

**1999 DRAFTING REQUEST**

**Assembly Joint Resolution**

Received: **01/27/99**

Received By: **dykmapj**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Suder (608) 267-0280**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **dykmapj**

May Contact:

Alt. Drafters:

Subject: **Constitutional Amendments  
Memorials - Congress to**

Extra Copies: **JEO  
RAC**

**Topic:**

Request congress to amend constitution to protect the US flag

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	dykmapj 01/27/99	gilfokm 01/27/99	martykr 01/28/99	_____	lrb_docadmin 01/28/99	lrb_docadmin 01/28/99	

FE Sent For:

**<END>**

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 1/28/99

**To:** Representative Suder

**Relating to LRB drafting number:** LRB-2029

**Topic**

Request congress to amend constitution to protect the US flag

**Subject(s)**

Constitutional Amendments, Memorials - Congress to

1. **JACKET** the draft for introduction

in the **Senate** \_\_\_\_ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW.** prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Attorney Peter J. Dykman, Deputy Chief  
Telephone: (608) 266-7098

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FE Sent For:

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**Dykman, Peter**

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**From:** LRB.Legal  
**Sent:** Wednesday, January 27, 1999 11:59 AM  
**To:** Dykman, Peter  
**Subject:** FW: Assembly Joint Resolution

-----Original Message-----

**From:** Suder, Scott  
**Sent:** Wednesday, January 27, 1999 11:53 AM  
**To:** LRB.Legal  
**Cc:** Thompson, Anne  
**Subject:** Assembly Joint Resolution

Good Morning!

I would like to respectfully request that the attached AJR be drafted. Thank you very much for your attention to this request.

Scott Suder



Flag Protection Amendment.doc

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# 1999 Assembly Joint Resolution

*Offered by Representative Suder*

Relating to: requesting action by the 106<sup>th</sup> Congress to propose an amendment to the U.S. Constitution protecting the flag of the United States of America.

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

Whereas, although freedom of expression is a right guaranteed by the Bill of Rights as part of the U.S. Constitution, very carefully drawn limits on expression in specific instances have long been recognized as a legitimate means of maintaining public safety and decency, and ensuring orderliness and the productive value of public debate; and

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

Whereas, many state flag protection laws, including our own Wisconsin law enacted in 1919 have been struck down by courts of last resort on Constitutional grounds, and are no longer able to afford to the Stars and Stripes the reverence, respect and dignity befitting the symbol of the greatest democracy on earth; and

Whereas, in light of these court decisions, the last recourse on the federal level available to the American public is Congressional action to amend the Constitution of the United States to protect "Old Glory"; and

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

Resolved by the assembly, the senate concurring, That the members of legislature of the State of Wisconsin respectfully urge the 106<sup>th</sup> Congress of the United States to begin procedures to prepare and submit to the several states an amendment to the Constitution of the United States, empowering the Congress to prohibit physical desecration of the flag of the United States of America; and, be it further

Resolved, That the Assembly Chief Clerk shall provide a copy of this joint resolution to the President of the United States, Majority and Minority Leaders of the Senate of the United States, to the Speaker and Minority Leader of the U.S. House of Representatives, to each member of the congressional delegation from this state and the presiding officer of each house of each state legislature in the United States attesting to the adoption of this joint resolution by the Legislature of the great State of Wisconsin.

(END)

## 1999 ASSEMBLY JOINT RESOLUTION

*Soon*

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



