

Should Congress Approve a Constitutional Amendment to Prohibit Physical Desecration of the Flag?

(Written for the CQ Researcher, July 1999)

You bet. But it is important to know that the amendment does not of itself prohibit flag desecration, or change the Constitution. It simply takes the power over the flag away from the courts (who have declared that defecation on the flag is "speech") and returns it to the people who can then protect it if they wish.

In the movie *Saving Private Ryan*, his simple, haunting, burning question was whether or not he was worth the sacrifices of Captain Miller and those who saved his life. Those opposed to the right of the people to protect their flag tell us that it is the freedom to burn the flag, that makes us worthy of their sacrifices.

If Pvt. Ryan's saviors heard that they died on America's battlefields so that their flag could be burned on America's street corners, they would turn over in their graves. Who would tell the troops in Kosovo they are fighting for the right to burn Old Glory?

All patriots understand the importance of free speech, and would die for it. What they do not understand is that defecating on the flag is "speech". And neither do 80 % of the American people or James Madison, the author of free speech. He denounced flag burning and so did Thomas Jefferson.

Our problem is not with flag burners, it is with those who have changed the Constitution and called it speech, who fear the democratic process, who will allow the flag to be burned anywhere except on the steps of the Supreme Court or the Capitol. We will always have flag burners. What is important is how we react to them, and to those who corrupt our Constitution.

This is a values issue and the entire debate over values is centered on what we teach our children. Flag burning is wrong, but what it teaches, is worse. It teaches our children disrespect. It teaches that the hateful conduct of a minority is more important than the will of the majority. It teaches that our laws need not reflect our values, and that the courts, not the people, own the Constitution.

The Constitution gives us the right to peacefully protest the actions of our government. That is what we are doing. It does not give us the right to violently protest the foundation of the government. That is what flag burners do.

For over a year now there has been a clamor from many in Congress that we should listen to the people. That is our plea as well, let the people decide. Captain Miller's dying words to Pvt. Ryan were, "Earn this." Their flag wasn't earned to be burned.