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college campus,

Regarding the fourth exception to free speech—the “clear and present danger” test—the law has recognized the following requirements that must be present before the exception applies. There must be a threat of life or injury or violence, or incitement of illegal activity. Paramount for this exception is the overriding protection of the safety and security of all people in the public area. The notion here is that “the insulting or fighting words [are] those which by their very utterance inflict injury or tend to incite an immediate breach of the peace.”⁹

In short, the courts have drawn a clear distinction between hate speech and hate crimes.¹⁰ There must be a “true threat” with a genuine, serious imminent harm and reasonable fear for public safety, and where “the speaker means to communicate a serious intent to commit an act of unlawful violence to a particular individual or group of individuals.”¹¹ Moreover, the right to speech does not include the right to engage in harassment¹² of a person that is “directed,” “repeated”, and forms a “pattern of discrimination”.¹³ Finally, the right of expression noted above does not protect the right to shout down or interfere with the speech of an invited speaker; the so called “heckler veto” is not protected speech.¹⁴

The venue of the speech also is relevant in determining the legality of governmental restrictions. Some public spaces are “*traditional public forums*,”

