

Issue: Flag Protection Amendment

Full language of the amendment: ***“The Congress shall have power to prohibit the physical desecration of the flag of the United States.”***

Message Points

- By judicial decree in 1989, the U.S. Supreme Court amended the United States Constitution by “inserting” flag burning into the Bill of Rights. That decision took from the American people a fundamental right that had been exercised from our beginnings as a Nation – the right to protect our flag.
- The American flag is a national treasure. It's our one unifying symbol of national unity. Traditionally and legally it had been protected from desecration, and most Americans think that protection should be restored. In fact, all fifty states have asked for the amendment.
- Protection of our flag from physical desecration impairs no one's free speech. It does not prevent a single idea from being expressed. It involves no censorship of an idea. The amendment would prohibit conduct with respect to one unique object, the Flag of the United States.
- The frequency of flag burning has nothing to do with the evil of flag burning. Laws in this nation are based on right and wrong, not on the frequency of occurrence. Flag burning has never been widespread in our society, but when it did occur it was generally punishable. And that's the position of most Americans: if you desecrate the flag, you shouldn't go unpunished.
- A flag amendment has passed the US House of Representatives six times since 1995, and fallen one vote short of passing in the US Senate. All that stands between the people and protecting their flag is a few Senators.
- Opponents often ask, “What's a flag?” Congress, for the purpose of a law, agreed in 1989 that the term "flag of the United States" means any flag of the US, or any part of one, of any substance, of any size in a form commonly displayed. That should make it clear that we aren't talking about ties, or bikinis, or birthday cakes with representations of the flag on them. No one would place a tie, or bikini or birthday cake on the coffin of a veteran.
- Desecration of the flag desecrates our values as a nation. Burning the flag is wrong, but what it teaches children is worse. It teaches that outrageous conduct of a minority is more important than the will of the majority. It teaches that our laws need not reflect our values, and it teaches disrespect for the values embedded in a Constitution that is embodied by the flag.
- The Constitution is too important to be left to the Courts and so is the flag. They both belong to the people and it is time to let the people decide, through the process of ratification, if their flag is worthy of protection.