

News from Senator

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"AMERICAN FLAG DESERVES NO LESS THAN CONSTITUTIONAL PROTECTION" DOLE INTRODUCES CONSTITUTIONAL AMENDMENT

MR. DOLE. MR. PRESIDENT, 28 DAYS AGO THE SUPREME COURT MADE A RED, WHITE AND BLUE BLUNDER. IT RULED THAT OUR NATION'S FLAG DID NOT DESERVE SPECIAL PROTECTION -- CONSTITUTIONAL PROTECTION FROM DESECRATION.

28 DAYS AGO, THIS SENATOR CALLED THE COURT'S DECISION A MISTAKE. BUT FAR MORE IMPORTANT, THE AMERICAN PEOPLE -- IN POWERFUL AND EMOTIONAL TONES -- ALSO SAID IT WAS A MISTAKE. THEY ARE HOPPING MAD, AND I CAN'T BLAME THEM.

IN THEIR OUTRAGE, THEY ARE DEMANDING THAT CONGRESS DO SOMETHING -- TO ACT QUICKLY AND DECISIVELY TO FIX A "MAJOR ERROR" BY OUR HIGHEST COURT. SINCE THAT TIME, SOME PEOPLE HAVE TRIED TO SELL THE NOTION THAT THIS WAS A 24-HOUR ISSUE - THAT EMOTIONS HAVE NOW COOLED, AND THAT THE AMERICAN PEOPLE REALLY DON'T CARE ANYMORE.

WELL, DON'T TRY TO SELL THAT LINE TO THE MORE THAN 300 PEOPLE WHO HAVE RECENTLY WRITTEN ME IN SUPPORT OF THE CONSTITUTIONAL AMENDMENT.

AND DON'T TRY SELLING THAT TO PRESIDENT BUSH, EITHER!

HE IS OUT FRONT, LEADING THE FIGHT TO ENACT A CONSTITUTIONAL AMENDMENT TO SAVE THE FLAG FROM THE HANDS OF THE DESECRATERS, AND ANYONE ELSE WHO RELISHES THE THOUGHT OF PUTTING THE TORCH TO "OLD GLORY."

SINCE THAT TIME, THERE HAVE BEEN MANY FLAG-PROTECTION MEASURES PROPOSED ON CAPITOL HILL. IN FACT, THE HOUSE JUDICIARY COMMITTEE OPENED HEARINGS ON THE SUBJECT THIS PAST WEEK.

MY STAFF AND I HAVE CAREFULLY REVIEWED THESE MEASURES AND HAVE COME TO THE CONCLUSION THAT THERE IS REALLY ONLY ONE WAY TO GET THE JOB DONE; ONLY ONE "FIX" THAT WILL SATISFY THE AMERICAN PEOPLE; AND ONLY ONE REMEDY THAT IS EQUAL TO THE LOFTY STATUS OF OLD GLORY -- SO TODAY I SAY, THE AMERICAN FLAG DESERVES NOTHING LESS THAN CONSTITUTIONAL PROTECTION.

I DON'T CRITICIZE THE GOOD FAITH EFFORTS OF MEMBERS ON BOTH SIDES OF THE AISLE IN TRYING TO PRODUCE LEGISLATION THAT MIGHT REVERSE THE COURT'S RULING -- I APPLAUD THEM. SENATOR BIDEN, FOR EXAMPLE, IS WORKING HARD ON AMENDING THE FEDERAL FLAG DESECRATION STATUTE. IT IS A SOLID EFFORT, BUT IN MY VIEW, IT WILL NOT DO THE JOB. LET ME TELL YOU WHY.

ARGUMENTS

ONE. THERE IS NO GUARANTEE THAT THE BIDEN BILL WILL "CONSTITUTIONALIZE" THE FEDERAL FLAG DESECRATION STATUTE. NO GUARANTEE AT ALL. WE WILL HAVE TO WAIT PERHAPS THREE TO FIVE YEARS FOR THE COURTS TO PUT THEIR STAMP OF APPROVAL OR REJECTION STAMP ON THE STATUTE. THAT'S SIMPLY TOO LONG FOR THE AMERICAN PEOPLE TO WAIT.

TWO. THE BIDEN BILL DOES NOTHING TO ENSURE THE CONSTITUTIONALITY OF THE FLAG STATUTES THAT ARE NOW ON THE BOOKS IN 48 STATES. THE STATE LEGISLATURES ARE CLOSER TO THE PEOPLE, AND THE PEOPLE HAVE MADE THEIR VIEWS KNOWN IN THEIR STATE LEGISLATURES. THESE 48 STATE STATUTES DESERVE PROTECTION. THE PRESIDENT'S CONSTITUTIONAL AMENDMENT - SIMPLE AND STRAIGHTFORWARD - ACCOMPLISHES THIS GOAL.

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THREE. WITH ALL DUE RESPECT TO THE GOOD SENATOR FROM DELAWARE, HIS BILL IS DEFENSIVE. WHY IN THE WORLD DOES CONGRESS WANT TO AMEND ITS STATUTE SO THAT IT COMPLIES WITH A SUPREME COURT DECISION WE ALL BELIEVE WAS A MISTAKE? LAST MONTH, 97 SENATORS - 97 SENATORS - EXPRESSED THEIR "PROFOUND" DISAPPOINTMENT WITH THIS DECISION. LET'S MOVE BEYOND "DISAPPOINTMENT", AND STATUTES, AND TRULY CORRECT THE COURT'S MISTAKE.

AND FOUR. BY DELETING THE WORD "PUBLICLY" FROM THE STATUTE, THE BIDEN BILL APPEARS -- APPEARS -- TO PROHIBIT SOMEONE FROM MUTILATING OR DEFACING THE FLAG IN THE PRIVACY OF HIS OWN HOME. DO WE REALLY WANT SOME "PATRIOTIC POLICE PATROL" SNOOPING AROUND IN OUR LIVING ROOMS?

CERTAINLY, BOTH THE CONSTITUTIONAL SOLUTION AND THE STATUTE PROPOSAL WARRANT FULL DEBATE AND COMPREHENSIVE COMMITTEE REVIEW. THAT IS WHY THE LEADERS HAVE AGREED ON AN ORGANIZED DUAL-TRACK APPROACH IN THE COMMITTEE: AFTER CAREFUL CONSIDERATION, THESE PROPOSALS WILL COME TO THE SENATE FLOOR, SEPARATED ONLY BY A ONE-WEEK RECESS. THEN THE AMERICAN PEOPLE WILL HAVE AN OPPORTUNITY TO SEE THEM SIDE-BY-SIDE.

IN HIS TESTIMONY BEFORE THE HOUSE COMMITTEE, SENATOR BIDEN STATED THAT WE SHOULD NOT ENGAGE IN A PARTISAN DEBATE ON THIS ISSUE -- THAT THE FLAG BELONGS TO ALL AMERICANS, NOT REPUBLICANS OR DEMOCRATS.

I COULDN'T AGREE MORE. THE SENATOR FROM DELAWARE IS ABSOLUTELY CORRECT. AND THAT'S WHY THE JUDICIARY COMMITTEE -- AND THE FULL SENATE -- SHOULD HAVE THE OPPORTUNITY TO CONSIDER BOTH THE PRESIDENT'S CONSTITUTIONAL AMENDMENT AND THE BIDEN BILL.

SO LET'S GET TO WORK -- ON BOTH OF THEM.

MAKE NO MISTAKE, THE AMERICAN PEOPLE WILL BE WATCHING -- THE SUPREME COURT'S MISTAKE HAS GUARANTEED IT.

INTRODUCTION OF RESOLUTION

THEREFORE, MR. PRESIDENT, I JOIN TODAY WITH SENATOR DIXON, SENATOR THURMOND, SENATOR HEFLIN, SENATOR WILSON, AND MANY OTHER SENATE COLLEAGUES IN INTRODUCING A JOINT RESOLUTION CALLING FOR A CONSTITUTIONAL AMENDMENT TO PROTECT OUR FLAG.

I AM PROUD TO SAY THAT THE AMENDMENT HAS MAJORITY SUPPORT IN THIS CHAMBER: 53 CO-SPONSORS - BOTH DEMOCRATS AND REPUBLICANS.

THE AMENDMENT PROCESS

NOW, I DON'T TAKE AMENDING THE CONSTITUTION LIGHTLY. THE CO-SPONSORS DO NOT TAKE IT LIGHTLY EITHER.

AMENDING THE CONSTITUTION IS SERIOUS BUSINESS. IT REQUIRES SERIOUS REFLECTION AND DEBATE -- BOTH HERE IN CONGRESS AND IN STATE LEGISLATURES ACROSS OUR COUNTRY.

YOU KNOW, THE FRAMERS -- IN THEIR GREAT WISDOM -- INTENTIONALLY MADE THE AMENDMENT PROCESS A LENGTHY AND DIFFICULT ONE. SO IT IS NO SURPRISE THAT THE CONSTITUTION -- ASIDE FROM THE BILL OF RIGHTS -- HAS BEEN AMENDED ONLY SIXTEEN TIMES DURING THE PAST TWO HUNDRED YEARS.

IF THIS AMENDMENT FAILS TO BE RATIFIED -- IF IT FAILS TO SURVIVE THE AMENDMENT PROCESS -- THEN SO BE IT. THE AMERICAN PEOPLE WILL HAVE SPOKEN. BUT IF THIS AMENDMENT IS RATIFIED -- IF THE AMENDMENT RECEIVES THE APPROVAL OF TWO-THIRDS OF CONGRESS, AND THREE-QUARTERS OF THE STATE LEGISLATURES -- THEN THE AMERICAN PEOPLE ALSO WILL HAVE SPOKEN, AND THEIR VOICE WILL BE HEARD LOUD AND CLEAR.

CONCLUSION

MR. PRESIDENT, I SEND A JOINT RESOLUTION TO THE DESK.