



State of Wisconsin  
1997 - 1998 LEGISLATURE

LRBs0151/1  
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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1997 ASSEMBLY JOINT RESOLUTION 52**

May 13, 1997 - Offered by Representative ZUKOWSKI.

1     **Relating to:** memorializing Congress to begin the process of amending the  
2             constitution to enable Congress and the states to enact legislation prohibiting  
3             the desecration of the American flag.

4             Whereas, our national symbol, the flag of the United States of America,  
5             embodies the spirit of liberty for freedom-loving Americans, and the American flag  
6             is symbolic of a persevering nation that, even today, remains the destination of  
7             millions of immigrants attracted by the universal power of the American ideal; and

8             Whereas, a wave of attacks on our national symbol has swept throughout the  
9             United States in recent years, creating intense outrage and an outpouring of disdain  
10            from a majority of Americans who are now demanding legislation to protect our  
11            symbol of democracy from acts of desecration; and

12            Whereas, Wisconsin residents were horrified by one such attack that occurred  
13            this past fall in which an 18-year-old Appleton anarchist defecated on an American  
14            flag and later left a note proclaiming: "The Anarchist platoon has invaded Appleton

1 and as long as you put (American) flags up, we’re going to burn them”, and this  
2 individual was subsequently charged with a felony under the State of Wisconsin’s  
3 1919 flag desecration law; and

4       Whereas, many Wisconsinites were infuriated by a circuit court judge’s decision  
5 to dismiss the flag desecration charge after stating that Wisconsin’s flag desecration  
6 statute was “unconstitutional”; and

7       Whereas, although the right of free expression is part of the foundation of the  
8 U.S. Constitution, very carefully drawn limits on expression in certain instances  
9 have long been recognized as legitimate means of maintaining public safety and  
10 decency, as well as orderliness and productive values of public debate; and

11       Whereas, Wisconsin, since 1919, has had a flag desecration law that calls for  
12 a maximum penalty of 2 years in prison and a \$10,000 fine, and this statute prohibits  
13 individuals from intentionally and publicly mutilating, defiling or casting contempt  
14 on the U.S. flag; and

15       Whereas, the laws as interpreted by the Supreme Court and many lower courts  
16 no longer accord to the Stars and Stripes that reverence, respect and dignity befitting  
17 the banner that is the property of every American and therefore worthy of protection  
18 from desecration and dishonor; and

19       Whereas, consistent tracking of public opinion confirms the broad-based,  
20 overwhelming support Americans hold for an amendment to the U.S. Constitution  
21 that would return to Congress the power to pass flag desecration laws, and poll  
22 conducted by a nationally recognized, nonpartisan group immediately after the 1996  
23 presidential election shows that 76% of the American public believe that the flag  
24 desecration law on the national level should be strengthened in order to pass  
25 constitutional muster; now, therefore, be it

