

SUR6

SENATE FINANCE COMMITTEE REPORT

DATE: 2/13/91

FURTHER:

DATE TURNED INTO OFFICE: 3/28/91

The Finance Committee considered SENATE JOINT RESOLUTION NO. 6

Relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States.

and recommended:

replace with _____ CS SJR 6 (Fin)
 or adopt _____ CS _____
 attached amendment(s)
 _____ letter of intent adopted

same title
 new title
 technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

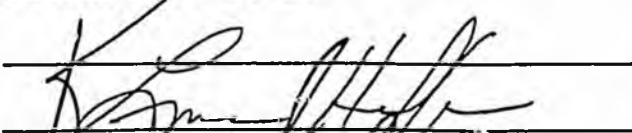
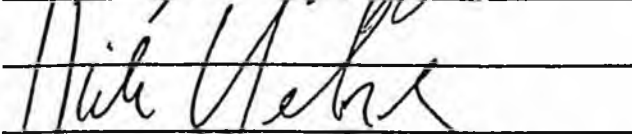

ATTACHES NEW FISCAL NOTE(S):
Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

SIGNING DO PASS:

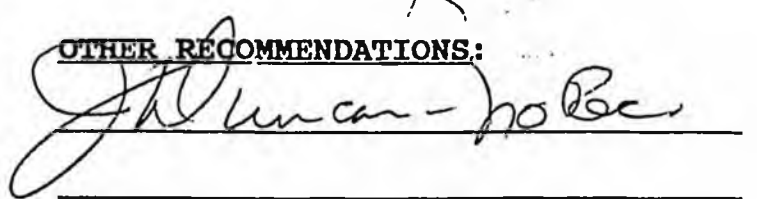
APPROVES PREVIOUS:

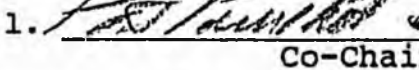
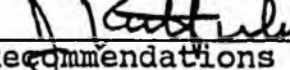
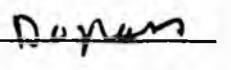
Dept/Date:

fiscal note(s) _____

zero fiscal note(s) S (Jud) 2/12/91

OTHER RECOMMENDATIONS:



1.  DO NOT PASS.  
 Co-Chairs: Signatures and Recommendations

FISCAL NOTE

No. 1

Bill Version: STAR 6

(S) Publish Date: 2/13/91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: None -
 Title: Prohibit Desecration of BRU: _____
US Flag Component: _____
 Sponsor: Sen Zharoff
 Requestor: _____ COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None -

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: [Signature] Phone: 965-3717
 Division: Senate Judiciary Committee Date: _____

Approved by Commissioner: _____ Date: Feb 12, 1991

Agency: _____ Changes in CSJR 6 (Fin) have no fiscal impact. This fiscal note is appropriate. Date: Feb 12, 1991

Distribution (by preparer): Legis: _____ or, OMB, & Impacted Agency(ies).

CS FOR SENATE JOINT RESOLUTION NO. 6 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATORS ZHAROFF, Menard, Rodey, Jones, Fischer

A RESOLUTION

**1 Relating to an amendment to the Constitution of the United States prohibiting desecration
2 of the Flag of the United States.**

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

**4 WHEREAS, although the right of free expression is part of the foundation of the United States
5 Constitution, very carefully drawn limits on expression in specific instances have long been recognized
6 as legitimate means of maintaining public safety and decency, as well as orderliness and the productive
7 value of public debate; and**

**8 WHEREAS certain actions, although arguably related to one person's free expression,
9 nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred
10 values of others; and**

**11 WHEREAS there are symbols of our national soul such as the Washington Monument, the
12 United States Capitol Building, and memorials to our greatest leaders, that are the property of every
13 American and are therefore worthy of protection from desecration and dishonor; and**

**14 WHEREAS the American Flag was most nobly born in the struggle for independence that began
15 with "The Shot Heard Round the World" on a bridge in Concord, Massachusetts; and**

16 WHEREAS in the War of 1812 the American Flag stood boldly against foreign invasion,

1 symbolized the stand of a young and brave nation against the mighty world power of that day, and in
2 its courageous resilience inspired our national anthem; and

3 **WHEREAS** in the Second World War the American Flag was the banner that led the American
4 battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop on Iwo Jima, and
5 from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

6 **WHEREAS** Alaska's star was woven into the fabric of the Flag in 1959, and that 49th star has
7 become an integral part of the Union; and

8 **WHEREAS** the American Flag symbolizes the ideals that good and decent people fought for in
9 Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home;
10 and

11 **WHEREAS** the American Flag symbolizes the sacred values for which loyal Americans risked
12 and often lost their lives in securing civil rights for all Americans, regardless of race, sex, or creed; and

13 **WHEREAS** the American Flag was carried to the moon as a banner of goodwill, vision, and
14 triumph on behalf of all mankind; and

15 **WHEREAS** the American Flag to this day is a most honorable and worthy banner of a nation
16 that is thankful for its strengths and committed to curing its faults, and remains the destination of
17 millions of immigrants attracted by the universal power of the American ideal; and

18 **WHEREAS** the law as interpreted by the United States Supreme Court no longer accords to the
19 Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment
20 of a nation-state; and

21 **WHEREAS** it is only fitting that people everywhere should lend their voices to a forceful call
22 for restoration to the Stars and Stripes of a proper station under law and decency;

23 **BE IT RESOLVED** by the Alaska State Legislature that the Congress of the United States is
24 requested to propose an amendment to the Constitution of the United States that would specifically
25 provide the Congress and the legislatures of the several states the power to prohibit the physical
26 desecration of the Flag of the United States; and be it

27 **FURTHER RESOLVED** that the legislatures of the several states are invited to join with Alaska
28 to secure ratification of the proposed amendment.

29 **COPIES** of this resolution shall be sent to the Honorable Dan Quayle, Vice-President of the
30 United States and President of the U.S. Senate; to the Honorable Thomas S. Foley, Speaker of the U.S.
31 House of Representatives; the presiding officers of each house of the legislatures of the several states;
32 and to the Honorable Ted Stevens and the Honorable Frank Murkowski, United States Senators, and the

1 Honorable Don Young, United States Representative, members of the Alaska delegation in Congress.



Alaska State Legislature

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

committee on SJR 6 , dated 29 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.

Statement; the Finance Committee on the Resolution to be sent to Congress regarding the desecration of the American flag:

Before she died in 1836, You will recall that Betsy "Griscom" Ross designed the American flag. Since then, in all the wars this country has ever fought, Americans and other nationals have laid their lives down for the sake of the American flag and all it represents.

Does this country so dishonor these millions of men, women, and yes children; that we allow the American flag to be burned, walked on, spat upon, used for clothing, or hung as window curtains?
How about garments for pet pigs, as reported on
 As President of The American Legion, Unit 2, Valdez Alaska, I say
 NO! NO! NO!

on news this morning?

How best to honor those millions of people than to amend the Constitution of the United States, making it a crime, with severe Penalties, for anyone to desecrate the American flag.

The crime as I see it, was when the United States Supreme Court declared that desecration of the American flag is covered under our First Amendment Rights of free speech! There is the crime! What a slap in the Face to those who died since the birth of our nation. Have they died in vain? They died to protect and defend all this country holds dear.

The American flag is the one symble to the entire world of what was considered, at its inception, as a crazy experiment. Three hundred years ago, the experts of those days, swore our experiment would never work. Well, look at us today! We are the most powerful country in the world. And the symble of our democracy is the American flag.

If this amendment does not pass, it will tell the world that we Americans have lost all sense of values. They would be right. We should hang our heads in total shame. It will tell the world that we are not a proud people, Is this what you want the world to think of the American people? I think not.

Protect and defend the American flag. This resolution must be passed by the Alaska State legislature. Thank You

For God and Country,

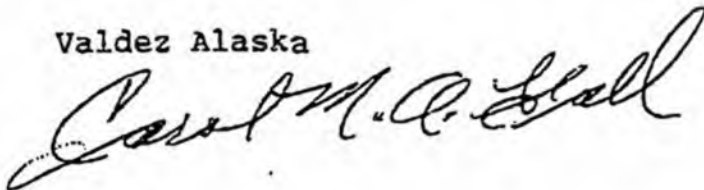
Carol M.A. Fall

President,

American Legion Auxiliary

Unit 2

Valdez Alaska




Endorsed:

Ellis D. Fall

American Legion

Western District

Zone 3 Commander





I was there at the dawn's early light
I was there at the twilight's last gleaming.
I was there with the bombs bursting in air,
torn and tattered, what so proudly you hailed.
I was there, in Germany, France, Italy,
Pearl Harbor, Korea,
Vietnam and countless other places.

I flew proud and honored.

What have I done that I'm allowed to be burned,
trampled and treated with disrespect?

Why are so few allowed to desecrate
what so many died to protect?

For 214 years I've flown to represent this country
and its people. Who will be there for me when
the next call to arms is made?

Will I burn on foreign soil as I do on my own?

Who will be there for all of us?

It's time to let the government know
we will not stand for the burning or desecration
of the symbol which stands for this country
and its people. Anyone who feels he has that
right should visit Arlington Cemetery, Pearl Harbor
or any one of the cemeteries where
our war dead lie in honored respect.

There are enough of them. Tell them about the
right to burn their flag. If they say it's OK,
do what your conscience tells you to.

But not in front of me because I was There . . .

were you?

Alaska State Legislature



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JUNEAU, ALASKA 99811
(907) 465-3818

SENATOR
ARLISS STURGULEWSKI


Senate

RECEIVED FEB 26 1991

MEMORANDUM

February 26, 1991

TO: Senator Fred Zharoff
Senate District N

FROM: Senator Arliss Sturgulewski 
Senate District F

RE: SJR 6

It has come to my attention that U. S. citizens living in the United States of America have been denied the right to patriotically display the American flag in support of the brave men and women serving with the American forces in the Persian Gulf engaged in operation Desert Storm. It has been reported that on some college campuses and along some highway routes, U.S. citizens have been forced to take down this symbol of sacred American values.

Senate Joint Resolution 6 'Relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States' which so ably supports the protection of our national symbol appears to be the proper vehicle to also protect the rights of Americans to display this symbol.

I would like to suggest that you consider the inclusion of the following language in order to bring attention to this restrictive practice:

Add on page two after line 29:

FURTHER RESOLVED THAT THE AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES PROHIBIT ANY RESTRICTIONS REGARDING THE PATRIOTIC DISPLAY OF THE AMERICAN FLAG AS A SYMBOL OF SUPPORT FOR THE FREEDOMS, VALUES AND RIGHTS EXPRESSED IN THE CONSTITUTION AND BILL OF RIGHTS.



American Civil Liberties Union

Alaska Civil Liberties Union -Legislative Committee-217 Second St. #204-Juneau, Alaska 99801

POSITION PAPER ON SB 333

THE ALASKA CIVIL LIBERTIES UNION OPPOSES ANY FORM OF LEGISLATION BANNING FLAG DESECRATION. SUCH LEGISLATION IS AN UNCONSTITUTIONAL INFRINGEMENT OF ONE OF OUR MOST VALUABLE FIRST AMENDMENT FREEDOMS, THE RIGHT TO CRITICIZE THE GOVERNMENT.

Every legislative session seems to produce one bill that is totally offensive to civil liberties. This year, a very strong contender for the most obnoxious bill, without question, is the flag desecration bill, SB 333.

The American flag flies the proudest and strongest in the world precisely because the government does not mandate that its citizens revere it. Reverence by force is nothing more than obedience. There are only a handful of citizens who would consider burning a flag. Yet our tolerance for these few makes the rest of us free. In choosing to grant our flag respect, we exercise exactly the same rights that Gregory Johnson did when he contemptuously burned the symbol of America's liberty. A government which thinks that it can order people to respect it, rather than earning their respect, is doomed to fail.

Lest anyone question the power of the flag as a symbolic impetus for government change, it is worth recalling the powerful images we recently witnessed of thousands of Rumanian citizens carrying flags from the centers of which the hammer and sickle of communism had been torn. We happen to agree with their symbolic statement that the yoke of oppression represented by that flag should be lifted, and so we view the action they took against their flag with approval. We cannot have it both ways. The people of Rumania earned their freedom by dissent and protest. The values they expressed by their symbolic use of the flag are the very values this legislation would suppress.

This is a cynical and hypocritical bill. Flag burning is not exactly a rampant social problem in Alaska, certainly not one which deserves the level of effort that the legislature has put into this bill. There are much worse problems to worry about. We do predict that if the bill passes, it will incite many incidents of flag burning. The legislation is exactly the kind of repressive, oppressive government action that invites protest.

The legislation arises from a hysterical response to a decision of the United States Supreme Court affirming our most basic liberty, the freedom to criticize government. It is hard to understand how the self-appointed defenders of our

flag, (and presumably of our freedom), can justify such a basic infringement on the First Amendment. We would like to quote from that decision:

" . . . According to Texas, if one physically treats the flag in such a way that would tend to cast doubt on the idea that nationhood and national unity are the flag's referents, or that national unity actually exists, the message conveyed is a harmful one and therefor may be prohibited. . . If there is a bedrock principle underlying the First Amendment, it is that Government may not prohibit the expression of an idea simply because Society finds the idea itself offensive or disagreeable. "

The idea that the First Amendment needs fixing is a dangerous fallacy. If our liberty perishes, it will bleed to death from nicks and cuts inflicted by those who will not tolerate dissent. A pathetic group of radicals, so at a loss for words that they burn flags, poses no comparable threat to our freedom.

This bill will put Alaska in the ignominious company of countries like the Soviet Union, Iran, China and other nations which routinely put people in prison for expression of ideas with which the government disagrees. If we travel down this road, our freedom to tell the government to go to hell will depend on the whims of politicians playing for a political advantage.

Without question the most basic civil liberty, in the absence of which all other liberties are defenseless, is the right to criticize the government. If we cannot criticize government, we cannot change it and we cannot prevent its abuses. We know from our painful experiences with McCarthyism and Vietnam the pitfalls of the "America right or wrong" philosophy. The most important way in which we can celebrate our liberty is to allow even the most obnoxious protesters to present their ideas for consideration. As Senator Dellenger of Nebraska, a man who lost a leg fighting for his country in Vietnam put it, legislation like this is actually an ultimate victory for flag burners, making America "look just a little silly, and a little less brave and little less free."

F -
flagburning

*From the Desk of
Jamie Bollenbach
Executive Director, AkCLU
326 "L" Street Ste. B
Anchorage, AK
99501*

December 4, 1989

Hello!

In the past two months, we saw monumental changes in history - the spark of freedom igniting the most powerful movement for individual liberty since the Second World War. Just today I read that the hardline communist leadership in East Germany has resigned. and we all watched one of the greatest moments of the twentieth century when the Berlin Wall, the stark symbol of the state's power over the individual, collapsed with a joyful celebration. In Poland, Hungary, Czechoslovakia, and the Soviet Union itself, the desire for individual rights and democracy is begining to overwhelm state supremacy.

I share their hope for democracy, for fundamental human rights, for a constitution that guarantees rights instead of neatly skipping over them. But I am reminded that it can be easier to win freedom than to remain free.

I want to draw an connection between these events and the continuing struggle for freedom here at home - in Alaska, the American state that more than any other believes in the freedom of the individual.

The people of Eastern Europe know too well that the lack of enforceable constitutional protections against the excesses of power leads directly to oppression.

With the U.S. Supreme Court's backtracking on privacy and

abortion rights, the proliferation of random urine testing, and the President of the United States intent on restricting the First Amendment by changing the Constitution, our essential freedoms are constantly threatened. Worse, the American public is being frightened into thinking that their own constitutional rights are to blame for all kinds of social problems. Many politicians feed these fears shamelessly.

In a recent poll, 52% Americans support the police searching homes without a warrant or any cause if they are investigating illegal drug use.

Although I believe that most Americans understand and agree with the principles of our constitution, our rights can often get swept up in the politics of the moment.

As an FBI agent in Portland, Oregon commented:

"Americans are only willing to give up constitutional rights because they have never given up any before."

Any East German, any Pole, any Czech, any Hungarian, any South African can tell you about the consequences of giving up rights.

Americans can encourage the world struggle for liberation by remaining true to our ideals of freedom, ideals we can easily forget in the moment-to-moment world of politics and law enforcement.

The Bill of Rights cannot rest like a dusty museum exhibit. It must breathe freedom as we live it, it must develop with the republic, its spirit must grow with Americans themselves. Organizations like the AkCLU and Alaskans like yourself can keep it alive and full.

SO WHAT ARE THE THREATS TO FREEDOM IN ALASKA?

- Twice in Alaska, the ACLU had to sue to protect the right of Americans to criticize the Soviet Government! In 1986, Sullivan Arena security guards during a Soviet-Czechoslovakian hockey game ripped down a banner that said simply: "Free Soviet Jews." This year, the Northway Mall threw out a Hungarian immigrant just for wearing a 6 by 8 inch square sign reading "Murderer Ruskies go home."

- This summer, The Kenai Peninsula Borough came one vote short of prohibiting all abortions in public hospitals... Encouraged by the Webster decision, Alaskan anti-choice legislators will attempt to limit abortion in the next legislative session.

- In Eagle, Alaska, when a public school teacher blamed the Holocaust on the Jews, saying it came from them being too "prideful and money hungry, I guess," and the teaching of evolution was all but banned, it brought to a head the deep involvement of the fundamentalist church in the Eagle school system.

- When U.S. Customs seized Homer fisherman Kevin Hogan's brand-new 32-foot fishing vessel because one of his crewman had 1.7 grams of marijuana in a coat pocket, they said that Mr. Hogan's total innocence of any crime would not affect the punishment. His economic losses now exceed \$100,000.

- Mayor Tom Fink proposes to put anyone caught with any marijuana in prison for up to one year, while alcohol and tobacco kill hundreds of thousands of Americans, drugs Mayor Fink does not consider to be "mind-altering."

- A search of the Anchorage School District Administration Building by at least seventeen armed Anchorage police officers lead to the search and recording of thousands of confidential special education, disciplinary, and personnel records. Nothing restricts what they do with this information. At this writing, the police still have records of hundreds or thousands of private files totally irrelevant to their investigation. The court transcripts indicate that the police had no concern that their actions might transgress privacy rights of hundreds of innocent Alaskans. In our suit we represent parents, teachers, and students whose files were or were probably searched. The ACLU, not the taxpayers, funds this litigation.

- The Juneau School Board proposed a policy eliminating any student from extracurricular activities who is at an event where alcohol is served, regardless of whether they consumed any.

- In the wake of an Alaska Supreme Court decision, company after company randomly tests the urine of their employees, with no

regulation on the accuracy of the test, or limits on what they test for.

On these issues and more, the Alaska Civil Liberties Union litigates, educates, and lobbies to protect constitutional rights and promote the spirit of Alaskan liberty. We raise issues and stand up for causes others are unable or unwilling to take.

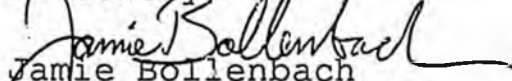
We learn time and time again that no government can be trusted as the sole guardian of the rights of the people.

I write today invite you to join the Alaska Civil Liberties Union, and I am asking you to take the harder road: to support the exercise rights for people you may consider undeserving, as well as those same rights for people you admire. I ask you to join one thousand other Alaskans: friends, neighbors, fellow citizens of all backgrounds who commit to protect rights for each and every Alaskan.

The ACLU has been instrumental in making the Bill of Rights a working reality for nearly seventy years. And with your \$20 donation, you can help us continue to keep the United States of America the envy of a long-oppressed world.

Thank you very much for your consideration. As always, if you have any questions about ACLU membership or about our program, please call me at 276-2258.

Sincerely,


Jamie Bollenbach

Executive Director, Alaska Civil Liberties Union

If you are already a member of the ACLU and have not donated this year, please take this opportunity to renew your membership. Joining the AKCLU also makes you a member of the American Civil Liberties Union.

We use a variety of mailing lists to recruit new members, and sometimes we mail more than once to the same person because we do not have the staff or the equipment to carefully screen every list. I regret any inconvenience this might cause.

FOR RELEASE MONDAY, MAY 14, 1990

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% at the 95% level of confidence," reported that 71% favor a narrowly drawn constitutional amendment; 73% do not believe such an amendment would jeopardize their freedom of speech; and 57% 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%
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.

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 8 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 law-breakers.

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, 73 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, 28 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; no know, 2 percent.

4. How strong is your opinion on the 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) completely made up mind, 88 percent; (3), 9 percent; (4), 16 percent; (5), 1 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 burning issue. Would you be likely to:

A. Donate to a group that supported your position?

Yes, 53 percent; No, 44 percent; no 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; no know, 3 percent.

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

Yes, 44 percent; No, 54 percent; no know, 2 percent.

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

Yes, 65 percent; No, 34 percent.

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