



Written by [Selwyn Duke](#) on February 12, 2016

Cop Silences Preacher — Says “It’s against the Law” to Offend Someone

“It doesn’t matter, freedom of speech. Someone was offended, that’s against the law.” These words were actually uttered by a University of Texas at Austin police officer on Tuesday, as he was issuing a citation to a street preacher for “disorderly conduct.”

The kicker? The preacher, an intern with [Campus Ministry USA](#) identified only as Joshua, was not even on university property. He was just outside it exercising his First Amendment rights.



And the officer, also not identified but clearly seen and heard in the video below, was plainly outside the law. So much so that the university police ultimately voided the citation and apologized to Joshua after the video went viral and they were contacted by a lawyer representing the intern. Yet this event reflects some very disturbing trends in America.

It’s not that Campus Ministry USA isn’t controversial. Its leader, Brother Jed, says he’s been preaching around colleges for more than four decades, and he’s known for provocative tactics such as holding placards stating “You Deserve Hell.” Yet this is precisely what the freedom of speech was designed to protect: unpopular speech. Popular speech’s popularity is often protection enough. The police officer was clearly oblivious to constitutionally recognized rights, however, as the following exchange evidences:

Intern: Um, does freedom of speech protect offensive speech?

Officer: Does freedom of speech do what?

Intern: Uh, protect offensive speech?

Officer: It doesn’t matter, freedom of speech. Someone was offended, that’s against the law. I ... I don’t wanna argue with you — it’s against the law....

Intern: I’m sorry, can you say that again? It’s against the law to offend somebody?

Officer: Yes.

The university police have said that the “officer who originally responded to the complaint is currently in the training process,” the *Daily Caller* [reported](#). One would hope that training will include a good dose of civics. As the *Daily Caller* also wrote:

Ari Cohn, a lawyer with the Foundation for Individual Rights in Education ([FIRE](#)) told TheDC that he found the video “deeply disturbing.” “Speech that simply offends others is protected by the First Amendment, and contrary to the officer’s statements, it is not the job of police to ‘do something’ about it. Issuing a disorderly conduct citation based on the content of speech violates decades of clear Supreme Court precedent,” Cohn said.

“Even worse is that while Brother Jed is not a campus community member, and was not even on



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campus property, the officer justified his decision with the fact that students on campus across the way were offended. The implications for campus expression are dire,” Cohn went on to say. “If offending someone on campus is now grounds for criminal citations, students wishing to express themselves will much more likely censor themselves, or simply refrain from speaking at all. Such a result is unacceptable, legally and morally, at a state university bound by the First Amendment.”

Also troubling is that the officer is not the outlier many would think, as there’s no shortage of Americans who believe that so-called “hate speech” is against the law. Many years ago a student of mine insisted that using racial epithets was illegal. I also remember pundit Bill O’Reilly, responding to a guest who pointed out that speech is protected, saying (I’m paraphrasing) “Not hate speech.” It just reflects the spirit — and conditioning — of the age.

Back when I was in grade school, we still heard the reminder “Sticks and stones may break my bones but names will never hurt me.” Of course, words can bruise feelings, leading to fractured relationships — and sometimes fractured jaws. But the reminder had great utility. It not only related the truth that there’s a dividing line between words and actions, but helped instill respect for free speech by treating unwelcome speech as what it is: a fact of life with which a mature person learns to cope.

Don’t hold your breath waiting for the reminder to be issued in today’s schools. It has been replaced with “self-esteem” gobbledygook telling teachers to watch what they say — and often not even to render constructive criticism — lest the little snowflakes’ self-image be tarnished. It has been replaced with “sensitivity training” and “anti-bullying” programs telling students to watch what they say and which prescribe punishment for those uttering politically incorrect things.

This isn’t to say civility shouldn’t be stressed or that there ever was a time without some socially enforced speech code (e.g., frowning upon taking the Lord’s name in vain or using foul language). It’s one thing, however, to punish a child for mindless name-calling. It’s quite another to stigmatize substantive, truth-based expression, such as when [punishing students for refusing to call boys who think they’re girls “she.”](#) This instills the notion that substantive debate must be subordinated to “feelings.”

There’s a saying that goes, “It’s important to not be so thick-skinned that you’re insensitive to the feelings of others and not so thin-skinned that you can’t cope.” But today the balance has shifted far away from instilling respect for free speech in favor of instilling fear of giving offense (with “offensiveness” defined by leftist social engineers). Children are now conditioned to believe that merely *saying* certain things is as bad as, or even worse than, hurling sticks and stones. And if the latter is illegal?

“What’s worse than it is must be illegal, too,” junior may conclude. After all, it certainly has been treated as though it is all during his schooling. And what’s assumed is learned best.

This is a recipe for losing liberty. Consider: After a comedian had an on-stage, racial-epithet-laden [outburst](#) in 2006, “civil rights” lawyer Gloria Allred appeared on *Hannity and Colmes* and opened with the bold proclamation, “This is not free speech; this is hate speech!” I noted this at the time and then drew an analogy in my piece [“How We Will Lose Our Freedom of Speech”](#):

As a dissenting justice in the 1958 *Baer v. Kolmorgen* case, one Judge Gallagher is [quoted](#) as having warned that “if the court does not stop talking about the separation of church and state, people are going to start thinking it is part of the Constitution.”

But the courts didn’t stop, and the result is that four decades later this “fact” is imprinted upon the



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American mind. So much so, that now the average Joe has been inured to the denuding of the public square of historic religious symbols out of respect for this supposed “principle” of the Constitution.

Likewise, as long as we continually condemn “hate speech” and juxtapose it with “free speech” — behaving as if they’re two entirely different animals — more and more people will assume that such speech already is illegal. And once enough Americans believe this, all that’s left is to make it official. It starts in school. And it is why Johnny can’t tell liberty from tyranny.



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