**Burned flag and free expression---case Texas v. Johnson (1989)**

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**Date of submission:10.28**

**Introduction**

Texas v. Johnson was a landmark case involving free speech and flag burning heard by the US Supreme Court. Gregory Lee Johnson, a demonstrator, and the state of Texas were all involved. Johnson was taken into custody and charged with breaking a Texas law that prohibited desecration of a holy object, which in this case was the American flag. The Supreme Court ultimately heard the case and had to decide whether burning the flag qualified as First Amendment-protected free speech. The United States Constitution's First Amendment permits burning the American flag as protected speech, as per the decision in Texas v. Johnson. Justice William J. Brennan wrote the main holding, voting five to four.

**Background of the Dispute**

Gregory Lee Johnson attended the 1984 Dallas, Texas, anti-Republican National Convention. He set fire to a US flag. while shouting “America, the red, white, and blue, we spit on you” while at the protest and got arrested for violating a Texas law, which made it an offense to desecrate a venerated object. He received a two thousand dollar fine in addition to a year in prison.

Johnson appealed his conviction, claiming that free speech was protected by the First Amendment. It finally ended up at the Supreme Court. Gregory Lee Johnson was the defendant while State of Texas was the plaintiff in the case. He was a political activist who burnt an American Flag at the Dallas City Hall on the way to the 1984 Republican National Convention.

Texas law found him guilty of desecrating the American flag following his arrest. Johnsons was found guilty and given a $2,000 fine in addition to a year in prison.

**The Claims and Grounds of Both Sides.**

**Johnson**

He claimed that the First Amendment protected symbolic expression, which included flag burning. He said that because the flag symbolises the United States, burning it is a method for him to criticise the leadership and the country's policies. Furthermore, Johnson contended that the State of Texas could not prevent flag burning merely because the State viewed the act as offensive to its citizens.

**Texas**

Texas State posited that this form of expressive conduct was likely to induce physical violence because it had nothing that a person could hear. The state contended that because the flag symbolizes national unity, it should be treated with respect and shouldn't be allowed to incite violence. Texas contended that, as a symbol of its unity, the state had a right to preserve the flag. Texas claimed that the First Amendment did not apply to the burning of the American flag. They asserted that the flag represented the unity of all the American people, and that its destruction offended the nation and its principles. Supporters of the TX desecration legislature argued that it was imperative to prevent lawless behaviors, such as riots, in society and thereby protect the state’s integrity.

**Judgment, Legal Reasoning, and Legal Basis**

The Supreme Court ruled by a divided vote of five to four that burning the flag is protected by the First Amendment as it is an expressive act. Judge William Brennan declared that the speech was symbolic. An example of this opinion is when he stated that the government could not cite speech just because it disliked it, considered it offensive, or disagreed with it.

Similarly, Brennan rejected the assertion that the law was necessary for preserving public order. He maintained that if a certain speech is likely to lead to popular riots, then it would be hard for the government not to censor it. Burning the flag of American is not a speech but a message or an expression of views of people towards the government and its policies. Additionally, the Court ruled that Texas could not outlaw flag burning just because it considered the practice to be offensive.

The Court based its legal reasoning on the first Amendment right of free speech. The First Amendment protects any type of speech, even speech considered offensive or unpopular.The Court ruled that speech cannot be restricted by the government merely because it disagrees with what is being said.

**Procedural Issues**

Both parties presented their evidence in court during trial. Texas state introduced witnesses who declared the greatness of the American flag as the emblem of unison and oneness. On the other part, Johnson put forth a case that his actions were a form of political protest.

Johnson challenged the verdict after he was found guilty, and the Texas Court of Criminal Appeals upheld the conviction. He filed appeal to the Supreme court and, subsequently, the court agreed to hear the case.

**Submitted Evidence**

In that case, photos and videos of Johnson burning the flag and Johnson’s own testimony were submitted as evidence, as well as the testimony of other witnesses.

**Existence of an Appeals Process**

In fact, the appeals process of the case was a yes. Johnson filed a motion and the case was appealed to the conviction was reversed by the Criminal Appeals Court of Texas. Following that, the State of Texas filed an appeal with the Supreme Court.

Further analysis of the issues raised in the first half of the title.

The central issue in the case was whether the burning of the American flag can be considered as free speech under the First Amendment. The Supreme Court has ruled that it is, explaining that the flag is the symbol of the country, and burning it is expressing an opinion on the government and the policy it promotes. The Court further declared that speech cannot be restricted by the government merely because it is offensive.

Important issues concerning the US Constitution's guarantee of free speech are also related to it, as it states that the government cannot censor speech simply because it is disagreeable or unpopular. This means that people will be free to share their opinions even though those opinions may be unpopular or unorthodox.

The symbols also have implications in this case. The court stated that the flag represents the US and that burning it is how one can show their sentiments towards the government and its policies. This implies that symbols can be used for political statements and the government cannot ban the use of symbols just because it does not agree with them. Flag burning as a protected speech has been a source of controversy among people who say that the Supreme Court erred. In addtiton, the case continues to set a crucial precedent for the nation's free speech protections.

**Conclusion**

Texas v. Johnson was a significant case in the US Supreme Court involving free speech and the burning of the American flag. The court declared that burning flags qualified as First Amendment-protected free speech, overturning the Texas law that forbade flag desecration. This case brought up significant issues concerning freedom of expression and the limits of government regulation.

**References**

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