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# The Case of Texas vs Johnson as an Interpretation of How the First Amendment Should Be Utilized

## Texas vs Johnson

Texas vs Johnson was a vital case in the interpretation of how the first amendment should be utilized. Gregory Lee “Joey” Johnson burned a flag as a way to express himself and his political stand. There is a Texas law that prohibits the burning of flags, but the argument used in Johnson’s defense was that the first amendment overruled such a law. That means that if someone takes strong offense to his actions while the actions were constitutional, then Johnson’s acts were justified as a freedom of expression. By this concept, Johnson’s motives and beliefs do not matter. He can be as anti-American as he wants, because he has freedom of expression. The bigger question is, were his actions under the protection under the first amendment? I believe not. By using Kant’s ethical theory, if everyone started to burn flags that world would probably go to hell, so we should probably avoid doing so. Much more, what else is going to be justified after this? Perhaps people would start burning random objects that do not belong to others and justify their actions as being protected by the first amendment, and no one can question their motives since they have the freedom of belief and expression. The long term problems of ruling that Johnson’s actions were constitutional could be horrendous. The constitution clearly says that “Congress shall make no law... abridging free speech” (Constitution 1787). Notice that the word “expression” is not used. Instead, the word speech is used. Speech and expression are completely different, speech is a form of expression but expression is not necessarily speech. Speech is defined by the using of sounds to communicate, while expression is just communicating in general. As a result, deciding in Johnson’s defense was not only bad for the long term, but also was not constitutional because it was not a form of expression but instead it was a form of speech.

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