

should be, we are the superpower. People should have, however, a reason to anticipate that our position will be based on policy.

Mr. President, I think we find ourselves in a very difficult position, one in which honest people can disagree. I happen to believe it is a mistake for us to put U.S. troops on the ground there, a mistake in terms of policy, a mistake in terms of alternatives. There are alternatives. It is not that or nothing.

We can continue to be involved with diplomacy. We can continue to support NATO. We can give other kinds of support there. It is a question of what happens when we leave. What do we do to ensure that having spent whatever it is—I suspect even though the administration says \$1.5 billion, maybe plus \$600 million in nation building, a little over \$2 billion, I would be willing to bet you that is not right. We spent nearly that much in Haiti, and this place will be three times as expensive.

So the question is, what is the basis, what is the rationale for that kind of commitment? I hope we have an opportunity to discuss it soon. I had hoped we would this week. Apparently, it will be next week. We ought to keep in mind the mass troop movement has not taken place. We have some folks in there, some troops in there early to prepare, but the troops are not there. We still need to make a decision. We still need to say to the President, if that is what we believe, that we think this is the wrong decision. No one here, however, will resist supporting troops once they are there. We are not talking about that at this point; we are talking about the decision to be there. It is a tough one. We should face up to it, come to the snubbing post and make decisions. I am sorry we have not made them before now. We shall. It is our responsibility.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa, Mr. GRASSLEY, is recognized.

OPERATIONAL TESTING AND EVALUATION

Mr. GRASSLEY. Mr. President, I want to address the Senate for just maybe 3 or 4 minutes, 5 or 6 at the most, on something that Senator PRYOR and Senator ROTH have already addressed, something that we three have worked on over quite a few years. It deals with a matter of defense and an operation within defense that is going to make sure that we get the most money for our defense dollar and to make sure that a weapon system that we are producing is effective and safe.

Mr. President, I am amazed that I have to stand before you to say what I am about to say. I never thought I would have to rise to speak out to defend this program. But, then again, I continue to be astonished by the shortsighted and misguided actions of so many people in this town.

Nearly 12 years ago, there was a bipartisan effort to create the Office of Operational Test and Evaluation [OT&E] at the Department of Defense. OT&E was created in response to a very simple idea: We should not spend billions of dollars of the taxpayers money before we know that a weapons works and will be safe and effective for our men and women in uniform.

The OT&E Office has been an unqualified success. It has saved the taxpayers billions. The cancellation of that boondoggle, the Sgt. York [DIVAD] antiaircraft weapon, was due in part to the work of OT&E. Cancelling the DIVAD saved the taxpayers billions. More important, it ensured we didn't give our soldiers poor, unsafe equipment.

But far more important, OT&E has saved lives. There is no question that the modifications made to the Bradley fighting vehicle to enhance its survivability ensured that many young soldiers came home from the Persian Gulf.

Former Defense Secretary Dick Cheney said that the vigorous, independent testing oversight put in place with the creation of OT&E by Congress saved more lives than perhaps any other single initiative.

Now, what is our response to these accolades? To these successes? Why of course, we get rid of it. Incredibly this is actually being proposed right now by the DOD authorization conferees.

OT&E asks the tough questions on weapons effectiveness, and it looks closely at the answers. It does this independent of the services and the procurement bureaucracy at the Pentagon. So why would we want to eliminate this important check and balance?

Simply put, OT&E is a vital check in ensuring that the taxpayers get the best bang for the buck and that the safety of our troops is the top priority.

The people who are clamoring to get rid of OT&E are upset because OT&E is a roadblock to their top priority: ripping the money sacks open at both ends, and pitchforking dollars to defense contractors as quickly as possible.

These are people who must believe DOD exists merely as an expressway to pad the coffers of contractors. And they want to get rid of this small speed bump, the Office of Operational Test and Evaluation, because it slows down the flow of money.

Mr. President, I am particularly saddened that this is happening under a Republican Congress. I have been assured by Republican House leaders that Pentagon reform is around the corner, even though in the DOD authorization bill we are throwing more money at the Pentagon. But I must say, if this is their idea of reform, they'll have an unexpected battle on their flank. And I'll be leading the charge once again, just as I did in the mid-1980's. And we will win again.

House Republicans say they want to reform the Pentagon so much that it

will become a triangle. This action undermines any claims by Republicans in the Congress that they are for reforming the Pentagon.

I am very fearful that this Congress has badly confused its principles. Being for a strong defense means ensuring that our troops get the safest and most effective weapons for our troops. It does not mean ensuring only a steady and increasing cash flow for defense contractors.

And let me say, while the actions of the Congress are inexcusable, the administration's actions are no better.

We have heard not a word from the administration about the elimination of OT&E. How the administration, in the middle of sending our troops into Bosnia, can sit idly by and say and do nothing while OT&E is being eliminated is beyond comprehension. What kind of signal does that send to our troops?

Mr. President, as I said at the beginning of my speech, I am astonished that I am standing on the Senate floor having to debate this issue. This is a sad day for the taxpayers and even a sadder day for our troops.

I strongly hope the conferees will reconsider this disastrous proposal and not bring the DOD authorization bill to the floor until it is resolved.

I also wish to commend my colleagues, Senator ROTH and Senator PRYOR, for their staunch support for this office, both at its creation, and especially now. Their eloquent speeches on this floor earlier today speak to their leadership on this issue. And I would like to add my support to their effort to give our troops the very best equipment for their safety.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

Mr. THURMOND. Mr. President, it is unfortunate that the Democrats will not let us get beyond the motion to proceed on Senate Joint Resolution 31, the proposed constitutional amendment to grant power to the Congress and the States, the power to prohibit the physical desecration of the flag of the United States. This is an important issue which should be submitted to the American people in the form of a proposed constitutional amendment.

Mr. President, today we begin consideration of Senate Joint Resolution 31, a proposed constitutional amendment authorizing the Congress and the States to prohibit the physical desecration of the American flag. I am pleased

to be an original cosponsor of this proposal.

In June of 1989, the Supreme Court issued a ruling in *Texas versus Johnson* which allows the contemptuous burning of the American flag. Immediately after that ruling, I drafted and introduced a proposed constitutional amendment to overturn the unfortunate decision.

After bipartisan discussions with Members of the Senate and President Bush, the Senate voted on a similar proposal which I cosponsored. During this time, the Supreme Court ruled in *United States versus Eichman* that a Federal statute designed to protect the flag from physical desecration was unconstitutional. The Texas decision had involved a State statute designed to protect the flag.

On June 26, 1990, the Senate voted 58-42 for the proposed constitutional amendment, nine votes short of the two-thirds needed for congressional approval.

Opponents of this proposed amendment claimed it was an infringement on the free speech clause of the first amendment. However, the first amendment has never been construed as protecting any and all means of expressive conduct. Just as we are not allowed to falsely shout fire in a crowded theater or obscenities on a street corner as a means of expression, I firmly believe that physically desecrating the American flag is highly offensive conduct and should not be allowed.

The opponents of our proposal to protect the American flag have misinterpreted its application to the right of free speech. Former Chief Justice Warren, Justices Black and Fortas are known for their tenacious defense of first amendment principles. Yet, they all unequivocally stated that the first amendment did not protect the physical desecration of the American flag. In *Street versus New York*, Chief Justice Warren stated, "I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace."

In this same case, Justice Black, who described himself as a first amendment "absolutist" stated, "It passes my belief that anything in the Constitution bars a State from making the deliberate burning of the American flag an offense."

Mr. President, the American people treasure the free speech protections afforded under the first amendment and are very tolerant of differing opinions and expressions. Yet, there are certain acts of public behavior which are so offensive that they fall outside the protection of the first amendment. I firmly believe that flag burning falls in this category and should not be protected as a form of speech. The American people should be allowed to prohibit this objectionable and offensive conduct.

It is our intention with this proposed constitutional amendment to establish a national policy to protect the American flag from contemptuous desecra-

tion. The American people look upon the flag as our most recognizable and revered symbol of democracy which has endured throughout our history.

I urge my colleagues to join the sponsors and cosponsors of this proposed constitutional amendment to protect our most cherished symbol of democracy. By adopting this proposal, we can submit this important question to the American people to decide if they believe that the flag is worthy of constitutional protection.

I yield the floor.

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, first let me commend my distinguished colleague from New Mexico, Senator BINGAMAN, for objecting to the motion to proceed to the constitutional amendment on flag desecration until roughly 18 ambassadors' nominations which are being held up are released. We all, around here, do what we feel we have to do to make a point. But we have extremely important ambassadorial posts going unfilled because of a dispute over a totally different item.

I suppose it is that old saw "the wheel that squeaks the loudest gets greased," is true, and I am not criticizing the Senator from North Carolina personally. He has a right to do whatever he wants to do. All I am saying is I do not believe the country's interests are being well served when someone like our distinguished former colleague, Senator Sasser, is prohibited from taking his post in China where we so desperately need representation, at this time especially.

So, I hope the Senator from New Mexico will stand fast on it. I will do my best to help him with it. That is one logjam that needs to be broken.

Mr. President, what I came to the floor to speak about is the proposed constitutional amendment dealing with flag desecration. I have voted on that a number of times since I have been in the Senate, have steadfastly opposed it every time it has been offered, and I will oppose it again today.

When I think of the real problems of this Nation right now, and find this body dealing with this particular issue at this time, I am appalled. Motorola wants to build a big new facility and hire lots of people. They have elected to stay in this country and not go to Malaysia, and the only criterion they ask is that the applicants have a seventh grade knowledge of math, a fifth grade knowledge of English, and 50 percent of the applicants cannot meet

that standard. The President of IBM says they spend \$3 billion a year on remedial education. And you only need to look at the annual survey of high school seniors' heroes in this country to understand what they are learning about history, particularly the history of this country.

So what are we doing? We are doing two things. No. 1, we are cutting education dramatically. Somewhere between 500,000 and a million youngsters will not get a college education under the budget reconciliation bill as it now stands. Those programs are going to be savaged.

I saw a bumper strip yesterday. I told my wife about it last night. She said she had seen it years ago. It said,

I will be glad when the schools of this country and our children get the money they need, and the Pentagon has to hold a bake sale to buy a bomber.

I have said many times, as I did during the debate on the space station, if you take the money you are putting in the space station and put it in education, I promise you the dividends will be 10 times greater. You take the \$7 billion in the defense bill in excess of what the Pentagon asked for and put it in education, and I promise you your chances for peace are exponentially better.

So here we are, as the Atlanta Constitution said, with a resolution searching for a problem. We are not here to deal with the real or even an imagined problem. Everybody here in this body knows that this is pure, sheer politics, with four flag burnings last year, and none this year. And we are going to tinker with the first amendment, with our cherished Bill of Rights, a document which we in good common sense have not seen fit to change one letter in 206 years?

Where does this stuff come from? Why do people forever want to tinker with the most sacred document we know next to the Holy Bible? The people of the country show a great deal more common sense and respect for the Constitution than the Members of Congress do. In 206 years we have amended the Constitution only 27 times, 25 times when we consider the passage and repeal of Prohibition.

Would you like to take a guess, Mr. President, at how many resolutions have been introduced in the Congress to amend the Constitution? More than 10,000. You think of it. So, thank God for the American people in their infinite wisdom. Otherwise, we would have 10,000 changes in the Constitution of the United States. Happily, most people who offer resolutions here to amend the Constitution will issue a press release, beat themselves on the chest about how patriotic they are and how representative they are of the people back home, and that is the last you ever hear of it.

At the risk of sounding slightly arrogant, the most neglected duty that a legislator is to be an educator. If you are not capable of going before a town

hall meeting and saying, yes, I voted against that bill and here is why, if you cannot stand for reelection and let the people decide if you really represent their views and the best interests of the Nation, if you are not willing to let them ask, "Does the fact that he voted against the flag amendment mean he is not patriotic?" then you shouldn't be here. Does that apply to our distinguished colleague from Nebraska, BOB KERREY, a Congressional Medal of Honor winner, who lost a leg in Vietnam, who has said the revulsion we feel for somebody who would desecrate our flag is all we need to protect the flag? As long as 99.9 percent of the people of this country are repulsed and find flag desecration repugnant, why do you want to change the first amendment?

Let me repeat, Mr. President. The Bill of Rights is the most important part of the Constitution of the United States and the first amendment is first for a reason. That is what gives us our freedom of religion, freedom of speech, and freedom of press. And, Lord knows, I have trouble with that sometimes, but I wouldn't change it.

I will tell you what the problem is. The problem is going home and facing our constituents. Who wants to go home and say, "Yes, I voted against the defense budget?" knowing his next opponent will have a 30-second spot saying he is soft on defense, or he is not patriotic? It takes a little courage around here. Courage is in very short supply.

I know of one Senator, I will not name him, who is laying his political future on the line because he comes from a very conservative State, who has taken a stand against this amendment. Is that sort of courage not, after all, what the American people want? When somebody comes up to me on the streets of the towns and cities of my State and says, "Why don't you guys screw up your nerve and do something courageous for a change?", do you know how that translates? I will tell you exactly. What they are saying is, "Why are you afraid to do something that is unpopular?" It does not take courage to always do the popular thing.

I do not denigrate the people of this country. But I know precisely how to vote, if I do not want to catch any flak when I go home. I would vote for that thing in a New York minute. But I just happen to believe in the Constitution. I consider it the document that is the glue that holds the fabric of this Nation together. And every time somebody says, well, I do not think you ought to spit on the flag, or burn the flag, or something else, I'm not ready to say, "Let us amend the Constitution." I have said hundreds of times on the floor of this body in my 21 years here that when you start tinkering with the Constitution, I belong to the Wait Just a Minute Club.

Down in Arkansas in 1919 the legislature passed a law saying you cannot do this and that and the other to the flag.

Essentially, you cannot show disrespect for the flag. In 1941, 6 months before Pearl Harbor, old Joe Johnson, who lived out in Saint Joe up in the Ozark Mountains, ran afoul of that law. I guess Saint Joe has maybe 300 people. The county seat was Marshall, AR. The woman who dispensed commodities to poor people at the courthouse had heard that there were a bunch of those Jehovah's Witnesses out at Saint Joe. Not only did they not believe like most good Christians, the Bible and their religious training was more important to them than the flag of the United States. Joe had a wife and eight children. And he goes into Marshall as he does on the first day of each month to get his commodities to feed his children.

Now, you have to understand Saint Joe in that era of 1941, you have to understand the unspeakable poverty the people of the mountains lived in. So Mrs. Who Shall Remain Nameless, even though it was 1941—I am sure she is long since departed—says to Joe Johnson, "We hear you have been drawing commodities for kids you ain't got." Joe says, "That's not true. I've got eight children. You're welcome to come out and see." She accepts that, and she says, "We also understand that you belong to a sect called Jehovah's Witnesses." He said, "That's correct." "And we understand that you Jehovah's Witnesses don't respect our flag. And if you are going to draw commodities, I want you to stand up there and salute that flag." Joe says, "I ain't going to do it. The Bible tells me that I don't salute any earthly thing except the Bible. That's my religious teaching."

There were quite a few people in that office, and Joe went ahead to make a speech. And during the course of his speech somebody testified at his trial that he had touched the flag. That was enough to find him guilty of disrespecting Old Glory. So they fined Joe \$50 and gave him 24 hours in jail. Then Joe took it to the Arkansas Supreme Court, and while it was on appeal, the Japanese bombed Pearl Harbor. So Joe's conviction was upheld on a vote of 6 to 1.

I remember well the Chief Justice of the Arkansas Supreme Court—his son was a very dear friend of mine—dissented. He dissented, saying you cannot have a law like this. You cannot say that Joe has to choose a flag over his religion. He cited Oliver Wendell Holmes that the country must fight every effort to check the expression of loathsome opinions, unless they so threaten the country they had to be stopped to save it.

"The fact remains," Justice Smith wrote, "that we're engaged in a war not only of men, machines and materials but in a contest wherein liberty may be lost if we succumb to the ideologies of those who enforce obedience through fear and who would write loyalty with a bayonet. If ignorance were a legal crime, this judgment

would be just," he said. "The suspicions and hatreds of Salem have ceased. Neighbor no longer inveighs against neighbor through the fear of the evil eye."

And the writer of this column says, "The reasons for the misguided fears of 1942 are gone, but ignorance and intolerance are still with us."

I do not know what happened to me last night. I woke up at 2 o'clock, and I could not go back to sleep. I could see it was a futile thing to try, so I went downstairs where there were three small books I had checked out of the Library of Congress on the Salem witchcraft trials and on witchcraft in general. I read until 4:30, and I am tired right now because I did not get enough sleep last night.

I started reading through the charges that used to be leveled long before Salem, back in the Middle Ages, and one thing I had not really thought about is that witchcraft trials were sexist. It was always the woman who was the witch. And a woman who lived to be 60 are 70 years old, might develop a haggard look. As we crossword puzzle junkies would say, she was a "crone," and so the first thing you know, anybody who developed that sort of look was called a witch, riding a broom across the skies, if a child had a seizure in the community, she was very likely to be the first one accused of being a witch. In this little community of Salem Village in Massachusetts, in a 2-month period, 134 people are accused of being witches.

One of the books I was looking at last night had transcripts of the trial, believe it or not. Thirty-two were convicted, 19 either burned at the stake or hung. On what grounds? The testimony of 10-, 12-, 13-year-old children. We have not had witchcraft trials in this country since. This comes close.

I revere the flag. When I first came to the Senate, I went up in the Northeastern part of the country to one of the most prestigious universities in the country, and the rostrum was full. I guess they wanted to see what a new moderate Senator from the South looked like. The emcee got up and said, "Let's all stand and say the Pledge of Allegiance." I would say that at least half of those kids refused to stand.

I was pretty shocked, Mr. President. But I got to reflecting on how I first went off to college and how anxious I was to prove my independence. My father and mother could not tell me what to do any more. If I did not want to get up and say the Pledge of Allegiance, that was my privilege.

I was insulted by it, and I did not like it. But I did not see anybody there I wanted to send to prison. Is that a legal crime? Why, of course, it is not. But I can tell you, I was offended by that, as I would be if somebody had walked out in front and spit on the flag.

Is this desecration anyway? Desecration comes from the Latin root, I guess, which means sacred.

So what is sacred? To some people the Bible is the only thing that is sacred. It was the only thing that was sacred to Joe Johnson. So people will come in here who do not any more believe in this amendment than a goon. And I hate to say this. There are a lot of Senators who will take you aside and deplore this amendment, and they will vote "aye" because they do not want to have to go home and talk to their constituents.

That is the risk you take. When I voted for the Panama Canal treaties, I was getting 3,000 calls a day against my position, and it has cost me dearly ever since. I do not mind telling you, if I had had a tough opponent in 1980, I would have probably been defeated. It was a very volatile issue. My pollster said in 1992 I still lost 3 percent of the vote because I voted for the Panama Canal treaties. It would have been so nice to have said no to that treaty.

I am not saying that history has vindicated that vote, but I will say this: I think Panama would be in absolute chaos right now if we had not done it. But there was also something called the Golden Rule involved in my vote on that.

So around here we vote for the flag amendment, we vote for an amendment to require prayer in school. I have noticed the Republicans, who thought term limits was the greatest thing since night baseball, they do not much like it anymore. I knew if they ever got control, term limits would die a fast death.

The line-item veto: I have never been for it; I will never be for it. We finally got it this year. What happens? Bill Clinton is in the White House, so we cannot even get the conferees appointed. Boy, if there ever was a time I might support the line-item veto, it would be right now. But I am not going to support it. I never have and I never will, because it is a bad idea. The Republicans do not like it either when Bill Clinton is in the White House.

Everybody runs on family values. Who wants to face a 30-second spot saying, "He says he's for family values, but look how he voted on prayer in school, look how he voted on this, look how he voted on that." Everybody around here jumps under their desk every time one of these controversial issues comes up. Who wants to say, "I'm not for that new star wars program"? And people come by and say, "He doesn't even want to defend the people of this country against a missile attack." Oh, would that that were all there is to the issue.

Mr. President, if this amendment were adopted and we chose for the first time in 206 years to, in my opinion, sully the Constitution of the United States and the most sacred part of the Bill of Rights, it would not increase my patriotism any. I would not get goose bumps any more than I did at the Kennedy Center Sunday night. This magnificent orchestra played "The Star Spangled Banner." I cannot stand the

way I hear it sung most of the time. I am an old band man and marine, and I love the way the Marine Band plays "The Star Spangled Banner." I wish everybody would play it that way and sing it that way.

At the Kennedy Center, this orchestra played "The Star Spangled Banner," and one of the honorees was Marilyn Horne. There were a lot of other opera singers there, and they sang "The Star Spangled Banner," and it just took the roof off. I promise you, all the people there had goose bumps. It was exhilarating and thrilling and exciting.

So if you had this flag amendment, do you think people there would have gotten any more goose bumps? You know what we do when we adopt this? We take a freedom away from people and create a class of political prisoners. We will imprison people.

You know what the amendment says. The amendment says the States and Congress may prohibit desecration of the flag. They will determine what desecration is. One State will charge you with a \$15 misdemeanor fine; another State will give you the death penalty; another State pins a medal on you for it. What kind of nonsense are we into here? Every State would decide for itself a constitutional issue: what constitutes desecration of the flag?

Coming back from Arkansas last weekend, I counted three people, two men and a woman, whose shirts were made out of the American flag. What are you going to do with them, Mr. President? Are you going to haul them off like Joe Johnson, put them in jail? Well, maybe one State says you put them in jail, another State says you cannot do that. You go into a bar and you get a drink and there is a swizzle stick to mix your drink with a flag on the end of it. What are you going to do with that bartender, the owner of that bar? On the Fourth of July, the entire front page of the paper is the American flag, every one of them going into the trash before sundown. What are you going to do about that, Mr. President?

How about the used-car lot that has an American flag sticking up on every antenna? Do you ever suspect for a moment, Mr. President, that these car lots with these massive displays of flags are designed to convince you that the owner of that place is a patriot? Some people would see it as the opposite: commercialization of the flag.

While we are covering desecration, why do we not also cover commercialization of the flag or using the flag for commercial purposes? And then, what is physical desecration? Does that mean you have to spit on it, tear it, burn it? What is physical desecration?

I tell you what it is, Mr. President. It is whatever each one of the 50 States say it is. You will have 50 different definitions of what used to be a precious, protected freedom of political speech in the Constitution of the United States, and then Congress will also weigh in so you will have 51.

We already have protection of the flag. The Supreme Court has already said fighting words, acts calculated to create a violence can be considered to be illegal.

Mr. President, let me ask you, what kind of company are we going to be in? I have two grandchildren. And like we did with our own children, Betty and I put them on our laps, and we go through Highlights looking for hidden pictures, all those other little games. One of the Highlights games is always, "What is out of place in this picture?" It will have 8 or 10 things. One obviously does not fit, it is out of place, out of character.

Here is a chart. And taken from Highlights magazine is "One of these things is not like the others." Look at it. I ask you, which one is not like the others? Here you have Germany which in 1932 passed a law saying:

Whoever publicly profanes the Reich or one of the states incorporated into it, its constitution, colors or flag or the German Armed Forces, or maliciously and with premeditation exposes them to contempt, shall be punished by imprisonment. Nazi Germany. You cannot say anything about it, you cannot talk about it, you cannot desecrate the flag, the constitution or much of anything else.

The Soviet Union, 2 years in the gulag. The Soviet Union, 2 years in the gulag for desecration of the flag.

China, 3 years.

Iraq, 7 years.

And not to be outdone, Iran, 10 years.

South Africa, 5 years and a fine during apartheid.

Cuba, old Fidel is not as tough as these other guys; only 3 months and a fine in Cuba.

Syria, 6 years.

There they all are. And in the center is Old Glory. Is this the crowd we want to join? We are going to wind up giving up a lot more freedom than we are going to get.

Mr. President, I have been amazed at where a lot of conservative writers are on this issue. Charles Krauthammer—I do not read him. I do not care for his articles, and I never read him. He thinks this is pap nonsense.

George Will, Cal Thomas, and other conservatives.

Senator MITCH MCCONNELL, from Kentucky, had a column in yesterday's Post, and I thought it was absolutely superb. He quoted a veteran, a man named Jim Warner, an American patriot who fought in Vietnam and survived more than 5 years of torture and brutality as a prisoner of the North Vietnamese. Here is what he said:

We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America, and they're afraid of freedom. What better way to hurt them than with the subversive idea of freedom. Spread freedom.

When a flag in Dallas was burned to protest the nomination of Ronald Reagan, he told us how to spread the idea of freedom when he said:

We should turn America into a city shining on the hill, a light to all nations. Don't be

afraid of freedom, it is the best weapon we have.

You do not hear me quote Ronald Reagan very often, but that was beautiful.

And finally, to quote our old friend Will Rogers, and I will close with this:

When Congress gets the Constitution all fixed up, they're going to start on the Ten Commandments, just as soon as they can find somebody in Washington that's read them.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I rise today to join my colleagues in support of Senate Joint Resolution 31. I did not come to the floor to cite case law or precedent or to dispute the predictions and the pronouncements of the constitutional scholars. I will leave that to the lawyers in this Chamber. But I came here to tell you what I believe in my heart as an average American, the son of a veteran, the kind of person who puts his hand across his chest during the national anthem and gets a lump in his throat during parades when the Stars and Stripes go by.

What is it about this multicolored piece of cloth that inspires such emotion? Perhaps it is the high price this Nation has paid for the honor of flying it.

Fifty-three thousand Americans gave their lives defending this piece of cloth in World War I; 292,000 Americans in the Second World War; 33,000 Americans in Korea; 47,000 Americans in Vietnam; most recently, 138 Americans gave their lives defending this piece of cloth in the Persian Gulf war.

And when the bodies of those defenders of freedom were returned home, it was this piece of cloth atop their caskets that caught and cradled the tears of their loved ones.

In my heart, I know that the men and women who sacrificed everything they had to give on behalf of this flag and the ideals it represents would be heartsick to see it spit upon, trampled over, burned, desecrated.

This is so much more than just another piece of cloth.

Mr. President, in a nation like ours that celebrates diversity, there is little that ties us together as a people. We come from different nationalities. We practice different religions. We belong to different races. We live in different corners of this immense Nation, speak different languages, eat different foods. There is so much that should seemingly divide us. But under this flag, we are united.

Far from being just a piece of cloth, the flag of the United States of America is a true, national treasure. Be-

cause of everything it symbolizes, we have always held our flag with the greatest esteem, with reverence. That is why we fly it so high above us. When the flag is aloft, it stands above political division, above partisanship.

Under this flag, we are united. And Americans are united in calling for a constitutional amendment allowing them to protect their flag.

When you ask them if burning the U.S. flag is an appropriate expression of freedom of speech, nearly four out of every five Americans say no, it is not. In my home State of Minnesota, nearly 70 percent of my neighbors support Senate Joint Resolution 31, and have called on Congress to pass it this year.

Mr. President, there is no Minnesotan who has been more vocal in this fight than Daniel Ludwig of Red Wing, and I am so proud of his efforts. Just this summer, Mr. Ludwig had the great honor of being elected National Commander of the American Legion during the organization's 77th annual national convention.

Mr. Ludwig knows what the flag means to the soldiers and veterans of the American Legion. He is a Vietnam-era veteran of the U.S. Navy who spent 8 years in the military, and he told me that passage of the amendment we debate today remains the American Legion's No. 1 priority.

"We are so close to victory," he said. "Protecting the American flag from desecration can be our greatest victory."

It has been too long in coming.

Since 1989, the year the U.S. Supreme Court struck down state laws banning desecration of the flag, 49 of our 50 States have passed resolutions directing Congress and their State legislators to support a flag protection amendment.

Our legislation restores to the States the right snatched away from them by the court to enact flag-protection laws. It does not force the States into action. It does not set punishments. It says simply that "the Congress and the States shall have power to prohibit the physical desecration of the flag of the United States."

This amendment returns to the people the power to pass the flag-protection laws they feel are appropriate for their communities.

Of course, there are those who are opposed to this amendment, individuals who do not believe the people can be entrusted with the responsibility of amending the Constitution. They think Congress should play the role of protector, a guardian body that exists to save the people from their own foolishness.

It is not something we enter into recklessly, but it is the right of the people to amend their own Constitution. Our Founding Fathers were wise enough to understand that times and circumstances change, and a Constitution too rigid to bend with the times was likely to break. They created the amendment process for that very purpose. We amend the Constitution when circumstances tell us we must.

Mr. President, we need this amendment because the soul of our society seems to have been overtaken by the tennis-shoe theology of "just do it."

If it feels good, just do it. Forget about obligation to society. Forget about personal responsibility. Forget about duty, honor, country. "If it feels good, just do it," they say.

If it makes you feel good to burn a flag, just do it. After all, it is just a piece of cloth.

Just a piece of cloth? Tell that to the men, women, and children who each day stand before the black granite walls of the Vietnam Veterans Memorial, tearfully tracing with their finger the name of a loved one chiseled deep into the stone.

Tell that to the veterans of the Korean war, who have come by the thousands to their new memorial just across the reflecting pool. They see the statues of the soldiers, poised in a battle march, the horror of war forever frozen in the hardened steel, and they remember those who did not come back.

Tell it to the veterans of World War I and World War II, who each year don their uniforms for the annual Veteran's Day parades. Time may have slowed their march and stiffened their salute, but it has not diminished their passion for the flag.

To say that our flag is just a piece of cloth—a rag that can be defiled and trampled upon and even burnt into ashes—is to dishonor every soldier who ever fought to protect it. Every star, every stripe on this flag was bought through their sacrifice.

Mr. President, as I walked to the Capitol this morning and saw the flags on either side of the great dome flapping in a gentle breeze, I knew I could not stand here today, cold and analytical, and pretend I did not have a stake in this emotional debate.

It is average Americans like me who cannot understand why anyone would burn a flag. It is Americans like me who cannot understand why the Senate would not act decisively, overwhelmingly, to pass an amendment affording our flag the protection it deserves.

I know in my heart that this simple piece of cloth is worthy of constitutional protection, and I urge my colleagues to search their own hearts and support Senate Joint Resolution 31.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

HOUSING FOR OLDER PERSONS ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate