

GOVERNMENTAL AFFAIRS
OFFICE

AMERICAN BAR ASSOCIATION

Governmental Affairs Office

740 Fifteenth Street, NW
Washington, DC 20005-1022
(202) 662-1760
FAX: (202) 662-1762

DIRECTOR

Robert D. Evans
(202) 662-1765
rdevans@staff.abanet.org

SENIOR LEGISLATIVE COUNSEL

Denise A. Cardman
(202) 662-1761
cardmand@staff.abanet.org

Kevin J. Driscoll
(202) 662-1766
driscollk@staff.abanet.org

Lillian B. Gaskin
(202) 662-1768
gaskinl@staff.abanet.org

LEGISLATIVE COUNSEL

R. Larson Frisby
(202) 662-1098
frisbyr@staff.abanet.org

Kristi Gaines
(202) 662-1763
gainesk@staff.abanet.org

Kenneth J. Goldsmith
(202) 662-1789
goldsmithk@staff.abanet.org

Ellen McBarnette
(202) 662-1767
mcbarnee@staff.abanet.org

E. Bruce Nicholson
(202) 662-1769
nicholsonb@staff.abanet.org

DIRECTOR GRASSROOTS
OPERATIONS/LEGISLATIVE COUNSEL

Julie M. Strandlie
(202) 662-1764
strandlj@staff.abanet.org

INTELLECTUAL PROPERTY
LAW CONSULTANT

Hayden Gregory
(202) 662-1772
gregoryh@staff.abanet.org

STATE LEGISLATIVE COUNSEL

Rita C. Aguilar
(202) 662-1780
aguilarr@staff.abanet.org

EXECUTIVE ASSISTANT

Julie Pasatiempo
(202) 662-1776
jpasatiempo@staff.abanet.org

STAFF DIRECTOR FOR
INFORMATION SERVICES

Sharon Greene
(202) 662-1014
greenes@staff.abanet.org

EDITOR WASHINGTON LETTER

Rhonda J. McMillion
(202) 662-1017
mcmillionr@staff.abanet.org

May 24, 2005

The Honorable Neil Abercrombie
United States House of Representatives
1502 Longworth House Office Building
Washington, DC 20515

Dear Representative Abercrombie:

On behalf of the American Bar Association, I write to urge you to vote against H. J. Res. 10, the proposed amendment to the U.S. Constitution that would allow Congress to prohibit the physical desecration of the flag of the United States.

Few things are more offensive to most Americans than the desecration of our flag. But, as important as the flag is to all of us, we must never protect it at the expense of the constitutionally protected freedoms it symbolizes. One of our most precious rights is the right to express our dissatisfaction with our government through peaceful words or conduct, both of which are forms of political speech and protected under the First Amendment. S. J. Res. 14 would enshrine a restriction on our fundamental right to free speech in the very document that protects our individual liberties. For the first time in our nation's history a fundamental right would be denied for future generations.

The Bill of Rights has remained honored and intact, even during great times of conflict and stress for our nation, for over 200 years. As James Madison once stated, amending the Constitution should be reserved for "great and extraordinary occasions." Infrequent incidents of flag desecration do not warrant undermining the freedom of speech guaranteed under the First Amendment. If we were to desecrate our Constitution to protect the flag's cloth from insult we would do a great disservice to both.

All through human history, tyrannies have tried to enforce obedience by prohibiting disrespect for the symbols of their power. The American flag commands respect and love because of our country's adherence to its values and its promise of freedom, not because of fiat and criminal law. America is not so fragile and our citizens' patriotism is not so superficial that they must be upheld by the mandate of a constitutional amendment to protect the flag.

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In the wake of the attacks on September 11th, we, Americans, have been taking stock of the protections and freedoms we enjoy at home and which serve as examples to the world. Prominent among these is the right to free speech, including the fact that our government does not prescribe how citizens are to express political opinions, or curtail disfavored non-violent forms of dissent. This sets our system apart from non-democratic governments. It is part of what makes this country great.

We urge you to defend and preserve our cherished First Amendment rights by rejecting H.J. Res. 10.

Sincerely,

A handwritten signature in cursive script that reads "Robert D. Evans". The signature is written in black ink and is positioned to the left of the typed name below it.

Robert D. Evans