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respect

A NEWSLETTER ABOUT LAW AND DIVERSITY

Banning Gay Books: Protecting Kids or Censorship?

by Phyllis Raybin Emert

Recently, a number of states, including Alabama, Arkansas, Louisiana and Oklahoma have attempted to ban or limit the distribution of books with homosexual themes or homosexual authors. The most sweeping legislation of all was introduced in Alabama in December 2004. That bill called for all books, plays and writings by gay authors or with gay characters to be banned from public school libraries.

Such a ban would include, just to name a few, the poems of Walt Whitman; *The Color Purple*, a novel by Alice Walker; Thornton Wilder's play, *Our Town*; the works of James Baldwin, Edward Albee, Noel Coward, Oscar Wilde and Tennessee Williams; as well as biographies of any notable gay personality.

"I don't look at it as censorship," Alabama State Representative Gerald Allen told *CBS News* about his proposed legislation. "I look at it as protecting the hearts and souls and minds of our children."

Allen's bill would also prohibit state funds from being used to purchase textbooks or other materials that show homosexuality as an acceptable lifestyle. Books that attacked or criticized homosexuality would still be allowed in libraries under his proposed legislation.

"This is an embarrassment even by Alabama standards," Mark Potok, director of the Southern Poverty Law Center's Intelligence Project, which is based in Montgomery, told the *School Library Journal*. "This could even get the Bible banned."

Allen told *Guardian* newspaper, "traditional family values are under attack," and he wants to protect the people of Alabama from what [>continued on page 2](#)

Are Some Voters Being Kept From the Polls?

by Barbara Sheehan

In America, voting is the cornerstone of our democratic society, but what happens when the right to vote is compromised? Does discrimination still exist at the polls? Are minorities in particular being discouraged from casting their ballots? Some voters claim yes.

What happened in 2004?

As you may recall, in 2004, the outcome of the presidential race ultimately came down to the state of Ohio, where that state's Electoral College votes would decide the next president—Republican George W. Bush or Democrat John Kerry. It was in Ohio that perhaps the most heated battles about voter suppression were waged.

Numerous personal accounts told of problems at the polls concentrated in minority precincts, which traditionally vote democratic.

"The lines were out the door," one Franklin County, Ohio, voter, Kimberly Richardson, said in a sworn testimony that was published in the *Columbus Free Press*. "The weather was horrible," Richardson said. "People were standing — this was all across the inner-city precincts, two to three-hour waits... They knew we had a [>continued on page 4](#)

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he called the "homosexual agenda." When asked what should be done with American classics such as *Cat on a Hot Tin Roof* or *The Color Purple*, Allen's reply was, "Dig a hole and dump them in it."



The proposed legislation had librarians up in arms as well. Donna Schremser, a librarian in Montgomery, told *CBS News* that the idea of a library collection that represents, "one political view or one religious view" is not a library. The "thought police" should not be responsible for what's on the shelves of her library, she added.

Juanita Owens, director of the Montgomery City-County Library told the *Birmingham News* that she believed it was not the role of the state to determine what people read.

Children's Television Comes Under Fire

Similar to the controversy over books, the broadcast media, specifically children's television, has also come under fire for promoting homosexual, or gay, lifestyles.

On the firing line this time is Buster Baxter, a cartoon bunny and the host of his own show on PBS called *Postcards from Buster*. Created to show young viewers diversity and tolerance in modern America, Buster's show travels the country meeting real kids and their real families. Past episodes have focused on Muslim, Orthodox Jewish, American Indian, Mormon and evangelical Christian families.

Buster got into trouble early last year over a program where he visited Vermont. While the children of the family taught Buster about making maple syrup and cheese, they also introduced him to their two mothers. In Vermont, **civil unions**, which unite two people of the same sex, are legal. Although the children and not the parents are the focus of all *Buster* episodes, U.S. Education Secretary Margaret Spellings protested the show.

Spellings suggested that future federal funding of PBS (over 16 percent of its total budget) would be threatened if the show aired. She also asked that any federal money

used to produce the episode be returned to the government. Spellings said the show was inappropriate for children and she believes that parents do not want their young children exposed to homosexual lifestyles.

PBS decided not to distribute the show, but Vermont Public Television aired the episode in March 2005. More than 20 other stations also aired the episode in question, including a station in Boston. Massachusetts is currently the only state that allows legalized same-sex marriage.

What's the problem?

Minister Steven Bennett, who is a special issues editor on homosexuality for the American Family Association, told *USA Today* he believed that the problem with the *Buster* episode was age-appropriateness.

"It's about teaching kids about some kind of sexuality," Bennett said. "I'm just not ready to have that conversation."

Bennett explained that teaching a child about alternative lifestyles is up to the parents. New York University psychologist Richard Gallagher would agree with that but told *USA Today* that parents must be ready to talk to their children early so they get the right information.

She also noted that if the legislation passed, “half the books in the library could end up being banned.”

Allen’s bill eventually died in the Alabama House last spring because an insufficient number of legislators were present to vote. However, similar bills have been introduced in other Southern states.

Other state action

Arkansas State Representative Roy Ragland, a Republican from Marshall,

sponsored a bill that would force schools to use only books that have no reference to gay families. The legislation passed in the Arkansas State House of Representatives and was referred to the Arkansas Senate Education Committee. The vote there ended in a 3-3 tie. The bill needed four votes to move it to the Arkansas State Senate, so the measure died in committee.

Other states have stopped short of a complete ban on homosexual authors and characters as advocated by Alabama’s Rep.

Allen. Instead, bills have focused on moving gay-themed books from the children’s or young adults’ sections of public libraries to adults-only sections, where parental consent would be required.

Louisiana Republican A.G. Crowe, a representative from the town of Slidell, introduced a resolution dealing with this issue last May in the Louisiana State House. The resolution, which does not carry the weight of a law, directed making books and information on [>continued on page 5](#)

While some educators believe that teaching children there are different kinds of families in America creates equality and acceptance and promotes tolerance and diversity, Rev. Terry Fox, a Southern Baptist pastor from Wichita, Kansas told the Associated Press that he has a problem with the very word “tolerance.”

“Tolerance itself can be a very dangerous word,” Fox said. “Tolerance gives the public schools an avenue to literally brainwash our kids that every lifestyle is okay.”

In the same Associated Press story, Nancy Carlsson-Page, an education professor from Lesley University in Massachusetts, who has trained early-education teachers, said

she always emphasizes diversity awareness in her teaching.

“All children, whatever family composition they have, should see the full, diverse range of families,” Carlsson-Page said. “Otherwise, when they encounter a different kind of family, they’ll think that family is lesser, that it doesn’t count.”

From Tinky Winky to SpongeBob

This is not the first time that children’s television has been accused of promoting homosexuality. In 1999, the Rev. Jerry Falwell, former head of the conservative Christian group, the Moral Majority, attacked the Teletubbies because, according to Falwell, the show contained a gay character — Tinky Winky. Rev. Falwell cited Tinky Winky’s purple color and the triangle on his antenna as evidence that the character is gay.

More recently, at a formal dinner for members of Congress and their supporters in 2004, Dr. James Dobson, founder of Focus on the Family, a conservative Christian group, questioned the sexuality of SpongeBob Squarepants.

SpongeBob, a cartoon character, lives in a pineapple under the sea and occasionally

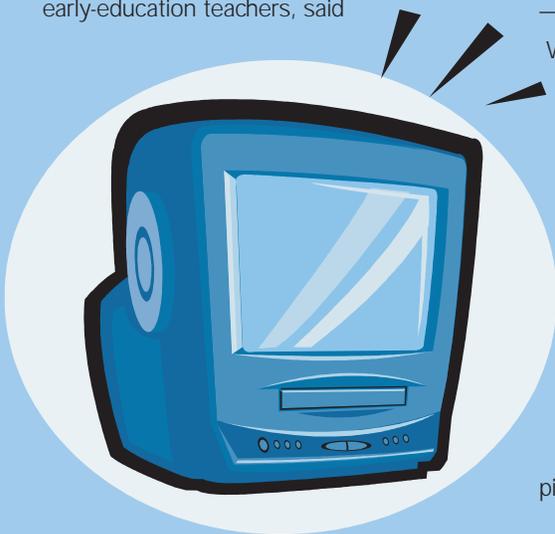
holds hands with his best friend, a starfish named Patrick.

The problem Dobson had with SpongeBob is that he, along with Barney the dinosaur and Jimmy Neutron, appeared in a video aimed at elementary school students, which promoted tolerance and diversity. The creator of the video, Nile Rodgers, is the founder of the We Are Family Foundation, an organization whose mission is to support programs that promote tolerance, diversity and multiculturalism. The video was distributed to 1,000 schools throughout the country as part of “We Are Family” day, held in March of last year.

Although there is nothing in the video that refers to sexual identity, Dobson believed that it was pro-homosexual. He opposed a tolerance pledge, which is not mentioned in the video but was available on the We Are Family Foundation website. The pledge, a Declaration for Tolerance, includes the term “sexual identity.”

“We are just talking about respect,” Rodgers told *The New York Times*, and suggested that perhaps Dr. Dobson had confused the We Are Family Foundation with another We Are Family website that supports gay teens. ■

—Phyllis Raybin Emert





record turnout this year. They did nothing to accommodate us, nothing.”

Moss v. Bush: A summary

Accounts like Richardson’s prompted some voters to question the results of the Ohio election, including some 37 citizens who challenged Bush’s victory in a case known as *Moss v. Bush*. Columbus

lawyer Cliff Arnebeck, of the Alliance for Democracy, a Massachusetts-based organization, headed that lawsuit, which was submitted to the Ohio Supreme Court on December 14, 2004.

Among other things, the plaintiffs alleged that “voter fraud took place such as adding unlawful ballots and destroying lawful ballots, including fraudulent absentee ballots, unauthorized access to tabulating machines and computer operating instructions.”

The plaintiffs further claimed that the Fourteenth and Fifteenth Amendments to the U.S. Constitution, which protect voting rights for minorities, were violated, citing the provision of false information to voters and inequitable distribution of voting machines as examples.

Less than a month after *Moss v. Bush* was filed, the plaintiffs requested that the case be dismissed after the Electoral College votes were certified and George W. Bush was declared the winner. The court granted the request and the lawsuit was dropped.

Questions linger

Today, more than a year since Bush began his second term as president, and in spite of recounts affirming the 2004 election results, questions about the fairness of the voting process still linger in the minds of some voters. These questions surround not only the 2004 election but also the presidential race in 2000, when Bush narrowly beat democrat Al Gore and allegations of voter suppression and intimidation were also charged.

That year, the presidential race came down to vote recounts in Florida. Ultimately, a decision by the U.S. Supreme Court to halt certain recounts led to Gore’s concession of the race to Bush.

“Black voters in Florida and around the country turned out in record numbers on November 7,” *CNN* reported at the time. “Since then, many have complained that Florida election officials removed large numbers of minorities from state voting rolls, wrongly classifying them as convicted felons (who are not entitled to vote)

and accused Florida officials of using police to intimidate voters in some areas.”

New Jersey’s brush with voter suppression

New Jersey is no stranger to problems with voter suppression. In the 1981 New Jersey governor’s race, after a recount that dragged on for almost a month, Republican Tom Kean narrowly defeated Democrat Jim Florio by less than 2,000 votes. Democrats accused Republicans of engaging in voter intimidation.

According to an article in *The Star-Ledger*, Democrats claimed that Republicans tried to intimidate voters in predominately black and Latino precincts, such as Newark, East Orange, Camden and Trenton, by hanging threatening signs warning about voter fraud, posting Republican-paid poll workers wearing armbands at polling places, and compiling lists of voters to be challenged at the polls.

The Star-Ledger reported that Republicans claimed they were trying to prevent voter fraud, for instance, by monitoring polling places and verifying the credentials of voters. In addition, the Republicans suggested that allegations of voter fraud were simply a political tactic by Democrats to gain favor in political elections.

According to *The Star-Ledger*, a criminal investigation conducted by the state “went nowhere,” and a federal \$10 million lawsuit brought by the Democratic Party was settled a year later for \$1. Republicans admitting no wrongdoing in the settlement, however, agreed to sign a promise never to target minority voters for special treatment anywhere in the nation.

Interestingly, that case was the basis for a legal challenge in the 2004 presidential election alleging that Republicans targeted minority voters in Ohio and, therefore, broke the promise they made in 1982.

A look back

Whether or not voter suppression occurs in modern day elections remains a subject for debate. There is little doubt, however, about efforts in years past to keep minorities from the polls.

A report, titled *Race and Voting in the Segregated South*, by the Constitutional Rights Foundation (CRF), a non-profit, non-partisan, community-based organization, recounts poll taxes that voters had to pay in Mississippi in the late 1800s in order to vote, keeping the state’s poorest voters, most of whom were minorities, from the polls.

Perhaps worse, the CRF report notes, were literacy tests, which were administered by the county clerks in Mississippi and in effect excluded “60 percent of voting-age black men (most of them ex-slaves) who couldn’t read.”

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human sexuality and age-inappropriate material unavailable to children without adult approval. Crowe filed the resolution after the seven-year-old daughter of a voter in his district brought home a book from the children's section of the library about homosexuals.

The book, *King and King*, by Linda DeHaan and Stern Nijland, is about a prince who falls in love with another prince. Aimed at elementary school children, the book attempts to teach tolerance and diversity of lifestyles. A number of Louisiana parents did not want their children exposed to this type of material. The Crowe resolution was referred to the Louisiana House Committee on Municipal, Parochial and Cultural Affairs, but no hearing date has been set.

A similar resolution was introduced in Oklahoma by Representative Sally Kern, a Republican from Oklahoma City who called the *King and King* book obscene. Kern's measure asked state libraries to confine homosexual-themed books and other

inappropriate sexual material to an adults-only area. The

resolution passed in the Oklahoma House 81-3 and was distributed to state library boards.

"This isn't censorship because I'm not asking that they be thrown away," Kern told the media. "I'm asking that they just be put in with adult collections, and then if a parent wants their child to see a book like that, they can check it out," she said.

Several days after lawmakers passed the resolution, Tulsa libraries created a Parenting Collection, moving gay-themed books as well as books about divorce and death into a separate section. In Oklahoma, even though the resolution does not have the force of law, funding for libraries could be revoked if they do not comply with the resolution. A 2004 poll, conducted by a consulting firm in Oklahoma, revealed that 88 percent of Oklahomans believe that gay-themed books should be restricted to adults, or even banned completely, and more than half supported withholding public money from libraries that don't restrict certain children's books.

National level

After the controversy in Oklahoma, Congressman Walter Jones of North Carolina introduced a bill in the U.S. Congress. Jones' legislation would establish panels of five to 15 parents to review books and make recommendations to their local school libraries on what titles to purchase.

Called the Parental Empowerment Act of 2005, the bill would eliminate federal education funding to states that didn't set up these review boards. Jones told reporters that he wants to "help parents take back their right to regulate the appropriateness of the content their children are exposed to." In May 2005, the bill was referred to the House Subcommittee on Education Reform where it has yet to be scheduled for a hearing.

The courts weigh in

The courts first weighed in on this controversial subject with the 2000 case of *Sund v. Wichita Falls, Texas*. Several hundred people in that town signed a petition asking the library to censor two gay-themed library books, *Heather Has Two Mommies* by Leslea Newman, and

Daddy's Roommate by Michael Willhoite. After much debate, the city council passed a resolution requiring the books to be placed in the adult section of the library. Other library patrons filed a lawsuit against the resolution, claiming it was unconstitutional and violated their First Amendment rights to receive information.

The district court agreed and found that it was a violation of protected speech on the basis of content and viewpoint. The court declared, "the First Amendment to the U.S. Constitution and Article 1, Section 8 of the Texas Constitution indisputably protect the right to receive information." It further stated that a book may not be removed from a library shelf because someone dislikes the ideas in the book.

Another case that went to the federal courts occurred in California. In September 2000, officials of the Anaheim Union High School District removed 10 biographies from the Orange View Junior High School library. The books are part of a series, aimed at teenagers 14 and older, called *Lives of Notable Gay Men and Lesbians*. The school librarian had ordered the books as part of a larger series that included *Black Americans of Achievement*, *North American Indians of Achievement*, *Females First in Their Fields*, and *Heroes of Faith*.

Lives of Notable Gay Men and Lesbians focused on writers James Baldwin, Willa Cather and Oscar Wilde, economist John Maynard Keynes, poet Sappho, tennis player Martina Navratilova, and entertainers Marlene Dietrich, Liberace and k.d. Lang.

According to the National Writers Union, an organization of nearly 7,000 professional writers that started a letter-writing campaign to protest the removal of the books, the principal's excuse for removing the books was because "they were beyond the reading capabilities of the school's students" and "posed a safety hazard because

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Women's Rights Around the World: Not Always a Pretty Picture

by Phyllis Raybin Emert

It is the 21st century but, in some parts of the world, when it comes to women's rights, it still feels like the dark ages. There is evidence of some progress towards women's equality around the world, but change is slow and in some countries women enjoy very few civil rights.

Although women continue to face gender-based discrimination in the U.S., Europe, Latin America, Asia and Africa, according to an article in the *American Jurist*, a publication of American University's Washington College of Law, the gap is most obvious between the sexes in non-democratic, Middle Eastern countries. Despite the fact that many of these nations have passages in their constitutions or actual laws on the books granting equal rights, the reality is that often the laws are not enforced.

A survey, released in June 2005 by the U.S. State Department on the status of women's freedoms, stated "women in Middle East and North African countries face systematic discrimination in both laws and social customs." Conducted by scholars and experts at Freedom House, a non-profit, non-partisan organization that promotes economic freedom, the survey made several recommendations. Among those recommendations are that women should have equal standing under the law in all areas of life, domestic violence should be considered a serious crime, all women should be allowed to participate in politics and government and all females should have access to education, jobs and employment benefits.

In the name of honor

Human Rights Watch, an international, non-governmental organization that conducts research on human rights issues, estimates that approximately 1,000 women are killed each year in Pakistan alone as a result of honor killings. The United Nations Population Fund puts the worldwide total of honor killings each year at approximately 5,000, but notes that it is hard to estimate an exact number since these crimes are often not reported.

When a male member of a family kills a female member that he perceives has brought shame to the family, it is called an honor killing. Certain cultures believe that killing the offending sister, daughter, wife, etc. will restore honor to the family name. According to the *American Jurist*,

examples of a female bringing shame on the family could be becoming pregnant without being married, wanting to choose a husband for herself, committing adultery, flirting, seeking a divorce or becoming too "Westernized." Often, the male family member who carries out the honor killing goes unpunished or receives lenient jail time. In some countries, if a murder were found to be the result of an honor killing, the courts would take that into account as a **mitigating factor**, lessening the **sentence** for the murderer.

In addition to honor killings, bride burnings, a form of domestic violence, is a growing problem, particularly in India. According to the National Geographic Channel's *Ultimate Explorer*, these burnings are often disguised as accidental kitchen fires or attempted suicides. The fires, however, are often set by the bride's husband or in-laws to persuade the bride's family to increase her **dowry**. When the bride's family does not comply or their money runs out, her husband and his family often resort to bride burning, making way for a new bride and a new dowry. *Ultimate Explorer* reported "1,200 women are killed in dowry-related deaths every year in Bangalore."

Still a man's world

Brutality against women is a serious problem all over the world. In most Middle East and North African countries, *American Jurist* reports, there are no laws against domestic violence, and all legal issues related to marriage, divorce, children and the family are based on the Shari'a, a system of Islamic law. Under this system, a husband can divorce his wife at any time without going to court and may dish out a "light beating" for disobedience as a "last resort." If a wife wants a divorce, however, she must meet certain conditions and is required to appear in court.

In Saudi Arabia, the law forbids women to travel alone on buses, trains or airplanes. They are not allowed to drive or walk on the streets without a male family member. If a woman is caught with a man not in her family or in violation of the dress code, which requires completely covering the face and body, she can be imprisoned by the police or even beaten. In addition, a woman cannot be treated at a hospital without a male relative's permission.

Discrimination against women, however, is not reserved for Middle Eastern



countries. Some modernized western countries also have their fair share of discrimination. For example, Japanese women are not allowed to climb a sacred mountain site called Mt. Omine where a Buddhist temple lies at the top. There is a gate that reads, "Off Limits to Women."

"It's about saving a tradition," Genichi Masutani, head of the innkeepers association and a local official near Mt. Omine, told *The Los Angeles Times*.

In China, the government only allows one child per family and most want that one child to be a boy. Sons are valued more because they continue the family name. Female children are often aborted during the pregnancy or given up for adoption. According to the U.S. State Department, as of 2002, Americans have adopted more than 30,000 Chinese girls. By 2020, it is estimated that China will have 40 million more men than women.

Women still face discrimination even in the United States, where the Equal Rights Amendment has been waiting to be passed for more than 30 years. According to the U.S. Department of Labor, for every dollar a man earns, a woman earns only 78 cents, despite the Equal Pay Act passed over 40 years ago.

When in Rome

So, what happens when the cultures of two countries with different views on women's rights collide? The U.S. State Department warns American women traveling abroad that various countries and cultures throughout the world have specific views as to what is appropriate dress and behavior for female travelers. Whether or not a person agrees with these laws or customs, the State Department recommends that women familiarize themselves with and abide by them to avoid problems while in a foreign country.

For example, in Laos it is against the law for a woman alone to invite a male citizen to her hotel room. In Saudi Arabia, American women have been detained or arrested for what is considered improper female dress. Some women travelers have been harassed and even physically assaulted by the local population for attire that is offensive. The State Department suggests conservative dress, and the old saying, "When in Rome,

do as the Romans do," applies to American women traveling overseas.

Making progress

It's not all bad news for women around the world. According to the United Nations, since 1995, 16 countries — The Bahamas, Columbia, Costa Rica, Ethiopia, France, Jordan, Kuwait, Mexico, Morocco, Papua New Guinea, Peru, Republic of Korea, Serbia and Montenegro, Switzerland, Turkey and Venezuela — have repealed or amended discrimination laws against women.

Thirty-six nations, however, still have discriminatory laws that remain in force despite a pledge made to the United Nations to repeal them.

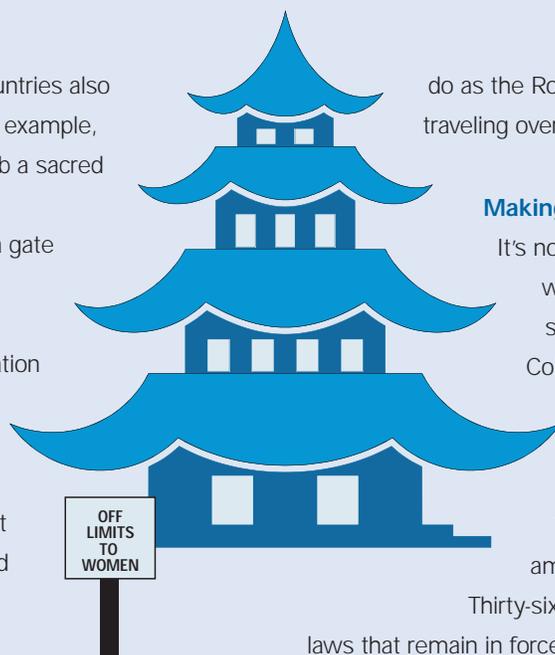
As of March 18, 2005, 180 countries, or over 90 percent of the members of the United Nations, have signed and committed themselves to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) adopted in 1979 by the United Nations General Assembly. Afghanistan, Iraq, Pakistan and Saudi Arabia are among those countries.

Progress in women's rights is also being made in other ways. In November 2005, Liberia elected a female president, 66-year-old economist Ellen Johnson-Sirleaf, making her the first female elected head of state in African history.

Kuwait's Social Cultural Women's Society has worked for 20 years to get political rights for women. In May 2005, the Kuwaiti Parliament voted to allow women to vote and run for office, however, they must continue to abide by Islamic law. The next scheduled elections for Kuwait are in 2007.

Currently, Saudi Arabia is the only country in the world where only men can vote. In 2005, the Saudi Arabian government passed a measure that would allow women to vote in future elections. Though the measure is supported by the Saudi monarchy, Saudi Arabia's Foreign Minister emphasized that reforms will take place gradually.

Finally, the new Afghanistan and Iraq constitutions both provide for equal rights for women, but also state that legislation must take into account Islamic law. In other words, the interpretation of Shari'a dictates how much freedom women will receive in those countries. ■



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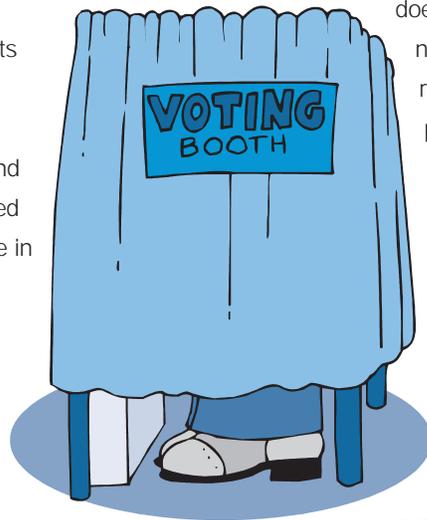
According to CRF, these practices took place despite the passage of the Fourteenth Amendment to the U.S. Constitution, which was ratified in 1868. The Fourteenth Amendment protects the civil liberties of recently freed slaves, and the Fifteenth Amendment, ratified in 1870, specifically protected the minority vote.

Since that time, and with the onset of the civil rights movement in the 1950s, additional voting protections were put in place for minorities, with the most prominent one perhaps being the Voting Rights Act of 1965.

That act, signed into law by President Lyndon B. Johnson, “suspended literacy and other tests in counties and states showing evidence of voter discrimination,” according to the CRF report, “...and ended the practices that had denied African-Americans the right to vote in Southern states.”

Help America Vote Act

Today, more than 40 years since the Voting Rights Act of 1965, efforts continue to improve our voting process. A more recent federal law that aims to address problems uncovered in the 2000 presidential election is the Help America Vote Act (HAVA), which was signed into law in October 2002.



According to the New Jersey Attorney General's office, “This federal law provides federal monies to assist states in upgrading voting equipment and election procedures to protect the right to vote for all our citizens.” Among other things, HAVA requires more stringent identification requirements for voters, a topic that elicits mixed reaction.

New Jersey attorney and professor Frank Askin, director of the Rutgers Law School's Constitutional Litigation Clinic, expressed concern that recent efforts by some states like Georgia to require photo IDs at the polls will serve to discourage voter turnout, particularly among minorities. New Jersey

does not mandate photo IDs, but now does impose stricter ID requirements in the registration process under HAVA.

“We have to make it easy for people to vote and not put road blocks in their way,” Professor Askin says.

Of HAVA, Donna Kelly, an assistant attorney general in New Jersey, points out that in addition to addressing voting procedures, HAVA also provides funds for voter education

and outreach. With programs like these, Kelly remains hopeful that HAVA will ultimately serve to improve the system and engage more voters in the election process. ■

Glossary

civil union — similar to marriage, where two people of the same sex demonstrate their commitment to one another by establishing a partnership. **dowry** — a gift or property that a wife's family provides to her husband upon marriage. **homosexual** — a person who romantically desires another person of the same sex. **mitigating factor** — a factor that does not excuse a defendant from guilt but may lessen accountability and therefore lessen his or her sentence. **sentence** — a punishment handed down by a judge in a criminal proceeding.

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students might be harassed by others if they were seen carrying the book.”

The American Civil Liberties Union (ACLU) of Southern California stated in its press release, “These books were banned because they had a positive statement to make to kids about gay and lesbian people...[who]...in the eyes of some, cannot possibly be role models or heroes.”

The ACLU of Southern California filed a federal lawsuit on behalf of two junior high school students who claimed their free speech rights were violated under the First Amendment as well as under state nondiscrimination laws. In March 2001, the school

district reached a settlement agreement with the students. The books were reshelved, and the district revised its policy so that books could not be removed simply because the subject matter dealt with sexual orientation.

The courts held, in both the Wichita Falls and Anaheim cases, that if parents don't want their children exposed to books about gay lifestyles, it is up to them to oversee what their children take out of the library. Parents do not, however, have the authority to restrict the rights of others to receive information and learn about diversity in society. ■