

a doctor. They read the bill—the doctor that performed this, a doctor that you have attacked over and over again, Dr. James McMahon, who was summoned by Representative CANADY to testify because he performed the very procedure you wish to outlaw.

So if you want to speak out against the Boxer-Brown-Specter-Moseley-Braun-Snowe amendment, et al., you should. You should speak out against our amendment. You should say there should be no exception for the life and serious health consequences to a woman. But do not say that these women do not know what they are talking about and their families do not know what they are talking about, when, in fact, your side has named the very doctor that they used for this late-term abortion, your side has named him and paraded his name around because he used that very procedure you wish to outlaw.

So, Mr. President, this has been a tough night. We have heard raised voices. It has not been pleasant. As a matter of fact, this has been the most unpleasant week that I can remember here in a long time for me personally, because, yes, I think it is arrogant to insert a politician into this woman's life, into this man's life, and into these children's lives. I do not think that we have the wisdom to know better how they should handle a tragedy such as the tragedy they had to handle.

And I hope and I pray that the bipartisan amendment that I have offered, and which we have reached across the aisle to work together to protect families like this, passes.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

#### FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

Mr. DOLE. Mr. President, I now move to proceed to Senate Joint Resolution 31 regarding the desecration of the flag.

#### CLOTURE MOTION

Mr. DOLE. I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will state the motion to invoke cloture.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S.J. Res. 31, a joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States:

Bob Dole, Orrin Hatch, Conrad Burns, Ben Nighthorse Campbell, Slade Gorton, Craig Thomas, Alan Simpson, Larry Craig, Trent Lott, Connie Mack, Don Nickles, Spencer Abraham, John Ashcroft, John Warner, Chuck Grassley, and Strom Thurmond.

Mr. DOLE. Mr. President, for the information of all Senators, we have been attempting—and have wasted the whole day—to bring up the flag amendment. We were precluded from doing that by the efforts of the Senator from New Mexico, Senator BINGAMAN. He has every right to do that. I know he is not for the flag amendment, but he indicates he does not mind if we vote on it.

But I wanted to point out that tomorrow is Pearl Harbor day. Tomorrow is December 7. On a Sunday morning 54 years ago, more than 2,300 brave Americans lost their lives during the raid on the U.S. Pacific Fleet. As a testament to their valor, some of the dead are permanently entombed in the U.S.S. *Arizona*, one of the ships sunk during the attack.

As World War II raged on, thousands of other brave American soldiers followed their country's flag into battle. The great sacrifices made by our fighting men and women during this war and in subsequent conflicts—Korea, Vietnam, the Persian Gulf, Somalia—reflect the courage and strength of character of the American people.

Our flag is the unique and beloved symbol of these qualities. Representing Americans of every race, creed, and social background, the flag is also the one symbol that brings to life the phrase "E Pluribus Unum"—Out of many, one.

So it would seem to me that as we look back over the history of America, one of our most enduring national images is the famous picture of six courageous Americans—Sgt. Michael Trank, Cpl. Harlan Block, Pfc. Hamilton Hayes, Pfc. Rene Arthur Gagnon, Pfc. Franklin Runyon, and Pharmacist's Mate John Henry Bradley—who risked their lives to raise Old Glory at the top of Iwo Jima's Mount Suribachi.

These men were not constitutional scholars. They were not legal experts. They were young enlisted men, like so many of the 6,000 American soldiers who gave their lives to their country during the deadly ascent up that hill.

Because of the sacrifices of these men and countless thousands like them, I support this amendment. Because of the flag's unique status as the symbol of the American spirit and experience, I believe it deserves constitutional protection.

#### AMENDING THE BILL OF RIGHTS

Now, there are those who charge the supporters of the flag amendment with attempting to amend the Bill of Rights. I strongly disagree with this characterization.

It is the Supreme Court—and more precisely five Justices on the court—who amended the bill rights when they concluded in the Texas versus Johnson decision that the Act of flag-burning was constitutionally-protected speech. This misguided ruling effectively overturned 48 State statutes and a Federal law proscribing flag desecration. Most of these statutes had been on the books for decades, without threatening any of our freedoms, including our freedom of

speech guaranteed by the first amendment.

And, after all, the first amendment is not absolute. One cannot use libel to convey an opinion and claim first amendment protection. Obscenity, and fighting words, and yelling fire in a crowded theater, all fall outside the first amendment's free-speech guarantee.

In fact, even some of the strongest supporters of the first amendment never imagined that the act—the act—of flag-burning would merit constitutional protection.

As Justice Hugo Black, considered by many legal experts to be a first-amendment absolutist, once put it: "It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense." Or as former Chief Justice Earl Warren explained: "I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace \* \* \*"

So, Mr. President, it's time for a little reality check: We can pass laws making it illegal to destroy U.S. currency, or deface your own mailbox, or even rip the warranty label off your own bedroom mattress. But, according to the Supreme Court, if you want to burn our Nation's most cherished symbol, the flag, just go right ahead.

And that is why we need a flag amendment: not to amend the Bill of Rights, not to change the first amendment, but to correct the Supreme Court's own red-white-and-blue blunder.

Let me make another point: The Framers of the Constitution intentionally made the amendment process a difficult one, requiring the assent of two-thirds of each House of Congress and three-fourths of the State legislatures before an amendment's ratification. These sensible hurdles were designed to protect the Constitution from ill-conceived and frivolous changes. But once an amendment has been ratified, clearing the high hurdles built into the amendment process itself, the American people have spoken.

#### OPENING A PANDORA'S BOX

Some of those who oppose the flag amendment also claim that ratifying it will open a Pandora's Box—that supporters of other national symbols, no different from the flag, will clamor for similar protection from desecration.

I reject this argument because the flag is unique.

Do we pledge allegiance to the Constitution, or to the Presidential seal, or to any other national symbol? No.

Flag Day, June 14, is a national holiday, but do we have a national holiday honoring the Constitution, or the Presidential seal, or any other national symbol? No.

The "Star Spangled Banner," our national anthem, honors the resiliency of Old Glory. But does our national anthem honor the Constitution, or the Presidential seal, or any other national symbol? No, it does not.

And 48 States and the United States have enacted statutes prohibiting the desecration of the flag. Have the States and Congress passed laws prohibiting the desecration of the Constitution, or the Presidential seal, or any other national symbol? The answer, of course, is "no."

So, as you can see, the flag stands alone. It stands alone as the unique symbol of our ideals, our hopes, our aspirations as a Nation. And that is why I am proud to join today with the citizens flag alliance, the American Legion, and 113 other civic and patriotic organizations representing millions of Americans across this country who support this amendment.

**"BANNER YET WAVES"**

Mr. President, I will conclude now with a few words from an article entitled, "The Banner Yet Waves," written by the editors of the Reader's Digest.

I read these words during the last debate on the flag amendment, back in 1989, and I want to share them once again with my colleagues. The words continue to ring true today. I quote:

While Americans know that behind this rectangle of cloth there is blood and great sacrifice, there is also behind it an idea that redefined once and forever the meaning of hope and freedom. Lawyers and justices may debate the act of flag-burning as freedom of expression. But a larger point is inarguable: When someone dishonors or desecrates the banner, it deeply offends, because the flag says all that needs to be said about things worth preserving, loving defending, dying for.

Mr. President, that is what this debate is all about. It is not about making fine legal distinctions or trying to prove who is the best constitutional scholar. It is about protecting that which is sacred to us as citizens of this great country.

Amidst the rich diversity that is America, we must cherish the principles and ideals that bind us together as one people, one Nation, and for which thousands of brave Americans have given their lives. As the unique symbol of these principles and ideals, the flag must receive the constitutional protection it so richly deserves.

Mr. President, I regret that we are now in a position of having to obtain cloture before we can even consider this amendment. I hope that the Senator from New Mexico, who, as I understand, opposes the flag amendment, would find some other way to distract us from what I think is a very important amendment. I know he is concerned about ambassadors. I know he is concerned about treaties. But I can tell him, as I indicated this morning, this Senator is, too. I have tried almost every day to bring this matter to some resolution. We think we are very, very close. And I see no reason to hold up this particular constitutional amendment, Senate Joint Resolution 31, in an effort to become involved in a process that has been going on for weeks and in which the Senator from New Mexico, as far as I know, has not been involved at all. So I have no other course than to

hold up other nominations. If he wants to play this game—we cannot bring up bills; we cannot determine what the legislative agenda is going to be—if any Senator can stand up and say I will determine what we will bring up to the floor, if the leaders are powerless, then we have to resort to whatever means we have. In this case, all we can do is file cloture, and we will obtain cloture on Friday morning because I know more than 60 Members will support cloture.

**MORNING BUSINESS**

Mr. DOLE. I now ask unanimous consent there be a period for the transaction of morning business until the hour of 8 p.m.

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

**SOUTH DAKOTA CHAMPIONS**

Mr. PRESSLER. Mr. President, today I rise to pay tribute to the champions of the 1995 South Dakota High School Football Playoffs. The playoffs were held at the "Dakota Dome" on the campus of the University of South Dakota in Vermillion on Friday, November 3, and Saturday, November 4.

In class 11AA, the Yankton Bucks won the championship for the second year in a row and the fourth time in school history. First year coach Jim Miner led the Bucks. Quarterback Mason Mehrman was named the game's Most Valuable Player (MVP).

The Vermillion Tanagers capped an undefeated season by claiming the class 11A crown. The Tanagers, who also won a State title for the fourth time in school history, are coached by Gary Culver. Running back Vince Roche was named the game's MVP.

The Cavaliers of Bon Homme County High School, located in Tyndall, South Dakota, won the class 11B championship for the second year in a row. The Cavaliers extended their consecutive winning streak to an impressive 21 games. The Cavaliers are coached by Russ Morrell. Running back Josh Ranek was named the game's MVP.

In class 9A, the Wakonda-Gayville-Volin Panthers won their first State title. The Panthers, who finished the season undefeated, are coached by Glen Ekeren. Quarterback Dan Freng was named the game's MVP.

The Wildcats of Grant-Deuel County High School, located in Revillo, SD, captured their first ever class 9B championship. Coach Chad Gusso led the Panthers. Running back Heath Boe was named the game's MVP.

I congratulate all the coaches, the players, and the parents of these five schools, as well as all the South Dakota schools that competed in this year's playoffs. In the spirit of competition, they have demonstrated the hard work, commitment, and teamwork that it takes to be champions. They all are to be commended for continuing such a great football tradition in South Dakota.

Mr. President, I ask unanimous consent that the rosters of each championship team be included in the Congressional RECORD at this time.

There being no objection, the rosters were ordered to be printed in the RECORD, as follows:

**YANKTON "BUCKS" (11-0)**

	Pos.	Ht.	Wt.	Yr.
No.—Name:				
12—Mason Mehrman	QB	5-11	165	12
14—Chris Reiner	QB	6-1	180	12
15—Kevin Jordahl	QB	5-11	165	12
16—Lars Anderson	QB	5-11	165	11
20—Thomas Draskovic	FB	5-9	165	12
21—Aaron Dykstra	HB	5-10	145	11
22—Matt Jensen	HB	5-9	160	12
23—Carl Tween	HB	5-11	165	12
27—Jason Hermanson	SE	5-10	150	11
28—Danny Grant	LB	5-7	150	12
30—Wade Buxcel	LB	5-11	160	11
31—Ryan Hanson	HB	5-9	165	11
32—Jeremy Tamislea	HB	5-8	165	12
33—Jacob Wurth	HB	5-11	185	11
34—Matt Bohn	FB	6-1	185	11
36—Scott Nedved	HB	6-0	180	10
40—Derik Budig	FB	6-2	220	12
42—Joe Merkwian	LB	5-10	170	12
43—Paul Creviston	HB	6-0	154	11
44—Joey Novak	QB	5-11	140	11
45—Rusty Williamson	HB	6-1	185	12
46—Scott Elwood	SE	5-10	165	11
51—Jon Rhode	C	6-1	252	11
52—Chris Swanson	C	6-1	180	12
54—Brady Muth	T	6-2	245	12
55—Chad Sherman	C	6-0	205	12
56—Daric Mortenson	C	6-0	270	12
60—James Rye	C	5-10	145	12
61—Andy Holst	G	5-11	180	12
62—Kevin Plavec	T	5-10	205	12
63—Nick Sternhagen	G	6-4	230	11
64—Ryan Swanson	G	5-11	180	11
65—Chauncy Lanning	T	5-10	170	11
66—Kyle Tacke	G	5-11	175	11
67—Kam Williams	T	5-10	185	12
68—Radim Miksik	K	6-1	180	11
69—Jamie James	T	5-11	245	12
70—Tony Pierce	G	5-11	175	12
71—Chad Eilers	T	5-11	240	11
72—Lance Peterson	G	6-3	250	12
73—Owen Cowles	T	6-0	215	11
74—John Bohlmann	G	5-10	215	11
75—Joey Remp	G	6-2	225	12
76—Samuel Graham	T	5-11	245	11
77—Derek Danilko	T	6-4	190	12
78—Jason Cwach	T	6-2	265	11
79—Beau Paulson	T	5-10	250	12
80—Jeremy Fischer	SE	6-0	165	12
81—John Fischer	SE	6-2	165	12
82—Mike Rhoades	TE	6-2	165	11
85—Danny Johnson	SE	6-4	190	11
85—Jody Pinkelman	TE	6-0	170	11
86—Scott Robbins	SE	5-8	145	11
87—Matt Christensen	TE	6-3	195	11
88—Nick Meyers	K	6-1	175	12
89—Ryan Heine	TE	6-6	215	12

Head Coach: Jim Milner.

Assistant Coaches: Arlin Likness, Dan Mitchell, Bob Muth.

Student Managers: Matt Gunderson, Jerry Haas, Jake Harens.

Athletic Director: Bob Winter.

Cheerleaders: Mandy Humpal, Laurie Koupel, Michelle Olson, Erika Simonsen, Stephanie Sprecher, Natalie Tapken.

**VERMILLION "TANAGERS" (11-0)**

	Pos.	Ht.	Wt.	Yr.
No.—Name:				
2—Ryan Baedke	QB-LB	6-0	180	11
5—Marc Billings	WB-DB	5-11	145	11
6—Joe Guere	TE-LB	5-8	195	12
7—Josh Merrigan	TE-DE	6-3	200	11
8—Brian McGuire	QB-LB	5-11	160	10
9—Matt Jordt	WB-DB	5-10	155	11
10—Dave Holoch	QB-DB	5-11	155	10
11—Andy Mechtenberg	WB-DB	6-2	160	12
12—Kevin McGuire	QB-DB	6-1	145	12
13—Josh Koller	HB-DB	5-9	150	11
14—Drake Olson	QB-DB	5-11	150	10
16—Mike Groves	HB-LB	5-8	150	11
18—Vince Roche	HB-DB	5-8	175	12
22—Jeremy Johnson	HB-DB	5-8	130	11
23—Micah Thompson	HB-DB	5-6	130	12
25—Tim Willroth	HB-DB	5-6	125	10
26—Brandon Hays	HB-LB	5-8	145	10
29—Matt Taggart	WB-DB	5-9	150	10
30—Joe Ulrich	HB-DB	5-8	145	12
32—Ben Hays	TE-LB	5-10	185	10
33—Jerrold Edelen	HB-LB	6-1	175	10
42—Shane O'Connor	WB-DB	5-7	140	10
43—Travis Gors	WB-LB	5-11	160	12