Crosstalk: Boundaries on free speech?

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The U.S. Supreme Court ruled last week that even hate speech qualifies for constitutional free speech protection, a welcome ruling in an age when the left is using political correctness to go after anyone who doesn't share its ideology.

In a firm 8-0 decision, justices slapped down the Patent and Trademark Office for denying a band called The Slants federal trademark registration because the name is a derogatory term for Asian-Americans.

Band leader Simon Tam argued that The Slants was Asian-American and sought to "reclaim" and "take ownership" of negative stereotypes.

The litigation centered on a provision of federal trademark law from 1946 referred to as the "disparagement clause."

The clause is interpreted by an examiner who determines whether or not the mark would be found disparaging by a "substantial composite, although not necessarily a majority, of the referenced group."

In classic safe-space reasoning, the trademark office determined that the name The Slants could offend a segment of the population, which the court utterly rejected, deeming free speech rights vital to a free society and inviolate in the U.S. Constitution.

"Speech that demeans on the basis of race, ethniticity, gender, religion, age, disability, or any other similar grounds is hateful; but the proudest boast of our free speech jurisprudence is that we protect the freedoom to express 'the thought that we hate,'" wrote Justice Samuel Alito.

Justices determined that basing a trademark prohibition on the presumed reactions of an offended group is "simply government hostility and intervention in a different guise."

"If affixing the commercial label permits the suppression of any speech that may lead to political or social 'volatility," free speech would be endangered," wrote Alito.

A friend-of-the-court brief filed by the "Cato Institute and a Basket of Deplorable People and Organizations" urged the court to "make the jobs of employees (at the trademark office) much easier by putting an end to the disparagement clause."

The brief argued that government officials cannot be trusted to "neutrally" identify speech that disparages. After all, the trademark office had approved rocks bands named the Dying Fetus and Sex Pistols and Niggaz Wit Attitude. So were entities with names such as Take Yo Panties Off and Capitalism Sucks Donkey Balls.

In 2014, the trademark office denied protection to the name of the Washington Redskins, despite a Washington Post poll showing that 90 percent of Native Americans were not offended by the name and only 18 percent of "nonwhite football fans" favored changing it.

Bureaucrats should not be given power to regulate speech based upon their own prejudices or political agenda. Especially with the frightening trend underway to target and shut down conservative Christian viewpoints.

Earlier this year, Merriam-Webster released a collegiate dictionary that was lauded by social justice activists for joining the fight to make it "impossible to use any word or grammar that has not been approved as multi-culturally sensitive, nonsexist, inoffensive, nondiscriminatory, non-racist, diplomatic, gender-free or non-biased."

Merriam added 1,000 new words that included "safe-space" and "micro-aggression." These words have been used on college campuses to stop conservative speakers from delivering "offending" messages.

Nothing like having a different point of view expressed to interfere with educational indoctrination.

Ending the free-exchange of thoughts, ideas and intellectual challenge sets the stage for persecution of minority voices. If this relentless assault on free speech succeeds, those who resist conformity will be silenced and no one will be safe from the tyrants who rule us.

Thankfully, the Supreme Court set back that agenda with its ruling. Even when speech offends, it must be tolerated in a free society.