

The Frederick News-Post

There is no 'hate speech' exception

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The confusion in your editorial begins with its headline, “Hate speech is not free speech.” Under the First Amendment to the U.S. Constitution, there is no “hate speech” exception to America’s general rule of free speech.

Speech cannot be punished simply because someone thinks it embodies hatred unless it independently falls into some recognized exception such as threats, incitement of imminent violence, targeted harassment and so forth. If speech does fall into such an exception, it lacks protection whether or not it expresses hate. That is the view of the U.S. Supreme Court.

In the schools, the court has recognized that there are legitimate reasons for educators to discipline students who insult others or disrupt the classroom, even if the same words spoken away from school might enjoy First Amendment protection. But this ought not to create a system in which educators encourage students on one side of a hotly disputed debate or election to voice their feelings while students on the other side feel inhibited from speaking out with equal vigor, so long as neither side is being disruptive or personally insulting.

You appear to regard walkouts in which some Montgomery County students have taken to the streets during school hours as a “healthy expression of protest,” even though (legality aside) they cause serious disruption to classroom learning and pose various risks to traffic and people (as in the attack on one student by several others during a march in Rockville).

If public schools are to maintain a semblance of political neutrality, they must not greet some walkouts favorably (as with a liberal excused-absence policy) unless they would extend similar indulgence to students who walked out of class to march on the opposite side of the same questions.

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