

Testimony of

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March 10, 2004

Statement by

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to the

Committee on the Judiciary
The United States Senate

On

Senate Joint Resolution 4

"Letting the People Decide:
The Constitutional Amendment Authorizing Congress
to Prohibit Physical Desecration of the Flag of
the United States."

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Good morning. My name is John Andretti. I want to thank the members of the Judiciary Committee for holding this hearing. And thank you, also, for inviting me to talk on a matter that is of importance to me and the great majority of Americans - protecting their flag from acts of physical desecration.

By the end of World War II, my father's family had lost everything. He and his brother grew up in a relocation camp in eastern Italy, living there from the time they were eight years old until they were 16. They came to the United States at that point, a land of freedom and opportunity. And I am proud to say they made the most of it.

Sometimes he has a hard time describing it because of the emotion, but my father has told me about seeing that flag of the United States - first when liberated in his native Italy and, later, when "liberated" into a new life for him and his family. The flag of the United States represented goodness and freedom, and that is a lesson he taught to his children - and a lesson I am teaching to my children.

Being the father of three it is very important for me to teach my children respect and honor, not only for individuals, but also on a whole, and the flag is a means to that end. Our faith is our foundation, but there must be more, and it must be tangible, and it is found in the flag.

This is obviously not my environment. I usually am wearing a fire-retardant uniform emblazoned with the colors of my sponsors and talking about NASCAR racing. I am a racecar driver, and have driven for more than 30 years - everything from karts to Indy cars to NASCAR stock cars. In fact, I hope every member of this committee will come join us at the track sometime - each one of you is very welcome. I know Senator Kyl and Senator Graham can tell you how great the fans are, and I know Senator Biden, Senator Edwards and Senator Sessions can tell you how much fun our races can be.

And they can tell you something about my bosses - the millions of people who follow motor sports in this country. When it is all said and done, every driver in major league racing works for the fans and, when you work for someone, you get to know them

I've learned a lot about those fans, as well as my fellow competitors and those who run our sport. I feel I am representing a huge majority of them here today. I am here because I fully believe in what Gen. Brady and the Citizens Flag Alliance are about.

I am very proud to be an American. Military or civilian, native or immigrant, the flag is our bond.

I fly the flag at my home, 24 hours a day. And, yes, it is lighted for all to see. I appreciate what the flag stands for and I know quite well what it means to the millions of Americans who follow motor sport racing. I think most of them would be surprised - if not, outraged - to learn that today, in our country, it is legal to physically desecrate the flag of the United States.

There are those who say the flag is only a symbol, but symbols are important. Just as it was a symbol of freedom to my then eight-year-old father in Italy and, later, a symbol of opportunity to him and his family as he entered this country for the first time, it had a message.

Race officials rely on symbols, on flags, to communicate with drivers during noisy racing action. Even with radios today, flags are still important and functional in racing. And in quite the same way, our nation's banner is important and functional, and still sends a message.

In NASCAR racing, you'll see flags waved a lot. But there is one flag that gets waved by NASCAR fans more than any other. And that would be the red, white and blue of Old Glory.

Early in our nation's history, the flag of the United States was something of a signal flag. Out in front of the troops, it signaled action by our military against the forces that might otherwise overrun us. It serves as a symbol of that very notion today as American troops defend our liberties and protect our interests around the world.

And burning a flag, it seems to me, is a very profound signal that those who desecrate the flag have total disregard for our military.

In 1967 Congress passed a federal law that prohibited flag desecration right here in the District of Columbia.

Congress passed that law because of the effect that flag desecration had on the morale of the troops then fighting in Vietnam. That law, now made invalid by the Supreme Court, was the last show of Congressional flag-related support for America's military men and women who are engaged in war. We should honor today's warriors and underpin morale by once again making it illegal to physically desecrate the flag.

I have to admit, I've never seen the flag burned, other than on a television newscast. Those I work with and those I work for - NASCAR fans - aren't the kind of folks who take to this sort of thing. Their flag is important to them, they respect it and they protect it.

I once heard a man say that the flag represents the freedom to burn it. I would disagree, and I think most Americans would, too.

The flag is a symbol that represents all that our Nation is and can be. It symbolizes what the people say it symbolizes and the great majority certainly don't believe that includes the freedom to desecrate it.

As a sign to rally for a cause, there can be no greater symbol than our flag. We rally around it in times of crisis, whether a natural disaster or a global conflict. Our history bears that out. The September 11th 2001 attack on America is a prime example of what Americans feel for their flag, and what they know it to be as a symbol of strength, determination and resolve for a free people to remain so.

The Citizens Flag Alliance and The American Legion have done a great deal of polling over the years. The figures are remarkable. Very consistently they have shown that more than three of four Americans want their flag protected. Honestly, I'm surprised the numbers aren't higher. I'm sure they are higher among NASCAR fans who are a pretty good representation of mainstream, blue collar and white collar America.

Some look at the flag and see just a piece of cloth. That perception might be acceptable, but their understanding of the flag's value is lacking. The bits of fabric that make up the flag are only cloth, but when you pull them together in that recognized pattern, something happens. As the flag, it becomes a binding force that holds us together as one people, and those who would desecrate it are out to break that bond. Nothing tears down America more than burning the flag.

I'm a businessman by profession and a racecar driver by choice. But inside, I'm still something of a country boy from Bethlehem, Pennsylvania where life is still pretty uncomplicated. To me, the need to protect the flag is easy to explain.

Events of late find us reflecting on the values that we believe are important and necessary in a free society. One is the right to freely associate - a major values battle now being fought by the Boy Scouts of America. One other is the right to publicly invoke the name of God in a patriotic exercise - another major values battle being waged by The American Legion in their efforts to keep the words "under God" in the Pledge of Allegiance to the flag.

As a nation we are bound together by our shared beliefs in such values. And we are bound by tradition as Americans to pass along to younger generations the importance of upholding those values that are uniquely American. One of the greatest tools for teaching values of respect, commitment, loyalty and patriotism is the Flag of the United States. But how do you explain to a youngster that it's right and customary to respect our flag, but okay to burn it? I have three young children, and I spend time with children all over the country because of my racing activities, and I have no way to explain that to them.

What we are about today, what we are here for is important to all, I know. But what carries forth from here today is of greater importance. We are considering more than the just the flag here. We are helping to assure that the flag that

flies throughout the nation is seen, treasured, and honored every day. You never know, it may give cause for a youngster to ask what the flag is for, what it means, or why it is important.

The answers, for most of us, should be easy. That flag is about values. It's about tradition. It's about America and the men and women who paid an awful price for what we have today.

We honor and cherish members of the Armed Forces and veterans of military service when we honor and protect the flag. Draping the flag over the coffin of a fallen soldier, placing a flag near a grave, or hanging a flag on your house on Memorial Day are all ways we honor and express our appreciation for those who have fought and died defending America. When our laws sanction the physical desecration of the flag the honor is diminished and the recognition is dulled.

There is importance to the flag as a symbol and one that has a noble function. In racing, your helmet is your trademark and mine is red, white and blue with the American flag as the theme. My "work clothes" are colorful reflections of the sponsors who support me. The flag has the same function for our men and women in uniform. For them, it is a reflection of the people who support them in their job of protecting all of us.

The American people deserve the backing of this body in their desire to protect the flag, and a constitutional amendment to return that right to the people is the only way.

For those who still can't see the flag for all that it is, or who hold concern for amending the Constitution we say, keep that concern. We respect your position, but please, please consider the desire of the great majority and move the flag amendment off of Capitol Hill and send it to the states for debate and ratification. Let the people decide.

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