



Texas Vs Johnson The Flagburning Case

Ian Pickup



Texas Vs Johnson The Flagburning Case:

Texas V. Johnson J. Anthony Miller, 1997 When a group of protesters assembled outside the Republican National Convention they were expressing their dissatisfaction with the American political system However when Joey Johnson set the American flag on fire it sparked a controversy that made its way to the Supreme Court Flag burning in this case was seen as a protected form of expression *Flag Burning and Free Speech* Robert Justin Goldstein, 2000 When Gregory Lee Johnson burned an American flag as part of a political protest he was convicted for flag desecration under Texas law But the Supreme Court by a contentious 5 to 4 margin overturned that conviction claiming that Johnson's action constituted symbolic and thus protected speech Heated debate continues to swirl around that controversial decision both hailed as a victory for free speech advocates and reviled as an abomination that erodes the patriotic foundations of American democracy Such passionate yet contradictory views are at the heart of this landmark case Book jacket *Texas V. Johnson* David Babaian, 2023 In 1989 the Supreme Court of the United States heard the landmark case *Texas v Johnson* The case centered around the constitutionality of flag burning as an act of protest The issue arose after Gregory Lee Johnson was arrested outside the Republican National Convention for burning an American flag in protest of the nomination of Ronald Reagan Johnson was arrested and charged under a Texas statute that prohibited the desecration of a venerated object In this highly emotional and nuanced case the Court considered whether flag burning is a form of expressive conduct protected under the First Amendment whether the likelihood of inciting violence outweighed the value of free expression and whether the American flag's history and symbolism afforded it special protection in the law and in society In a 5-4 vote the Court found that flag burning is a form of expressive conduct protected under the First Amendment Justifying the majority's decision Justice William Brennan asserted if there is a bedrock principle underlying the First Amendment it is that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable This thesis analyzes the rhetoric of the case's oral arguments and opinions as well as the effect of the Court's decision in American culture First I discuss the background of the case and of the study of rhetoric within the context of law Then I analyze the oral arguments made by each side and three of the four written opinions Finally I discuss the broader effects on society and the rhetorical legacy of the decision

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