

LATE TESTIMONY

February 23, 2010

Testimony of Bob R. Smith
American Citizen, Vietnam Era Vet, Retired DOD Employee

HB 2311

As an American citizen we should have the right to fly the American Flag on a pole in our yard no matter what kind of community we live in. My understanding is that the reason this bill was presented was because the associations don't want flagpoles in the community. And the reason is that people might not, and I repeat might not follow the rules on how the flag is flown. Then enforce the rules, not by keeping citizens from showing their patriotism. Just because you have hot water on the stove, you don't keep your children out of the house to keep them from getting burned, no, you make it a rule not to touch the stove and then enforce that rule. If this were right after 911, this bill would have been thrown out before it even got this far.

So many lives have been sacrificed to keep this great Nation free, and the American Flag is a symbol of that freedom. There should not be a law that restricts someone from constructing a flagpole in his or her own property for the purpose of displaying that representation.

I never in my lifetime even imagined I would see the day that flying an American Flag on American soil in someone's own yard would ever be against the law, how disgraceful.

Respectfully

A handwritten signature in black ink, appearing to read 'Bob R. Smith', written over a horizontal line.

Reverend Bob R. Smith
Veteran, US Navy



EVELYN E. SOUZA

92-848 Palailai Street Kapolei, Hi 96707

LATE TESTIMONY

February 23, 2010

RE: HB2311 – Flag Bill

COMMITTEE ON HOUSING

Wednesday, February 24, 2010 Time: 9:10 AM

Conference Room 325

State Capitol

Chair Representative Rida Cabinilla

Rep Jerry Chang

Rep Sylvia Luke

Rep Hermine Morita

Rep Sharon Har

Rep Robert Herkes

Rep Roland Sagum, III

Rep Ken Ito

Rep Cynthia Thielen

Rep Chris Lee

Rep Denny Coffman

Rep Corrine W.I. Ching

Dear Chair Cabinilla and Committee Members:

The recent firestorm of controversy regarding this HB2311 has found loud and clear repercussions in the chamber of the House of Representatives, and more importantly in the hearts of Hawaii's patriotic citizens and honored veterans. The suspected callous dismissal of something so dear and meaningful was a first misstep in committee considerations. But, more importantly, what "flies" in the face of reason is the "right" of a citizen to fly the flag of the United States (as described in the Bill) on the very property a citizen owns. Many may have unknowingly signed away this very "right" to demonstrate their patriotism, love of country with the purchase of a home. With this decision came the inability to exercise a God given right of utilizing your property as you see fit and perhaps, the opportunity to honor the memory of another lost in heroic battle made in the name of freedom and the preservation of personal liberties. Knowingly or not, the citizens of Hawaii have a right to demonstrate their allegiance to the flag of the United States and love of their country and Homeowner Associations (HAO) should be made to acknowledge this right.

The FREEDOM to DISPLAY the AMERICAN FLAG ACT of 2005 in the U.S. Congress, originating out of the House of Representatives states explicitly "that a condominium association, cooperative association, or residential real estate management association MAY NOT adopt or enforce any policy, or enter into any agreement, that would restrict or prevent an association member from displaying the U.S. flag on residential property within the association with respect to which such member has a separate ownership interest or a right to possession or use..."

As I have heard, the debate surrounds the erection of a flag mounted simply on 3 foot pole held upright on an exterior wall or was it a 30' pole in the yard of a HOA former soldier/homeowner whose intent was to merely honor the gallantry of a fellow comrade whose life was lost in battle on foreign soil. How ironic this Master Sergeant still fights battles of a different kind here in Hawaii. His fight, though, is not one he faces alone. His simple, basic right to display the flag he defended. It's almost comical that we need debate and consideration of this or that. This right has given rise to these thought provoking questions...How big a flagpole can one be asking to erect? Or..."Do you realize the sound a flag makes while flapping in the wind"...and, "Have you heard the clang of the metal attachments banging against a flagpole on a windy day?" Are these thought provoking questions with any merit? Surely, but they are more so, mere excuses and reasons for the perpetuation of rules made under the guise of preserving the aesthetics and resale value of houses. Thousands of dollars (in legal fees) will be saved with the adoption of HB2311 for HOAs who realize the importance of changing their Articles of Incorporation and/or whatever rules dictate amendment to accommodate the displaying of the American flag within preset HOA guidelines. This issue has caused divisiveness in our communities and contrary to the meaning of being born with certain inalienable rights as guaranteed by our Constitution and in the arena of common sense. My mother always cautioned me by saying, "Always have an open mind....but not so open your brains fall out". I would caution you, members of this committee concerning the whereabouts of your brains and what you might be thinking concerning this HB2311. Thank you to Committee members: Representatives Corrine Ching, Sharon Har, Kymberly Pine and Cynthia Thielen who voted for the recall of this House Bill on the House floor. Pass HB2311, it's the right thing to do.

Aloha,

Evelyn E. Souza
92-848 Palailai Street
Kapolei, Hi 96707
Phone: 672-4273

TESTIMONY OF: RONALD H. SCHAEDEL**IN SUPPORT**

All community associations have rules and covenants. They are there to ensure aesthetics are maintained and property values do not depreciate. Some rules say that a flag could be flown on house-mounted brackets, but, for decorum, items such as a flagpole are **unsuitable**.

I remember when large crosses were visible at Camp Smith and at Kolekole Pass. However, where are they today? They are no longer visible because **minority** (radical) groups whine until they attain the publicity and finally get their way and decorum, such as crosses are deemed **unsuitable**.

What is next, the Natatorium? This is a World War I Memorial that has been set up for failure, so development (progress???) can move forward. We as a society are losing touch of what made this country that it is today. We pass or enact frivolous bills in addition, laws that slowly deteriorate our dignity and patriotism. But most of all, politicians lose sight of why they were elected and who elected them (their constituents). Do they listen to the voters (constituents)? There was an issue last session that was revived after it was voted against by the general public some years prior. The majority spoke, but did the politicians listen? I leave that for the politicians to answer.

Here we are today trying to convince this body of an issue that is a "NO BRAINER." The House had no problem with the covenant that restricted clotheslines in associations. I ask, what is more important? A clothesline or an American flag? The veterans who sacrificed their time and life to maintain the free democracy that our ancestors fought so gallantly to achieve? Yes, there are critical issues that must be resolved this legislative session, but this is also a critical issue for the constituent of Representative Pine that sought for her assistance. Representative Pine was doing what she was elected to do: LISTEN TO HER CONSTITUENTS.

I too have gone to battle with my association regarding the flag issue. I do not want to pound or screw holes into my abode for any type of brackets. I want to display my flags that way I want to. I am a retired Marine who served in Vietnam from 1966 to 1968 and also in Operations Desert Shield and Desert Storm in 1990-91 (not to mention some other wonderful sites that the Marine Corps found it important to carry out my mission).

My grandfather (WWI), my father and uncles (WWII and Korea), two uncles Pearl Harbor survivors. Myself, Vietnam and Middle East. My eldest son just returned from returned from his second tour of duty in Iraq, and my youngest also returned from his first tour of duty in

HB2311 TESTIMONY OF: R.H. SCHAEDEL

(Continued)

Page 2

Iraq. My wife was also a warrior by being a great support for me and my sons during our deployments. Ask her about the importance of the Flag if you dare.

One of my decorations reads as follows:

...For conspicuous gallantry and intrepidity at the risk of life beyond the call of duty...

And ends:

...His extraordinary heroism, demonstration of magnificent valor, and aggressive determination in the face of fire are a perpetual inspiration to his fellow Marines and the United States Naval Service.

I am here today as a Veteran to be aggressively determined to be a perpetual inspiration to all that are present to see that this bill is passed.

MAHALO FOR YOUR KOKUA



FRANKLIN O. SOUZA

92-848 Palailai Street Kapolei, HI 96707

LATE TESTIMONY

February 23, 2010

RE: HB2311 – Flag Bill

COMMITTEE ON HOUSING

Wednesday, February 24, 2010 Time: 9:10 AM
Conference Room 325
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Chair Representative Rida Cabinilla

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Rep Corrine W.I. Ching

Rep Hermine Morita

Rep Roland Sagum, III

Rep Chris Lee

Dear Chair Cabinilla and Committee Members:

With all the controversial topics and considerations that have come to the Legislature in 2010, I feel House Bill 2311 gives the right to homeowners that live in Homeowner Associations (HOA) an opportunity to demonstrate patriotism and pride in our United States of America, is long overdue. Obviously, you heard the recent unified voices of so many people, from all walks of life, that said this disregard for the Bill's passage was a slight on the many who gave life and limb to protect our freedoms. A well intended Chairperson, sometimes must use a bit of common sense in dealing with matters of the heart...and soul of this community.

More discussion concerning this Bill would only bring about the same result...let us fly Old Glory for America's sake and the even louder cry for the passing of HB2311. There are other HOAs whose covenants should be changed (and will be) to accommodate the meaningfulness and patriotic displays of love of country and fellow soldier, both living and dead. Huge money savings in attorney's fees may be a hindrance to bring about these necessary changes at this time, but this Bill would eliminate all that expense and bring about a sensibility concerning matters of the heart and passion for the military and their sacrifices..

All too often just dialog can bring about the end result of compromise and a win-win situation. Surely, the "good looks" and marketability of a community cannot compete with the peaceful depositions and cohesiveness of its residents. The Bill speaks of each HAO having governance with reasonable restrictions, which is good. Right now there is a zero tolerance for flag poles, whether it is 3 feet or 30 feet tall and that is bad.

Exorbitant fees are attached by HOA just for the applications to place a flag on one's own home. Is this a deterrent to someone whose main objective is to simply fly the American flag? Surely, in these economic times, it is. I would ask that this committee pass HB2311, this is much more important than a clothes line bill passed earlier and less imposing than that of a windmill. The public outcry especially regarding this passionate would dictate your YES vote. All of us, the voting public, veterans, patriotic citizens and lovers of this country are counting on you. Let common sense prevail.

Thank you,

Franklin O. Souza
92-848 Palailai Street
Kapolei, HI 96707
392-5100

COMMITTEE ON HOUSING

Rep. Rida Cabanilla, Chair
Rep. Pono Chong, Vice Chair

LATE TESTIMONY

February 24, 2010

Re: Testimony in Support of HB 2311

Thank you for allowing me to voice my feelings about this issue. I personally feel it is an honor and a privilege to fly the American flag on my residence. I do not believe this is even an issue that is being presented as a bill. Hawaii has long symbolized itself as a patriotic state....as evidenced with the reminders of how this country fought for the principles of freedom (USS Arizona Memorial, USS Missouri).

The American flag should be flown proudly by whoever feels they would like to show their pride. I feel flying the flag on my personal property is a right that I have as an American citizen.....and I can tell you I would welcome getting cited by any Neighborhood Organization for doing so.

I understand the safety issues associated with those who construct flag poles on their property, and maybe that's something that can be addressed....but not the right to fly the American flag on a simple pole from my residence.

Thank you for taking a stand against this ridiculous proposal.

Sincerely,
Ted W. Hashimoto
Colonel, US Army (Retired)

From: Art Frank [artfrank43@yahoo.com]
Sent: Wednesday, February 24, 2010 1:38 AM
To: HSGtestimony
Subject: HB 2311 RELATING TO PLANNED COMMUNITY ASSOCIATIONS
Attachments: 24FEB2010 HB2311 RELATING TO PLANNED COMMUNITY ASSOCIATIONS.docx

1. ART FRANK, VETERAN, SELF
2. STATE HOUSE COMMITTEE ON HOUSING
3. WEDS FEBRUARY 24, 2010 @ 9:10A.M.
4. H 2311
5. 30 COPIES

SORRY I'M SO LATE, I WASN'T FEELING WELL YESTERDAY OR LAST NIGHT.
SEE YOU AT THE HEARING.ROSE.

ART FRANK

LATE TESTIMONY

**ART FRANK
86-363 KAWILI ST
WAIANAE, HI 96792-291
FEBRUARY 24, 2010**

LATE TESTIMONY

HB 2311 RELATING TO PLANNED COMMUNITY ASSOCIATIONS

STATE HOUSE COMMITTEE ON HOUSING, REP. RIDA CABANILLA, CHAIR

Wednesday, February 24, 2010 @ 9:10a.m. Conference Room 325

My name is ART FRANK from the Waianae Coast. As a veteran I strongly support HB 2311. Since I've been an activist at this state capitol since 1980, and I'm here this session I was aware of the previous hearing for HB 2311. Although I supported the bill I saw it as a slam-dunk, no big deal it should past with no problems. After all during a recent session a bill to allow clothes lines to be erected in "planned communities" over the objection of various associations passed this legislature with no problems. Consequently I was shocked, surprised and embarrassed when I read the news and saw on TV the bill was deferred. I was embarrassed for two reasons; one as a card carrying democrat for over 30 years I was embarrassed at the lack of support by democrats in the State House of Representative. They should have voted on the floor to yank this bill out of this committee to vote on it; and secondly I knew on the national news as well as talk shows everybody would be laughing at us again. I fully understand why some of the members feel we have more important critical issues facing this state than having to fool around with some unimportant bill regarding honoring the flag of the United States of America. And, after talking with your staff on Monday I fully understand why you decided to defer this bill madam Chair, but I do want to thank you for having this hearing today to give people a second chance to share their feelings, thoughts, and ideas with you.

I do want to say however, I was embarrassed for my fellow veterans who shouted from the House Gallery to tell a representative they disagreed with to sit down. I have the right to speak; you have the right to speak; everyone here has the right to speak if they choose to, and no one has the right to tell anyone else to sit down, shut up, or boo them. That's what freedom of speech is all about in our great country.

Now that I've got all that off my chest I believe this bill is important because some of my fellow veterans shed their blood for our flag. They saw their buddies die for our flag. Today our country is fighting two wars and many of our young people are being wounded or dying for our country and our flag. If veterans want to honor our flag for whatever reason I ask you why not? If they want to fly the flag to honor the flag of the United States of America, or fly the flag to honor a buddy who died for our country and that flag of ours, I ask you again why not? I ask each of you to ask yourself what does that American Flag mean to you? How does it make you feel? No one should have to pay in order to fly our flag except for the cost of buying what's needed and installing the flag pole properly. At first I thought why would you want to form a task force? Let's just decide here today what needs to be done and spell it out in your bill

and do it. But on second thought, that's easier said than done. I believe you need to be definitive, spell out what size flag, what size flag pole; attaching it to the house like I've done to mine. Any restrictions, I'm not sure. I think you will need to spell it out so community associations don't have wiggle room to come up with some dumb idea that will just cause a big flap with some veteran where we'll be right back here again. What happens when the house is sold? To keep the community associations happy and off our backs we should consider when you sell the new owner must say in writing that they want the flag pole/device to fly the flag to stay. If they don't want it, you take it out at your expense. Bottom line madam Chair, I think you're right about a task force of veterans and hopefully some community association members. You might as well do it right. I realize some people think working on this bill is a waste of time, but I strongly disagree and ask all of you for your support. Mahalo nui loa.

ART FRANK,
Waianae Coast

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2010 12:45 AM
To: HSGtestimony
Cc: mgolojuch@hotmail.com
Subject: Testimony for HB2311 on 2/24/2010 9:10:00 AM
Attachments: FlagHB2311.doc

Testimony for HSG 2/24/2010 9:10:00 AM HB2311

Conference room: 325
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Michael Golojuch, Jr.
Organization: Individual
Address: 92-954 Makakilo Dr. #71 Kapolei, HI
Phone: 672-9050
E-mail: mgolojuch@hotmail.com
Submitted on: 2/24/2010

Comments:

LATE TESTIMONY

MICHAEL GOLOJUCH, JR.

92-954 MAKAKILO DR. #71 KAPOLEI, HI 96707
808-672-9050

Representative Rida Cabanilla, Chair
HSG Committee
415 S. Beretania St
Hawaii State Capitol
Honolulu, HI 96813

LATE TESTIMONY

Re: HB 2311 In Opposition in Current Form

Good Morning Chair Cabanilla and Members:

I come today to ask that you reject HB 2311 in its Current Form, because as it is written it is unconstitutional and totally Un-American. This bill is a prime example of Big Brother gone amuck.

When people move into a planned community with associations, they agree to abide by the rules of the association. Should a resident or group of residents not agree to the existing rules, they can petition their association to change the rules. If their association board does not listen to them then they can run for the board to ensure that their voice is heard. They do not need to come running to the legislature to have the rules of their community association changed.

Currently HB 2311 is written to narrowly and would not withstand constitutional review. Since when has the Government, aka Big Brother, been able to dictate which flag you can fly and which flag you cannot fly on your private property? The current ban on ALL flags does meet constitutional muster because it does not show favoritism to one group over another.

So if you all really want to get involved with a private matter which this most certainly is because it does not actually impact anyone except those in a planned community with associations that ban flags and you do not want the State to sued then I recommend that you remove the phrase "the flag of the United States or of the State" and replace it with the phrase "any flag".

Because the first time a resident is cited for displaying any other flag than the US or Hawaii State Flag the owner can sue not only their association but also the State of Hawaii. A prime example is what happens when a gay couple decides to display a Gay Pride flag outside their home during June – Gay Pride Month will they get cited? With this bill yes most certainly. Although after the homophobic actions of January 29, 2010 this scenario became less likely.

Given the budget crisis I would hope that you all would be doing EVERYTHING in your power to make sure the State is not getting sued. The first thing that comes to mind is not passing this bill in its current form.

But really just do the right thing, this time and kill this bill because if you do pass it out I can bet you (if gambling were legal) that next session some group will come running to you all when they find out they cannot paint a giant US flag on the side of their house in a planned community. And isn't there more pressing issues that you all should be voting on like HB 444.

Mahalo for your time,

Michael Golojuch, Jr.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 9:26 PM
To: HSGtestimony
Cc: wh6t@hawaii.rr.com
Subject: Testimony for HB2311 on 2/24/2010 9:10:00 AM
Attachments: HB2311_2-24-10_HSG_JFuchikami.doc

Testimony for HSG 2/24/2010 9:10:00 AM HB2311

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Jennifer Fuchikami
Organization: Individual
Address:
Phone:
E-mail: wh6t@hawaii.rr.com
Submitted on: 2/23/2010

LATE TESTIMONY

Comments:

TO THE HOUSE COMMITTEE ON HOUSING

TWENTY-FIFTH LEGISLATURE

Regular Session of 2010

Wednesday, February 24, 2010

9:10 AM

LATE TESTIMONY

**TESTIMONY ON HOUSE BILL NO. 2311 – RELATING TO PLANNED
COMMUNITY ASSOCIATIONS**

TO THE HONORABLE RIDA CABANILLA, CHAIR, PONO CHONG, VICE
CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Jennifer Fuchikami and I am a nineteen year old college student. I support HB 2311 which will allow residents of planned communities to erect flag poles to display the American or Hawaii flag.

There has been some concern that the American and Hawaii flag could be mistreated with nothing holding them in check. I believe that those who will take the time, money, and energy to make modifications to their home or yard to fly their flag would not disrespect our state or country's flag. Many of the supporters of this bill are military veterans –those who have sacrificed time, labor, and more in service of America.

In Section 1 of HB 2311 in lines 11-14 state that "the board of directors may implement reasonable restrictions with regard to flag poles, including but not limited to size and location, that do not prohibit the erection and use of flag poles altogether."

Community associations would be able to formulate rules for their own subdivisions (e.g. the height of the flag pole, its materials, whether plans must be submitted for review pre-construction, etc.) so the associations will still have the ability to control the look of their subdivisions. Basically, this law just requires that community associations must allow those who wish to erect flagpoles to do so, within covenants/laws that the community associations will make.

I would like to thank Chair Cabanilla for allowing this bill to be re-heard and respectfully ask the committee to pass this bill.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 23, 2010 7:54 PM
To: HSGtestimony
Cc: volleyballgurl@hawaii.rr.com
Subject: Testimony for HB2311 on 2/24/2010 9:10:00 AM
Attachments: Flag Pole Testimony.pages

Testimony for HSG 2/24/2010 9:10:00 AM HB2311

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Halley Hobson
Organization: Individual
Address: 91-1009 Ho' oka' ahea Street HI
Phone: 808 6852996
E-mail: volleyballgurl@hawaii.rr.com
Submitted on: 2/23/2010

LATE TESTIMONY

Comments:

TO THE HOUSE COMMITTEE ON JUDICIARY OPERATIONS.

TWENTY-FIFTH LEGISLATURE

Regular Session of 2010

February 24, 2010
8:00 A.M.

TESTIMONY ON HOUSE BILL HB 2311, RELATING TO PLANNED COMMUNITY ASSOCIATIONS

TO THE HONORABLE RIDA CABANILLA, CHAIR, AND MEMBERS OF THE COMMITTEE

My name is Halley Hobson. I am a 16-year-old resident of Ewa Beach, Hawaii. I live in the community of Ewa by Gentry. I am in support of this bill relating to flags flying in Planned Community Associations.

When September 11th occurred I was 7 years old. I remember seeing picture of a residential neighborhood and each home had flag pole with an American flags proudly flying. This image has been burned in my mind, ever since.

At that time, you could not buy a flag, stores were sold out. Flag flew in places where I had never seen them before. This made me smile, and proud to be an American.

How far we have come since 9/11. How is it that our fear of lawsuits and our desire to be politically correct have watered down what it means to be an American.

My district in Ewa Beach is home to many military families and veterans. Stars and Stripes News Magazine states, "Sometime, those who risk the most for liberty are among the first to loose it." What right do we have to take away or belittle one's sacrifice to keep the rest of us safe? We owe it to these men and women to fly an American or patriotic flag. Of course there must be guidelines as we fly our flags, that we talking about American and state flags to show our loyalty to our country and state.

Tom Berg writes in the Star Bulletin, "Certainly, the American flag should rise above laundry, shouldn't it?" As relating to PCAs enforcing mandates to clotheslines. Is this a problem with the neighbors that a veteran or any other citizen fly an american flag on a flag pole? Or is it the neighborhood board who cannot get passed their rules on aesthetics and cannot see pass the possibility of litigation.

I urge you to vote YES on this bill, to encourage others to be patriotic and so their support for our country.

Thank you for your time in reading my testimony.

LATE TESTIMONY

Testimony of George L. Berish on HB 2311
88 Piikoi Street, Unit 4009
Honolulu, HI 96814
808-596-8977

LATE TESTIMONY

My name is George Berish, and I am a veteran who is here to support a fellow veteran's request. More specifically, I'm asking that Hawaii law require condo associations to extend the same reasonable accommodation to his desire to fly the American Flag, as it requires them to extend to those who want to air dry their laundry – the right to a permanent pole, and to fly The Flag daily.

The reasons to do so are more numerous than I have time to cover, so I will only address three.

My first reason is that it feels terribly wrong that in the State that brought forth the legendary 442nd battalion we are here arguing whether The Flag deserves parity with laundry. But I know not all agree.

So let me focus on my second reason. This one relates to the special role of symbols in the human mind and human thought.

Have you ever realized that every nation on earth has a national flag. And every language has a phrase equivalent to "Showing One's True Colors".

It's because the human mind is hard wired to react most strongly to visual and tangible input, and because the mind's power comes from its ability to abstract a vast amount of knowledge into a single symbol. Without that ability the human condition could have never risen higher than animal instincts could take us.

For example, a word – and words are symbols -- like "Entropy" carries with it thousands of years of math and science that it took me decades to master. Plus everything that's been appended to that knowledge since then. So if I argue with another physicist and equate renewable energy with reversing entropy I call into the discussion more science and math than the two of us could reproduce in a decade. But it is knowledge we have both internalized, so my point is made, and mine.

Or when we see a cross and a six-pointed star, they carry with them thousands of years of Judeo-Christian writings, scholarly debate, and hard won wisdom that make up Judeo-Christian teachings. I hope you realize those are the teachings America's founders relied on to declare it "self-evident" that all women and men are born equal. You know you cannot prove that is true. And for millennia of human history most Kings -- and amazingly their subjects -- believed kings were born superior. Even today many people still agree with Plato that only 10% of humans are capable of doing anything meaningful. It was declaring all humans to be children of one God that made all humans brothers and sisters, and hence obviously equal ... and grin ... the God part trumps Kings in most people minds).

But today we are talking about the symbol that sits atop humanity's symbol hierarchy: The flag of a nation. And as I stated earlier, every nation on earth has forever had one as a visual representation of the nation's history and soul.

And please stop again to realize that there is no nation on earth that doesn't have its own flag. That alone should demonstrate the unique place flags have in the human mind.

They are not just decorations. They are the mental abstractions that let the people of a nation carry with them everything that makes them One People. And also carry all the things that make one nation different from another, as thankfully they are, for without variety inbreeding will lead any species to death.

So here is what I remember first when I see our Flag flying.

America is the first nation on earth to define its nationality in terms of common beliefs instead of a common bloodline. That's what made my four immigrant grandparents 100% American from the moment they first swore allegiance to the soul of their new nation ... while standing and looking at its flag.

I wish there was time to read President Lincoln's 4th of July Electric Cord speech, because he wrote it to my grandparents. His message was that when new citizens look at the morality of what America's founders declared to be self-evident truths, they will see in it the electric cord that binds them to the founders just as strongly as though they were the flesh of their flesh and blood of their blood.

It's why if I stand here today and say "We" Americans -- even though our bloodline would not cross unless traced to Adam & Eve or whatever you envision as the first humans -- everyone here would find it obvious. But had they gone elsewhere and I stood up there today to say "We" Germans, or Chinese or Africans I'd be laughed or hurt.

I know ... only the most diligent scholars will remember all that the American Flag stands for, but it still let's each of us remember a part. For veterans it can be the friends whose body they last saw in a casket beneath our Flag. For others it may be a joyous childhood Fourth of July with family and the wonders of its night time fireworks. And every time my immigrant grandparents saw it just reminded them they were not dreaming: That they really had escaped the horrors of the nations they turned their backs on to be just like all of you ... lucky and blessed.

That is why it's so important for The Flag to hold a unique and special place in our minds and hearts, and for it to be displayed properly and proudly and prominently.

As every communication specialists knows, only a small amount of what humans transmit or receive travels in words.

Therefore, even though children don't yet, or sadly may never, learn all of our nation's history, they will absorb its essence from how they see adults treat and speak of their Flag. And the Flag will give them a visual reference on which to hang each new thing they learn about it.

And God knows I believe that America needs something to stop its current dis-Uniting. I mean just look at a census form that requires us to self-segregate into categories ... where none of the choice are equally open to all ... and all of the choices are denied to someone.

The America of my youth is the one in West Side Story. An America where we all assumed someday children would find it silly that most American citizens once described ourselves as part this and part that. A time when "From Many, One" seemed inevitable.

A time when we could check the [X] American box to declare our heritage, culture, ethnicity, lineage (or whatever other euphemism for bloodline was in vogue by those who want to hide what they mean).

We really did dreamed of a Melting Pot that would arm us, and armor us, in Bronze, so all those who live elsewhere who were silly enough to keep copper separate for their armor and tin separate for their swords never had to be feared.

Back then America was a nation blessed with a Wonderful Variety made up of the best its new citizens brought with them after they left the worst of their birthplaces behind.

Not a nation seeking to build Diversity by insisting on keeping both good and bad intact an in separate boxes of a color coded mosaic.

So to borrow from one of the world's great philosophies, whose teachings are indistinguishable from those of its true religions, it is not the Flag I plead for, but the "Way" of the Flag.

The magic way that for for all of human history flags have let people see they are connected.

So please grant our request. Guarantee the right of those who wish to do so to show their fellow citizens she or he is proud to be of them, and like them, by displaying our Flag on their home.

And don't forget that it was the right for even those born with nothing to have a Home that is as much their castle as the home of the greatest king that is one of the things that made American so wonderful.

And the right of any American to enjoy her or his home shouldn't depend on whether they can afford to live in a Home on their own land, or must have their home on shared or leased land.

Both the Flag and the concept of a Home that -- serfs of old never knew -- are special.

That's why it seem wrong to let the select few who enjoy the luxury of enough money and time to gain control of the Boards that rule gated communities, condominiums and other enclaves arbitrarily regulate either right.

I know many people believe the crisp clean lines of land held to rigid esthetic standards is better than one that accommodates the simpler pleasures of those with more practical and less esthetic pleasures like air drying laundry to save money, or to save the planet, or from just seeing ones cherished memories and beliefs in a Flag snapping in the breeze.

But isn't the true core of Aloha the culture of mutual tolerance, acceptance and accommodation Hawaii's immigrants forged among themselves to make their otherwise harsh lives tolerable ... because if they didn't extend it to each other they'd get it from no one else?

I live in a condo, but I know I depend on my neighbors as they depend on me, so I make every effort to reasonably accommodate their wants as best I can ... even the silly and foolish ones and inelegant ones. Not totally. Just Reasonably. As this Bill does.

So my final reason is that no other nation on Earth has the power to tell an American where or when the American Flag can be flown in America.

Therefore it seems wrong to let mere committees exercise that power with respect to another American's Home?

If there are to be laws regulating the American Flag, they should be State laws, and they should apply equally to every American's home ... regardless of whether the home lies on owned, shared or leased land.