



THE AMERICAN LEGION

American Legion Post # 315 Department of California District 8

July 14, 2005

Re: Oppose S.J. Res. 12, the Flag “Desecration” Constitutional Amendment

Dear Senator,

As the Commander of American Legion Post #315 in San Francisco, CA, I write to urge you to oppose S.J. Res. 12, the proposed constitutional amendment to prohibit “desecration” of the flag. Although the national American Legion leadership supports this amendment, I wish to express my disagreement with that position and my dismay with the apparent willingness of Congress to amend the First Amendment to restrict free speech.

Acts of burning or otherwise defacing the flag are rare, but they can be a powerful form of expression. I should be clear that it saddens me to think of those who would damage the flag, but I believe it my duty to defend their right to do so. The flag stands for freedom, yet this constitutional amendment would diminish fundamental freedoms by undermining the right to free expression guaranteed by the Bill of Rights.

American Legion posts across the country recently marked the passing of Flag Day by organizing flag burning ceremonies to dispose of worn and damaged flags. Proponents of the flag amendment say they seek to ban an act, not a form of expression. Surely they do not mean to ban respectful flag disposal ceremonies like these. Rather, they seek to prohibit acts of flag desecration that are intended to convey a certain political message. When the founders drafted the First Amendment, they intended to protect peaceful expression, however unpopular and offensive. In fact, it is precisely such unpopular speech that requires the protection afforded by the Constitution.

There is significant diversity of opinion among veterans in general and American Legion members in particular on this issue. In fact, just last year a past National Commander of the Legion, Keith Kreul, gave Senate testimony in opposition to the flag amendment. I suggest, as Mr. Kreul did, that this amendment is not an appropriate way to honor the service of this nation’s veterans. There are many pressing concerns facing our veterans and active duty troops, including shortfalls in funding for veterans healthcare and daily dangers facing troops serving in Iraq. The flag amendment is an unfortunate distraction from these issues.

If passed, the flag amendment would constitute the first-ever restriction on the Bill of Rights. I urge you to oppose this measure. In doing so, you will defend the true spirit of the Constitution, and the freedoms for which the flag stands.

Sincerely,

A handwritten signature in black ink that reads "Sharon Lee Kufeldt". The signature is written in a cursive style with a large initial 'S'.

Sharon Lee Kufeldt
Commander, American Legion Post # 315
United States Air Force Veteran