



POSITION PAPER

Desecration of the Flag of the United States of America

Issue: Under current law it is legal for persons residing within the United States to desecrate our most sacred symbol of freedom and sacrifice, the flag of the United States of America.

Background: In 1968 Congress passed the Federal Flag Protection Act. In subsequent years, 48 States passed similar flag protection acts. In 1989 the Supreme Court overturned all of these statutes as unconstitutional restrictions of public expression. Congress responded by passing a flag protection act. However, in 1990 the Supreme Court overturned the act, declaring that flag desecration is protected by the 1st Amendment of the Constitution and is considered free speech.

In every session of Congress since the 104th session, Congress has attempted to amend the Constitution by introducing Joint Resolutions to allow Congress the power to prevent flag desecration. However, each attempt has failed to receive the two-thirds majority required in the Senate after receiving the requisite number of votes in the House.

In order for a Joint Resolution that seeks to amend the Constitution to pass, a two-thirds majority vote is required in both the House and the Senate and three-fourths of State Legislatures must affirmatively vote for the resolution.

AMRA Position: A majority of our members have served in combat zones striving to protect and defend the ideals that our flag represents. Many have lost friends or loved ones in such efforts. All of us find the desecration of our flag, particularly by Americans on American soil, to be reprehensible and a personal affront to our service and, more importantly, to the morals and values that our country represents. While those who may oppose legislation to amend the Constitution in regard to this issue will argue that our greatest ideal, freedom, ought to grant persons the right to desecrate our flag; we firmly believe that our freedom also gives us the right to protect it.

The American Military Retirees Association supports any Congressional effort to amend the Constitution to allow Congress the power to prevent and make illegal the desecration of the flag of the United States.

Current Legislation: H.J. 9, Introduced and sponsored by Congressman Steve Womack, "Proposing an amendment to the Constitution of the United States giving Congress power to prohibit the physical desecration of the flag of the United States".