

Fact sheet

Drop the Charges On Flag-burner Gregory "Joey" Johnson and the RNC 16

On July 20, 2016 outside the Republican National Convention in Cleveland, Ohio, Gregory "Joey" Johnson burned the American flag. Joey and 15 members of the Revolution Club were assaulted and arrested. They were held for over 24 hours. All, including Joey, now face serious misdemeanor charges, and two Revolution Club members have a felony charge of assault on a cop. Two other people in the crowd were also arrested, including a journalist from Australia.

Johnson made clear in advance why he planned to burn the flag – to make a statement about the ugly American chauvinism being whipped up inside the RNC where the theme that day was “make America #1 again.” Over a bullhorn, literally surrounded by hundreds of police and pro-Trump reactionaries, Joey boldly said, “America number 1? America first? It always has been first: at genocide... at slavery... at exploitation... of destruction of the environment... of torture... of coup d'états ... of invasions. We're standing here with the people of the world today.” Then he lit the flag on fire.

1. The planned flag burning by Gregory Johnson was announced well in advance, beginning on Monday, July 18. Press advisories were released. These also appeared on the blog of Revolution Books in Cleveland. It was announced at Revolution Club protests going on at the RNC on Monday and Tuesday. Johnson himself stood on an American flag outside the Prophets of Rage concert on July 19 to announce he would burn the flag the next day. Johnson and others gave media interviews in advance announcing his intentions to burn the flag.

2. No permit was needed for this event. Protests and press conferences had been held in the area of 4th and Prospect in downtown Cleveland, including

by the Revolution Club in the two days prior. None of these protests had permits. Johnson determined that this was the best location to make his statement, in juxtaposition to the toxic American chauvinism spewing out of the RNC. No other location in Cleveland would have had as much meaning as this one.

3. The Revolution Club and Johnson did not block the entrance to the convention. There was no order to disperse either before or after the flag burning. The National Lawyers Guild, Amnesty International observers, and legal observers who were present issued statements that they never heard any orders to disperse. (<https://www.thenation.com/article/why-are-detained-rnc-protestors-still-in-jail/>)

4. Revolution Club members physically formed a large circle by linking arms while facing outward to create a safe space for Johnson to burn the flag. The whole point was to enable Johnson to make the potent political statement conveyed by burning the American flag. Club members asked the media and onlookers to “please move back” as they effectively established a solid safety perimeter. Pictures and video taken at the beginning of Johnson speaking and burning the flag show this very clearly.

5. Before burning the flag, Johnson, over a sound system, led chants and gave a short speech challenging the theme of the RNC that day to make America # 1. Johnson had to cut his speech short because the police were pressing in. As one Revolution Club member put it, “rushing and pushing through the safety circle.” The police actions both compressed the circle and then broke

up the circle. Police sprayed fire retardant, including into the face of an octogenarian. Police immediately assaulted Johnson after he lit the American flag on fire, grabbing his shirt and putting him in a chokehold to drag him to the ground.

6. Contrary to Cleveland Police Chief Williams' claim, Johnson did not set himself or anyone around him on fire. The mayor and the police chief persisted in this lie, spreading it in the media while Johnson was being physically detained and unable to set the record straight. Photos and the actual clothing of Johnson and those closest to him show that they were not burned. If anything, the police physical assault on the protesters was what created a dangerous situation for Johnson and others.

7. A single police officer can be heard on video saying "you are on fire" as they assaulted people. This was a pretext for stopping Johnson's protected speech. The authorities knew that burning the flag is protected speech. Chief Williams acknowledges this in his statements. A faux safety concern (to wit: Johnson endangering himself) was the only way to circumvent the Supreme Court decision. By analogy, many people have seen videos of police yelling "stop resisting" to justify their actions when the arrestee is clearly not resisting.

8. Johnson did not assault police. He is not charged with this (an automatic felony) nor with resisting arrest. Attorneys for Johnson are seeking police reports to learn what is the underlying complaint for Johnson's charge of misdemeanor assault.

9. After Johnson was arrested, with many police piled on him, why did the police proceed to arrest many others over a whole period of time in the wake of the flag burning? All but two of those arrested wore the black t-shirts that are the uniform of the Revolution Club. The t-shirts reads "BA Speaks: REVOLUTION—NOTHING LESS!" In addition to Johnson and the 15 people associated with the Revolution Club, there was an Australian reporter who was arrested literally right after asking police why they were going after the Revolutionary Communists but protecting the hateful speech of the Westboro Baptist Church, attacking gay people and condemning them to hell.

10. Johnson and the other protesters charged with misdemeanors were held for more than 24 hours in what amounted to preventive detention to keep people off the streets during the RNC. The National Lawyers Guild and NAACP lawyers on the scene spoke out forcefully against this. The ACLU of Ohio issued strongly worded statements about it. The city had bragged that court dockets had been cleared so that it could process hundreds of arrestees if necessary, and yet it could not handle these 17 arrestees in a timely way. All were subsequently released on personal bond (no bail).

11. Three people who had been part of the flag burning had to be seen at a hospital in the wake of the incident for injuries sustained when the police attacked the protesters. One protester was not given anything to eat for over 24 hours. A concerted effort had to be made over many hours by attorneys and health professionals to get a protester vital medicine that was not being provided.

In summary, the confrontation began with and unfolded out of an unlawful, unconstitutional attack on and arrest of people by the police, which involved physical violence on the part of the police; and since it was unlawful and unconstitutional, it constituted an assault BY POLICE ON THE PROTESTERS. What was involved in these arrests/assaults on people carrying out what has been clearly established as constitutionally protected political activity—with the very same person involved as in the defining legal case—constitutes false arrest, assault pursuant to that false arrest, and violation of clearly established civil liberties and rights.

Given the egregious suppression of political rights involved, Johnson has vowed to not only continue to burn the flag as a point of political principle, but he and the Revolution Club plan to fight this case in court and to explore further legal redress against the City of Cleveland and the Cleveland police and other associated government agencies that may well have been part of this suppression.