

**TESTIMONY OF
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TO THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
ON
SENATE JOINT RESOLUTION 4**

MARCH 10, 2004

Mr. Chairman, and members of the subcommittee, it gives me great pleasure to submit testimony to this distinguished body regarding such an important issue to me and other residents of the State of North Carolina. I wish to personally thank you and Senator Feinstein for introducing S.J. Res. 4. I am pleased that Senator Dole is listed among those who cosponsored S.J. Res. 4. I am also pleased to report the House of Representatives companion bill, H. J. Res. 4, was supported by nine of the thirteen Representatives from North Carolina in the overwhelming majority vote of 300-125. I would hope that Senator Edwards, after traveling across the United States as a presidential candidate, will reconsider his position and vote to allow the average citizen to have a say in this debate.

S.J. Res. 4 currently has 57 co-sponsors. The only common personality traits among these co-sponsors and supporters are that they are Members of the United States Congress and Americans. You see, this is not a veterans' issue, a political issue, a religious issue, a racial issue, or a budgetary issue; it is an American issue. This proposed initiative would amend the Constitution to allow Congress to pass laws, if it chose to, prohibiting acts of physical desecration of the American Flag. The wording of the amendment is quite simple: *The Congress shall have power to prohibit the physical desecration of the flag of the United States.*

Every Member of Congress who I have heard address this issue since 1989, starts off by saying how much he or she deplors the acts of physical desecration of the national banner. Every amendment opponent from the American Civil Liberties Union (ACLU) and the American Bar Association (ABA) that I have heard address this issue has said the same thing. The only people I haven't heard in a public forum are those who actually physically desecrate the flag of the United

States. Representatives from the ACLU or their legal counsel normally speak on their behalf. I just find it ironic that when given the opportunity to “speak” someone else does it for them.

An overwhelming majority of the American people abhor these acts of flag desecration, and have expressed their desire to see an amendment to the Constitution to put an end to these unconscionable, but “legal” acts. Gallup surveys indicate that 78 percent of the American people favor flag protection, and 82 percent say the people should have the right to decide the question of flag protection through ratification.

Local state lawmakers have responded by passing memorial resolutions in all 50 state legislatures petitioning Congress to send the amendment to the States. In 1994, the North Carolina General Assembly passed this measure. It was hard work, but dedication, perseverance and commitment paid off. We faced each setback with optimism and renewed determinism. Those who predicted failure severely underestimated our fortitude. Unmistakably, this is a true values issue; therefore, making compromise is an unacceptable option.

The Citizens Flag Alliance has brought together so many wonderful organizations for this singular cause. I would be remiss if I didn’t take time to praise the hard work and dedication of all of these community-based organizations, especially the Benevolent and Protective Order of Elks, who I’ve worked closely with, and The American Legion. Since its inception, the Citizens Flag Alliance has gathered millions of signatures nationwide on petitions in favor of the proposed amendment. This clearly shows that the majority of Americans are in favor of protecting this important symbol of respect and reverence.

The majority of the Citizens Flag Alliance organizations deal with youth, America’s most valuable resource. Preparing these young minds to assume the leadership roles of tomorrow is an important challenge not taken lightly. If each Committee Member ran through the list of organizations, I am confident you would recognize at least one organization that had a positive impact in your childhood. It may have been The American Legion’s Boys Nation that gave a young William Jefferson Clinton the opportunity to shake hands with the late President John F. Kennedy in the Rose Garden. This campaign is a living civics class about democracy. It is about the role each branch of the government and the role of its citizenry. This is a government of We the people; Congress, the Court and the President only serve as its trustees.

Since the U.S. Supreme Court decided in **Texas v. Johnson** and **United States v. Eichman** split decisions (5-4), that state and federal laws prohibiting the physical desecration of the American flag were deemed a violation of free speech rights, Congress is the only government body where concerned Americans can properly seek a redress of these Court decisions.

On the campaign trail, a candidate for President of the United States was asked by a reporter what he would do if he saw someone physically desecrating an American flag. His response was very similar to the response I hear from many Americans, that they would take the flag away from the individual and punch the person in the nose. There is something wrong when an honorable person's "gut" instinct tells him to take actions that would deny a person's constitutional right.

I am from a small town in North Carolina. I consider myself a community leader, a law-abiding citizen, a taxpayer, and a churchgoer. I try to be tolerant of others, especially those with whom I disagree, but I don't think that I could simply walk away from someone burning the flag of the United States. Yet, knowing the consequences of "following my heart," I would still try to rescue Old Glory.

Mr. Chairman, amending the Constitution is a three-step process. The House of Representatives is the first step. Passage in the Senate is the second step. The final and most important step belongs to "We the people" in 38 States. Trust me, if Congress completes their two steps, the final step will be completed very, very quickly.

Thank you for allowing this small voice, from the State of North Carolina, an opportunity to be heard.