

TRUMP'S THREAT TO OUR CONSTITUTIONAL RIGHTS

Thursday

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President Elect Donald Trump recently issued a tweet saying that "Nobody should be allowed to burn the American flag - if they do, there must be serious consequences - perhaps the loss of citizenship or year in jail." (sic) In less than 140 characters, Donald Trump has ignited a firestorm on social media, proven his ignorance and given a hint on what we can expect over the course of the next 4-years, or even worse, the next eight.

For starters, the United States Supreme Court settled the matter of flag burning when it decided the case of *Texas v. Johnson* (1989) 491 US 397. This case involved an appeal filed by Gary Johnson over his conviction for burning the American flag in his attempt to protest the policies of President Ronald Reagan. In a 5-4 decision, the Supreme Court justices agreed that burning the American flag constituted a form of "symbolic speech," which was, and continued to be, protected by the First Amendment.

Granted, it burns me up (no pun intended), to see the flag of my beloved country ablaze, but isn't our right to freedom of speech meaningless if we're unable to express a controversial opinion? Or in a controversial way? So long as a person's actions aren't causing harm, either to another person or to someone's property, then their right to express themselves should continue to be protected, but if Trump has his way, this right might be curtailed, and if that happens, then what's next? Will he propose that Muslims be forbidden from entering the country. Refuse to extend America's protection to Syrian refugees, no matter how well vetted they are? Maybe even suggest reinstating internment camps?

Many that I've spoken with have argued that those rights guaranteed to us by the Constitution can't be taken without a constitutional amendment. In theory, they're right. In theory, Congress has to agree, and by a 2/3 majority, followed by the President's approval, but in reality, things are completely different. The interpretation of our laws are defined by precedent, which is created by the courts, and now that Trump has the power to appoint justices to the Supreme Court, he also has the power to shape the interpretation of our laws, and that's what terrifies me. It's one thing to create a law which we all know to be unconstitutional, but it's another thing altogether to stack the deck of the highest court in the land so it interprets our laws in a manner that's unconstitutional. If and when that happens, what recourse do we have?

At the end of the day, a flag is just a piece of cloth, symbolic, to be sure, but a piece of cloth nevertheless. The reason we find it so offensive to see our flag ablaze isn't just because we're patriotic, it's because our flag also symbolizes the men and women, in and out of uniform, who've died to defend our country and the rights of her citizens. When a soldier dies, (s)he's shipped home in a casket which is draped with the American flag. This represents America's official acknowledgment of this supreme sacrifice while demonstrating America's willingness to watch over her own even, after death. Accordingly, it's easy to see why someone might be offended to see the American flag set on fire by someone expressing outrage. We see it as disrespect, contempt to our country and her values, but while it's nice to see such a showing of support for our country, it's important to keep in mind that the principles on which America was founded support the burning of the flag by someone trying to express themselves. After all, what use is the right to speak up if everyone is in support? It's only when your views are truly controversial that you begin to understand the real value of being able to express yourself freely, without governmental interference, BUT IF Trump has his way, the government will be interfering with a person's right to speak freely, and to me, that's far more offensive than seeing a flag set on fire.

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