

Mr. Speaker, the American flag stands not for one political party or one ideology. The flag represents all Americans, regardless of their race, color, or creed. Desecrating the flag is an insult to all Americans, and a slur upon all those who have sacrificed for the United States. It is with pride that I vote today to protect our flag from violence and to enshrine this protection in the Constitution.

QUASQUICENTENNIAL OF THE TEXAS STATE CONSTITUTION OF 1876

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. PAUL. Mr. Speaker, the year 2001 marks the quasquicentennial of the Constitution of the great State of Texas.

The Lone Star State's highest legal document has served Texans since 1876 and—to commemorate this important milestone in Texas history—the recent Regular Session of the 77th Texas Legislature adopted House Concurrent Resolution No. 319, which the Governor signed on June 15, 2001. I would like to share with my colleagues the full text of the Legislature's H.C.R. No. 319 as follows:

HOUSE CONCURRENT RESOLUTION NO. 319

Whereas, The year 2001 marks the quasquicentennial of the Texas Constitution, and the 125th anniversary of this foundation document is indeed worthy of special recognition; and

Whereas, On August 2, 1875, Texas voters approved the calling of a convention to write a new state constitution; the convention, held in Austin, began on September 6, 1875, and adjourned sine die on November 24, 1875; then its draft was ratified in a statewide referendum on February 15, 1876, by a vote of 136,606 to 56,652; and

Whereas, The more than 90 delegates to the 1875 Constitutional Convention were a diverse group—most were farmers and lawyers; some were merchants, editors, and physicians; some were legislators and judges; some had fought in the Civil War armies of the South as well as of the North; at least five were African-American; 75 were Democrats; 15 were Republicans; and 37 belonged to the Grange, a non-partisan and agrarian order of patrons of husbandry; one delegate had even served nearly four decades earlier as a delegate to the 1836 Constitutional Convention; and

Whereas, The Constitution of 1876, a richly detailed instrument, reflects several historical influences; the Spanish and Mexican heritage of the state was evident in such provisions as those pertaining to land titles and land law, as well as to water and mineral law, and remains evident in judicial procedures, legislative authority, and gubernatorial powers; and

Whereas, Sections aimed at monied corporate domination together with protection of the rights of the individual and others mandating strong restrictions upon the mission of state government in general and upon the role of specific state officials grew out of the Jacksonian agrarianism and frontier philosophy that first infused the thinking of many Texans during the mid-1800's; and

Whereas, Other sections, such as those providing for low taxation and decreased state spending, were aimed at creating a government quite different from the centralized and more expensive one that had existed

under the Constitution of 1869, which was itself a product of the post-Civil War Reconstruction Era in Texas; and

Whereas, Notwithstanding its age, Texas voters have been reluctant to replace this charter, which is the sixth Texas constitution to have been adopted since independence from Mexico was gained in 1836; and

Whereas, The Constitution of 1876 has been the organic law of Texas for 125 years, and this document, which still bears the imprint of the region's long and dramatic history, has had—and continues to have—a profound influence on the development of the Lone Star State; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas, Regular Session, 2001, hereby commemorate the quasquicentennial of the Texas constitution.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. MOORE. Mr. Speaker, I rise in opposition to H.J. Res. 36, which proposes an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

For over two hundred years, the Bill of Rights of our Constitution has been the cornerstone of our great nation and the source of our basic freedoms and rights. Our democracy has withstood many tests of our freedoms, and has been strengthened as a result. The occasional, random, despicable acts of public desecration of our flag present another such test.

The American flag is a symbol for liberty and justice, for freedom of speech and expression and all of the other rights we cherish. But as important as the symbol may be, more important are the ideals and principles which the symbol represents. That our nation can tolerate dissension and even disrespect for our flag is proof of the strength of our nation. If we amend our Bill of Rights to protect the flag we would forsake the very freedoms that the flag symbolizes.

On May 18, 1999, General Colin Powell, who has dedicated his life to serving our country, sent a letter to Senator PATRICK LEAHY sharing his reasons for opposing this constitutional amendment. Senator LEAHY entered that letter in to the CONGRESSIONAL RECORD on March 29, 2000. The text of this poignant and thought-provoking letter is attached.

I love our country. I love our flag—and the principles for which it stands. By voting against this proposed amendment, we vote for the rights and freedoms that make our country great and distinguish our country from virtually every other country in the world.

GEN. COLIN L. POWELL, USA (RET),
Alexandria, VA, May 18, 1999.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: Thank you for your recent letter asking my views on the proposed flag protection amendment.

I love our flag, our Constitution and our country with a love that has no bounds. I defended all three for 35 years as a soldier and was willing to give my life in their defense.

Americans revere their flag as a symbol of the Nation. Indeed, it is because of that reverence that the amendment is under consideration. Few countries in the world would think of amending their Constitution for the purpose of protecting such a symbol.

We are rightfully outraged when anyone attacks or desecrates our flag. Few Americans do such things and when they do they are subject to the rightful condemnation of their fellow citizens. They may be destroying a piece of cloth, but they do no damage to our system of freedom which tolerates such desecration.

If they are destroying a flag that belongs to someone else, that's a prosecutable crime. If it is a flag they own, I really don't want to amend the Constitution to prosecute someone for foolishly desecrating their own property. We should condemn them and pity them instead.

I understand how strongly so many of my fellow veterans and citizens feel about the flag and I understand the powerful sentiment in state legislatures for such an amendment. I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous.

I would not amend the great shield of democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away. * * *

If I were a member of Congress, I would not vote for the proposed amendment and would fully understand and respect the views of those who would. For or against, we all love our flag with equal devotion.

Sincerely,

COLIN L. POWELL.

P.S. The attached 1989 article by a Vietnam POW gave me further inspiration for my position.

WHEN THEY BURNED THE FLAG BACK HOME:
THOUGHTS OF A FORMER POW

(By James H. Warner)

In March of 1973, when we were released from a prisoner of war camp in North Vietnam, we were flown to Clark Air Force base in the Philippines. As I stepped out of the aircraft I looked up and saw the flag. I caught my breath, then, as tears filled my eyes, I saluted it. I never loved my country more than at that moment. Although I have received the Silver Star Medal and two Purple Hearts, they were nothing compared with the gratitude I felt then for having been allowed to serve the cause of freedom.

Because the mere sight of the flag meant so much to me when I saw it for the first time after 5½ years, it hurts me to see other Americans willfully desecrate it. But I have been in a Communist prison where I looked into the pit of hell. I cannot compromise on freedom. It hurts to see the flag burned, but I part company with those who want to punish the flag burners. Let me explain myself.

Early in the imprisonment the Communists told us that we did not have to stay there. If we would only admit we were wrong, if we would only apologize, we could be released early. If we did not, we would be punished. A handful accepted, most did not. In our minds, early release under those conditions would amount to a betrayal of our comrades of our country and of our flag.

Because we would not say the words they wanted us to say, they made our lives wretched. Most of us were tortured, and