

the principles of freedom and democracy. These are stories of men and women from all walks of life who put their lives on hold to serve our Nation. Many of those brave Americans never returned home from distant battlefields. The flag reminds us of the sacrifices they made at Gettysburg, San Juan Hill, Iwo Jima, Normandy Beach, Korea, Da Nang, Kuwait, Afghanistan, Iraq and other places where America's men and women in uniform placed honor and duty above self. These Americans had a powerful symbol uniting them—the American flag. The American flag belongs to them as it belongs to all of us.

Critics of the amendment say it interferes with freedom of speech. They are wrong. It does not interfere with freedom of speech. Americans have access to public television; they can write letters to the editor to express their beliefs; they can speak freely at public forums; they can share their views with listeners by calling into radio stations. I meet with constituents everyday in order to best represent their interests in Washington. Americans can stand on the steps of their own City Hall or on the steps of our nation's Capitol to demonstrate their cause. Protecting the American flag from desecration does not deprive any American of the opportunity to speak clearly, openly and freely.

Let us be aware that it is speech, not action, that is protected by the Constitution. Our Founding Fathers protected free speech and freedom of the press because in a democracy, words are used to debate, persuade and to educate. A democracy must protect free and open debate, regardless of how disagreeable some might find the views of others. Prohibiting flag desecration does not undermine that tradition.

In 1989, in the case of *Texas versus Gregory Lee Johnson*, the Supreme Court ruled that a state flag protection statute was unconstitutional. The court was in error. It was not the thoughts or opinions expressed by Mr. Johnson that the Texas law restricted but the manner in which he expressed his thoughts and opinions. Mr. Johnson was free to speak his mind without fear of censorship. That freedom is guaranteed by the First Amendment. But desecrating the flag is not speech; it is action and action is not protected. For example, an individual is free to speak about the need for America to conserve its environment, but the individual would not be free to express those thoughts by destroying oil derricks. There is a difference between action and speech.

The proposed amendment would protect the flag from desecration, not from burning. As a member of the American Legion, I have supervised the disposal of over 7,000 unserviceable flags. But this burning is done with ceremony and respect. This is not flag desecration. More than 70 percent of the American people want the opportunity to vote to protect their flag. Numerous organizations, including the Medal of Honor Recipients for the Flag, the American Legion, the American War Mothers, the American G.I. Forum, and the African American Women's Clergy Association all support this amendment.

All fifty states have passed resolutions calling for constitutional protection for the flag. In the last Congress, the House of Representatives overwhelmingly passed this amendment by a vote of 298 to 125, and will rightfully pass it again this year.

Mr. Speaker, I am proud to be an original cosponsor of H.J. Res. 4 and ask that my colleagues join me in supporting this important resolution that means so much to so many.

Mr. SHUSTER. Mr. Speaker, I rise today to urge my colleagues to support H.J. Res. 10, the "Flag Protection Amendment." Every day we rise with dignity to salute and pledge allegiance to our Nation's flag. We do so because our flag stands for liberty, democracy, and all the sacred ideals that allow us to rise here at all.

The stars-and-stripes are recognized in almost every corner of the globe as an emblem of liberating hope. This great symbol we respect so much has cloaked the bodies of our fallen brave and graced the final moments of our presidents. On American soil, she stands tall before all other flags and is lowered in sorrow only for the greatest of patriots. She waves from our homes and churches and crowns our Nation's greatest houses of freedom, including the one in which we now deliberate.

Our flag is handled with the utmost care by those who have worked hardest to sustain and protect what she stands for, by those who have dedicated their lives to her. Let us never forget their sacrifice and remain diligent in protecting the greatest symbol of democracy and freedom from desecration.

We would never tolerate the desecration of this or any other public building. We would never tolerate the desecration of our Nation's hallowed graves or places of worship. We would never stand idly by if Lady Liberty, the Washington Monument, or the Liberty Bell were ever torn from their pedestals and dragged into the streets. Why then should we leave our Nation's most cherished and recognized symbol vulnerable and unprotected in the very land that had its birth beneath her glorious colors?

I urge my colleagues to ensure that our beloved banner will survive, unscathed, every "twilight's last gleaming." Guarantee that within our borders she will forever wave proudly "o'er the land of the free and the home of the brave." Please join me in voting for H.J. Res. 10, the "Flag Protection Amendment."

Mr. HOLT. Mr. Speaker, I rise today in opposition to this amendment. Just as everyone here today, I view the American flag with a special reverence, and I am deeply offended when people burn or otherwise abuse this precious national symbol.

At the start of the town hall meeting I host in my district, I always try take a few moments to lead those in attendance in the pledge of allegiance. I think this is an important and valuable portion of my town hall meetings when I can express my support for and share my deep respect of both our flag and our system of government—which our flag represents.

What makes America a great and free society, is our system of government and our Constitution. Our Constitution is the document that provides the basis for our great country. It is our Nation's operating manual. For over two centuries, the Constitution—the greatest invention of humans—has allowed our diverse people to live together, to balance our various interests, and to thrive. It has provided each citizen with broad, basic rights.

The Constitution doesn't fly majestically in front of government buildings. We do not pledge allegiance to it each day. Yet, it is the source of our freedom. It tells us that we are

free to assemble peacefully. We are free to petition our government; we are free to worship without interference; free from unlawful search and seizure; and free to choose our leaders. It secures the right and means of voting. It is these freedoms that define what it is to be an American.

As a Member of Congress, I took an oath of office in which I swore ". . . that I will support and defend the Constitution of the United States." In fact, new citizens to our great nation make a similar pledge when they are sworn in as U.S. citizens. It is important to note that I am entrusted with the obligation to defend the Constitution, not the symbols, of our Nation. The Founders knew that it is our system of government that is essential to who we are as a people and what we stand for. While I deeply value the flag as a symbol of our Nation, what we need to ensure is that we protect the values and ideals of our country as contained within the Constitution.

In its more than 200 years, the Constitution has been amended only 27 times. With the exception of the Eighteenth Amendment, which was later repealed, these amendments have reaffirmed and expanded individual freedoms and the specific mechanisms that allow our self-government to function.

This Resolution before us today would not perfect the operation of our self-government. It would not expand our citizen's rights. Proponents of this constitutional amendment argue that we need to respect our flag. I believe that the vast majority of Americans already respect our flag, and I am unaware of a flag burning epidemic in America. To me this Resolution is a solution in search of a problem.

Let me be clear, it is wrong to desecrate or defile an American flag in any way. But making it unconstitutional will not prevent these incidents from occurring. What we should do, as a government and as American citizens, is promote civic values and a greater understanding of our democracy. We should encourage civic education in our schools and communities. People who value and understand the ideals of our country will also understand and value the symbols of our great Nation.

The issue before us is whether our Constitution should be amended so that the Federal Government can prosecute the handful of Americans who show disrespect for the flag. To quote James Madison, is this a "great and extraordinary occasion" justifying the use of a constitutional amendment? The answer is no; this is not such an occasion. I oppose this amendment because I believe that while attempting to preserve the symbol of the freedoms we enjoy in this country, it actually would harm the values and ideals that created of these freedoms.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to oppose this amendment to the Constitution. When Framers Thomas Jefferson penned the Declaration of Independence, he wrote that:

We, therefore, the Representatives of the United States of America, in General Congress, assembled, solemnly publish and declare, that these colonies are . . . free and