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Thune to introduce flag amendment

DENNIS GALE
Associated Press

SIoux FALLS, S.D. - South Dakota's new U.S. senator, who defeated a politician who didn't think a flag desecration amendment was needed in the Constitution, says he will sponsor just such an amendment.

Congress has debated a flag amendment nearly every year since the Supreme Court in 1989 ruled that flag burning is a form of speech protected by the Constitution.

But things will change if Sen. John Thune, R-S.D., has his way.

Thune said that he, Sen. Orrin Hatch, R-Utah, and others will introduce the amendment soon and that both Democrats and Republicans have agreed to co-sponsor it.

"What it does is, it gives Congress the power, essentially, to protect the flag through legislation," Thune said.

"It doesn't necessarily in the Constitution ban it, but it allows Congress to have the power that then could be, if it were ever challenged in court, if Congress enacts legislation that would protect the flag, it would make that legislation constitutional."

Two flag amendments were introduced in the U.S. House in January. Supporters point out that the

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House has passed a flag amendment five times with well over the required two-thirds majority but that the Senate has not gotten the two-thirds votes necessary to send it to the states for ratification.

Thune was a co-sponsor of a measure to ban flag burning when he was in the House in 1997-2002.

In his campaign to unseat then-Senate Democratic Leader Tom Daschle last year, Thune often mentioned flag burning as an example Daschle's position being out of touch with most South Dakotans.

During the race, Daschle said he believed flag burning to be reprehensible but that he did not think the Constitution should be amended for rare cases of such desecration.

Many veterans support an amendment. But Frank Schlueter of Aberdeen is not one of them.

"We do not need to amend the Constitution," he said in an interview. "This is nothing more than a cheap political ploy that abuses the law of the land. It is an insult to any veteran who has ever served."

Schlueter, 55, was in the Army for 20 years and served in Vietnam.

"And then when those flag-wavers want to turn around and imply or infer that we are somehow unpatriotic insults me even more deeply than the people did when I came back from Vietnam."

State Sen. Clarence Kooistra, R-Garretson, said he thinks this attempt will catch fire nationwide.

"In light of what's happening in the world today ... because of our vets coming home, I do think there's going to be very strong support for this," he said Saturday in an interview.

"Our rights are important. To protect that flag is so important. I think there's going to be a groundswell for this."

Kooistra, a member of the American Legion, Disabled American Veterans and Veterans of Foreign Wars, said he knows legal issues are involved.

"There may be a challenge and more dialogue on this. But I do believe that there's strong sentiment and that the courts will even look at this somewhat differently."

Schlueter, who belongs to the DAV, said political grandstanding is not the answer.

"The point here is that it is protected speech. There is no way that changing the Constitution for the political whim of the moment is the wise or judicial thing to do."

What's really needed is protection for the people who respond to acts of flag desecration, he said.

"When these people actually desecrate the flag and people like me see it, we are going to be having a very emotional response," Schlueter said.

"Pass a law that when we respond to these jerks ... we're not going to have to deal with the county sheriff or the local police."

Russ Levsen, press secretary for Rep. Stephanie Herseht, D-S.D., said Saturday that Herseht also supports an amendment to prohibit desecration of the flag.



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