

Great Day for Free Speech. Supreme Court Decides FUCT Trademark Case

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Today is a good day for Americans. The U.S. Supreme Court has taken the federal government out of the business of deciding questions of morality.

Americans have wildly divergent views on many moral issues: abortion, gambling, religion and politics. Even about eating meat there are differing views on what types of meat should be eaten, or even if eating meat at all is moral. The government simply cannot and should not decide which viewpoint is correct.

The case is not about Brunetti's trademark FUCT – FRIENDS U CAN'T TRUST, but it is about his viewpoint being skeptical of authority figures in government and society, and whether the government can impose burdens on his viewpoint. Brunetti feels events have shown over and over again that his skepticism is justified.

The Supreme Court, and many Americans are uncomfortable with Brunetti's trademark. But that is not the question. The question is whether any government gets to impose its views about what is moral and suppress those it finds distasteful. That is a road that we, as Americans, should not go down. If we do then some states could prohibit Planned Parenthood from doing business by denying business licenses or occupancy permits. Other states could prohibit the National Rifle Association. Even disfavored political viewpoints could be prohibited if some consider them to be scandalous.

The decision today was joined by both liberal and conservative justices because they recognize the broader principle at stake: the freedom to express one's viewpoint even if considered immoral by some. Justice Alito summed up the issue in his concurrence "a law banning speech deemed by government officials to be 'immoral' or 'scandalous' can easily be exploited for illegitimate ends."

For more information:

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