

Protected Yet Unpopular: How Americans View Flag Burning, 1989–2025

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KEY FINDINGS

- **Most Americans (~65%) still favor banning flag burning.**

Roughly two-thirds of the public continue to say the act should be illegal. Support for legal protections has risen modestly—from 21% in 2006 to 34% in 2025—but remains a minority position despite decades of constitutional protection.

- **Partisan divisions have widened dramatically.**

In 1989, Democrats (26%) and Republicans (21%) were similarly supportive of the legal right to flag burn. But by 2025, 50% of Democrats said flag burning should be legal compared with just 12% of Republicans.

- **Knowledge of exceeds support for constitutional protection.**

Awareness that flag burning is protected speech has grown from 33% in 1999 to about 57% today, yet most Americans still oppose legalizing it — revealing a significant gap between constitutional understanding and public endorsement.

INTRODUCTION

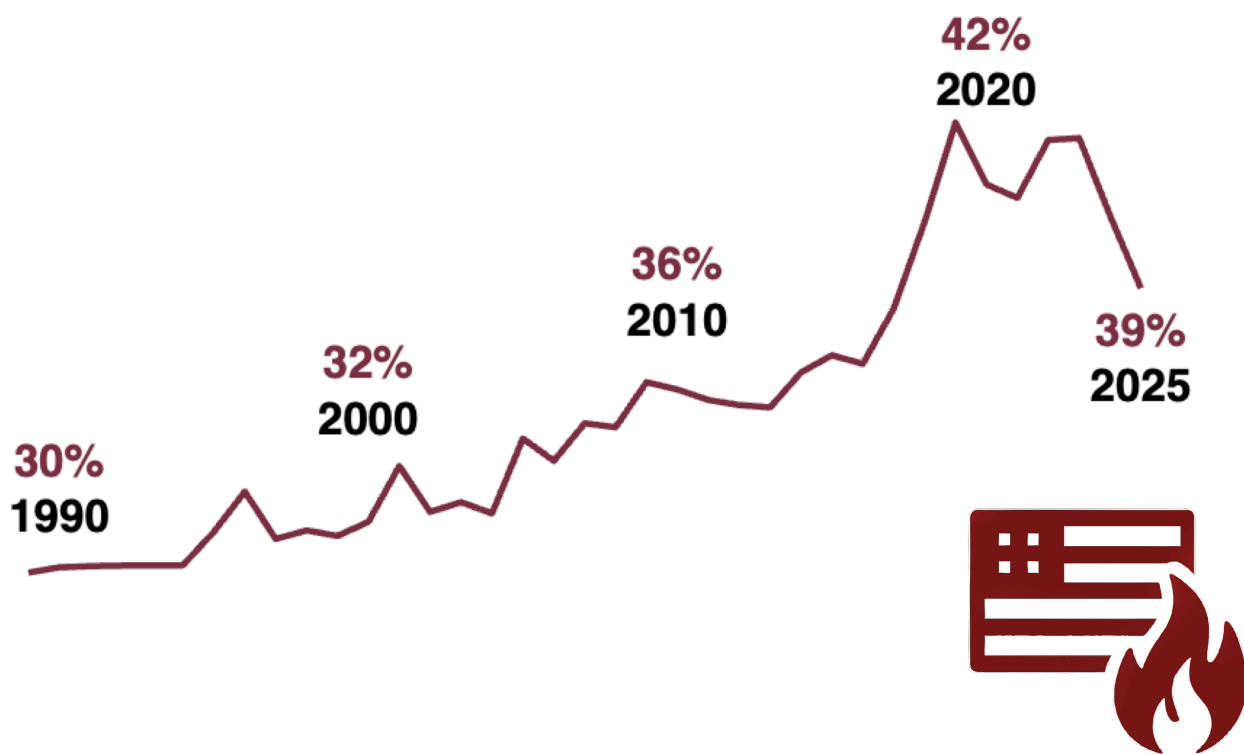
More than three decades after *Texas v. Johnson*, public attitudes toward flag burning remain remarkably stable. Most Americans continue to disapprove of the act and favor restrictions on it, even as support for the right to burn the flag has grown modestly over time. Beneath this aggregate stability, however, lies deep partisan polarization: Democrats have become significantly more likely than Republicans to view flag burning as legally permissible, symbolically acceptable, or compatible with patriotism. At the same time, public understanding of the act's constitutional status has improved, though knowledge still outpaces endorsement—many Americans know that flag burning is protected speech but nonetheless support its prohibition. Together, these patterns reflect enduring tension in the American public between a strong commitment to free expression in principle and discomfort with one of its most provocative manifestations in practice.

PUBLIC ATTITUDES TOWARD FLAG BURNING HAVE SHIFTED ONLY MODESTLY SINCE THE 1980s

A composite index of public attitudes toward flag burning shows remarkable long-term stability, with only gradual shifts over time (Figure 1; Appendix Figure A1). In the late

1980s and early 1990s, roughly 30% of Americans, on average, expressed a “permissive” view—meaning they supported the Court’s decision, opposed criminalization, or otherwise endorsed the right to burn the flag. By the mid-2000s, that figure had increased to the mid-30s. Since the early 2020s, it has consistently exceeded 40%, though it dipped slightly below that threshold in 2025. While permissive views remain a minority position, they are now 10–12 percentage points more common than they were three decades ago.

Figure 1. Average Share of Permissive Responses to Flag Burning Questions



MOST AMERICANS STILL FAVOR MAKING FLAG BURNING ILLEGAL

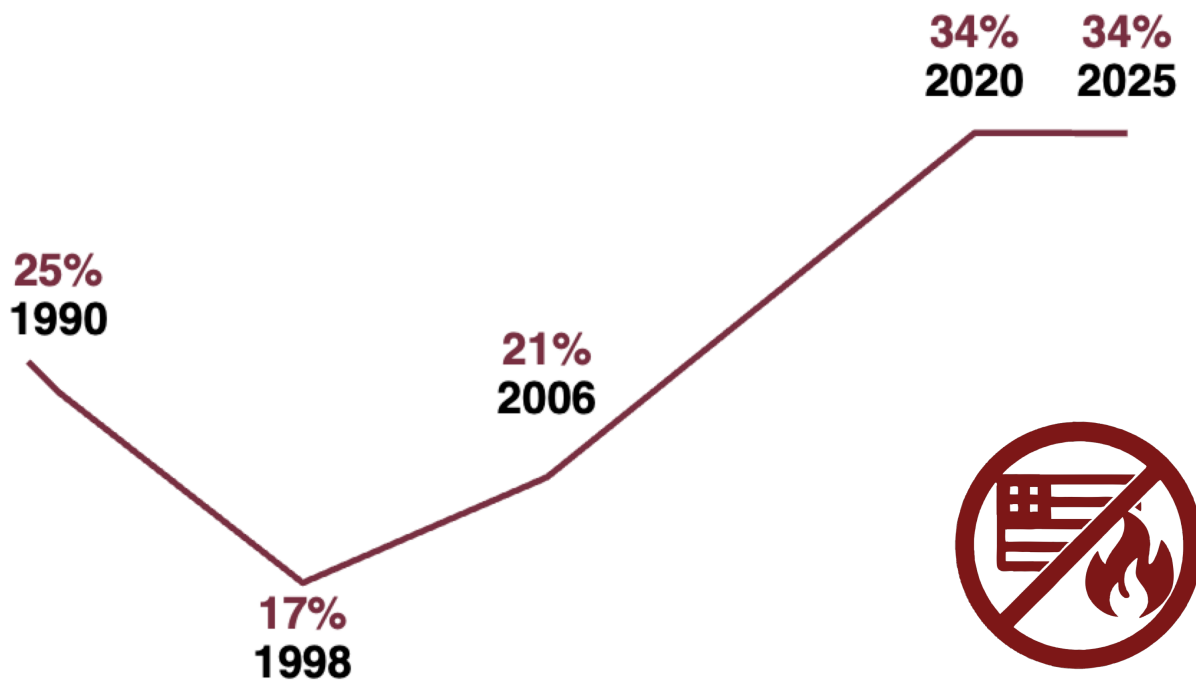
When asked directly whether flag burning should be legal or illegal, large majorities of Americans have consistently chosen the latter (Figure 2; Appendix Figure A2). With one exception, surveys conducted in the wake of *Texas v. Johnson* found that only 15%–35% of Americans believed flag burning should be legal, depending on question wording. As late as 2006, just 21% supported legal protection. Support has risen modestly since then, reaching 34% in surveys conducted in 2020 and 2025. Even so, roughly two-thirds or more of the public continue to favor legal restrictions—a clear indication that opposition to flag burning remains deeply rooted despite decades of constitutional protection.

FEWER AMERICANS SUPPORT A CONSTITUTIONAL BAN

Public opinion is more divided on the question of amending the Constitution to ban flag burning, suggesting that many Americans—even those who disapprove of the act—

are reluctant to change the nation’s foundational document to prohibit it. Across the 29 surveys that have asked this question between 1989 and 2016, opposition to a constitutional amendment has ranged from 17% to 63%, with responses varying depending on how the question is framed (Appendix Figure A3).

Figure 2. Average Share Opposed to Making Flag Burning Illegal



In surveys that simply ask whether respondents “favor or oppose” a constitutional amendment, opposition tends to be lower and has grown only modestly over time—from 29% in 1990 to 37% in 2016, the most recent year this question was fielded (Figure 3). By contrast, when the issue is presented in more balanced terms or explicitly linked to the Supreme Court’s ruling that flag burning is protected speech, opposition tends to be higher—49% in 1997 and 58% in 2011, the last year this framing appeared in a survey (Appendix Figure A3).

LARGE MAJORITIES CONSISTENTLY VIEW FLAG BURNING AS INAPPROPRIATE AND UNPATRIOTIC

Since at least 1996, surveys have also probed deeper attitudes about the symbolic meaning of flag burning—including whether it is seen as an appropriate form of free speech, an acceptable protest tactic, something that should be allowed in principle, or an act compatible with patriotism.

Figure 3. Opposition to a Constitutional Amendment Banning Flag Burning

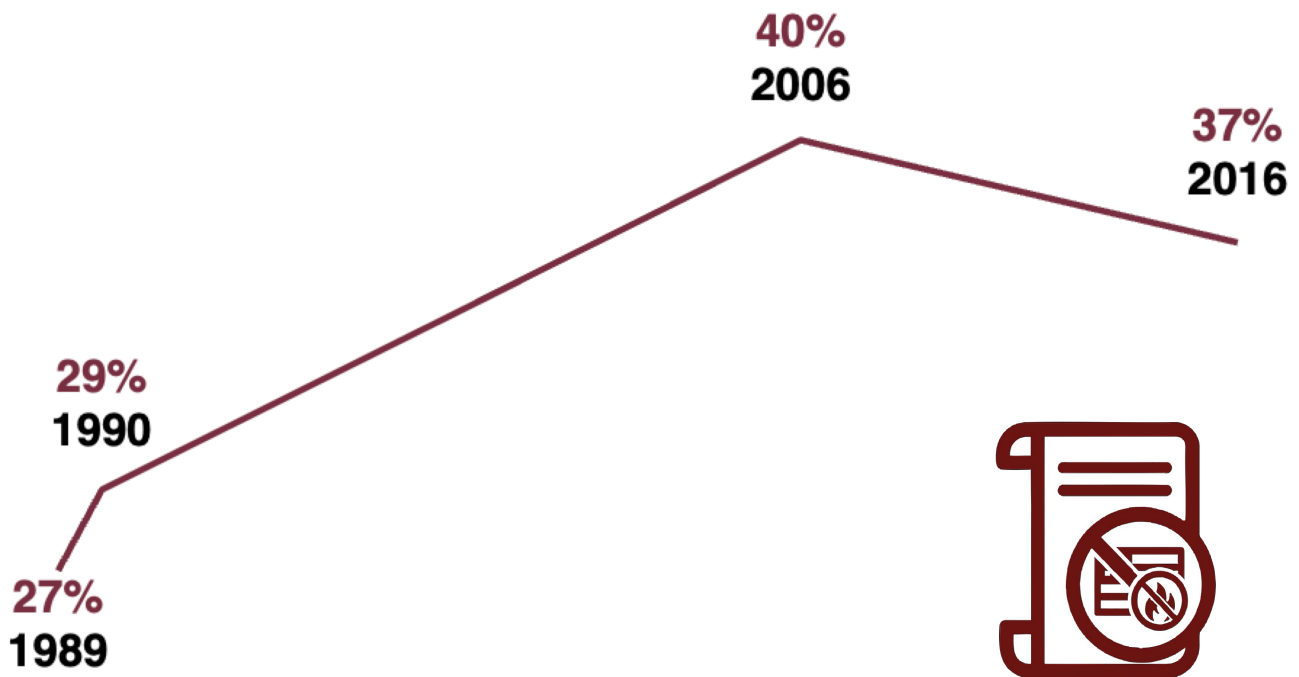
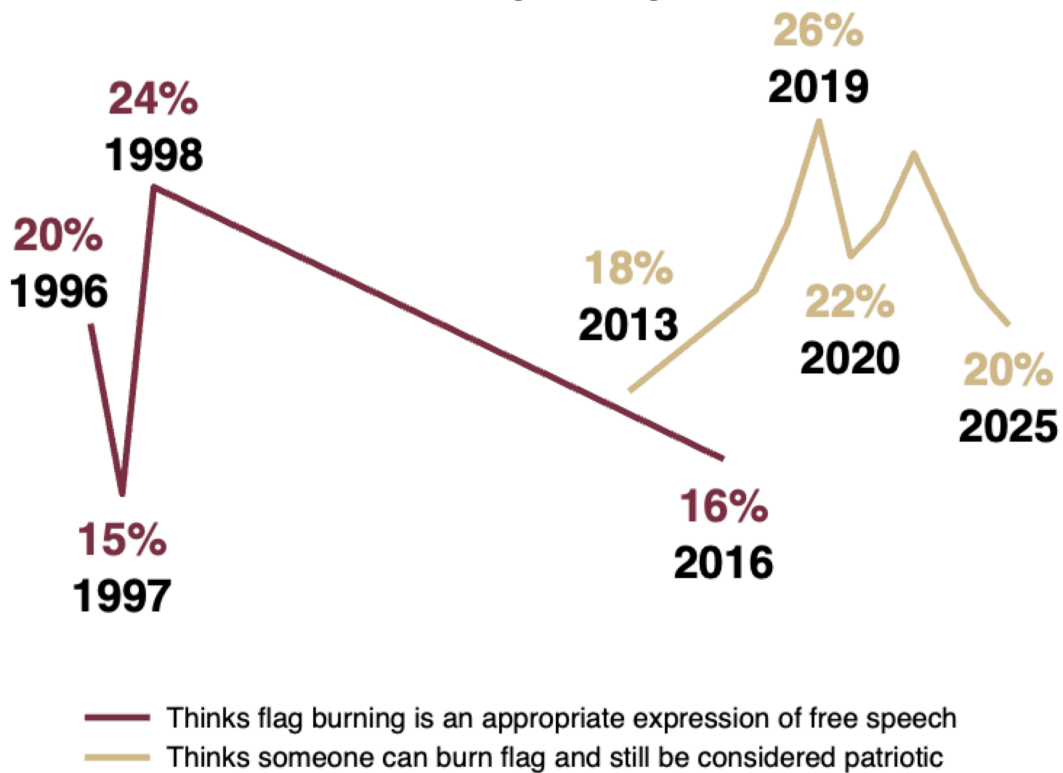


Figure 4. Normative Attitudes Toward Flag Burning



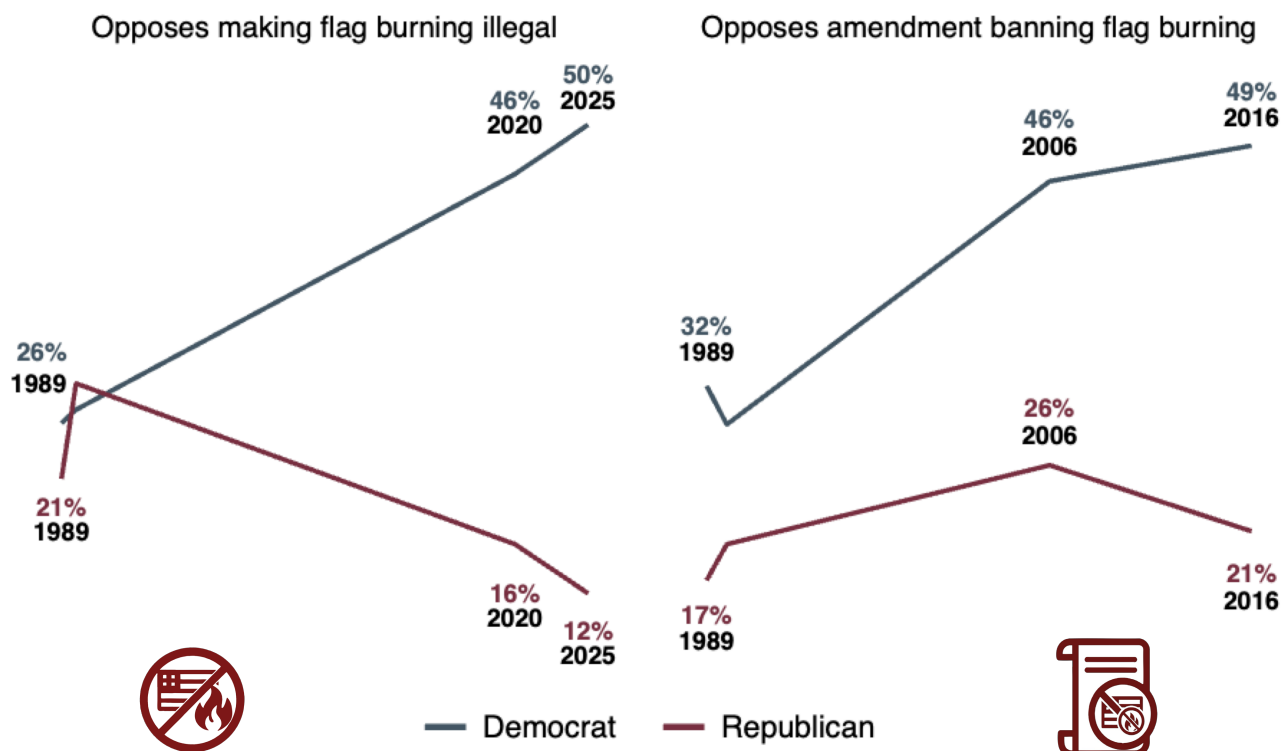
Responses across these measures reveal broad and persistent disapproval over time (Appendix Figure A4). For example, the share of Americans who regard flag burning as an “appropriate expression” of free speech was virtually unchanged in 2016 (16%)—the last year the question was asked—compared with when it was first fielded two decades earlier (20%) (Figure 4). Similarly, the share who believe a person who burns the flag can still be considered patriotic has ranged from 18% to 26% and remained modest in 2025 (20%), only slightly above where it stood when the question was first asked in 2013 (18%) (Figure 4).

PARTISAN DIVIDES OVER FLAG BURNING HAVE WIDENED SHARPLY

While overall attitudes have shifted only modestly, partisan divisions have widened dramatically (Figure 5).^[1] In the late 1980s and early 1990s, Democrats and Republicans held similar views: roughly one-quarter of Democrats and about one-fifth of Republicans said flag burning should be legal and opposition to constitutional amendments was only 10 to 15 percentage points higher among Democrats.

By 2025, the gap had grown far larger. Half of Democrats said flag burning should be legal, compared with just 12% of Republicans. In 2016, Democrats were more than twice as likely as Republicans (49% vs. 21%) to oppose a constitutional amendment banning the practice. A nearly identical divide was evident in 2006 on a related proposal to empower Congress and the states to criminalize flag burning (50% vs. 22%). Before that year, partisan differences on this measure were consistently in the 10–12-point range.

Figure 5. Partisan Differences in Attitudes Toward Flag Burning



Gaps are just as stark on questions about symbolism and meaning. Since 2013, one-third to two-fifths of Democrats have said that a person who burns the flag in protest can still be considered patriotic. Among Republicans, the figure has consistently remained below 10%.

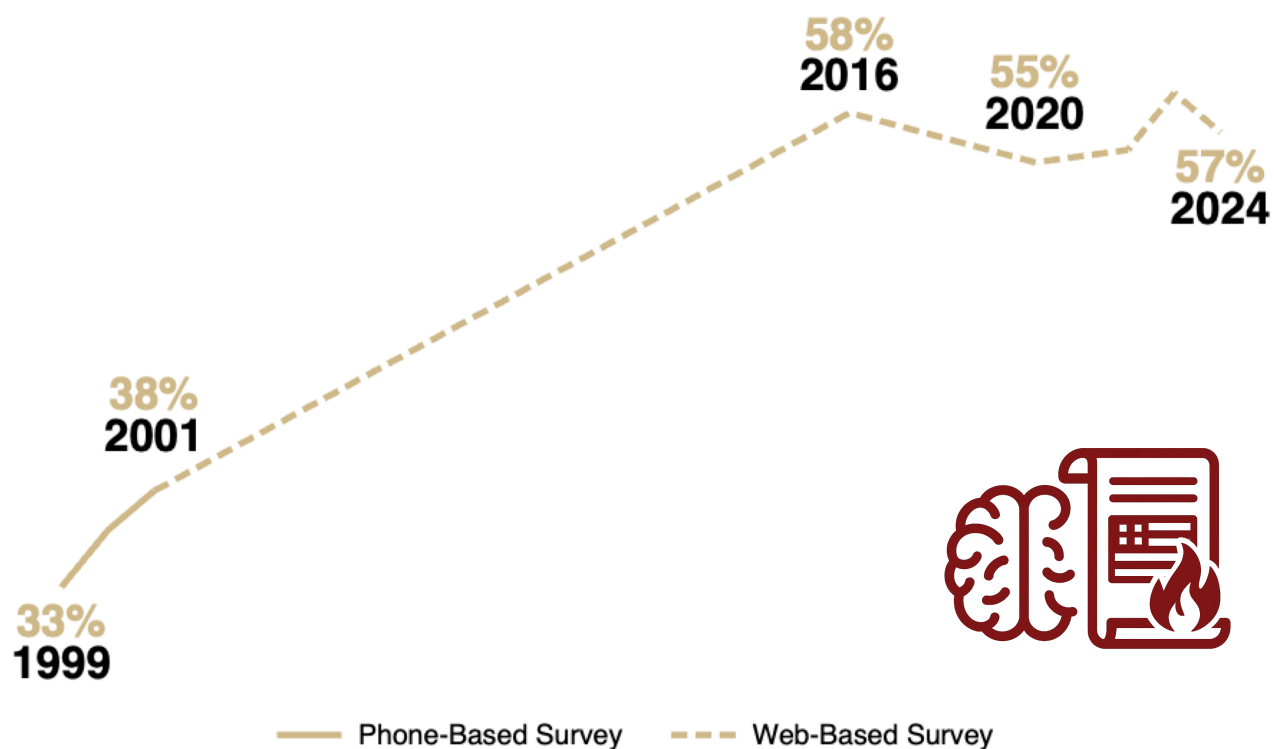
PUBLIC AWARENESS OF CONSTITUTIONAL PROTECTIONS HAS (OSTENSIBLY) INCREASED

Public knowledge about the constitutional status of flag burning has risen since the late 1990s and early 2000s (Figure 6). When first measured in 1999, only 33% of Americans correctly identified flag burning as legally protected political expression.[2] Similar results followed in 2000 (36%) and 2001 (38%). After a long gap, the share jumped to 58% in a 2016 survey and has remained between 53% and 59% in subsequent surveys.

While encouraging, these trends should be interpreted with caution. The apparent increase in knowledge may reflect genuine learning—possibly driven by broader online information access or heightened public debate—but it could also reflect methodological changes. Early surveys were conducted by telephone, whereas more recent surveys have been fielded online, where respondents may look up answers in real time.

Importantly, recognizing that flag burning is constitutionally protected does not necessarily translate into support for that protection. Opposition to a constitutional amendment tends to be higher when questions explicitly reference the Supreme Court's

Figure 6. Share of Americans Aware That Flag Burning Is Constitutionally Protected Speech



decision (Appendix Figure A4), suggesting that awareness can shape policy views. Yet public knowledge often exceeds normative support: in 2024, about 57% of Americans knew the act was constitutionally protected, but only 34% said it should be legal 2025.

This gap highlights a crucial dynamic—many Americans know what the Constitution allows even as they oppose it in practice.

METHODS

This data brief draws on nearly 60 nationally representative surveys conducted between 1989 and 2025, combined with new trend estimates generated using political scientist James Stimson’s dyadic ratios algorithm. The Stimson index (Figure 1) aggregates dozens of survey questions asked over the past three decades—including whether respondents supported the Supreme Court’s decision in *Texas v. Johnson*, whether flag burning should be illegal, whether it is an acceptable form of protest, and more—into a single trend line.^[3]

[1] Many historical surveys only reported aggregate (sample-level) results, leaving fewer data points with breakdowns by party identification. Even so, the available evidence paints a clear picture of growing polarization over time.

[2] Section D of the online Appendix provides the raw data, along with a list of all nine knowledge items, their question wording, and the surveys in which they appeared.

[3] Section A of the online Appendix lists all 59 survey items, their question wording, and the surveys from which they originate. Together, these items form nine distinct time series of varying length, with the Stimson composite index explaining more than 72% of their total variance. Section B provides additional methodological details on the index and a downloadable dataset containing its estimates. Section C contains a dataset with all individual survey items, metadata, and available covariates.