

**Sicknicks with Filthy Words: What Lenny Bruce and George Carlin can tell us about  
Political Correctness**

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**Abstract:** *This paper analyzes how liberals and conservatives conceptualize free speech by analyzing the works of comics Lenny Bruce and George Carlin, and conservative commentator Milo Yiannopoulos. This analysis helps us to better understand how free speech moved from being a value championed primarily by the left, to one advanced by the right as well, and allows us to examine the implications of this shift. It reveals how the left and the right conceptualize free speech claims differently, and explores the interpretive work that this rights claiming does for both groups. I find that rights are not disembodied entities which are applied to all individuals equally—their legitimacy is tied to the perceived legitimacy of the rights bearer advancing the claim. Conservatives and liberals have very different conceptions of what a legitimate rights bearing citizen is, and this shapes their support for free speech claims. For liberals, law is typically thought of as a mechanism for protecting vulnerable minority groups who are likely to be oppressed by a hostile majority through the democratic process. As such, they tend to support speech claims when they are advanced by dissidents challenging entrenched hierarchies. In contrast conservatives see law as beholden to the will of the majority. As a result, they tend to support speech claims when they are framed as representing the will of an often “silent” majority, who seeks to challenge the illegitimate power of “subversive” elites.*

After laying dormant for much of the past two decades, the issue of “political correctness” has once again captured the attention of the American public. College campuses around the country have erupted in protests over what many believe to be racially insensitive symbols or discourse,<sup>1</sup> and Donald Trump’s unconventional presidential style has helped sparked a national conversation on the use of “politically incorrect” language (Tumulty and Johnson 2016). These events harken back to a discussion that first began during the 1980s and 90s. During this time the United States became embroiled in a debate about the use of offensive language, with some arguing that such language was discriminatory “hate speech,” and should thus be regulated (Shapiro, 1990; Lawrence, 1990; Delgado and Stefancic, 1997), and others insisting that mandating political correctness violated individual rights to freedom of expression, and undermined our democracy (Bloom 1987; D’Souza 1991; Kimball 1998).<sup>2</sup>

Perhaps one of the most interesting aspects of this debate is that it has created somewhat of an ideological misalignment amongst conservatives and liberals. As a result conservatives, who have traditionally been more concerned with security than speech (McClosky and Brill 1983; Guth and Green 1991), find themselves opining about the virtues of the First Amendment, and liberals, who have long been defenders of first amendment rights (Murphy 1979; Kairys 1982), find themselves penning jeremiads about the dangers of unregulated speech. This has led commentators to accuse advocates on both sides of this debate of hypocritically supporting free speech when the speaker in question is advocating a message that they agree with, and opposing

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<sup>1</sup> A number of recent incidents have captured national attention. For example, the University of Oklahoma closed its chapter of the Sigma Alpha Epsilon fraternity after some of its members were caught on video singing racist chants (Fernandez and Pérez-Peña 2015). Yale University erupted in protests after a professor sent students an email questioning the University’s recommendation that students avoid wearing Halloween costumes which may be construed as racially insensitive (Stack 2015). Protests at the University of Missouri erupted following a number of racist incidents occurred there. The protests ultimately culminated with the resignation of the University President whose response to these incidents had been deemed insufficient (Eligon and Pérez-Peña 2015).

<sup>2</sup> For more contemporary examples of these arguments see for example Marcotte 2015; Chait 2015; Lukianoff and Haidt 2015.

it when that message is contrary to their beliefs (Hentoff 1992). According to this construction, making a rights claim is not about protecting core ideological beliefs. Instead, rights are simply props we use to lend legitimacy to our positions when they suit our interests, and toss aside when they would lead us to draw contradictory conclusions.

How did we get to this point? And is this cynical perspective of free speech rights really warranted? This paper seeks to answer these and other questions by contrasting the current debate over political correctness with an earlier discussion of obscenity. I do this by analyzing the debate over free speech which was generated by the works of Lenny Bruce and George Carlin, two comedians who ran afoul of obscenity laws during the 1960s and 70s. I then apply insights gleaned from this analysis to the current debate over political correctness by analyzing the works of conservative commentator Milo Yiannopoulos. This exercise can help us to better understand how free speech moved from being a value championed primarily by the left, to one advanced by the right as well, and allows us to examine the implications of this shift. It will also help us to understand how the left and the right conceptualize free speech claims differently, and explore the interpretive work that this rights claiming does for both groups.

I find that, contrary to popular opinion, the left and the right are actually not inconsistent or hypocritical in their advocacy of free speech at all. This is because rights are not disembodied entities which are applied to all individuals equally—their legitimacy is tied to the perceived legitimacy of the rights bearer advancing the claim (Passavant 2002; Goldberg 2007; Darian-Smith 2010). Building on the intellectual foundation established by sociolegal scholars who study “rights talk” and legal consciousness (Ewick and Silbey 1998; Gilliom 2001; Engel and Munger 2003; Dudas 2008; Lovell 2012; Wilson 2013), I find that conservatives and liberals have very different conceptions of what a “legitimate” rights bearing citizen is, and that this

powerfully shapes their support for free speech claims. For liberals, law is typically thought of as a mechanism for protecting vulnerable minority groups who are likely to be oppressed by a hostile majority through the democratic process,<sup>3</sup> or as a mechanism for challenging status quo power structures (Scheingold 1974; Rosenberg 1991; McCann 1994). As such, they tend to support speech claims when they are advanced by dissidents seeking to challenge entrenched hierarchies. This is especially true when the dissident in question is a comedian, as they are granted broad latitude to challenge established norms. In contrast, conservatives see law as beholden to the will of the majority (Meese 1985; Bork 1991; Scalia 1997), and as a mechanism for protecting core values which are shared by the majority of citizens (Dudas 2008; Mello 2016). They believe that attempts to undermine this majority are contrary to democratic principles. As a result, they tend to support speech claims when they are framed as representing the will of an often “silent” majority, who seeks to challenge the illegitimate power of “subversive” elites. This dynamic is further complicated by the fact that, unlike liberals who tend to make a distinction between “political commentators” and “political comedians,” on the right these two roles tend more often to be combined.

### **I. Lenny Bruce: “The Sick Comic”**

Lenny Bruce began working as a comedian in the late 1940s after being discharged from the military for wearing women’s clothing.<sup>4</sup> Though he would later become known as the “sick

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<sup>3</sup> This perspective has been outlined in a number of Supreme Court decisions, most notably in the famous “footnote 4” of *United States v. Carolene Products Co.* (1938) and in *West Virginia State Board of Education v. Barnette* (1943) where the Court said that, “The very purpose of the Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts” (638).

<sup>4</sup> Bruce provides an account of this incident in his autobiography. He had enlisted in the navy at 16, and was stationed aboard the U.S.S. Brooklyn off the coast of Italy during WWII. Bruce wanted to be discharged from the navy, so he had another sailor sew him a W.A.V.E. uniform of the type worn by women who served in the Naval Reserves and proceeded to wear it aboard ship. He was initially branded a “homosexual” for doing so and given a

comic”<sup>5</sup> his early act was clean-cut, featuring impressions of celebrities like James Cagney and Audrey Hepburn, which were standard fare for comedians at the time. He was heavily influenced by his mother, who had been a burlesque comedian (Collins and Skover 2002, 15). Bruce enjoyed some initial success, but he had difficulty standing out in New York City’s crowded comedy scene. He eventually moved out west and took a job working as an emcee at “Strip City,” a seedy Los Angeles burlesque club with a working class clientele. It was here that he began to develop the profane comedic style which he would become known for. Bruce worked at Strip City from 1953-1956. His job was primarily to introduce the female performers, and keep the audience entertained during breaks. He would sometimes upstage the dancers however with short improvisational bits, lewd jokes, and songs, occasionally doing his performances wearing nothing but black socks and shoes (Collins and Skrover 2002, 15).

After his stint at Strip City Bruce began performing regularly at Burlesque clubs like “Duffy’s Gaieties” and jazz joints like “The Crescendo,” popular stops on Los Angeles’ comedy scene at the time. It was during this period that he developed longer bits, and began building a cult following. Bruce’s comedic style was sarcastic and cerebral. While he did use profanity in his performances, it was typically deployed strategically as a means of making a larger point, not as a way to get an easy laugh. In fact, making the audience laugh was almost secondary to him. Instead he seemed driven primarily by a desire to expose corruption and hypocrisy whenever possible. In his obituary, the New York Times’ editorial staff reflected on Bruce’s comedic style:

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dishonorable discharge, but after questioning his fellow sailors the Navy determined that he was not gay and gave him an honorable discharge instead (Bruce 1966, 30-32).

<sup>5</sup> Bruce objected to being labeled a “sick” comic, believing that this moniker was given to him by a few lazy journalists and critics. He argued that his act defied labels because he was constantly writing new material and changing his style. He was also quick to point out the hypocrisy in labeling him “sick” for his use of profanity, but not performers like Jerry Lewis, whose supposedly “clean” act often featured crude ethnic or racial stereotypes, particularly of the Japanese (Bruce 1966, 124-126).

[Bruce] angered and amused people... with his biting, sardonic, introspective free-form patter that often was a form of shock therapy for his listeners... Although he seemed to be doing his utmost at times to antagonize his audiences, he also displayed an air of morality beneath his brashness that some felt made his lapses in taste often forgivable... His humor on the stage rarely evoked a comfortable belly laugh. It required concentration, and then often produced a wry smile and perhaps a fighting gleam in the eye. (New York Times, 1966)

By the late 1950s Bruce had gained a national following. He was drawing large crowds and earning substantial paydays. While his act was considered too risqué for mainstream outlets like the Ed Sullivan Show, he earned a reputation as an avant-garde comic who was a favorite of “hipsters” and artists (Collins and Skrover 2002, 86-97).

Bruce’s used profanity in his act, but his bits seem tame compared to some of the comedians who would follow in his footsteps. At the time however, hearing a comedian using profanity on stage would be shocking to many Americans. In the 1950s and 60s, most cities had obscenity statues prohibiting the use of certain obscene words and sexual gestures. These laws were seen by many as essential to upholding traditional values and preserving the moral foundation of society (Kuh, 1967). Bruce flaunted these strictures, and as his popularity grew, his performances began to draw the attention of the police. He would ultimately be arrested six times for obscenity violations during his career—once in San Francisco, Chicago, and New York, and three times in Los Angeles. The resulting obscenity trials would consume the final years of Bruce’s life and define his legacy. He would become obsessed with the defending his many court cases, filling his home with cartons of legal transcripts and notes, working to shape

his own legal defense,<sup>6</sup> and providing transcripts of key moments from these trials in his autobiography.

In court Bruce argued, with varying degrees of success, that his comedy provided important social and political commentary which should be protected by the First Amendment (Bruce 1966, 140-146). Relying on the standard established in *Roth v. United States* (1957), which was the controlling precedent at the time, his lawyers argued that obscenity was defined as material which the average person applying “community standards” would consider as appealing to “prurient interests.” In his autobiography Bruce argued that, “the obscenity law, when everything else boils away, is: Does it appeal to the prurient interest? I must get you horny—that’s what it means. If I do a *disgusting* show... or if I do a vulgar show... it’s not obscene” (Bruce 1966, 193). Bruce meant for his work to be shockingly vulgar, and at times profane, but it was certainly not aimed at arousing sexual excitement.<sup>7</sup>

### ***San Francisco Obscenity Trial***

Bruce’s biggest legal victory came during his 1961 obscenity trial in San Francisco. The trial concerned a performance Bruce had done at a North Beach nightclub called “The Jazz Workshop.” The performance featured much of Bruce’s standard material at the time, including copious use of the word “cocksucker”<sup>8</sup> and a bit called “To is a Proposition, Come is a Verb,” in

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<sup>6</sup> Bruce was constantly meddling in his trials, to the chagrin of the attorneys he hired to defend him. He would often give advice to his attorneys, and would sometimes fire lawyers who refused to comply with his demands. He would also write personal letters to the judges overseeing his trials, and even attempted to represent himself on several occasions (Collins and Skover 2002).

<sup>7</sup> Bruce’s attorneys made this point repeatedly during his obscenity trials. They would often ask the police officers who testified against him if they had been sexually aroused during his performance—a question designed to make them uncomfortable. Everyone responded that they had not (Bruce 1966, 146; Collins and Skover 2002, 123; 161).

<sup>8</sup> The word “cocksucker” would have been interpreted almost exclusively as a reference to a homosexual act at this time. This probably increased the word’s offensiveness because it was also deemed an attack on man’s masculinity. In fact, linguist Timothy Jay ranks “cocksucker” as second only to “motherfucker” in terms of its ability to offend (Jay, 1997).

which he performed a dialogue between two people having sex while making various comedic uses of the word “come.” Two police officers who observed the performance believed that the act violated the city’s obscenity statute and after the show, they arrested him. During the trial the prosecutor argued that Bruce’s act was obscene, that it provided no value to society, and was thus outside the bounds of First Amendment protection.

Bruce’s defense countered by arguing that his act offered valuable social and political commentary which should be protected by the Constitution. In doing so they emphasized one of the major themes of his’ work, the seemingly arbitrary way in which some words get labeled “obscene” and others not. According to Bruce, there are no “dirty” words, “...obscenity is a human manifestation...” for example, “[a] toilet has no central nervous system, no level of consciousness. It is not aware... it cannot be obscene; it’s impossible. If it could be obscene, it could be cranky, it could be a Communist toilet, a traitorous toilet. It can be none of these things” (Bruce 1966, 155). To help make this argument at trial the defense called a number of expert witnesses including Ralph Gleason, a columnist and literary critic for the San Francisco Chronicle. Gleason testified that Bruce’s use of profane language was not obscene, but meant as a form of social criticism, “... words have been given in our society, almost a magic meaning that has no relation to the facts, and I think [Bruce] tried in the course of this show that evening to demonstrate that there is no harm inherent in words themselves” (as quoted in Bruce 1966, 142). This is a point that Bruce makes quite forcefully in “To is a Proposition, Come is a Verb.” One of the underlying premises of that bit is that by itself, “come” is not a “dirty” word. It is only by providing context such as “don’t come in me” that it becomes vulgar (Bruce 1966, 159-160). Bruce would return to this argument in a bit he performed later in his career called “Las Vegas Tits and Ass.” In this bit he argued that tourists primarily came to Las Vegas for sex, but



that to say so explicitly would be considered obscene. Bruce argued that this was dishonest. He goes on to reveal the hypocritical way in which this same topic expressed using different words such as “Gluteus maximus and Pectorales majores Nightly!” would be deemed acceptable (Bruce 1966, 229).

Bruce seemed to want to do more than just expose this hypocrisy, he also wanted to rectify it. He sought to strip these words of their significance and power by using them frequently in an effort to desensitize us to them. When questioned by the police about why he used the word “cocksucker” repeatedly in his San Francisco performance, Bruce quipped that “well there are a lot of cocksuckers around aren’t there? What’s wrong with talking about them?” (Bruce 1966, 140). He then explained that he wanted to “break down” the significance given to the word by talking about it (Collins and Kover 2002, 51). Bruce believed that making some words off limits imbues them with unnecessary gravitas. These are “just words,” and we can free them of the negative connotations we associate them with if we choose not to be offended by them.

Though I think Bruce is sincere in making this argument, there is a bit of a contradiction here. Because, of course, these are not “just words” to him. Bruce was obsessed with language, how it was used, and how he could use it for comedic and literary effect. He would go to great lengths to point out even seemingly trivial misrepresentations of his own words, taking the stand at his trial to correct the testimony of his arresting officers when they said he used the word “eat it” instead of “kiss it” in reference to a man’s penis for example (Bruce 1966, 152). This seems like an acknowledgement that the words we use do in fact have a great deal of meaning, and that it is understandable for people to get upset when they are used inappropriately. After receiving

detailed instructions about how to interpret the obscenity statute from the judge,<sup>9</sup> the jury deliberated for several days before issuing a unanimous decision acquitting Bruce of all charges.

### ***Criticism of the Catholic Church***

The San Francisco decision allowed Bruce to perform his act there without fear of reprisal from law enforcement, but it did nothing to prevent other localities from bringing charges against him. One such arrest came after his 1962 performance at the “Gate of Horn” nightclub in Chicago. That night Bruce riffed on a number of subjects including politics, race, infidelity, and perhaps most controversially religion. Bruce did a bit that night entitled “Christ and Moses” which included some biting criticism of the Catholic Church. The bit explores a hypothetical situation in which Jesus and Moses come back to earth and remark on the hypocrisy of organized religion. For example, “Christ and Moses [stand] in the back of Saint [Patrick’s Cathedral] confused... at the grandeur of the interior... His route took him through Spanish Harlem. He would wonder what fifty Puerto Ricans were doing living in one room. That stained glass window is worth nine grand! Hmmmmm....” (Bruce 1966, 184)

Bruce’s irreverent attitude towards religion seems to have drawn the ire of the Irish Catholic patrolmen who made the arrest that day. The officers actually interrupted the act to arrested Bruce in the middle of his performance, instead of waiting until after the set was over, as

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<sup>9</sup> The Judge assigned to the case was Clayton W. Horn. Horn had experience dealing with San Francisco’s obscenity statute before. He had also presided over the *People v. Ferlinghetti* a case concerning the publication and sale of Alan Ginsberg’s book *Howel and Other Poems*. In that case Horn written an opinion which came down strongly in favor of free speech and against censorship (Collins and Kover 2002, 41-46). His instructions to the jury in *People v. Lenny Bruce* framed obscenity very narrowly as, “... a shameful or morbid interest in nudity, sex, or excretion... which is utterly without redeeming social importance... The use of blasphemy, foul or coarse language, and vulgar behavior does not in and of itself constitute obscenity... A performance cannot be considered utterly without redeeming social importance if it has literary, artistic or aesthetic merit, or if it contains ideas, regardless of whether they are unorthodox, controversial, or hateful, of redeeming social importance” (Bruce 1966, 161-162).

happened during Bruce's other arrests.<sup>10</sup> In his police report the arresting officer expressed particular concern over Bruce's statements about the Catholic Church writing that, "[Bruce] led into a mockery of the Catholic Church and other religious organizations by using the Pope's name and Cardinal Spellman and Bishop Sheen's name" (Bruce 1966, 184).<sup>11</sup> The charge refers to a moment in Bruce's "Christ and Moses" routine in which he depicts Spellman and Sheen playfully referring to the pope as "fatso" and tell him to "stop *fressing*<sup>12</sup> so much" (Bruce 1966, 184). That same officer visited the Gate of Horn a week later and threatened to revoke the club manager's liquor license if he ever allowed Bruce to perform there again, stating, "If he ever speaks against religion, I'm going to pinch you and everyone in here. Do you understand? ...He mocks the Pope—and I'm speaking as a Catholic—I'm here to tell you your license is in danger" (Bruce 1966, 186). The most interesting part of this is that the bits Bruce did about religion that day contained no profane language at all. This suggest that is was not the "dirty" words that Bruce used which really upset people, but the fact that he challenged powerful and respected institutions which made his act seem so threatening.

Bruce's problems with Chicago's large Catholic population extended into the courtroom as well. In a moment that seems like it was pulled out of one of his comedy routines, Bruce recounts how, "On Ash Wednesday, the judge removed the spot of ash from his forehead and told the bailiff to instruct the others to go and do likewise. I could never conjure up a more bizarre satire than the reality of a judge, two prosecutors and 12 jurors each with a spot of ash on

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<sup>10</sup> A young George Carlin was in the audience that night. In a strange coincidence, he too would be arrested that night for failing to provide identification to a police officer. He shared a squad car with Bruce, who teased him for getting himself arrested for such a trivial offense (Collins and Kover 2002, 147).

<sup>11</sup> This "blasphemy" charge was later dropped by the District Attorney, because speaking against religion is protected by the First Amendment (Collins and Skover 2002, 144-149).

<sup>12</sup> *Fressing* is a Yiddish term which means to eat excessively. Bruce, who was Jewish, often sprinkled Yiddish words and phrases throughout his routines. He did this so often that the police in Los Angeles actually had a Yiddish undercover agent watch one of his performances to determine if any of his Yiddish phrases were profane (Bruce 1966, 185).

his forehead” (Bruce 1966, 186). To make matters worse, Bruce’s behavior became exceedingly erratic as the Chicago trial wore on. At this point he was facing charges in multiple states, not just for obscenity but for drug possession as well. He was also deeply in debt, and addicted to heroin. Bruce began trusting his lawyers less, often meddling in their affairs, and even insisted on representing himself at trial on a few occasions (Collins and Skover 2002, 288-294). He was eventually convicted of obscenity and given the maximum sentence of 1 year in jail and a \$1,000 fine. This verdict was later overturned on appeal thanks to the work of Bruce’s powerhouse legal team, led by the esteemed First Amendment Scholar Harry Kalven Jr.

### ***To be Found Obscene in New York***

Bruce’s final obscenity charge came in New York in 1964 after a show at the Café Au Go Go coffeehouse. An exasperated Bruce responded to the charge by quipping, “what does it mean for a man to be found obscene in New York?... If anyone is the first person to be found obscene in New York, he must feel utterly depraved” (Bruce 1966, 195). The trial attracted national attention. Beat poet Allen Ginsberg, circulated a petition signed by hundreds of notable artists, musicians, and poets who believed that Bruce’s performance was protected by the First Amendment. They saw themselves as allies in a fight against the moral standards of the day, but Bruce himself was dismissive of their efforts. According to his friend Dick Schapp, who wrote the afterward to Bruce’s autobiography, “[Lenny] didn’t want to be a cause, a symbol of free speech. He had heard the clanging of too many false symbols. He simply believed he had the right to talk in night clubs the way corporation vice-presidents talk in their living rooms and their board rooms” (as quoted in Bruce 1966, 238).

Bruce was eventually convicted of obscenity in New York and sentenced to four months in prison. The verdict was upheld after Bruce failed to file a timely appeal, but he died of a heroin overdose in 1966 before he could begin serving his sentence. At the time of his death, Bruce had become a bit of an afterthought. His best days as a comic were behind him, and his erratic behavior had alienated many of his former friends. He had been effectively banned from performing in the three biggest cities in the country,<sup>13</sup> and club owners were reluctant to book him for shows in places where he had not been banned, for fear of facing legal reprisal. When Bruce did perform during the latter part of his career, he seldom told many jokes, instead offering a rambling routine focused primarily on a discussion of his legal problems (Collins and Skover 200, 333-334). To make matters worse, sales of his comedy albums were abysmal, leaving him little income with which to pay down his substantial debts. Bruce's reputation received a boost after his death however. He became a revered cultural icon, celebrated for his fierce defense of the freedom of speech. A number of films were made about his life, casting him as a tragic figure, a rebel who sought to upset the established order, and paid the ultimate price for doing so (Collins and Skover 2002, 396-400). His album sales skyrocketed, and many of his former prosecutors reversed their positions on him (Collins and Skover 2002, 353-363). In 2003, he received a posthumous pardon for his New York City obscenity conviction from Governor George Pataki.<sup>14</sup>

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<sup>13</sup> Bruce was arrested for obscenity violations three times in Los Angeles. He was never convicted of these charges, but by 1964 it had become clear that local law enforcement officials were hostile to his act, and would continue harassing him until they received a conviction. In light of this, most major club owners in the area refused to book him (Collins and Skover date, 188).

<sup>14</sup> Pataki framed his pardon of Bruce as an extension of the invasion of Iraq, arguing that "Freedom of speech is one of the great American liberties... and I hope this pardon serves as a reminder of the precious freedoms we are fighting to preserve as we continue to wage war on terrorism" (as quoted in Krassner 2009, 12). This would no doubt have seemed absurd and probably amusing to Bruce, who was highly critical of entrenched power structures.

What made Bruce's act so controversial? His obscenity trials focused on his use of specific words like "cocksucker," "tits," and "ass" which were deemed to be obscene. But it was not really these words themselves that bothered people. The language that Bruce used was deemed acceptable by the audiences who paid to see him. It was not shocking to most of the working class police officers who arrested him for obscenity violations either. At trial a number of them admitted to using such language themselves, and hearing it often from their peers on the police force (Bruce 1966, 138-139; Collins and Skover 2002, 122; 163). As Bruce's friend Paul Krassner later said, "[Bruce] was punished for his political and religious views in the guise of violating obscenity laws" (Krassner 2009, 35).

What really seemed to upset people was not the words that he said, but the political message behind them, and most importantly who he said these words to. A number of times during his trials it was mentioned that there were "women in the audience" during his performances, or that these words were used in "mixed company" (Bruce 1966, 133; Collins and Skover 2002, 183-188). This suggests that what really bothered people about Bruce's act was that it challenged the moral standards of the day, which deemed women to be in need of protection from such crude and vulgar language. This reflects paternalistic perceptions of women at the time as unable to handle such "rough talk" common in a male dominated world, and was one justification for confining them to the private sphere of the home, where they would be safely removed from such aggressive language. In this way Bruce's act can be seen as an extension of the counter-culture and sexual revolutions which challenged established gender roles and standards of sexuality during the 1960s. Though Bruce never wanted to associate himself with such causes during his lifetime, his work resonated with many of these activists, and he became a powerful symbol for them after his death (Collins 2002, 353-355).

Bruce was not a revolutionary, he was not personally driven by a desire to bring about social change. In fact, much of his work was focused on exposing the hypocrisy of people who sought to do such things. But, he did recognize that his comedy represented a challenge to the established norms of the day. He celebrated his “outsider” status, arguing that his perspective was important for a democratic society, because it provided a foil to contrast ourselves against. According to him, “The First Amendment is... the only strength our country has... a country can only be strong when it knows all about the bad—the worst, worst things. When it knows about the bad, then it can protect itself” (as quoted in Collins and Skover 2002, 9). Here Bruce argues that even profane words which are not intended to express a political or social message are important because they remind us of what we as a society stand against.

## **II. George Carlin’s Filthy Words**

Lenny Bruce laid the foundation for future generations of comedians who would carry on his legacy by challenging the social norms of the day, but without having to suffer as much personally and professionally for doing so. The man who was perhaps most successful at this was George Carlin. Carlin and Bruce had many similarities. They were both obsessed with language and word play. They were also both extremely skeptical of authority from an early age—like Bruce, Carlin began his comedy career after being discharged from the military.<sup>15</sup> Following his dismissal from the Air Force in 1957 he worked as a deejay at a series of local radio stations, where he performed comedic riffs on the topics of the day in between playing hit songs and reading traffic reports.

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<sup>15</sup> Carlin received a general discharge from the air force under honorable conditions. The discharge was not the result of any one incident but an accumulation of numerous citations for public intoxication, failure to report for guard duty, and various acts of insubordination (Sullivan 2010, 29)

Carlin first began doing stand-up comedy after meeting fellow deejay Jack Burns during his time at Fort Worth's KXOL radio station. The two became roommates and in their spare time developed routines which they performed together as a comedy duo at "the Cellar," a coffee house and popular local comedy spot. They invented a host of stock characters and performed raunchy bits about drugs and sex (Sullivan 2010, 37-40). After having some initial success, Carlin and Burns decided to take their act to Los Angeles where they could build their comedy careers, and perhaps gain national exposure. There they honed their act and began to earn a reputation as up-and-comers who could "work clean," an important quality for comedians who wanted to appeal to a mainstream audience during the early 1960s. They began performing at comedy clubs across the country and earned a breakthrough appearance on the popular *Tonight Show* with Jack Paar (Sullivan 2010, 51-54). Shortly after this appearance however, the two decided to split up. The breakup was amicable and they would both go on to comedic success separately.<sup>16</sup>

Carlin soon became a regular feature on popular television variety shows like *The Merv Griffin Show*, Jonny Carson's *Tonight Show*, and *The Ed Sullivan Show*. The Carlin who performed at this time bore little resemblance to the scruffy counter-culture icon with long hair and beard that he would later become. He was clean-cut with short slicked back hair, a suit, and tie. His comedy routines were clean as well. He invented characters like "Al Sleet" a hippy weatherman, and did bits like the "Indian Sergeant" in which an Indian warrior calls his troops to order in the manner of an army drill sergeant (Sullivan 2010, 51-96). These routines were a hit with mainstream audiences. Carlin seemed well on his way to becoming a household name, and

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<sup>16</sup> Burns teamed up with Avery Schreiber and became a prolific comedy writer at Second City, an improve group in Chicago. He would later write for shows such as *The Andy Griffith Show*, *Hee-Haw*, and *The Muppets* (Sullivan 2010, 54).



was enjoying financial success for the first time in his life. But he was deeply unhappy with the direction his career was going. He would later reflect on this time and admit that while he enjoyed success, he did not feel like his authentic self. In 1969 Carlin decided it was time for a change, he abandoned his long time agent, and adopted a more counter-culture style. Carlin grew his hair long, began wearing tie dye tee shirts and jeans, and performing profanity laced routines about sex and drugs. His old audience was appalled, and many of his closest confidants thought that the move would derail a once promising career (Sullivan 2010, 97-120). But Carlin was able to connect with a younger generation steeped in the brewing counter-culture movement of the 1960s. He began working as an opening act for rock bands, and released several hit comedy albums, quickly regaining his stature as a prominent stand-up comic.

### ***Seven Dirty Words***

Carlin's new persona would eventually bring him into conflict with the law. In 1972 he performed before a sold out audience at Carnegie Hall. During the performance he introduced a new routine called "Seven Words You Can Never Say on Television." The act was a playful rant featuring liberal use of seven "dirty" words that, according to Carlin, could never be said on TV.<sup>17</sup> He observed that unlike words like "ass," which could be used in reference to a donkey, "bitch," which could refer to a female dog, or "bastard," an illegitimate child, these seven words had no acceptable alternative meaning. These words were "the heavy seven," so bad, Carlin joked, that they would "infect your soul, curve your spine, and keep the country from winning the war" (Carlin 1972). Unlike Bruce's more pointed jabs, the bit was not heavy with political or social commentary. It was a relatively light-hearted riff designed to point out the absurdity of

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<sup>17</sup> The original seven were "Shit, piss, fuck, cunt, cocksucker, motherfucker, and tits." Carlin would later expand his list to include other forbidden word, many of which were suggested to him by fans.

labeling certain words as “off limits.” As Carlin says near the start of the bit “There are no bad words. [Only] Bad thoughts. Bad intentions” (Carlin 1972).

It did not take long for this routine to get Carlin into legal trouble. Just two weeks later he performed “Seven Words” on the main stage of Milwaukee’s *Summer Fest*, a multi-day outdoor event which featured musical acts, food, and carnival rides. The performance drew the ire of a local police officer in the audience that night named Elmer Lenz, whose wife and young children were also attending the event. After the show an enraged Lenz rushed backstage and arrested Carlin. He was charged with violating a city ordinance against disorderly conduct, and issued a \$150.00 fine. Carlin’s attorneys recommended that he pay the fine, but he chose to fight the charges instead. The case went to trial where Carlin’s legal team successfully argued that his act was appropriate. They pointed out that it was intended for a late night audience— Carlin had gone on around 10:00 PM— and it was clearly promoted as an adult themed performance. Judge Raymond Gieringer, who oversaw the case, was sympathetic to these arguments, and did not appear to find the act offensive. When a recording of the “Seven Words” routine was played in court, he laughed through the entire thing (Sullivan 2010, 137). Carlin was acquitted.

The bit sparked further controversy after Paul Gorman, a dee jay for WBAI radio station in New York, played a live recording of Carlin doing a version of his seven words routine called “Filthy Words” during his midday radio show *Lunch Pail*. One month after this broadcast the Federal Communications Commission (FCC) received a complaint from a Manhattan man named John Douglas. Douglas said that he had been driving in his car with his twelve year old son when the program came on. He found Carlin’s routine highly offensive, and suggested that the FCC remove the station’s license as punishment for playing it. The FCC sent the letter to WBAI along with a request for comment. They replied that they believed the broadcast was

protected by the First Amendment because Carlin's work had significant social value, and thus did not meet the definition of obscene as described by the Supreme Court in *Miller v. California* (1973). The FCC found that the broadcast was indecent, however, and ruled that it should not be played during the midday hour when children may be in the audience. They gave the station a warning, but declined to sanction them further (Sullivan 2010, 153-154). WBAI appealed the FCC's ruling and the case *FCC v. Pacifica* (1978) eventually ended up before the U.S. Supreme Court.

In a 5-4 decision the Court sided with the FCC. The majority agreed that Carlin's routine did not meet the definition of "obscene" according to the test laid out in *Miller*. However, they did find that the routine was "indecent" and that the FCC had the right to regulate the "time, place, and manner" in which such material is broadcasted. The Court was particularly concerned that allowing the broadcast of indecent material would infringe on the rights of citizens who do not wish to hear this message. According to them, "Patently offensive, indecent material presented over the airwaves confronts the citizen, not only in public, but also in the privacy of the home, where the individual's right to be left alone plainly outweighs the First Amendment rights of an intruder" (*FCC v. Pacifica* 1978, 748). They were particularly concerned that this material was broadcast during the afternoon hour when children were likely to be listening.

Justice William Brennan's sharply worded dissent took the majority to task for allowing the regulation of speech that, by their own admission, did not meet the definition of obscene (*FCC v. Pacifica* 1978, 763). He was unpersuaded by the majority's insistence on the importance of protecting the rights of those who did not want to hear this message, arguing that:

Whatever the minimal discomfort suffered by a listener who inadvertently tunes into a program he finds offensive during the brief interval before he can simply extend his arm

and switch stations... it is surely worth the candle to preserve the broadcaster's right to send, and the right of those interested to receive, a message entitled to full First Amendment protection. (*FCC v. Pacifica* 1978, 765-766)

He was similarly unmoved by the Court's desire to protect children, arguing that some parent's may find Carlin's routine desirable, and that the Court was depriving such parents of their right to expose their children to such messages if they so choose (*FCC v. Pacifica* 1978, 770).

### ***Swearing as an act of Subversion***

Unlike Bruce's routines, which offended many due to their sharp political or social commentary, Carlin did not challenge established institutions or question cherished values in such an overt way. Those who found Carlin's jokes to be indecent did so purely because of the words he used. But what made Carlin's "filthy words" so offensive to some? It may be that using such words offers an implicit challenge to established power structures that makes many uncomfortable. "Dirty" words are often uttered as part of a spontaneous expression of emotions such as anger, surprise, or pain.<sup>18</sup> As such, using these words may indicate a lack of impulse control on the part of the speaker, and can be seen as evidence that one does not possess the discipline required to behave correctly in polite society. Linguist Timothy Jay, who specializes in the study of cursing, argues that such expressions of anger are offensive because, "In American culture the... prototypical response to the feeling of anger would be to control or contain [it]. The notion of civilization, etiquette, and social interaction views the unchecked expression of anger as primitive, uncultured, and ill-mannered (Jay, 1992, 101). Sociolegal

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<sup>18</sup> They elicit a similarly involuntary emotional reaction in the audience who receives them. Psycholinguistics have, for example, found that when subjects read or hear "offensive" words they reflexively shudder or stumble over them (MacKay et al. 2004).

scholars have long argued that, in the United States, our concept of citizenship is contingent on one's ability to discipline certain emotional or sexual impulses. According to Jay, "One conforms to social rules in order to maintain status in social groups or to advance to more prestigious groups. Learning social rules and behaving by them is motivating to those who do not want to be labeled outcasts or socially inept" (Jay, 1992, 102). Carlin himself certainly embodied this outsider perspective. During one of his many HBO specials he remarked that, "I do not identify with the local group, I do not feel a part of it... I've always felt different and outside... I don't really feel like an American or part of the American experience" (as quoted in Sullivan 2010, 194).

Class may be a particularly important factor in shaping why we find certain words to be offensive. Latin cognates like "penis" or "vagina" are deemed socially acceptable while words with Anglo-Saxon lineage like "dick" or "cunt" are not. This shows that the same objects described in more informal terms are deemed offensive, but are fine when expressed using the formal language more common of the upper classes. Also of note is the fact we associate certain working class professions with rough language, for example the expression "swearing like a sailor." This suggests that the people who use this language are moral degenerates, unsuitable for inclusion in polite society, unlike members of the upper class who are schooled in etiquette and taught to control their anger, and are thus morally superior (Jay, 1992, 101).

A final reason that such language is deemed offensive may be related to the audience who is exposed to it. Like Bruce, whose routines were deemed obscene in part because they were performed with women in the audience, Carlin's "filthy words" were deemed particularly troubling because they might be heard by children. It is perhaps a sign of progress that the courts no longer seemed concerned about how such language will impact women, but the paternalistic

attitude toward children still indicates that these words are seen as morally destructive in some way. The fear may be that children who are exposed to these words will use them in inappropriate situations and thus be judged as morally defective by others. In this way teaching children not to use such words may be motivated by a similar impulse as teaching them to say “please” and “thank you.” It is in line with our social ideas about what is considered to be “polite behavior” (Jay, 1992, 30). Studies show however, that children are quite capable of knowing when it is socially acceptable to swear, and when it is not. Another concern may be that swearing is typically aggressive language, thought to be too strong for children who do not have the emotional fortitude to endure such “rough talk.” This paternalistic desire to protect a weaker audience from such taboo words is reminiscent of an earlier justification for not using such words with women in the audience.

Despite the offensive nature of Carlin’s “indecent” language, he suffered few personal consequences from the Court’s decision. This is in stark contrast to Bruce whose run-ins with the law ruined his career, and probably contributed to his early death. This may indicate that the United States had undergone significant social and cultural changes in the nearly 20 years between Bruce’s obscenity trials and Carlin’s “Seven Words” routine. The state was no longer interested in policing the content of what comedians said in front of a paying audience of consenting adults, as they were in Bruce’s time. Carlin was disappointed in the Court’s decision because he personally opposed censorship, but if anything the notoriety he received from the case only boosted his career further. Carlin was one of the most prolific comedians to have ever lived. His career would continue on for more than three decades after the court’s decision. Yet, to this day, he is probably remembered most fondly for his “seven words” routine.

### **III. Milo Yiannopoulos: “Dangerous Faggot”**

One of the most prominent free speech advocates to emerge recently is former Breitbart writer and conservative provocateur Milo Yiannopoulos. Yiannopoulos first began gaining an online following for his coverage of the “gamergate” controversy involving the treatment and influence of women videogame designers. He fanned the flames of the conflict, penning a number of articles for Breitbart News which charged that, “an army of sociopathic feminist programmers and campaigners, abetted by achingly politically correct American tech bloggers, are terrorising the entire [gamer] community” (Yiannopoulos 2014). In late 2015 he began a nationwide speaking tour of college campuses called “the Dangerous Faggot Tour.” His presence on University campuses was controversial and sparked protests at a number of schools. The attention gained from this helped Yiannopoulos become nationally known, he signed a book contract with Simon and Schuster in 2017, and earned an invitation to speak at the Conservative Political Action Conference (CPAC). However, things began to fall apart for Yiannopoulos when a video of him speaking approvingly of adults having sex with minors emerged. He lost his book contract, was dis-invited from CPAC, and was forced to resign from Breitbart News as a result.

#### ***Old Wine in New Skins***

Yiannopoulos is a prolific writer, with a substantial archive of articles from his days at Breitbart. Reading these provides a window into how he sees the world. Milo styles himself as an edgy commentator who flaunts conventions. He seems to want to present himself as a different kind of conservative as well. He is very open about the fact that he is gay, and frequently mentions his desire for black men. It is perhaps surprising then that most of the

articles he has written represent fairly standard conservative arguments popular amongst the new right at least since the rise of Reagan. He is an ardent opponent of “multiculturalism” and affirmative action (Yiannopoulos 2015b; 2015d). Has argued that feminism upsets traditional family values and infringes on the rights of men (Yiannopoulos 2015a; 2015f). He also expresses support for religion and traditional values including opposition to abortion,<sup>19</sup> and gay rights (Yiannopoulos 2015e). He is perhaps most well-known for arguing that American universities are liberal institutions, hostile to conservative viewpoints, but even this is a well-worn first introduced in William F. Buckley Jr’s *God and Man at Yale* (1951), and by a host of conservative authors since then (cite; cite).

What makes Yiannopoulos unique then is not so much what he is saying, but how he says it. His articles tend to be short on substance and long on bombast. A typical example is an article he wrote in 2015 entitled, “birth control makes women unattractive and crazy.” In this article he cites a number of studies showing the well-known side effects of various forms of female birth control, and then uses those findings to draw conclusions like “women who use birth control become *dangerously* fat,” “birth control makes your voice unsexy,” and “birth control makes you a slut” (Yiannopoulos 2015a). None of these arguments are particularly insightful. The fact that some forms of birth control cause hormonal imbalances which can lead to things like weight gain should surprise no one who has taken the time to read the list of side-effects printed on the back of the package. Many of the more extreme claims he makes are based on studies of dubious veracity taken far beyond their original context.<sup>20</sup>

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<sup>19</sup> In an article on birth control, for example, Yiannopoulos states that, “God-fearing nutcases like me have long argued that birth control, like abortion (or “the murder of children,” if you prefer), is the work of the Devil” (Yiannopoulos 2015a)

<sup>20</sup> For example, he cites a study which finds that female strippers on birth control make less money than female strippers who are ovulating as evidence for the fact that birth control makes women “unsexy all the time” (Yiannopoulos 2015a).



To get into a factual debate about the merits of Yiannopoulos' arguments is to miss the point of what he is trying to do though. The central premise of this article is that women should be shamed for using birth control, instead of being celebrated for sacrificing their bodies for the sake of family planning. This is not an empirical statement, it seems more like an attempt to spark outrage than to make any kind of substantive point. The fact that Yiannopoulos peppers the article with one liners like, "on the bright side... being fat is the best form of birth control anyone could ask for" (Yiannopoulos 2015a), seems to support this claim. He concludes with the rather flippant comment that women should forgo birth control altogether because, "We need the kids if we're to breed enough to keep the Muslim invaders at bay. Tossing out birth control isn't just kinder to women, it may be the only way to save civilisation... And hey! It's what God wants, too" (Yiannopoulos 2015a) seems similarly designed to offend.

The goal for Yiannopoulos is not to win an argument based on substance, but to make his audience so mad that they try to silence him, thus giving him the moral high ground and elevating his cause. He says this explicitly in a 2016 article, "How to Beat me (Spoiler: You Wont." In it he says, "whichever side resorts to violence, intimidation or aggression, loses." If you, "...attempt to drown me out, I will win. Thanks to your bizarre antics... the attention of the world's media [will be] drawn to me and my message... your wild-eyed exploits only grows my army and gives me attention" (Yiannopoulos 2016). This is pretty standard advice for people attempting to advance social change. It is why leaders of the Civil Rights Movement carefully instructed their members on how to resist provocations and maintain a non-violent posture. They knew that if their supporters responded to southern brutality with violence they would cede the moral high ground and do greater damage to their cause.

## *Hypocritical?*

The primary argument that people like Yiannopoulos seem to be making is that the left is hypocritical. That it claims to value tolerance for diverse viewpoints, but that in reality it seeks to silence anyone who disagrees with them. It is true that progressives certainly have not embraced an absolutist view of the first amendment, and that campus speech codes typically prohibit what many on the left consider to be discriminatory or offensive, “hate speech.” But, Milo himself does not seem to believe that free speech should be an absolute right either. He is a passionate supporter of Donald Trump, who he refers to as “daddy,” a man with a penchant for decrying the media as “the enemy of the people” and savaging anyone who speaks critically of him. He also seems to enjoy directing his legions of twitter followers towards harassing his victims, often singling out individuals directly for scorn. This tactic has the effect of penalizing his opponents for expressing their opinions, and discouraging them from doing so again, strange behavior for someone who believes so passionately in free speech.

Both the left and the right seem to judge the value of free speech based largely on the context in which it is being used, but that does not make them hypocrites. For the left, speech is valuable if it challenges established power structures, and it is problematic when it infringes on equality. This is why so many people have found Yiannopoulos so offensive. His speech targets members of historically oppressed minority groups, making them feel powerless and vulnerable, and often sparking increased harassment and intimidation of them. In contrast, the right places less value on equality, and more emphasis on self-discipline and respect for authority.

Yiannopoulos often refers to his opponents as lacking in self-restraint. He has called them “rabid animals” (Yiannopoulos 2016), “a Maoist-style mob demanding political purges” (Yiannopoulos 2015b), and “jackals” (Yiannopoulos 2015c). He also laments that they undermine authority. In

an article about how campus protests at the University of Missouri led the resignation of the school's president, he says, "Now that he's set a precedent for chickening out immediately in the face of thuggery, the campus social justice warriors everywhere will be emboldened to challenge their superiors" (Yiannopoulos 2015b).

In contrast to his undisciplined opponents, Yiannopoulos depicts white men as possessing superior skills of reason and self-restraint. In an article entitled, "Why Equality and Diversity Departments Should Only Hire Rich, Straight White Men" he argues that:

Assessing so-called oppression and structural injustice... should be left to people without a dog in the fight. In other words, white males... After all, only rich, well-educated, well-connected heterosexual white males have the required detachment and lack of emotional connection to the issues at hand to make the right calls (Yiannopoulos 2015d).

Leaving aside the veracity of the idea that white males have no stake in the outcome of diversity disputes. It is interesting that this argument seems to celebrate detached and rational approaches as the epitome of what legitimate citizens should strive for, and demeans those who let their emotions influence them too much, something he feels members of minority groups will inevitably do.

### ***Commentator or Comedian?***

Another reason that Yiannopoulos has sparked so much outrage has to do with the venue in which he chooses to speak. He identifies as a "journalist" or a "writer," but a lot of his appeal seems to be the fact that his fans find him to be funny. Many of his positions are so outlandish, they seemingly cannot be meant to be taken seriously. Milo admits as much, often defending himself when people react negatively to him by saying that he is just joking. When a videotaped

interview of him advocating sex between adults and children came out, he defended himself by saying that he was joking. He said, “I understand that my usual blend of British sarcasm, provocation and gallows humor might have come across as flippancy, a lack of care for other victims or, worse, “advocacy.” I am horrified by that impression.” He also said, “I will not apologize for dealing with my life experiences in the best way that I can, which is humor.” And, “I will never stop making jokes about taboo subjects” (Yiannopoulos 2017).

If Yiannopoulos said what he says as a stand up comic on stage at a nightclub in front of a willing audience of paying customers, he probably would not stir as much controversy.<sup>21</sup> It is expected that comedians will be allowed to break certain social taboos for the sake of humor. Part of the reason the audience laughs is because they know the comedian is not meant to be taken seriously. An academic environment is much different. Here the expectation is that the speaker will engage in a substantive debate. Since many students live on campus, and since audience members do not typically have to pay to see Yiannopoulos speak, it is very possible that people will hear his message without really desiring to do so. By presenting himself as a hybrid commentator and comedian, Yiannopoulos seems to be trying to have it both ways. He wants to be taken seriously when it suites him, and to not be taken seriously when it does not. This approach is perhaps more common on the right than on the left. The left seems to more clearly delineate between people like John Stewart or Steven Colbert who are entertainers, and people like Rachel Maddow who are reporters. The right on the other hand has more people like Bill O’Reilly and Rush Limbaugh who seem to perform both roles. This means that liberal

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<sup>21</sup> Although there times when stand up comics seem to cross the line, particularly when white comedians use the N word. A good example is Michael Richard’s 2006 meltdown on the stage Hollywood’s Laugh Factory, which stirred considerable controversy.

audiences may be particularly ill prepared to deal appropriately with someone like Yiannopoulos who they take seriously, even when they probably should not.

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