

How the Case Moved Through the Court System

Supreme Court of the United States

The State of Texas appeals the case to the Supreme Court of the United States, which grants certiorari. The Court holds 5 to 4 that the conviction cannot stand because the Texas statute is unconstitutional." The State's interest in preventing breaches of the peace does not support his conviction because Johnson's conduct did not threaten to disturb the peace. Nor does the State's interest in preserving the flag as a symbol of nationhood and national unity justify his criminal conviction for engaging in political expression."

Texas v. Johnson (1989)



Texas Court of Criminal Appeals

Johnson again appeals his case, this time successfully. The Court of Criminal Appeals holds that Johnson's rights under the First Amendment were violated and overturns his conviction. The Texas Court of Criminal Appeals is the highest court in Texas that hears criminal cases.

Johnson v. State (1988)



Court of Appeals for the Fifth District of Texas

Johnson appeals his case. The Court of Appeals for the fifth district affirms his conviction.

Gregory Lee Johnson v. State (1986)



County Criminal Court Number Eight in Dallas County, Texas

Gregory Lee Johnson is arrested after burning a U.S. flag in the course of a demonstration outside the Republican National Convention in Dallas, Texas, in 1984. He is convicted of violating a Texas statute prohibiting desecration of the flag, sentenced to one year in prison, and fined \$2,000.

State v. Gregory Lee Johnson (1984)