

I further ask that consideration be for debate only until 2:15.

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

PROGRAM

Mr. MCCONNELL. Mr. President, today the Senate began the debate on the flag resolution. Tomorrow we will be rotating half-hour blocks of time, starting at 11 with the majority side for 30 minutes and the minority side for 30 minutes, rotating back and forth in this fashion until 5 p.m. There will be no votes until after the policy luncheons tomorrow.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask that it stand in adjournment under the previous order following the remarks of the senior Senator from Connecticut for up to 20 minutes.

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

The Senator from Connecticut.

CONSTITUTIONAL AMENDMENT TO BAN FLAG DESECRATION

Mr. DODD. Mr. President, I rise to speak about the pending matter before us, S.J. Res. 12 which would amend the Constitution of the United States. There are only seventeen words in the amendment: The Congress shall have power to prohibit the physical desecration of the flag of the United States. These seventeen words have great significance.

I hold dear the great genius of our wonderful Constitution. I have carried this tattered copy with me every day for as long as I have been a Member of this body. It was given to me by my seatmate here, the senior Senator BRYD from West Virginia. I treasure this copy of that document for many reasons, not the least of which is because it was given to me by Senator BYRD, but also because I find myself referring to it almost on a daily basis.

This copy includes not only the Constitution and the Bill of Rights, but also the Declaration of Independence. It is a part of my daily wardrobe, be it weekends or during the week here. It is a reminder of how fortunate we are to live in a country that has, as its founding document, a set of words, language, that not only speaks to the hopes and dreams of all Americans, but even beyond the borders of this country, because the Founders, the Framers of the Constitution, spoke of eternal truths in this document.

While the language applies to only those who live in this country, their words have, of course, inspired millions of other people all across the globe. It is not uncommon to read the constitutions of developing countries and find literally verbatim the language in our own U.S. Constitution. This is a great

tribute to not only the Framers but to those who came after them. Those that have upheld, supported, and defended—as millions of Americans have, some with the ultimate sacrifice—their lives, to protect and defend this country and the principles and ideals on which it was founded. The Constitution has sustained itself now for the more than 200 years. Giving us the power to be free and independent people.

So this great genius of our Constitution enshrines in it the words of the eternal aspirations of humanity. I believe that Alexander Hamilton laid out a framework for constitutional amendments and how we ought to think of this remarkable document that serves as the basis of all that we believe and hold dear when he said:

The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sunbeam in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.

It is a rather beautiful quotation that I think captures what many of us believe to be the case when we talk about our Constitution, talking about the hand of divinity itself helping scribe these words, that it is “not to be rummaged for, among old parchments, or musty records” but rather “written, as with a sunbeam in the whole volume of human nature.”

So it is important, when we consider this document and particularly the Bill of Rights, which speak to our personal freedoms, that we consider all and any proposal to challenge the words included in those 10 amendments.

There have been over 11,000 attempts in the last 200 years to amend our Constitution. Throughout the years, there have been only a handful of those proposals that have actually been adopted, usually when there was a described constitutional crisis before us. We did so to extend the right to vote to women and we did so to abolish slavery.

These are just two examples throughout our history when we have found it appropriate and proper to amend the Constitution, but always when we felt there was an underlying principle dealing with basic fundamental rights.

Now, we all know that the horrible act of flag burning does occur. We have all seen the visions on television describing some group in some country or another that decides it is going to burn the American flag. We all know how we feel when we see that. But, of course, all my colleagues know—and I am sure the overwhelming majority of American citizens know—we can not change their behavior by altering the Constitution. As annoying as it is, as troubling as it is, and how I know we all react to it, we can not affect those particular acts of desecration.

Today we are talking about these acts that occur in this country. Let me quickly say I think it is worthy to try to come up with some language statu-

torily to deal with this issue. But my hope is my colleagues, regardless of political persuasion, would think long and hard about what we are about to do here; and that is, to change the Constitution.

A proposal similar to this one was offered in 1989, again in 1990, in 1995, and in the year 2000. In every single case, the proposals have been rejected. I do not question any of my colleagues over their dismay and horror in watching our flag be desecrated. Yet, in every single instance, we have found it appropriate to reject an amendment to the Constitution. I would hope that would be the case again today.

Mr. President, I fly the American flag every day at my home in Connecticut when I am there. I take great pride in doing so. In fact, my neighbors can always tell when I am home. I live in a house, an old schoolhouse built in 1853. It was the successor schoolhouse to where Nathan Hale taught in Connecticut. The Nathan Hale Schoolhouse is about 150 yards from where I live in Connecticut. When that one-room schoolhouse became too small in the 1850s, they built a two-room schoolhouse that served the neighborhood where I live in East Haddam, CT, for almost 100 years until the 1940s. I bought that schoolhouse about 25 years ago, and it has been my family's home for a quarter of a century.

My neighbors always know when I am home because I fly the American flag from that old schoolhouse. I take great pride in doing so. I don't just do it on Memorial Day or the Fourth of July or other national holidays, but every single day I am home. As a way of expressing my affection for what that flag means, what it stands for, and what it has meant to generation after generation of people in our great country.

I will not take a back seat to anyone in my reverence for the flag, how important it is and what it means. But I also believe it is important to be a patriot, a true patriot, where we not only defend our flag but we also defend the Constitution and the Bill of Rights. That is really what is at risk here today, when we talk about this resolution. It is not so much the flag that is at risk but our Bill of Rights, if we attack this document because the passions of some get aroused over the acts of those who would desecrate our flag. That really is the issue before us.

Let us have a statutory law but let us not attack this wonderful Bill of Rights of ours. The proposed amendment is made up of 17 words, 17 words that would dramatically alter the importance of the Bill of Rights and diminish the freedoms provided by that document. I don't doubt the patriotism of any Member of this Chamber. I strongly believe we all love our country. We love our Constitution. We love our flag. In my view, desecration of the flag, as a symbol of our freedom, the Constitution, and our democracy, is deplorable and should not be tolerated. It

goes without saying that every Member of Congress and the overwhelming majority of Americans consider flag burning to be offensive and abhorrent. That is to state the obvious. The question is not whether we deplore the desecration of the American flag but whether we are in some way going to desecrate the Constitution and the Bill of Rights. To truly honor our Nation and the people who have given their lives for it, we must not only protect our flag but the principles of freedom and justice that it stands for.

I have often said when students ask me about the Constitution and the Bill of Rights and what it means, the first amendment of the Bill of Rights, which incorporates freedom of speech, really tests whether each and every one of us is willing to defend someone who would say something or do something we might find abhorrent. It is not whether we are willing to stand up and defend someone who says something we agree with but, rather, whether we understand the principles our Founders and Framers intended when they wrote the Constitution and the Bill of Rights, that we are willing to protect and defend the right of someone to say something that we totally disagree with and that we find offensive and abhorrent. That is the true test, not whether we are willing to stand up and applaud what someone says but whether our instincts are to deplore what they say but defend their right to say it. That is really what the first amendment is all about when freedom of speech is being invoked.

Our Founding Fathers cautioned us to avoid situations like the one we are in today. James Madison advised that amendments to the Constitution should be limited to "great and extraordinary occasions." Regrettably, some have not heeded Madison's cautionary words. Since 1789 when the Congress first convened, there have been over 11,000 proposals to amend the Constitution of the United States. Over sixty have been offered in this Congress alone. But the majority of our Nation's leaders have taken the words of Madison to heart, and they have not allowed this document to be altered. Since the ratification of the Bill of Rights, only 17 amendments have been successful. Moreover, despite all of the trials that this country has been through, no Congress has ever felt so compelled to doctor the Bill of Rights. It is remarkable when you consider the trials and tribulations we have been through.

The act of burning our flag is unacceptable and condemnable. But the reality is that it is exceedingly rare as well. I did my best to find the reported incidences of flag burning throughout our history. I went back and examined as many possible cases as I could. We have found less than 200 cases since our Nation's founding and only a handful documented in the last few years. Where is the constitutional crisis? Where is the epidemic? Less than two hundred cases in more than 200 years.

Yet I would suspect that if we end up adopting this constitutional amendment and amend the Bill of Rights, there will be those, as the Senator from Illinois pointed out, who will consistently try to press against the envelope of the language of these 17 words to prohibit desecration of the flag.

With all the other issues we need to grapple with, such as health care, education, the quality of life of our military men and women, and whether we ought to be doing more to increase the opportunities of people in this country. With all of the legitimate debates that ought to occur, it is shocking that we are taking several days of the Senate's time to debate an amendment to the Constitution where there is hardly any incidence or examples of a problem today. As I said, there have been less than 200 cases of flag desecration in more than 200 years. Clearly, there is no extraordinary occasion, in my view, such that Madison spoke of warranting ratification of this amendment. We might feel disgusted by the act of flag burning, but we are clearly not faced, by any estimate, with a constitutional crisis.

Proponents of this amendment say that tolerating even one burned flag is equivalent to acquiescence of such an act. I totally disagree. Our Nation is strong enough to tolerate a few errant acts, and this strength is the source of our democracy's greatness. It is the ability and willingness to tolerate acts like that on occasion that makes us a stronger and better people. Supporters of this amendment may believe this vote is a test of one's patriotism or love of country. On the contrary, the true measure of our faithfulness to the flag is our fidelity to the principles of freedom and justice that it represents. That is the ultimate test of one's patriotism.

I would associate myself with the comments of a former colleague of ours, Bob Kerrey, Senator from Nebraska, who today is president of a fine university in New York. He is also a Medal of Honor winner for services as a Navy SEAL in Vietnam. I recall when this amendment was before us on several previous occasions, he would stand up and talk about what it meant for him to lose a limb in the uniform of our country defending our Nation, talking about how important it was to defend the Constitution. He articulated his opposition to this particular proposal in a recent Washington Post editorial in relation to September 11th with the following statement:

Real patriotism cannot be coerced. Our freedom to speak was attacked—not our flag. The former, not the latter, needs the protection of our Constitution and our laws.

There is no question in my mind that our flag will continue to serve as a symbol of our Nation's history—our founding principles of freedom, liberty, and justice—long after the conclusion of this debate on the floor of the Senate.

Our former colleague, Senator John Glenn of Ohio, who served this Nation

as a combat pilot in Korea, an astronaut, and as a colleague of ours in this body, put it very well:

There is one way to weaken the fabric of your country, and it is not through a few misguided souls burning our flag. It is by retreating from the principles that the flag stands for. And that will do more damage to the fabric of our Nation than 1,000 torched flags could ever do.

I believe history and future generations will judge us harshly, as they should, if we permitted those who would defile our flag to also defile our future and to defile the Bill of Rights. Let us leave the Constitution unscathed by proposals such as this which would needlessly restrict our liberties as a people.

I will repeat again: The great genius of our Constitution is that it enshrines in word the eternal aspirations of humanity. We may try to amend it, but if we do so in a manner at odds with those aspirations, then we act at our peril and in folly.

I repeat Alexander Hamilton's quote:

The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sunbeam in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.

In our quest to protect the flag, we must be careful not to undermine the principles that it stands for. Attacking the Bill of Rights, a document that has never been changed—not one comma, not one semicolon, not one word, since its ratification in 1791—undermines those principles. This is a time to bring our Nation together to focus on the important challenges we face today. We must face them as a nation, not as individuals, if we are going to prevail.

At best, this amendment is another political stunt, I am afraid, aimed at dividing our Nation, inflaming the passions of our constituencies, make one party angry at another, one group of citizens angry at another. What worthwhile result has ever emerged from that kind of anger? What good has ever flowed from the passions provoked by appealing to the worst instincts in people? I have never seen a single benefit that has occurred as a result of that effort.

Once again, we find ourselves inflaming passions over an issue that is non-existent, the "constitutional crisis" of flag-burning. It is just not there. This would be a profound deviation from our past and chip away at our freedoms and liberties that we are working so hard to protect.

Every generation is challenged with the responsibility of seeing to it that future generations will have the opportunities and benefits of our country. Those benefits and those opportunities flow very directly from the Constitution of the United States and, most particularly, from the Bill of Rights. I hope that we will be careful about this. We are not owners of this document, the Constitution; we are merely stewards of this document. We are charged

with the responsibility during our tenure, on our watch, however long or brief it is, to see to it that these principles will be passed on to coming generations. To start fooling with them unnecessarily, I think, puts this document and what it stands for at risk.

I hope our colleagues, when the vote occurs on this, will find it in their hearts and good conscience to leave the Bill of Rights alone. This is not a time that it needs to be amended.

I yield the floor.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands adjourned until 9:45 a.m., on June 27, 2006.

There being no objection, the Senate, at 6:57 p.m., adjourned until Tuesday, June 27, 2006, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate June 26, 2006:

DEPARTMENT OF DEFENSE

ROBERT L. WILKIE, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE DANIEL R. STANLEY.

EXPORT-IMPORT BANK OF THE UNITED STATES

LINDA MYSLIWIY CONLIN, OF NEW JERSEY, TO BE FIRST VICE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2009, VICE APRIL H. FOLEY, TERM EXPIRED.

J. JOSEPH GRANDMAISON, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2009. (REAPPOINTMENT)

CORPORATION FOR PUBLIC BROADCASTING

DAVID H. PRYOR, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2008, VICE CHRISTY CARPENTER, TERM EXPIRED.

WARREN BELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012, VICE KENNETH Y. TOMLINSON, RESIGNED.

CHRIS BOSKIN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2012, VICE KATHERINE MILNER ANDERSON, RESIGNED.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

WILLIAM B. WARK, OF MAINE, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

FOR A TERM OF FIVE YEARS, VICE RIXIO ENRIQUE MEDINA, RESIGNED.

WILLIAM E. WRIGHT, OF FLORIDA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE GERALD V. POJE, TERM EXPIRED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

ROGER L. HUNT, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2009, VICE SCOTT O. WRIGHT, TERM EXPIRED.

JOHN E. KIDDE, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2011, VICE FREDERICK G. SLABACH, TERM EXPIRED.

JOHN PEYTON, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2011, VICE PATRICK LLOYD MCCRORY, TERM EXPIRED.

DEPARTMENT OF VETERANS AFFAIRS

THOMAS E. HARVEY, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS), VICE PAMELA M. IOVINO, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. CHARLES H. DAVIDSON IV, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JULIA A. KRAUS, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES F. AMOS, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ALBERT M. CALLAND III, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BARRY L. WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GERALD P. COLEMAN, 0000
DAVID E. ROOT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT T. DAVIES, 0000
JAMES A. LANG, 0000
CURTIS E. WELLS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHELLE A. COOPER, 0000
CARLOS J. CRUZ, 0000
DIANA M. DISTEFANO, 0000
MICHAEL J. EDMISON, 0000
TONY Y.L. ENG, 0000
THOMAS M. GOTTSIS, 0000
JACK W. HOAG, 0000
HERBERT C. JONES, JR., 0000
SUSAN M. MAHONEY, 0000
CURTIS E. MEEKS, JR., 0000
BRADLEY K. MITCHELL, 0000
GERALDINE L. MOORE, 0000
ROBERT L. MORROW, 0000
KATHERINE T. PLATONI, 0000
DAVID W. TOWLE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT AS PERMANENT PROFESSORS AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be colonel

RICKIE A. MCPEAKE, 0000
MATTHEW MOTEN, 0000
EUGENE J. PALKKA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531 AND 3064:

To be major

PAUL A. CARTER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

CAL ABEL, 0000
MICHAEL S. ANDERSON, 0000
MICHAEL W. BICKFORD, 0000
TIM BUCKLEY, 0000
PAUL A. CHANDLER, 0000
MICHAEL CONCANNON, 0000
MATTHEW DIGERONIMO, 0000
JEREMY A. FOGT, 0000
DAVID FORMAN, 0000
ROBERT C. FRANCIS, 0000
CHRISTOPHER GEORGE, 0000
GEOFFREY A. GORMAN, 0000
CORY M. GROOM, 0000
ELAINE G. LURIA, 0000
DANIEL A. PATRICK, 0000
MARK A. QUINN, 0000
JOHN M. RHODES, 0000
ERIC J. ROZEK, 0000
CARL F. SCHOLLE, 0000
ROBERT W. SPEIGHT, 0000
ROGER W. TAYLOR, 0000
NICK VIERA, 0000
JAKE WADSWLEY, 0000
THOMAS J. ZERR, 0000