

TEXAS V. JOHNSON BRIEF

Most people think that burning a flag is or should be illegal. However, in the case *Texas v. Johnson*, the United States Supreme Court decided that arresting Gregory Lee Johnson for burning a flag violated his first amendment rights.

In 1984, Gregory Lee Johnson protested against Ronald Reagan's nomination for the U. S. presidency during the Republican National Convention in Dallas, Texas. To make his point, he set an American flag on fire and was arrested. He was convicted, fined \$2,000, and sentenced to one year in jail. His conviction was overturned by the Texas Court of Criminal Appeals where it was argued that symbolic speech (his burning the flag in protest) was protected by the First Amendment. The Texas court found in his favor, and the case went on to the United States Supreme Court. Arguments on both sides were heard in March 1989. It took a little more than two months for the Supreme Court Justices to conclude in a 5-4 ruling that upheld the appeals court decision that Johnson's actions were justified under the First Amendment's protection of speech. Burning a flag was a symbolic act that took the place of and supported Johnson's right to speak. On June 21, 1989, the majority opinion stated that Johnson's actions were "symbolic speech political in nature and could be expressed even if the majority disagreed with his actions." The ruling stated that the government could not prevent expression of an idea because "society finds the idea itself offensive or disagreeable."

The four judges that dissented said that the flag's unique status justifies making burning it illegal.

On July 20, 2016, Gregory Lee Johnson was again arrested for burning the American flag during the Republican National Convention in Cleveland, Ohio. Again, the charges were dropped, and the City of Cleveland ended up paying Johnson \$225,000 in a settlement for the arrest. Johnson still acts as an activist and continues to protest against actions that take away people's freedoms.

National Flag Foundation. "To educate regarding the United States flag and to honor those who serve to protect its existence." <https://nationalflagfoundation.org/>. Retrieved November 6, 2023.

Blakemore, Erin (November 29, 2016). "Five Things to Know About the Case That Made Burning the Flag Legal." Smithsonian Magazine. <https://www.smithsonianmag.com/smart-news/five-things-know-about-case-made-burning-flag-legal-180961229/> Retrieved July 7, 2022.

Texas v. Johnson. Ballotpedia. (n.d.). https://ballotpedia.org/Texas_v._Johnson