

RESPONSE TO QUESTIONS ABOUT THE PROPOSED FLAG AMENDMENT TO THE CONSTITUTION

- The President has advocated legislation that would outlaw intentional desecration of the American Flag, but does not support an amendment to the Constitution for this purpose. He believes strongly that the Flag should be respected and abhors anyone who shows disrespect for this universal symbol of Freedom.
- VA does not have a position on this matter other than to share President Clinton's abhorrence of any activity which demeans or desecrates the Flag.
- VA is pursuing other, more pressing issues of concern to the Nation's veterans and their families -- that of saving veterans' benefits and services from the desecration of misguided budget proposals now being considered by Congress, which would: eliminate 53,000 VA health care employees, close at least 35 veterans' hospitals, deny care to nearly a million veterans, and take compensation from 137,000 disabled veterans.

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THE WHITE HOUSE

Office of the Press Secretary

Transcript

May 26, 1995

REMARKS BY THE PRESIDENT
IN VETERANS ROUNDTABLE

The Roosevelt Room

1:00 P.M. EDT

THE PRESIDENT: Whoever wants to go first, have at it.

Q Mr. President, the Fleet Reserve Association supports a concept called Medicare -- and this plan would allow the health care financing administration to reimburse the Department of Veterans Affairs for medical services provided to veterans, age 65 and older. I think this was part of your health care plan, something you --

THE PRESIDENT: It was.

Q -- but I'd still like some comments. We as an association feel that it would profit our veterans. It would also be a cheaper way to go, and we'd very much appreciate your remarks on this.

THE PRESIDENT: Well, as you know it was a part of my health care reform package, and I might say just by the way, I still have some hope that before this budget process is finalized, when the Senate and House Republicans look at the magnitude of the cuts they've proposed in Medicare, and also Medicaid -- 70 percent of which goes to the elderly and disabled, not to people on welfare -- that they will be willing to sit down with me and work through some health care reforms that will be willing to sit down with me and work through some health care reforms that will enable us to achieve some savings and lower inflation in health care costs in the out-years, but also provide for better care. And I like that, as you know.

Now, in lieu of that, we have just recently proposed in the second round of our reinventing government proposal increasing the eligibility of our veterans to use Medicare in different ways. And, Herschel, do you want to talk a little about it?

DEPUTY SECRETARY GOBER: It is part of the project of the RIG/

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are other ways to deal with the realities of today without rewriting what happened 50 years ago.

I feel very strongly about it. But I think that the common sense center of American feels this way so strongly that the main advice I have to you is just to make sure that you speak out about it, that you write about it, and we make a clear record of what went wrong here so we don't do it anymore.

Q American Legion -- Mr. President. Yesterday we had the first tangible action up on Capitol Hill on an issue that a lot of the organizations around this table feel strongly about, and that's the constitutional amendment on the flag. Can you tell us a little bit where you stand and how you see the issue?

THE PRESIDENT: Well, first of all, I don't know very much about where it is because I have been overwhelmingly preoccupied with the terrorism legislation and the budget issues in the last few days. And the President also neither signs, nor vetoes proposed constitutional amendments. It's a referral to the states.

I believe -- I disagreed with the Supreme Court decision that said that the statutes weren't legal. I mean, I didn't agree with the decision. And I supported statutory relief. And I had a flag education program that we organized with the veterans groups in Arkansas -- we went into every fifth-grade class in the state just about with a program, we put together that we got some national recognition on, didn't we, from the veterans groups, because it was an amazing thing. We had all these veterans in the wake of all that flag burning a few years ago -- flooded our schools and our kids. We found out there were whole classrooms where kids didn't know anything about the flag, how it was supposed to be treated. Some of them didn't even recite the Pledge of Allegiance. Some of them would put their left hand over their heart instead of their right. It was amazing what we found.

So we made something good happen out of something bad. And so I'm very proud of that, and I don't believe that desecration of the flag has to be legal. I think you can make it illegal. Having said that, I have to be honest and tell you that I, as a man who has been the target of a lot of the exercise of the First Amendment -- probably nobody has paid much of a higher price than I have for believing in the First Amendment -- I'm always loathe to see the Constitution amended when it affects the First Amendment, just because I'm always scared how the courts are going to interpret it.

But I personally believe that people ought not to desecrate the flag, and I've done what I could. I thought we had the best response to the country to all that flag-burning, both in the legislation we passed which has, as you know, been subsequently set aside by the court -- but also in the education we promoted. I have mixed feelings about the constitutional amendment just because it amends the First Amendment, but I've always been for a very broad view of the First Amendment. But I don't have to be involved in one way or the other. (Laughter.) I've got enough to do.

OUTLINE OF PROPOSED TESTIMONY ON FLAG DESECRATION AMENDMENT

The President has a long and vocal record in support of protecting the Flag from burning and other forms of desecration. His abhorrence of those who would show disrespect to our national symbol is profound and unambiguous.

As governor, he supported legislation that would have outlawed all intentional desecration of the American Flag.

Also as governor, he initiated a state-wide "Flag Respect" program designed to encourage a better understanding and appreciation of both the Flag and the Pledge of Allegiance. The program has since been adopted by other states, and the President has received awards from both the Veterans of Foreign Wars and the Vietnam Veterans of America for his support of the program.

While the President worked hard to craft legislation that would survive Supreme Court review, it now appears that that goal cannot be achieved.

Nonetheless, he is reluctant to support the proposed Constitutional amendment. There is an enormous difference between Congress enacting legislation to protect the Flag and Congress proposing to amend the Constitution.

To be clear, our sympathy is with those who believe that the flag is a unique symbol and as such should be protected from physical violation. The fundamental question, however, is whether that desire draws upon considerations of sufficient magnitude to trigger not legislation but the extraordinary process of a constitutional amendment. We are not persuaded that it does.

The Bill of Rights was ratified in 1792. Since then, the Constitution has been amended only 17 times. And the Bill of Rights itself has never been amended. This sparing resort to the amendment process reflects a long held tradition that the fundamental law should not be freely amended.

James Madison noted that constitutional amendments ought to be limited to "certain great and extraordinary occasions." He also objected to the use of the amendment process when appeals to passion are likely to be a driving force.

The proposed Flag Burning amendment ~~would violate both of these principles.~~ *See not meet these standards* While we all do, and should, object in the strongest terms to any form of flag desecration, we should not use this occasion to tinker with the Bill of Rights.