Geren
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Holden
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Poshard
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thornton
Thurman
Torricelli
Tucker
Velazquez
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Yates

NOT VOTING—11

Burton
Gibbons
Hoyer
Hyde
Livingston
Meyers
Moakley
Pomeroy
Reynolds
Vento
Young (FL)

☐ 1218

Ms. VELÁZQUEZ and Mr. BERMAN changed their vote from ''aye'' to ''no.''

Mrs. CLAYTON changed her vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I missed the last rollcall vote, No. 429. I ask that the RECORD reflect had I been present I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. POMEROY. Mr. Speaker, I inadvertently missed rollcall vote 429. I was just off the House floor meeting with North Dakotans on legislative matters. Had I been present, I would have voted ''nay.''

CONSTITUTIONAL AMENDMENT TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 173, I call up the joint resolution (H.J. Res. 79), proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States, and ask for its immediate consideration in the House.

The clerk read the title of the joint resolution.

The text of House Joint Resolution 79 is as follows:

H.J. RES. 79

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States.''.

The SPEAKER pro tempore. Pursuant to House Resolution 173, the gentleman from Florida [Mr. CANADY] and the gentleman from Michigan [Mr. CONYERS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is no greater symbol of our unity, our freedom, and our liberty than our flag. In the words of Justice John Paul Stevens:

> It is a symbol of freedom, of equal opportunity, of religious tolerance, and of good will for other peoples who share our aspirations.

Our flag represents We the People—the most successful exercise in self-government in the history of the world.

In 1989 in Texas versus Johnson, the Supreme Court of the United States in a narrow 5 to 4 decision, invalidated the laws of 48 States and an act of Congress depriving the people of their right to protect the most profound and revered symbol of our national identity. In 1990, Johnson was followed by the decision in United States versus Eichman, which held unconstitutional a Federal statute passed by Congress in the wake of the Johnson decision.

House Joint Resolution 79 proposes to amend the Constitution to restore the authority of the Congress and the States—which was taken away by the Supreme Court—to pass legislation protecting the flag from physical desecration.

I believe, as do many of my colleagues, and eminent jurists such as former Chief Justice Earl Warren and Justice Hugo Black—ardent defenders of the first amendment—that the Constitution, properly interpreted, allows Congress and the States to prohibit the physical desecration of the U.S. flag.

Justice Black bluntly stated:

> It passes my belief than anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense.

The Solomon-Montgomery amendment will overturn the opinions of the Supreme Court in Johnson and Eichman by restoring the authority to Congress and the States to prohibit the physical desecration of the flag.

This amendment poses no threat to free speech. As legal commentator and columnist Bruce Fein testified before the Subcommittee on the Constitution:

> I don't think [the flag desecration amendment] really outlaws or punishes a person's ability to say anything or convey any idea. Indeed, every idea that is conveyed by burning a flag can clearly be conveyed without burning the flag using your vocal cords, for example, and therefore it doesn't, in my judgment threaten to dry up rich political debate.

As Chief Justice Rehnquist stated in his dissent in the Johnson case, the physical desecration of the flag:

> . . . is the equivalent of an inarticulate grunt or roar that, it seems fair to say, is most likely to be indulged in not to express any particular idea, but to antagonize others.

In protecting the flag from physical desecration we will do nothing to impede the full and free expression of ideas by Americans.

The people of the United States—through their elected representatives—have the power and the right to amend the Constitution under article V. After the amendment is ratified by the States, legislation will need to be crafted to prohibit the physical desecration of the flag.

In an unprecedented demonstration of public support, the legislatures of 49 States have called on this Congress to exercise its power under article V and to submit a flag protection amendment to the States for ratification. We should not ignore the 49 legislatures which have called for action. We should listen to them and pursuant to article V.

Our flag was raised at Iwo Jima, planted on the moon and drapes the coffin of every soldier who has sacrificed his or her life for our great country. It is a national asset, a national asset which deserves our respect and protection. Indeed our flag is a national asset which deserves to be protected from physical desecration as much as the Capitol Building itself, or the Supreme Court, or the White House.

I say to my colleagues, ''If you want to protect the flag, this unique national asset, from physical desecration, you must support the Solomon-Montgomery constitutional amendment. There is no other way.''

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the majority be granted an additional 10 minutes of time for general debate to be controlled by the gentleman from Mississippi [Mr. MONTGOMERY] and that the minority be granted an additional 10 minutes of general debate to be controlled by the gentleman from Arizona [Mr. KOLBE] which would give each side 40 minutes of general debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?