

Aristide said that "If Jesus was so angry when he entered the temple that he took up a whip, turned over the tables and talked harshly to the hypocrites, all the more reason for us to do so who are Jesus' servants." For this man to compare himself to Jesus is disgustingly blasphemous.

Aristide opposes every principle for which our country stands. For the United States to spend over \$2 billion in taxpayer dollars to prop up this man is unconscionable.

Mr. President, Aristide threatened to send a flood of refugees to the United States if additional millions of the American citizens' dollars are denied him. And the Clinton administration has capitulated to this blackmail. But this Senator, for one, cannot stomach using U.S. tax money to sponsor a tyrant who has demonstrated no concern for justice or democracy.

If the December 17 elections proceed, Aristide's hand-picked successor, Rene Preval, will almost certainly win, inasmuch as 10 of the 12 largest political parties are boycotting the election. Aristide declares that he and Preval are twins—an allusion to their ideological similarity. It is, to be sure, an indication of what a Preval president will be.

The deteriorating situation in Haiti is clear: Unless Aristide and his successor fulfill their promises to the Haitian people, to the United States Government, and to the international community, neither United States troops nor additional billions of United States taxpayers' dollars can ever bring democracy to Haiti.

#### BOSNIA

Mr. LEAHY. Mr. President, I have spoken several times on the Senate floor about the situation in Bosnia. Just last night, the Senate voted in support of our troops.

Time and again, I have listened to Senators cite the amount of phone calls and letters they have received from their constituents both for and against sending American ground troops to Bosnia.

I, too, have heard from a number of Vermonters about this issue. Over the past several weeks, opponents of President Clinton's Bosnia policy have outnumbered supporters by a 3 to 1 margin.

I think it is appropriate, however, that on the day the Bosnian peace agreement is signed in Paris, I share with the Senate a letter I received from my friend, Colonel R.W. van de Velde USA (Ret.).

I ask unanimous consent to insert his letter in the CONGRESSIONAL RECORD after my statement and yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 15, 1995. R.W. van de Velde Ridge Road, RR 2 Cornwall Middlebury, Vermont 05753

TO THE EDITOR: It is unfortunate, but foreign policy is paid attention to by other nations only when it has economic or military clout. It would be a nicer world if some other reason, such as logic or kindness, had similar clout, but in a world of humans rather than of angels, that is very rarely the case.

So when the President of the United States says the military must be used, he is backing up policy with muscle. Sometimes the mere threat of that kind of muscle is enough. The situation in the Balkans surely has gone beyond that possibility.

It is also a fact of life that a leader, or a nation that will not lead is bound to lose his or its ability to lead.

It is another truth that whether we like it or not, the world looks on the United States for leadership. We are the richest and strongest in the world in peace as well as war. We are a peaceful people, but we maintain a well trained and well equipped military force; and it is all volunteer. There is no draft—no unfairness—everyone in the military service of this Nation is a person who chose that service presumably with his/her eyes open and mindful that there might someday be some dangers, some risks, to life and limb. How we, a nation, got the notion that military force can be exerted without risk, I don't understand.

Let us not be "skeptical" or fearful of using our military strength when we can't do otherwise. Anyone who says "let Europeans clean up their own mess" simply does not understand the condition of Europe or the Balkans. Both need American leadership and strength, and so do we if we are to continue as the ideal of what a big nation should be.

R.W. VAN DE VELDE  
Colonel, U.S. Army (Ret.).

#### NOTE

(In the RECORD of December 12, 1995, beginning on page S18387, an improper version of the statement by Senator COHEN was reflected. The permanent RECORD will be changed to reflect the following correct statement.)

Mr. COHEN. Mr. President, I have lamented on a number of occasions the erosion of civility in our public discourse. This is a trend that has had a negative impact on our politics and on the relationship between the government and the citizenry. The heightened level of rhetoric, the slash-and-burn tactics, and the accusations of bad faith, have made it more difficult for politicians to communicate with each other and to communicate with those we represent. It has made it more difficult for reasonable people to reach agreement and far too easy for unreasonable voices to dominate the debate.

The breakdown in the tone of our discourse is symptomatic of a wider problem which many have described as a deterioration of civil society. Our civil society is the collection of public and private institutions, and accepted moral principles, that bind us together as a community of citizens. Civil society is what makes us a nation of community, rather than merely a group with common voting rights.

There is abundant evidence that our civil society is fraying around the edges. People lack faith in the capacity

of government to act in the interest of the people. There is a growing lack of confidence in our public schools—one of the great unifying forces in our country. Americans are less engaged in fewer communal activities than we once were. We are much more apt to stay at home to rent a video, communicate on the faceless Internet, or channel-surf on cable TV, than we are to attend a PTA meeting, march in a parade—or even join a bowling league, as one Harvard professor's study revealed.

It is against this background that today we consider the constitutional amendment to prohibit desecration of the U.S. flag. The argument for protecting the flag is a weighty one: The U.S. flag is a unique symbol of our nationhood. When our troops go to battle to fight for our Nation, they march under the banner of the flag; each day when our children go to school, they pledge allegiance to the flag; when a national leader or world dignitary dies, the flag is flown at half mast; when one of our athletes wins a gold medal at the Olympic Games, the flag of the United States is raised; when a soldier or police officer dies, his or her coffin is draped with the flag; when immigrants are naturalized, they salute to the flag.

In this diverse Nation, respect for the flag is a common bond that brings us together as a nation. Our common reverence for the flag is part of what makes us citizens of a country, not just individuals that happen to live in the same geographic area.

There is also no denying that when the flag is burned, desecrated, despoiled, or trampled upon, the potency of the flag as a symbol is denigrated. When the flag is burned, whether by Iranian fundamentalists during the hostage crisis or by American protestors here at home, we are rightly outraged because these acts represent a direct affront to our Nation. By tolerating flag desecration, we are condoning actions that undermine the fabric of our national life.

Critics of the flag amendment have reminded us that because flags owned by the Government are still protected under current law, this amendment will only restrict what individuals can do with flags that they own personally. But the flag is not a mere piece of property like a car or television, it is more than the fabric and dye and stitching that make it up. The design of the American flag and the values it represents belong to all of us; in a sense, it is community property. We the people maintain part ownership of that flag and should be able to control how our property may be treated.

This is not a very radical principle. Federal law already controls what we can or cannot do with our own money. Anyone that mutilates, cuts, defaces, disfigures, or perforates a dollar bill can be fined or put in jail for 6 months. Similarly, in O'Brien versus United States the Supreme Court upheld the

conviction of a protestor that burned his draft card on the ground that the Government had a substantial interest in protecting a document necessary for the efficient functioning of the selective service system. Why is our interest in protecting currency or Government documents any stronger than protecting our greatest national symbol?

Opponents of the flag amendment also maintain that it trivializes the Bill of Rights by carving out an exception to the first amendment. This argument is based on the classic libertarian belief that truth can only emerge from complete freedom of expression and that the Government cannot be trusted to distinguish between acceptable and unacceptable forms of action or speech.

This first amendment absolutism, however, is contrary to our constitutional tradition. The list of types of speech that may be regulated or banned by the Government according to our Supreme Court precedents is lengthy: libel, obscenity, fighting words, child pornography, deceptive advertising, inciteful speech, speech that breaches personal privacy, speech that undermines national security, nude dancing, speech by public employees, infringements of copyright, and speech on public property, to name a few.

And consider how narrow the flag amendment's restriction of speech really is and how little it limits our ability to protest against the Government. Even if the amendment is enacted one could still write or say anything about the Government; one could still burn a copy of the Constitution or effigies of political leaders; indeed, one could put a picture of a flag being burned on the Internet and circulate it to millions of people across the world with the push of a button.

Recall the words the protestors chanted while Gregory Lee Johnson set a flag on fire and gave rise to this entire controversy:

Reagan and Mondale, which will it be? Either one means World War III. Ronald Reagan, killer of the hour, perfect example of U.S. power. America, the red, white, and blue, we spit on you, you stand for plunder, you will go under.

So regardless of whether we have a flag amendment, there are a multitude of ways to heap contempt on the Government, should one choose to do so. The effect of the amendment on free expression would be negligible.

But if the impact of the restriction is so minimal, why do we need to raise this issue to such a level of importance? The answer is because the flag remains the most powerful symbol capable of unifying a diverse, disparate nation. It is a centrifugal, galvanizing force in our lives—and it will remain so only as long as it is not trashed, despoiled, or debauched by those who insist that one is free to indulge in any act to give expression to his or her thoughts.

I also want to take issue with the contention that our liberal tradition

prohibits us from ever making substantive value judgments about what is good speech and what is not or that we must always remain indifferent or neutral with respect to the ideas and images that bombard us over the airwaves or through the media. For when freedom is defined by the absence of all restraint, then liberty descends to license and license yields to disorder and dysfunction. As someone once observed, a river without its banks is not a river, but a flood.

Senator DOLE touched on this theme in a speech he gave earlier this year criticizing the violent movies being produced in Hollywood these days. It isn't inconsistent with the first amendment to speak out against movies that contain dozens of shootings, or gruesome acts of violence that are then copied in real life only days after the initial screening. It isn't an act of Government censorship for politicians to criticize music containing lyrics that denigrate women, glorify cop-killers as role models, and promote racial divisiveness.

Likewise, it is not Government censorship when the people amend the Constitution to prohibit one narrow, repulsive form of expression. The process of amending the Constitution does not consist of a dictatorial tyrant or imperial monarch exercising its power over enslaved subjects; rather it is the act of free people exercising their sovereign power to impose rules upon themselves. By enacting this amendment through the process set forth in article V of the Constitution, "We the people" will be determining that the message being expressed by those who burn the flag is not worthy of legal protection. The amendment represents a subjective, value-laden judgment by "the people" that our interest in preventing the damage that flag desecration inflicts upon our national character outweighs the meager contribution that flag burning makes to the advancement of knowledge and understanding of ideas. The Supreme Court balances interests in this manner in almost every constitutional case it decides. Why is it that we have no qualms about deferring to the value-judgments made by unelected jurists but we become squeamish when making such judgments through our most solemn act of self-government—amending the Constitution?

I do not believe this flag amendment sets a bad precedent by carving out an exception to the first amendment or that "the people" will act irresponsibly by amending the Constitution in a frequent or cavalier fashion. For one thing, the Constitution, in its wisdom, makes that too difficult to do. Also, I trust the people. They understand the value of liberty. I am confident that it will be the rare occasion that the people make an exception to our general tolerance for free expression by targeting a form of expressive activity for special treatment. And I am confident that our national character will be im-

proved, not weakened, by the protection of our unique symbol of nationhood.

I agree with Justice Stevens' opinion in *Texas versus Johnson*. He said:

The value of the flag as a symbol cannot be measured. Even so, I have no doubt that the interest in preserving that value for the future is both significant and legitimate.

Similarly, in my considered judgment, sanctioning the public desecration of the flag will tarnish its value, both those who cherish the ideas for which it waves and for those who desire to don the robes of martyrdom by burning it. That tarnish is not justified by the trivial burden on free expression occasioned by requiring an available, alternative mode of expression, including words critical of the flag, be employed.

So I support this resolution to send the flag protection amendment to the States for ratification. And I urge my colleagues to support it as well.

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS SIGNED

At 4:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 325. An act to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes.

H.R. 1240. An act to combat crime by enhancing the penalties for certain sexual crimes against children.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

## MEASURE PLACED ON THE CALENDAR

The following measure was read a second time and placed on the calendar:

S. 1472. A bill to provide for one additional Federal judge for the middle district of Louisiana and one less Federal judge for the eastern district of Louisiana.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1698. A communication from the Director of Selective Service, transmitting, pursuant to law, a report relative to the Inspector General Act; to the Committee on Governmental Affairs.

EC-1699. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, the report under the Inspector General Act for the April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC-1700. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30,