



## EDITORIALS

### Old Glory

**Editor's Note:** The following article is a statement by Senator Robert J. Dole concerning the constitutional protection of the flag of the United States. Senator Dole, the Republican minority leader of the Senate, is the leader of flag amendment protection legislation. He was born and reared in Russell.

"Last Thursday evening the House of Representatives defeated a constitutional amendment to protect the American Flag from desecration. As the votes came in, as members watched closely to see which way it was going, as the opponents of the flag protection amendment finally got enough votes to kill the amendment, there was a great cheer in the House Chamber; members smiled, shook hands, laughed — probably some high fives, too. They had won a big, big victory.

#### The Pain of Flag Desecration

"Meanwhile, a Wisconsin couple spent the day in agony. They had been the latest victims of the flag burners. There wasn't any celebration in Fond Du Lac that day. George and Beverly Rhoades were in mourning again.

"You see, the desecrators had stolen a flag from the Rhoades' front yard where the family had proudly erected a homemade memorial to their son Louis, an 18-year-old Army medic who was killed in combat in Vietnam 22 years ago.

"The desecrators didn't just steal the flag. They burned it. The charred remains were eventually found near some restaurants. It's the third flag the desecrators have stolen since November.

"We've heard a lot of rhetoric these past weeks about the flag. About the Bill of Rights. And free speech and the first amendment. Now let's hear from Mrs. Rhoades:

"My son died for that flag, and I think I would, too," she said. I'm pretty disgusted."

"If our old presidents like Washington and Lincoln were here, I think they would be pretty disgusted by the way our country is being run," Mrs. Rhoades said.

"Flag burning isn't about free speech. It's about malicious conduct; conduct that hurts. The kind of hurt the Rhoades family is trying to cope with right now.

"It is the same kind of hurt millions and millions of Americans feel when they see Old Glory mutilated, spat upon, trampled and torched.

#### Words From the Heartland of America

"Last week, services were held in Sacramento, Calif., for police officer James McKnight, who was gunned down in the line of duty. His 10-year-old son Kevin proudly accepted the folded American flag that once draped his father's casket. Now, Kevin's flag may never be burned or mutilated, but one can only imagine the kind of pain that young man will probably feel for the rest of his life whenever he sees a flag go up in smoke. The same pain George and Beverly Rhoades are feeling right now.

"Mrs. Rhoades doesn't know who desecrated her son's memorial. But she is absolutely determined to see this nation enact a flag protection amendment.

"We'll keep fighting," she said. "There's no patriotism in our country anymore for our young children to look up to."

"Meanwhile in the Heartland of America, some folks just can't understand what Congress is up to; they can't comprehend why Congress is standing in their way; why Congress refuses to let the American people defend their flag. We've heard from the academics, the lawyers and the cynics. But let's hear from Mr. and Mrs. Henry Winter of Burdett, Kan. In a letter written on Flag Day, the Winters see in Old Glory what the self-proclaimed constitutional experts will never see:

"We are proud Americans and we flew our flag today. It blew freely in the western Kansas wind. It flew to remind passers-by on this country road what it means to live in this country, going about our work, proud to be living free — thanking all who gave of their lives that we might do so. And then we have this supreme court ruling. We just get a little riled up."

"America is plenty 'riled up.'"

#### The Five Misconceptions

"And a lot of us are 'riled up' about some of the misinformation our

opponents are spreading. As I see it, there are five major misconceptions about the constitutional amendment and about those of us who support it:

"**Misconception One:** We are amending the Bill of Rights for the first time in history.

"**False:** That is a hoax. The simple truth is, the flag amendment changes nothing in the Bill of Rights. The American people know that the first amendment — an amendment which states that 'Congress shall make no law abridging the freedom of speech' — was never intended to protect the act of flag burning. That's why 48 states have passed flag desecration statutes.

"I have reviewed a statement made by the distinguished senator from Massachusetts, Senator Kennedy, during last week's Judiciary Committee Hearing.

"The distinguished senator said that 'Flag burning is a despicable act.' On this point, Senator Kennedy is absolutely right! Flag burning is an act — not speech. It is conduct — malicious conduct, not speech.

"Listen to Justice Hugo Black, one of the nation's most zealous defenders of the first amendment, who wrote: 'It passes my belief that anything in the Federal Constitution bars a state from making the deliberate burning of the flag an offense.'

"Listen to former Chief Justice Earl Warren, no Reagan court appointee, who said that 'I believe that the states and the federal government have the power to protect the flag from acts of desecration and disgrace.'

"Listen to Justice Abe Fortas, appointed to the court by President Lyndon Johnson, who said: 'The states and the federal government have the power to protect the flag from acts of desecration in public.'

"So it's not just The American Legion. It's not just the Veterans of Foreign Wars. It's not just the Rhoades family of Wisconsin. It's not just the Winters of Burdett, Kan. It's not just the Non-Commissioned Officers of America — who believe that flag desecration has nothing to do with the first amendment of freedom of speech.

"**Misconception Two:** Congress should decide the flag burning issue.

"**False:** The people should decide. That is what the founding fathers wanted. And that is why they made the process to change the Constitution so challenging. Unfortunately, the people may never get the chance to amend their Constitution to protect their flag: Congress always knows best.

"Try selling that one to the men and women of Douglass, Kan. Last week their city council — fed up with Congress' flag filibuster — voted unanimously to make flag burning illegal.

"Mayor Ron Howard spoke for America when he said: 'Down here, we believe in the flag. I'm no lawyer, but it's come to the point that we've got to do whatever we can to protect the flag and later see if it flies. I just got frustrated with Congress and the Supreme Court.'

"It's pretty clear to me it is time to listen to the people for a change.

"**Misconception Three:** Supporters of the constitutional amendment are demagogues.

"**False:** I must say it is a little surprising to hear on the floor of the Senate that we somehow have to 'apologize' for a debate about protecting the American flag from desecration.

"I always thought the flag was something special. I always thought we had a right to stand up for the flag without being accused of being a 'demagogue' by some liberal editorial writer or political opportunist.

"In my view, about all we've heard from our opponents is a frenzy about their own campaigns and re-election prospects; about campaign commercials and the terror of facing the people out on the campaign trail. I thought we were debating the constitutional merits of a flag amendment. All this nervous campaign chatter is unworthy of this debate.

"**Misconception Four:** The House 'overwhelmingly rejected' the flag amendment.

"**False:** The truth is, a majority of House members voted for the flag amendment. Let me repeat that fact: A majority of House members support the constitutional amendment to protect the flag. Two hundred fifty-four members voted for it, or 58 percent of the House.

"Let's face it, if you were elected by a 58 percent majority, you'd be touting it as a 'landslide.'

"**Misconception Five:** This is perhaps the most offensive attack by the opposition. If protecting the flag doesn't deserve priority treatment in the halls of Congress, then we don't stand for much around here.

"Let's talk about wasting time for a minute. Let's talk about the Hatch Act. Let's talk about being forced to deal with that blatantly political package for seven days. But look at today's Washington Post. A new poll of federal workers shows that they are 'indifferent' about the Hatch Act — that 27 percent of the federal workforce don't want to engage in political activity and another 41 percent don't care! Yet we were told this was one of those issues of the decade.

"We spent two days debating a federal flag statute that everyone knew was dead, dead, dead. We spent 21 days this year on the Clean Air Act. Don't get me wrong, that is a priority — a landmark. But doesn't the American flag deserve the same kind of respect?

"And then look at the calendar. Look at all the legislation waiting to come to the floor. We have 150 proclamations on deck, and 81 commemorative or memorial resolutions. We have 'World Aids Day,' 'National Tap Dance Day,' and the 'Decade of the Brain,' awaiting final action. Now these are well-meaning efforts, and I don't mean to trivialize them. But do they have any more priority — any more legitimacy — than the American flag?

"I don't think so. And neither do George and Beverly Rhoades of Fond Du Lac, Wis.; nor Mr. and Mrs. Winter of Burdett, Kan. Nor do the people of Poland, Denmark and Switzerland, where the American flag receives more

protection that it does now here on American soil.

#### Of What Are the Opponents Afraid?

"So what are our opponents afraid of? Apparently, it is the American people. The last thing the anti-flag amendment crowd wants is a confrontation with the American people.

"The last time I looked, the American flag had 50 stars on it; 50 stars for 50 states; 50 stars for 50 state legislatures; 50 stars for 50 states of real people who will be cut out of Old Glory if the Congress continues its stubborn and arrogant filibuster. The Constitution says, 'We the people,' not 'We the Congress.'

#### We'll Keep Fighting

"In its arrogance, Congress has ignored the words of our great chief justice, John Marshall, who pointed out years ago what should be obvious to us today: 'The people made the Constitution, and the people can unmake it. It is the creature of their will, and lives only by their will.'

"This amendment does not change the Bill of Rights. It does not 'do violence' to the first amendment.

"This amendment rescues the Bill of Rights by correcting the Supreme Court's red, white and blue blunder. It restores the first amendment by saying 'No' to the five justices of the Supreme Court who have distorted decades of precedent, decades of accepted practice, and decades of reverence and respect for America's pride and joy.

"The flag filibuster may win today, but the flag's day will come. I don't have much faith in Congress, but I have a whole lot of faith in Americans like Beverly Rhoades.

"We'll keep fighting," she said. "There's no patriotism in our country anymore for our young children to look up to."

#### Guest Editorial—

### Bob Dole's Folly

Sen. Bob Dole's performance on the flag-burning amendment is a vicious assault on honorable politics. It is a purely destructive act against the rational processes of representative government. Kansans should be embarrassed.

Dole says opponents to the amendment let themselves in for a nice 30-second TV spot.

What a comment on a reasonable reluctance to tamper with the First Amendment. What a devaluation of the meaning of patriotism.

The matter involved here is an attempt to amend the Bill of Rights of the U.S. Constitution because of the posturing of a few crazies whose obvious motives are to attract attention. The media give the creeps that. And then

the politicians allow themselves to be manipulated into raising the issue to the level of a constitutional crisis.

What is this United States that people have fought and died for? It is not a piece of cloth. It is the way of life and freedom guaranteed and protected by the Constitution.

Dole knows that. He is anything but dumb.

The most charitable thing that can be said for him in this demeaning exercise is that he sees a chance to advance the fortunes of his party and himself. That the price would be the dilution of the Bill of Rights apparently makes no difference.

How sad for Bob Dole, for his party, for Congress, for Kansas, and for the true values of liberty in America. — Kansas City Star