

SENATE BILL REPORT

SJM 8004

AS PASSED SENATE, FEBRUARY 10, 1994

Brief Description: Asking Congress to propose a constitutional amendment to prohibit the physical desecration of the flag.

SPONSORS: Senators Owen, Erwin, Hochstatter, von Reichbauer, Oke, Moyer, Newhouse, Bauer and M. Rasmussen

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Quigley, Roach and Schow.

Staff: Dick Armstrong (786-7460)

Hearing Dates: February 2, 1994

BACKGROUND:

In 1989, Congress passed the Flag Protection Act which made it a crime to knowingly mutilate, deface or burn a United States flag. In 1990, the United States Supreme Court held that such a law was unconstitutional because flag burning was protected by the First Amendment to the United States Constitution. The court held that the government may not statutorily prohibit the expression of an idea simply because society finds the idea offensive or disagreeable.

SUMMARY:

Congress is requested to propose an amendment to the United States Constitution for ratification by the states specifying that Congress and the states have the power to prohibit the physical desecration of the flag.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The flag is a national symbol of our country and deserves the respect of all citizens. National polls show a strong majority of citizens believe that flag burning should be prohibited.

TESTIMONY AGAINST:

Speaker Foley spoke on the floor of the United States House of Representatives to say that it was inappropriate to amend the 1st Amendment. The flag belongs to all of us, even those who do not respect it.

TESTIFIED: PRO: Senator Oke; Keith Sherman, Veterans Legislative Coalition; Eric Belgan; David Devoe, VFW; CON: Jerry Sheehan, ACLU