

# respect

A NEWSLETTER ABOUT LAW AND DIVERSITY

## Recent Ruling Allows Schools to Ban Inflammatory T-shirts

by Phyllis Raybin Emert

**“Homosexuality is shameful”; “I ♥ Lesbians”; “Straight Pride”; a picture of a Confederate flag; “I Have a Gay Friend and I’m Proud of Him”; “I support gay marriage” — these messages were worn on T-shirts by students in schools in Iowa, West Virginia, Minnesota, Ohio, Virginia, Missouri, California, Michigan, or New Jersey.**

In every case, school officials believed the messages were violations of their dress code, and disruptive or disturbing to other students and the educational environment in general. In several cases, lawsuits were filed and decisions handed down, nearly all in favor of a student’s right to free speech.

A recent 2-1 decision, however, handed down in April 2006 from the U.S. 9th Circuit Court of Appeals, based in San Francisco, held that schools could restrict what students wore to prevent possible hostile confrontations on campus.

### **Harper v. Poway Unified School District**

In April 2004, Tyler Chase Harper, a California high school sophomore, wore a T-shirt to Poway High School on which he had handwritten “Homosexuality is Shameful — Romans 1:27” on the front and “I Will Not Accept What God Has Condemned” on the back. The

following day, the front of Harper’s shirt read, “Be Ashamed, Our School Embraced What God Has Condemned.”

School officials believed Harper’s T-shirt to be inflammatory, disruptive, and in violation of its dress code. Harper was ordered to spend the rest of the day in the school office after he refused to remove his shirt or turn it inside out, however, he was not suspended, no disciplinary record was placed [>continued on page 2](#)

## Denying the Holocaust Sparks Free Speech Debate

by Dale Frost Stillman

**In November of 2005 historian David Irving was arrested in Austria. His crime? In two 1989 speeches, given in Austria, he denied the Holocaust and questioned the use of gas chambers to kill countless Jews at the Auschwitz concentration camp, claiming they were not executed but died of disease. Had Irving, author of *Hitler’s War* and some 30 other titles, given the same speeches in the United States, he would be a free man today.**

Even though the Nazi genocide of six million Jews in Europe during the Second World War is well documented, there are some people, like Irving, who deny that the Holocaust ever happened or who question the scope of the tragedy. The First Amendment to the U.S. Constitution would have protected Irving’s right to free speech, but Austria, along with Belgium, France, Germany, Israel, Spain, Poland, Lithuania and Switzerland all have laws against denying the Holocaust.

### **Origins of Holocaust denial/revisionism**

In the book, written by Terence DesPres, titled *The Survivor: An Anatomy of Life in the Death Camps*, a survivor [>continued on page 4](#)

# Respect

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in his file and he received full attendance credit for the day.

The issue of sexual orientation had been a source of conflict among students at Poway High School since 2003, when the school's Gay-Straight Alliance held a Day of Silence at school to teach tolerance. Fights broke out and a group of students organized an unauthorized Straight Pride Day and wore T-shirts with derogatory comments about homosexuals. Those who refused to remove their shirts were suspended.

Harper wore the T-shirt in question on the 2004 Day of Silence because he believed that this event promoted homosexuality. In his lawsuit, *Harper v. Poway Unified School District*, Harper admitted that he had been confronted verbally by a number of students, but described them as "peaceful discussions."

The assistant principal suggested that he try to express himself in a more positive way. Harper later told *Newsweek*, "How can you tell me I have to be tolerant of your views, but you can't be tolerant of mine?"

## When the Courts Sided with Students

Over the years many lawsuits have been filed by students against school districts claiming a violation of their right to free speech when they were not allowed to freely express themselves via their clothing. Below are descriptions of a few of those cases from around the country.

**Woodbury, MN** — Elliot Chambers was a sophomore at Woodbury High School in 2001 when he wore a sweatshirt to school with the message "Straight Pride" on the front and figures of a man and woman holding hands on the back. The principal ordered him to remove the shirt stating it was disruptive and an infringement of the school dress code. Chambers said he wore the shirt as a protest in response to the school naming several classrooms as safe areas for gay and lesbian students. A district court judge ruled in 2002 that Chamber's constitutional rights had been violated and school officials failed to show that his shirt was disruptive.

**Dearborn, MI** — Bretton Barber, a senior at Dearborn High School wore a T-shirt to class in 2003 with a picture of President George W. Bush and the words International Terrorist written across it. Barber wore the shirt in response to administration policies about the

upcoming war in Iraq. When Barber refused to wear the T-shirt inside out, he was sent home. The American Civil Liberties Union (ACLU) filed a lawsuit against the Dearborn Public Schools on Barber's behalf. A federal judge ruled that Barber should be allowed to wear the T-shirt. In a press statement, Kary Moss, executive director of the Michigan ACLU, said, "The court's decision reaffirms the principle that students don't give up their right to express opinions on matters of public importance once they enter school. Schools are not speech-free zones."

**Charleston, WV**—In November 2004, Franklin Bragg, an 18-year-old senior at Hurricane High School, wore a T-shirt of a picture of a Confederate flag to school. Bragg was informed he could not wear the shirt because some people were offended by it. With the help of the ACLU of West Virginia, Bragg sued the school district. In June 2005, a U.S. District Court judge ruled that the school violated Bragg's First Amendment rights.

**Dublin, OH**—In March 2005, Miles Barerra, a student at Jerome High School wore a T-shirt that proclaimed, "I Support Gay Marriage." School officials asked Barerra to remove the shirt, claiming other students were offended

In June 2004, Harper filed his lawsuit against the school district in federal district court, alleging violation of his rights to free speech and free exercise of religion. Among other things, Harper claimed that the messages on his T-shirts were merely an extension of his religious beliefs and he asked the court for a preliminary injunction against the school to prevent it from banning him from wearing the shirts. The district court denied his request for an injunction.

### Striking a balance

Students, like every member of American society, have First Amendment rights guaranteed under the U.S. Constitution. In the landmark 1969 case of *Tinker v. Des Moines Independent*

by the message. The next day, 20 students came to school in similar shirts as a show of support for Barerra. They were all given the choice of changing their shirts, turning them inside out or returning home. In April 2005, the Ohio ACLU sent a letter to school administrators protesting the action as censorship. In press statements one student said, "Our principal says that the shirts are disruptive, but the truth is that the only thing that's been disruptive has been the way the school has reacted to them," and Jeff Gamsco, legal director of the Ohio ACLU, declared that student speech "can't just be censored because someone finds it offensive or it generates discussion or the administration is worried that it might cause controversy." The high school later allowed the T-shirts to be worn in school.

**Webb City, MO**—Lastaysha Myers was sent home in November 2004 for wearing T-shirts that stated, "I have a gay friend and I'm proud of him" and "I support gay rights." The ACLU of Missouri filed a lawsuit in April 2005 on Myers' behalf against the high school principal, assistant principal, and district superintendent who all claimed the messages were disruptive, distracting and violated the school's dress code. The ACLU of Missouri noted that school officials did not harass students who wore anti-gay T-shirts. By late April, the Webb City R-7 School District announced that it would change its policy, allowing the gay-friendly shirts and the lawsuit was dropped.

**Queens, NY**—Nicky Young was sent home from her high school when she wore a T-shirt that said, "Barbie is a Lesbian." Nicky and her mother sued the City of New York for violating her First Amendment right to free speech. In 2004, a monetary settlement in the amount of \$30,000 was awarded to the Youngs by the city. Nicky told *Newsweek* that she wore the shirt "after her teacher told her that all gays were going to hell!"

*Community School District*, the U.S. Supreme Court ruled that students and teachers do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." In *Tinker*, students in Des Moines, Iowa were suspended from school for wearing black armbands to class to protest the Vietnam war. The *Tinker* standard has come to mean that students can express their First Amendment rights so long as it doesn't interfere or cause disruption with school activities.

In the *Harper* decision, Judge Stephen Reinhardt explained that the First Amendment when applied to public schools "attempts to strike a balance between the free speech rights of students and the special need to maintain a safe, [>continued on page 6](#)

**Bridgeton, NJ**—In April 2006, Michelle Geissel, a junior at Bridgeton High School wore a T-shirt that declared "I ♥ Lesbians." The first time Geissel wore the shirt, the assistant principal told her she was not allowed to express her sexuality on campus. Several days later, she observed a female student wearing an "I ♥ Boys" T-shirt, which school officials ignored.

In May, Geissel wore the shirt a second time and was approached by a school administrator and told to change her shirt. When Geissel pointed out another student nearby who wore an "I ♥ Boys in Uniform" shirt and asked why that student wasn't required to change her shirt, the assistant principal explained that Geissel's shirt attracted too much attention and other students disapproved of her lifestyle. In June, ACLU-NJ wrote a letter to Bridgeton High School that supported Michele Geissel's right to wear the T-shirt and explained that the school's actions violated her constitutional right to free expression and the right to be free from discrimination under New Jersey law. The school district then allowed Geissel to wear the T-shirt on campus without punishment.

**Washington, NJ**—Tom Sypniewski, a Warren Hills Regional High School student was suspended from classes for three days in March 2001 for not removing a T-shirt that listed comedian Jeff Foxworthy's "10 Reasons Why You Might Be a Redneck Sports Fan." The district superintendent said the shirt was offensive and the school board claimed the T-shirt stirred up racial tension and prejudice on campus. Sypniewski sued the district stating his right to free speech under the First Amendment had been violated. The U.S. Third Circuit Court of Appeals sided with Sypniewski and held that the term redneck was not used to annoy or bully other students, and the school could not prohibit such messages on T-shirts. — *Phyllis Raybin Emert*

## Denying the Holocaust Sparks Free Speech Debate *continued from page 1*

of the Dachau concentration camp is quoted as saying, "The SS guards took pleasure in telling us that we had no chance of coming out alive, a point they emphasized with particular relish by insisting that after the war the rest of the world would not believe what happened."

In her article, *Encountering Holocaust Denial*, published in *The Public Eye*, a magazine of Political Research Associates, Lin Collette contends that Holocaust denial or revisionism has been on the fringes of society since the end of World War II. While those opposed to questioning the Holocaust call it "denial," **proponents** call it revisionism. Collette, a doctoral candidate in Religious Studies when she wrote *Encountering Holocaust Denial*, said that there are credible Holocaust revisionists who do not question that the Holocaust happened, but say there are still things we need to learn about it.

While these revisionists are themselves controversial, typically the type of revisionism that receives the most press is the brand that includes anti-Jewish **bigotry**. Collette said that within that sect of Holocaust revisionism, there are three "schools of thought" and describes them as, "It happened, but far from the extent to which they say it did"; "It happened, but other groups suffered just as much as the Jews"; and "It didn't happen at all."

According to Collette, the Institute for Historical Review (IHR) is the largest and most influential organization promoting Holocaust denial or revisionism. IHR was founded in 1978 by Willis Carto, who also founded the now-defunct Liberty Lobby, a conservative political organization that promoted white supremacy and **anti-Semitism**.

### Where Irving went wrong

The First Amendment to the U.S. Constitution says "Congress shall make no law... abridging the freedom of speech." Even controversial or offensive speech is protected.

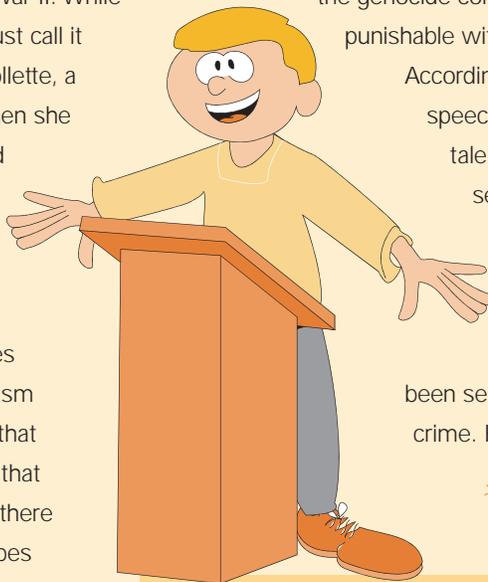
According to Jonathan Cassady, an attorney in West Orange who practices constitutional law, conveying an idea through speech is protected by the First Amendment, but an act or a threat is not.

Cassady contends that Justice Oliver Wendell Holmes' dissent in *Abrahams v. United States*, originated the idea that a democracy rested on a free marketplace of ideas. Cassady summarized Holmes' opinion as, "People need to have the right to say whatever they want, and people will understand which ideas are dumb."

Unfortunately for Irving, he gave his speeches in Austria, where the Prohibition Statute is enforced. Austria's Prohibition Statute forbids any "denial, gross trivialization, approval or justification of the genocide committed under national Socialism." The crime is punishable with up to 20 years in prison for a violent offense.

According to the London newspaper, *The Guardian*, Irving's speeches called for an "end to the gas chambers fairy tale." At trial, Irving, age 68, pleaded guilty and was sentenced to three years in prison even though he **recanted** his position on the gas chambers, claiming, "I made a mistake when I said there were no gas chambers at Auschwitz." Because it was a non-violent offense, Irving could have been sentenced to as much as 10 years in prison for this crime. His lawyer said the sentence would be appealed.

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## What Holocaust Deniers or Revisionists Claim

According to a law panel of Jewish Policy Research, an independent think-tank and research institute based in London, Holocaust deniers make the following assertions about the Holocaust:

- ⌘ Several hundred thousand rather than six million Jews died during the war. ⌘
- ⌘ Scientific evidence proves that gas chambers could not have been used to kill large numbers of people. ⌘
- ⌘ The Nazi command had a policy of deporting Jews, not exterminating them. ⌘
- ⌘ Some deliberate killings of Jews did occur, but were carried out by peoples of Eastern Europe rather than Nazis. ⌘
- ⌘ Jews died in camps of various kinds, but did so as the result of hunger and disease. The Holocaust is a myth created by the Allies for propaganda purposes, and subsequently nurtured by the Jews for their own ends. ⌘
- ⌘ Errors and inconsistencies in survivors' testimonies point to their essential unreliability. ⌘
- ⌘ Alleged documentary evidence of the Holocaust, from photographs of concentration camp victims to Anne Frank's diary, is fabricated. ⌘
- ⌘ The confessions of former Nazis to war crimes were extracted through torture. ⌘

# Native American Team Names Draw Heat

by Cheryl Baisden

**If your Uncle Joe nicknamed you Shorty the day you were born, you might not like it, but it very likely could stick with you for life. Often these monikers can be difficult to shed, but when it comes to the nicknames used by sports teams across the country, significant changes are taking place. Over the past few years, a movement has been underway to eliminate the use of team nicknames, mascots and images viewed as racist and offensive by Native Americans.**

Charlene Teters, vice president of the National Coalition on Racism in Sports and Media (NCRSM), said in its newsletter, "these images and nicknames offend Indian people the same way that Little Black Sambo offended African Americans and the Frito Bandito offended the Hispanic community and should have offended all of us."

In April 2001, the U.S. Commission on Civil Rights recommended that all non-Native American schools eliminate any Native American references from their sports teams. At the time, the NCRSM estimated that more than 3,000 high school, college and professional sports teams were using symbols and names Native Americans could find offensive.

According to the Commission on Civil Rights, "the stereotyping of any racial, ethnic, religious or other group, when promoted by our public educational institutions, teaches all students that stereotyping of minority groups is acceptable, which is a dangerous lesson in a diverse society."

High schools around the country, including Parsippany High School in northern New Jersey, responded to the commission's recommendation by changing their names and replacing offensive symbols and mascots. In Parsippany's case, the Redskins football team became the Red Hawks, and the team mascot, Chief Wahoo, was retired. Both changes went smoothly for the students and the community, Superintendent of Schools Eugene Vasile said at the time.

## NCAA joins fight

In 2005, the National Collegiate Athletic Association (NCAA), which governs the athletic programs of the nation's colleges and universities, joined the fight to eliminate what they viewed as insulting and demeaning references to Native Americans. The NCAA drafted a policy prohibiting schools still using nicknames, mascots or images that Native Americans could find hostile or

abusive from hosting any NCAA championship competitions. The policy was instituted in February 2006.

"Colleges and universities may adopt any mascot that they wish, as that is an institutional matter," Walter Harrison, chair of the NCAA Executive Committee, said in a press release issued in August 2005. "But as a national association, we believe that mascots, nicknames or images deemed hostile or abusive in terms of race, ethnicity or national origin should not be visible at the championship events that we control."

Originally, 18 schools were notified that they were in violation of the policy. So far, five of the schools have changed their names and another five have won the right to continue using their Native American nicknames.

The Fighting Sioux of the University of North Dakota sought tribe support to continue using their name, but instead received word from the Spirit Lake Sioux Tribe that the team name was "both dishonorable and an affront to the dignity and well being of the members of Spirit Lake." The fact that the university offered 25 Indian education programs and enrolled over 400 Native American students had no effect on the tribe's decision.

In each case where schools retained their names, the teams — including the Florida State University Seminoles and the Central Michigan University Chippewas — proved that the tribes they were named after supported their nicknames, which school officials said were selected to emphasize Native Americans' strength and determination, rather than insult or degrade the race.

Central Michigan University spokesman Rich Morrison explained to *Diversity Inc.* magazine that the Saginaw Chippewa tribe had approved the team's use of their name many times, including in 2002, when they said the team's nickname was viewed as "a sign of pride, honor and respect for the tribe's rich heritage."

"Although the NCAA executive committee continues to believe the stereotyping of Native Americans is wrong, it recognizes that a Native American tribe is a distinct political community," Bernard Franklin, NCAA senior vice president, told *Diversity Inc.* "Therefore, it respects the authority of the tribe to permit universities and colleges to use its name and imagery."

## The final eight

Eight teams still remain on the NCAA watch list, several of them still hoping to convince officials

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secure, and effective learning environment. Thus, while Harper's shirt embodies the very sort of political speech that would be afforded First Amendment protection outside of the public school setting, his rights in the case before us must be determined with regard to the school setting."

*Tinker* stated that students have the right to "be secure and to be let alone." According to Reinhardt, "Being secure involves not only freedom from physical assaults but from psychological attacks that cause young people to question their self-worth and their rightful place in society"

California law identifies the right of students to be "free from harassment on the basis of sexual orientation." Reinhardt likened the messages on Harper's T-shirts to an assault on gay students. In his conclusion, Reinhardt declared, "The Free Speech Clause permits public schools to restrict student speech that intrudes upon the rights of other students. Injurious speech that may be so limited is not immune from regulation simply because it reflects the speaker's religious views."

### Strong dissent

Judge Alex Kozinski wrote a **dissenting opinion** in the case. He believed the school authorities did not sufficiently support the claim that Harper's T-shirt was disruptive.

"Whatever strong feelings Harper's T-shirt may have aroused, it did not cause any disruption of school activities, substantial or otherwise," wrote Kozinski.

Kozinski admitted that "school authorities... found themselves in a difficult situation... Harper was not disciplined for wearing his T-shirt; the school authorities merely tried to defuse what they saw

as a volatile situation" Kozinski sympathized that "students in school are a captive audience and should not be forced to endure speech that they find offensive and demeaning. There is surely something in the notion that a Jewish student might not be able to devote his full attention to school activities if the fellow in the seat next to him is wearing a T-shirt with the message, 'Hitler Had the Right Idea' in the front and 'Let's Finish the Job!' on the back. This T-shirt may well interfere with the educational experience even if the two students never come to blows or even have words about it."

Kozinski concluded by stating he was not convinced the Court had the legal basis or authority to control student speech under *Tinker*.

Eugene Volokh, a constitutional law professor at UCLA told *The Los Angeles Times* that the majority decision was "contrary to basic principles that the First Amendment is viewpoint neutral. It protects hostile viewpoints as well as tolerant ones."

Marc H. Zitomer, an education law attorney in Florham Park, explained that *Harper* was decided on different grounds than other recent student free speech decisions.

"The court reached its determination that the school district could ban the T-shirt because the message conveyed by the shirt severely intruded upon the rights of other students," Zitomer said. "Other recent T-shirt cases have been decided on the grounds that the shirts caused a substantial and material disruption to the school district environment, which is another basis for banning student speech under *Tinker*."

Zitomer explained that the U.S. Supreme Court will often decide to hear a case when the various circuit courts around the country reach different conclusions on similar cases. He noted that, "given the constitutional rights that are at stake" he would not be surprised if the matter is ultimately **appealed** to the U.S. Supreme Court, giving some finality to the issue.

According to Zitomer, the results in these types of student T-shirt cases depends on many factors, including the history of any tension in the district over the particular issue that is expressed on the shirt, the viewpoints of the judges themselves, and whether the school district restricted the shirt based simply upon a disagreement with the message conveyed or whether there was a legitimate reason to believe that disruption or harm to others would result. In the meantime, *Harper* goes back to the district court for further proceedings.

### Disruption vs. safety

Both school officials and students can agree that freedom of speech is an important constitutional right of all Americans. *Tinker* reinforced the right of students to free speech and expression on

campus. The disagreement between school administrators and students is in the degree and definition of disruption and safety. Under *Tinker*, the question is whether the message on the T-shirt results in “substantial disruption of or material interference with school activities”

According to Zitomer, a school district is within its right to curtail student speech if school officials have reason to believe that the speech will cause disruption in what should otherwise be a safe and civil learning environment, or if the speech violates the rights of other students.

“Students have constitutional rights but they are much more limited in the school setting,” Zitomer explained. “What might be permissible speech for a student on the street is not always permissible at school.”

For example, Zitomer said, “A student on the street could wear a T-shirt with a message that conveys intolerance for others, but such a shirt will not likely be permissible in the school environment. In addition, a student could wear a shirt with a picture of a marijuana plant at a rock concert, but such a shirt, which conveys an illegal substance, could in my opinion, legitimately be banned on a school campus.”

Because of the unique character of the school environment, Zitomer noted, school officials are often called upon to find the balance between the constitutional rights of the students with the need to maintain a safe and effective learning environment, which he admitted, can often be a challenging task. ■

## Native American Team Names Draw Heat

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that they should be allowed to continue using the Native American names and images that in some cases they have employed for 50 years or more.

Native Americans who oppose the continued use of those names promise to continue their fight as well.

“On high school and college campuses Native American students do not feel welcome if the school uses as its mascot (not a clown, a mythical creature or an animal), but a chief, the highest political position you can attain in our society,” said Teters. “Using our names, likeness and religious symbols to excite the crowd does not feel like honor or respect, it is hurtful and confusing to our young people. An educational institution’s mission is to educate, not mis-educate, and to alleviate the ignorance behind racist stereotypes, not perpetuate them.”

### What about the pros?

Although recent nickname changes have been on the high school and college level, the move to eliminate Native American references in sports teams actually began on a professional level in 1992. That year, several Native Americans filed a lawsuit against the Washington Redskins, calling their name offensive.

The legal battle is still working its way through the courts, but Suzan Shown Harjo, president of the Morning Star Institute, an Indian rights organization in Washington, D.C., feels confident the name Redskins will someday be replaced in Washington.

“One day people will look back at the Redskins name and say ‘What the heck were they thinking?’ I’m confident that the plaintiffs and attorneys are on the right side of this case and history,” Harjo told *Indian Country Today*. ■

## Bring a Little Drama to Your Class to Promote Tolerance and Drug Awareness

Teachers looking for an innovative way to promote tolerance might consider having the George Street Playhouse’s Touring Theatre perform one of its tolerance-based or drug awareness stage productions at their school.

The plays address such timely issues as school violence, tolerance, prejudice, drug abuse and peer pressure. All the performances are followed by a discussion with the audience facilitated by the actors. In addition, every student receives a student guide or “playbill.” Printing of the “playbills” is sponsored by the New Jersey State Bar Foundation.

### The Play’s the Thing

The plays are as diverse as their subject matter and cater to different age groups. A description of each play follows.

**New Kid** (grades 1–6) is the story of an immigrant family from a fictitious place called “Homeland.”

**In Between** (grades 6–9) explores issues of self-esteem, social pressure and the correlation between peer disrespect and school violence.

**Wasted** (Grades 6–8) A cautionary tale of a young woman who looks back at her wasted life, her wasted relationships, and her wasted state of being, due to drugs.

For a brochure and/or booking information call the George Street Playhouse at 732-846-2895 ext. 115. George Street is currently accepting bookings for the 2005–2006 school year.

## Denying the Holocaust Sparks Free Speech Debate *continued from page 4*

"Saying the Holocaust did not exist is a horrible thing to say," Cassady maintains, but arresting and convicting Irving "makes him a free speech martyr."

Richard Abbott, First Vice Chair of the New Jersey State Bar Association's Public International Law Committee, said Irving's sentence might be considered harsh, "but given what was wreaked on them [the Austrians], it's hard to generate sympathy [for Irving]." Abbott also speculates that laws against Holocaust deniers may be "a legal reaction to the suffering."

### Why have Holocaust denial laws?

An editorial in *The Jewish Week*, written by Dr. Robert Kahn, a professor of law at Brooklyn Law School and author of the book, *Holocaust Denial and the Law: A Comparative Study*, states that Holocaust denial laws serve a "symbolic function of inclusion."

"Nations are most sensitive about speech that denies crimes committed in its name," Kahn wrote. "In Germany and Austria this means the Holocaust; in the United States this means slavery, segregation and the Klan."

Kahn contends in the editorial that, "Germans view Holocaust denial as a veiled attempt to rehabilitate the Nazis." He notes that it is why, in addition to Holocaust denial, Germany also bans the swastika and the Nazi salute.

As an attorney, Kahn told Harvard Law School's newspaper, *The Record*, he sees the conflict between Holocaust denial prosecutions and free speech. He gave as an example the issue of student-run newspapers running Holocaust denial ads because of a belief in free speech rights.

"Part of what motivated the students is a belief, mistaken or not, in the First Amendment," explained Kahn. "This is typified by people like Alan Dershowitz and Deborah Lipstadt who are against Holocaust deniers but unwilling to prosecute them."

### Iran weighs in

In public statements made in December 2005, President Mahmoud Ahmadinejad of Iran called the Holocaust "a myth" and said, "the Jewish state should be wiped off the map."

Israeli Foreign Ministry spokesman, Mark Regev commented on President Ahmadinejad's statements in *The New York Times*, saying, "The combination of **fanatical ideology**, a warped sense of reality and nuclear weapons is a combination that no one in the international community can accept."

Jose Manuel Barroso, President of the European Commission (the executive body of the European Union), told *The Washington Post*, "It's really shocking that a head of state who has a seat in the United Nations can say such a thing... [The speech] calls attention to the real danger of that regime having an atomic bomb."

In a recent interview with Brian Williams for *NBC Nightly News*, Ahmadinejad defended his views on the Holocaust in part by saying, "In the Second World War, over 60 million people lost their lives. They were all human beings. Why is it that only a select group of those who were killed [the Jews] have become so prominent and important?"

Williams pointed out that there is a difference between warfare and genocide, but Ahmadinejad was not swayed. He went on to say, "the more important question I raised was, if this event happened, and if it is an historical event, then we should allow everyone to research it and study it. Why is it that those who ask questions are persecuted?"

*In Encountering Holocaust Denial*, Collette concludes, "a major challenge posed by Holocaust revisionists lies in determining the most effective response to them." She contends that ignoring them or suppressing their speech does not seem to be an effective solution.

"A middle course, acknowledging and allowing the publication of their theories," Collette said, "and swift, calm and thorough refutation, seems a stronger strategy in confronting revisionist distortions." ■

## Glossary

**anti-Semitism** — prejudice or hostility toward Jewish people. **appealed** — when a case is brought from a lower court to a higher court to be heard. **bigotry** — intolerance of those of different races or religions. **dissenting opinion** — a statement written by a judge that disagrees with the opinion reached by the majority of his or her colleagues. **genocide** — the deliberate destruction of a racial, political or cultural group. **fanatical** — obsessive or over-enthusiastic **ideology** — principles or a way of thinking that is characteristic of a political system. **proponent** — supporter of a particular cause or idea. **recant** — to reject a previously held opinion or belief.