

# Federal Lawmakers Introduce Flag Amendment

*Emerson-Marshall measure dropped in the hopper*

Washington, DC (May 1, 2009) -- Representatives Jo Ann Emerson [R-MO] and Jim Marshall [D-GA], introduced a constitutional amendment on April 30 that would return to the American people the right to protect their flag. The one sentence amendment reads, "Congress shall power to prohibit the physical desecration of the flag of the United States." The amendment had 7 cosponsors at introduction. Post-election analysis indicates the measure enjoys support from more than 260 members of the House with 60 undecided.

In six consecutive Congresses the House of Representatives has overwhelmingly passed a proposed flag amendment, only to see it fall short in the Senate by as little as one vote.

"I was active for some time in the civil-rights movement, and I remember how important the American flag was, as a way of relating what we were trying to say to American values, and to affirm that we were a part of America – not in any way opposed to the country," stated Richard Parker, Harvard Law School's Williams Professor of Law and Chairman of the Board of the Citizens Flag Alliance. "The 5-4 Supreme Court decision forbidding flag protection had a discrete but destructive effect on something we know to be valuable. It not only permitted, but also protected desecration of the symbol of our traditional aspiration to national community."

In 1989, the U.S. Supreme Court took from the American people their right to protect their flag by invalidating flag protection laws in 48 states and the District of Columbia. In 1990, it invalidated flag protection by the Congress as well. To date, 50 states have passed memorializing resolutions asking Congress to pass the amendment and send it to the states for ratification.

"In a democracy, when enough people care about something, they are entitled to do something about it. That is the idea of our Constitution and, especially, of its democratic heart – Article V, which establishes the popular process of amendment," said Parker. "When our opponents cry out against 'amending the First Amendment,' they give the game away. For it was that 5-4 decision that 'amended' the First Amendment. It is our aim to restore its traditional meaning. And, in the process, it is our purpose to explain to our opponents that in our constitutional democracy, it is not judges and lawyers who are sovereign. It is – and if we are not to forget it, we must periodically act on it – 'We, the People'."

\* \* \* \* \*

The Citizens Flag Alliance, Inc., is a broad based, national coalition seeking to return to the American people the right to protect the American flag from acts of physical desecration. Its membership consists of more than 140 civic, fraternal, veterans, minority and business organizations including the Benevolent and Protective Order of Elks, AMVETS, The American Legion, the Jewish War Veterans and Gold-Star Wives. For additional information, log onto [www.legion.org/cfa](http://www.legion.org/cfa).