



Written by [Ilana Mercer](#) on October 2, 2025

Free Speech After Charlie Kirk: An American Lesson for Pam Bondi and Donald Trump

Freedom needs no justification. It is an end unto itself. You are deficient in American solidarity if you don't stand up for non-violent protest and all speech — Ilana

Let us be clear about what freedom of speech à la America truly means:

The words people speak, chant, write and tweet; the beliefs they are known to hold, the flags they fly or burn, the symbolic, non-violent ceremonies and rituals they enact, the insignia, paraphernalia; the goose-stepping, Hitler salutes they muck around with — provided no physical aggression is involved (violence against animals included), all this counts as protected speech, licit in natural law.



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So long as oddities and idiosyncrasies, whether performed *alone* or in *groups*, thoughts harbored privately or shared in public — so long as *no* violence accompanies such speech or behavior; so long as your mitts stop at the next man's face (or at the next mutt's fury face, [Kristi Noem](#)): SPEECH. It's all speech. It should be free, unfettered, and as wild and as wanton as can be.

At their worst, expressions of ostensible antisemitism, Nazism, racisms, or other antipathies, if expressed as a belief system severally or collectively, rather than in palpably violent actions, amount to thought crimes. Nothing more. Whether your thoughts are spoken, chanted, written, or preached; be they impolite or impolitic, they are, at worst, no more than thought crimes.

Thought crimes are nobody's business in a free society. Thought crimes ought to be ferociously protected by a free people. By logical extension, any *accusations* of antisemitism, Nazism, or other antipathies and racisms, are especially suspect when emitted as a meme from American institutionalized power structures.

One such obscenely wealthy and worthless power structure is the Anti-Defamation League (ADL) — or Defamation League, a more apt moniker once [suggested](#) by Elon Musk before he joined the ADL in severely censoring [some speech](#) on the X platform. The ADL is a meddlesome shakedown operation, in the mold of the Southern Poverty Law Center. It has taken it upon itself to decide who lives and who dies socially and financially on the basis of the unfortunate individual's ideas, spoken and written.

In the American tradition, thoughts and words spoken or written that are politically impolite — again, racism, Nazism, antisemitism — retain protected status as speech beyond the adjudication of lawmakers, bureaucrats, mediocrats, educrats, and technocrats.

Sniffing out racists or anti-Semites is an absolute no-no for any and all self-respecting, libertarian-minded American, or any American for that matter. Like creedal libertarians, Americans don't, or



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should not, prosecute thought crimes or persecute thought “criminals.”

Ours should be the Skokie Standard of free speech and thinking (which I articulated [in August 2022](#)). What is the Skokie Standard of free speech? [In 1978](#), the American Civil Liberties Union (ACLU) took a controversial stand for free speech by defending a neo-Nazi group that wanted to march through the Chicago suburb of Skokie, where many Holocaust survivors lived. The Skokie Standard of free speech is one that champions unpopular expression, and vigorously defends all marginalized speakers and thinkers, rather than purveying and protecting state and corporate ideology *du jour*.

Let me repeat what the Skokie Standard of free speech stands for here: However which way they are grouped, the words people individually or collectively speak, chant, write and tweet; the beliefs they are known to hold, the flags they fly or stomp, the symbolic, non-violent ceremonies, rituals and [protests](#) they perform, the insignia, paraphernalia, the goose-stepping, Hitler salutes they mess around with — provided no physical aggression is involved, all that counts as protected speech.

Turning Point USA’s Charlie Kirk, RIP, got it. [On May 2, 2024](#), Kirk wrote the following: “Hate speech does not exist legally in America. There’s ugly speech. There’s gross speech. There’s evil speech. And ALL of it is protected by the First Amendment. Keep America free.”

Trump’s Attorney General Pam Bondi doesn’t get it. No wonder even Glenn Greenwald, once a practicing [constitutional attorney](#) — and a man of manners and decorum — regularly appends “dumb” and “lacking any grasp of constitutional law” to any mention of Bondi, who [said](#) after Kirk’s murder that the Justice Department would “absolutely target you, go after you, if you are targeting anyone with hate speech.” “There’s free speech, and then there’s hate speech. And there is no place — especially now, especially after what happened to Charlie — [for that] in our society,” Bondi [told](#) a podcaster likewise cerebrally compromised.

If you thought the nation’s chief law-enforcement officer had blurted out on an impulse such promises of unconstitutional hate-speech prosecutions; I’m sorry to say that Bondi only doubled down. In scant regard for the letter and *spirit* of American constitutional law, she [advised](#) employers, on September 15, of their “obligation to get rid of people who are saying horrible things.”

While “[The First Amendment](#) doesn’t stop private employers from choosing to fire people for speech; it can be illegal for the government to use its power to pressure a private company into firing a staff member.” In America, not even do celebrations of Kirk’s assassination count as threats of violence or incitement to violence. In fact, “government retribution for speech,” [lambasted](#) U.S. District Judge William Young, a Reagan appointee, “is directly forbidden by the First Amendment.”

For our purposes, moreover, speech should never be defended by deploying a [contents-driven defense](#), such as that a book, an utterance, or their author must be spared on account that the person is good and his words are not racist and are against bigotry.

The Argument from Freedom means arguing *process*, *not content*. Racism, (alleged) antisemitism, or Naziism in targeted literature or in [protests](#) should always and everywhere be a peripheral issue. Or, preferably, no issue at all.

The Argument from Freedom means arguing not over the contents of publications such as *Mein Kampf* or the merit of [protests for Palestine](#), but for their publication and practice irrespective of their contents. Which is why I say *freedom’s argument is an argument from process, not content*.

Freedom makes the case for an unfettered free market in ideas, good and bad. Freedom argues for



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politically impolite books to be published and read freely. It demands that all offensive literature be available to the free men and women who inhabit the free society. And not because of history, so that we don't forget it or repeat it. Rather, *freedom needs no justification. It is an end unto itself.* You are deficient in American solidarity if you don't stand up for non-violent protest and *all* speech.

Liberty is a simple thing. It's the unassailable right to shout, flail your arms, and verbally provoke people in power, unmolested. Tyranny is *when those small things can get you assaulted, incarcerated, injured, deported, even killed.*

Ultimately banning books or proscribing speech and speakers as the kangaroo courts of Britain, Continental Europe, and Canada do *legally*, assumes a lack of choice and agency among ostensibly "free" human beings. It's also predicated on the acceptance of a higher authority that decides for the rest of us which cultural products are fit for our consumption.

I thus put it to you, dear reader, Left and Right, that speech restrictions stateside in the form of the [Antisemitism Awareness Act](#) mirror the worst of British and Western Europe's anti-speech tribunals. Tabled by a Republican and a Democrat, S. 4127, which mercifully is still in committee, would embed state [agitprop](#) throughout American education. For posterity. Aside being in violation of the First Amendment to the U.S. Constitution, the Antisemitism Awareness Act would utterly enervate discourse in our country and criminalize vast tracts of speech as well as proscribe actions that are licit in constitutional and natural law. Left, Right and libertarian: We can and must, then, join in unapologetically rejecting the very idea of policing, purging, persecuting, or prosecuting people for holding and expressing politically unpopular ideas in action or in speech. In short, *hands-off thought crimes, at home and abroad.*



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