

legal retribution. One cannot advocate the assassination of the President without the Secret Service becoming extremely interested in his or her speech. As Supreme Court Justice Felix Frankfurter pointed out so eloquently many years ago, our right to free speech does not extend to yelling "Fire!" in a crowded theater. No, this is not a free speech issue. Rather, it is a matter of personal responsibility.

Surely, desecrating a U.S. Flag—burning a flag—is abhorred by society, and our society has the right to demand that such activity be punished. Reflecting that sentiment, my home state of Louisiana in 1991 was the 21st of 49 states so far to pass a resolution urging Congress to approve a flag-protection amendment.

Amending the Constitution is no simple undertaking. The Founding Fathers intended it to be that way. Two-thirds of the House (290 Members) and Senate (67) must agree to pass the legislation, then three-fourths of the states—36—must ratify the amendment within seven years.

Throughout our history, constitutional amendments have proved the only path for redress of serious societal ills in our country. Women's suffrage, for example, was accomplished through a constitutional amendment, as was the abolition of slavery after the Civil War. The Fourteenth Amendment recognized former slaves as citizens and the Fifteenth gave them the right to vote. No one could deny that these amendments—controversial as they were at the time—made our society better.

This proposed amendment and the need of its passage grew from a 1989 Supreme Court decision, *Texas v. Johnson*. The court narrowly ruled, 5-4, that burning an American Flag was "protected" as free speech. The case arose following a demonstration at the Republican National Convention in Dallas in 1984. Gregory Johnson and a group of fellow protesters burned a flag outside the convention hall as part of their protest. Texas authorities convicted Johnson of flag desecration under existing Texas law. The Supreme Court decision overturned not only the Texas law, but also flag-protection statutes in 47 other states and the District of Columbia.

The American public was outraged then and continues to be outraged today. Public-opinion polls show that more than 80 percent of all Americans favor protection of the flag. Following the 1989 Supreme Court decision and a similar 5-4 decision in 1990 in another flag desecration case, three out of four Americans believed the only way to protect the flag was through a constitutional amendment.

Nearly 40 years ago in the hot summer of 1957, Dr. Martin Luther King was beginning his dream of equality for all Americans. At a citizenship education program that summer, King said there was glory in citizenship, and that we don't want haters. Our country, he said, may not be all we want it to be, but that would change.

Respect your country; honor its flag.

We have come a long way as a nation since 1957. Dr. King's dream still lives—the American dream persists. In the words of Charles Evan Hughes, the 11th Chief Justice of the U.S. Supreme Court, "This flag means more than association and reward. It is the symbol of our national unity."

It is now our time to do our patriotic duty, to keep faith with the American people who sent us to Washington. Passing this flag-protection amendment adds one more strand to the fabric woven by preceding generations—the fabric of freedom, symbolized by our flag.

SAN YSIDRO NEIGHBORHOOD HISTORY DAY

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1995

Mr. FILNER. Mr. Speaker, I rise today to honor the community of San Ysidro in recognition of San Ysidro Neighborhood History Day. Its official name, "San Ysidro," was given in 1909 by a group of people who came to live in the valley and founded a small agricultural colony named after Saint Isidro—the patron saint of field laborers and agriculture.

In 1957, San Ysidro was incorporated to the city of San Diego. Today, in 1995, because it is California and San Diego's gateway to Mexico and Latin America, San Ysidro plays a major role in the development of San Diego.

The success of this unique community is an example of what happens when people take pride in their neighborhood—a community made up of friends and families that work hard every day for the betterment of the residents and especially the children.

San Ysidro Neighborhood History Day was celebrated with exhibits about the history of San Ysidro, the unveiling of murals by the children of San Ysidro, and a theatrical performance. I have been working with the community of San Ysidro since my days on the San Diego City Council to help the community foster pride in its diversity and culture. I was proud to participate with the community in recognizing San Ysidro Neighborhood History Day.

LETTER IN RESPONSE TO THE POMBO-SOLOMON AMENDMENT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1995

Mr. SOLOMON. Mr. Speaker, I would like to bring to your attention a letter I received in response to the Pombo-Solomon amendment which passed overwhelmingly in the House last week. The letter, in support of the amendment, is from Rear Adm. Joseph F. Callo, a Yale University alumnus.

JUNE 14, 1995.

Hon. GERALD B.H. SOLOMON,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SOLOMON: I support your efforts to block all federal financial aid to schools that deny ROTC on campus.

The intellectual dishonesty of the campus groups that argue for the ban of ROTC, and other military activities on campus, is appalling. I am also deeply saddened by a faculty and administration that supports those efforts. My distress is heightened by the following:

As an undergraduate at Yale, I learned the importance of objectivity, intellectual consistency and rationality. Each of these qualities has been trampled by those pursuing, or supporting, the anti-ROTC efforts.

As a former NROTC student at Yale, I know first hand of the high academic quality of that program.

As a taxpayer, I protest using my tax money to support the students, administration and faculty involved in these efforts.

As an alumnus of Yale, I am aware of the significant contributions to national defense made through the years by members of the Yale community—including in some instances, the sacrifice of their lives. The efforts of those advocating, or supporting, the ban of ROTC units on the campus are an obscenity in the face of those contributions.

Please continue your efforts.

Sincerely,

JOSEPH F. CALLO,
Rear Admiral, USNR (Ret).

CONGRATULATIONS TO DR. DONALD E. JARNAGIN

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1995

Mr. STUMP. Mr. Speaker, it is a pleasure for me to recognize that a good friend and fellow native Arizonan, Dr. Donald E. Jarnagin, of Glendale, Arizona, is being inducted as the 74th President of the American Optometric Association today by his colleagues at their 98th Annual Congress in Nashville, Tennessee.

Don's accomplishments are most impressive and extend past his field of optometry. He is a graduate of Southern California College of Optometry in Fullerton, California, and has held numerous elective and appointed positions in his professional career. Prior to first being elected to the American Optometric Association Board of Trustees in 1987, Don served as the Central Arizona Optometric Society's President and then went on to become President of the Arizona Optometric Association.

Active in his community, Don is a former president of the Glendale Rotary Club and has been appointed a member of the City of Glendale Charter Review Committee. He chaired the City of Glendale Housing Authority and has also been active in the Glendale Chamber of Commerce.

I am pleased to join Don's family, many friends and colleagues in congratulating him on his induction today. From his many years of friendship and counsel, I know that he will be an outstanding AOA President, and will do a great job in leading the Association in its efforts to improve our Nation's vision care.

IMPORTANT NEWS ON THE DRUG ISSUES

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1995

Mr. SOLOMON. Mr. Speaker, I would like to share with you some important news on the drug issue. In April of this year, the U.S. Sentencing Commission recommended that Congress end the sentencing disparity between powder cocaine and crack cocaine. Congress ought to ignore this politically correct suggestion and reaffirm its well-considered position that offenses involving crack cocaine deserve more severe punishment than those involving powder cocaine.

Under current Federal law, there is a 100:1 powder/crack ratio. That is, possession or distribution of 100 grams of powder is treated as

the equivalent of possession or distribution of one gram of crack for sentencing purposes. Therefore as the law currently stands, a first-time offender involved with one gram of crack would receive the same 5-year mandatory minimum sentence as another first-time offender arrested for an offense involving 100 grams of powder cocaine.

The Sentencing Commission recommends that Congress rewrite the law and treat crack and powder cocaine on an equal basis. Evidently, some members believe that there is no reason for the disparity. In my opinion, Congress in the 1980's reacted properly to the crack epidemic gripping vulnerable innercity communities. This body saw the destruction wrought on entire communities by this cheap and highly addictive form of cocaine and decided that crack offenses ought to be punished more severely than powder offenses because of the violence associated with the use and trafficking of crack.

I would alert my colleagues that there is another way to achieving equal treatment of crack and powder cocaine: Instead of lowering the penalties for crack offenses, as the Sentencing Commission proposes, we should increase the punishment for powder offenses. The advantages would be two-fold: First, it would prevent opponents from playing the "race card." Second, it would stiffen the penalties for cocaine offenses, which are currently far too lenient.

Whatever path is taken—maintaining the current ratio—or mildly reducing it—or raising the penalties for powder offenses to achieve equal treatment—one point must be emphasized: Congress must do something. For if Congress fails to address the hasty recommendation offered by the Sentencing Commission, it will automatically become law on November 1, 1995.

Mr. Speaker, at this time I would submit into the CONGRESSIONAL RECORD a position paper on this subject drafted by Drug Watch International.

ALERT, JUNE 1995

A massive federal decriminalization of the most dangerous drug destroying our communities and feeding the wave of inner-city violence is poised to become law! And it will happen automatically on November 1, 1995, unless Congress stops it.

Crack dealing, even in large amounts, is about to be 99 percent decriminalized.

The greatest weapon used by federal prosecutors to protect urban, inner-city communities from gangs and gang violence will be 99 percent defused.

Who will benefit? Gang leaders and crack dealers whose business and activities are already destroying the lives and the future of one of the most vulnerable segments of our society.

Who will be hurt? The children of crack addicts who will continue to have everything of value in their households, including the money for food and clothing, and sometimes even their own bodies, given or sold by their parents to crack dealers for just one more fix. And the other helpless hostages of gangs in communities in which the most violent predators among them will be able to walk in the open with more confidence as they build their empires of drugs and violence.

How will it happen? The United States Sentencing Commission, which sets the guidelines federal judges must follow in imposing sentences, has recommended that the sentencing guidelines for crack offenses be reduced to equal the far lesser penalties for cocaine powder. Currently, one unit of crack is treated as the equivalent of 100 units of cocaine for sentencing purposes. That 100:1 ratio is also embodied in the federal mandatory minimum sentences, which provide a mandatory five year sentence for offenses involving five grams of crack (or 500 grams of cocaine), and 10 years for 50 grams of crack (or 5 kilograms of cocaine).

By law if Congress takes no action to stop it on November 1, 1995 it will take 100 times as much crack in an offense to get the same sentence as today. The Sentencing Commission recommendation will pass automatically. That is the way Congress set it up. Therefore, no one will be on the record favoring a massive decriminalization. It will just sneak on through and become law.

Effective investigation and prosecution of organized gang crimes invariably requires the undercover assistance and later trial testimony of gang members who have access to the gang's leadership and knowledge of the gang's inner workings. Such key gang insiders only agree to cooperate with agents and prosecutors when they fear federal sentences more than they fear and are loyal to their fellow gang members. Gangs thrive in prisons, and short prison sentences only give gang members a chance to advance in rank and return to the streets with more power than when they went in. Only very long sentences can remove the smirk from a hardened gang member's face and make him even consider helping the police.

If the sentences for crack crimes are reduced as proposed, the smirk will return. The threat will go out of federal sentences. Agents and prosecutors will be largely disarmed in their fight against the most dangerous and destructive predators in our cities.

Some people believe the drug laws are too harsh on those predators, and want to ease up on the federal pressure on gangs. At the moment, those sympathizers are in control. Only Congress can stop them, but most members of Congress may not even be aware of or understand the threat, so they will do nothing. Which means the decriminalizers win, automatically!

For the sake of the most vulnerable in our society, we must not let that happen!

The penalties for cocaine powder should be raised to equal those of crack, not the other way around.