Assignment 3

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Author Note

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**Flag Burning**

The burning of a flag is not prohibited according to the decision of the Supreme Court of the United States in 1969 based on the First Amendment. However, anyone who burns the flag is charged with a misdemeanor for initiating a fire without authorization.

The famous case Texas v. Johnson led to the U.S. Supreme Court’s decision that setting a Flag of the United States to fire as part of the protest, is protected by the First Amendment of the U.S. Constitution (Brennan, 1989). It was concluded by the majority of the court that the Law of Texas State demonstrated discrimination because the law penalizes if one burns a flag as protest, but it does not indict one who burns or buries a torn flag.

I agree with the point of view of the court that as part of a protest, one can burn a flag for political purposes.

**Cross Burning**

The Supreme Court ruled that any state can make cross burning illegal without the violation of the right to free speech as demonstrated by the First Amendment of the U.S. Constitution when the committer attempts to threaten someone. Fourteen states of the U.S. have considered the burning of the cross an illegal act. The state which have declared cross burning illegal as well as those state which do not, both face terrorism risk, aggravation, and violation of civil rights which can be otherwise prosecuted under the charges of cross-burning (Ruane & Doyle, 2007).

Barry Black was charged for burning the cross and at the trial, Black objected the conviction based on the First Amendment. The Supreme Court sustained a statue of Virginia which made it illegitimate to burn a cross in public with the intention of frightening people.

I agree with the illegitimacy of cross burning as it a symbol of a religion. The First Amendment provides a person with religious security, but it should not allow damaging the symbols of religion.

**Obscenity**

The Federal Law of the U.S. has declared it illegal to transport, sell or distribute offensive or indecent material. However, it is a great deal of ambiguity about what exactly obscenity is when decided whether it is safeguarded by the First Amendment. Even though the law usually does not outlaw the personal ownership of indecent or offensive matter, and the act of getting offensive material could violate federal laws limiting the use of the mails, public carriers, or communicating computer services for transportation.

In 1987, Richard Pope, an office worker of an adult book-store was detained for breaking Illinois state criminal law which prohibits the sales of obscene magazines. He was proven guilty, fined and sentenced for 360 days. However, he appealed to the Supreme Court where his conviction was reversed based on the notion that he was convicted according to the community standard instead of law (Montgomery, 1987).

I do not agree with the ruling of court but with the law that declares obscenity as illegal. Any obscene material should be allowed to be sold in any community.

**Public Protest**

In the U.S. there is no human rights instrument or general constitution which grants the absolute right to protest. However, the right to freedom of association and freedom of speech contribute to the right to protest. Any act which depicts the opinion and belief of a person is constitutionally protected under the act of the First Amendment. However, the limitation in these circumstances is that protestor does not propose a threat of violence or aggravate an abrupt violence act. According to this amendment, the citizens can gather peacefully for a protest.

In 1963, Reverend Fred Shuttlesworth, an African American minister helped direct 52 African Americans in an organized civil rights rally in Birmingham. The court held that the General City Code of Birmingham was unconstitutional, petitioners did not break any law, and his conviction was reversed (Manis, 2000).

I agree with the idea that everyone should have the right to express themselves and peacefully protest for their rights.

References

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