

## 1999 ASSEMBLY JOINT RESOLUTION 26

February 25, 1999 – Introduced by Representatives SUDER, PETTIS, PETROWSKI, GUNDRUM, AINSWORTH, ALBERS, GOETSCH, GROTHMAN, GUNDERSON, HAHN, HANDRICK, HOVEN, HUEBSCH, KEDZIE, LADWIG, MUSSER, OTT, OWENS, PLALE, RYBA, SPILLNER, SYKORA and NASS, cosponsored by Senators BRESKE, ZIEN, DRZEWIECKI and FITZGERALD. Referred to Committee on Rules.

1     **Relating to:** requesting appropriate action by the U.S. Congress to propose an  
2             amendment to the federal constitution empowering the Congress to prohibit  
3             physical desecration of the flag of the United States of America.

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### *Analysis by the Legislative Reference Bureau*

This joint resolution applies to the U.S. Congress to submit to the states, for ratification, an amendment to the federal constitution “empowering the Congress to prohibit physical desecration of the flag of the United States of America”.

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4             Whereas, the flag of the United States of America, our national symbol,  
5             embodies the spirit of liberty and freedom for the people of this nation and serves as  
6             inspiration for those who cherish the ideals of that most noble experiment,  
7             democracy; and

8             Whereas, although freedom of expression is a right guaranteed by the Bill of  
9             Rights as part of the U.S. Constitution, very carefully drawn limits on expression in  
10            specific instances have long been recognized as a legitimate means of maintaining

1 public safety and decency, and ensuring orderliness and the productive value of  
2 public debate; and

3       Whereas, certain actions against our national symbol raise serious issues  
4 concerning public decency, keeping of the public peace, property rights and the  
5 sacred values of the American people; and

6       Whereas, many state flag protection laws, including our own Wisconsin law  
7 that had its origins in a 1901 act, have been struck down by courts of last resort on  
8 constitutional grounds, and are no longer able to afford to the Stars and Stripes the  
9 reverence, respect and dignity befitting the symbol of the greatest democracy on  
10 earth; and

11       Whereas, in light of these court decisions, the last recourse on the federal level  
12 available to the American public is congressional action to amend the Constitution  
13 of the United States to protect “Old Glory”; and

14       Whereas, it is only fitting that people throughout our great state should lend  
15 their voices to a forceful call for restoration of the Stars and Stripes to a proper  
16 station of respect and decency under protection of the laws of this great land; now,  
17 therefore, be it

18       ***Resolved by the assembly, the senate concurring, That*** the legislature of  
19 the state of Wisconsin proposes to the Congress of the United States that procedures  
20 be instituted in Congress to add a new article to the Constitution of the United  
21 States, and that the state of Wisconsin requests Congress to prepare and submit to  
22 the several states an amendment to the Constitution of the United States,  
23 empowering the Congress to prohibit physical desecration of the flag of the United  
24 States of America; and, be it further

1           ***Resolved, That*** the assembly chief clerk shall provide a copy of this joint  
2 resolution to the President of the United States, to the president and secretary of the  
3 senate of the United States, to the speaker and clerk of the house of representatives  
4 of the United States, to the majority and minority leaders of the senate of the United  
5 States, to the minority leader of the U.S. house of representatives, to each member  
6 of the congressional delegation from this state and to the presiding officer of each  
7 house of each state legislature in the United States attesting to the adoption of this  
8 joint resolution by the legislature of the state of Wisconsin.

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(END)