Remarks of Bryton Mellott

News Conference

January 12, 2017

GOOD MORNING. MY NAME IS BRYTON MELLOTT. I AM A 22-YEAR-OLD RESIDENT OF URBANA, AND I AM HERE TO ADDRESS THE FILING OF THIS LAWSUIT.

I’D LIKE TO START BY SAYING THAT I AM INCREDIBLY DISHEARTENED THAT THIS LAWSUIT EVER HAD TO BE FILED. THE EVENTS I’VE EXPERIENCED PRECEDING AND DURING MY UNLAWFUL DETAINMENT SHOOK WHAT LITTLE FAITH I’VE HELD IN OUR CRIMINAL JUSTICE SYSTEM.

I HOLD THE OPINION THAT OPEN DISSENT IS THE HIGHEST FORM OF AMERICAN PATRIOTISM, AND IT WAS A FRIGHTENING DISPLAY OF IRONY THAT ON THE FOURTH OF JULY I SHOULD BE TAKEN FROM MY WORKPLACE TO SIT IN A COUNTY JAIL FOR EXERCISING THIS LIBERTY.  
  
 I’D LIKE TO TAKE A MOMENT TO OFFER MY STORY OF THIS EVENT.

MY BURNING OF THE AMERICAN FLAG AND THE POSTING OF THIS EVENT TO SOCIAL MEDIA WAS NOT AN ACTION THAT I TOOK LIGHTLY. IT WAS CALCULATED, AND I THOUGHT IT TO BE AN APPROPRIATE RESPONSE TO SEVERAL INSTANCES OF IGNORANCE TOWARDS CIVIL LIBERTIES THAT I HAD WITNESSED RECENTLY.   
  
 I WAS AWARE OF THE FACT THAT ILLINOIS HAS A STATE STATUTE BARRING FLAG DESECRATION. I WAS ALSO AWARE THAT THE STATUTE WAS UNCONSTITUTIONAL UNDER THE SUPREME COURT RULING ON TEXAS V JOHNSON IN 1989.

AS THIS RULING TOOK PLACE NEARLY 30 YEARS AGO, I OPERATED UNDER THE ASSUMPTION THAT OUR STATE STATUTE WAS WIDELY KNOWN TO BE UNCONSTITUTIONAL. THOSE WITH THE RESPONSIBILITY TO UPHOLD OUR COUNTRY’S LAWS SHOULD HAVE KNOWN THAT MY SPEECH WAS FIRMLY PROTECTED.

WITH MY UNDERSTANDING THAT THE ACTION OF BURNING A FLAG WAS SUPPOSED TO BE PROTECTED, DOING SO FELT LIKE A NATURAL RESPONSE TO THE RESURGENCE OF BLIND NATIONALISM BROUGHT ABOUT BY OUR CURRENT POLITICAL CLIMATE.

I SEE NATIONALISM AS A REAL AND PRESENT THREAT TO MY COMMUNITY AND I WILL CONTINUE TO DO WHAT I CAN TO SPEAK OUT AGAINST IT.  
  
 THROUGH THE TEXT THAT ACCOMPANIED MY POST, I HOPED TO CALL MEANINGFUL ATTENTION TO THE SYSTEMIC RACISM AND LACK OF ACCOUNTABILITY THAT EXISTS IN OUR CRIMINAL JUSTICE SYSTEM.

I HOPED TO ADDRESS THE ISSUE OF GUN VIOLENCE IN OUR COUNTRY THAT HAS EXISTED NEEDLESSLY AND WITHOUT INTERVENTION.

I ALSO HOPED TO ADDRESS THE VIOLENCE BROUGHT AGAINST MEMBERS OF MY QUEER COMMUNITY AND AGAINST EVERY COMMUNITY CONSIDERED TO BE ‘OTHER’.  
  
 THESE ISSUES DEMAND ATTENTION, THEY DEMAND DISCUSSION, AND THEY DEMAND THE CONSIDERATION OF OUR ENTIRE NATION REGARDLESS OF POLITICAL AFFILIATION. WHILE I UNDERSTAND THAT WITNESSING MY PHOTOS COULD BE SHOCKING TO SOME, MY INTENT WAS NEVER TO INCITE VIOLENCE. IN THE HOURS FOLLOWING MY POST I WORKED VERY HARD TO KEEP THE TONE OF DISCUSSION CIVIL.   
  
 ADDITIONALLY, I MADE EVERY EFFORT I COULD NOT TO BE RECKLESS IN MY ACTION OF BURNING THE FLAG. I PURCHASED THE FLAG SEVERAL WEEKS IN ADVANCE. I REQUESTED TO USE MY FRIEND’S BACKYARD BECAUSE I KNEW THAT IT WAS SECLUDED.

I WAITED FOR SEVERAL DAYS UNTIL IT HAD RAINED ON JULY 3RD, LEAVING THE GROUND COVER TOO WET FOR AN OPEN FLAME TO SPREAD. I TOOK EVERY PRECAUTION TO BOTH LIMIT PEOPLE FROM DIRECTLY WITNESSING MY ACTION AND TO ELIMINATE ANY POSSIBLE PROPERTY DAMAGE.  
  
 I ARRIVED AT MY FRIEND’S HOME AROUND 8:00 PM ON THE EVENING OF THE THIRD OF JULY. SHORTLY AFTER ARRIVING, I WENT OUTSIDE, PLACED LIGHTER FLUID ON THE EDGES OF THE FLAG, AND LIT IT WHILE A FRIEND TOOK THE PHOTOS.  
  
 AFTER MAKING SURE THAT THE FIRE HAD COMPLETELY DIED, WE WENT BACK INSIDE MY FRIEND’S HOME WHERE I POSTED THE PHOTOS ON MY PERSONAL FACEBOOK PAGE.  
  
 FAIRLY QUICKLY, I BEGAN TO RECEIVE RESPONSES TO THE POST IN THE FORM OF PERSONAL MESSAGES AND COMMENTS.

SOME OF THESE RESPONSES WERE NOT CONSISTENT WITH THE SORT OF DISCOURSE I HAD HOPED TO HAVE ABOUT THE ISSUES THAT CONCERNED ME, BUT I REMAINED POSITIVE.  
  
 THROUGHOUT THE EVENING, I REMINDED A NUMBER OF PEOPLE TO BE CIVIL AND CONSIDERATE IN THEIR DISAGREEMENT.  
  
 AROUND MIDNIGHT, I WENT TO SLEEP IN PREPARATION FOR MY 6:30 AM SHIFT THE NEXT DAY. WHEN I AWOKE ON JULY 4TH, I WAS SURPRISED TO SEE THAT THERE WERE APPROXIMATELY 200 COMMENTS AND THAT THE POST HAD BEEN SHARED A NUMBER OF TIMES.

SOME OF THE COMMENTS CLEARLY WEREN’T FAVORABLE, BUT NOTHING REALLY ALARMED ME.

I REPORTED TO WORK THAT MORNING AND BEGAN MY ROUTINE.

JUST BEFORE 8:00 AM, MY MANAGER CALLED ME TO HIS OFFICE AND PUT ME ON THE PHONE WITH AN URBANA POLICE OFFICER. THE OFFICER ASKED ME IF I HAD BURNED A FLAG AND POSTED THE PHOTOS ON FACEBOOK.

DURING THE CONVERSATION, I TOLD THE OFFICER THAT I WAS SURPRISED HE WOULD CALL ME, AND I EXPLAINED WHAT ISSUES I WAS TRYING TO ADDRESS WITH MY POST.

I MADE IT CLEAR THAT I HAD NO INTENTION OF UPSETTING PEOPLE AND THAT MY ACTIONS WERE MEANT TO BE A FORM OF PEACEFUL PROTEST.

THEREFORE, I WAS SURPRISED AND DISMAYED WHEN THE OFFICER REQUESTED THAT I TAKE DOWN THE POST. HE INFORMED ME THAT IT WAS BEING WIDELY SHARED AND THAT HE WAS CONCERNED FOR MY SAFETY AND THE SAFETY OF MY CO-WORKERS.

THE REQUEST SEEMED STRANGE TO ME, AND WOULD UNDOUBTEDLY DEFEAT THE PURPOSE OF STARTING A CONVERSATION ON THE ISSUES I HAD MENTIONED. AFTER THINKING FOR A MOMENT, I TOLD THE OFFICER THAT IF THE POST HAD BEEN DISTRIBUTED AS WIDELY AS HE SAID, TAKING IT DOWN NOW WOULD ONLY BE COUNTERPRODUCTIVE.

REMOVING THE POST WOULD ONLY LEAD TO SPREAD OF MISINFORMATION CONCERNING WHAT I HAD DONE AND WHY I HAD DONE IT. MY FACEBOOK POST WAS THE ONLY MEANS AVAILABLE TO ME FOR CONTROLLING THE SITUATION, AND I COULD NOT TAKE IT DOWN.

HE THEN ASKED FOR THE LOCATION WHERE I HAD BURNED THE FLAG AND I QUESTIONED WHY HE WOULD NEED THIS INFORMATION. HE INFORMED ME THAT IT WAS HIS INTENT TO PUT PATROL IN THE AREA IN CASE SOMETHING WAS TO HAPPEN TO MY FRIEND. I TOLD HIM THAT IF HE WANTED TO PATROL THE AREA, HE COULD START AT LINCOLN AVENUE, BUT THAT I WASN’T COMFORTABLE RELEASING THE SPECIFIC ADDRESS.

HE THEN ASKED ME FOR MY FRIEND’S NAME, BUT I WAS NO LONGER COMFORTABLE WITH THE CONVERSATION OR WITH RELEASING ANY INFORMATION.

WE DISCONNECTED AND I RETURNED TO MY WORK.

ABOUT A HALF HOUR LATER, MY STORE MANAGER APPROACHED ME AND ASKED IF I WOULD COME TO HIS OFFICE TO SPEAK WITH TWO URBANA POLICE OFFICERS. I AGREED, AND I WAS MET BY THE OFFICERS IN ONE OF THE SEVERAL OFFICES AT THE BACK OF THE STORE. THE OFFICERS WANTED TO ASK ME A SERIES OF QUESTIONS AND I COMPLIED.

I WAS ASKED TO EXPLAIN MY INTENT FOR BURNING THE FLAG AND I NERVOUSLY REITERATED THE ISSUES THAT HAD MOTIVATED ME TO SPEAK OUT. I WAS ASKED AGAIN FOR THE LOCATION OF THE INCIDENT, BUT DECLINED TO ANSWER. I WAS INFORMED THAT THEY HAD ALREADY DISCOVERED THE LOCATION AND THAT THE REMAINING FLAGPOLE WAS CONFISCATED.

HE THEN ASKED ME A SERIES OF QUESTIONS ABOUT NEIGHBORING HOUSES; WAS ANYBODY HOME? COULD THEY SEE ME THROUGH THEIR WINDOWS? WOULD THEY HAVE WITNESSED THE BURNING FLAG? I ANSWERED NO TO ALL OF THESE QUESTIONS.

THE OFFICER THEN PROPOSED A HYPOTHETICAL. HE WANTED TO KNOW, IF SOMEBODY HAD BEEN DRIVING ON LINCOLN AVE. AT THE RIGHT MOMENT AND HAPPENED TO LOOK DOWN A NARROW 3 FOOT PASSAGE BETWEEN THE HOUSES, MIGHT THEY HAVE BEEN ABLE TO SEE THE FLAG BURNING? I SAID IT WAS POSSIBLE.

HE THEN READ ME MY MIRANDA RIGHTS AND INFORMED ME THAT I WAS BEING ARRESTED FOR THE PUBLIC DESECRATION OF A FLAG.  
  
 I WAS HANDCUFFED, FRISKED, AND SOME OF MY PERSONAL ITEMS WERE REMOVED. I WAS THEN LED OUT OF THE STORE IN THE CLEAR VIEW OF MY CO-WORKERS AND CUSTOMERS.

THE ESCALATED ATTENTION BROUGHT UPON ME BY THE ARREST HAS DONE IRREPARABLE DAMAGE TO THE SENSE OF SAFETY AND BELONGING I ONCE FELT WORKING AT MY STORE.

THE OFFICERS PLACED ME IN THE BACK OF THEIR CAR AND TOOK ME TO THE CHAMPAIGN COUNTY JAIL, WHERE I WAS BOOKED AND PLACED IN A CELL. I WAS TOLD THAT I MIGHT BE HELD FOR AS LONG AS 3 DAYS.

ODDLY ENOUGH, THERE WERE SOME CLAIMS MADE THAT I WAS TAKEN INTO PROTECTIVE CUSTODY. I WANT TO MAKE IT EXTREMELY CLEAR THAT MY ARREST WAS NEVER ABOUT PROTECTION. AT NO POINT DID I FEEL SAFE DURING MY STAY IN AN OVERCROWDED CELL WITH 10 OTHER MEN. THESE PEOPLE SHOWED NO REFRAIN FROM HOMOPHOBIC LANGUAGE AND SLURS.

I WAS ALLOWED 3 CALLS ON A SPEAKERPHONE, BUT ONLY USED ONE OUT OF FEAR THAT MY CELLMATES WOULD OVERHEAR PORTIONS OF THE CONVERSATION WITH MY BOYFRIEND. I KEPT IT SHORT AND TOLD HIM THAT HE SHOULD LET SOMEONE, ANYONE, KNOW THAT I HAD BEEN UNLAWFULLY DETAINED.

IT WAS A TERRIFYING SITUATION TO BE PLACED IN AS A GAY MAN. I WAS ANXIOUS AND CUT OFF FROM THE ONE LINE OF COMFORT I KNEW.

LATER, I WAS PUT ON THE PHONE WITH A LAWYER WHO HAD BEEN INFORMED OF MY SITUATION THROUGH THE FRIEND WHO HAD HELPED ME TO TAKE THE PICTURES. I WAS RELEASED AFTER 5 HOURS.

I WANT TO THANK THE ACLU FOR ASSISTING ME IN BRINGING THIS LAWSUIT. I BELIEVE THAT WE HAVE TO GET A JUDGMENT THAT THE ILLINOIS FLAG DESECRATION STATUTE IS UNCONSTITUTIONAL. I DO NOT WANT THIS TO HAPPEN TO ANYONE ELSE. I WANT EVERYONE TO HAVE THE OPPORTUNITY THEY DESERVE TO SPEAK UP AND SPEAK OUT ON THE ISSUES THAT CONCERN THEM - WITHOUT THE FEAR OF BEING ARRESTED.

THANK YOU.