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respect

A NEWSLETTER ABOUT LAW AND DIVERSITY

Playing Political Games at the Olympics

by Cheryl Baisden

The spectacle of the 2008 Summer Olympics, held in Beijing, China, is probably still fresh in your mind. Who could forget Michael Phelps winning a record-setting eight gold medals or the USA final medal count of 110?

While the Olympics are a great demonstration of sportsmanship and camaraderie, bringing together athletes from more than 200 countries, they also provide an international forum for political causes and issues. With the world watching, the Olympics have always been an opportunity to give a voice to global injustices.

When it comes to basic human rights — for example, the right to a nationality, the right to own property and the right to voice an opinion — Americans have it made. But although the United Nations adopted the Universal Declaration of Human Rights, spelling out the rights deserved by all members of the human race, 60 years ago, basic social and economic rights are still being denied to people in many parts of the world.

Two human rights issues were hotly debated at China's Olympics and many social organizations, political leaders, public figures and individual protesters called for a public stand against the host nation. The debate surrounded China's connection with a deadly five-year-old conflict in the Darfur region of Sudan and

the violent Chinese response to recent demonstrations in Tibet, a nation the Chinese have occupied since 1951.

Oppression in Tibet/Genocide in Darfur

Essentially, the issue in Tibet is one of **sovereignty**. In other words, who has power over Tibet. The Chinese government believes it maintains sovereignty over Tibet. Tibet maintains that it has always been an independent state. There have been many Tibetan uprisings against Chinese rule over the past half century, most notably in 1959 when Tibet's spiritual leader, the Dalai Lama, was forced to flee his home. More [>continued on page 2](#)

Cherokee Nation vs. Freedmen: Civil Rights or Sovereignty?

by Phyllis Raybin Emert

In March 2007, members of the Cherokee Nation of Oklahoma voted to remove more than 2,800 Freedmen from its tribal rolls. Freedmen are the black descendants of slaves, once owned by the tribe, who were granted citizenship in the Cherokee tribe as a result of an 1866 treaty between the Cherokee Nation and the federal government.

At stake for the Freedmen today are their identities as Cherokees and their rights to government and tribal benefits such as housing and healthcare. Leaders of the Cherokee Nation believe the tribe should be composed of those who have Indian blood, and the Freedmen must prove Cherokee ancestry to be full citizens of the Nation.

In a *Time* magazine article, Oklahoma attorney Jon Velie, who represents the Freedmen, called the March vote [>continued on page 4](#)

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Playing Political Games at the Olympics *continued from page 1 <*

recently, in March 2008, there was more unrest when the Olympic torch made its way through Tibet amid massive protests.

Violence erupted in Darfur in July 2003, when several ethnic African tribes took a stand against Sudan's Arab-dominated government. In response, the Sudanese government armed local militia (called Janjaweed), which are accused of methodically killing members of the African population over the past five years, burning their villages along the way. The United Nations estimates 300,000 people have died due to the war and the resultant famine and disease, and 2.5 million others have been driven from their homes.

Viewed as an attempt to eliminate the nation's African population, the ongoing conflict in Darfur has been categorized as **genocide**, which is the systematic slaughter of a race of people or a cultural group for political, economic or religious reasons. The killing of millions of Jews and other races by Nazi Germany under Adolph Hitler during World War II, and the murder of millions of Russians and other ethnic groups under Joseph Stalin to promote his vision of communism in the 1920s and 1930s, remain the most dramatic examples of genocide.

In recent years, former Yugoslav President Slobodan Milosevic made history as the first head of state ever to face an international war crimes court for promoting "ethnic cleansing." Charged with 66 counts of war crimes and genocide, Milosevic died in 2006, five years into his trial.

In July, the International Criminal Court (ICC) at The Hague indicted Sudanese President Omar al-Bashir for his part in the Darfur conflict. While al-Bashir claims the ICC has no jurisdiction in Sudan and denies that genocide has taken place in Darfur, he is charged with three counts of genocide, five counts of crimes against humanity and two counts of war crimes.

China's part in the Darfur genocide focuses on finances and supplies rather than direct participation in the violence. The Chinese

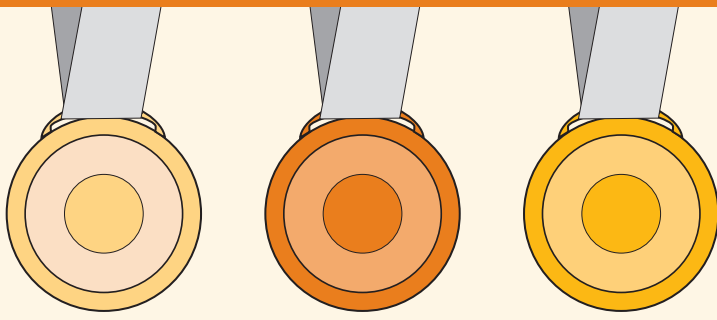
government is Sudan's largest foreign investor, trade partner and weapons supplier. Due to its unique vantage point, many human rights activists contend that China should be encouraged to pressure Sudan to resolve the ongoing conflict.

At an April news conference, Jill Savitt, executive director of Dream for Darfur, a human rights initiative of Public Interest Projects based in New York, stated, "Beijing should not be allowed to bask in the warm glow of peace and brotherhood...if China is still underwriting atrocities in Darfur." Later, Savitt told the *Voice of America*, "We are pointing out the inconsistency of an Olympic host presenting itself as a leader for peace, while being complicit in genocide."

Showing support by not showing up

Savitt's group and others called on government leaders around the world to boycott the opening ceremonies of the Beijing Olympics as a protest against the continued violence in Darfur. Reportedly, the Chinese Olympic Organizing Committee invited 100 foreign leaders and approximately 80 attended. Among those who skipped the opening ceremonies were the German chancellor and the prime ministers of Great Britain and Canada. U. S. President George W. Bush did attend the ceremonies, the first U.S. president to do so on foreign soil. President Bush stated that he was attending the event strictly as a sportsman, and it would be "an affront to the Chinese people" if he did not attend.

Savitt and others disagree with Bush's take on the significance of the Olympics. "[T]he Olympics is not a sporting event," Savitt stated on CNN. "The Super Bowl is a sporting event...The Olympics, by charter, is something different: an international forum with a mandate to promote peace. The Olympic Charter says, 'The goal of Olympism is to place sport at the service of the harmonious development of man, with a view to promoting a peaceful society concerned with the preservation of human dignity.'"



A total boycott in 1980

Although the spirit of the Beijing Olympics may have been at issue, no one called for a total boycott of the games. Since the modern incarnation of the games began in 1894, various countries' athletes have been ordered to boycott Olympic events. The U.S. has only taken such drastic measures once. In 1980, the U.S. and more than 60 other nations boycotted the summer games in Moscow to protest the Soviet Union's invasion of Afghanistan.

Tensions between the U.S. and the Soviets had been high since 1978, in connection with a series of incidents calling into question Afghanistan's alliances with both nations. Then-U.S. President Jimmy Carter prompted the U.S. Olympic Committee to enforce a boycott by threatening to withhold financing for the team and to revoke the committee's tax exemption.

The move did nothing to deter the Soviet invasion, but it had a lasting impact on the U.S. athletes who had trained for years for the games and could not compete.

"What really hit home to me about the boycott was the Soviets didn't pull out of Afghanistan for nine years," Tracy Caulkins, a swimmer on the 1980 team, told *USA Today*. "Did it put any pressure on them? No, it was just a missed opportunity for many athletes."

Fellow swimmer Craig Beardsley agreed with Caulkins' assessment of the situation. "If it was going to do some good, then we could sacrifice. But as time went on, and we realized what little impact it had, I became angry for what the boycott did to all these people, my friends and teammates, and people in all those other countries too," said Beardsley, who may well have won the gold medal in Moscow had he competed. Just 10 days after the Soviet Union's Sergei Fesenko won the medal Beardsley set a world record, coming in 1.5 seconds faster than Fesenko's Olympic time.

At the time of the 1980 boycott announcement, 25 members of the U.S. team filed a lawsuit against the U.S. Olympic Committee, claiming the organization did not have the power to impose a boycott. The legal effort failed when the courts determined the committee had exclusive jurisdiction over the team's participation.

The rules of the games

Under Rule 51 of the Olympic Charter, athletes are forbidden from participating in any "demonstration or political, religious or racial propaganda" at Olympic sites. *>continued on page 8*

Boycotting the Olympics

Since the International Olympic Committee (IOC) was formed to organize the modern Olympic Games in 1894, a wide range of nations have boycotted the games for political reasons. Below are a few instances.

Melbourne, Australia — 1956

- China, which had been fighting to absorb the neighboring island of Taiwan for decades, refused to participate in the games because Taiwanese athletes would be competing. China did not rejoin the games until 1980.
- The Netherlands, Spain and Switzerland boycotted the games to protest the Soviet Union's violent repression of the Hungarian uprising against Communist control. An estimated 30,000 Hungarians were killed in the revolt, and another 200,000 were forced to flee the country.
- Cambodia, Egypt, Iraq and Lebanon boycotted the Olympics as a result of the escalating Suez Crisis, where Egypt claimed ownership of the Suez Canal, prompting Israel to invade the nation. When British and French troops entered the conflict, the Soviet Union prepared to move against them and U.S. troops began mobilizing in opposition. United Nations intervention ended the crisis.

Montreal, Canada — 1976

- A total of 26 nations boycotted the games when New Zealand was permitted to compete in the games. The New Zealand rugby team had recently played in South Africa, which had been banned from the Olympics since 1964 due to its segregated political system known as **apartheid**. After abolishing apartheid, South Africa was admitted to the games beginning in 1992.

Moscow, Russia — 1980

- The U.S. and more than 60 other nations — the largest group ever — boycotted the games in protest of the Soviet Union's invasion of Afghanistan in 1979.

Los Angeles — 1984

- The Soviet Union and 14 Soviet-controlled nations and their allies countered the 1980 boycott by refusing to participate in the Los Angeles games.

Seoul, South Korea — 1988

- Continued tensions between South Korea and neighboring North Korea resulted in the northern nation's decision to boycott the games. ■

Source: cnn.com

Cherokee Nation vs. Freedmen: Civil Rights or Sovereignty? *continued from page 1*

“an ethnic cleansing.” But Cherokee Principal Chief Chad Smith said in his State of the Nation address that it is an issue of **sovereignty**, identity and heritage.

A little history

The Freedmen and the Cherokees have had a complicated history. When European settlers first arrived in the New World, the Cherokees lived around the Smoky Mountains in what is now Kentucky, Tennessee, Georgia and the Carolinas. The Indians adopted many European customs, including slavery.

In 1830, legislators from Georgia, the largest U.S. state at the time, persuaded the U.S. Congress to pass the Indian Removal Act, which would relocate tens of thousands of American Indians out west. In 1832, however, the U.S. Supreme Court ruled, in *Worcester v. Georgia*, that the Cherokees were an individual nation with its own sovereign powers. Chief Justice John Marshall wrote in his decision that they were “distinct, independent political communities retaining their original natural rights.” This ruling was interpreted to mean no state could enact any law against the Indians, and only by means of a treaty could the federal government deal with such a sovereign nation.

The federal government negotiated a treaty with a **faction** of the Cherokee Nation at New Echota, the Indian capital. The Cherokee group agreed to voluntary removal from the lands in question in exchange for five million dollars. Despite the objections of Principal Chief John Ross, the U.S. Senate ratified the treaty and in 1838 all Cherokees, as well as their black slaves, were relocated to the Oklahoma Territory. This forced march during the winter months resulted in the death of

nearly 4,000 members of the Cherokee Nation or 25 percent of the tribe. (See sidebar.)

Cherokees support Confederacy

After the outbreak of the Civil War, the Cherokee Council, fearful that the Union would ban slavery and take away their lands, sided with the Confederacy.

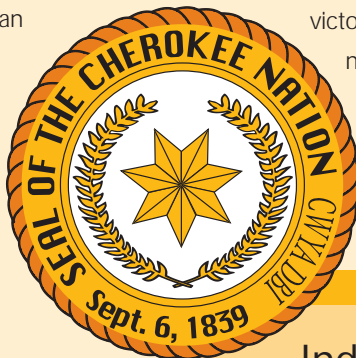
By 1863, the council broke with the Confederacy and set free all slaves in the Cherokee Nation. After the war, the victorious Union government negotiated a new treaty with

the Cherokees. Article 4 of the Treaty of July 19, 1866 noted that any freed slaves and free

African Americans who resided in Cherokee Nation lands prior to 1861 had the right to settle there and were entitled to the same rights as Cherokees. Article 9 of the treaty specifically stated, “all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees.”

The Dawes Commission

In 1896, the U.S. Congress authorized the Dawes Commission, named after its chairman, *>continued on page 6*



Indians March The Trail of Tears

The forced removal from Georgia of the Cherokee and other Indian tribes began in October 1838 and ended after 1,000 miles on March 26, 1839 upon their arrival to the Oklahoma territory. With the heavy loss of life, the journey would become known as the Trail of Tears.

In a letter to his children dated December 11, 1890, on the occasion of his 80th birthday, Private John G. Burnett of Captain Abraham McClellan's Company, 2nd Regiment, 2nd Brigade, Mounted Infantry, recounted the horrors that the Cherokees endured:

“I saw the helpless Cherokees arrested and dragged from their homes, and driven at the bayonet point into the stockades. And in the chill of a drizzling rain on an October morning I saw them loaded like cattle or sheep in six hundred and forty-five wagons and started toward the west...Many of these helpless people did not have blankets and many of them had been driven from home barefooted...On the morning of November 17th we encountered a terrific sleet and snow storm with freezing temperatures and from that day until we reached the end of the fateful journey on March 26th 1839, the sufferings of the Cherokee were awful. The trail of the exiles was a trail of death. They had to sleep in the wagons and on the ground without fire. And I have known as many as twenty-two of them die in one night of pneumonia due to ill treatment, cold and exposure...”

There is a legend that a beautiful new rose “grew wherever a mother’s tear fell to the ground” on the Trail of Tears. The white rose has a gold center and seven leaves on every stem. The white is the mother’s tears, the gold stands for what was taken from the Cherokee, and the leaves represent the seven Cherokee clans. This Cherokee rose flourishes along the Trail of Tears, and today it is the official state flower of Georgia. ■

Balancing Freedom of Speech and Tolerance on the Airwaves

by Cheryl Baisden

For more than 30 years, radio talk show host Don Imus made a name for himself as a “shock jock,” discussing controversial topics on air and often instigating heated debate with his off-color comments. Once named one of the 25 most influential people in America by *Time* magazine, with 2 million people tuning in to listen to his Imus in the Morning program, he was a radio icon.

His standing in the business changed dramatically one morning in April 2007 when he referred to members of the Rutgers University Women's Basketball Team, who were competing for the NCAA championship, as “nappy-headed hos” during his broadcast. A few days later, as the National Association of Black Journalists called for his resignation and advertisers cancelled their spots on his show, the radio host was fired, even after he met with the team and apologized on the air for his comments.

“These comments are indicative of greater ills in our culture,” said Rutgers Coach Vivian Stringer in a press statement released the day after she and the team met with Imus and accepted his apology. “It is not just Mr. Imus, and we hope that this will be and serve as a catalyst for change. Let us continue to work hard together to make this world a better place.”

CBS Chief Executive Leslie Moonves noted in a memo to his staff in mid-April that Imus “has flourished in a culture that permits a certain level of objectionable expression that hurts and demeans a wide range of people.” Still, after the controversy had quieted down and just eight months after he was fired from CBS radio, Imus was back on the air at rival station WABC out of New York City.

Although his comments may have smacked of racism, and certainly were derogatory toward the black women who comprised the team, according to Frank Askin, a Rutgers Law School professor and director of the school's Constitutional Litigation Clinic, the decision to remove Imus from the airwaves was a corporate one, designed to preserve the station's image and satisfy advertisers. WABC's decision to offer him airtime on their station was a business move as well.

Under the U.S. Constitution, Imus, and anyone else with access to the airwaves, is entitled to freedom of speech, unless it is considered obscene, explained entertainment attorney Steven Schechter, of Fair Lawn. The Federal Communications Commission (FCC), which oversees radio and television broadcasts, can set certain limitations on speech restricting constitutional freedoms, he

noted, but the commission would not have found that Imus violated their regulations.

“There would have been no legal reason to fire him,” Schechter said. “All speech, other than obscene speech, is protected by the U.S. Constitution. Federal law prohibits the FCC from engaging in censorship, but it does permit the commission to impose penalties and sanctions (including fines and even the right to revoke the station's broadcast license) for what it calls indecent speech because broadcasting is so pervasive in our lives and is accessible to children, even those too young to read.”

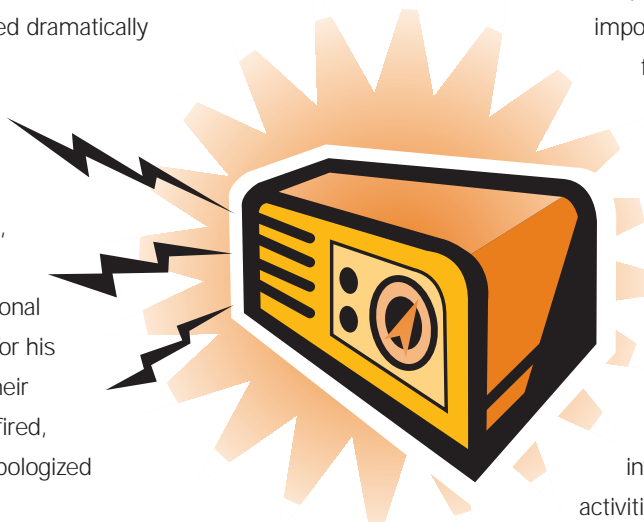
Under the FCC's guidelines, Imus' comment would not have been considered indecent. Indecent speech, according to Schechter, involves describing certain sexual activities or bodily functions, as well as certain body parts. These rules do not apply to cable channels like HBO and Showtime, which are not under FCC control since viewers must pay to have access to them.

“Since there is a likelihood that a child can turn on a TV or a radio and hear offensive language, the courts have permitted the FCC to regulate and prohibit the broadcast of ‘indecent’ speech,” Schechter said. “There is leeway when it comes to indecent speech between 10 p.m. and 6 a.m. because of the belief that children will be less likely to be in the audience between those times, but obscene language can never be used on the airwaves on regular broadcast TV.”

One Rutgers player challenged Imus' right to free speech. In August 2007, she filed a slander and defamation lawsuit against the radio personality and CBS Radio, claiming that since his statement was made in connection with a news report, his words tarnished her reputation. A month later, however, she withdrew the suit.

Taking a closer look

With the controversy surrounding the Imus incident, his supporters and opponents decided to take a cold, hard look at the use of racial slurs in society today. While some communities voted to pass resolutions banning the public use of the n-word, and music industry leaders debated the use of racial slurs by rappers and hip-hop artists, the fact remains that in the United States freedom of expression is a constitutional right. *>continued on page 7*



Cherokee Nation vs. Freedmen: Civil Rights or Sovereignty? *continued from page 4*

Senator Henry Dawes of Massachusetts, to conduct what amounted to a census or written roll of Indian tribal membership. Instead of one single list, the Commission made two separate ones. Non-black Cherokees by blood were on one list, while African Americans, regardless of Cherokee ancestry, were on a second one. Determination of the Dawes Rolls was purely subjective. If the official thought the individual looked like an Indian, he or she was placed on what has been called the blood list. If the official thought a person looked black, he or she was placed on the Freedmen list.

Eventually land was given to those on the Dawes Rolls. According to the *Cherokee Phoenix* newspaper, "each Cherokee household received 160 acres, each single individual above the age of 18 [or] each orphan received 80 acres and each minor received 40 acres. Freedmen received 110 acres of land."

In 1971, after being under the jurisdiction of the Bureau of Indian Affairs, the Cherokees were authorized by the federal government to hold their own elections for principal chief, and in 1975 they voted for and approved a new constitution. The 1975 constitution stated that only those listed on the Dawes Rolls and their descendants were citizens of the Cherokee Nation, but made no mention of Freedmen. By 1983, most Cherokees interpreted this to mean that only Indians by blood could be citizens. Since the Freedmen were not listed on the Dawes Rolls by blood, their citizenship was cancelled by the Tribal Council and they were not allowed to vote in tribal elections. Although the Bureau of Indian Affairs disagreed strongly and supported the right of Freedmen to vote, they did not intervene and challenge Cherokee sovereignty.

Seeking heritage

In 2004, Lucy Allen, whose ancestors are listed on the Dawes Commission's Freedmen Roll, sued the Cherokee Nation asking that the law requiring proof of Cherokee blood in order to be a citizen of the tribe be struck down. On March 7, 2006, the Judicial Appeals Tribunal ruled in *Allen v. Cherokee Nation*, that the law requiring citizens to have Indian blood was unconstitutional, and that Freedmen tracing ancestry to the Dawes Rolls could be citizens. The tribunal noted that the words "by blood" or "Cherokee by

blood" does not appear in the tribe's constitution. The tribunal stated that "the Cherokee citizenry has the ultimate authority to define tribal citizenship."

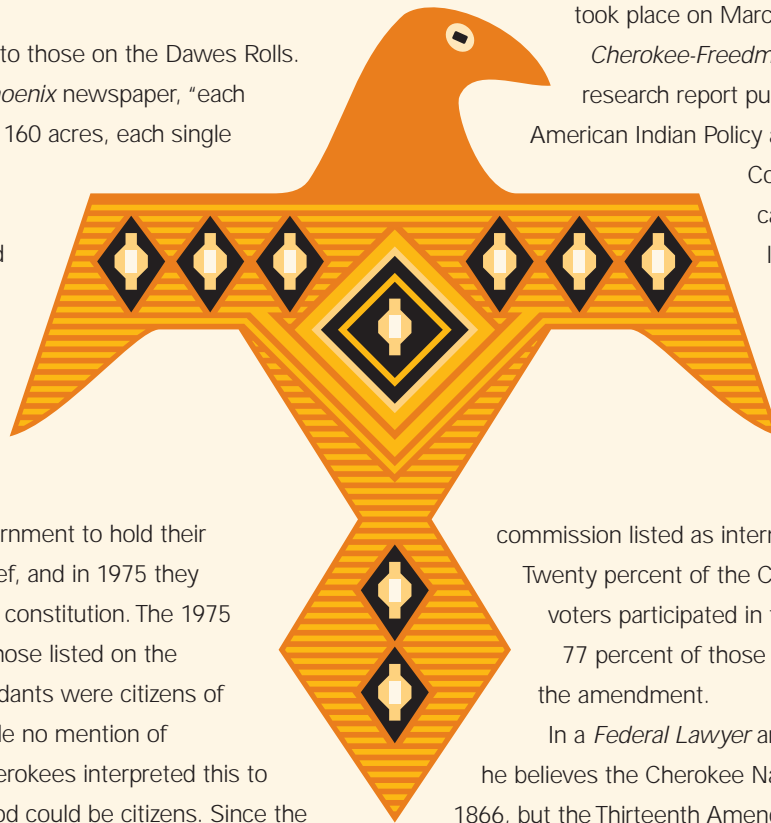
Special election

In July 2006, the Cherokee Tribal Council voted 13-2 for an amendment to the constitution to require Indian blood as a requirement for citizenship. Despite opposition and an appeal to a federal court, a special election to determine the matter took place on March 3, 2007. According to *The Cherokee-Freedmen Story: What the Media Saw*, a research report published by Ronald D. Smith of the American Indian Policy and Media Initiative at Buffalo State College, the special election "was called to amend the constitution to limit citizenship to those who are 'Cherokee by blood' (descendants of those whom the Dawes Commission had identified as Indian) and rescinded citizenship for those descended solely from persons whom the commission listed as intermarried whites or as Freedmen."

Twenty percent of the Cherokee Nation's 45,000 registered voters participated in the election and approximately 77 percent of those members voted in favor of the amendment.

In a *Federal Lawyer* article, Freedmen attorney Velle said he believes the Cherokee Nation not only violated the Treaty of 1866, but the Thirteenth Amendment, "by perpetuating 'badges' of slavery," and the Fifteenth Amendment, which forbids "denying the right to vote 'on account of race, color, or previous condition of servitude.'" Velle acknowledged that the 1978 case of *Santa Clara Pueblo v. Martinez* supported the "basic premise that Indian nations have the right to determine who may be a citizen of the Indian nation." However, he believes sovereignty should not be used as the means to break treaties or revoke citizenship as mandated in the Constitution.

Recently, a federal court in Washington D.C. ruled that descendants of Freedmen could sue the Cherokee tribal leaders. A previous court ruling held that the Cherokee tribe itself was protected from legal action by sovereign immunity. The court noted that there was a limit to the sovereignty of the Cherokee Nation, and racial oppression prohibited by the Thirteenth Amendment outweighed Cherokee immunity.



What the Cherokee are saying

A June 2007 Cherokee Nation news release stated, "Since the March amendment's passage, the Nation has been targeted with false charges of racism and misinformation. Most maliciously, the Nation has been falsely accused of expelling all black citizens — a charge that is 100 percent wrong. Black citizens with Cherokee ancestry have long been, and will continue to be, citizens of the Cherokee Nation."

According to Principal Chief Smith, "This issue has nothing to do with race. It has everything to do with who can be an Indian in an Indian tribe and the proper exercise of our sovereignty to define our citizens."

The press release also noted that "more than 1,500 descendants of these freed slaves have full, indisputable Cherokee Nation citizenship rights because they have Indian ancestry...and are completely unaffected by the March 2007 constitutional amendment. Thousands of other Cherokees of African and other heritage (but not of Freedmen descent) are also citizens because they have an Indian ancestor on the Cherokee Dawes Roll... More than 2,800 affected Freedmen descendants...[can become citizens]... if they can prove lineage to an Indian ancestor on the Dawes Roll."

While legal challenges are pending in various courts, all Freedmen whose citizenship was taken away have been reinstated as citizens of the Cherokee Nation, with the rights to receive benefits and to vote in all elections.

Congress gets involved

Representative Diane Watson of California, who is also a member of the Congressional Black Caucus, sponsored a bill that would cut off federal funding and relations with the Cherokee Nation of Oklahoma until the tribe restores full tribal citizenship to the Cherokee Freedmen. The bill is currently being considered in the House Judiciary and Natural Resources Committee.

According to Principal Chief Smith, Watson's bill would cut off the nearly \$300 million per year in federal funds that the tribe receives eliminating "vital services to more than 170,000 people in Oklahoma" and "result in the direct loss of 6,500 jobs."

Principal Chief Smith also pointed out that the legislation would affect the 2,867 non-Indian descendants of Freedmen who remain citizens of the Cherokee Nation pending an appeal in tribal court.

In the meantime, the Cherokee's highest court, a federal district court, and the Washington D.C. Circuit Court of Appeals are all considering Freedmen claims and the Cherokee Nation will continue to fight the Watson legislation. ■

Balancing Freedom of Speech and Tolerance on the Airwaves *continued from page 5*<

According to Askin, freedom of speech, even if it is racially based, is guaranteed under the U.S. Constitution. While a governing body can suggest that certain words not be used publicly, laws restricting speech cannot be legally enforced.

"Generally, the exception to that would be schools, which are not really considered public places," explained Askin. "Speech in schools is subject to school disciplinary rules to avoid disruption, so in that case racial slurs and other types of speech can be prohibited."

Banning the n-word

Of course while restricting free speech may not be legally enforceable, publicly denouncing the use of certain words can still have an impact. Irvington Councilwoman Andrea McElroy successfully fought to have use of the n-word publicly banned in the northern New Jersey city in January 2007 to focus attention on the increasing use of the racial slur among black youth.

"There is a swelling population of black youth that use this word as if it is a term of endearment, and I think it is basically incumbent upon us to remind them of the story of what that word meant to so many of our ancestors," McElroy, who is black, told *The New York Times*. "This is something we probably should have done years ago."

First used by slave traders 400 years ago to mean subhuman and inferior, the n-word has been taking on a new meaning among black youth, according to published reports.

"It is different saying it now than from saying the word back in the day," 27-year-old saleswoman Tieka Smiley told *The Los Angeles Times*. "That was when there was segregation and slavery. But now the younger kids say it just to say that's my homeboy."

New York City Councilman Leroy Comrie, who spearheaded passage of a non-binding resolution banning the public use of the word in the city, pointed to the casual use of racial slurs in music and comedy routines as the reason behind its growing popularity in street slang. For example, the n-word is commonly included in the lyrics of 50 Cent, Snoop Dogg, Young Jeezy and Jay-Z, and in the comedy routines of Dave Chapelle.

As a result of the Don Imus backlash, Russell Simmons, cofounder of Def Jam Records and brother of DJ Simmons, who was part of the group Run DMC, called for a voluntary ban by the recording industry on several words that offend women and blacks. As part of the Hip-Hop Summit Action Network (HSAN), Simmons said in an April 23, 2007, statement: "There *>continued on page 8*

"When you go to an Olympics, part of the deal is that it is not a political manifestation," Canadian Olympic Committee member Richard Pound told *The Edmonton Journal*. "You're there as a member of your national Olympic committee to compete in accordance with the rules. You're entitled to your private opinion. [But] if you feel so outraged by what's going on in Darfur or in Tibet that you can't bear going to China, then don't go. You're not there as a political activist."

Speed skater and Princeton University student Joey Cheek, who won gold and silver medals at the 2006 Winter Olympics, disagrees. In a letter to the Associated Press, Cheek said, "The reason I do the work I do on Darfur is because of my experience as an Olympian. I, and any other athlete who chooses to speak out about issues of conscience when people are losing their lives have every right to do so."

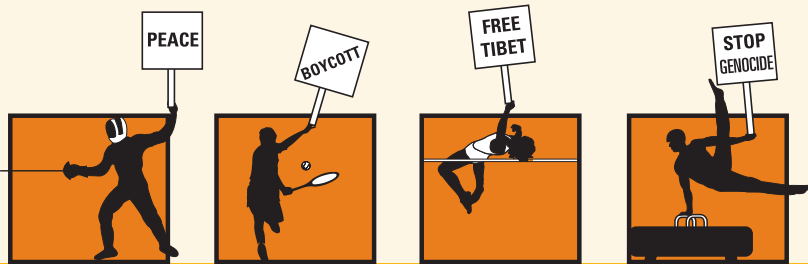
Cheek, along with several other athletes, including U.S. softball team outfielder Jessica Mendoza, founded Team Darfur, a global coalition whose goal is to raise awareness about the Sudan genocide. To speak out presents a problem for participating athletes since the International Olympic Committee (IOC) has the power to expel athletes from the games if they deem their conduct inappropriate. As a former Olympian, Cheek was planning to attend this year's Olympics to promote his cause, however, the Chinese

government revoked his visa right before he was set to travel.

Sport or politics?

Perhaps as a result of the controversy surrounding the Olympics in Beijing, human rights organizations Amnesty International and Human Rights Watch implored the IOC to institute a more thorough process for evaluating the human rights records of countries that bid to host future Olympics. In a statement, IOC spokeswoman Giselle Davies said, "We're a sports organization...we stay clearly within our role, which is to bring sport to host countries. We're not an organization that is best placed or has the capacity to deal with human rights issues."

Cheek points out in his letter, however, that China was awarded the 2008 Summer Olympics partly because the government assured the IOC it would "help improve human rights around the world." Interestingly, the 2014 Winter Olympic Games, scheduled to be held in Sochi, Russia, are now coming into question. Two U.S. representatives from Pennsylvania announced plans to introduce a resolution asking the IOC to take those games away from Russia due to its invasion of the country of Georgia. It is likely to be an empty gesture, however, since the IOC is not bound by a U.S. congressional resolution. ■



should not be any government regulation or public policy that should ever violate the First Amendment. With freedom of expression, however, comes responsibility."

Congressional hearing

In September 2007 lawmakers held a hearing before a congressional panel regarding **misogynous** and violent language and images in the music industry.

During the hearing rapper David Banner, called the use of racial slurs in music a reflection on society, and

vowed to continue including the language in his music.

"I can admit that there are some problems with hip-hop, but it is only a reflection of what is taking place in our society," Banner said. "Hip-hop is sick because America is sick."

Today, with Imus back on the airwaves, the public battle against racial slurs seems to have faded, Askin noted, and the right to freedom of expression guaranteed under the U.S. Constitution remains in place. ■

Glossary

- apartheid** — racial segregation declared by law in the country of South Africa.
- genocide** — the deliberate destruction of a racial, political or cultural group.
- legal liability**.
- misogynous** — insulting toward women.
- supreme power in a state or nation**.
- pervasive** — common or widespread.
- immunity** — exemption from criminal prosecution or
- faction** — a dissenting group within a larger group.
- sovereignty** — the ultimate