



Email this article
Print this article
Most popular pages

Click to send
Choose File Print or Ctrl P or Apple P
Today | This Week

Man contends 'the finger' is free speech

Associated Press
Mar. 14, 2006 10:47 AM

PITTSBURGH - A motorist believes the constitutional right to free speech includes obscene hand gestures.

Thomas Burns contends he was denied his First Amendment free speech rights when he was cited for giving an obscene hand gesture to a construction worker in April, according to a federal lawsuit filed Monday in Pittsburgh.

Burns had become frustrated with a traffic delay and showed the gesture at a construction worker. The worker reported it to a police officer, who cited Burns for disorderly conduct, according to the lawsuit.

The citation was dropped, but Burns filed a lawsuit because he believes he was maliciously prosecuted.

The "finger gesture was not accompanied by any verbal threats, taunting or communication and was never visible to anyone other than the workers," the lawsuit states. "The gesture, albeit insulting, had no sexual meaning, did not appeal to anyone's prurient interest, and did not create a public disturbance or breach of peace."

The chief of the police department that cited Burns — in Center Township, Beaver County — declined comment Tuesday, saying he hadn't had a chance to discuss the case with the department's attorney.

In recent years, Pennsylvania courts have ruled that the gesture doesn't automatically constitute disorderly conduct, because it is not "obscene" as defined by the law, unless it is used in a clearly sexual context.

Email this article
Print this article
Most popular pages

Click to send
Choose File Print or Ctrl P or Apple P
Today | This Week