

ALASKA STATE LEGISLATURE

REPRESENTATIVE
PETE KOTT
10928 Eagle River Rd Ste. 141
Eagle River, Alaska 99577
(907) 694-8944
FAX (907) 694-8945



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3777
FAX (907) 465-2819

House of Representatives
House District 24

Sponsor Statement HJR 30

This resolution asks the Congress of the United States to present a constitutional amendment to the States authorizing Congress to prohibit the physical desecration of the American flag. The resolution supports two measures currently in Congress: [House Joint Resolution 36](#), which passed the House on July 17, 2001 on a vote of 298 to 125; and [Senate Joint Resolution 7](#).

Does the First Amendment give us the right to desecrate the American flag? Or is the flag a sacred symbol of our nation, itself a monument deserving protection by law? In 1989, with [Texas v. Johnson](#), the U.S. Supreme Court overturned anti-flag desecration laws that 48 states had on the books. At that time, the Court held that flag burning was symbolic expression and must be afforded the complete protection of the First Amendment.

Dissenters to Texas v. Johnson recognized that the anti-desecration statutes protect the use of this particular symbol (the American flag), and in no way sought to restrict the ideas that flag desecraters convey. Chief Justice Rehnquist said, "This uniquely deep awe and respect for our flag felt by virtually all of us is bundled off under the rubric of 'designated symbols' that the First Amendment prohibits the government from establishing." The Chief Justice argued that by restricting the physical desecration of our flag, the government recognizes as fact, the profound regard for the American flag created in the hearts of Americans by 200 years of history.

The 1989 Supreme Court decision set in motion a grassroots campaign of unprecedented success. No other issue on Capitol Hill has the endorsement of 80% of the American people, the overwhelming majority of the US House and Senate and 100 percent of state legislatures. HJR30 asks the US Senate to yield to the will of the people and send the proposed flag amendment to the States for ratification.

"The flag is a national property, and the Nation may regulate those who would make, imitate, sell, possess, or use it. I would not question those statutes which proscribe mutilation, defacement, or burning of the flag which otherwise protect its physical integrity, without regard to whether such conduct might provoke violence.....There would seem to be little question about the power of Congress to forbid the mutilation of the Lincoln Memorial....The flag itself is a monument, subject to similar protection."

- Justice White