

Endnotes for Professor Nadine Strossen’s book
HATE: Why We Should Resist It with Free Speech, Not Censorship
(Oxford University Press 2018)

Endnotes last updated 4/27/18 by Kasey Kimball (lightly edited, mostly for format, 4/28/18 by Nadine Strossen)

Note to readers from Nadine Strossen:

I gratefully acknowledge the excellent work of my New York Law School student Research Assistants, who prepared these endnotes. Most of the work was done by Kasey Kimball, who did a superb job as my Managing RA. Other valued contributions were made by Dennis Futoryan, Nana Khachaturyan, Stefano Perez, and Rick Shea. I have gladly delegated the endnoting responsibility to them, consistent with the practice of law reviews.

Any readers who might have questions or comments about any endnote or source, or who might seek additional information about any point in the book, is welcome to contact me via Email: nadine.strossen@nyls.edu. I will endeavor to respond as promptly as feasible, consistent with a heavy travel and speaking schedule.

KEY TERMS AND CONCEPTS

PAGE	PASSAGE	CITATION
xxiv	“essence of self-government.”	<i>Garrison v. Louisiana</i> , 379 U.S. 64, 74, 75 (1964).
xxiv	“entitled to special protection.”	<i>Snyder v. Phelps</i> , 562 U.S. 443, 444 (2011) (quoting <i>Connick v. Myers</i> , 461 U. S. 138, 145 (1983)).
xxiv	“the bedrock” of our freedom of speech.	<i>Texas v. Johnson</i> , 491 US 397, 414 (1989).
xxiv-xxv	“information or manipulate public debate.”	<i>Turner Broadcasting System, Inc. v. FCC</i> , 512 U.S. 622, 641 (1994).
xxv	“suppression of ideas is afoot.”	<i>R.A.V. v. St. Paul</i> , 505 U.S. 377, 390 (1992).
xxv	or only reduced protection.	<i>Chaplinsky v. New Hampshire</i> , 315 U.S. 568, 571, 572 (1942).

INTRODUCTION

2	“stay and fight.”	Ruth J. Simmons, <i>Text of the President’s Opening Convocation Address</i> , NEWS SERVICE (Sept. 4, 2001), http://www.brown.edu/Administration/News_Bureau/2001-02/01-014t.html .
4	“hateful”	Laura Beth Nielsen, <i>The case for Restricting Hate Speech</i> , L.A. TIMES (June 21, 2017), http://www.latimes.com/opinion/op-ed/la-oe-nielsen-free-speech-hate-20170621-story.html .
4	“abusive”	PUBLIC ORDER ACT OF 1986, CHAP. 64 (U.K.) http://www.legislation.gov.uk/ukpga/1986/64#commentary-c1365575 .

4	“unwelcome”	Bob Egelko, <i>Milo Yiannopoulos’ Speech Unwelcome in Berkeley, but Protected by Constitution</i> , S.F. CHRON. (Feb. 2, 2017) http://www.sfchronicle.com/bayarea/article/It-many-be-hate-speech-to-most-but-it-s-still-10904599.php .
4	“offensive”	LAURA BETH NELSON, <i>LICENSE TO HARASS: LAW, HIERARCHY, AND OFFENSIVE PUBLIC SPEECH</i> , (Princeton Univ. Press, 2006).
4	“dangerous”	Jeffrey Howard, <i>Is Dangerous Speech Free Speech</i> , FREE SPEECH DEBATE (Aug. 15, 2016), http://freespeechdebate.com/discuss/title-is-dangerous-speech-free-speech/ .
4	“violent”	Samantha Grant, <i>Is Hate Speech Violent by Nature?</i> , NEWSEUM INSTITUTE (July 18, 2017), http://www.newseuminstitute.org/2017/07/18/is-hate-speech-violent-by-nature/ .
5	“do not stifle public debate.”	<i>Snyder v. Phelps</i> , 562 U.S. 443, 460, 461 (2011).
5	viewpoint neutrality and emergency principles.	<i>Matter of Rockwell v. Morris</i> , 12 A.D.2d 272 (N.Y. App. Div. 1961).
5	“where persuasion is needed most.”	<i>Rockwell v. Morris</i> , 211 N.Y.S.2d 25, 35–36 (1961).
6	many of them likely share.	Glen Greenwald, <i>In Europe, Hate Speech Laws are Often Used to Suppress and Punish Left-Wing Viewpoints</i> , INTERCEPT (Aug. 29 2017), https://theintercept.com/2017/08/29/in-europe-hate-speech-laws-are-often-used-to-suppress-and-punish-left-wing-viewpoints/ .
6–7	“Every idea is an incitement.”	<i>Gitlow v. People</i> , 268 U.S. 652, 673 (1925).
7	which Justice Holmes joined.	<i>Whitney v. California</i> , 274 U.S. 357, 372 (1927).
7	“Men feared witches and burnt women.”	<i>Whitney v. California</i> , 274 U.S. 357, 367 (1927).
7	Court finally unanimously endorsed in 1969	<i>Brandenburg v. Ohio</i> , 395 U.S. 444, 449, (1969)
7	“more speech, not enforced silence.”	<i>Whitney v. California</i> , 274 U.S. 357, 377 (1927).
8	its entrenched structural discrimination.	David L. Faigman et. al., <i>Implicit Bias in the Courtroom</i> , 59 UCLA L. REV.1124, 1133 (2012).

CHAPTER 1 – OVERVIEW

11	accused of “hate speech”	Barbara Reynolds, <i>I Was a Civil Rights Activist in the 1960s. But It’s Hard for Me to Get behind Black Lives Matter.</i> , WASH. POST (Aug. 24, 2015), https://www.washingtonpost.com/posteverything/wp/2015/08/24/i-was-a-civil-rights-activist-in-the-1960s-but-its-hard-for-me-to-get-behind-black-lives-matter/?utm_term=.b10518b6326f .
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11	“European, non-Semitic heritage,”	<i>Frequently Asked Questions</i> , IDENTITY EVROPA, https://www.identityevropa.com/faq (last visited Mar. 15, 2018).
12	“our only reliable friend.”	“ <i>Knowledge Starts as Offendedness</i> ”: Jonathan Rauch on Free Speech Video Transcript, FOUND. FOR INDIVIDUAL RTS. IN EDUC. (Jan. 13, 2015), https://www.thefire.org/knowledge-starts-offendedness-jonathan-rauch-free-speech-video-transcript/ .
12	“warrior for freedom of expression.”	Jonathan Zimmerman, <i>College Students Rejecting Freedom of Speech</i> , INQUIRER VIEWPOINTS (Apr. 19, 2017), http://www.philly.com/philly/opinion/commentary/20170419_College_students_rejecting_freedom_of_speech.html .
14	“has been tried and tried and tried.”	Gottlieb, <i>Banning Bigoted Speech: Stanford Weighs Rules</i> , SAN JOSE MERCURY-NEWS, Jan. 7, 1990, at p. 3, col. 1.
15	“persecutorial, hateful, and degrading.”	Mari J. Matsuda, <i>Public Response to Racist Speech: Considering the Victim's Story</i> , 87 MICH. L. REV. 2320, 2357.
15	“lash out at another.”	Mari J. Matsuda, <i>Public Response to Racist Speech: Considering the Victim's Story</i> , 87 MICH. L. REV. 2320, 2363.
16	“would lead to slave rebellions.”	MICHAEL K. CURTIS, FREE SPEECH, “THE PEOPLE’S DARLING PRIVILEGE”: STRUGGLES FOR FREEDOM OF EXPRESSION IN AMERICAN HISTORY, 176 (DUKE UNIV. PRESS, 2000).
16	hated and feared those messages.	Martin Luther King, Jr., <i>Letter from a Birmingham Jail</i> [King, Jr.], AFRICAN STUDIES CENTER – UNIV. OF PENN. (Apr. 16, 1963), https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html .
16	“Cicero, Illinois, in 1968.”	Samuel Walker, <i>Skokie Crisis and Recovery, 1922-1979</i> , in IN DEFENSE OF AMERICAN CIVIL LIBERTIES: A HISTORY OF THE ACLU, 325 (SIU Press, 1999).
18	“exclusion of suspected communists.”	<i>Bok Issues Free Speech Statement</i> , HARV. UNIV. GAZETTE, Mar. 15, 1991, at 1, 4.
18	“not protected by the First Amendment.”	Howard Dean (@GovHowardDean), TWITTER (Apr. 20, 2017, 5:13 PM), https://twitter.com/GovHowardDean/status/855212805506703361?ref_src=twsrc%5Etfw&ref_url=http%3A%2F%2Fwww.politifact.com%2Ftruth-o-meter%2Fstatements%2F2017%2Fapr%2F21%2Fhoward-dean%2Fhoward-deans-wrong-tweet-constitution-doesnt-protect%2F .
18	Dean’s erroneous pronouncement verbatim.	Kristine Phillips, ‘ <i>Hate Speech is Not Protected by the First Amendment</i> ,’ <i>Portland Mayor Says. He’s Wrong.</i> , WASH. POST (May 30, 2017), https://www.washingtonpost.com/news/the-fix/wp/2017/05/30/hate-speech-is-not-protected-by-the-first-amendment-oregon-mayor-says-hes-wrong/?utm_term=.51ab309e19bf .
19	administrators to pursue disciplinary proceedings.	Alex Griswold, <i>University of Missouri Police Ask Students to Report ‘Hurtful Speech’</i> , MEDIAITE (Nov. 10, 2015), https://www.mediaite.com/online/university-of-missouri-police-ask-students-to-report-hurtful-speech/ .
19	makes someone “uncomfortable,”	Abigail Hauslohner & Susan Svrluga,

		<i>Free Speech or Hate Speech? Campus Debates over Victimhood Put Universities in a Bind</i> , WASH. POST (Oct. 20, 2017), https://www.washingtonpost.com/national/free-speech-or-hate-speech-campus-debates-over-victimhood-put-university-officials-in-a-bind/2017/10/20/7f610dfe-aa07-11e7-92d1-58c702d2d975_story.html?utm_term=.f8df4cfd43f8 .
19–20	“other human rights violations.”	Jayshree Bajoria & Linda Lakhdhir, <i>Stifling Dissent: The Criminalization of Peaceful Expression in India</i> , HUMAN RIGHTS WATCH (May 24, 2016), https://www.hrw.org/report/2016/05/24/stifling-dissent/criminalization-peaceful-expression-india .
20	“political parties, and nonprofit associations.”	David Cole, <i>Why We Must Still Defend Free Speech</i> , N.Y. REV. OF BOOKS (Sept. 28, 2017), http://www.nybooks.com/articles/2017/09/28/why-we-must-still-defend-free-speech/ .
20	other government policies; flag burning	<i>Texas v. Johnson</i> , 491 U.S. 397 (1989).
20	promote terrorism or “extremism”;	Heather Stewart, <i>May Calls on Internet Firms to Remove Extremist Content Within Two Hours</i> , GUARDIAN (Sept. 19, 2017), https://www.theguardian.com/uk-news/2017/sep/19/theresa-may-will-tell-internet-firms-to-tackle-extremist-content .
20	“fake” news	Jessica Guynn, <i>Facebook Begins Flagging 'Disputed' (Fake) News</i> , USA TODAY (Mar. 6, 2017), https://www.usatoday.com/story/tech/news/2017/03/06/facebook-begins-flagging-disputed-fake-news/98804948/ .
20	feel anxious or “uncomfortable”;	Abigail Hauslohner & Susan Svrluga, <i>Free Speech or Hate Speech? Campus Debates over Victimhood Put Universities in a Bind</i> , WASH. POST (Oct. 20, 2017), https://www.washingtonpost.com/national/free-speech-or-hate-speech-campus-debates-over-victimhood-put-university-officials-in-a-bind/2017/10/20/7f610dfe-aa07-11e7-92d1-58c702d2d975_story.html?utm_term=.f8df4cfd43f8 .
20–21	“offensive” to “traditional family values”	Paul Coleman, <i>The Hate Trap: Are We Free to Hate?</i> , ADF INTERNATIONAL (Nov. 18, 2016), https://adfinternational.org/detailspages/blog-details/commentary/2016/11/18/the-hate-trap-are-we-free-to-hate .
21	to undermining social mores.	Christine Dehlendorf et al., <i>Disparities in Family Planning</i> , 202 AM. J. OF OBSTETRICS & GYNECOLOGY 214, 214 (Mar. 2010).
21	“and the mother of truth.”	Scott Simon, <i>Remembering Liu Xiaobo, Who Fought for Human Rights in China</i> , NPR (July 15, 2017), https://www.npr.org/2017/07/15/537311241/remembering-liu-xiaobo-who-fought-for-human-rights-in-china .
23	“insufficient to justify criminal sanctions.”	Amal Clooney & Philippa Webb, <i>The Right to Insult in International Law</i> , 48.2 COLUM. HUM. RTS. L. REV. 1, 52 (2017).
23	“I wish Germany did.”	Anna Sauerbrey, <i>How Germany Deals With Neo-Nazis</i> , N.Y. TIMES (Aug. 23, 2017), https://www.nytimes.com/2017/08/23/opinion/germany-neo-nazis-charlottesville.html .
24	“our societies will be helped.”	ECPMF Staff, <i>Why the So Called "Facebook Law" Is the Wrong Tool against Hate Speech</i> , EUROPEAN CENTRE FOR PRESS &

		MEDIA FREEDOM (Feb. 6, 2017), https://ecpmf.eu/news/ecpmf/why-the-so-called-facebook-law-is-the-wrong-tool-against-hate-speech .
24	and its potential harmful effects.	European Commission Against Racism and Intolerance, <i>ECRI General Policy Recommendation No. 15, ON COMBATING HATE SPEECH</i> 13 (adopted on Dec. 8, 2015), https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N15/REC-15-2016-015-ENG.pdf .
24	“preferable to suppression of speech.”	Iginio Gagliardone, <i>Countering Online Hate Speech</i> , UNESCO SERIES ON INTERNET FREEDOM 5 (2015), http://unesdoc.unesco.org/images/0023/002332/233231e.pdf .
24	“freedom and responsibility of democracy.”	Hereward Holland, <i>Facebook in Myanmar: Amplifying Hate Speech?</i> , AL JAZEERA (June 14, 2014), http://www.aljazeera.com/indepth/features/2014/06/facebook-myanmar-rohingya-amplifying-hate-speech-2014612112834290144.html .
25	“effective antidotes to racist hate speech.”	Amal Clooney & Philippa Webb, <i>The Right to Insult in International Law</i> , 48.2 COLUM. HUM. RTS. L. REV. 1, 42 (2017).
25	“few will say this publicly.”	TIMOTHY GARTON ASH, <i>FREE SPEECH: TEN PRINCIPLES FOR A CONNECTED WORLD</i> 227 (YALE UNIV. PRESS, May 24, 2016).
25	elsewhere in a 2017 article.	Amal Clooney & Philippa Webb, <i>The Right to Insult in International Law</i> , 48.2 COLUM. HUM. RTS. L. REV. 1, 1 (2017).
26	“national . . . hatred . . . is punishable by law.”	1936 CONSTITUTION OF THE USSR, CHAP. X, ART. 123 (adopted Dec. 1936), https://www.departments.bucknell.edu/russian/const/36cons04.html .
26	“incitement to hatred and consequently prohibited.”	<i>Commission on Human Rights: Sixth Session</i> , U.N. ECON. & SOC. COUNCIL (Apr. 28, 1950) http://www2.ohchr.org/english/issues/opinion/articles1920_iccpr/docs/E.CN.4.SR.174.pdf .
26	“opinions of opposition groups and parties.”	<i>Draft International Covenants on Human Rights</i> , U.N. ECON. & SOC. COUNCIL 13 at para. 45 (Sept. 27, 1961) (Report of the Third Committee) http://hr-travaux.law.virginia.edu/document/iccpr/a5000/nid-110 .
26	regularly criticize American “exceptionalism”	Harold Hongju Koh, <i>On American Exceptionalism</i> , 55 STAN. L. REV. 1479, 1480 (2003).
26–27	“and view it as desirable?”	Glenn Greenwald, <i>In Europe, Hate Speech Laws are Often Used to Suppress and Punish Left-Wing Viewpoints</i> , INTERCEPT (Aug. 29, 2017), https://theintercept.com/2017/08/29/in-europe-hate-speech-laws-are-often-used-to-suppress-and-punish-left-wing-viewpoints/ .
27	insulting to LGBT persons and Muslims.	Hank Berrien, <i>These British Pastors Were Just Arrested For ‘Challenging Muslims’</i> , DAILY WIRE (Mar. 3, 2017), https://www.dailywire.com/news/14075/these-british-pastors-were-just-arrested-hank-berrien .
25	“[criminal] offense in 2016.”	Hal Mayor, <i>London Street Preachers Convicted of Quoting the King James Bible</i> , KEEP THE FAITH (Mar. 7, 2017),

		https://ktfnews.com/london-street-preachers-convicted-quoting-james-bible/ .
27	“to get rid of democracy.”	Jacob Mchangama, <i>Something’s Rotten: How Denmark Is Criminalizing Blasphemy Through Hate Speech Law</i> , GLOBAL FREEDOM OF EXPRESSION (Feb. 29, 2016), https://globalfreedomofexpression.columbia.edu/updates/2016/02/somethings-rotten-denmark-criminalizing-blasphemy-hate-speech-law/ .
27–28	“legitimizing crimes in Gaza.”	JTA, <i>France Court Upholds ‘BDS Is Discrimination’ Ruling</i> , FORWARD (Oct. 23, 2015), https://forward.com/news/breaking-news/323207/france-court-upholds-bds-is-discrimination-ruling/ .
28	“If you think there is no God you better be right!!”	Steph Cockroft, <i>Police Launch Probe into Church Sign That Suggested Non-Christians Will Burn in Hell After ONE Person Complained</i> , DAILY MAIL (May 23, 2014), http://www.dailymail.co.uk/news/article-2637193/If-think-no-God-better-right-Police-probe-churchs-sign-suggested-non-Christians-burn-hell.html .
28	the word “homophobe” over her face.	Nico Lang, <i>French Hate Crime Ruling Sets a Dangerous Precedent for LGBT People: It’s Now Illegal to Call Someone a “Homophobe” in France</i> , SALON (Nov. 7, 2016), https://www.salon.com/2016/11/07/french-hate-crime-ruling-sets-a-dangerous-precedent-for-lgbt-people-it-is-now-illegal-to-call-someone-a-homophobe-in-france/ .
28	debate on marriage and the family.	Lucy Draper, <i>Swiss Gay Group Files Criminal Complaint Against Catholic Bishop For Old Testament Speech</i> , NEWSWEEK (Aug. 10, 2015), http://www.newsweek.com/homophobic-swiss-bishoproman-catholic-bishoproman-catholiccatholic-bishop-city-601478 ; Paul Coleman, <i>Europe’s Free Speech Problem: A Cautionary Tale</i> , PUBLIC DISCOURSE (July 5, 2016) http://www.thepublicdiscourse.com/2016/07/17113/ .
28	chosen to falsely identify as Aboriginal.”	<i>Eatock v. Bolt</i> , 197 FCR 261 (Federal Court, Australia, 2011).
28	with high Muslim populations.	Óscar Guriérrez, <i>The Price of Hate in Denmark</i> , EL PAÍS (Jan. 31, 2017), https://elpais.com/elpais/2017/01/31/inenglish/1485868003_162080.html .
29–29	tore up a copy of the Bible.	Michael De Dora, <i>The Bible Was Written by Drunkards and Junkies</i> , CTR. FOR INQUIRY (May 5, 2010), http://www.centerforinquiry.net/blogs/entry/the_bible_was_written_by_drunkards_and_junkies/ .
29	when they consummated the marriage.	Denis MacEoin, <i>The Two “Islamophobias”</i> , GATESTONE INST. INT’L POL. COUNCIL (Jan. 26, 2017), https://www.gatestoneinstitute.org/9588/two-islamophobias .
29	“it is a dangerous cult.”	Anil Dawar, <i>Teenager Faces Prosecution for Calling Scientology “Cult”</i> , GUARDIAN (May 20, 2008), https://www.theguardian.com/uk/2008/may/20/1 .
29	published were allegedly Islamophobic.	<i>Commission Statement Concerning Issues Raised by Complaints against Maclean’s Magazine</i> , ONTARIO HUM. RTS. COMM’N (Apr. 9, 2008), http://www.ohrc.on.ca/en/news_centre/commission-

		statement-concerning-issues-raised-complaints-against-macleans-magazine.
29	“destroying our country by imposing their ways.”	Peter Allen, <i>Brigitte Bardot Fined for Inciting Racial Hatred</i> , TELEGRAPH (June 3, 2018), http://www.telegraph.co.uk/news/celebritynews/2070561/Brigitte-Bardot-fined-for-inciting-racial-hatred.html .
29	“a nation of refugees.”	Gerard Alexander, <i>Illiberal Europe: The Long and Growing List of Things You Can't Legally Say</i> , WEEKLY STANDARD 34 (Apr. 10, 2006), http://people.virginia.edu/~ga8h/IlliberalEurope.pdf .
29	the Qu’ran and other Muslim texts.	JAMES T. RICHARDSON, <i>REGULATING RELIGION: CASE STUDIES FROM AROUND THE GLOBE</i> 218 (Kluwer Academic/Plenum Publishers, 2012).
29	who posed as “gypsies” or “travelers.”	Gerard Alexander, <i>Illiberal Europe: The Long and Growing List of Things You Can't Legally Say</i> , WEEKLY STANDARD (Apr. 10, 2006), http://people.virginia.edu/~ga8h/IlliberalEurope.pdf .
30	“determined by reason and deliberation . . .”	Jeffery Rosen— <i>The Deciders: The Future of Free Speech in a Digital World</i> , HARV. KENNEDY SCH. (2016 Richard S. Salant Lecture on Freedom of the Press, Oct. 21, 2016), https://shorensteincenter.org/jeffrey-rosen-future-of-free-speech-in-a-digital-world/ .
30	“‘Is this the day the Internet dies?’”	Matthew Prince, <i>Why We Terminated Daily Stormer</i> , COULDFLARE (Aug. 16, 2017), https://blog.cloudflare.com/why-we-terminated-daily-stormer/ .
31	people who persistently make such comments.	Laura Parker, <i>A Gamer Channel’s Mission: Send the Trolls Packing</i> , N.Y. TIMES (July 19, 2017), https://www.nytimes.com/2017/07/19/technology/personaltech/a-gamer-channels-mission-send-the-trolls-packing.html .
31	“the principal” means for doing so.	<i>Packingham v. North Carolina</i> , 137 S.Ct. 1730, 1732 (2017).
31–32	“keeping us safe” and “inclusion of all.”	Tracy Jan & Elizabeth Dwoskin, <i>Facebook Struggles in Fight Hate Speech</i> , DENVER POST (July 31, 2017), https://www.denverpost.com/2017/07/31/facebook-hate-speech/ .
32	“. . . the world’s largest censor.”	Nick Hopkins, <i>Revealed: Facebook's Internal Rulebook on Sex, Terrorism and Violence</i> , GUARDIAN (May 21, 2017), https://www.theguardian.com/news/2017/may/21/revealed-facebook-internal-rulebook-sex-terrorism-violence .
32	“hate-speech posts a month.”	Tracy Jan & Elizabeth Dwoskin, <i>A White Man Called Her Kids the N-Word. Facebook Stopped Her From Sharing It.</i> , WASH. POST (July 31, 2017), https://www.washingtonpost.com/business/economy/for-facebook-erasing-hate-speech-proves-a-daunting-challenge/2017/07/31/922d9bc6-6e3b-11e7-9c15-177740635e83_story.html?utm_term=.c1b818409131 .
32	others distribute (with some exceptions).	47 U.S.C. §§ 230(e)(1) (criminal) and (e)(2) (intellectual property); <i>see also Gucci America, Inc. v. Hall & Associates</i> , 135 F. Supp. 2d 409 (S.D.N.Y. 2001) (finding no immunity for contributory liability for trademark infringement).
33	“to . . . restrict [online] content.”	<i>Joint Declaration on Freedom of Expression and "Fake News", Disinformation and Propaganda</i> , ORG. OF AM. STATES (2017),

		http://www.oas.org/en/iachr/expression/showarticle.asp?artID=1056&IID=1 .
34	“not merely what they do.”	Heiner Bielefeldt et. al., <i>United Nations, Human Rights, Freedom of Religion or Belief</i> , TANDEM PROJECT (July 6–7, 2011), http://www.tandemproject.com/issue_statements/statements/2011/080311_issue.htm .
34	“demeaning signal towards women,”	Janell Ross, <i>Obama Says Liberal College Students Should Not Be ‘Coddled.’ Are We Really Surprised?</i> , WASH. POST (Sept. 15, 2015), https://www.washingtonpost.com/news/the-fix/wp/2015/09/15/obama-says-liberal-college-students-should-not-be-coddled-are-we-really-surprised/?utm_term=.25feff1f3daf
34–35	“even views that were appalling to them.”	Adam Gopnik, <i>Liberal-in-Chief</i> , NEW YORKER, (May 23, 2016), https://www.newyorker.com/magazine/2016/05/23/president-obama-speaks-his-mind .
35	“sensitive to hear what you have to say.”	Janell Ross, <i>Obama Says Liberal College Students Should Not Be ‘Coddled.’ Are We Really Surprised?</i> , WASH. POST (Sept. 15, 2015), https://www.washingtonpost.com/news/the-fix/wp/2015/09/15/obama-says-liberal-college-students-should-not-be-coddled-are-we-really-surprised/?utm_term=.25feff1f3daf .
35	“[their opponents] in a . . . courageous way.”	<i>Full Interview Transcript: President Barack Obama</i> , ABC NEWS (Nov. 15, 2015), http://abcnews.go.com/Politics/full-interview-transcript-president-barack-obama/story?id=35203825 .

CHAPTER 2 – “HATE SPEECH” LAWS VIOLATE FUNDAMENTAL FREE SPEECH AND EQUALITY PRINCIPLES

38	“market place of ideas.”	<i>Texas v. Johnson</i> , 491 U.S. 397, 414–18 (1989).
38	“can justify repression.”	<i>Whitney v. California</i> , 274 U.S. 357, 377 (1927).
38	“school desegregation case.”	<i>Brown v. Board of Education of Topeka</i> , 347 U.S. 483 (1954).
39	“opportunity to be heard.”	<i>Police Department of the City of Chicago v. Mosely</i> , 408 U.S. 92, 95–96 (1972).
40	“criticized the draft.”	<i>Debs v. United States</i> , 249 U.S. 211, 216 (1919).
41	“to save the country.”	<i>Abrams v. United States</i> , 250 U.S. 616, 630 (1919).
41	“a bird without wings.”	John Lewis, <i>John Lewis Extended Interview</i> , RELIGION & ETHICS NEWSWEEKLY, January 16, 2004.
42	the American Jewish Committee.	Samuel Walker, <i>Hate Speech: The History of American Controversy</i> , U. OF NEB. PRESS, 103 (Feb, 1994).
42	First Amendment’s central purposes	<i>Chaplinsky v. New Hampshire</i> , 515 U.S. 568, 572 (1942).
43	might “despise” its message.	<i>Dennis v. United States</i> , 341 U.S. 494, 585, (1951).
43	categories of unprotected speech.	<i>United States v. Stevens</i> , 559 U.S. 460, 472 (2010).
43	“contemptuous”	<i>Street v. New York</i> , 394 U.S. 576, 593 (1969).
43	“controversial”	<i>Consolidated Edison Co. of N.Y. v. Public Service Commission of N.Y.</i> , 447 U.S. 530, 544 (1980).
43	“disagreeable”	<i>Texas v. Johnson</i> , 491, 491 U.S. 397 (1989)

43	“distasteful”	<i>Cohen v. California</i> , 403 U.S. 15, 25 (1971)
43	“hurtful”	<i>Snyder v. Phelps</i> , 562 U.S. 443 (2011)
43	“inappropriate”	<i>Bethel School Dist. No. 403 v. Fraser</i> , 478 U.S. 675, 676 (1986)
43	“indecent”	<i>Cohen v. California</i> , 403 U.S. 15, 25 (1971)
43	“insulting”	<i>Beauharnais v. People of the State of Illinois</i> , 343 U.S. 250, 251 (1952)
43	“misguided”	<i>Hurley v. Irish-American Gay</i> , 515 U.S. 557, 574, (1995).
43	“offensive”	<i>Snyder v. Phelps</i> , 562 U.S. 443 (2011).
43	“opprobrious”	<i>Lewis v. City of New Orleans</i> , 415 U.S. 130, 130 (1974).
43	“outrageous”	<i>Snyder v. Phelps</i> , 562 U.S. 443 (2011).
43	“patently offensive”	<i>R.A.V. v. St. Paul</i> , 505 U.S. 377, 388 (1992)
43	“provocative”	<i>Terminiello v. Chicago</i> , 337 U.S. 1, 4 (1949)
43	“scurrilous”	<i>Kunz v. New York</i> , 340 U.S. 290, 296 (1951)
43	“shocking”	<i>Brown v. Entm't Merchs. Ass'n</i> , 564 U.S. 786, 793 (2011).
43	“unsettling”	<i>Terminiello v. Chicago</i> , 337 U.S. 1, 4, (1949).
43	“upsetting”	<i>Snyder v. Phelps</i> , 562 U.S. 443, 458 (2011).
43	“vulgar”	<i>Bethel School Dist. No. 403 v. Fraser</i> , 478 U.S. 675, 676 (1986)
43	violates the First Amendment.	<i>Consolidated Edison Co. of N.Y. v. Public Service Commission of N.Y.</i> , 447 U.S. 530, 546 (1980).
45	“accordingly may not be suppressed.”	<i>Matal v. Tam</i> , 582 U.S. ____ (2017).
45	bad tendency test.	<i>Beauharnais v. Illinois</i> , 343 U.S. 250 (1952).
45	heavy burden of proof	<i>New York Times Co. v. Sullivan</i> , 376 U.S. 254, 286 (1952).
45	“as a false idea.”	<i>Gertz v. Robert Welch, Inc.</i> , 418 U.S. 323, 339 (1974).
46	“the false for us.”	<i>Thomas v. Collins</i> , 323 U.S. 516, 545 (1945).
46	warning to every minority.	<i>Beauharnais v. Illinois</i> , 343 U.S. 250, 286–87 (1952).
46	“‘high purposes’ of the First Amendment.”	<i>Collin v. Smith</i> , 578 F.2d 1197, 1205 (1978).
47	explained in <i>Mosely</i> .	<i>Police Department of the City of Chicago v. Mosely</i> , 408 U.S. 92, 95 (1972).
48	protected “hate speech.”	<i>Hustler Magazine, Inc. v. Falwell</i> , 485 U.S. 46, 50 (1988).
49	“values are truly implicated.”	<i>Cohen v. California</i> , 403 U.S. 15, 24–25 (1971).
50	“according it constitutional protection.”	<i>Federal Communications Commission v. Pacifica Foundation</i> , 438 U.S. 726, 745 (1978).

CHAPTER 3 – WHEN “HATE SPEECH” IS PROTECTED AND WHEN IT IS PUNISHABLE

54	Nazis that means “Jews out.”	Amos N. Guiora, <i>In This Time of Internet Hate, It’s Time to Revisit Limits on Free Speech</i> , SALT LAKE TRIBUNE (Dec. 4, 2016), http://archive.sltrib.com/article.php?id=4654643&itype=CMSID .
55	African-American cadets at West Point.	Jaweed Kaleem, <i>Where Beyonce, Black Lives Matter and global history collide: The 'Black Power' salute at West Point</i> , L.A. Times (May 9, 2016), http://www.latimes.com/nation/la-na-black-power-salute-20160509-snap-story.html .

57	whose “tranquility . . . and privacy”	<i>Carey v. Brown</i> , 447 U.S. 455, 471 (1980).
57	“ample alternative communications channels”	<i>Frisby v. Schultz</i> , 487 U.S. 474, 481 (1988).
57	“serve a significant government interest”	<i>Ward v. Rock Against Racism</i> , 491 U.S. 781, 791 (1989).
57	any particular point of view.	<i>Ward v. Rock Against Racism</i> , 491 U.S. 781, 784 (1989).
58	“materially” “disrupts the educational process.”	<i>Tinker v. Des Moines Ind. Community Sch. Dist.</i> , 393 US 503, 512–13 (1969).
58	endorsing “White Power” or “Black Lives Matter.”	<i>Hardwick v. Heyward</i> , 711 F.3d 426, 430 (4th Cir. 2013); <i>DeFoe v. Spiva</i> , 650 F. Supp. 2d 811, 820 (E.D. Tenn. 2009).
59	the right to freedom of expression.”	<i>Tinker v. Des Moines Indep. Cmty. Sch. Dist.</i> , 393 U.S. 503, 508 (1969).
59	without violating the First Amendment.	<i>Pleasant Grove City, Utah v. Summum</i> , 555 U.S. 460 (2009).
59	statues of Confederate leaders.	<i>Pleasant Grove City v. Summum</i> , 555 U.S. 460, 481 (2009); <i>Sons of Confederate Veterans, Inc. v. Comm'r of the Va. DMV</i> , 305 F.3d 241, 247 (4th Cir. 2002).
60	True threats	<i>Watts v. United States</i> , 394 U.S. 705, 708 (1969); <i>Virginia v. Black</i> , 538 U.S. 343, 359 (2003).
60	reasonably fear that violence.	<i>Virginia v. Black</i> , 538 U.S. 343, 347 (2003).
60	“viewed as” conveying such a threat.	<i>Virginia v. Black</i> , 538 U.S. 343, 361 (2003); <i>Elonis v. United States</i> , 135 S. Ct. 2001, 2012 (2015).
60–61	rallies that others could not see.	<i>Virginia v. Black</i> , 538 U.S. 343, 360 (2003).
61	of an African-American family,	<i>R.A.V. v. City of St. Paul, Minnesota</i> , 505 U.S. 377, 380 (1992).
61	American University’s campus in Washington, D.C.	Elliot C. McLaughlin & Tina Burnside, <i>Banana, Nooses at American University Spark Protests, Demands</i> , CNN (May 17, 2017), https://www.cnn.com/2017/05/17/us/american-university-bananas-nooses-hate-crime-protests/index.html .
61	fallen into its enclosure.	Jacey Fortin, <i>F.B.I. Helping American University Investigate Bananas Found Hanging From Nooses</i> , N.Y. TIMES (May 3, 2017), https://www.nytimes.com/2017/05/03/us/bananas-hang-from-black-nooses-and-a-campus-erupts-in-protest.html .
61–62	“kill my black brothers.”	<i>Watts v. United States</i> , 394 U.S. 705, 706 (1969).
62	socialists, or civil rights groups.”	David Cole, <i>Why We Must Still Defend Free Speech</i> , N.Y. REV. OF BOOKS, (Sept. 28, 2017), http://www.nybooks.com/articles/2017/09/28/why-we-must-still-defend-free-speech .
62	some revengeance [<i>sic</i>] taken.”	<i>Brandenburg v. Ohio</i> , 395 U.S. 444, 446 (1969).

63	“gonna break your damn neck.”	<i>NAACP Claiborne Hardware Company</i> , 458 U.S. 886, 902 (1982).
63	“white boy; go get him.”	<i>Wisconsin v. Mitchell</i> , 508 U.S. 476, 480 (1993).
64	1942 case of <i>Chaplinsky v. New Hampshire</i> .	<i>Chaplinsky v. State of New Hampshire</i> , 315 U.S. 568, 573 (1942).
65	“tried a [N-word] before.”	Charles Lawrence, <i>If He Hollers Let Him Go: Regulating Racist Speech on Campus</i> , 1990 DUKE L. J. 431, 448 (1990).
65	“an abusive working environment.”	<i>Meritor Savings Bank v. Vinson</i> , 477 U.S. 57, 67, 106 (1986); <i>Harris v. Forklift Systems, Inc.</i> , 510 U.S. 17, 18, 114 (1993).
65	educational contexts as well.	<i>Davis Next Friend LaShonda D. v. Manroe County Board of Education</i> , 526 U.S. 629, 632 (1999).
65	“educational opportunity or benefit.”	<i>Davis v. Monroe Cnty. Bd. of Educ.</i> , 526 U.S. 629, 633 (1999).
65–66	had been targeted with racial insults.	<i>Jury Says AA Foundries Must Pay \$200,000 for Creating Racially Hostile Work Environment</i> , EEOC PRESS RELEASE (Sept. 27, 2012), https://www.eeoc.gov/eeoc/newsroom/release/9-27-12g.cfm .
66	that facilitated the genocidal murders.	Russell Smith, <i>The Impact of Hate Media in Rwanda</i> , BBC NEWS (Dec. 3, 2003), http://news.bbc.co.uk/2/hi/africa/3257748.stm .
66	“where potential victims were hiding.”	Guy Berger, <i>Broadcasting Genocide: Censorship, Propaganda & State-sponsored Violence in Rowanda 1990–1994</i> , ARTICLE 19 106, https://www.article19.org/data/files/pdfs/publications/rwanda-broadcasting-genocide.pdf (last visited Mar. 30, 2018).
66	immediately before the assault.	<i>Virginia v. Black</i> , 538 U.S. 343, 366 (2003).
67	“the political climate (‘Klimakontrolle’).”	Winifried Brugger, <i>The Treatment of Hate Speech in German Constitutional Law</i> , 4 GERMAN L. J. 1, 39 (2003).
68	Ottoman Empire invasion of Europe;	PAUL COLEMAN, CENSORED: HOW EUROPEAN “HATE SPEECH” LAWS ARE THREATENING FREEDOM OF SPEECH (Kairos Pub. 2d ed., 2016).
68	he sent to another historian.	PAUL COLEMAN, CENSORED: HOW EUROPEAN “HATE SPEECH” LAWS ARE THREATENING FREEDOM OF SPEECH (Kairos Pub. 2d ed., 2016).

CHAPTER 4 – BECAUSE OF THEIR INTRACTABLE VAGUENESS AND OVERBREADTH, “HATE SPEECH” LAWS UNDERMINE FREE SPEECH AND EQUALITY

69	“I know it when I see it.”	<i>Jacobellis v. Ohio</i> , 378 U.S. 184, 197 (1964).
69	“arbitrary and discriminatory application.”	<i>Grayned v. City of Rockford</i> , 408 U.S. 104, 108–09 (1972).
69	“guess at its meaning.”	<i>Connally v. General Construction Co.</i> , 269 U.S. 385, 391 (1926).

71	“only with narrow specificity.”	<i>NAACP v. Button</i> , 371 U.S. 415, 434 (1963).
71	“contemptuous”	<i>Street v. New York</i> , 394 U.S. 576, 593 (1969).
71	“insulting”	<i>Beauharnais v. People of the State of Illinois</i> , 343 U.S. 250, 251 (1952).
71	“abusive”	<i>Chaplinsky v. State of New Hampshire</i> , 315 U.S. 568, 573 (1942).
71	“outrageous.”	<i>Snyder v. Phelps</i> , 562 U.S. 443 (2011).
72	“impact on the audience.”	<i>Boos v. Barry</i> , 485 U.S. 312, 322 (1988).
73	“persecutorial, hateful, and degrading.”	Mari J. Matsuda, <i>Public Response to Racist Speech: Considering the Victim’s Story</i> , 87 MICH. L. REV. 2320, 2357 (1989).
73	“hatred or persecution.”	Mari J. Matsuda, <i>Public Response to Racist Speech: Considering the Victim’s Story</i> , 87 MICH. L. REV. 2320, 2348 (1989).
74	“particular speaker or viewpoint.”	<i>Brown v. Entertainment Merchants Association</i> , 564 U.S. 786, 802 (2011).
74	“views on disfavored subjects.”	<i>R.A.V. v. City of St. Paul</i> , 505 U.S. 377, 391 (1992).
74–75	“beyond mere disdain or dislike.”	<i>Saskatchewan (Human Rights Commission) v. Whatcott</i> , 1 SCR 467, 496 (2013).
76	“vexatious or humiliating language.”	European Commission Against Racism and Intolerance, <i>ECRI General Policy Recommendation No. 15, ON COMBATING HATE SPEECH 17</i> (adopted on Dec. 8, 2015), https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N15/REC-15-2016-015-ENG.pdf .
77	“recommendations” for acceptable language.	Andrea Scheffler, <i>The Inherent Danger of Hate Speech Legislation - A Case Study from Rwanda and Kenya on the Failure of a Preventative Measure</i> , FESMEDIA AFRICA SERIES 65 (July 13, 2017), http://library.fes.de/pdf-files/bueros/africamedia/12462.pdf .
77	“an individual’s academic efforts.”	<i>Doe v. Michigan</i> , 721 F. Supp. 852, 868 (1989).
77	“Very carefully.”	<i>Doe v. Michigan</i> , 721 F. Supp. 852, 868 (1989).
78	that two did not.	<i>Saskatchewan (Human Rights Commission) v. Watcott</i> , 1 SCR 467 (2013).
79	with the swastika.	Carlos Lozada, <i>When the Confederate Flag Flew at Harvard</i> , WASH. POST (June 23, 2015), https://www.washingtonpost.com/news/book-party/wp/2015/06/23/when-the-confederate-flag-flew-at-harvard/?utm_term=.5e9028b1619e .
79	“interpreted as hate speech.”	Emily Foxhall, <i>Flag Ban Vote: UC Irvine Faculty, Students Push Back</i> , L.A. TIMES (Mar. 12, 2015), http://www.latimes.com/local/lanow/la-me-ln-flag-ban-vote-uci-20150312-story.html .
79	“vulgarity is another's lyric.”	<i>Cohen v. California</i> , 403 U.S. 15, 25 (1971).
80	“Homosexuality is Shameful, Romans 1:27.”	<i>Harper v. Poway Unified School District</i> , 445 F.3d 1166, 1171 (9th Cir. 2006).
80	“fight all hate speech.”	<i>Video Message of Commissioner Jourova for Annual ILGA-Europe 2015 Conference</i> , EUR. COMM’N (Oct. 29, 2015), https://ec.europa.eu/commission/commissioners/20142019/jourova/announcements/video-message-commissioner-jourova-annual-ilga-europe-2015-conference_en .

81	“speech should be censored?”	David Cole, <i>Why Must We Still Defend Free Speech</i> , N.Y. REV. OF BOOKS (Sept. 28, 2017), http://www.nybooks.com/articles/2017/09/28/why-we-must-still-defend-free-speech .
81	under European “hate speech” laws.	European Commission Against Racism and Intolerance, <i>ECRI General Policy Recommendation No. 15, ON COMBATING HATE SPEECH 5</i> (adopted on Dec. 8, 2015), https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N15/REC-15-2016-015-ENG.pdf .
82	“social discontent or opposition.”	U.N. Comm. on the Elimination of Racial Discrimination, <i>General Recommendation No. 35: Combatting Racist Hate Speech</i> , U.N. at para. 20 (Sept. 26, 2013), http://www.refworld.org/docid/53f457db4.html .
83	“alienation among minority groups.”	FRANCES D’SOUZA, <i>STRIKING A BALANCE: HATE SPEECH, FREE SPEECH, AND NON-DISCRIMINATION 359</i> (Kevin Boyle & Sandra Coliver eds., 1992).
83	“against the black majority.”	FUND FOR FREE EXPRESSION, “HATE SPEECH” AND FREEDOM OF EXPRESSION: A HUMAN RIGHTS WATCH POLICY PAPER 4 (NEW YORK, NY 1992).
83	“marginalized communities, such as Dalits.”	Jayshree Bajoria & Linda Lakhdhir, <i>Stifling Dissent: The Criminalization of Peaceful Expression in India</i> , HUMAN RIGHTS WATCH (May 24, 2016), https://www.hrw.org/report/2016/05/24/stifling-dissent/criminalization-peaceful-expression-india .
83	“criminalise . . . political dissent.”	Agnes Callamard, <i>Comments and Recommendations on ECRI General Policy Recommendation No. 15 on Combatting Hate Speech</i> , GLOBAL FREEDOM OF EXPRESSION (June 11, 2015), https://globalfreedomofexpression.columbia.edu/publications/comments-and-recommendations-on-ecri-general-policy-recommendation-no-15-on-combating-hate-speech/ .
84	killing of Afghan civilians	Glenn Greenwald, <i>In Europe, Hate Speech Law are Often Used to Suppress and Punish Left-Wing Viewpoints</i> , INTERCEPT (Aug. 29, 2017), https://theintercept.com/2017/08/29/in-europe-hate-speech-laws-are-often-used-to-suppress-and-punish-left-wing-viewpoints/ .
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85	“hate speech laws themselves.”	Andrea Scheffler, <i>The Inherent Danger of Hate Speech Legislation - A Case Study from Rwanda and Kenya on the Failure of a Preventative Measure</i> , FESMEDIA AFRICA SERIES 68 (July 13, 2017), http://library.fes.de/pdf-files/bueros/africa-media/12462.pdf
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87	“vicious and nasty people.”	<i>R. v. Malik</i> , 1 All E.R. 582, 582 (1968).
87–88	“Yankee Go Home.”	<i>R. v. Keegstra</i> , 3 SCR 697, 895 (1900).
88	“pro–Israeli speaker.”	ABRAHAM H. FOXMAN & CHRISTOPHER WOLF, <i>VIRAL HATE: CONTAINING ITS SPREAD ON THE INTERNET</i> , 75 (St. Martin’s Press, 2013).
88	“from speaking on campuses.”	ARYEH NEIER, <i>DEFENDING MY ENEMY: AMERICAN NAZIS, THE SKOKIE CASE, AND THE RISKS OF FREEDOM</i> 155 (Intl Debate Education Assn, 2d ed., 2012).
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89	accusing her of racism	ACLU, <i>Speech on Campus</i> https://www.aclu.org/other/speech-campus (last visited Mar. 12, 2018).
89	because of his race, as well as his political views.	<i>Doe v. University of Michigan</i> , 721 F. Supp. 852, 861 (E.D. Mich. 1989).
89–90	“becoming a certified Social Worker.”	See letter to James J. Duderstadt, President, University of Michigan, from a student (whose name and signature were deleted

		from the copy produced during litigation, to protect the student's privacy) (May 23, 1989), <i>reprinted in</i> Plaintiff's Exhibit Submitted in Support of Motion for Preliminary Injunction, <i>Doe</i> , 721 F. Supp. at 852 at 1–2.
90	“membership in dominant majority groups.”	Charles R. Lawrence III, <i>If He Hollers Let Him Go: Regulating Racist Speech on Campus</i> , 1990 DUKE L.J. 430, 450 (1990).
90	“Canada’s anti-obscenity law.”	<i>R v. Butler</i> , 1 SCR 452, 510-511 (1992).
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93	“to block its services to their citizens.”	Julia Angwin & Hannes Grassegger, <i>Facebook’s Secret Censorship Rules Protect White Men From Hate Speech But Not Black Children</i> , PROPUBLICA (June 28, 2017), https://www.propublica.org/article/facebook-hate-speech-censorship-internal-documents-algorithms .
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93	“violates Facebook’s rules.”	Julia Angwin & Hannes Grassegger, <i>Facebook’s Secret Censorship Rules Protect White Men from Hate Speech But Not Black Children</i> , PROPUBLICA (June 28, 2017), https://www.propublica.org/article/facebook-hate-speech-censorship-internal-documents-algorithms .

93	“hate groups” on its platform.	Haycynth Mascarenhas, <i>Civil Rights Groups Accuse Facebook of “Racially Biased Censorship” in Hate Speech Takedowns</i> , INT’L BUS. TIMES (Jan. 19, 2017), https://www.ibtimes.co.uk/civil-rights-groups-accuse-facebook-racially-biased-censorship-hate-speech-takedowns-1601886 .
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95	“are singularly problematic.”	<i>Lepojic v. Serbia</i> , App. No. 13909/05, para. 74 (Eur. Ct. of Human Rghts., Nov. 2007)
95	him personally of culpability,	Scott Roxenborough, <i>Bob Dylan Charged in France with Inciting Racial Hatred Following Nazi Remark</i> , HOLLYWOOD REPORTER (Dec. 3, 2013), https://www.hollywoodreporter.com/news/bob-dylan-charged-france-inciting-661472 .
96	charges against Rolling Stone.	Inti Landauro & Noemie Bisserbe, <i>France Drops ‘Hate Speech’ Case Against Bob Dylan</i> , WALL STREET J. (April 15, 2014) https://www.wsj.com/articles/france-drops-hate-speech-case-against-bob-dylan-1397592733 .
96	“great power among men.”	Martin Evans, <i>Election Candidate Arrested over Churchill Speech</i> , TELEGRAPH (Apr. 28, 2014) https://www.telegraph.co.uk/news/uknews/crime/10792895/Election-candidate-arrested-over-Churchill-speech.html .
96	the decision may be reconsidered.”	Enza Ferreri, <i>Charges Against Liberty GB Leader Paul Weston Are Dropped</i> , LIBERTY GB (June 11, 2014), https://libertygb.org.uk/news/charges-against-liberty-gb-leader-paul-weston-are-dropped .
97	“content of his pitch.”	Daniel Hannan, <i>Britain Has Just Witnessed a Political Arrest. Where Is the Liberal Outrage?</i> , DOCUMENT (May 1, 2014), https://www.document.no/2014/05/01/britain-has-just-witnessed-a-political-arrest-where-is-the-liberal-outrage/ .
97	the crowd chanted, “Fewer, fewer.”	Nina Siegal, <i>Geert Wilders, Dutch Far-Right Leader, Is Convicted of Inciting Discrimination</i> , N.Y. TIMES (Dec. 9, 2016), https://www.nytimes.com/2016/12/09/world/europe/geert-wilders-netherlands-trial.html .
98	“degrad[ing]” the group itself.	<i>Artist Convicted of Racism Speaks Out</i> , CPH POST (Sept. 18, 2013), http://cphpost.dk/news/national/artist-convicted-of-racism-speaks-out.html .
98	statements made in a private setting.	Danish Free Press Society, <i>President of Danish Free Press Society Convicted for ‘Racism’</i> , EUROPE NEWS (May 3, 2011), https://en.europenews.dk/-President-of-Danish-Free-Press-Society-convicted-for-Racism--89527.html .
98	op-ed that defended Hedegaard.	Jesper Langballe, <i>Islam’s Obscured Women’s View</i> , BERLINGSKE TIDENDE (Jan. 22, 2010), https://www.b.dk/kommentarer/islams-formoerkede-kvindesyn .

98	“abuse and kill their daughters.”	<i>Danish-Iranian Artist Convicted of Racism</i> , CPH POST (Sept. 18, 2013), http://cphpost.dk/news/national/danish-iranian-artist-convicted-of-racism.html .
99	all verbatim repostings globally.	Laurel Wamsley, <i>Austrian Court Rules Facebook Must Delete Hate Speech</i> , NPR (May 8, 2017), https://www.npr.org/sections/thetwo-way/2017/05/08/527398995/austrian-court-rules-facebook-must-delete-hate-speech .
99	“personally,” rendering them illegal.	Reuters Staff, <i>Austrian Court Rules Facebook Must Delete “Hate Postings”</i> , REUTERS (May 8, 2017), https://www.reuters.com/article/facebook-austria/austrian-court-rules-facebook-must-delete-hate-postings-idUSL8N1IA21C .
100	“official investigation for bigotry.”	Gerard Alexander, <i>Illiberal Europe</i> , WEEKLY STANDARD (Apr. 10, 2006), http://www.weeklystandard.com/illiberal-europe/article/13196 .
100	“however, deter the ordinary individual.”	<i>R. v. Keegstra</i> , 3 S.C.R. 697, 861 (1990).
100	ownership and trade may be tempered.	<i>R. v. Keegstra</i> , 3 S.C.R. 697, 860 (1990).
102	“function as blasphemy laws.”	Jacob Mchangama, <i>Something’s Rotten: How Denmark Is Criminalizing Blasphemy Through Hate Speech Law</i> , GLOB. FREEDOM OF EXPRESSION (Feb. 29, 2016), https://globalfreedomofexpression.columbia.edu/updates/2016/02/somethings-rotten-denmark-criminalizing-blasphemy-hate-speech-law/ .
102	“beliefs from critical inquiry.”	<i>Joint NGO Statement on Danger on U.N. “Defamation of Religions” Campaign</i> , U.N. WATCH (Mar. 25, 2009), http://secure.unwatch.org/site/apps/nlnet/content2.aspx?c=bdKKISNqEmG&b=1330815&ct=6859557 .
102	“criminalise the offensive.”	Jerome Taylor, <i>Azhar Ahmed, a Tasteless Facebook Update, and More Evidence of Britain’s Terrifying New Censorship</i> , INDEPENDENT (Oct. 9, 2012), https://www.independent.co.uk/voices/comment/azhar-ahmed-a-tasteless-facebook-update-and-more-evidence-of-britains-terrifying-new-censorship-8204212.html .
102–03	any of the other proceedings.	<i>Judicial Conviction of Bernard Lewis</i> , VOLTAIRENET (Tribunal of Great Proceeding in Paris, June 21, 1995), http://www.voltairenet.org/article14133.html .
103	anti-Semitism and anti-Arab xenophobia.	<i>Law No. 2003-88 of February 3, 2003, to Increase the Penalties for Racist, Antisemitic or Xenophobic Offenses</i> , LEGIFRANCE (Mar. 10, 2004) https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEX000000781920 .
103	including Belgium and Canada.	JTA, <i>BDS a Hate Crime? In France, Legal Vigilance Punishes anti-Israel Activists</i> , HAARETZ (Feb. 15, 2014), https://www.haaretz.com/jewish/the-french-law-that-battles-bds-1.5322519 .

**CHAPTER 5 – IS IT POSSIBLE TO DRAFT A “HATE SPEECH” LAW THAT IS NOT
UNDULY VAGUE OR OVERBROAD?**

105	“tried and tried and tried.”	Henry Louis Gates, Jr. et. al., <i>The Case for Permitting Hate Speech on Campus</i> , 1995 J. OF BLACKS IN HIGHER ED. 98, 100 (1995).
106	descent or national or ethnic origin.”	<i>Countering Illegal Hate Speech Online</i> , EUR. COMM’N (Jan. 19, 2018), http://europa.eu/rapid/press-release_MEMO-18-262_en.htm .
106	and for lacking athletic ability.	<i>G.C. on Behalf of C.C. v. Bd. of Ed. of Montgomery, Somerset County</i> , 2016 WL 958848 (N.J. Admin).
107	and even “opinions” more generally.	Cherian George, <i>Hate Speech Law and Policy</i> , INT’L ENCYCLOPEDIA OF DIGITAL COMM. & SOC. (Nov. 4, 2014).
107	same-sex marriage as a “homophobe.”	Nico Lang, <i>French Hate Crime Ruling Sets a Dangerous Precedent for LGBT People: It’s Now Illegal to Call Someone a “Homophobe” in France</i> , SALON MAGAZINE (Nov. 7, 2016), https://www.salon.com/2016/11/07/french-hate-crime-ruling-sets-a-dangerous-precedent-for-lgbt-people-it-is-now-illegal-to-call-someone-a-homophobe-in-france/ .
107	speech is tantamount to anti-Semitic “hate speech.”	Dan Bilefsky, <i>EU Adopts Measure Outlawing Holocaust Denial</i> , N.Y. TIMES (Apr. 19, 2007), https://www.nytimes.com/2007/04/19/world/europe/19iht-eu.4.5359640.html .
107	“central doctrine of their murderers.”	Noam Chomsky, <i>His Right to Say It</i> , NATION (Feb. 28, 1981), https://chomsky.info/19810228/ .
107	“and property protected in . . . armed conflict.”	XXIV SPANISH PENAL CODE, at ch. 1, art. 605 (July 1, 2015), http://noticias.juridicas.com/base_datos/Penal/lo10-1995.12t24.html#a607 .
108	situation will have a negative effect.	<i>International Convention on the Elimination of All Forms of Racial Discrimination</i> , GENERAL ASSEMBLY RESOLUTION 2106 at pt. 1, art. 4 (Jan. 4, 1969), http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx .
109	“government and public officials.”	<i>Collin v. Smith</i> , 447 F. Supp. 676, 696 (N.D. Ill. 1978).
109	“punished merely because it offends.”	<i>Collin v. Smith</i> , 447 F. Supp. 676, 697 (N.D. Ill. 1978).
109–110	“or any form of intolerance”	CONSTITUTION OF THE REPUBLIC OF CROATIA, Dec. 22, 1990, art. 39.
109–110	“maliciously maligning, or defaming”	CRIMINAL CODE (STGB) § 130 (2015) (Germ.) http://bundesrecht.juris.de/stgb/___130.html .
110	“the commission of hate crimes”	NAT’L TELECOMM. & INFO. ADMIN., THE ROLE OF TELECOMMUNICATION IN HATE CRIMES 6 (Nat’l Tech. Info. Serv. 1993).
110	“[constitutes] disrespectful public discourse”	<i>Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States: Part II—The Social Situation</i> , EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS 46 (2009), http://fra.europa.eu/fraWebsite/attachments/FRA_hdgso_report_part2_en.pdf

100	“hostility, discrimination or violence”	CRIMINAL CODE, art. 501 (1996) (Spain), http://www.ohchr.org/Documents/Issues/Expression/ICCPR/Vienna/Annexes/Spain.pdf .
110	is a distinct psychological state.	Frank Haiman, <i>The Remedy is More Speech</i> , AM. PROSPECT (1991), http://prospect.org/article/remedy-more-speech .
110	“presses for acceptance of an idea.”	<i>Terminiello v. Chicago</i> , 337 U.S. 1, 4 (1949).
111	discrimination against the disparaged people.	<i>See, e.g.</i> , Colleen Flaherty, <i>Professor Cleared and Still Out of a Job</i> , INSIDE HIRED ED. (May 18, 2016), https://www.insidehighered.com/news/2016/05/18/professor-says-she-was-fired-over-well-intentioned-ill-received-class-discussion ; Melkorka Licea, <i>Professor Who Tweeted against PC is out at NYU</i> , N.Y. Post (Oct. 30, 2016), https://nypost.com/2016/10/30/nyu-professor-who-opposed-pc-culture-gets-booted-from-classroom/ .
111	in his Latin American Politics course.	<i>Brandeis University: Professor Found Guilty of Harassment for Protected Speech</i> , FOUND. FOR INDIVIDUAL RIGHTS IN ED., https://www.thefire.org/cases/%20brandeis-university-professor-found-guilty-of-harassment-for-protected-speech/ (last visited Mar. 30, 2018).
111	“other oppressed groups in society.”	<i>Hardy v. Jefferson Community College</i> , 260 F.3d 671, 674 (2001).
111	including the two terms at issue.	<i>Hardy v. Jefferson Community College</i> , 260 F.3d 671, 674-675 (2001).
111–12	had violated his First Amendment rights.	<i>Hardy v. Jefferson Community College</i> , 260 F.3d 671, 683 (2001).
112	even among family members.	PENAL CODE, § 115(1) (1975) (Austria), http://www.refworld.org/docid/3ae6b5bf0.html .
112	“any person in a public place.”	PENAL CODE, chap. 154, art. 99 (1959) (Cyprus), http://www.sbaadministration.org/home/legislation/01_02_09_01_COLONIAL_CAPS_1959/01_02_01_04_Caps-125-175A/19600101_CAP154_u.pdf .
112	“seen by persons outside the residence.”	PROHIBITION OF INCITEMENT TO HATRED ACT § 2(b)(ii) (1989) (Ireland), http://www.irishstatutebook.ie/eli/1989/act/19/section/2/enacted/en/html .
112	extend to “non-public” communications.	DECREE N° 2017-1230 (Aug. 3, 2017) (France), https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000035373907&categorieLien=id .
112	and sent to another historian.	PAUL COLEMAN, <i>CENSORED: HOW EUROPEAN “HATE SPEECH” LAWS ARE THREATENING FREEDOM OF SPEECH</i> (Kairos Pub. 2d ed., 2016).
113	that will prompt self-censorship.	GEORGE ORWELL, 1984 (Harvil Secker, 2009).
113	“read or what films he may watch.”	<i>Stanley v. Georgia</i> , 394 U.S. 557, 565 (1969).
113	“membership in dominant majority groups.”	Charles R. Lawrence III, <i>If He Hollers Let Him Go: Regulating Racist Speech on Campus</i> , 1990 Duke L.J. 431, 450 (1990).
114	“follow Marquis of Queensberry rules.”	<i>R.A.V. v. City of St. Paul, Minnesota</i> , 505 U.S. 377, 391 (1992).

116	be immune from liability.	<i>Jersild v. Denmark</i> , App. No. no. 15890/89 (Eur. Ct. of Human Rghts., Sept. 1994).
117	“artistic, political, or scientific value,”	PAUL COLEMAN, <i>CENSORED: HOW EUROPEAN “HATE SPEECH” LAWS ARE THREATENING FREEDOM OF SPEECH</i> (Kairos Pub. 2d ed., 2016).
117	“proof of truth . . . shall not exclude punishment.”	CRIMINAL CODE, ch. 1, tit. 14, § 194 (2013) (Germany) https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html#p1713 .
117–118	capacity to cause potential harm.	Sylvia Hazenbroek, <i>Politicians and Hate Speech: A Legal Comparison - South Africa and the Netherlands</i> (June 27, 2012), http://arno.uvt.nl/show.cgi?fid=122972 .
119	triumph of hope over experience.	JAMES BOSWELL, <i>THE LIFE OF SAMUEL JOHNSON</i> 344 (London, 1791).

CHAPTER 6 – DOES CONSTITUTIONALLY PROTECTED “HATE SPEECH” ACTUALLY CAUSE THE FEARED HARMS?

121	“a direct and material way.”	<i>United States v. Nat'l Treasury Empl'es. Union</i> , 513 U.S. 454, 475 (1995).
122	“influencing the chain of causation.”	Clay Calvert, <i>The First Amendment and the Third Person: Perceptual Biases of Media Harms & Cries for Government Censorship</i> , 6 COMMLAW CONSPECTUS 165, 170 (1998).
122–23	“[and] wider cultural influences.”	Ronald Weitzer, <i>Review Essay: Pornography's Effects: The Need for Solid Evidence: A Review Essay of Everyday Pornography</i> , edited by Karen Boyle (New York: Routledge, 2010) and <i>Pornland: How Porn Has Hijacked Our Sexuality</i> , by Gail Dines (Boston: Beacon, 2010). 5 VIOLENCE AGAINST WOMEN 17, 673 (2011).
123–24	“the outrageousness of the insult.”	Richard Delgado, <i>Words that Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling</i> , 17 HARV. C.R.-C.L. L. REV. 133 (1982).
124	“not received much empirical investigation,”	Laura Leets, <i>Experiencing Hate Speech: Perceptions and Responses to Anti-Semitism and Antigay Speech</i> , 58 J. OF SOC. ISSUES 341, 346 (2002).
124	“there is little good research evidence of [such] harm.”	T. Jay, <i>Do Offensive Words Harm People?</i> , 15 PSYCHOL., PUB. POL'Y, & L. 81, 96 (2009).
124	“critically on situational variables,”	T. Jay, <i>Do Offensive Words Harm People?</i> , 15 PSYCHOL., PUB. POL'Y, & L. 81, 89 (2009).
124	“moderate the effects of stress”	Laura Leets, <i>Experiencing Hate Speech: Perceptions and Responses to Anti-Semitism and Antigay Speech</i> , 58 J. OF SOC. ISSUES 341, 346 (2002).
124	“status, needs, [and] goals,”	Lawrence Friedman, <i>"Speech Acts" and the First Amendment</i> , 28 U. RICH. L. REV. 1347, 1354 (1994).

124–25	Institute has conducted since 1967.	Kevin Eagan et. al., <i>The American Freshman: National Norms Fall 2015</i> , COOPERATIVE INSTITUTIONAL RES. PROGRAM AT THE HIGHER EDUC. RES. INST, AT UCLA 7 (2015), https://www.heri.ucla.edu/monographs/TheAmericanFreshman2015.pdf .
125	“their communities can lead to change.”	Kevin Eagan et. al., <i>The American Freshman: National Norms Fall 2015</i> , COOPERATIVE INSTITUTIONAL RES. PROGRAM AT THE HIGHER EDUC. RES. INST. AT UCLA 9 (2015) https://www.heri.ucla.edu/monographs/TheAmericanFreshman2015.pdf .
126	“an opinion you strongly oppose.”	Lisa Feldman Barrett, <i>When Is Speech Violence?</i> , N.Y. TIMES (July 14, 2017), https://www.nytimes.com/2017/07/14/opinion/sunday/when-is-speech-violence.html .
126	“not the words themselves.”	Pamela B. Paresky, <i>When Is Speech Violence and What's the Real Harm?</i> , PSYCHOL. TODAY (Aug. 4, 2017), https://www.psychologytoday.com/blog/happiness-and-the-pursuit-leadership/201708/when-is-speech-violence-and-what-s-the-real-harm .
126	“stress can make you stronger.”	Tara Parker-Pope, <i>How to Be Better at Stress</i> , N.Y. TIMES (July 24, 2017), https://www.nytimes.com/guides/well/how-to-deal-with-stress?rref=collection%2Fspotlightcollection%2Fguides&action=click&contentCollection=topics&region=stream&module=stream_unit&version=latest&contentPlacement=9&pgtype=collection&redirect=true .
127	“small percentage of” audience members.	Richard B. Felson, <i>Mass Media Effects on Violent Behavior</i> , 22 ANN. REV. OF SOC. 103, 123 (1996).
127	depictions of violence and “pornography.”	Richard B. Felson, <i>Mass Media Effects on Violent Behavior</i> , 22 ANN. REV. OF SOC. 103, 128 (1996).
127	would be influenced to act violently.	<i>Brown v. Entm't Merchs. Ass'n</i> , 564 U.S. 786, 799 (2011).
128	teenager who had watched them.	<i>James v. Meow Media, Inc.</i> , 300 F.3d 683, 687 (6th Cir. 2002).
128	cannot read, watch and hear.	<i>James v. Meow Media, Inc.</i> , 90 F. Supp. 2d 798, 819 (W.D. Ky. 2000).
128	responsibility of individuals for their actions.”	Kenan Malik, <i>Why Hate Speech Should Not Be Banned</i> , PANDAEMONIUM (2013), https://kenanmalik.wordpress.com/2012/04/19/why-hate-speech-should-not-be-banned/ .
129	“[racial insults] will not be tolerated.”	Richard Delgado, <i>Words that Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling</i> , 17 HARV. C.R.-C.L. L. REV. 133, 147 (1982).
129	“discriminatory behavior to escape social disapproval.”	Richard Delgado, <i>Words that Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling</i> , 17 HARV. C.R.-C.L. L. REV. 133, 148 (1982).

129	“the university as taking sides through inaction.”	Mari J. Matsuda, <i>Public Response to Racist Speech: Considering the Victim’s Story</i> , 87 MICH. L. REV. 2320, 2371 (1989).
129–30	“personal condemnation of ideas we abhor.”	Charles R. Lawrence III, <i>If He Hollers Let Him Go: Regulating Racist Speech on Campus</i> , 1990 Duke L.J. 431, 480 (1990).
130	feature entitled “This Week in Hate,”	<i>This Week in Hate</i> , N.Y. TIMES (2017), https://www.nytimes.com/column/this-week-in-hate .
130	create a “Documenting Hate” project.	<i>Documenting Hate</i> , PROPUBLICA (2018), https://projects.propublica.org/graphics/hatecrimes .
130	to the satisfaction of their students. . . .	Mike Hayes et. al., “ <i>Imagine Being Surrounded By People Who Hate You And Want To See You Dead</i> ”, BUZZFEED (Sept. 27, 2017), https://www.buzzfeed.com/mikehayes/we-found-154-incidents-of-college-hate-speech-and-violence?utm_term=.qmVYYLOgEE#.mx1KKq3kww .
131	which he abjectly apologized.	Tina Burnside, <i>Florida State Senator Resigns over Racial Slurs in Front of Black Lawmakers</i> , CNN (May 26, 2017), http://www.cnn.com/2017/04/19/us/florida-lawmaker-under-fire-for-racist-remarks-trnd/index.html
131	HBO was pressured to fire him.	Andrew Blake, <i>Bill Maher, under Fire for Using N-word During HBO Broadcast, Apologizes</i> , WASH. TIMES (June 3, 2017), http://www.washingtontimes.com/news/2017/jun/3/bill-maher-under-fire-using-n-word-during-hbo-broa/ .
131	“less than full members of society.”	Dennis J. Baker & Lucy Zhao, <i>The Normativity of Using Prison to Control Hate Speech: The Hollowness of Waldron’s Harm Theory</i> , 16 NEW CRIM. L. REV. 621, 647 (Oct. 17, 2013).
131	“[cartoons] disrespect . . . toward the Prophet.”	CHERIAN GEORGE, HATE SPIN: THE MANUFACTURE OF RELIGIOUS OFFENSE AND ITS THREAT TO DEMOCRACY 210 (Cambridge: The MIT Press, 2016).
132	experience in classrooms and elsewhere.”	Shaun R. Harper, <i>No, Protesters Who Point out Campus Racism Aren’t Silencing Anyone</i> , WASH. POST (Mar. 10, 2016), https://www.washingtonpost.com/posteverything/wp/2016/03/10/protests-against-campus-racism-dont-threaten-free-speech-they-embrace-it/?utm_term=.e8577d20f14f

CHAPTER 7 – “HATE SPEECH” LAWS ARE AT BEST INEFFECTIVE AND AT WORST COUNTERPRODUCTIVE

133	“legislation to combat hate speech.”	Michelle Eberhard, <i>When Hateful Speech Is Transformed Into Hateful Deeds: Examining Freedom of Speech, Hate Speech, and Incitement to Genocide</i> , AUSCHWITZ INST. FOR PEACE & RECONCILIATION (Mar. 26, 2013), http://www.auschwitzinstitute.org/blog/genprev-in-the-news-26-march-2013/ .
133	“theoretical expectations stand the test of reality.”	Andrea Scheffler, <i>The Inherent Danger of Hate Speech Legislation - A Case Study from Rwanda and Kenya on the Failure of a Preventative Measure</i> , FESMEDIA AFRICA SERIES 12 (2015) http://library.fes.de/pdf-files/bueros/africa-media/12462.pdf .
134	through “hate speech” laws.	LOUIS GREENSPAN & CYRIL LEVITT, <i>UNDER THE SHADOW OF WEIMAR: DEMOCRACY, LAW, AND RACIAL INCITEMENT IN SIX COUNTRIES</i> 10 (Praeger, 1993).
134	September 2017 national elections.	Anna Sauerbrey, <i>How Germany Deals With Neo-Nazis</i> , N.Y. Times (Aug. 23, 2017), https://www.nytimes.com/2017/08/23/opinion/germany-neo-nazis-charlottesville.html .
135	neo- Nazis to demonstrate in Skokie, Illinois.	<i>See Neier, Aryeh 1937-</i> , ENCYCLOPEDIA https://www.encyclopedia.com/arts/educational-magazines/neier-aryeh-1937 (last visited Mar. 31, 2018).
135	“a sure prescription for disaster.”	ARYEH NEIER, <i>DEFENDING MY ENEMY: AMERICAN NAZIS, THE SKOKIE CASE, AND THE RISKS OF FREEDOM</i> 3 (Int’l Debate Ed. Ass’n, 2d. ed., 2012).
135–36	prosecutions based on anti-Semitic speech.	A. ALAN BOROVOY, <i>WHEN FREEDOMS COLLIDE: THE CASE FOR OUR CIVIL LIBERTIES</i> 50 (Lester & Orpen Dennys, 1st ed., 1988).
136	“Streicher’s campaign against the Jews.”	<i>Copenhagen, Speech, and Violence</i> , NEW YORKER (Feb. 15, 2015), https://www.newyorker.com/news/news-desk/copenhagen-speech-violence .
136	of violence during the civil rights movement.	ARYEH NEIER, <i>DEFENDING MY ENEMY: AMERICAN NAZIS, THE SKOKIE CASE, AND THE RISKS OF FREEDOM</i> 167 (Int’l Debate Ed. Ass’n, 2d. ed., 2012).
137	“ethnic and racial violence or tension.”	“HATE SPEECH” AND FREEDOM OF EXPRESSION: A HUMAN RIGHTS POLICY PAPER 4 (Fund for Free Expression, 1992).
137	despite their strong “hate speech” laws.	<i>European Parliament Resolution on Strengthening the Fight against Racism, Xenophobia, and Hate Crime</i> , EUR. PARLIAMENT (June 3, 2013), http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B7-2013-0123&language=EN .
137	“reducing racism or . . . discriminatory conduct.”	Eduardo Bertoni, <i>A Study on the Prohibition of Incitement to Hatred in the Americas</i> , OHCHR (Sept. 2011), http://www.ohchr.org/Documents/Issues/Expression/ICCPR/SantiagoStudy_en.pdf .
137	“[chants] in its football stadiums.”	TIMOTHY GARTON ASH, <i>FREE SPEECH: TEN PRINCIPLES FOR A CONNECTED WORLD</i> 219 (Atlantic Books, 2017).
137	enforced segregation— than America today.”	Joel Dreyfuss, <i>After the Charlie Hebdo Attack, Can a Divided France Achieve Egalité, Fraternité and Diversité?</i> , ROOT (Jan.

		17, 2015), https://www.theroot.com/after-the-charlie-hebdo-attack-can-a-divided-france-ac-1790858516 .
137	prevalence of European “hate speech” laws.	<i>Discrimination and Hate Crime against Jews in EU Member States: Experiences and Perceptions of Antisemitism</i> , EUR. UNION AGENCY FOR FUNDAMENTAL RTS. 12 (2013), http://fra.europa.eu/en/publication/2013/discrimination-and-hate-crime-against-jews-eu-member-states-experiences-and .
137–38	laws against anti- Semitic expression.	<i>ADL Global 100: A Survey of Attitudes Toward Jews in Over 100 Countries Around the World</i> , ANTI-DEFAMATION LEAGUE 16–17 (2014), http://global100.adl.org/public/ADL-Global-100-Executive-Summary.pdf .
138	“a veneer of . . . intellectual martyrdom.”	Jacob Mchangama, <i>How (Not) to Fight Racism and Anti-Semitism</i> , DAILY BEAST (Feb. 2, 2014), https://www.thedailybeast.com/how-not-to-fight-racism-and-anti-semitism .
138	first “hate speech” law in 1965.	<i>Race Relations Act 1965</i> , PARLIAMENT, https://www.parliament.uk/about/living-heritage/transformingsociety/private-lives/relationships/collections/1/race-relations-act-1965/race-relations-act-1965/ (last visited Apr. 1, 2018).
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139	“still . . . serious [and] extensive.”	Iginio Gagliardone et. al., <i>Countering Online Hate Speech</i> , UNESCO SERIES ON INTERNET FREEDOM 37 (2013), http://unesdoc.unesco.org/images/0023/002332/233231e.pdf .
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		FOUNDATIONS (Sept. 10, 2013), https://www.opensocietyfoundations.org/voices/roma-political-life-hungary-transition-hate-politics .
140	loyalists target his political opponents;	Andrew Meldrum, <i>Mugabe's Thugs Kill Five More Opponents</i> , GUARDIAN (Apr. 29, 2000), https://www.theguardian.com/world/2000/apr/30/zimbabwe.andrewmeldrum .
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142	"disfavoring a particular speaker or viewpoint."	<i>Brown v. Entm't Merchs. Ass'n</i> , 564 U.S. 786, 802 (2011).
142	"Out of my face, jungle bunny."	HENRY LOUIS GATES JR. ET. AL., <i>SPEAKING OF RACE, SPEAKING OF SEX: HATE SPEECH, CIVIL RIGHTS, AND CIVIL LIBERTIES</i> 47 (NYU Press, 1995).
142	"students in demanding educational environments."	HENRY LOUIS GATES JR. ET. AL., <i>SPEAKING OF RACE, SPEAKING OF SEX: HATE SPEECH, CIVIL RIGHTS, AND CIVIL LIBERTIES</i> 46 (NYU Press, 1995).
142	supposedly warrant "hate speech" laws.	HENRY LOUIS GATES JR. ET. AL., <i>SPEAKING OF RACE, SPEAKING OF SEX: HATE SPEECH, CIVIL RIGHTS, AND CIVIL LIBERTIES</i> 47 (NYU Press, 1995).

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143	“they can avoid accountability.”	<i>Obama's Full Remarks at Howard University Commencement Ceremony</i> , POLITICO (May 7, 2016) https://www.politico.com/story/2016/05/obamas-howard-commencement-transcript-222931 .
143	“freedom to deny its existence and relevance.”	<i>Interview with Theodore Shaw</i> , in <i>THE CONTENT AND CONTEXT OF HATE SPEECH</i> 412 (Cambridge Univ. Press, Michael Herz & Peter Molnar eds., 2012).
144	“which . . . do need addressing.”	Iginio Gagliardone et al., <i>Countering Online Hate Speech</i> , U.N. EDUC. SCI. & CULTURAL ORG 16 (2015), http://unesdoc.unesco.org/images/0023/002332/233231e.pdf .
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146	increased public attention to it.	WILLIAM F. EADIE, <i>21ST CENTURY COMMUNICATION: A REFERENCE HANDBOOK</i> 163 (Sage Publications, Inc., 2009) https://danielciurel.files.wordpress.com/2011/10/21stcenturycommunication2.pdf .
146	his anti-Semitic indoctrination of students.	<i>R v. Keegstra</i> , 3 S.C.R. 697, 698 (1990).
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148	“control the flow of information is obsolete.”	<i>Remarks by the President to the UN General Assembly</i> , WHITE HOUSE (Sept. 25, 2012), https://obamawhitehouse.archives.gov/the-press-office/2012/09/25/remarks-president-un-general-assembly .

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149	“racializing children’s perception of each other.”	TIMOTHY GARTON ASH, <i>FREE SPEECH: TEN PRINCIPLES FOR A CONNECTED WORLD</i> 222 (Yale Univ. Press, 2016)
149	hostilities, to their political advantage.	CHERIAN GEORGE, <i>HATE SPIN: THE MANUFACTURE OF RELIGIOUS OFFENSE AND ITS THREAT TO DEMOCRACY</i> xiv (MIT Press, 2016).
150	open expression and open-minded listening.	<i>Letter from Pierre Bierre</i> , reprinted in STANFORD UNIV. CAMPUS REP. 20 (Mar. 22, 1989).
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152	“in anabolic (“growth”) hormones.”	Pamela B. Paresky, <i>When Is Speech Violence and What’s the Real Harm?</i> , PSYCHOL. TODAY (Aug. 4, 2017),

		https://www.psychologytoday.com/us/blog/happiness-and-the-pursuit-leadership/201708/when-is-speech-violence-and-what-s-the-real-harm .
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CHAPTER 8 – NON-CENSORIAL METHODS EFFECTIVELY CURB THE POTENTIAL HARMS OF CONSTITUTIONALLY PROTECTED “HATE SPEECH”

157	and its potential harmful effects.	European Commission Against Racism and Intolerance, <i>ECRI General Policy Recommendation No. 15, ON COMBATING HATE SPEECH</i> (adopted on Dec. 8, 2015) https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N15/REC-15-2016-015-ENG.pdf .
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163	“what we need from you.”	Institute of Politics, <i>CLIP: Van Jones on Safe Spaces on College Campuses</i> , Univ. of Chi. (Feb. 24, 2017), http://politics.uchicago.edu/news/entry/clip-van-jones-on-safe-spaces-on-college-campuses .
163	“[to] speak on their own behalf.”	<i>Interview with Theodore Shaw</i> , in THE CONTENT AND CONTEXT OF HATE SPEECH 412 (Cambridge Univ. Press, Michael Herz & Peter Molnar eds., 2012).
163	“they find wounding and hurtful.”	Nat Hentoff, <i>Battling the Speech Police</i> , WASH. POST (Oct. 27, 1990), https://www.washingtonpost.com/archive/opinions/1990/10/27/battling-the-speech-police/e0871712-0d0a-4157-832d-a9b519be489e/?utm_term=.53a1eb116064 .
164	“. . . the most racist statement of all!”	<i>Press Release</i> , STANFORD NEWS (Mar. 19, 1990) (quoting Alan Keyes).
164–65	“make a difference in the world.”	Pamela B. Paresky, <i>The Savage Empathy of Safe Spaces</i> , PSYCHOL. TODAY (April 3, 2017) https://www.psychologytoday.com/blog/happiness-and-the-pursuit-leadership/201704/the-savage-empathy-safe-spaces .
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166	“on the spot, right there.”	<i>Interview with Theodore Shaw</i> , in THE CONTENT AND CONTEXT OF HATE SPEECH 404 (Cambridge Univ. Press, Michael Herz & Peter Molnar eds., 2012).
166–68	who displayed the racist poster.	Letter to the Editor, <i>African-American Women Respond to Poster with Courage, Intelligence</i> , STATE PRESS (Feb. 15, 1991).
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170	including exposure to “hate speech.”	Greg Lukianoff & Jonathan Haidt, <i>The Coddling of the American Mind</i> , ATLANTIC (Sept. 2015), https://www.theatlantic.com/magazine/archive/2015/09/the-coddling-of-the-american-mind/399356/ .
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171	“inferior without your consent.”	<i>This Is My Story</i> , 37 READER'S DIGEST at 84 (Sept. 1940) (adapted from: Eleanor Roosevelt).
171	“than as a critic of the speaker.”	Baker, C. Edwin, <i>Harm, Liberty, and Free Speech</i> , 70 S. CAL. L. REV. 979, 991–92 (1997).
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173	slows and breathing becomes steadier.”	Beverly Engel, <i>The Power of Apology</i> , PSYCHOL. TODAY (July 1, 2002), https://www.psychologytoday.com/articles/200207/the-power-apology .
173–74	“acting at another person's expense.”	HARRIER LERNER, WHY WON'T YOU APOLOGIZE?: HEALING BIG BETRAYALS AND EVERYDAY HURTS 175 (Simon & Schuster, 2017).
174	will lack healing power	Beverly Engel, <i>The Power of Apology</i> , PSYCHOL. TODAY (July 1, 2002), https://www.psychologytoday.com/articles/200207/the-power-apology .
174	“acknowledgement of wrong-doing.”	Katharine Gelber & Luke McNamara, <i>The Effects of Civil Hate Speech Laws: Lessons from Australia</i> , 49 L. & SOC'Y REV. 631, 647–48 (Sept. 2015).
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