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## Flipping the Bird

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## **Flipping the Bird**

Pittsburgh officials have tentatively approved a \$50,000 settlement in the case of a motorist who flipped off a police officer (apparently not knowing at the time the offending gesture was made that the person was an officer). The motorist was cited under a state statute that prohibits obscene words and gestures. The county dropped the charges after the motorist appealed his conviction, but the motorist pursued the case to recover costs associated with his defense. The settlement would also apparently require additional police training of some nature.

Some will undoubtedly find it absurd that the motorist will receive a settlement in this situation. But however offensive and rude it may be, "the bird" is expressive conduct. It may be bad judgment to flip off a cop (or anyone else) during a traffic altercation. But you cannot be punished for merely flipping someone off on the public streets (although the case may be different in the courtroom, the classroom, or the workplace). Imagine how busy our courts would be if the rule were otherwise.

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