

HOUSE JOINT RESOLUTION

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1997 Regular Session
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**By: Delegates O'Donnell, Bissett, M. Burns, Greenip, Kelly, Leopold, D. Murphy,
Owings, Ports, Schade, Wood, and Cadden**

Introduced and read first time: February 21, 1997

Assigned to: Commerce and Government Matters

HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

2 **Federal Constitutional Amendment - Desecration of American Flag**

3 FOR the purpose of memorializing the Congress of the United States to propose a
4 federal constitutional amendment which authorizes the Congress and the states to
5 prohibit the physical desecration of the American Flag.

6 WHEREAS, Although the right of free expression is part of the foundation of the
7 United States Constitution, very carefully drawn limits on expression in specific instances
8 have long been recognized as legitimate means of maintaining public safety and decency,
9 as well as orderliness and productive value of public debate; and

10 WHEREAS, Certain actions, although arguably related to one person's free
11 expression, nevertheless raise issues concerning public decency, public peace, and the
12 rights of expression and sacred values of others; and

13 WHEREAS, The matter is still unresolved and pending as a subject of great interest
14 and concern; and

15 WHEREAS, There are symbols of our national soul such as the Washington
16 Monument, the United States Capitol Building, and memorials to our greatest leaders,
17 which are the property of every American and are therefore worthy of protection from
18 desecration and dishonor; and

19 WHEREAS, The American Flag to this day is a most honorable and worthy banner
20 of a nation which is thankful for its strengths and committed to curing its faults, and
21 remains the destination of millions of immigrants attracted by the universal power of the
22 American ideal; and

23 WHEREAS, The Maryland House of Delegates voted 101 to 30 and the Maryland
24 Senate voted 42 to 5 to approve the Joint Resolution on March 3, 1994; and

25 WHEREAS, It is only fitting that people everywhere should lend their voices to a
26 forceful call for restoration to the Stars and Stripes of a proper station under law and
27 decency; now, therefore, be it

28 **RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND,** That the
29 General Assembly respectfully memorialize the Congress of the United States to propose
30 an amendment to the United States Constitution, for ratification by the states, specifying

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1 that Congress and the states shall have the power to prohibit the physical desecration of
2 the flag of the United States; and be it further

3 RESOLVED, That copies of this Resolution be transmitted by the Department of
4 Legislative Reference to the Speaker of the U.S. House of Representatives and the
5 President of the U.S. Senate; and be it further

6 RESOLVED, That a copy of this Resolution be forwarded by the Department of
7 Legislative Reference to the Maryland Congressional Delegation: Senators Paul S.
8 Sarbanes and Barbara A. Mikulski, Senate Office Building, Washington, D.C. 20510; and
9 Representatives Wayne T. Gilchrest, Robert L. Ehrlich, Jr., Benjamin L. Cardin, Albert
10 R. Wynn, Steny Hamilton Hoyer, Roscoe G. Bartlett, Elijah E. Cummings, and Constance
11 A. Morella, House Office Building, Washington, D.C. 20515.