

2001 ASSEMBLY JOINT RESOLUTION 53

May 31, 2001 – Introduced by Representatives SUDER, NASS, ALBERS, BIES, J. FITZGERALD, FRISKE, FREESE, GARD, GUNDERSON, HAHN, HOVEN, JENSEN, JESKEWITZ, KAUFERT, KEDZIE, KESTELL, KRAWCZYK, LADWIG, LEIBHAM, MCCORMICK, MUSSER, PETTIS, PETROWSKI, RYBA, SKINDRUD, SYKORA, TOWNSEND, URBAN, VRAKAS, WARD and ZIEGELBAUER, cosponsored by Senators ZIEN, S. FITZGERALD, HUELSMAN, ROESSLER and SCHULTZ. Referred to Committee on Judiciary.

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.

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.”

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 the Congress to prepare and submit
22 to 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 immediately transmit a duly
2 attested copy of this joint resolution to the President of the United States, to the
3 president and secretary of the senate of the United States, to the speaker and clerk
4 of the house of representatives of the United States, to the majority and minority
5 leaders of the senate of the United States, to the majority and minority leaders of the
6 U.S. house of representatives, to each member of the congressional delegation from
7 this state, to the National Conference of State Legislatures, to the Council of State
8 Governments, and to the presiding officer of each house of each state legislature in
9 the United States, attesting the adoption of this joint resolution by the 2001
10 legislature of the state of Wisconsin.

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(END)