

# BOB DOLE



(R - Kansas)

SH 141 Hart Building, Washington, D.C. 20510

FOR IMMEDIATE RELEASE  
March 6, 1990

CONTACT: WALT RIKER  
(202) 224-5358

## FLAG STATUTE FLUNKS CONSTITUTIONALITY TEST AGAIN-- DOLE RENEWS CALL FOR CONSTITUTIONAL PROTECTION FOR OLD GLORY

WASHINGTON -- FOLLOWING A DECISION TODAY BY THE D.C. FEDERAL DISTRICT COURT THAT A FEDERAL STATUTE PROTECTING THE AMERICAN FLAG IS UNCONSTITUTIONAL, SENATE REPUBLICAN LEADER BOB DOLE RENEWED HIS CALL FOR A CONSTITUTIONAL AMENDMENT TO PROTECT OLD GLORY.

THE SCORE IS NOW FLAG-BURNERS "TWO," THE AMERICAN PEOPLE "ZERO."

TWO WEEKS AGO, THE FEDERAL DISTRICT COURT IN SEATTLE RULED THAT THE SO-CALLED FLAG PROTECTION ACT OF 1989 DID NOT WORK AS ADVERTISED -- THAT IT FAILED TO LIVE UP TO ITS MARQUEE BILLING -- THAT IT WAS UNCONSTITUTIONAL. YESTERDAY, THE FEDERAL DISTRICT COURT HERE IN WASHINGTON FOLLOWED SUIT, DECLARING THAT THE FLAG STATUTE COMPLETELY FLUNKS THE CONSTITUTIONALITY TEST.

DURING LAST YEAR'S DEBATE, YOU DIDN'T NEED TO BE A CONSTITUTIONAL SCHOLAR TO REALIZE THAT THE FLAG STATUTE RUNS SMACK INTO THE TEXAS VERSUS JOHNSON DECISION. I SAID IT. SENATOR GRASSLEY SAID IT. SENATOR HATCH SAID IT.

AND YOU DON'T NEED TO BE A SUPREME COURT EXPERT TO REALIZE THAT THE FLAG STATUTE'S DAYS ARE NUMBERED -- THAT IT'S LIFESPAN BEFORE THE SUPREME COURT WILL BE SHORTER THAN THAT OF A FRUITFLY IN A LABORATORY PETRI DISH.

LAST YEAR, I COULDN'T UNDERSTAND WHY CONGRESS WAS SO DEFENSIVE ABOUT A CONSTITUTIONAL AMENDMENT TO PROTECT OLD GLORY. I COULDN'T UNDERSTAND WHY CONGRESS WAS SO STUBBORN ABOUT CONFORMING TO A SUPREME COURT DECISION ABOUT WHICH 97 SENATORS -- 97 SENATORS -- EXPRESSED "PROFOUND DISAPPOINTMENT." AND I COULDN'T UNDERSTAND WHY CONGRESS WAS SO EAGER TO PASS A BILL THAT IS PATENTLY OVERBROAD AND NOW -- ACCORDING TO TWO DISTRICT COURTS -- MOST DEFINITELY UNCONSTITUTIONAL.

BUT CONGRESS INSISTED UPON STAGING AN ELABORATE MAGIC SHOW. IT INSISTED UPON WAVING A MAGIC WAND OVER THE FLAG DESECRATION PROBLEM BY CRAFTING A STATUTE THAT STRIVED TO BE SOMETHING CALLED "CONTENT-NEUTRAL" -- WHATEVER THAT MEANS.

I'LL MAKE NO BONES ABOUT IT: I DON'T WANT A "CONTENT-NEUTRAL" FLAG DESECRATION STATUTE. I WANT A STATUTE THAT PROTECTS THE CHERISHED VALUES THAT THE FLAG SYMBOLIZES, NOT A STATUTE THAT VIEWS THE FLAG AS IF IT WERE SOME LIFELESS ROCK. I WANT A STATUTE THAT PUNISHES PEOPLE WHO "PUBLICLY CAST CONTEMPT" UPON THE FLAG, NOT A STATUTE THAT LUMPS THE INNOCENT WITH THE LIKES OF GREGORY JOHNSON. AND, MOST IMPORTANTLY, I WANT A FLAG DESECRATION STATUTE THAT WORKS -- ONE THAT IS CONSTITUTIONAL.

SO, IT WILL BE NO SURPRISE WHEN I SAY THAT THE WAY TO PROTECT OUR FLAG IS NOT WITH A HOCUS-POCUS STATUTE. THE WAY TO PROTECT OUR FLAG IS WITH AN AFFIRMATIVE STEP -- A CONSTITUTIONAL AMENDMENT.

THAT IS WHY I ARGUED FOR A CONSTITUTIONAL AMENDMENT LAST YEAR. AND THAT IS WHY I STAND READY TO RE-INTRODUCE THE AMENDMENT ONCE THE SUPREME COURT FINALLY PASSES JUDGMENT ON THE FLAG STATUTE.

IT'S TIME THAT WE STOPPED LISTENING TO THE LAWYERS AND THE SELF-PROCLAIMED CONSTITUTIONAL LAW EXPERTS, AND STARTED LISTENING TO THE AMERICAN PEOPLE.

LAST YEAR, THE OVERWHELMING MAJORITY OF AMERICANS URGED CONGRESS TO PASS THE 27TH AMENDMENT TO THE CONSTITUTION, AND CONGRESS TURNED A DEAF EAR.

BUT THE VOICE OF THE AMERICAN PEOPLE REMAINS LOUD AND CLEAR TODAY. AND, I CAN ASSURE YOU, THAT NEXT TIME, THIS VOICE WILL BE HEARD.

###