

Chronology of Events

March 2009 – To determine the latest measure of support, Legionnaires attending the Annual Washington Conference of The American Legion raise discussion with members of Congress in their Capitol Hill offices. Discussions with both Sen. Vitter and Rep. Emerson lead to expectations for the introduction, by each, of a proposed constitutional amendment to prohibit the physical desecration of the flag in their respective chambers. Reports from Legionnaires and surveys completed previously by the CFA show that among the 435 members of the House, more than 225 are amendment supporters. In the Senate a simple majority claims support for a flag amendment.

January 6, 2009 – Senator David Vitter [R-LA] introduces Senate Joint Resolution 2, “proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act.” The following day Rep. Jo Ann Emerson [R-MO], introduces House Joint Resolution 8, a companion measure. The language of these resolutions is problematic, since they give power to the Congress “and the States” to prohibit flag desecration and place “criminal penalties” on the act. Both issues concern the CFA. Both have been considered, studied, debated, reconsidered, and long since dropped from proposed amendments supported by the Citizens Flag Alliance.

January 2009 – With significant changes in leadership on Capitol Hill, opportunity for hearings and other flag amendment action, early on, appears slight as the 111th Congress convenes. The first hurdle is to get a proposed amendment introduced in the House of Representatives and the Senate of the United States.

December 2008 – The close of the 110th Congress marks the first in six consecutive congresses that a proposed flag amendment did not get to the floor of either chamber for a vote. Consequently, there is little opportunity for activation of grassroots efforts so critical to securing a flag amendment.

September - November 2008 – With congressional action lacking on a flag amendment during the Second Session of the 110th Congress the media is virtually silent, leaving scant opportunity for CFA to draw public attention to the amendment. Focus now turns to the 2008 Elections where early results indicate fair support for a flag amendment among members of the House, but far less support in the Senate.

December 2007 – At the close of the First Session of the 110th Congress, little has been seen or heard of H. J. Res. 12, beyond its introduction at the start of the session. The CFA is unable to secure a Senate champion who is willing to make introduction there. Former supporters suggest, since the Congress is predominantly Democrat, that the chief Senate cosponsor ought to be a Democrat. None come forward; none can be persuaded to make the introduction.

January 11, 2007 – House Joint Resolution 12, the flag amendment, is introduced in the 110th Congress by US Rep. John Murtha [D-PA]. Discussions get underway with Senators to effect similar actions on their side of the Hill, but at year’s end a Senate amendment is non-existent.

November 7, 2006 – The mid-term elections result in a change of leadership in both Houses of Congress. With those changes come changes in Committee structure and leadership. Those who strongly advocated for the amendment move out of their positions of authority while those who have advocated its defeat move in.

June 26, 2006 – Later in the day the floor debate begins. S.J. Res. 12 is put to a vote, but is lost by one. In a 66-34 finish, the decision to protect the flag is again kept from the people by a handful of United States Senators.

June 26, 2006 – Tennessee’s U.S. Senator Bill Frist hosts a press conference on Capitol Hill and is joined by supporters to include chief sponsors of the measure, Sens. Orrin Hatch and Dianne Feinstein. Media attention peaks when Major League Baseball great Rick Monday and former Miss America Heather French Henry call for full Senate support of the flag amendment.

June 25, 2006 – Supporters return to “Walk the Hill” again to nail down the single vote that is needed.

June 13-15, 2006 – With the vote approaching, a CFA-sponsored “Walk the Hill” event enjoys participation from more than one hundred amendment supporters.

May 2006 – Media attention mounts as press conferences are conducted at Hartford, Connecticut; Dover, Delaware; Springfield, Illinois; Frankfort, Kentucky; Albany, New York; Bismarck, North Dakota; Warwick, Rhode Island; Salt Lake City, Utah; Olympia, Washington; and Charleston, West Virginia to announce polling results in those states. With that, the flag amendment becomes “front page” news.

April 2006 – The CFA launches “Countdown to Victory.” A plan is developed and executed to secure the one vote needed to pass the flag amendment. Polling is done in several key states; press conferences are set to announce the results of the polls. Letter writing, emailing, and personal visit campaigns are set in motion. All efforts are focused on the June 26 date.

March 2006 – Representatives of the Citizens Flag Alliance descend on Capitol Hill in early March to go face-to-face with a number of Senators on the flag amendment. Visits with Majority Leader Bill Frist result in the “promise” of a date to bring the flag amendment to the floor for a vote: the week of June 26, 2006.

February 2006 – With support for the amendment at a record high, a letter writing campaign is launched, focusing on all members of the Judiciary asking that they bring SJR 12 to a hearing before April 1, 2006.

January 2006 – The Second Session of the 109th Congress brings excitement with the departure of amendment opponent Sen. Jon Corzine, who wins an election bid for Governor of the State of New Jersey. The appointment to fill his un-expired term goes to long-time flag amendment proponent Robert Menendez, formerly the U.S. Representative from New Jersey’s 13th District. This puts support for the flag amendment at 66 – just one vote away from the required 67 votes.

November - December 2005 – Promises are made and tentative schedules are set for hearings on Senate Joint Resolution 12 by the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights. In last minute “bargaining” schedules are scuttled after opponents suggest a later time for hearings would better suit the Senate’s calendar. The First Session of the 109th Congress adjourns with the Senate having taken no action on the flag amendment.

September 2005 – Nominations and hearings associated with the selection of new Supreme Court Justices pushes aside Senate action on the flag amendment. Hurricanes Katrina and Rita further burden the Senate schedule as relief legislation gets priority attention and many measures – to include the flag amendment – are placed on a back burner.

August 2005 – Reacting to media reports that play fast and loose with the facts, and commentary detrimental to the flag amendment in the state of Utah, the CFA commissions yet another survey to determine the precise level of support among residents there. Results of the 500-respondent poll refute the media hype, revealing that 8 of 10 Utah residents believe that flag desecration should be against the law. Seventy percent of all respondents “favor” the amendment. The CFA calls a press conference in Salt Lake City in early August to announce the polling results. Media attention to the issue is good and the CFA gets its points and figures into the press.

July 2005 – In concert with the Hill presence, the CFA places pro-amendment ads in *The National Journal*, a prestigious Capitol Hill magazine. Ads run in four consecutive issues through the month of July. Subjects include results of the national survey; a discourse by Harvard Law School Professor Richard Parker on why a “statute approach” [simple law] to flag protection will not work; a public declaration of support by Medal of Honor recipients is stated; and a second piece that exposes the mind-set of Senators who discredit the amendment while touting the merits of a simple statute.

July 2005 – In further support of possible Senate action on the amendment, the CFA organizes a “Walk the Hill” event and invites CFA partners to participate. Twenty-five representatives of various member organizations spend three days on Capitol Hill meeting face-to-face with Senators and their staff. Opposition is addressed, support is gathered, and commitments are nailed down.

June 2005 – Anticipating Senate action soon, a major letter writing campaign is launched within the ranks of the CFA and aimed at every member of the United States Senate.

June 2005 – The Citizens Flag Alliance commissions a nationwide poll to determine, once again, the public’s desire for flag protection. Results are not surprising. The survey of more than 1,000 adult respondents shows 80 percent believe flag desecration should be “against the law”; 75 percent of all respondents “favor” the flag amendment. These figures reflect extremely consistent support among the American people, support that has not waned over sixteen years since the Supreme Court’s decision in *Texas v. Johnson*.

June 2005 – House Joint Resolution 10 goes to the floor of the U.S. House of Representatives where attempts to scuttle it fail. On June 22nd the proposed amendment passes 286-130, marking the sixth consecutive time that a flag amendment has passed in the House.

April 2005 – Senators Orrin Hatch [R-UT] and Dianne Feinstein [D-CA] introduce Senate Joint Resolution 12 on April 14th. Fifty Senate cosponsors join them in support and by July the number of Senators on record in support of the amendment is at 58, nine away from the 67 needed to pass the amendment.

January 2005 – The 108th Congress adjourns, sine die. The flag amendment never gets to the Senate floor. On Tuesday, January 25, 2005, Representatives Duke Cunningham [R-CA] and John Murtha [D-PA], with 46 cosponsors introduce House Joint Resolution [H.J. Res.] 10, a proposed constitutional amendment that reads, "The Congress shall have power to prohibit the physical desecration of the flag of the United States." Similar action is pending in the Senate, where backing for the amendment is greater than ever with 65 supporters of record.

November 2004 – MG Brady makes a strong appeal to Senate Republican and Democrat leaders to take action on the amendment. The American Legion purchases ad space in prominent Washington publications – and in no uncertain terms chastises both supporters and opponents in the Senate for allowing the “will of the people” to languish in the closing days of the 108th Congress.

August 2004 – Pressure by flag amendment advocates forces action and SJR 4 is favorably released by the Judiciary, headed to the Senate floor with a 5-4 vote. The Senate leadership promises a vote in September, but reneges on the promise, while offering up the idea of a pre-election vote. But, again, the promise is broken when the elections pass without amendment action.

May 2004 – Two months after Senate hearings, no Judiciary mark-up is done. Independence Day passes and the situation remains unchanged.

March, 2004 – Senate Judiciary Chairman Orrin Hatch (R-UT) calls hearings on SJR 4, the Senate version of the flag amendment. Individuals from several CFA member organizations fill the hearing room as the Judiciary hears testimony from CFA’s MG Patrick Brady and consultant Professor Richard Parker, who are joined by professional racecar driver John Andretti. Andretti draws great media attention and broadens support among “NASCAR Dads” and others who learn of the amendment. Senate leadership promises a vote between Memorial Day and July, but delays dog the procedure.

June 2003 – The House Judiciary takes up HJR 4 in closed sessions, skipping formal hearings and going right to a mark-up. The proposed amendment is sent to the floor by an 18-13 vote of the Judiciary. On June 3, 2003, the measure is brought to the floor of the House. With the highest vote count in four years, the United States House of Representatives passes House Joint Resolution 4 – the flag protection constitutional amendment – for the fifth consecutive time since the CFA’s campaign began with the 104th Congress. Going to the floor for a vote, the proposed amendment carries 213 official cosponsors. The final tally, 300-125. Support in the Senate remains strong with more than 60 US Senators on record as supporters of the amendment and more than 55 signed on as official cosponsors. CFA throttles up in preparation for a run at the Senate.

January 2003 – On the opening day of the 108th Congress, flag amendment chief co-sponsors John Murtha (D-PA) and Randy “Duke” Cunningham (R-CA) introduced House Joint Resolution 4. Twenty-four colleagues joined them as cosponsors. The following week, on Jan. 15, Sens. Orrin Hatch (R-UT) and Dianne Feinstein (D-CA) introduced an identical measure in the Senate. In addition to the two chief cosponsors, Senate Joint Resolution 4 enjoys co-sponsorship from 41 other Senators. With an all-time high number of member organizations at 144, the Citizens Flag Alliance ratchets up operations and prepares for work in the 108th.

December 2002 – Results of the November mid-term elections reveals that more than 300 Representatives and 64 Senators will take seats in the 108th Congress.

January-December 2002 – A change in Senate leadership gives amendment opponents control over the destiny of the measure. It is held hostage through the Second Session of the 107th and never allowed on the floor.

March 13, 2002 – Results of polling, done to determine support for the amendment and released at a Washington, DC press conference, reveal a “new” group of strong supporters of the flag amendment. With 80 percent favoring the amendment, 18-24-year-olds are the second most supportive – and “new” – age group. Only those respondents 65 and older are more pro flag at 85 percent.

January 10, 2002 – The Vermont State legislature passes a Memorial Resolution that calls on Congress to pass a flag protection constitutional amendment. The call for the amendment is now unanimous among the states.

July 17, 2001 – The flag protection amendment, House Joint Resolution 36, passes the House, 298-125, for the fourth time in consecutive Congresses.

March 13, 2001 – Reps. Randy Cunningham (R-CA) and John Murtha (D-PA) introduce HJ Res. 36. Sens. Orrin Hatch (R-UT) and Max Cleland (D-GA) introduce SJ Res. 7.

March 29, 2000 – Senate Joint Resolution 14, the flag-protection constitutional amendment, falls four short of the necessary 67 votes (63-37) in the United States Senate. The Citizens Flag Alliance notes deep disappointment in two Senators [Robert Byrd (D-WV); and Richard Bryan (D-NV)] whose support was withdrawn at the last minute.

June 24, 1999 - The U.S. House of Representatives passes HJ Res. 33, 305-124, 15 votes more than needed for passage of a constitutional amendment.

March 24, 1999 - House Judiciary Subcommittee holds hearings on H.J. Res. 33. Witnesses testifying in favor of the amendment include Stephen Presser, Professor of Law at Northwestern University School of Law; Maj. Gen. Patrick H. Brady (USA-Ret.), Medal of Honor recipient and Chairman of the Board of The Citizens Flag Alliance, Inc.; Stephan Ross, a holocaust survivor who was liberated from Dachau by the U.S. Army; and Bishop Carlton Pearson, the presiding Bishop for more than 500 churches and ministries throughout the Azusa Interdenominational Fellowship.

March 17, 1999 – Sens. Orrin Hatch (R-UT) and Max Cleland (D-GA) introduce S.J. Res. 14. The amendment has 54 co-sponsors. In all, 64 Senators pledge their support of the amendment.

February 24, 1999 - Reps. Randy "Duke" Cunningham (R-CA) and John Murtha (D-PA) introduce H.J. Res. 33, a constitutional amendment to return to the American people the right to protect their flag.

November 4, 1998 – Election analysis indicates the CFA is a step closer to passage of a flag-protection constitutional amendment in the U.S. Senate in the 106th Congress. Newly elected Senators who support the flag-protection amendment include Sens. Blanche Lambert Lincoln (D-AR), Peter Fitzgerald (R-IL) and George Voinovich (R-OH). All three Senators replace incumbents who were on record as "no" votes, thus enhancing the amendment's chance for passage in the Senate.

October 7, 1998 – Sen. Majority Leader Trent Lott brings SJR 40 to the floor of the U.S. Senate asking unanimous consent to proceed to debate and vote. Sens. Robert Kerrey (D-NE) and Patrick Leahy (D-VT) object to consideration of the resolution, citing lack of time to sufficiently debate the amendment. With that, the measure is lost in the 105th Congress.

July 8, 1998 – Senate Judiciary Committee holds hearings on S.J. Res. 40. Those testifying in favor of the amendment include Tommy Lasorda, John Schneider and Harvard Law Professor Richard Parker.

February 4, 1998 – Sens. Orrin Hatch (R-UT) and Max Cleland (D-GA) introduce into the 105th Congress Senate Joint Res. 40. The amendment has 61 co-sponsors.

August 1997 – The so-called Citizens for the Constitution is formed to, in their words, “call attention to the adverse effects of fast-paced constitutional tinkering.” They begin by creating eight “standards,” which they claim are intended to address when and how the Constitution should be amended. They lobby Congress to adopt these standards that will govern how the amendment process should, in their opinion, unfold.

June 12, 1997 – H.J. Res. 54 passes House 310-114, 20 votes more than needed for passage of a constitutional amendment.

February 13, 1997 – Reps. Gerald Solomon (R-NY) and William O. Lipinski (D-IL) introduce into the 105th Congress House Joint Resolution 54, the flag-protection amendment. CFA officials vigorously encourage member organizations and individuals to persuade their representatives to become co-sponsors.

November 1996 – Flag amendment supporters capture 25 of the 34 Senate seats and 290 plus House seats. The Citizens Flag Alliance reaffirms its flag amendment commitment.

March - November 1996 – CFA launches massive "Get Out the Vote" and public information effort. The nationwide campaign includes press events, voter registration and voter education drives.

January 1996 – CFA launches nationwide campaign to tell citizens how their lawmakers voted on the amendment.

December 12, 1995 – Senate rejects SJR 31 by a vote of 63-36; the amendment fails by 3 votes.

August 1995 – Fifty-six Senators are co-sponsors of SJR 31.

July 20, 1995 – SJR31 passes Senate Judiciary Committee, 12-6.

June 28, 1995 – HJR 79 clears House 312-120. 290 votes are needed for passage of a constitutional amendment.

June 6, 1995 – White House representative testifies before Senate Judiciary Committee and says President Clinton opposes the flag amendment.

March 21, 1995 – Senators Orrin Hatch (R-UT) and Howell Heflin (D-AL) introduce Senate Joint Resolution 31, calling for a constitutional amendment. Representatives Gerald Solomon (R-NY) and G. V. "Sonny" Montgomery (D-MS) introduce HJR 79, the same resolution, in the House of Representatives.

August 24-26, 1994 – CFA convenes a constitutional scholars' forum at Williamsburg, VA to determine the underlying merit and political viability of the many options available to prevent the public dishonoring of the American Flag. Prof. Arthur Miller of Harvard University School of Law moderates the forum that is attended by scholars from the nation's finest legal institutions, advocacy groups and public policy research organizations. To ensure an accurate breadth of ideological input, the forum is evenly divided between scholars supporting and opposing a flag protection amendment.

May 1994 –The American Legion approves a resolution authorizing the funding of The Citizens Flag Alliance, Inc. (CFA). CFA is chartered in Virginia as a 501(c) 4 corporation. To promote the flag amendment and flag education, the CFA seeks membership of other civic, social, veterans and fraternal organizations. The CFA organizes in all 50 states and the membership grows to 112 member organizations by December 1995.

Throughout 1992 and 1993 – Memorializing resolution campaign gains steam. By the end of 1993, 35 state legislatures have approved resolutions. Gallup Organization polls show overwhelming public support for flag-protection amendment.

August 25, 1992 – Presidential candidate Bill Clinton tells The American Legion National Convention delegates in Chicago that he opposes flag burning and leaves the impression that he would support a flag-protection constitutional amendment.

For the remainder of 1990 – The Legion family refocuses on memorializing resolution campaign in the states. The non-binding resolutions urge the Congress to adopt an amendment allowing "Congress and the states" to enact and enforce flag-protection laws.

June 26, 1990 – Senate fails to obtain two-thirds majority for flag-protection amendment.

June 21, 1990 – House fails to obtain the two-thirds majority required to pass a flag-protection constitutional amendment.

June 11, 1990 – U.S. Supreme Court, in *Eichman v. US*, rules PL 101-131 unconstitutional.

February - March 1990 – Federal judges in Seattle and Washington, D.C. rule PL 101-131, the Flag Protection Act of 1989, unconstitutional.

October 28, 1989 – HR 2978 becomes Public Law 101-131 and U.S. Flags are burned on the steps of the U.S. Capitol to protest enactment of the law.

October 12, 1989 – House and Senate adopt House Resolution 2978, the "Flag Protection Act of 1989," a federal statute, to protect the flag.

September 5, 1989 – Delegates to The American Legion National Convention in Baltimore unanimously approves a resolution seeking adoption and ratification of a flag-protection constitutional amendment. In the months that ensue, The Knights of Columbus, The Benevolent and Protective Order of Elks, the Scottish Rite of Freemasonry, the Veterans of Foreign Wars and many other organizations pass similar resolutions at their national meetings.

July-August 1989 – The American Legion and American Legion Auxiliary launch petition drives to collect one million signatures of Americans demanding a flag-protection amendment. The goal is reached within 60 days and the petitions are presented to Congress.

June 21, 1989 – By a 5-4 vote, the Supreme Court rules in *Texas v. Johnson* that burning the American flag is free speech protected under the First Amendment. This invalidates flag protection statutes in 48 states and in Washington, DC.