



## 'Basket of deplorables' file Supreme Court brief defending offensive speech

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The libertarian Cato Institute and "a basket of deplorable people and organizations" filed a brief with the Supreme Court defending Americans' ability to judge offensive speech for themselves.

The brief rushes to the defense of The Slants, an Asian-American rock band locked in a legal dispute with the U.S. Patent and Trademark Office that denied the band a trademark for its name after deeming the name offensive. The Slants' case is set to be argued before the Supreme Court next month, and the brief filed Friday by Cato's Ilya Shapiro was joined by political satirist P.J. O'Rourke, former ACLU president Nadine Strossen and Flying Dog Brewery, among others. The "basket of deplorables" phrase is a reference to Hillary Clinton's pejorative name for Donald Trump's supporters.

"One of this brief's authors is a cracker (as distinct from a hillbilly) who grew up near Atlanta, but he wrote this sentence, so we can get away with saying that," reads the brief. "Another contributor — unnamed because not a member of the bar — is an Italian-American honky who has always wanted to play in a band called the Dagos, which of course would close every set with 'That's Amore' from 'Lady and the Tramp.' But, with only his great grandparents having come from Italy, is he dago enough to 'take back' the term? And amici's lead counsel is a Russian Jewish emigre who's now a dual U.S.-Canadian citizen. Can he make borscht-belt jokes about Canuck frostbacks even though the first time he went to shul was while clerking in Jackson, Miss.?"

The full-color logo of Flying Dog Brewery's "Raging Bitch" beer is featured in the brief, as are references to episodes of the cartoon TV show "South Park." The brief challenges the government's ability to limit offensive speech and notes other efforts to reclaim pejorative terms, such as musicians' effort to take back word "n——r."

"Jesuits, Methodists, Mormons and Quakers owe their popular names to terms that were originally given to them in a disparaging context and that have since been reclaimed," the brief says. "How did a donkey become the Democratic Party symbol? A political opponent labeled Andrew Jackson a 'jackass,' so Jackson put the animal on campaign posters."

The Cato Institute previously has filed briefs featuring crass humor to make its points, as noted by South Texas College of Law professor Josh Blackman.

The Slants' case will be argued before the high court Jan. 18. The night before the argument, the band will play a concert in Washington at the Electric Maid Community Exchange.