



1997 ASSEMBLY JOINT RESOLUTION 52

April 28, 1997 – Introduced by Representatives ZUKOWSKI, HANDRICK, HUEBSCH, HOVEN, PORTER, OTTE, GARD, HAHN, GROTHMAN, LADWIG, MUSSER, BRANDEMUEHL, DOBYNS, FREESE, GOETSCH, OWENS, VRAKAS, KREUSER, GUNDERSON, GREEN, LORGE, AINSWORTH, LAZICH and RYBA, cosponsored by Senators ZIEN, WELCH, DRZEWIECKI, FITZGERALD and BUETTNER. Referred to Committee on Veterans and Military Affairs.

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
15 and as long as you put (American) flags up, we’re going to burn them,” and Matthew
16 Janssen was subsequently charged with a felony under the State of Wisconsin’s 1919
17 flag desecration law; and

1 Whereas, many Wisconsinites were infuriated by Outagamie County Judge
2 John Des Jardins’ decision to drop the flag desecration charge against Matthew
3 Jannsen after stating that Wisconsin’s flag desecration statute was
4 “unconstitutional”, and this decision was later hailed by the president of the
5 American Civil Liberties Union of Wisconsin as “Good News”; and

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

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

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

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

