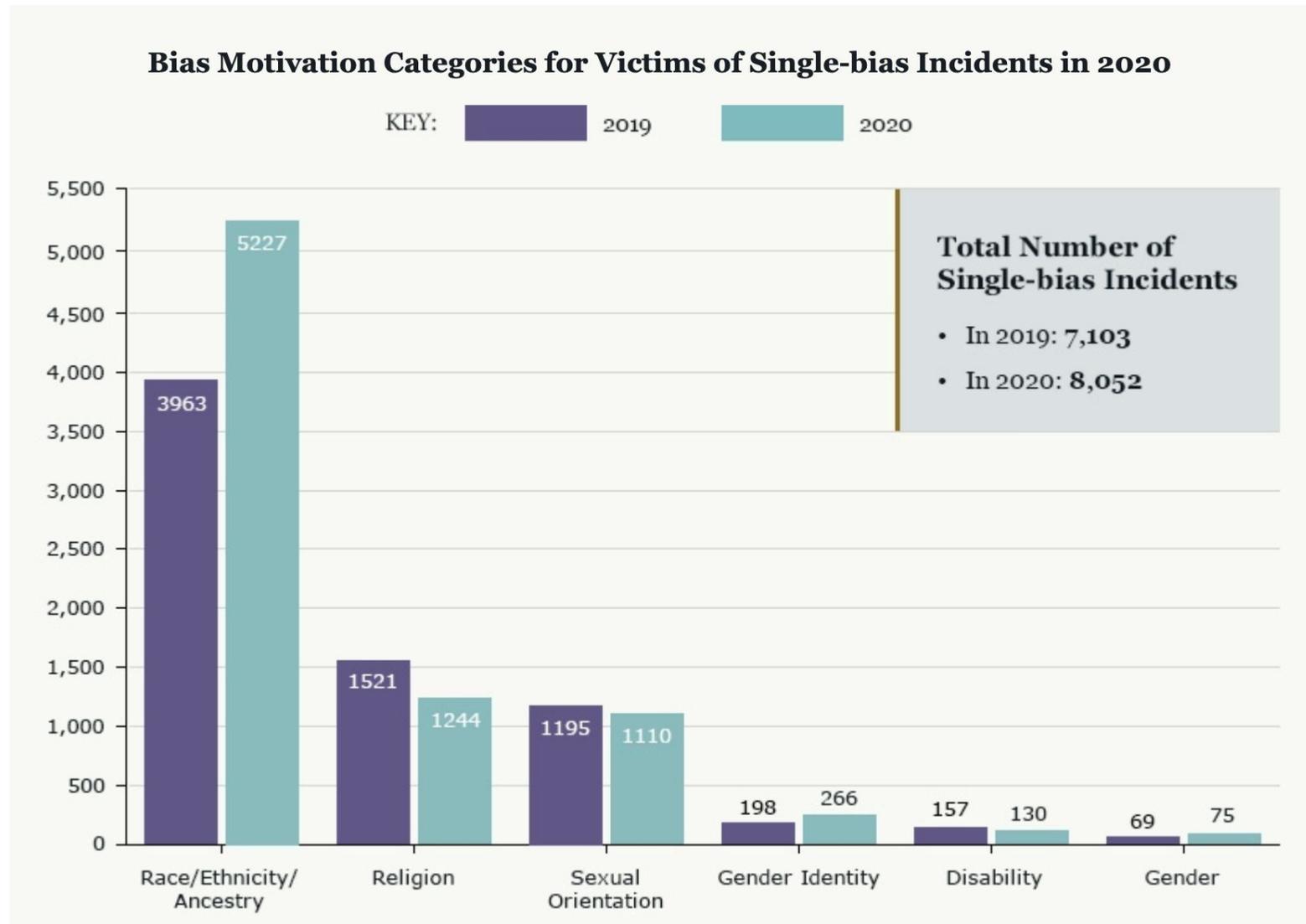


Hate Speech

The First Amendment, Public Speech, Civic Life, and the
Problem of Despicable Discourse

Catherine (Cate) H. Palczewski, PhD
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FBI Statistics for Bias-Motivated Crimes



<https://www.justice.gov/hatecrimes/hate-crime-statistics>

Verbal Harassment

“From March 19, 2020 to September 30, 2021, a **total of 10,370 hate incidents** against Asian American and Pacific Islander (AAPI) persons were reported . . . **4,599 occurred in 2020** (44.4%) and **5,771 occurred in 2021** (55.7%).”

“**verbal harassment (62.9%)** and shunning (16.3%) . . . continue to make up the biggest share of total incidents reported.”

<https://stopaapihate.org/national-report-through-september-2021/>

“This vast gray area of verbal harassment . . . is neither a criminal nor civil rights violation. Because such incidents are largely protected speech, law enforcement can't take action unless there are threats. Because they don't usually fall under the types of discrimination or harassment barred under civil rights laws, there's not much recourse in civil court either. . . .”

<https://www.usatoday.com/story/news/politics/2021/05/19/covid-19-most-anti-asian-hate-incidents-arent-hate-crimes/5035880001/>



Westboro Baptist Church members say American troops die as punishment for homosexuality.
Christopher Berkey/Associated Press



A 2010 file photo shows Westboro Baptist Church members holding anti-gay signs at Arlington National Cemetery in Virginia on Veterans Day, November 11, 2010



Westboro Baptist Church members hold a protest in Topeka, Kan., in this photo from the Showtime documentary *Fall From Grace*.

David Gnojek/AP

Lance Cpl. Mathew A. Snyder



Lance Cpl. Mathew A. Snyder, assigned to a Marine combat support group from Twentynine Palms, Calif., died one month after his arrival in Iraq.



Sara Phelps holds signs during a protest by followers of the Rev. Fred Phelps, who claims soldiers have died because they fought for a country that condones homosexuality, in Shumway, Ill., Friday, May 19, 2006. ■ AP Photo/James A. Finley



A member of Westboro Baptist Church protests at a veterans' hospital in Virginia. File photo by Scott Olson/Getty Images.

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

SNYDER v. PHELPS ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Cite as: 562 U. S. ____ (2011)

15

No. 09–751. Argued October 6, 2010—Decided March 2, 2011

Opinion of the Court

For the past 20 years, the congregation of the Westboro Baptist Church has picketed military funerals to communicate its belief that God hates the United States for its tolerance of homosexuality, particularly in America’s military. The church’s picketing has also condemned the Catholic Church for scandals involving its clergy. Fred Phelps, who founded the church, and six Westboro Baptist parishioners (all relatives of Phelps) traveled to Maryland to picket the funeral of Marine Lance Corporal Matthew Snyder, who was killed in Iraq in the line of duty. The picketing took place on public land approximately 1,000 feet from the church where the funeral was held, in accordance with guidance from local law enforcement officers. The picketers peacefully displayed their signs—stating, *e.g.*, “Thank God for Dead Soldiers,” “Fags Doom Nations,” “America is Doomed,” “Priests Rape Boys,” and “You’re Going to Hell”—for about 30 minutes before the funeral began. Matthew Snyder’s father (Snyder), petitioner here, saw the tops of the picketers’ signs when driving to the funeral, but did not learn what was written on the signs until watching a news broadcast later that night.

guidance of local officials. The speech was indeed planned to coincide with Matthew Snyder’s funeral, but did not itself disrupt that funeral, and Westboro’s choice to conduct its picketing at that time and place did not alter the nature of its speech.

Speech is powerful. It can stir people to action, move them to tears of both joy and sorrow, and—as it did here—inflict great pain. On the facts before us, we cannot react to that pain by punishing the speaker. As a Nation we have chosen a different course—to protect even hurtful speech on public issues to ensure that we do not stifle public debate. That choice requires that we shield Westboro from tort liability for its picketing in this case.

The judgment of the United States Court of Appeals for the Fourth Circuit is affirmed.

It is so ordered.



The First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Chaplinsky v. New Hampshire, 315 U.S. 568 (1942)

568

OCTOBER TERM, 1941.

Counsel for Parties.

315 U.S.

CHAPLINSKY v. NEW HAMPSHIRE.

APPEAL FROM THE SUPREME COURT OF NEW HAMPSHIRE.

No. 255. Argued February 5, 1942.—Decided March 9, 1942.

1. That part of c. 378, § 2, of the Public Laws of New Hampshire which forbids under penalty that any person shall address "any offensive, derisive or annoying word to any other person who is lawfully in any street or other public place," or "call him by any offensive or derisive name," was construed by the Supreme Court of the State, in this case and before this case arose, as limited to the use in a public place of words directly tending to cause a breach of the peace by provoking the person addressed to acts of violence.

Held:

(1) That, so construed, it is sufficiently definite and specific to comply with requirements of due process of law. P. 573.

(2) That as applied to a person who, on a public street, addressed another as a "damned Fascist" and a "damned racketeer," it does not substantially or unreasonably impinge upon freedom of speech. P. 574.

(3) The refusal of the state court to admit evidence offered by the defendant tending to prove provocation and evidence bearing on the truth or falsity of the utterances charged is open to no constitutional objection. P. 574.

2. The Court notices judicially that the appellations "damned racketeer" and "damned Fascist" are epithets likely to provoke the average person to retaliation, and thereby cause a breach of the peace. P. 574.

91 N. H. 310, 18 A. 2d 754, affirmed.

APPEAL from a judgment affirming a conviction under a state law denouncing the use of offensive words when addressed by one person to another in a public place.

Mr. Hayden C. Covington, with whom *Mr. Joseph F. Rutherford* was on the brief, for appellant. *Mr. Alfred A. Albert* entered an appearance.

Mr. Frank R. Kenison, Attorney General of New Hampshire, with whom *Mr. John F. Beamis, Jr.* was on the brief for appellee.



The Arrest of Walter Chaplinsky

Chaplinsky v. New Hampshire, 315 U.S. 568 (1942)

“It is well understood that the right of free speech is not absolute at all times and under all circumstances. There are certain **well-defined and narrowly limited classes of speech, the prevention and punishment of which has never been thought to raise any Constitutional problem.** These include the **lewd and obscene, the profane, the libelous, and the insulting or 'fighting' words**—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.”

Beauharnais v. Illinois, 343 U.S. 250 (1952)

250

OCTOBER TERM, 1951.

Syllabus.

343 U. S.

BEAUHARNAIS v. ILLINOIS.

CERTIORARI TO THE SUPREME COURT OF ILLINOIS.

No. 118. Argued November 28, 1951.—Decided April 28, 1952.

Over his claim that the statute violated the liberty of speech and of the press guaranteed as against the States by the Due Process Clause of the Fourteenth Amendment and was void for vagueness, petitioner was convicted in a state court for distributing on the streets of Chicago anti-Negro leaflets in violation of Ill. Rev. Stat., 1949, c. 38, § 471, which makes it a crime to exhibit in any public place any publication which "portrays depravity, criminality, unchastity, or lack of virtue of a class of citizens, of any race, color, creed or religion" which "exposes the citizens of any race, color, creed or religion to contempt, derision, or obloquy." *Held*:

1. As construed and applied in this case, the statute does not violate the liberty of speech and of the press guaranteed as against the States by the Due Process Clause of the Fourteenth Amendment. Pp. 251-264.

2. As construed and applied in this case, the statute is not void for vagueness. *Winters v. New York*, 333 U. S. 507; *Stromberg v. California*, 283 U. S. 359; *Thornhill v. Alabama*, 310 U. S. 88; and *Terminiello v. Chicago*, 337 U. S. 1, distinguished. P. 264.

3. Since petitioner did not, by appropriate steps in the trial court, seek to justify his utterance as "fair comment" or as privileged as a means for redressing grievances, those hypothetical defenses cannot be considered by this Court. Pp. 264-265.

4. Since the Illinois Supreme Court construed this statute as a form of criminal libel law, and truth of the utterance is not a defense to a charge of criminal libel under Illinois law unless the publication is also made "with good motives and for justifiable ends," petitioner was not denied due process by the trial court's rejection of a proffer of proof which did not satisfy this requirement. Pp. 253-254, 265-266.

5. Since libelous utterances are not within the area of constitutionally protected speech, it is not necessary for this Court to consider the issues raised by the denial of petitioner's request that the jury be instructed that, in order to convict, they must find that the publication complained of was likely to produce a "clear and present danger" of a substantial evil. Pp. 253, 266.

408 Ill. 512, 97 N. E. 2d 343, affirmed.

Beauharnais v. Illinois, 343 U.S. 250 (1952)

Citing Chaplinsky: “But if an utterance directed at an individual may be the object of criminal sanctions, we cannot deny to a State power to punish the same utterance directed at a defined group, unless we can say that this is a willful and purposeless restriction unrelated to the peace and well-being of the State.”

New York Times v. Sullivan (1964)

The New York Times.

NEW YORK, TUESDAY, MARCH 20, 1964

"The growing movement of peaceful mass demonstrations by Negroes is something new in the South, something understandable. . . . Let Congress heed their rising voices, for they will be heard."

—New York Times editorial
Saturday, March 19, 1960

Heed Their Rising Voices

As the whole world knows by now, thousands of Southern Negro students are engaged in widespread non-violent demonstrations in positive affirmation of the right to live in human dignity as guaranteed by the U. S. Constitution and the Bill of Rights. In their efforts to uphold these guarantees, they are being met by an unprecedented wave of terror by those who would deny and negate that document which the whole world looks upon as setting the pattern for modern freedom. . . .

In Orangeburg, South Carolina, when 400 students peacefully sought to buy doughnuts and coffee at lunch counters in the business district, they were fiercely ejected, tear-gassed, soaked to the skin in freezing weather with fire hoses, arrested en masse and herded into an open barbed-wire stockade to stand for hours in the bitter cold.

In Montgomery, Alabama, after students sang "My Country, 'Tis of Thee" on the State Capitol steps, their leaders were expelled from school, and truckloads of police armed with shotguns and tear-gas ringed the Alabama State College Campus. When the entire student body protested to state authorities by refusing to re-register, their dining hall was padlocked in an attempt to starve them into submission.

In Tallahassee, Atlanta, Nashville, Savannah, Greensboro, Memphis, Richmond, Charlotte, and a host of other cities in the South, young American teenagers, in face of the entire weight of official state apparatus and police power, have boldly stepped forth as

protagonists of democracy. Their courage and amazing restraint have inspired millions and given a new dignity to the cause of freedom.

Small wonder that the Southern violators of the Constitution fear this new, non-violent brand of freedom fighter. . . . even as they fear the upswelling right-to-vote movement. Small wonder that they are determined to destroy the one man who, more than any other, symbolizes the new spirit now sweeping the South—the Rev. Dr. Martin Luther King, Jr., world-famous leader of the Montgomery Bus Protest. For it is his doctrine of non-violence which has inspired and guided the students in their widening wave of sit-ins; and it is this same Dr. King who founded and is president of the Southern Christian Leadership Conference—the organization which is spearheading the surging right-to-vote movement. Under Dr. King's direction the Leadership Conference conducts Student Workshops and Seminars in the philosophy and technique of non-violent resistance.

Again and again the Southern violators have answered Dr. King's peaceful protests with intimidation and violence. They have bombed his home almost killing his wife and child. They have assaulted his person. They have arrested him seven times—for "speeding," "loitering" and similar "offenses." And now they have charged him with "perjury"—a felony under which they could imprison him for ten years. Obviously, their real purpose is to remove him physically as the leader to whom the students and millions

of others look for guidance and support, and thereby to intimidate all leaders who may rise in the South. Their strategy is to belaud this affirmative movement, and thus to demoralize Negro Americans and weaken their will to struggle. The defense of Martin Luther King, spiritual leader of the student sit-in movement, clearly, therefore, is an integral part of the total struggle for freedom in the South.

Discouraged Americans cannot help but applaud the creative daring of the students and the quiet heroism of Dr. King. But this is one of those moments in the stormy history of Freedom when men and women of good will must do more than applaud the rising-glory of others. The American whose good name hangs in the balance before a watchful world, the America whose heritage of Liberty these Southern Upholders of the Constitution are defending, is our America as well as theirs. . . .

We must heed their rising voices—yes—but we must add our own. We must extend ourselves above and beyond moral support and render the material help so urgently needed by those who are taking the risks, facing jail, and even death in a glorious re-affirmation of our Constitution and its Bill of Rights.

We urge you to join hands with our fellow Americans in the South by supporting, with your dollars, this Combined Appeal for all three needs—the defense of Martin Luther King—the support of the embattled students—and the struggle for the right-to-vote.

Your Help Is Urgently Needed . . . NOW!!

Stella Adler
Raymond Pace Alexander
Dolly Amadio
Harry Van Arsdale
Helen Barkante
Julie Barkante
Dr. Augustus Back
Mary Biddan
William Brown
William Branch
Marianne Branch
Mrs. Ralph Bunker
Dukeham Conard
Dr. Alan Knight Chalmers

Joseph Cohen
Richard Cox
Nai King Cole
Clayton Crawford
Dorothy Dandridge
Olive Davis
Sammy Davis, Jr.
Baby Doe
Henry Evans
Sunny Eildred
Dr. Philip Elliott
Dr. Henry Freeman
Freddie

Arthur P. Fulton
Clarence Foltz
Stan Fifer
Sammy Fisher
Michael Finkler
A. Philip Franklin
John Galt
Blair Rice
Clarence Robinson
Jackie Robinson
Mrs. Eugene Ross
Raymond Rubin
Robert Ryan
Maurice Stapleton

Bertha Kist
Rabbi Edward Klein
Hazel Lange
John Lewis
Vivian Loufan
Donald Livingston
William McLendon
Carl Murphy
Dorothy Murray
Lorraine Hughes
Morris Lubowitz
Maudie Jackson
Paul Jennings
Marionette Johnson
John Kilian

Frank Shera
Lynn Simon
Hugh Stevens
David Sullivan
Julian Sun
George Talamo
Rev. Gardner C.
Nathan Thomas
Kenneth Thomas
Charles White
Shelley Wilton
Max Workman

Rev. Ralph D. Abernathy
(Montgomery, Ala.)
Rev. Paul L. Sklarerworth
(Birmingham, Ala.)
Rev. Kelley Miller Smith
(Ocala, Fla.)
Rev. W. A. Dennis
(Chattanooga, Tenn.)
Rev. C. K. Steele
(Falfakouss, Fla.)
Rev. Matthew D.
McCallister, Jr.
(Orangeburg, S. C.)
Rev. William Holmes
(Atlanta, Ga.)
Rev. Douglas Moore
(Dunwoody, N. C.)
Rev. Wyatt T. Walker
(Fatsburg, Va.)
Rev. Walter L. Hamilton
(Worship, N.J.)
L. S. Long
(Columbia, S. C.)
Rev. Martin Luther King, Sr.
(Atlanta, Ga.)
Rev. Henry C. Burton
(Memphis, Tenn.)
Rev. S. S. King, Sr.
(Montgomery, Ala.)
Rev. Samuel W. Williams
(Atlanta, Ga.)
Rev. A. L. Davis
(New Orleans, La.)
L. S. Long
(Columbia, S. C.)
Mrs. Katie E. Whitman
(New Orleans, La.)
Rev. W. H. Hall
(Hattiesburg, Miss.)
Rev. J. E. Leary
(Mobile, Ala.)
Rev. T. J. Jordan
(Baton Rouge, La.)

COMMITTEE TO DEFEND MARTIN LUTHER KING AND THE STRUGGLE FOR FREEDOM IN THE SOUTH
312 West 125th Street, New York 27, N. Y. UNiversity 6-1700

Chairmen: A. Philip Randolph, Dr. Gardner C. Taylor; Chairmen of Cultural Division: Harry Belafonte, Sidney Poitier; Treasurer: Nai King Cole; Executive Director: Bayard Rustin; Chairmen of Church Division: Father George B. Ford, Rev. Henry Emerson Fordick, Rev. Thomas Kilgore, Jr., Rabbi Edward E. Klein; Chairmen of Labor Division: Morris Lubowitz, Cleveland Robinson.

Please mail this coupon TODAY!

Committee To Defend Martin Luther King and The Struggle For Freedom In The South
312 West 125th Street, New York 27, N. Y.
(University 6-1700)

In enclosing my contribution of \$ _____ for the work of the Committee.

(PLEASE PRINT)
Name _____
Address _____
City _____ State _____

I want to help Please send further information

Please make checks payable to:
Committee To Defend Martin Luther King

New York Times v. Sullivan (1964)

Basic conditions to prove defamation:

- a. **insulting**: perceived as insulting among right thinking persons
- b. **publication**: communicated to a 3rd party
- c. **identification**: plaintiff must be identifiable as the person defamed

Added by Times v. Sullivan (1964)

d. **fault**: actual malice must be proven – the defamation was a deliberate and reckless falsehood. Applies to public officials and public figures.

Modified by Gertz v. Welch (1974)

Private individuals who sue media defendants must prove a minimum standard of fault: negligence

Incitement

444

OCTOBER TERM, 1968.

Per Curiam.

395 U. S.

BRANDENBURG *v.* OHIO.

APPEAL FROM THE SUPREME COURT OF OHIO.

No. 492. Argued February 27, 1969.—Decided June 9, 1969.

Appellant, a Ku Klux Klan leader, was convicted under the Ohio Criminal Syndicalism statute for “advocat[ing] . . . the duty, necessity, or propriety of crime, sabotage, violence, or unlawful methods of terrorism as a means of accomplishing industrial or political reform” and for “voluntarily assembl[ing] with any society, group or assemblage of persons formed to teach or advocate the doctrines of criminal syndicalism.” Neither the indictment nor the trial judge’s instructions refined the statute’s definition of the crime in terms of mere advocacy not distinguished from incitement to imminent lawless action. *Held*: Since the statute, by its words and as applied, purports to punish mere advocacy and to forbid, on pain of criminal punishment, assembly with others merely to advocate the described type of action, it falls within the condemnation of the First and Fourteenth Amendments. Freedoms of speech and press do not permit a State to forbid advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action. *Whitney v. California*, 274 U. S. 357, overruled.

Reversed.

Allen Brown argued the cause for appellant. With him on the briefs were *Norman Dorsen*, *Melvin L. Wulf*, *Eleanor Holmes Norton*, and *Bernard A. Berkman*.

Leonard Kirschner argued the cause for appellee. With him on the brief was *Melvin G. Rueger*.

Paul W. Brown, Attorney General of Ohio, *pro se*, and *Leo J. Conway*, Assistant Attorney General, filed a brief for the Attorney General as *amicus curiae*.

PER CURIAM.

The appellant, a leader of a Ku Klux Klan group, was convicted under the Ohio Criminal Syndicalism statute for “advocat[ing] . . . the duty, necessity, or propriety

Brandenburg v. Ohio (1969). Bad tendency is finally rejected, and replaced with actual incitement that will produce immediate lawless action

expression must have serious ***intent*** to incite illegal action

the lawless act must be ***imminent***

R. A. V. v. St. Paul, 505 U.S. 377 (1992)

OCTOBER TERM, 1991

377

Syllabus

R. A. V. v. CITY OF ST. PAUL, MINNESOTA

CERTIORARI TO THE SUPREME COURT OF MINNESOTA

No. 90-7675. Argued December 4, 1991—Decided June 22, 1992

After allegedly burning a cross on a black family's lawn, petitioner R. A. V. was charged under, *inter alia*, the St. Paul, Minnesota, Bias-Motivated Crime Ordinance, which prohibits the display of a symbol which one knows or has reason to know "arouses anger, alarm or resentment in others on the basis of race, color, creed, religion or gender." The trial court dismissed this charge on the ground that the ordinance was substantially overbroad and impermissibly content based, but the State Supreme Court reversed. It rejected the overbreadth claim because the phrase "arouses anger, alarm or resentment in others" had been construed in earlier state cases to limit the ordinance's reach to "fighting words" within the meaning of this Court's decision in *Chaplinsky v. New Hampshire*, 315 U. S. 568, 572, a category of expression unprotected by the First Amendment. The court also concluded that the ordinance was not impermissibly content based because it was narrowly tailored to serve a compelling governmental interest in protecting the community against bias-motivated threats to public safety and order.

Held: The ordinance is facially invalid under the First Amendment. Pp. 381-396.

(a) This Court is bound by the state court's construction of the ordinance as reaching only expressions constituting "fighting words." However, R. A. V.'s request that the scope of the *Chaplinsky* formulation be modified, thereby invalidating the ordinance as substantially overbroad, need not be reached, since the ordinance unconstitutionally prohibits speech on the basis of the subjects the speech addresses. P. 381.

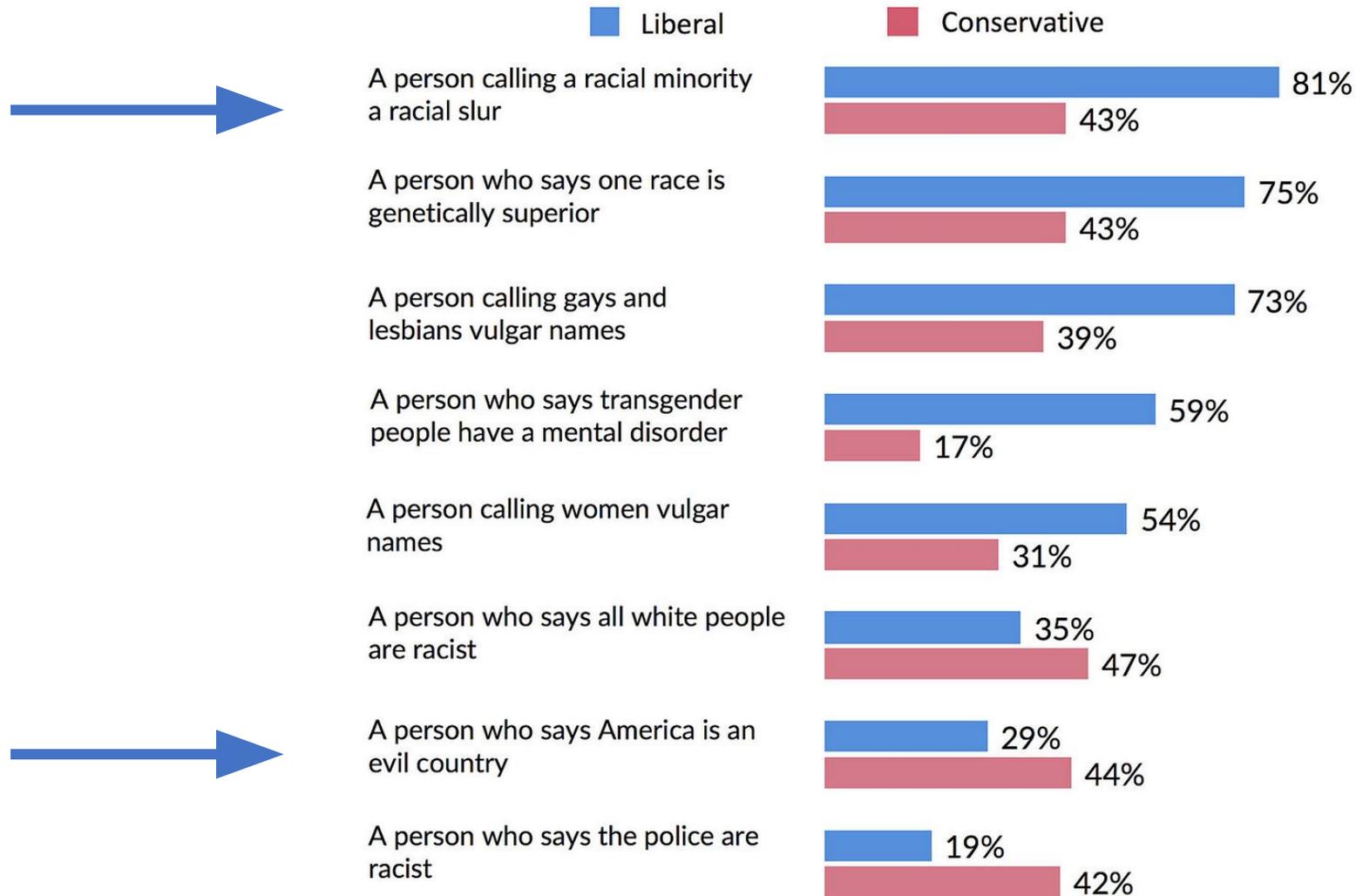
(b) A few limited categories of speech, such as obscenity, defamation, and fighting words, may be regulated *because of their constitutionally proscribable content*. However, these categories are not entirely invisible to the Constitution, and government may not regulate them based on hostility, or favoritism, towards a nonproscribable message they contain. Thus the regulation of "fighting words" may not be based on nonproscribable content. It may, however, be underinclusive, addressing some offensive instances and leaving other, equally offensive, ones alone, so long as the selective proscription is not based on content, or there is no realistic possibility that regulation of ideas is afoot. Pp. 382-390.



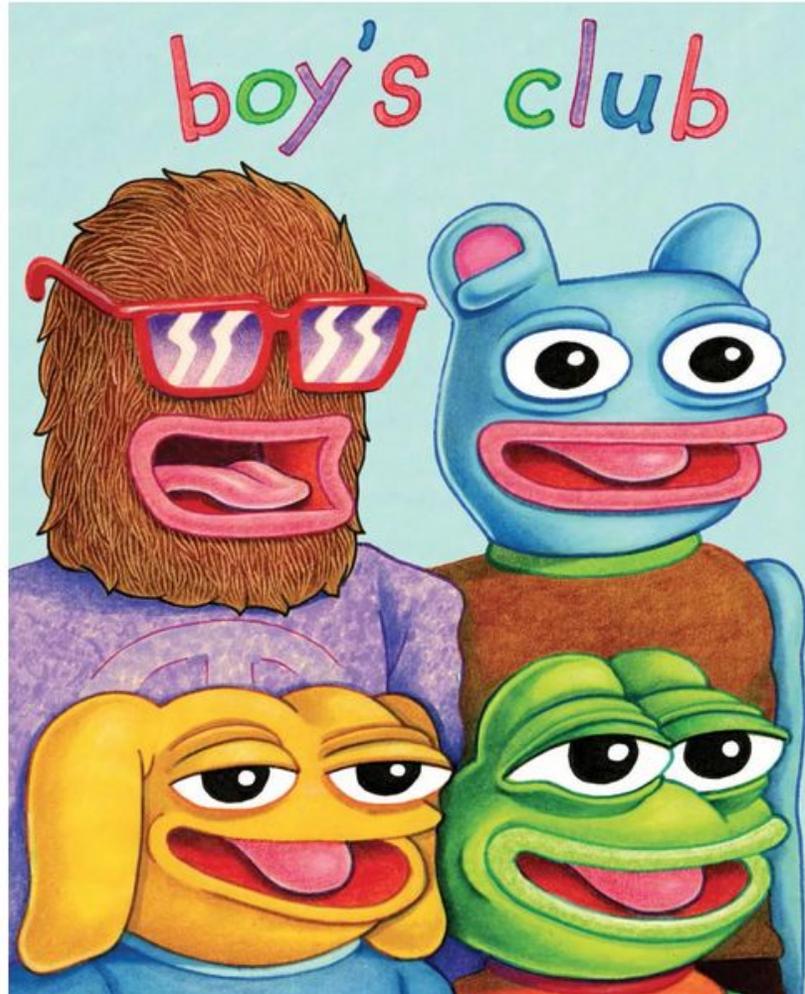
Liberals and Conservatives Define Hate Speech Differently

Would you label the following as hate speech, offensive but not hateful, or not hateful or offensive?

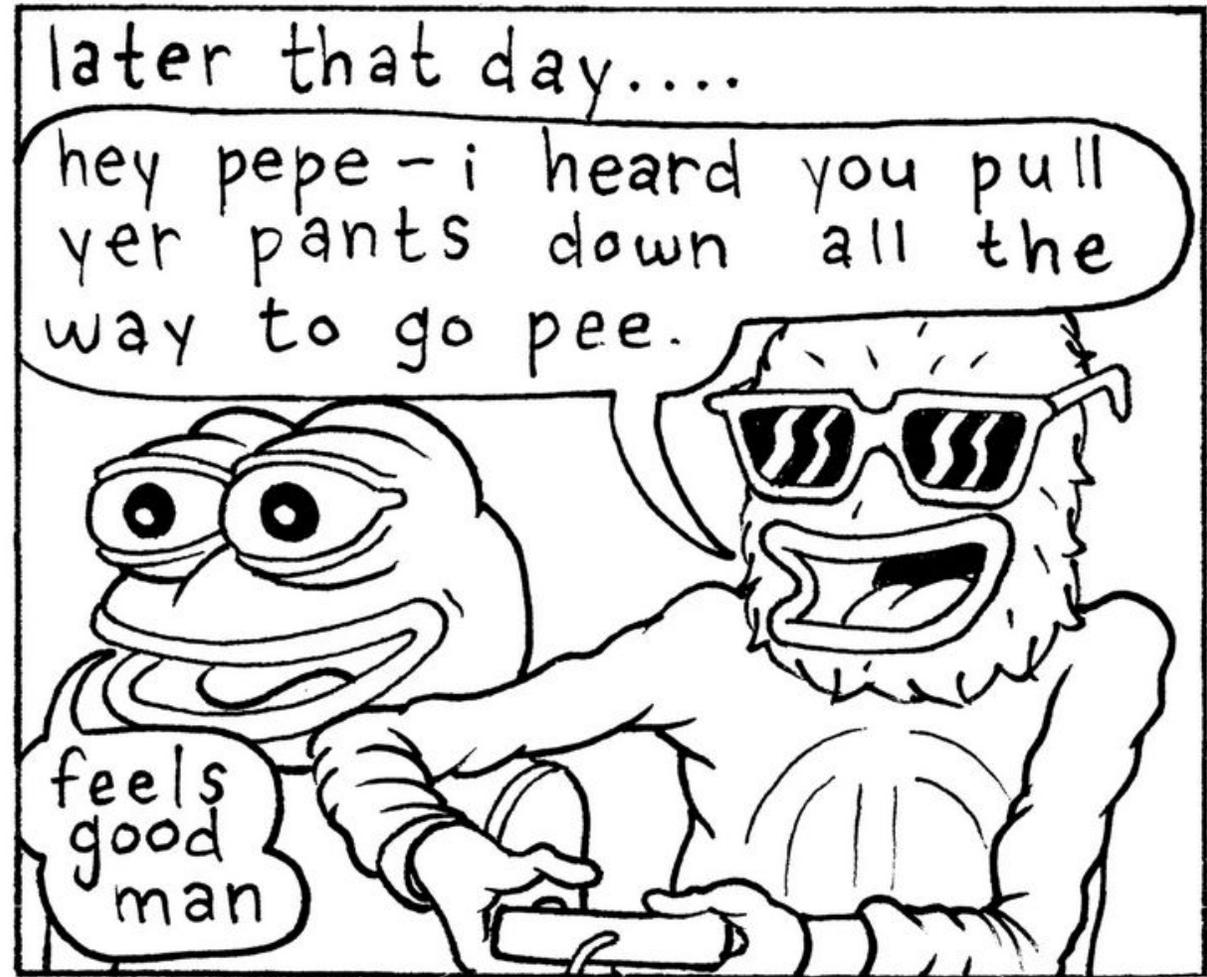
% Who Say Speech is Hateful



Pepe the Frog



Matt Furie, *Boy's Club*, 2005. Courtesy of Fantagraphics Books, Inc.



Matt Furie, *Boy's Club*, 2005. Courtesy of Fantagraphics Books, Inc.



Angry Pepe



Sad Pepe



Smug Pepe



Smug Pepe



On September 9th, 2016, Democratic presidential candidate **Hillary Clinton** said that half Donald Trump's supporters were in a "**basket of deplorables**" during a speech held at a private fundraiser. On September 10th, Donald Trump Jr. posted a photoshopped movie poster on Instagram^[23] of the 2010 action film *The Expendables*, which features various prominent conservatives and **Pepe the Frog** with the title "The Deplorables" (shown below).





Donald J. Trump 
@realDonaldTrump

 Follow

"@codyave: @drudgereport
@BreitbartNews @Writeintrump "You Can't
Stump the Trump" youtube.com
/watch?v=MKH6PA... "



RETWEETS
88

FAVORITES
110



1:53 AM - 13 Oct 2015



White Nationalist Richard Spencer: “Pepe’s become sort of a symbol . . .”



Pepe the Frog is killed off by cartoonist, upset his creation had morphed into 'icon of hate'



Associated Press

+ FOLLOW

Published: 10:15am, 9 May, 2017 -

Why you can trust SCMP



The funeral of Pepe the frog, as depicted by his creator, cartoonist Matt Furie. Graphic: Matt Furie / Tumblr

Anti-Defamation League Hate Symbol Database

Hate on Display™ Hate Symbols Database

This database provides an overview of many of the symbols most frequently used by a variety of white supremacist groups and movements, as well as some other types of hate groups.

<https://www.adl.org/hate-symbols>

“An absolutist first amendment response to hate speech has the effect of perpetuating racism: Tolerance of hate speech is not tolerance borne by the community at large. Rather it is a psychic tax imposed on those least able to pay.”

“The deadly violence that accompanies the persistent verbal degradation of those subordinated because of gender or sexuality explodes the notion that there are clear lines between words and deeds.”

Words That Wound

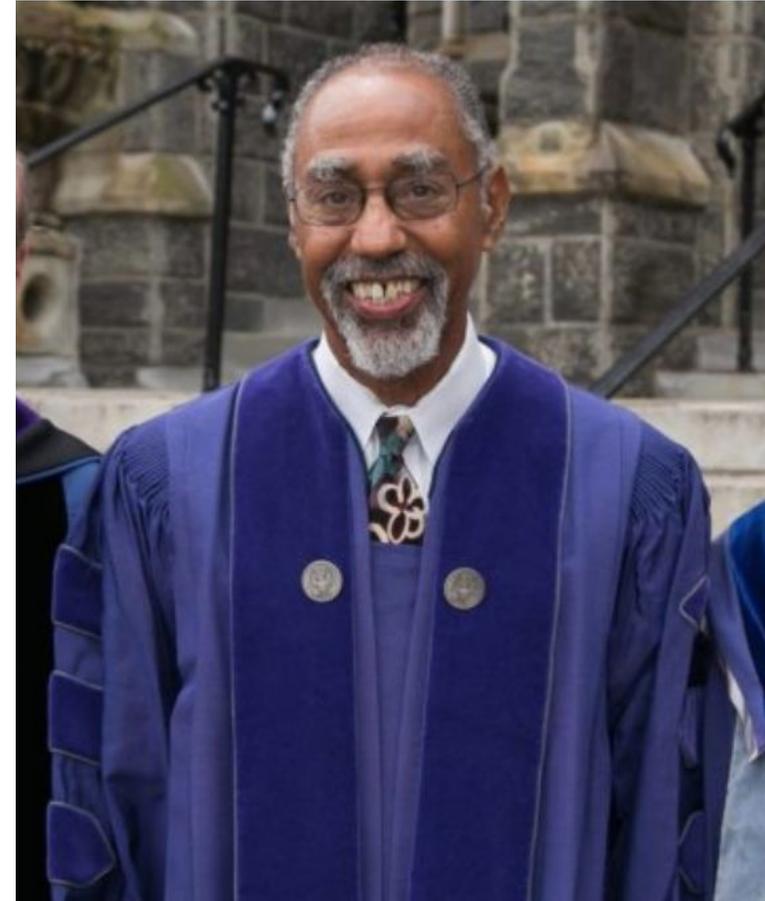


MARI J. MATSUDA

Charles Lawrence III

“Like the word ‘n[*****]’ and unlike the word ‘liar,’ it is not sufficient to deny the truth of the word’s application, to say ‘I am not a f[*****].’ One must deny the truth of the word’s meaning, a meaning shouted from the rooftops by the rest of the world a million times a day. The complex response “‘Yes, I am a member of the group you despise and the degraded meaning of the word you use is one that I reject’ is not effective in a subway encounter.”

Words That Wound



You Tube Hate Speech Policy

Hate speech is not allowed on YouTube. We remove **content promoting violence or hatred against individuals or groups** based on any of the following attributes:

- Age
- Caste
- Disability
- Ethnicity
- Gender Identity and Expression
- Nationality
- Race
- Immigration Status
- Religion
- Sex/Gender
- Sexual Orientation
- Victims of a major violent event and their kin
- Veteran Status

If you find content that violates this policy, report it. Instructions for reporting violations of our Community Guidelines [are available here](#). If you've found a few videos or comments that you would like to report, you can [report the channel](#).

Instagram policy

[Our rules against hate speech](#) don't tolerate **attacks on people based on their protected characteristics**, including race or religion. We strengthened these rules last year, banning more implicit forms of hate speech, like **content depicting Blackface and common antisemitic tropes**. We take action whenever we become aware of hate speech, and we're continuously improving our detection tools so we can find it faster.

[Between July and September](#) of last year, we took action on 6.5 million pieces of hate speech on Instagram, including in DMs, 95% of which we found before anyone reported it.

Instagram definition

We define hate speech as a **direct attack against people** — rather than concepts or institutions— **on the basis of what we call protected characteristics**: race, ethnicity, national origin, disability, religious affiliation, caste, sexual orientation, sex, gender identity and serious disease. We define attacks as **violent or dehumanizing speech, harmful stereotypes, statements of inferiority, expressions of contempt, disgust or dismissal, cursing and calls for exclusion or segregation**. We also prohibit the use of **harmful stereotypes**, which we define as dehumanizing comparisons that have historically been used to attack, intimidate, or exclude specific groups, and that are often linked with offline violence. We consider age a protected characteristic when referenced along with another protected characteristic. We also protect refugees, migrants, immigrants and asylum seekers from the most severe attacks, though we do allow commentary and criticism of immigration policies. Similarly, we provide some protections for characteristics like occupation, when they're referenced along with a protected characteristic. Sometimes, based on local nuance, we consider certain words or phrases as code words for PC groups.

Tik Tok “Community Guidelines”

Hateful behavior

TikTok is a diverse and inclusive community that has no tolerance for discrimination. We do not permit content that contains hate speech or involves hateful behavior and we remove it from our platform. We suspend or ban accounts that engage in hate speech violations or which are associated with hate speech off the TikTok platform.

Attacks on the basis of protected attributes We define **hate speech or behavior as content that attacks, threatens, incites violence against, or otherwise dehumanizes an individual or a group on the basis of the following protected attributes** :

- Race
- Ethnicity
- National origin
- Religion
- Caste
- Sexual orientation
- Sex
- Gender
- Gender identity
- Serious disease
- Disability
- Immigration status

Do not post, upload, stream, or share

Hateful content related to an individual or group, including:
claiming that they are physically, mentally, or morally inferior
calling for or justifying violence against them
claiming that they are criminals
referring to them as animals, inanimate objects, or other non-human entities
promoting or justifying exclusion, segregation, or discrimination against them
Content that depicts harm inflicted upon an individual or a group on the basis of a protected attribute

Slurs

Slurs are defined as derogatory terms that are intended to disparage an ethnicity, race, or any other protected attributes listed above. To minimize the spread of egregiously offensive terms, we remove all slurs from our platform, unless the terms are reappropriated, used self-referentially (e.g., in a song), or do not disparage.

Do not post, upload, stream, or share

Content that uses or includes slurs

Hateful ideology

Hateful ideologies are those that demonstrate clear hostility toward people because of their protected attributes. Hateful ideologies are incompatible with the inclusive and supportive community that our platform provides and we remove content that promotes them.

Do not post, upload, stream, or share

Content that praises, promotes, glorifies, or supports any hateful ideology
Content that contains names, symbols, logos, flags, slogans, uniforms, gestures, salutes, illustrations, portraits, songs, music, lyrics, or other objects related to a hateful ideology
Content that denies well-documented and violent events have taken place affecting groups with protected attributes
Claims of supremacy over a group of people with reference to other protected attributes
Conspiracy theories used to justify hateful ideologies



Members of the Patriot Guard Riders help shield the family of Lance Cpl. Matthew A. Snyder from protesters. (Sun photo by Jed Kirschbaum)



© 2016 Nancy Pierce/UUA



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A group of staff and volunteers from Orlando Shakespeare Theater as well as the Orlando arts community work together to build "Angel Wings" to block Westboro Baptist Church members protesting the funerals of the Orlando shooting victims. When finished, they will look like this.

Washington Football Team

Proud to be: <https://www.youtube.com/watch?v=mR-tbOxlhvE>



Resignification

Resignification is *a process in which people reject the connotation of a symbol, expose how the meaning of the symbol is constructed, and attempt to change its connotation.*



Protesters hit the streets for a "SlutWalk" in Toronto on April 3. Mark Blinch / Reuters



Courtesy of Indybay.org

STRIPPERS

have feelings too



AMBER ROSE

SLUTWALK

Bella Naija

Shall receive

Falk
#2015

Who resignifies?

When a group has used a term to injure another, then a repetition of that term by the dominant group can repeat that injury. However, this does not necessarily mean that some terms should be legally banned. Instead, it means people need to think carefully about what it means for them to use a term.

Are you the group to whom the term is applied?

Or are you part of the group that has repeated that term as a way to injure another?

Resignification

“The resignification of speech requires opening new contexts, speaking in ways that have never been legitimated, and hence producing legitimation in new and future forms.”

Judith Butler, *Excitable Speech: A Politics of the Performative* (New York: Routledge, 1997), 41.

Pussy Hats





MARK KRAUZLICH FOR CNN

United States
means

HELMETS MARCH

ONE BILL YOU CAN'T SKIP OUT ON

WELL BEHAVED WOMEN RARELY MAKE HT STORY

WE THE PEOPLE

FREE QUALITY PUBLIC SCHOOLS ARE THE FOUNDATION FOR A DEMOCRACY

DONT CHEAT

WE MAY NOT HAVE CHOSEN THE TIME BUT THE TIME HAS CHOSEN US
-JOHN LEWIS

NEVER NORMALIZE

ABORTION SAVES

NOT NORMAL

OUR RIGHTS EVER GIVEN

I'M WITH HER

WERE THE Majority Women United in Human Rights

ROGUE WON

SHOULD HRC

PLANNED Parenthood

WASTY OTTEN

THIS IS THE BURNING

NONBODY

WRONG

WRONG

HUMAN

FOR US

WOMEN RIGHTS ARE HUMAN RIGHTS

WOMEN

WOMEN RIGHTS ARE HUMAN RIGHTS

WOMEN STAND

KEEP YOUR

LET'S GO TO THE WHITE HOUSE

GO TO



Lorie Shaul

In response to the signs, TV host and lawyer Michael Smerconish asked Documentarian Michael Moore “Has the word been normalized?” Moore commented “Women have normalized it and owned it,” to which Smerconish said “But not us” to which Moore emphatically replied “No! No! I think that’s not a good idea. I think Women have had enough of us and our language that it’s time to show some respect but let them own the word. The word has, now, power that they’re going to use with it.”

Michael Moore, Interview with Smerconish, *CNN*, January 22, 2017, transcribed from

<http://www.cnn.com/videos/tv/2017/01/22/moore-trump-sounds-like-guy-who-lost.cnn>

The Slants



Anthony Pidgeon

The N-word

Bill Maher and Ben Sasse



Ice Cube



<https://www.youtube.com/watch?v=gnwiYdFaRfk&t=27s>

Start at 1:20, end at 3:16

Ta-Nehisi Coates



Ta-Nehisi Coates on words that don't belong to everyone | We Were Eight Years In Power Book Tour

<https://www.youtube.com/watch?v=QO15S3WC9pg>

Resources

Southern Poverty Law Center: Ten Ways to Fight Hate: A Community Response Guide
<https://www.splcenter.org/20170814/ten-ways-fight-hate-community-response-guide>

Department of Justice Preventing Hate Crimes:
<https://www.justice.gov/hatecrimes/preventing-hate-crimes-your-community>

City of Eugene Hate & Bias Prevention and Response Toolkit

This document is intended to provide helpful information and tools to build a welcoming community and respond to hate and bias in our community and neighborhoods. It is a working document and will evolve over time. This toolkit can be used to guide learning and action. Individuals and groups are encouraged to explore these and other resources. The City of Eugene Office of Human Rights and Neighborhood Involvement welcomes your feedback and will periodically update this document.

<https://www.eugene-or.gov/DocumentCenter/View/42822/Hate-and-Bias-Prevention-and-Response-Toolkit>

Liberals and Conservatives Define Hate Speech Differently

Would you label the following as hate speech, offensive but not hateful, or not hateful or offensive?

