

SJR

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# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No.     SJR 6    

Senate Joint Resolution No. 6 calls upon the Congress of the United States to propose an amendment to the United States Constitution that would empower the Congress and the legislatures of the several states to prohibit the physical desecration of the Flag of the United States. SJR 6, which is a communication from the Alaska State Legislature to the Congress of the United States, will not have a fiscal impact on the Department of Law.

## THE FLAG AMENDMENT

Mr. DOLE. Mr. President, earlier this week, the Supreme Court heard oral argument on the constitutionality of the so-called Flag Protection Act of 1989.

Within 6 weeks or so, the Supreme Court will settle—once and for all—the question of whether the flag statute passes, or flunks, the constitutionality test.

I've predicted that the Supreme Court will affirm the two lower court opinions striking down the statute. Obviously, I am not a mindreader, and I could be dead wrong on this one.

But what the critics can't dispute is the simple fact that the American people still—to this day—stand foursquare behind a constitutional amendment to protect Old Glory from desecration.

Last Friday, the American Legion officially released the results of a Gallup poll testing the opinions of Americans on the flag-burning issue. And the results show that Old Glory—as well as the constitutional amendment—have won with landslide numbers.

According to the poll, an overwhelming 72 percent of the American people "disagree that burning the flag should be protected under the free speech guarantee of the first amendment;" 71 percent favor "a narrow constitutional amendment that would allow Federal and State governments to make flag-burning illegal," just like the amendment that the Senate considered last year.

And 73 percent of the American people do not "believe that a constitutional amendment would place our freedom of speech in jeopardy," while only 25 percent think it would.

So despite what you may hear or read in the media, the commitment of the American people to a constitutional amendment remains as strong as ever—almost a full year after the Texas versus Johnson decision. And this commitment will grow even stronger if, and when, the Supreme Court finally strikes down the so-called Flag Protection Act.

I commend the American Legion for its unrelenting work on behalf of the constitutional amendment. And I commend the legion for bringing the poll results to the attention of their elected representatives in Congress.

Mr. President, I ask unanimous consent that the text of the American Legion poll results be printed in the Record at this point.

There being no objection, the results were ordered to be printed in the Record, as follows:

## THE AMERICAN LEGION,

Washington, DC, May 11, 1990

DEAR SENATOR: Although it has been almost a year since the Supreme Court's controversial decision, 72 percent of the American public still believes that burning the American flag should not be a protected form of free speech as guaranteed by the Constitution's First Amendment. As a reinforcement of that belief, 71 percent of Americans favor a narrowly-drawn constitutional amendment to make flag burning illegal, and 73 percent are convinced that such an amendment would not jeopardize their freedom of speech.

These are only three findings of a recent Gallup poll clearly showing that most Americans are still enraged over the whole matter of flag burning. In fact, 57 percent of them stated their intention to vote for or against elected officials because of where they stand on the issue. These are not "soft" opinions or attitudes because it was also found that only 15 percent of the poll participants expressed any uncertainty in stating their positions.

The American Legion is convinced that this poll, conducted April 11 through May 2, is a clear indicator of public opinion. We see it as proof that Americans have considered carefully all sides of the issue, they have made up their minds, and they are demanding that flag burners be dealt with as lawbreakers.

A more detailed presentation of the Gallup poll results is enclosed for your review.

Sincerely,

MILES S. EPLING,  
National Commander.

## GALLUP POLL RESULTS ON AMERICANS' OPINIONS ON THE FLAG-BURNING ISSUE

Statistics just released to The American Legion by The Gallup Organization, Inc. show that a significant majority of Americans support a constitutional amendment to protect the United States Flag. The poll, which was conducted from April 11 through May 2, and has a "maximum standard-error rate of 2.7 percent at the 95 percent level of confidence," reported that 71 percent favor a narrowly drawn constitutional amendment; 73 percent do not believe such an amendment would jeopardize their freedom of speech; and 57 percent would vote for or against an elected official because of his position on this issue.

The questions asked and the responses, by percentage, follow.

1. Do you agree that burning the American flag should be protected under the free speech guarantee of the First Amendment or do you disagree that burning the flag should be protected under the free speech guarantee of the First Amendment?

Agree, 25 percent; disagree, 72 percent; no opinion, 2 percent.

2. On May 14th the Supreme Court is going to hear final arguments on the Flag Protection Act of 1989, the law which was written to make flag burning a crime. If the Supreme Court finds the Act to be unconstitutional would you favor or oppose a narrow constitutional amendment that would allow federal and state governments to make flag burning illegal?

Favor, 71 percent; oppose, 25 percent; no opinion, 3 percent.

3. Do you believe that a constitutional amendment outlawing flag burning would place your freedom of speech in jeopardy?

Yes, 25 percent; No, 73 percent; do not know, 2 percent.

4. How strong is your opinion on the flag burning issue? On a 1 to 5 scale where 1 means you completely made up your mind on your position on the issue and 5 means you're unsure of your position on the issue where would you rate yourself regarding the flag burning issue?

(1) Unsure of position, 3 percent; (2) 10 percent; (3) 9 percent; (4) 18 percent; completely made up mind, 68 percent.

5. Please tell me yes or no if you would likely to participate in the following activities as a result of your position on the flag burning issue. Would you be likely to:

A. Donate to a group that supported your position?

Yes, 53 percent; No, 44 percent; do not know, 3 percent.

B. Sign a petition that supported your position?

Yes, 86 percent; No, 13 percent.

C. Vote for or against an elected official because of his position on the issue?

Yes, 57 percent; No, 40 percent; do not know, 3 percent.

D. Do volunteer work for a group that supported your position?

Yes, 44 percent; No, 54 percent; do not know, 2 percent.

E. Write a letter to an elected official stating your position on the issue?

Yes, 65 percent; No, 34 percent.

FOR RELEASE MONDAY, MAY 14, 1990

GALLUP POLL RESULTS ON  
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FLAG-BURNING ISSUE

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The questions asked and the responses, by percentage, follow.

1. Do you agree that burning the American flag should be protected under the free speech guarantee of the First Amendment, or do you disagree that burning the flag should be protected under the free speech guarantee of the First Amendment?

Agree	25%
Disagree	72%
No Opinion	2%

2. On May 14th the Supreme Court is going to hear final arguments on the Flag Protection Act of 1989, the law which was written to make flag burning a crime. If the Supreme Court finds the Act to be unconstitutional would you favor or oppose a narrow constitutional amendment that would allow federal and state governments to make flag burning illegal?

Favor	71%
Oppose	26%
No Opinion	3%

3. Do you believe that a constitutional amendment outlawing flag burning would place your freedom of speech in jeopardy?

Yes	25%
No	73%
Don't Know	2%

4. How strong is your opinion on the flag burning issue? On a 1 to 5 scale where 5 means you completely made up your mind on your position on the issue and 1 means you're unsure of your position on the issue, where would you rate yourself regarding the flag burning issue?

1	Unsure of position	3%
2		3%
3		9%
4		16%
5	Completely made up mind	68%

5. Please tell me yes or no if you would be likely to participate in the following activities as a result of your position on the flag burning issue. Would you be likely to:

A. Donate to a group that supported your position?

Yes	53%
No	44%
Don't Know	3%

B. Sign a petition that supported your position?

Yes	86%
No	13%

C. Vote for or against an elected official because of his position on the issue?

Yes	57%
No	40%
Don't Know	3%

D. Do volunteer work for a group that supported your position?

Yes	44%
No	54%
Don't Know	2%

E. Write a letter to an elected official stating your position on the issue?

Yes	65%
No	34%

For more information, please contact The American Legion, Public Relations Division. Lew Wood - 317-635-8411 or John Hanson - 202-861-2700.

**AMERICAN  
LEGION** RECEIVED MAR 5 1991  
**SOUTHEASTERN  
DISTRICT  
36TH CONVENTION  
RESOLUTIONS**



**HELD IN SITKA, ALASKA  
FEBRUARY 7, 8 & 9, 1991**

Resolution No. 91-03

In support of SJR 6

WHEREAS, the flag of the United States has been desecrated many times; and,

WHEREAS, there is no constitutional protection for said flag;

NOW THEREFORE BE IT RESOLVED, that the American Legion strongly urges swift passage of SJR 6, which will provide for an amendment to the U.S. Constitution to prohibit the desecration of the U.S. flag.

AND BE IT FURTHER RESOLVED, that each post make its position known to the State Legislature, immediately.



# Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Committee  
committee name

committee on SJR 6 , dated 28 March 1991  
bill/subject

The American Legion Auxiliary is the worlds largest patriotic-service organization, one million members strong. By now, you must all be aware of the stand that the American Legion, American Legion Auxiliary and Sons of the American Legion have made in regard to the desecration of our Flag.

There are certainly enough other ways for one to display "freedom of expression" without desecrating Old Glory and the country it stands for. The hippies, yuppies, (or whatever they now call themselves) have the freedom (in this country) to "love it or leave it"!

This flag desecration issue has been bounced around long enough, and since it gained nationwide attention, we have been involved in yet another war.

I testify support of SJR 6 on behalf of the 2,958 members of the American Legion Auxiliary, Department of Alaska.

Millie McManus, National Western Division Americanism Chairman  
National Executive Committeeman-Dept. of Alaska

Signed: Millie McManus

Testifier

American Legion Auxiliary

Representing (Optional)

HC 34 Box 2662, Wasilla, AK 99687

Address

(Bus) 376-2611 (Hm) 892-6319

Phone No.

# To pledge allegiance

Our national flag — Old Glory, the Stars and Stripes, the Red, White and Blue — is emblematic of the respect and pride we have for our nation and a rallying point in times of conflict. Today it is flying in unprecedented numbers from coast to coast.

When war began in the Persian Gulf, sales of flags boomed as Americans looked for tangible ways to show their support for the troops overseas. Merchants from the East Coast to California found it impossible to keep the "grand old flag" in stock. Selling especially well: 3-by-5-foot banners, most popular with homeowners, and small antenna flags for cars.

"The flag is our connection with our people over there," says Sally Crawford of Dixie Flag Company in San Antonio. "Our sales have increased 100 to 150 percent — maybe even more — since the war began. We used to sell three or four home flag kits a day, and now it's more like 40 or 50."

As the person in charge of customer service for Dixie Flag, Crawford is well versed in flag etiquette and has observed its subtle changes over the years. (Her company uses the flag code of the United States as its authority.) "There used to be a rule that the flag should not be displayed in inclement weather," she recalls. "That was when flags were made from perishable fabrics, and exposure to the elements soon would have destroyed them. Today it is permissible to leave an all-weather flag out in the rain."

Another old custom, that flags should be displayed out of doors only from sunrise to sunset, has

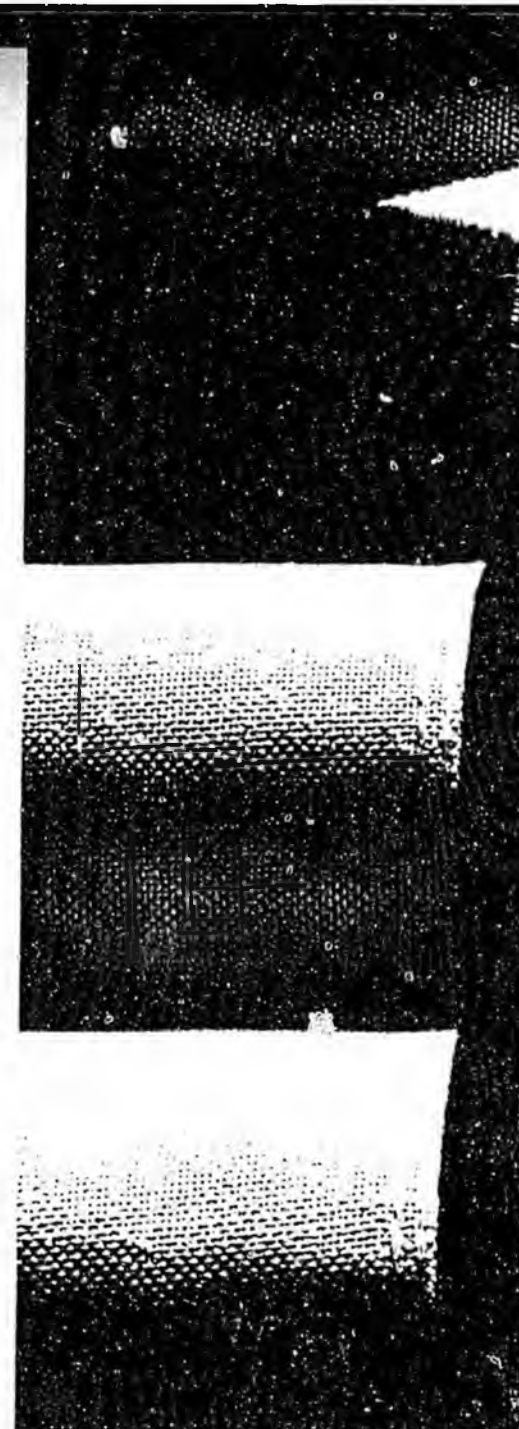
gradually been relaxed. It is now acceptable, when a patriotic effect is desired, to display a flag 24 hours a day if the flag is properly illuminated during the hours of darkness.

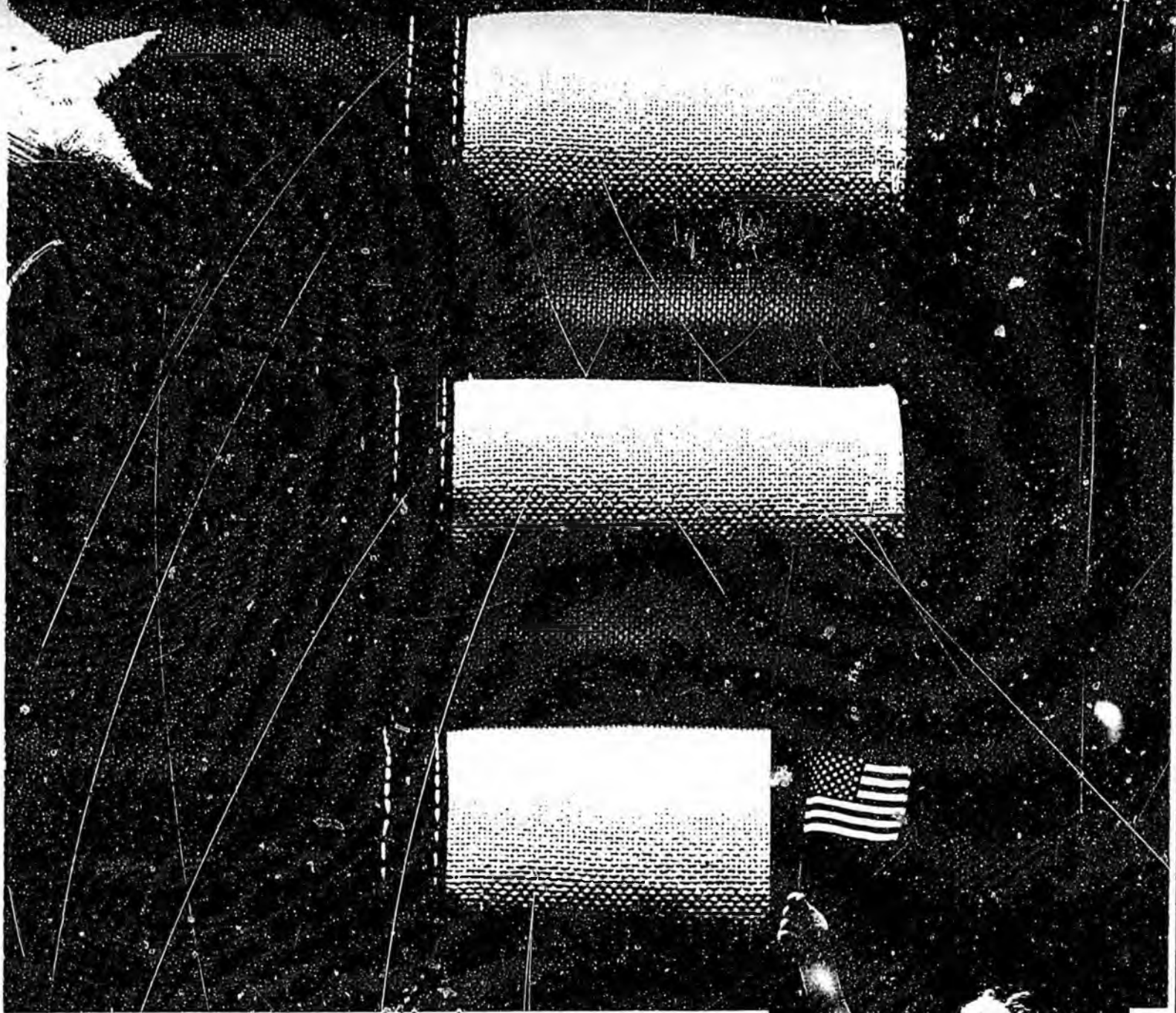
Rules for displaying the Stars and Stripes protect it from desecration and ensure that it is treated with respect. With rare exceptions, the following regulations govern its display:

- The flag should never touch the ground or trail in the water.
- The flag should be hoisted briskly and lowered slowly.
- The flag is never flown upside down except as a distress signal.
- No other flag is ever flown above it.
- A flag flown from a staff fastened to a window sill or balcony or fixed to the front of a building must be flown with the blue field (union) at the peak of the staff unless the flag is at half-mast.
- Flags are flown at half-mast only by official state, federal or city order, never in a manner to indicate personal loss to a family, business or other organization.
- When a flag is displayed without a staff, whether indoors or out, it should lie flat against an upright support. It is never draped or festooned. (Bunting may be used for this purpose.) When the flag is displayed horizontally or vertically against a wall, the blue field is uppermost, to the left of the observer.
- When the flag is displayed from a window, it is shown with the blue field to the left of the observer in the street.
- The flag must never be used

to cover a table or desk or be draped over a platform. It should not be used to unveil even a patriotic statue or monument.

• The only exception in the draping of the flag occurs when it is used to cover a casket. The blue field is over the deceased's left shoulder. The flag must not touch the ground or be lowered into the grave. The flag is used for this honor only for members of the armed services, cabinet officers of the federal and state governments and others of national importance





for whom the President decrees official mourning.

- The flag may not be draped on any vehicle. If it is to be displayed on a train, boat or car, it must be firmly fixed to a staff attached to the chassis or clamped to the right fender.

- The flag should never be used as wearing apparel, bedding or drapery.

- A lapel flag pin, being a replica of the living flag, should be worn on the left lapel near the heart.

- The flag should never be used for advertising purposes in any manner.

- The flag should never be used, fastened, displayed or stored in such a manner that it could be easily torn, soiled or damaged.

Additional rules govern how the flag is displayed with the flags of other nations, states or organizations.

If you have questions about the flag's commercial exploitation and lack of proper handling, contact the National Flag Foundation, Flag



Plaza, Pittsburgh, PA 15219 (telephone 412-261-1776). ■