

SPEAKER BAACK: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, LR 10 is a legislative resolution that calls on Congress to adopt an amendment to the United States Constitution to submit to the states for ratification. I handed out an information sheet out to you and I, along with some other members of the body, introduced this resolution. A public hearing was held by the Government Committee in March, don't know the exact date, but as of now they have not advanced the resolution. And so I am offering a motion here today to place LR 10 on General File and this is pursuant to Rule 3, Section 19, paragraph (b). This is my priority bill and so if this motion passes, well then the resolution will come up yet this session. In 1989, the United States Supreme Court ruled that states do not have the authority to prohibit desecration of the United States flag if the desecration is in a form of public expression. Congress subsequently passed a federal law prohibiting flag desecration and the court ruled in 1990 that Congress did not have the power to prohibit flag desecration. This resolution states that although freedom of expression is a right under the Constitution, there are limits on expression to maintain public safety and order. The resolution states that the Legislature dissents from the court opinion referred to above and that it supports an amendment to the U.S. Constitution to allow states and Congress to prohibit physical desecration of the United States flag. The resolution is an official declaration of the Legislature, petitioning Congress to propose such an amendment to the states for ratification. Copies of the resolution are to be sent to the Senate, to the House to the Nebraska Congressional delegation and the President. The amendment proposed by President Bush and introduced in the Congress, reads: The Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States. Prior to 1989, most states had laws which prohibited burning or destroying the American flag. In 1989, the U.S. Supreme Court ruled that a Texas law prohibiting flag desecration was unconstitutional under the First Amendment because it prohibited free speech. Most Americans were outraged at this. Following the Supreme Court ruling, Congress passed a law prohibiting desecration of the flag. The 1989 ruling was applied only to the state laws, but only one year later the Supreme Court ruled similarly on the federal law that was passed. I believe that the only avenue left is to amend the