



Civility rights

Mill Creek man fights use of vulgar language in public

By **Jana Hill**
Mill Creek Enterprise Editor

John Robinson wants Mill Creek to be like his hometown once was. Robinson, 71, grew up in Buffalo, NY, in the 1930s, when nuns from St. Theresa's Parochial School had a "Legion of Decency" in south Buffalo. Students, one of them a 10-year-old Robinson, would ask merchants to hang a sign — under the threat of a community boycott — condemning magazines that showed scantily clad women.

About a decade later, Robinson viewed the newly released "Gone with the Wind" in the movie theater. He was in the audience that gasped with shock when they heard the line "Frankly, my dear, I don't give a damn."

But Mill Creek, as Robinson sees it, is getting further and further from the standards he grew up with in 1930s Buffalo, and he wants Mill Creek leaders to do something about it.

Last summer, Robinson was shopping when he was confronted with a T-shirt with two-inch high letters that

"There's something wrong in this country where you can stand on a street corner and yell these things. I think that's a misinterpretation of what the founding fathers had in mind."

John Robinson

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read "F --- You."

"As I talk about it, my blood starts pumping and my Irish gets up," John Robinson said from the kitchen table of the Mill Creek home he shares with his wife of 49 years, Janet. He confronted the young man and said "that's disgusting and so are you for wearing it." Then, when he didn't get a response, he repeated himself. The man "just grunted and walked away," Robinson said.

When he returned home, Robinson called the police.

A Mill Creek Police officer told Robinson there was nothing that could be done to stop someone from wearing a T-shirt like that — it was their First Amendment right of free expression to do so.

"There's something wrong in this country where you can stand on a street corner and yell these things," Robinson said. "I think that's a misinterpretation of what the founding fathers had in mind."

Mill Creek Mayor Terry Ryan was confronted with a similar item of clothing at the Post Office, with his then-5-year-old son in tow. A young man nearby wore a jacket embroidered with the words "F --- you." Ryan turned to

his son, in earshot of the confrontational coat-wearer, and said "there's just a lot of losers in this world."

Ryan has met twice with Robinson to discuss the offensive T-shirt issue. He told Robinson, "I'm not only sympathetic to what your saying, I support it."

"To me what it really comes down to is I think we should take everyone else's rights into consideration, rather than just the person who wants to shock and offend," Ryan said later.

Robinson said the freedom of decent people is compromised because the First Amendment extends to vulgar behavior, like the wearing of a T-shirt that displays the F-word.

The intent of such a T-shirt is "to annoy, abuse, threaten or harass. I feel harassed," Robinson said. "They've upset my peace of mind."

Robinson has support in his goal to condemn what he sees as harassing behavior, but was told several times over that there's nothing the law can do to stop people from speech that is considered offensive.

"Beauty is kind of in the eye of the beholder," said Mill Creek Police Chief Bob Crannell. "You could ask seven people what offensive is and you'd get seven different answers."

As for whether he would want the ability to control offensive speech, Crannell said "No I would not. ... I think you can ask people to be polite, but you can't demand it." He added, however, that

"a lot of us have become callous and conditioned. Thirty years ago, someone wouldn't have worn that shirt."

City leaders including Crannell sent Robinson to the Mill Creek Business Association — private property owners can ask someone to leave if they don't like their behavior or attire.

MCBA members are "all private businesses and they have a right to refuse service if someone is behaving inappropriately," Crannell said.

If a business asked someone to leave and that person refused, police could arrest that individual for trespassing, Crannell said.

Stan McKenzie, president of the MCBA, said the association discussed the offensive T-shirt issue after Robinson made presentations at two of their meetings. The association decided each business would handle incidents individually, and the organization would not set a cohesive policy.

McKenzie said "Everyone can do what they want to. If they feel it's 'no shirt, no shoes, and no dirty labels on their shirts'" that's their decision as a business owner.

Robinson was hoping for more. He would like to see the MCBA establish a policy and advertise that policy on signs in their stores. He would also like to see a resolution passed by the city council to support civil behavior and dedicate a week or month officially honoring it.

Ryan said that if the MCBA were to come up with an official plan supporting civil



behavior, the city would pass a resolution to support the MCBA. But he said the city cannot direct the businesses to do so. As for any laws that would ban profanity, "I don't want to pass any ordinance that isn't enforceable because that's just silly."

Robinson said he supports free speech. But he doesn't support people using vulgar language in public.

"I think it's a marvelous thing — that I can in public say 'I think Bill Clinton is a jerk, was a very poor president,' which I happen to believe." And, "I don't have to worry about Bob Crannell" arresting me for saying it. He said that is the kind of speech the First Amendment intended to protect.

Using vulgar language in public, however, "that's an abuse. I think they're abusing the First Amendment," Robinson said.

And he believes limiting such behavior wouldn't affect very many people anyway. "I do believe those people who wear that T-shirt, they're in the minority — thanks be to God," Robinson said.

But many who defend the constitution say it is the minority voice that the First Amendment sets out to protect.

"If all (the First Amendment) did was protect speech most people agree with, it would be meaningless," said Doug Honig, public education director for the American Civil Liberties Union of Washington. "I can certainly understand people being offended by what they may see on

somebody else's T-shirt. But I think the best way of dealing with that is going up to them and talking to them, and not trying to get the local merchants to act as speech police."

Constitutional scholars say the First Amendment was intended to protect the minority from the tyranny of the majority.

The First Amendment reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Robinson doesn't think something like the incident he now calls "the offensive T-shirt incident" would have happened in Mill Creek five years ago. And the retired nuclear physicist expects civility to degrade even more if something doesn't change.

"Dynamic systems — and certainly society is a dynamic system — never stay status quo," Robinson said. "We either stop it before it gets that bad or we pay the consequences."

Robinson used an analogy of a lobster being cooked in water that slowly increased in heat. If dropped in a boiling pot of water, it flails. But if heated slowly, it hardly reacts at all. "The end result is the same. But he doesn't even know what's happening — I think that's what's happening to our society."