

**HJR**

**30**

## A Resolution

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

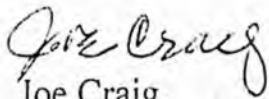
WHERE AS: House Joint Resolution No 30 of the state of Alaska has been introduced in the Alaska legislature, a resolution requesting the Congress of the United States to pass House Joint Resolution No 36 or Senate Joint Resolution No 7 or comparable legislation to prevent desecration of the Flag of the United States; and

WHERE AS: a constitutional amendment is the only way to protect the nations highest symbol; a symbol that unites our country and its people; and

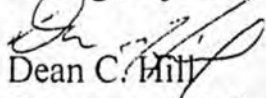
WHERE AS: The American Legion Southeast District and the Department of Alaska wishes to support resolution No 30, because it is only fitting that citizens everywhere should lend their voices to a forceful call for restoration of the Stars and Stripes to a proper station under law and decency; therefore

BE IT RESOLVED: the American Legion Southeast District and the Department of Alaska American Legion be counted as supporters of HJR 30, as presented to the Twenty-Second Legislature Second Session; and

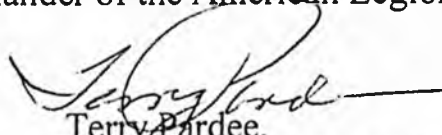
BE IT FURTHER RESOLVED that copies of this resolution to be sent to: Tony Knowles, Governor; Rick Halford, President of Senate; Brian S. Porter, Speaker of the House; All members of the Twenty Second Legislature Second Session; The Honorable Ted Stevens and the Honorable Frank Murkowski, United States Senators; Congressman Don Young, and Richard Santos, National Commander of the American Legion



Joe Craig,  
Acting Adjutant, S. E. District



Dean C. Hill  
Department Adjutant



Terry Pardee,  
Commander, S.E. District



Gene Franks  
Department Commander

Resolution of Support

# ALASKA STATE LEGISLATURE

REPRESENTATIVE  
PETE KOTT  
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Eagle River, Alaska 99577  
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While in Juneau  
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Juneau, Alaska  
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House of Representatives  
House District 24

## Sponsor Statement HJR 30

This resolution asks the Congress of the United States to present a constitutional amendment to the States authorizing Congress to prohibit the physical desecration of the American flag. The resolution supports two measures currently in Congress: House Joint Resolution 36, which passed the House on July 17, 2001 on a vote of 298 to 125; and Senate Joint Resolution 7.

Does the First Amendment give us the right to desecrate the American flag? Or is the flag a sacred symbol of our nation, itself a monument deserving protection by law? In 1989, with *Texas v. Johnson*, the U.S. Supreme Court overturned anti-flag desecration laws that 48 states had on the books. At that time, the Court held that flag burning was symbolic expression and must be afforded the complete protection of the First Amendment.

Dissenters to *Texas v. Johnson* recognized that the anti-desecration statutes protect the *use* of this particular symbol (the American flag), and in no way sought to restrict the ideas that flag desecrators convey. Chief Justice Rehnquist said, "This uniquely deep awe and respect for our flag felt by virtually all of us is bundled off under the rubric of 'designated symbols' that the First Amendment prohibits the government from establishing." The Chief Justice argued that by restricting the physical desecration of our flag, the government recognizes as fact, the profound regard for the American flag created in the hearts of Americans by 200 years of history.

The 1989 Supreme Court decision set in motion a grassroots campaign of unprecedented success. No other issue on Capitol Hill has the endorsement of 80% of the American people, the overwhelming majority of the US House and Senate and 100 percent of state legislatures. HJR30 asks the US Senate to yield to the will of the people and send the proposed flag amendment to the States for ratification.

"The flag is a national property, and the Nation may regulate those who would make, imitate, sell, possess, or use it. I would not question those statutes which proscribe mutilation, defacement, or burning of the flag which otherwise protect its physical integrity, without regard to whether such conduct might provoke violence.....There would seem to be little question about the power of Congress to forbid the mutilation of the Lincoln Memorial....The flag itself is a monument, subject to similar protection."

- Justice White

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: HJR 30  
 (H) Publish Date: 1/22/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: HSTA for LAA  
 Title: Relating to an amendment to the Constitution BRU: \_\_\_\_\_  
of the United States prohibiting Component: \_\_\_\_\_  
 Sponsor: desecration of the Flag of the United States  
 Requester: H(STA) Component Number: \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This resolution has no fiscal impact on state spending.

Prepared by: Rynnieva Moss

Phone 465-3719

Representative John Coghill  
 Committee Chair

Date 1/22/02

# Alaska State Legislature

## House of Representatives

RULES COMMITTEE, CHAIR  
COMMITTEE ON COMMITTEES  
LABOR & COMMERCE COMMITTEE  
MILITARY & VETERANS AFFAIRS  
LEGISLATIVE COUNCIL



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10928 EAGLE RIVER RD., SUITE 141  
EAGLE RIVER, AK 99577

SESSION:  
ALASKA STATE CAPITOL  
JUNEAU, AK 99801

# Memorandum

To: Senator Therriault  
From: Rep. Pete Kott  
Date: March 6, 2002

Regarding: HJR 30  
Desecration of the US Flag

Attached to this memorandum is a copy of HJR 30, relating to a constitutional amendment prohibiting the physical desecration of the US Flag, and the sponsor statement. The Resolution urges the Congress to pass the resolution that sends the constitutional amendment to the states. That congressional resolution passed handily passed House in August and is awaiting consideration in the Senate.

If you get a chance, do you think you can schedule this resolution for a hearing in Senate State Affairs? The issue is very dear to Alaskans and in particular to the veterans.

If you need any more information, Linda Sylvester is the contact person for this item.



### Representative Pete Kott

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# Alaska State Legislature

## House of Representatives

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# Memorandum

To: Senator Therriault  
From: Rep. Pete Kott  
Date: February 13, 2002

Regarding: HJR 30  
Desecration of the US Flag

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Attached to this memorandum is a copy of HJR 30, relating to a Constitutional Amendment Prohibiting Desecration of the US Flag and the sponsor statement. At this time, I would like to request a hearing in Senate State Affairs, at the earliest opportunity.

If you need any more information, Linda Sylvester is the contact person for this item.



**Representative Pete Kott**

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