



# Beyond the Burning Cross: A Landmark Case of Race, Censorship, and the First Amendment

*Edward J. Cleary*

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Does our abhorrence of racism allow us to ban certain forms of speech? This is the simple yet subversive question that Edward J. Cleary posed to the U.S. Supreme Court when, in 1991, he defended a white student who had burned a cross on a black family's lawn in St. Paul, Minnesota, violating a local ordinance against hate crimes. As a progressive, Cleary detested everything his client stood for. But in this compelling argued book he describes how he overturned the St. Paul ordinance—and convinced the Court to rule that "burning a cross is reprehensible. But St. Paul has sufficient means...to prevent such behavior without adding the First Amendment to the fire."

As Cleary retraces his path from St. Paul to the courtroom in Washington, he juxtaposes the stories of previous First Amendment cases with a personal account of the unlikely alliances (with both the A.C.L.U. and a group engaged in defending the Ku Klux Klan) and antagonisms that grew out of the case. Ultimately, he shows us why a law that bans expressions of racism is as dangerous as a law that bans protests against those expressions. In *Beyond the Burning Cross*, Leary has given us an unparalleled insider's report of a watershed event in constitutional history that is as absorbing as any thriller.

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