

SENATE—Tuesday, March 28, 2000

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have called the men and women of this Senate to glorify You by being servant-leaders. The calling is shared by the officers of the Senate, the Senators' staffs, and all who enable the work done in this Chamber. Keep us focused on the liberating truth that we are here to serve You by serving our Nation. Our sole purpose is to accept Your absolute lordship over our lives and give ourselves totally to the work of this day. Give us the enthusiasm that comes from knowing the high calling of serving in government. Grant us the holy esteem of knowing that You seek to accomplish Your plans for America through the legislation of this Senate. Free us from secondary, self-serving goals. Help us to humble ourselves and ask how we may serve today. We know that happiness comes not from having things nor getting recognition, but from serving in the great cause of implementing Your righteousness, justice, and mercy for every person and in every circumstance in this Nation. We take delight in the ultimate paradox of life: The more we give ourselves away, the more we can receive of Your love. In our Lord's name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The acting majority leader is recognized.

SCHEDULE

Mr. HATCH. Mr. President, today the Senate will resume consideration of the pending flag desecration resolution. Under the order, there are 2 hours of debate remaining on the Hollings amendment, to be followed by an additional hour for general debate.

At 2:15, following the party caucus luncheons, the Senate will proceed to

two consecutive votes on the pending amendments to the flag desecration resolution. Cloture was filed on the resolution during yesterday's session; therefore, under the provisions of rule XXII, a cloture vote will occur on Wednesday. However, it is hoped that an agreement can be reached with regard to a vote on final passage of the resolution and that the cloture vote will not be necessary.

I thank all Members for their attention.

MEASURE PLACED ON THE CALENDAR—H.R. 2366

Mr. HATCH. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 2366) to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers.

Mr. HATCH. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. Under the rules, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S.J. Res. 14, which the clerk will report by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 14) proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

Pending:

McConnell amendment No. 2889, in the nature of a substitute.

Hollings amendment No. 2890, to propose an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

Mr. ASHCROFT. Mr. President, I rise today in support of the proposed amendment to the United States Constitution to permit Congress to prevent the desecration of our greatest national symbol: the American flag. I want to thank Chairman HATCH for his leadership on this important issue.

Last year, Senator HATCH, on behalf of myself and many others, introduced S.J. Res. 14, a constitutional amendment to authorize Congress to protect the flag through appropriate legislation. Since 1998, the Judiciary Committee has held four hearings on this issue. I am pleased that this resolution now has 58 Senate sponsors. In addition, the House of Representatives has already passed an identical resolution, H.J. Res. 33, on June 24, 1999, by a vote of 305 to 124.

Throughout our history, the flag has held a special place in the hearts and minds of Americans. Even as the appearance of the flag has changed with the addition of new stars to reflect our growing nation, its meaning to the American people has remained constant. The American flag symbolizes an ideal for Americans, and or all those who honor the great American experiment. It represents freedom, sacrifice, and unity. It is a symbol of patriotism, of loved ones lost, and of the American way of life. The flag stands in this Chamber, in our court rooms, and in front of our houses; it is draped over our honored dead; and it flies at half-mast to mourn our heroes. It is the subject of our national anthem, our national march and our Pledge of Allegiance. In short, the flag embodies America itself. I believe that our nation's symbol is a unique and important part of our heritage and culture, a symbol worthy of respect and protection.

This is not a new perspective. The American flag has enjoyed a long history of protection from desecration. Chief Justice Harlan, upholding a 1903 Nebraska statute proscribing use of the Flag in advertisements states,

[To] every true American the Flag is a symbol of the nation's power—the emblem of freedom in its truest, best sense. It is not extravagant to say that to all lovers of the country it signifies government resting on the consent of the governed; liberty regulated by law; the protection of the weak against the strong; security against the exercise of arbitrary power; and absolute safety for free institutions against foreign aggression. *Halter v. Nebraska*, 205 U.S. 34, 41 (1907).

It is for these reasons that Americans overwhelmingly support preserving and protecting the American flag. During a hearing I chaired in March 1998, entitled "The Tradition and Importance of Protecting the United States Flag," the witnesses noted that an unprecedented 80 percent of the American people supported a constitutional amendment to protect the flag. Recent polls show that support unchanged. In addition, the people's elected representatives reflected

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.