

Bob Dole



**NEWS
FROM:**

**U. S. SENATOR FOR KANSAS
SENATE REPUBLICAN LEADER**

FOR IMMEDIATE RELEASE
Tuesday, December 12, 1995

Contact: Clarkson Hine
(202) 224-5358

FLAG PROTECTION AMENDMENT

**THE FLAG IS AN ENDURING AND SACRED SYMBOL THAT DESERVES
CONSTITUTIONAL PROTECTION: AMENDMENT CORRECTS MISGUIDED SUPREME
COURT DECISION**

During the past several days, we've heard a number of important legal arguments, but there has been very little talk about the history of the flag itself.

On June 14, 1777, the Revolutionary Continental Congress decided to create an official and distinctively American flag, passing a resolution declaring that "the flag of the United States be 13 stripes alternate red and white, and the Union be 13 stars, white in the blue field representing a new constellation."

The colors of the flag were carefully chosen: the red for the sacrifices in blood made for the cause of national independence. The white for the purity of this cause. And the blue for vigilance, perseverance, and justice.

Our nation was barely 30 years old when it went to war a second time against the British empire in the War of 1812. As the British fleet attacked Fort McHenry in Baltimore Harbor, the flag waved undaunted throughout the night "until the dawn's early light," inspiring Washington lawyer Francis Scott Key to write the words of the our national anthem.

The most tragic chapter in our nation's history began when the American flag was lowered at Fort Sumter, after a 33-hour bombardment. The Civil War that ensued gave us Barbara Frietchie, whom the poet John Greenleaf Whittier tells us stood face-to-face, eyeball-to-eyeball, with Stonewall Jackson: "Shoot if you must, this old grey head, but spare your country's flag, she said."

The Flag's Unique and Rich History

Eighty years ago, in 1915, as Europe stood ravaged by World War I, President Woodrow Wilson established June 14 as "National Flag Day." The purpose of Flag Day, President Wilson wrote, was to help us "direct our minds with a special desire of renewal to...the ideals and principles of which we have sought to make our great government the embodiment."

One of our most enduring national images comes from the Second World War--the famous picture of six brave American soldiers raising Old Glory at the top of Iwo Jima's Mount Suribachi. Nearly 6,000 Americans gave their lives during their deadly ascent up that hill.

And just twenty five years after Iwo Jima, the flag made history again, as it was planted on the moon by America's astronauts, some 239,000 miles away.

So, the flag itself has a unique and rich history, a history of great sacrifice and great triumph, and one that is the birthright of every American.

Correcting Supreme Court's Red-White-and-Blue Blunder

There's another point I want to emphasize today: contrary to what some of my colleagues have said, this debate is not about amending the Bill of Rights or carving out an exception to the First Amendment. It's about correcting a misguided Supreme Court decision that itself amended the Bill of Rights by overturning 48 state statutes and a federal law banning the act of flag desecration. Many of these statutes had been on the books for decades, without in any way diminishing our precious First Amendment freedoms.

(more)

And if we learned anything in 1989, when we first began this debate, it's that we can't overrule a Supreme Court decision on a constitutional matter simply by passing a statute. Fixing the Supreme Court's red-white-and-blue blunder requires a constitutional amendment. This is the only serious and honest way to correct the Texas v. Johnson decision. As I said back in 1989, the statutory quick-fix just won't work. It failed in 1989, and it will fail again today.

Of course, amending the Constitution should not be taken lightly. This is serious business. That's why the Framers intentionally made the amendment process a difficult one, requiring the assent of two-thirds of Congress and three-fourths of the state legislatures. But once these legislative hurdles have been cleared, the American people have spoken. In fact, amending the Constitution is as American as the Constitution itself.

What the American Flag Means to Stephan Ross

I will conclude today by telling the story of a man named Stephan Ross, who submitted testimony earlier this year to the Senate Judiciary Committee.

In 1940, at the age of nine, the Nazis seized Ross from his home in Krasnik, Poland. For the next five years, he was held in ten different Nazi death camps and barely survived.

The U.S. Army eventually liberated Ross from Dachau. As Ross travelled to Munich for medical care, an American tank commander jumped off his vehicle to lend his help to Ross and to the other victims of Nazi brutality. As Ross recounts: "he gave me his own food. He touched my withered body with his hands and heart. His love instilled in me a will to live, and I fell to his feet and shed my first tears in five years."

The American soldier then gave Ross what he thought was a handkerchief, but he soon realized "it was a small American flag, the first I had ever seen."

Stephan Ross still keeps that same cherished flag at his home in Boston, where he works as a psychologist. Ross says: "It became my flag of redemption and freedom....It represents the hope, freedom and life that the American soldiers returned to me when they found me, nursed me to health, and restored my faith in mankind....Even now, 50 years later, I am overcome with tears and gratitude whenever I see our glorious American flag, because I know what it represents not only to me, but to millions around the world....Protest if you wish. Speak loudly, even curse our country and our flag, but please, in the name of all those who died for our freedoms, don't physically harm what is so sacred to me and to countless others."

We Must Protect America's Sacred Symbol

Stephan Ross is right: we must protect that which is sacred to us as citizens of this great country. Our flag is sacred because it stands alone as the unique symbol of the principles and ideals that president Woodrow Wilson knew bound us together as one nation, one people.

Throughout our country's history, thousands of brave Americans have followed the flag into battle to defend these principles and ideals. Twenty thousand Americans will serve under our flag in Bosnia. As a testament to the great sacrifices made by our fighting men and women, the flag--America's national symbol--should receive the constitutional protection it so richly deserves.

###