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Free speech is for everyone, not a select few

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When fellow columnist Stu Bykofsky said Black Lives Matter Pennsylvania's Asa Khalif should not be allowed to interrupt government news conferences while protesting the killings of black men by police, I was flummoxed.

Last time I checked, the First Amendment granted every American the right to free speech. It's what protects my right to pen this column, voice outrage at governmental corruption or speak up against an emerging culture of hate. In short, that precious right to speak freely is what makes us all Americans.

But for blacks in this country, there seems to be a separate set of rules. We can protest, as long as it doesn't make our white countrymen uncomfortable. We can speak up, as long as we do so in a respectable manner. We can sit down, as long as it isn't during the national anthem. We can stand up, just not for the right to be treated equally by those whose salaries we pay.

I'm tired of that double standard. So let me be clear. I don't care whether a black man's demand for equal treatment makes others uncomfortable. In fact, I hope it does. It is only when we are uncomfortable that we change. And make no mistake. America must change.



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When white supremacists, neo-Nazis and Klansmen can march through the streets of Charlottesville, Va., while armed with automatic weapons, but a black man can't shout his displeasure at the elected officials whose salaries we pay, America must change.

When unarmed blacks protesting the killing of Michael Brown in Ferguson, Mo., are met with military-grade weaponry, but an armed white man shooting at the feet of anti-racist protesters in Charlottesville is met with no force at all, America must change.

When the president of the United States says "very fine people" marched among racists whose protests culminated in the killing of anti-racism protester Heather Heyer in Charlottesville, America must change. The double standard must end.

My esteemed colleague doesn't see it that way.



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When I spoke with Bykofsky about his column on my radio show, he cited the opinion of constitutional law expert Michael Gerhardt, who says Khalif's speech is not protected because of the so-called heckler's veto, which says your free speech should not come at the expense of someone else's.

I called up another expert, Paul Hetznecker, a criminal defense and civil rights lawyer, who teaches at Arcadia University. Hetznecker disagreed with Gerhardt's take.

"One of the essential pillars of our democracy is that speech, especially political speech, which may be uncomfortable or even confrontational, be afforded the highest protection under the Constitution," Hetznecker told me. "In 2011, the Supreme Court reinforced these protections in the *Westboro Baptist* case, ruling that disruptive, uncomfortable speech on matters of public importance, in a public forum, is protected under the First Amendment. The 'heckler's veto' doctrine is not applicable in this context, as that doctrine applies to government censorship that completely prohibits speech before it is made based upon the anticipated negative reaction of the listener. Raising a dissenting voice in a public forum regarding a matter of public importance is protected by the First Amendment."

In other words, Khalif is completely within his rights to interrupt a government news conference. Just as white protesters have exercised their rights to speak against the government.

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For years, I watched with alarm as armed white protesters showed up near speeches by Barack Obama, the nation's first black president. Those protesters were not challenged, because, under the Second Amendment, they had the right to bear arms.

I watched with consternation as white protesters burned Obama in effigy with minimal pushback, because, under the First Amendment, their distasteful and threatening display was a protected form of speech.

I watched with a sense of sadness as Rep. Joe Wilson stood up and interrupted a State of the Union speech by Obama with the words, "You lie!" And while he was criticized for rudeness, no one ever questioned his right to speak. In fact, Wilson raised millions in donations from Americans who enjoyed his startling display of disrespect.

In each case, those white protesters were free to raucously and angrily engage in those acts because such acts are constitutionally protected. And while their actions, in my view, were at least partly driven by racial animosity, I join with other Americans in supporting their right to speak.

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Asa Khalif yelling profanely about police who unjustly kill black people is not only a protected form of speech. It is a needed form of speech.

Khalif, whose cousin Brandon Tate-Brown was killed by a police officer in 2015, represents the face we don't want to see. He is the family left behind when our government engages in actions that disproportionately abuse the poor and the disenfranchised. He is the community that is forced to demand the rights that others take for granted. He is the voice of those who wish they could confront their elected officials in that way.

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The Kenney administration is right to respect Khalif's right to speak freely.

I only wish my fellow media members would respect it, too.



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