



# JERRY L. O'CONNOR

STATE REPRESENTATIVE • 60<sup>th</sup> ASSEMBLY DISTRICT

(608) 237-9160  
Toll-Free: (888) 534-0060

Rep.O'Connor@legis.wi.gov  
P.O. Box 8953  
Madison, WI 53708-8953

To: The Assembly Committee on State Affairs

From: Rep. Jerry L. O'Connor

Re: Assembly Bill 58

Good morning, Chair Swearingen and members of the committee. Thank you for taking the time to hear my testimony on Assembly Bill 58.

We must stop government-sponsored division.

Our citizens have asked every Wisconsin legislator to take action to reduce the partisan divisiveness generated from within our government institutions. The display of partisan flags is an example of "government-sponsored division." The flags we display over our government, buildings, and institutions should be those flags that celebrate our unity and common support for these institutions. Flags displayed over government buildings should be non-partisan and represent the shared commitment of all Wisconsinites.

AB 58 defines the official and service flags we can fly over our government and institutional buildings, which have always enjoyed the support of all Wisconsinites. These flags remind us that despite our differences, we are all Americans first, united in our commitment to the principles that have made our country a beacon of hope and opportunity. This bill ensures that our schools and institutions remain above partisan politics, reinforces respect for our shared history and values, and inspires the next generation to work together toward common goals, preserving the strength and unity of our state and nation.

The official flags of the United States of America, the State Flag of Wisconsin, and specific exceptions listed in this bill unite all Americans under the universal principles of justice, liberty, and democracy. All American citizens share these values, which are the bedrock of our great country, past and present.

Suppose we were to promote or allow for the flying of flags that could include MAGA, Pride, 2nd Amendment rights, MADD, Heterosexual, Black Lives Matter, Hispanic Lives Matter, ALL Lives Matter, CSA, Antifa, Pro-Life, Pro-Choice, or so many more. In that case, we are contributing to a government-sponsored division. The flying of any of these flags causes unnecessary divisiveness for those who have a different opinion from partisan "points of view." This is NOT the role of government.

Flying flags representing specific political movements or social causes often alienates various public members and deepens divisions rather than promotes unity. This turns our institutions into platforms for political, partisan, or social grandstanding. Rather than unifying our people, we have seen a decline in the trust and the respect our institutions should inspire. This is NOT the role of government. We can stop this!

Our goal with this non-partisan bill is to ensure that our schools and government institutions remain above partisan politics. We must spend our time inspiring the next generation to work together toward common goals to keep our state and nation moving forward.

Thank you very much for the opportunity to testify on this bill.



# DAN FEYEN

## STATE SENATOR

20th Senate District  
(608) 266-5300, (888) 736-8720  
Sen.Feyen@legis.wi.gov

PO Box 7882, Madison, WI 53707-7882  
www.SenatorFeyen.com

To: The Assembly Committee on State Affairs  
From: Sen. Dan Feyen  
Re: Assembly Bill 58

Hello members of the committee, thank you for taking the time to hear testimony on AB 58.

There are many flags being flown across the State of Wisconsin that immediately let everyone know which "side" the person flying the flag is on. At a time when political tensions are high and getting higher, government buildings and institutions should not be deepening our divisions by also flying flags with political intent.

This bill, with a few exceptions, aims to limit which flags can be flown over government buildings and institutions in Wisconsin. Every person has a right to be treated equally by their government and our buildings should reflect that value by only flying flags that show our common unity as Americans and Wisconsinites. Instead of raising a banner that can alienate half the people who enter the building, this bill specifically states that only official government flags, military/veterans' flags, and local and safety flags can be displayed.

The bill does not infringe on any citizen's first amendment rights and continues to allow flying partisan or social flags on private property. Nor does this bill prohibit Native American tribes from flying flags on tribal lands.

This bill helps our institutions remain above partisan bickering. Government should not be in the business of choosing sides, or even giving the appearance of choosing sides. This bill simply ensures that the first impression of all government buildings and institutions is neutral, offering equal treatment to all Wisconsinites.

Thank you again for holding a hearing on this bill.



AMERICAN CIVIL LIBERTIES UNION

Wisconsin

207 East Buffalo Street, Ste 325  
Milwaukee, WI 53202  
(414) 272-4032  
aclu-wi.org

April 9, 2025

Chair Swearingen, Vice-Chair Green, and Honorable Members of the Assembly Committee on State Affairs:

**The American Civil Liberties Union of Wisconsin appreciates the opportunity to provide written testimony in opposition to Assembly Bill 58.**

AB-58 prohibits a flag “used for ceremonial purposes related to a political party, a political or social cause, a sexual orientation or gender identity, a political, ideological, or religious viewpoint, or a gang or extremist group as designated by the federal bureau of investigation, [or] a flag that commemorates, represents, or shows support for or opposition to a political party, a political or social cause, a racial identity, a sexual orientation or gender identity, or a political, ideological, or religious viewpoint” from being “flown, hung, or displayed from a flagpole or the exterior” of:

- any state office building or facility, including the state capitol;
- any building or facility leased by a state agency;
- any building or facility owned or leased by a local government unit; or
- any building or facility owned, leased, or used by a school board

Further, the bill bans any “flag that has been used for or is used for ceremonial purposes and was designed to recognize a holiday” or “represents, commemorates, or has been designed to recognize a holiday listed under s.230.35(4)(a) or 995.20.” **Notably, that includes Juneteenth**, recognized as a federal holiday in 2022 to commemorate June 19, 1865 — two months after the end of the Civil War and more than two years after the Emancipation Proclamation was issued — when the Union army advanced in Texas and Oklahoma declaring the last enslaved people there free. **It also includes Indigenous Peoples’ Day**, which honors and celebrates First Nations and reaffirms the significance of their Tribal sovereignty, cultures, and histories.

The bill also repeals Wis. Admin. Code § 2.07(1), which states, “The United States flag and the flag of the state of Wisconsin shall be the only flags flown, hung, or displayed from any state office building or facility, **except as the governor may direct**,” presumably to specifically target Governor Evers’ raising of the Pride Flag<sup>1</sup> and the Juneteenth Flag<sup>2</sup> in recent years.

While the ban “does not apply to a state office building, facility, or property that is leased or rented to a private, nongovernmental entity,” the text of the bill does not explicitly address mixed-use facilities and raises several constitutional concerns regarding viewpoint discrimination and government control of private speech under the First Amendment.

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<sup>1</sup> “Gov. Evers Announces Progress Pride Flag to be Flown Statewide in Celebration of Pride Month,” [Press Release](#) (May 31, 2024)

<sup>2</sup> “Gov. Evers Signs Executive Order Raising Flag at State Capitol in Celebration of Juneteenth,” [Press Release](#) (June 18, 2024)

This bill seemingly violates the First Amendment free speech rights of private property owners to the extent that it restricts what flags they may choose to fly on their own property. The bill fails to provide clarity as to the impact on private property owners in at least the following ways:

- Does the ban apply to a government-owned building occupied by both governmental and private entities?
- Does the ban apply to a privately-owned building leased or rented exclusively to a governmental entity?
- Does the ban apply to a privately-owned building leased or rented to both a governmental entity and a private entity?
- What does it mean for a building or facility to be “used” by a school board? – would this include any privately owned building where a school board happens to meet or conduct any business?

The co-sponsorship memo notes the proposal “reinforces respect for our shared history and values,” but it’s important to ask **whose shared history and values?**

It appears that AB-58 is less about patriotism than it is about power. In the last session, this legislature proposed allowing parents to opt their children out of instruction related to “controversial subjects” related to race and gender. This session, it’s banning the affirming display of Pride flags by local governments. Meanwhile, the federal government continues to scrub references about women, people of color, and members of the LGBTQ+ community from their websites. All of these actions send a chilling message to Wisconsinites who stand for justice, equality, and an honest teaching of our nation’s complicated history: that their struggles and contributions are unworthy of acknowledgement and protection.

The City of Milwaukee hosts one of the oldest Juneteenth celebrations in the country, which has been celebrated with an annual parade and festival since 1971. **Are we really going to pass a law prohibiting the city and county of Milwaukee from raising a flag celebrating Black people’s liberation from chattel slavery?**

In 1981, Wisconsin became the first in the nation to pass a statewide civil rights law prohibiting discrimination based on sexual orientation in employment, housing, and public accommodations. **Are we really going to pass a law prohibiting a school board from displaying a flag that instills a sense of community, pride, and inclusivity for all students?**

County and municipal governments as well as educational institutions have raised the flags of federally recognized tribes in observation of Indigenous Peoples’ Day. **Are we really going to pass a law prohibiting a unit of government or school from honoring and acknowledging the native land we continue to occupy, even if outside the current “boundaries of an Indian reservation or other land held in trust for the tribe or band”?**

Today it’s flags. We fear there will be broader restrictions on speech, education, or expression for anyone the state deems unacceptable tomorrow. We respectfully urge committee members to oppose this bill.