means. It means "To make, declare or set apart as sacred," or, such as a church, "To set apart for the worship of a deity. To change the elements of bread and wine into the body and blood of Christ." Who and when did we raise this flag to this level? Have we deified the state to this extent?

We very often complain about the state taking over parental rights, and here we are now saying that to do anything to the flag is a desecration, which means that we have consecrated the flag. To desecrate means to abuse the sacredness of the subject of sacrilege; that we cannot commit blasphemy.

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Mr. LIPINSKI. Mr. Speaker, I yield myself my two remaining minutes.

Mr. Speaker, I would like to make some observations here. No. 1, House Joint Resolution 54 is the following: "The Congress shall have the power to prohibit the physical desecration of the flag of the United States." That means that when we pass this and the Senate passes it, we will have the ability to make a law to prohibit the physical desecration of the flag.

I have heard a considerable amount of tyranny of the majority on this floor today. Yet in order to have this pass, we here in the House of Representatives, one of the two most democratic bodies in the entire world, have to produce 290 votes. The U.S. Senate has to produce 67 out of 100 votes. Then three-fourths of the States of the United States of America have to approve this.

After all that is done, then we have the ability to write a law to protect the physical desecration of the flag. That seems to me to be the most democratic way we could possibly go about this. It cannot be tyranny of the majority when we have that many concerned, democratic individuals involved.

On top of that, it seems to me that most of the arguments that we have heard today against this resolution have really been arguments against a law that would prohibit the physical desecration of the flag. That law has not been written. It will only be written after a long, concerted effort to pass this resolution.

Once again, I say to my colleagues, support the flag, pass House Joint Resolution 54.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mrs. EMERSON].

Mrs. EMERSON. Mr. Speaker, I rise in strong support of House Joint Resolution 54, the Flag Protection Constitutional Amendment. I am proud to be an original cosponsor of this amendment to provide Old Glory with the complete and unqualified protection of the law.

Our flag is an enduring symbol of America's great tradition of liberty and democratic government. Missouri's own Harry Truman hailed the special importance of Old Glory when he signed the Act of Congress which established June 14 of each year as National Flag Day.

With Flag Day just 2 days from now, it is altogether fitting and appropriate for the House to pass the constitutional amendment to outlaw its desecration. Countless brave Americans have followed our flag into battle. More than 1 million have died in its defense. These men and women, our soldiers and veterans, stood in harm's way to defend the flag and the principles which it represents. Please let us not diminish their sacrifices and their courage by looking the other way at the desecration of America's proudest symbol.

Mr. Speaker, I urge a strong "yes" vote on the flag protection amendment.

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

Mr. Speaker, and Members of the House, there are two clear schools of thought that have emerged in the annual debate over flag burning. The first school of thought is that we can compel patriotism. The second school of thought is that we cannot compel patriotism. And so, we have heard, I think, a better debate than I participated in in earlier years; and I commend the Members of the Congress on all sides for a debate that I think will be studied and examined by those who will come after us and the American people as well.

Because at the same time that we are reminding the Chinese Government of their need to safeguard the civil liberties in emerging Hong Kong, we find ourselves on the verge of modifying our own Bill of Rights to limit freedom of expression in these United States, to limit freedom of expression. By adopting a constitutional amendment that would then allow Congress to prohibit flag desecration, we would be joining the ranks with countries like China,