

INTRODUCTION

The Congress will soon vote on a flag burning amendment to the Constitution. This issue arouses great emotions even without any evidence flag burning is a problem. When was the last time we heard of a significant incident involving flag burning? It's a nonissue but Congress has managed to make it one while avoiding the serious matters of life, liberty, and property.

There just is no flag desecration crisis. Where are the demonstrators, where are the letters? Will this only lead to more discredit on Congress? Only 6 percent of the American people trust anything they hear from the Federal Government so why should they believe there is a flag crisis requiring an adjustment to the Bill of Rights for the first time in our history. Since most of what Congress does, leads to unintended consequences, why do we feel compelled to solve imaginary problems?

The American people are way ahead of the U.S. Congress and their distrust is a healthy sign the Republic will survive in spite of all our good deeds and noble gestures. And that's good.

What sense of insecurity requires such a public display to reassure ourselves we are patriots of the highest caliber, confident enough to take on the flag burning movement—a movement yet to raise its ugly head. Our political saviors will have us believe that our loyalty to America hinges on this lone amendment to the Constitution.

As Congress makes plans to attack the flag enemies, it stubbornly refuses to consider seriously: the Doctrine of Enumerated Powers, property rights, political propaganda from a government run educational system, taxpayer's paid-for NEA sacrilege, licensing of all broadcast networks, or taxpayer's financing of monopolistic political parties, let alone the budget, the debt, the deficit, honest money, policing the world, and the entire welfare state.

Pervasive bureaucratic government is all around us and now we're spending time on developing the next addition to the Federal police force—the flag police. Diverting attention away from real problems toward a pseudoproblem is not a new technique of politicians.

MOTIVATION

Political grandstanding is probably the greatest motivation behind this movement to change the Constitution. It's thought to be easy to embarrass those who, on principle, believe and interpret the first amendment differently. Those who vote eagerly for this amendment do it with good intentions as they laugh at the difficult position in which opponents find themselves.

Will the country actually be improved with this amendment? Will true patriotism thus thrive as the malcontents are legislated into submission? Do we improve the character of angry people because we threaten them with a prison cell, better occupied by a rapist?

This whole process fails to address the anger that prompts such misguided behavior as flag burning. We have a government growing by leaps and bounds, our citizens are fearful of the future, and we respond by creating the underwear police—surely, flag underwear will be deemed a desecration.

Why is dealing with a symptom of anger and frustration by suppressing free expression a moral good?

The best I can tell is legislative proposals like this come from Congress' basic assumption

that it can legislate economic equality and mold personal behavior. The reasoning goes; if Congress thinks it can achieve these goals, why not legislate respect and patriotism even if it does undermine freedom of expression and property ownership?

DESECRATION

Desecration is defined as: "To divest of a sacred character or office, commit sacrilege or blasphemy or de-(con)secrate." If consecrate is "to make sacred; such as a church or bread and wine," how can we "de-consecrate" something not first "consecrated?" Who then consecrated the flag? When was it done? "Sacred beliefs are those reserved for a religious or Godly nature, i.e., to set apart for the worship of a deity. To make holy." Does this amendment mean we now concede the flag is a religious symbol? Will this amendment if passed essentially deify the state?

There are some, I'm sure, who would like to equate the state with God. The state's assumption of parental rights is already a deep concern to many Americans. Will this encourage more people to accept the state as our God? We imply by this amendment that the state is elevated to a religion—a dangerous notion and one the Founders feared. Calling flag burning blasphemous is something we should do with great caution.

Won't it be ironic if the flag is made sacred—consecrated—and we write laws against its desecration at the same time we continue to steal taxpayer's money to fund the National Endowment for the Arts which truly desecrates Christ and all of Christianity in the name of free speech? I must repeat this question: Won't it be ironic if the flag is made sacred and we write laws against its desecration at the same time we continue to steal taxpayer's money to fund the National Endowment for the Arts which desecrates Christ and all of Christianity in the name of free speech?

The flag indeed is a loved patriotic symbol of American pride and freedom. Many of us, I for 5 years, have served our country in the military fighting for the principles of liberty, but not for the physical cloth of which the flag is woven.

There is confusion between the popular symbol and the real stuff, and in the process of protecting our symbols we are about to undermine the real stuff—liberty. The whole notion of legislating against desecration is vague and undefinable. Burning can be easily identified but shouldn't it matter who paid for the flag? Are there no owners of the particular flag involved? Are all flags to be communal property? If we pretend flags are universally owned, that means we can use them randomly. If there is no individual ownership how can one sell or buy a flag? Should it not be a concern as to where the flag is burned and on whose property? With this legislation the flag will lose its identity as property and become a holy government symbol not to be desecrated? These are difficult questions but they must be answered.

Will using a flag as underwear or as a beach towel or a handkerchief or flying it upside down become a Federal crime?

The American Legion and the Veterans of Foreign Wars burn flags to dispose of them. This respectful ritual is distinguished from a hoodlum doing it only by the intent. Are we wise enough to define and legislate intent under all circumstances? Intent obviously implies an expression of a view. So Congress

now feels compelled to police intentions, especially if seen as unpopular.

Whatever happened to the notion that freedom to express unpopular, even obnoxious views, including Marxist ideas was the purpose of guaranteeing freedom of expression. Of what value is protection of only popular and majority-approved opinions? That's a mockery of liberty. Soviet citizens had that much freedom. Remember, dissidents who burned the Soviet flag were shot. A national flag police can only exist in a totalitarian state. We should have none of it.

Why not police the burning of the Constitution, the Declaration of Independence, the Emancipation Proclamation? These acts, expressing a radical fringe view, would be as equally repugnant, and a case could be made they might be even more threatening because their attack would be precise and aimed at the heart of American liberty. The answer is the political mileage is with the flag and tough luck to those who have principled opposition.

But no one should ever squirm or weasel out of the right vote, even if threatened with possible negative political fallout.

FEDERAL AVIATION ADMINISTRATION IS AGENCY IN DISARRAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. MICA] is recognized during morning hour debates for 5 minutes.

Mr. MICA. Mr. Speaker, I am deeply concerned that the Federal Aviation Administration is an agency in disarray, at best. In fact, at worst, it is an unpiloted craft without any direction.

The primary mission of the Federal Aviation Administration is to ensure airplane and passenger safety and security. Last year, after the explosion of TWA flight 800, FAA tightened security at all U.S. airports.

Airports spent hundreds of millions of taxpayer dollars to change parking and cars were towed when vehicles were left unattended. Some of the harassment of the traveling public became, in fact, absurd. Finally, after assurances that no immediate terrorist attack was underway, FAA allowed our airports and the traveling public some more reasonable approaches to airport parking and passenger access.

Now, months after nearly all evidence points to a mechanical failure as the cause of TWA flight 800, FAA continues to harass the American traveling public with several dumb and totally unproductive procedures. Regulations still require that passengers are asked these questions: First, "Have you packed your own luggage or bag?"; and second, "Has your baggage or luggage been in your possession at all times?"

Now, I ask what flaky half-baked terrorist or terrorist accomplice would answer these questions legitimately? Should a passenger honestly confess to this interrogation, they should be cautioned because they will be searched, harassed, and subject to Gestapo-like interrogation.

Mr. Speaker, the loss of life as a result of domestic air terrorism does not

even rank as a cause of airline fatalities, yet FAA spends untold resources enforcing, fining, and monitoring this outdated requirement. All this is done in spite of the fact that TWA flight 800 exploded due to a mechanical failure.

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In addition to asking the unproductive questions I mentioned, ticket agents must see a photo ID. I submit that not since the fall of the former Soviet Union have American domestic airline passengers or any passengers been subject to similar photo ID requirements.

Now, showing your photo ID at the ticket counter sure does a lot of good. Any fool could check in at a ticket counter, pass their ticket on to another passenger, who would then board the airplane. Now, if the passenger was required to show a ticket, a name, and photo ID as you boarded the airplane with your ticket coupon, that might match the passengers with the ID's that they present. Here again, FAA makes airlines and passengers jump through useless and needless hoops. Agents and airlines are fined if they fail to comply.

My response when I wrote the FAA, when I questioned and protested these ridiculous regulations, are actually dumber than the requirements FAA has mandated. Why not dedicate FAA personnel, energy, and funding for really improving airline safety and security? We know the causes of almost every fatal domestic airline crash with certainty except for several cases, and the FAA knows them.

One is a problem with 737's. These models carry a tremendous number of passengers. And there are two airline crashes, one in Pittsburgh and the other United, in Colorado, crashes because of problems with their rudders and their stabilization. FAA should be paying attention to this problem. Even in spite of Vice President GORE's announcement in 1996, simulation training and retrofitting of 737's could be expedited rather than taking 2 years as now planned. Further research and resources could be devoted to finding the mechanical problems that downed TWA flight 800 and killed 229 people.

After 10 years, FAA has blown billions of dollars and still failed to upgrade our outdated 1950's air traffic controller system. And after numerous fatal crashes of imported commuter planes, FAA has still not begun to crack down on these imported aircraft. Let us put the emphasis where it should be. Let us get FAA together.

THINGS ARE NOT QUIET ON THE SOUTHERN FRONT

The SPEAKER pro tempore [Mr. YOUNG of Florida]. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. GOSS] is recognized during morning hour debates for 5 minutes.

Mr. GOSS. Mr. Speaker, is all quiet on the southern front? No, not really.

Despite the resounding silence from the press and the White House on the current situation in our neighboring country Haiti, things are far from quiet. In fact, things are so bad that the prime minister quit yesterday.

Over the past few weeks, we know Haitians have rioted in the streets of Port-Au-Prince and other towns. Incidents of assaults, rock throwing, and general lawlessness have resulted in death, injury and damage. Yesterday, as I said, things took a turn even for the worse when Prime Minister Rosny Smarth submitted his citing, in fact, the recent fraudulent elections.

Obviously, this is bad for democracy because at this time it appears that only one major party is participating in the elections, and that is not exactly democratic, but it is also bad for reform in Haiti, because with Prime Minister Rosny Smarth leaving, so goes one of the few champions of the tough but necessary economic program that we had envisioned for Haiti. Economic reform is all but a thing of the past in Haiti anyway, and without economic reform there is absolutely no hope for a Democratic future in Haiti.

So through all of this upheaval, one interesting and frankly disturbing fact seems to have surfaced, and that is the fact that the Haitian National Police have had to be supplemented with our military personnel to deal with basic law and order issues in that country. As one diplomat quoted in a wire report recently, "It is clear the military presence in Haiti is not just building roads." Our "road builders," including Special Forces, have been seen responding to the riots carrying on, doing the law and order business, extensive activity in the areas of drug control, those types of things.

Not only do these reports suggest that our troops on the ground are outside of the range of the mission we understood them to be on, which was road building, but it also suggests that our soldiers are at more risk than we have been led to believe. I think it is time for a little candor from the White House about what is going on.

We asked the White House, what is going on? So far we have not heard anything. Official silence reigns as well on the topic of Haiti's recent disappointing local assembly and Senate elections, which is the real reason behind the Smarth resignation and what should have been the starting point for the creation of a new judicial system and permanent electoral council forum in Haiti, which are mightily needed. Because without a judicial system, there is no hope for democracy in Haiti either.

Because the electoral council has decided not to handle blank ballots properly, they have wrongly allowed some candidates, like the infamous Fourel Celestin, to get past the finish line when according to the law they did not win the election. So we now have people who did not win serving as senators in Haiti.

Action on this issue is pending in the Parliament, but the Haitian electoral council is pushing forward for another round of elections, no matter what, this coming weekend. The fact is that each successive election in Haiti has disenfranchised and disenfranchised ever more of the Haitians voters, a point illustrated well in the single digit turnout in the last election in April, which, as I say, were fraudulent elections. Yet, I understand less than 10 percent of the people turned out to protest that fact.

What, we ask, will another election under a still darker black cloud do to advance democracy in Haiti? At the very least, the American taxpayers have a right to hear from the administration that enough is enough and that their tax dollars will not go to assist the Haitians to run another questionable if not fraudulent election this weekend.

Mr. Speaker, all is not quiet on the southern front. We know that. What we do not know is when the White House is going to tell us what is going on, when our troops are coming home, and whether or not that will be before the ruinous Haiti policy that the White House has put forth puts us back where we started more than 4 years and 3 billion of the U.S. taxpayers' dollars ago, sadly enough, with thousands of Haitians now today who believe that a dangerous trip across the windward passage to Florida offers them more hope than staying in Haiti.

Is that a policy that we want to back? Certainly not. I think it is time for the White House to give us some explanation and to end the silence of what is really going on in that tragic country where our friendly neighbors are suffering. All is not quiet on the southern front.

DETROIT RED WINGS—STANLEY CUP CHAMPIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan [Mr. KNOLLENBERG] is recognized during morning hour debates for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, at this very hour, thousands of Detroiters are lining the streets of Woodward Avenue in Detroit to honor their Detroit Red Wings, the 1997 Stanley Cup champions. After Saturday's 2 to 1 victory over the Philadelphia Flyers, the Red Wings completed a 4 to 0 sweep to win hockey's hallowed crown, Lord Stanley's Cup, the World champions of hockey.

I was privileged to be at Joe Louis Arena on Saturday evening, and the atmosphere throughout the evening was electric. After the final horn sounded securing the cup victory, the standing room only crowd and fans everywhere rejoiced. There was no other picture that captured the victory better than Red Wing Captain Steve Yzerman circling the ice, holding the massive trophy over his head, sharing the victory