

SENATE COMMITTEE ON
RULES AND ELECTIONS

January 25, 1995 Hearing Room C
1:00 p.m. Tapes 2 -3

MEMBERS PRESENT:

Sen. Randy Miller, Chair
Sen. Brady Adams
Sen. Shirley Gold
Sen. Paul Phillips
Sen. Dick Springer

STAFF PRESENT:

Kristina McNitt, Committee Administrator
Gretchen Haber, Committee Assistant

MEASURES HEARD: SJM1: Public Hearing and Work Session

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,
please refer to the tapes.

Tape 2-A

003 CHAIR MILLER: calls the meeting to order at 1:07 p.m.

005 Opens public hearing on SJM1.

Witnesses:

American Legion, Frank J. Blair
Citizens Flag Alliance, Bob Scott with Toni Epperson
United Veterans Group of Oregon, Richard P. Lucht
Senator Shirley Stuhl, sponsor, SJM1
Representative Patti Milne, cosponsor, SJM1
Representative Bill Markham
Representative Veral Tarno
Katy Eymann
Wes Holmes
Bishop Madsen
Fred Simmons

014 SENATOR SHIRLEY STUHL, speaking in favor of SJM1, as the bill sponsor.

032 BOB SCOTT, representing the Citizens Flag Alliance, speaking in favor of
SJM1. Our organization exists with the sole purpose of supporting such a
memorial.

039 RICHARD P. LUCHT, representing the United Veterans Group of Oregon,
testifies in favor of SJM1.

047 SEN. SPRINGER: why do we need a constitutional amendment?

052 SCOTT: Because it is a popular mandate, we need a constitutional
amendment to ensure its enforcement. Almost every state has passed such a
law, yet the U.S. Supreme Court repeatedly strikes down that which is the
clear will of the people.

064 CHAIR MILLER: how many states have passed similar memorials?

069 SCOTT: 44 states have passed such memorials. In those states live
90.4% of the American public.

073 CHAIR MILLER: occasionally I have been asked about the effectiveness of
such a memorial. Do you feel it is effective?

080 SCOTT: it is critical to demonstrate support for the idea. We need to
send a message.

082 STUHL: it will have 100% of my support.

084 SEN. SPRINGER: asks for a show of hands: how many Vietnam veterans are in the audience today? (Audience indulges Sen. Springer's request)

090 STUHL: we have an overwhelming number of petition signatures in support of the resolution.

094 CHAIR MILLER: we thank you for your support for this bill.

104 SEN. GOLD: we'll find people of all types on the affirmative. How many of us W.W.II veterans are here in the audience? (Audience indulges Sen. Gold's request)

118 SCOTT: it is not just a veterans issue; it is a citizens issue. Our organization includes the Elks, Police Associations, and high school groups.

126 REPRESENTATIVE PATTI MILNE AND REPRESENTATIVE BILL MARKHAM, testify in favor of HJR 1.

175 REP. MARKHAM: will never forgive the U.S. Supreme Court for striking down the mandate of the states. Last session, here in Oregon, these proposals did not pass.

199 KATY EYMANN, speaks in favor of HJR 1 with amendments . Notes the flag is important in whatever form it comes in.

238 EYMANN: we see the flag printed in many forms: on napkins, food wrappers and so forth. It's good to see the image around, but if the state does not make appropriate amendments, we will be unable to see the flag in so many forms.

262 EYMANN: requests an amendment to address flag replicas and their proper handling.

269 TONI EPPERSON, speaks in favor of HJR 1, representing the Citizen's Flag Alliance. The goal is to stop the violent physical acts of desecration. The resolution would be intended to stop flag burning and other intentional acts of violence.

290 SEN. SPRINGER: did the court distinguish what would be considered a crime?

318 EPPERSON: in this case, a woman burned a flag at a reception welcoming home our Desert Storm soldiers. She continues to burn flags.

326 REP. MARKHAM: the court decision in 1989, which refers to a situation in Texas, was a 5-4 decision. 45 states at that time had laws that were overturned as a result.

342 SEN. SPRINGER: what is the definition of desecration?

354 EPPERSON: any violent act, with intentions to show hatred.

362 SEN. GOLD: in the late 1960's, I was a teacher and represented teachers in grievance cases. At that time, there were teachers who lost their teaching positions, arguably over clothing worn with a pattern of the flag.

390 SEN. GOLD: refers to Eymann's testimony. Discusses various viewpoints with regards to appropriate handling of the flag.

400 FRED SIMMONS speaks in favor of SJR1.

Tape 2-B

005 SIMMONS: cites James Madison and Thomas Jefferson as statesmen in agreement with the bill.

023 SIMMONS: the ACLU claim we are supporting this bill because of political reasons. This is not true; clearly, those of us here today demonstrate our conviction for the issue.

042 REPRESENTATIVE VERAL TARNO, speaks in favor of SJR1.

055 SEN. GOLD: those in support of this measure discuss the issue in terms of patriotism. Conversely, is someone who is not supportive of the memorial unpatriotic?

058 REP. TARNO: I wouldn't go so far as to say that, no. Patriotism can be defined in many ways. To me, the flag epitomizes patriotism.

063 FLANK BLAIR, American Legion, and Veterans Association speaks in favor of SJR1. The American flag is a symbol, just as "family values" is a symbol. The legislature can protect a symbol.

081 BLAIR: the flag is the symbol that holds this country together. Without the flag, we have no country. The bald eagle is protected by law; the flag should be also.

100 WES HOLMES, speaks in favor of SJR1. Presents written testimony (EXHIBIT G).

133 HOLMES: the new battle is not with guns, but with words. The amendment to preserve our nation's flag is the new goal.

150 SCOTT returns to speak a second time. With regards to the testimony concerning replicas by Ms. Eymann, this memorial should not refer to the mechanics as such. The simple language makes a general statement, which is our only request at this time.

181 BISHOP MADSON, speaks in favor of SJR1. In England, nothing is said to desecrate the Queen of England. Throughout the world, our flag is known as the symbol of the United States.

216 MADSON: it is looked upon as salvation for many people in this country. Desecration is a violent act; as rape is to a woman.

234 MADSON: the flag is something that is held most dear in Oregon, and around the world.

240 CHAIR MILLER: thanks Bishop Madson and others for their testimony. Asks for further witnesses or questions for the witnesses.

242 Closes Public Hearing on SJR1.

244 Opens Work Session on SJR1.

248 MOTION: SEN. ADAMS: Moves that SJR1 be sent to the floor with a DO PASS recommendation.

257 SEN. GOLD: I thank everyone for their opinions. I will be voting against the memorial, because I agree with the analysis in the 1989 Supreme Court decision.

275 SEN. GOLD: In terms of patriotism: I have worked hard in the assembly in behalf of veterans, and have contributed and honored veterans organizations for these years. But, I cannot support this particular memorial.

294 SEN. GOLD: I am concerned that such a memorial would be utilized in ways other than intended. For these reasons, I will be voting against the proposal.

306 CHAIR MILLER: noted to audience that members of the audience are out of order. Appreciates remarks from Sen. Gold. Notes that his son has just left the marines. States that those who do vote no are no less patriotic for that decision.

336 VOTE: In a roll call vote, SENATORS ADAMS, MILLER AND PHILLIPS vote AYE. SENATORS GOLD AND SPRINGER vote NO.

CHAIR MILLER: The motion CARRIES.

341 CHAIR MILLER: Adjourns meeting at 2:02pm.

Submitted by, Reviewed by,

Gretchen Haber Kristina McNitt
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - Fiscal/Revenue Impact Assessments - Staff - 1 page
- B - Testimony on SJR1 - Richard P. Lucht - 2 pages
- C - Organizational Principles - B. Scott - 2 pages
- D - Organizational Brochure - B. Scott - 1 page
- E - Testimony on SJR1 - B. Scott - 3 pages
- F - Testimony on SJR1 - K. Eymann - 1 page
- G - Testimony on SJR1 - W. Holmes - 2 pages
- H - Fact Sheet on organization - B. Scott - 2 pages