

piece of red metal on a street corner is a sign. The flag is a symbol. Vandalizing a No Parking sign is a misdemeanor, but burning the flag is a hate crime, because burning the flag is an expression of contempt for the moral unity of the American people that the flag symbolically makes present to us every day.

Why do we need this amendment now? Is there a rash of flag burning going on? Certainly not. But we live in a time of growing disunity. Our society is pulled apart by the powerful centrifugal force of racism, ethnicity, language, culture, gender, and religion. Diversity can be a source of strength, but disunity can be a source of peril. If you stop and think, the world is torn by religious and ethnic divisions that make war and killing and death and terror the norm in so many countries: Ireland, the Middle East, the Balkans, Rwanda. Look around the globe and see what hate can do to drive fellow human beings apart.

This legislation makes a statement that needs to be made, that our flag is the transcendent symbol of all that America stands for and aspires to be and hence deserves special protection of the law.

We Americans share a moral unity expressed so profoundly in our country's birth certificate, the Declaration of Independence. "We hold these truths to be self-evident," Jefferson wrote. The truth that all are equal before the law. We share that, across race, gender, religion. The truth that the right to life and liberty is inalienable and inviolable. The truth that government is intended to facilitate and not impede the people's pursuit of happiness.

Adherence to these truths is the foundation of civil society, of democratic culture in America.

And what is the symbol of our moral unity amidst our racial, ethnic, and religious diversity? Old Glory, the stars and stripes.

In seeking to provide constitutional protection for the flag, we are seeking to protect the moral unity that makes American democracy possible. We have spent the better part of the last 30 years telling each other, shouting to each other, all the things that divide us. It is time to start talking about the things that unite us, that make us all, together, Americans. The flag is the embodiment of the unity of the American people, a unity built on those "self-evident" truths on which the American experiment rests, the truths which are our Nation's claim to be a just society.

Let us take a step toward national reconciliation, and toward constitutional sanity, by adopting this amendment. The flag is our connection to the past and proclaims our hopes and aspirations for the future.

Too many Americans have marched behind it, too many have come home in a box covered by the flag, too many parents and widows have clutched the flag to their hearts as the last remem-

brance of their beloved to treat that flag with anything less than reverence and respect.

One hundred eighty-seven years ago during the British bombardment of Baltimore, Francis Scott Key looked toward Fort McHenry in the early dawn and asked his famous question. To his joy he saw our flag was still there. And how surprised he would be to learn our flag is even planted on the Moon.

But, most especially, it is planted in the hearts of every loyal American. Four Supreme Court justices agreed with us. A ton of professors agree with us. This is not a settled issue. Five to four Supreme Court justices come down on the side of the flag.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. PAUL).

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

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

Mr. Speaker, I do not think what we are doing here today is a contest between who is the most patriotic. I do not think that is it at all. Nobody here in the debate is unpatriotic. But I think the debate is possibly defining patriotism.

But I am concerned that we are going to do something here today that Castro did in Cuba for 40 years. There is a prohibition against flag burning in Cuba. And one of the very first things that Red China did when it took over Hong Kong was to pass an amendment similar to this, to make sure there is no desecration of the Red Chinese flag. That is some of the company that we are keeping if we pass this amendment.

A gentleman earlier on said that he fears more of what is happening from within our country than from without. I agree with that. But I also come down on the side that is saying that the threat of this amendment is a threat to me and, therefore, we should not be so anxious to do this. I do not think you can force patriotism.

I also agree with the former speaker who talked about responsibility. I agree it is about responsibility. But it also has something to do with rights. You cannot reject rights and say it is all responsibility and therefore we have to write another law. Responsibility implies a voluntary approach. You cannot achieve patriotism by authoritarianism, and that is what we are talking about here.

I think we all agree with respect to the flag and respect for our country. It is all in how we intend to do this. And also this idea about veterans, because you are a veteran that you have more wisdom. I do not think so. I am a veteran, but I disagree with other veterans. Keith Krueger, who was a past national commander of the American Legion had this to say:

"Our Nation was not founded on devotion to symbolic idols, but on principles, beliefs, and ideals expressed in

the Constitution and its Bill of Rights. American veterans who have protected our banner in battle have not done so to protect a 'golden calf.' A patriot cannot be created by legislation."

He was the national commander of the American Legion. So I am not less patriotic because I take this different position.

Another Member earlier mentioned that this could possibly be a property rights issue. I think it has something to do with the first amendment and freedom of expression. That certainly is important, but I think property rights are very important here. If you have your own flag and what you do with it, there should be some recognition of that. But the retort to that is, oh, no, the flag belongs to the country. The flag belongs to everybody. Not really. If you say that, you are a collectivist. That means you believe everybody owns everything. Who would manufacture the flags? Who would buy the flags? Who would take care of them? So there is an ownership. If the Federal Government owns a flag and you are on Federal property, even, without this amendment, you do not have the right to go and burn that flag. If you are causing civil disturbances, that is handled another way. But this whole idea that there could be a collective ownership of the flag, I think, is erroneous.

The first amendment, we must remember, is not there to protect non-controversial speech. It is to do exactly the opposite. So, therefore, if you are looking for controversy protection it is found in the first amendment. But let me just look at the words of the amendment. Congress, more power to the Congress. Congress will get power, not the States. That is the opposite of everything we believe in or at least profess to believe in on this side of the aisle.

To prohibit. How do you prohibit something? You would need an army on every street corner in the country. You cannot possibly prevent flag burning. You can punish it but you cannot prohibit it. That word needs to be changed eventually if you ever think you are going to get this amendment passed.

Physical desecration. Physical, what does it mean? If one sits on it? Do you arrest them and put them in jail? Desecration is a word that was used for religious symbols. In other words, you are either going to lower the religious symbols to the state or you are going to uphold the state symbol to that of religion. So, therefore, the whole word of desecration is a word that was taken from religious symbols, not state symbols. Maybe it harks back to the time when the state and the church was one and the same.

I urge a "no" vote on this amendment.

Mr. Speaker, loyalty and conviction are admirable traits, but when misplaced both can lead to serious problems.

More than a decade ago, an obnoxious man in Dallas decided to perform an ugly act: the

desecration of an American flag in public. His action violated a little-known state law prohibiting desecration of the flag. He was tried in state court and found guilty.

As always seems to be the case, though, the federal government intervened. After winding through the federal system, the Supreme Court—in direct contradiction to the Constitution's 10th Amendment—finally ruled against the state law.

Since then Congress has twice tried to overturn more than 213 years of history and legal tradition by making flag desecration a federal crime. Just as surely as the Court was wrong in its disregard for the Tenth Amendment by improperly assigning the restrictions of the First Amendment to the states, so are attempts to federally restrict the odious (and very rare) practice of Americans desecrating the flag.

After all, the First Amendment clearly states that it is Congress that may “make no laws” and is prohibited from “abridging” the freedom of speech and expression. While some may not like it, under our Constitution state governments are free to restrict speech, expression, the press and even religious activities. The states are restrained, in our federal system, by their own constitutions and electorate.

This system has served us well for more than two centuries. After all, our founding fathers correctly recognized that the federal government should be severely limited, and especially in matters of expression. They revolted against a government that prevented them from voicing their politically unpopular views regarding taxation, liberty and property rights. As a result, the founders wanted to ensure that a future monolithic federal government would not exist, and that no federal government of the United States would ever be able to restrict what government officials might find obnoxious, unpopular or unpatriotic. After all, the great patriots of our nation—George Washington, Thomas Jefferson, Patrick Henry, and Benjamin Franklin—were all considered disloyal pests by the British government.

Too often in this debate, the issue of patriotism is misplaced. This is well addressed by Keith Krueger, an Army veteran and a past national commander of the American Legion. He has said that, “Our nation was not founded on devotion to symbolic idols, but on principles, beliefs and ideals expressed in the constitution and its Bill of Rights. American veterans who have protected our banner in battle have not done so to protect a ‘golden calf.’ . . . A patriot cannot be created by legislation.”

Our nation would be far better served that if instead of loyalty to an object—what Mr. Krueger calls the “golden calf”—we had more Members of Congress who were loyal to the Constitution and principles of liberty. If more people demonstrated a strong conviction to the Tenth Amendment, rather than creating even more federal powers, this issue would be far better handled.

For more than two centuries, it was the states that correctly handled the issue of flag desecration in a manner consistent with the principle of federalism. When the federal courts improperly intervened, many people understandably sought a solution to a very emotional issue. But the proposed solution to enlarge the federal government and tread down the path of restricting unpopular political expression, is incorrect, and even frightening.

The correct solution is to reassert the 10th Amendment. The states should be unshackled from unconstitutional federal restrictions.

As a proud Air Force veteran, my stomach turns when I think of those who defile our flag. But I grow even more nauseous, though, at the thought of those who would defile our precious constitutional traditions and liberties.

Loyalty to individual liberty, combined with a conviction to uphold the Constitution, is the best of what our flag can represent.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. I thank the gentleman for yielding me this time.

Mr. Speaker, after surviving the bloodiest battlefield since Gettysburg, a brave platoon of Marines trudged up Mount Suribachi on Sulfur Island with a simple task, to raise the flag above the devastation below. When the flag was raised by Sergeant Mike Strank and his platoon, history records that a thunderous cheer rose from our troops on land and on sea, in foxholes and on stretchers. Hope returned to that field of battle when the American flag began flapping in the wind.

It is written that without a vision, the people perish. The flag, Mr. Speaker, was the vision that inspired and rallied our troops at Iwo Jima. The flag is still the vision for all Americans who still cherish those who stood ready to make the necessary sacrifices.

Mr. Speaker, by adopting this flag protection amendment, we will raise Old Glory yet again. We will raise her above the decisions of a judiciary wrong on both the law and the history. And in some small way, we will raise the flag above the cynicism of our times, saying to my generation of Americans those most unwelcome of words, “There are limits.” To say to my generation of Americans, out of respect for all those who serve beneath it and some who died within the sight of it, that there are boundaries necessary to the survival of freedom.

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C.S. Lewis said, “We laugh at honor, and we are shocked to find traitors in our midst.” Leave us this day to cease to laugh at honor, to elevate to dishonor of our unique national symbol to some sacred right, and let us pass this amendment to restore Old Glory the modest protections of the law that those who venerate her so richly deserve.

Vote yes to the resolution and raise the American flag to her Old Glory again.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON) who, previous to her congressional experience, worked in the field of labor with my late father.

Ms. CARSON of Indiana. Mr. Speaker, I certainly thank the honorable gentleman from Michigan (Mr. CON-

YERS) for yielding me time. I did have the benefit of working for his father as an international representative when John was still running around trying to find out whether or not he was going to Congress. So it is a pleasure to come, Mr. Speaker, to the floor and benefit from all of this historic and intellectual dialogue that preceded me.

I come here today to exercise a constitutional right granted to me as a citizen of the United States, and that is freedom of speech. I have a great deal of reverence for the United States flag. I wave it at my residence every opportunity, and am very saddened by those flags that are often lowered over capitols and buildings in commemoration of some fallen hero, if you will.

My adoration and respect, however, does not exceed my commitment to the integrity of the first amendment of the United States Constitution. Many of us learned in our educational experience of Patrick Henry, who said, “I may not agree with the words that you say, but certainly would defend your right to say it.” As I recall, Patrick Henry was in fact one of the signers of the Constitution.

One of my first and foremost commitments as a Member here is on behalf of our country's veterans. My name, Julia Carson, is derived from a Korean War Marine, 100 percent service-connected veteran, who struggles now to even gain any type of mobility. I am very supportive of veterans and recognize their interests in preserving this flag. My son, Sam Carson, is a former member of the United States Marine Corps.

So, as a ranking member of the Committee on Veterans' Affairs Subcommittee on Oversight and Investigation, I am working hard to address the needs of our veterans, to assure that the fight for freedom does not go unappreciated or uncompensated.

Great Americans such as Vietnam veteran and former Senator Kerry, former head of the Joint Chiefs of Staff and our current Secretary of State, the Honorable Colin Powell, have expressed their opposition to this amendment. These are great men who served this country with distinction.

General Powell has stated, “If they are destroying a flag that belongs to someone else, that is a prosecutable crime. But if it is a flag they own, I really don't want to amend the Constitution to prosecute someone for foolishly desecrating their own property. We should condemn them and pity them instead.”

These men feel that in spite of their own commitment to the integrity of the American flag, they do not want their personal views to infringe on the rights of free speech of other Americans.

Francis Scott Key wrote, and we all recall that tune, “O'er the ramparts we watch'd, were so gallantly streaming. And the rockets' red glare, the bombs bursting in air, gave proof through the night that our flag was still there. O