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respect

A NEWSLETTER ABOUT LAW AND DIVERSITY

Celebrating Confederate History— Honoring Heritage or Promoting Hatred?

by Jodi L. Miller

Next year will mark the 150th anniversary of the Civil War that began with Confederate forces attacking and capturing Fort Sumter in April 1861. A century and half later Americans are still debating the causes of the war and how to honor the more than 620,000 soldiers on both sides who lost their lives.

Virginia Governor Robert F. McDonnell created controversy this past spring when he declared April as Confederate History Month, failing to mention slavery in the proclamation. The proclamation asked the people of Virginia to “acknowledge those who fought for their homes and communities and Commonwealth in a time very different than ours today.” Originally, McDonnell defended the proclamation, telling *The Washington Post*, “There were any number of aspects to that conflict between the states. Obviously, it involved slavery. It involved other issues. But I focused on the ones I thought were most significant for Virginia.” Eventually, after much criticism from civil rights groups, McDonnell apologized for the oversight calling it a mistake and more forcefully stating, “the abomination of slavery divided our nation, deprived people of their God-given inalienable rights, and led to the Civil War.”

According to the Southern Poverty Law Center (SPLC), a nonprofit civil rights organization dedicated to fighting hate and **bigotry**, the Sons of Confederate

Veterans (SCV) have been urging governors to make these proclamations regarding the Confederacy for the last 13 years. SCV, once a traditionally moderate group dedicated to protecting the legacy of the Confederate dead by preserving battle sites and Confederate graves, is now, according to SPLC, being taken over by radical **extremists** that promote a racist agenda. After McDonnell offered his apology, SCV issued a statement where it “absolutely refuted the claim that Confederate soldiers went

>continued on page 2

Arizona Law on Immigration Fuels Debate

by Cheryl Baisden

Whether your family members were among the daring few who sailed across the Atlantic on the Mayflower, among the millions processed through the Ellis Island immigration center, or among those who in modern times boarded a commercial airline and taxied into a U.S. airport, they all have one thing in common—they came to America from another country, and therefore were once considered immigrants. In fact, unless everyone in your family tree is 100 percent Native American, you can trace at least a portion of your heritage to a foreign country, making you the descendent of an immigrant.

Yet while most Americans come from immigrant stock, when it comes to regulating who can and can't enter the United States from a foreign country, tensions often run high, particularly when times are tough for those living in the U.S. legally, who may see illegal aliens as threats in the job market and a drain on social support programs like Food Stamps and healthcare, said Susan Storch, a

>continued on page 4

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Celebrating Confederate History *continued from page 1*

to the field of battle for the sole purpose of preserving slavery as an intellectually dishonest argument."

Cornerstone of the Confederacy

SPLC, which has monitored extremist activities since 1981, defines neo-Confederate organizations as those that would like to revive pro-Confederate sentiment in the U.S. These organizations, however, maintain they are merely celebrating their Southern heritage, not promoting hatred. The question becomes how do you celebrate Southern heritage without promoting the values of the Confederacy?

In an email, Professor James McPherson, a renowned Civil War historian and professor at Princeton University, said, "One can celebrate the positive aspects of the Southern heritage, [literature, culture, music, art and the like] without promoting the values of the Confederacy that ran counter to these positive aspects, always remembering that much of the Southern heritage was contributed by its black population, which the Confederacy fought to keep in slavery."

What did the Confederacy stand for? Alexander Stephens, the vice-president of the Confederacy, said in what has become known as the "Cornerstone Speech," given in March 1861, less than a month before the war:

"The prevailing ideas entertained by [Thomas Jefferson] and most of the leading statesmen at the time of the formation of the old constitution, were that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically... Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error... Our new government is founded upon exactly the opposite idea; its foundations are laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man; that slavery subordination to the superior race is his natural and normal condition. This, our new government, is the first, in the history of the world, based

upon this great physical, philosophical and moral truth."

Causes leading to war and states' rights

A major cause leading to the Civil War was the election of Abraham Lincoln as the 16th president of the United States. Lincoln had run on a platform of essentially phasing out slavery and not admitting any more slave states to the Union. The South feared if there were no new slave states admitted, their power in Congress would be severely diminished. A month after Lincoln's election, South Carolina seceded from the Union, followed within months by six other states (Mississippi, Florida, Alabama, Georgia, Louisiana and Texas). After the attack on Fort Sumter, Virginia seceded from the Union as well, followed five weeks later by three more states (Arkansas, Tennessee and North Carolina). These 11 states would make up the Confederacy with a population of nine million, including four million slaves. The Union would be left with 25 states, including five border states that allowed slavery, for a population of more than 20 million.

Another cause of the Civil War was the issue of states' rights. The debate over states' rights has been raging almost since the U.S. Constitution was written. The 10th Amendment to the U.S. Constitution states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the State, are reserved to the States respectively, or to the people."

In 1860 America, the South argued for expanding states' rights, including the right to secede, while the North argued for greater government control at the federal level. The Southern view of the Civil War is that it was fought, not to defend slavery, but to preserve states' rights. That may be true; however, the primary state right the South was fighting to preserve was the right to own slaves.

"Those who still claim that the Civil War was not fought over slavery are like ostriches with their heads in the sand," said Professor McPherson, who has written many books

on the topic of the Civil War, including the Pulitzer Prize-winning *Battle Cry of Freedom*. "They are in a state of denial. All of the ancillary issues that brought on secession and war come back to the central issue of slavery, its expansion or containment, and its future in the United States of 1860."

All about slavery

Slavery was ingrained in the Southern way of life at the time of the Civil War. The South depended on the institution of slavery both economically and socially. The success of a plantation depended on slave labor, while owning slaves was also thought of as a status symbol.

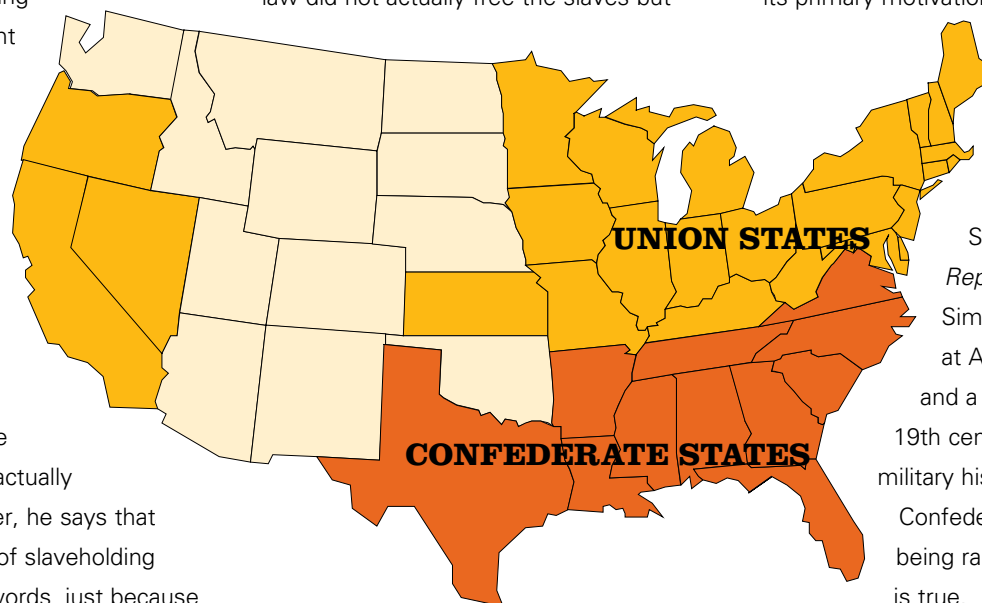
Neo-Confederates make the argument that few Southerners owned slaves, so the war could not have been fought over slavery. Professor McPherson acknowledged it is true that few Southerners actually owned slaves; however, he says that many were members of slaveholding households. In other words, just because a particular soldier didn't personally own slaves, his family likely did. In that way the soldier benefited from slavery, even if indirectly. Professor McPherson cites a study conducted by Joseph Glatthaar, a professor at the University of North Carolina at Chapel Hill, which found 40 percent of the soldiers in the Army of Northern Virginia were members of slaveholding households.

"The 60 percent of white Southerners who were not members of slaveholding households nevertheless had a substantial stake in slavery also, as many of them aspired to become slaveholders at some point in their lives," Professor McPherson noted. "Even if they never made it, their

status as free men elevated them above the status of slaves, a superior social position they would lose if the slaves became free."

Slaves take arms for the Confederacy

In his book, *Confederate Emancipation: Southern Plans to Free and Arm Slaves During the Civil War*, Bruce Levine reports on the plan in the last six months of the war to save the Confederacy by freeing and arming slaves. According to Levine, the Confederate Congress passed the measure by a narrow margin, 40-37 in the House and 9-8 in the Senate. The new law did not actually free the slaves but



asked slave owners to come forward and give the slaves as "free-will offerings" to the cause. The war ended before any substantial numbers could be mobilized.

Neo-Confederates point to this plan as proof that the war was not about slavery, but about saving the South. However, Levine points out in his book that reactions to the plan, both politically and militarily, were not favorable. The book quotes Gen. Clement H. Stevens, who said, "If slavery is to be abolished then I take no more interest in our fight." North Carolina Governor Zebulon Vance is also quoted as saying, "Our independence is chiefly desirable for the preservation of

our political institutions, the principal of which is slavery." Also quoted in the book is Catherine Edmondston, a plantation mistress who claimed the plan would "destroy at one blow the highest jewel in the crown."

According to Professor McPherson, the number of African American soldiers "at most numbered in the low hundreds, not the many thousands claimed by neo-Confederate organizations."

The North's motivation

While the North may have had the more noble cause in the Civil War, its primary motivation was not the

abolishment of slavery but the preservation of the Union. In an interview for the SPLC's *Intelligence Report*, Brooks D. Simpson, a professor at Arizona University and a leading historian of 19th century political and military history, stated the neo-Confederate claim of racism being rampant in the North is true.

"Racism against African Americans was a national problem, not a regional problem," Professor Simpson said. "The white South could never have gotten away with as much as it did in terms of white supremacy had there not been a large number of white Northerners who supported racist policies." However, Professor Simpson also pointed out that the war was not fought over racial equality but over slavery.

Neo-Confederates also claim that Lincoln was not the great emancipator he is touted to be, but was actually more racist than Southerners. Professor Simpson contends, "What's important is not that Lincoln had racial prejudices, but

>continued on page 8

Arizona law *continued from page 1*

New Jersey immigration attorney. As of January 2009, an estimated 10.8 million people were believed to be in the U.S. illegally, according to the Department of Homeland Security.

“To be considered ‘legal’ in the U.S., an individual must either be coming to the country as a temporary resident—for example for a vacation or to temporarily study or work—or as a permanent resident, or immigrant,” Storch explained. Generally, permanent residents must be sponsored by an employer or a family member, or qualify for a special visa as a refugee or individual in need of political asylum. “To qualify for this visa, a person must prove that if the U.S. government were to send them back to their home country they would face immediate harm or death because of their religious or political views, or that their country is faced with a major disaster that would prevent them from living there safely,” Storch added.

Arizona’s controversial legislation

While the 14th Amendment authorizes Congress to pass laws regarding immigration, and various departments in the federal government are charged with the responsibility of overseeing and enforcing those laws, the latest controversy surrounding immigration is the result of new legislation signed into law by *state* rather than *federal* authorities. In April, Arizona passed legislation that makes it a state crime to be in the United States illegally and requires all non-citizens to carry paperwork showing they are legally in the country. Existing U.S. law already makes illegal immigration a federal crime, but Arizona authorities argue that U.S. authorities have failed to enforce that law so they were forced to enact their own measures and grant themselves the power to enforce them.

With an estimated 560,000 illegal aliens living in Arizona in 2008, according to the Department of Homeland Security (DHS), approximately 70 percent of the state’s undocumented immigrants entered by crossing the Mexican border, which officials say is being ineffectively patrolled by federal authorities. “We in Arizona have been more than patient waiting for Washington to act,” said Governor Jan Brewer in a statement released when she signed the bill into law in April. “But decades of federal inaction and misguided policy have created an unacceptable situation.”

As originally written, the Arizona law authorized police officers in the state to stop and question anyone they “reasonably suspected” was an illegal alien. A week after it was signed into law, Brewer approved a follow-up bill designed to restrict police from using race or ethnicity as a basis for questioning people and permitting them to ask about a person’s immigration status only *after* they were stopped or arrested for another reason.

The shift in focus was the result of national debate over whether the Arizona law would promote the practice of racial profiling, where people are selected for police questioning because they look, speak or dress like they belong to a certain ethnic group. Since Mexicans make up such a large percentage of the state’s illegal immigrant population, opponents of the new law argue that Hispanics would face racial profiling.

“In practice, it is inevitable that this law will lead to racial profiling,” David Cole, a Georgetown University Law Center professor told *Newsweek* after the original legislation was approved. “People don’t wear signs saying that they are illegal immigrants, nor do illegal immigrants engage in any particular behavior that distinguishes them from legal immigrants

and citizens. So police officers will not stop white people, and will stop Latinos, especially poor Latinos.”

Lawsuits filed

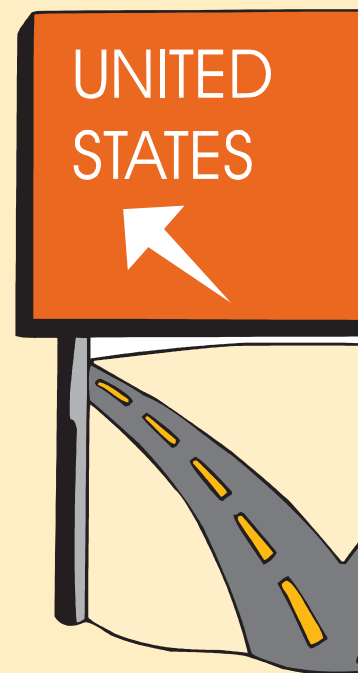
While the revised law may or may not resolve the potential racial profiling issue, the battle over the legality of the legislation as a whole continues. A total of seven lawsuits have been filed against the state of Arizona

by the U.S. government, civic groups and individuals.

The most significant lawsuit, filed by the U.S. Justice Department, argues that the state’s law violates the 14th Amendment

because immigration is a federal, not a state responsibility; violates the Fourth Amendment protection against unreasonable stops by law enforcement; and would take federal resources away from more important efforts such as apprehending illegal aliens who are criminals and terrorists, in order to process every undocumented alien arrested in Arizona.

Although it was set to take effect at the end of July, U.S. District Court Judge Susan Bolton issued a temporary **injunction** on July 28, putting most of the law’s provisions on hold while the federal lawsuit makes its way through the legal system. Judge Bolton’s ruling put on hold the requirement that police check the



immigration status of everyone they stop and suspect may be an illegal alien; the mandatory detention of anyone arrested, even for a minor offense, if they can't prove they are in the country legally; the imposition of state criminal charges against any non-citizen who does not register with the federal Department of Homeland Security or does not carry documents; and a ban on allowing undocumented aliens to work. Judge Bolton did not block the state



from prohibiting potential employers from hiring illegal aliens if traffic is being blocked during the hiring process.

Arizona officials have filed an appeal with the U.S. Circuit Court of Appeals, requesting that the injunction be lifted and they be allowed to implement all

provisions of the new law while the lawsuit is underway.

"This is a major step that will help protect the residents of Arizona against racial profiling and discrimination, and the Obama administration deserves praise for its principled decision to challenge this law despite pressure to stay silent," said Anthony Romero, executive director of the American Civil Liberties Union, in a statement released following the court decision. "A single state's frustration with federal policy cannot be allowed to hijack federal authority or dictate federal priorities in ways that impede effective law enforcement, threaten the rights of citizens and non-citizens alike and violate core American values."

Immigration reform

While Arizona's immigration efforts may not be popular with all Americans, a *Washington Post-ABC News* poll released in June showed that most Americans support some type of immigration reform nationwide, many citing the lack of jobs as a factor in their support. One common concern was the perception that the federal government is failing to keep illegal immigrants from continuing to cross the country's borders.

President Barack Obama has publicly agreed that blame rests with the federal government. "Our failure to act responsibly at the federal level will only open the door to irresponsibility by others. That includes, for example, the recent efforts in Arizona, which threaten to undermine basic notions of fairness that we cherish as Americans, as well as the trust between police and their communities that is so crucial to keeping us safe," he said at a May naturalization ceremony in Washington, DC.

People on both sides of the debate agree that the solution ultimately rests with Congress revamping federal immigration laws and providing enforcement agencies with the tools needed to carry out those new policies. But while this may seem like a relatively simple two-step process, immigration reform is one of the nation's most volatile issues, noted Storch. Exactly how aliens who are already in the country illegally should be dealt with, and how new potential immigrants should be monitored are points people see differently. For example, citizens with relatives who are here illegally would favor different policies than citizens who are unemployed and believe illegal aliens are taking jobs away from them. People on all sides of the issue cast votes in state and national elections, which keeps politicians on edge, Storch said.

"With immigration, the choices you have to make are hard, and most people in Washington don't really like to make

hard choices," Matthew Dowd, a political consultant from Texas who was the chief strategist for the 2004 Bush-Cheney presidential campaign, told *The New York Times*.

According to the National Conference of State Legislatures (NCSL), as of late June several states—including Utah, Texas, South Carolina, Minnesota, Pennsylvania, Rhode Island and Michigan—were considering the possibility of proposing Arizona-style legislation, and lawmakers in over a dozen other states had expressed support for the new law. The movement is part of a trend fueled by the nation's economic crisis, which has left many Americans out of work or financially fragile.

In fact, in the first three months of 2010, legislators in 45 states introduced 1,180 bills or resolutions dealing with immigration, according to the NCSL. By the end of March, 194 had been adopted by 24 states, and 38 bills were pending. While some of the measures were designed to restrict illegal immigration, others focused on protecting immigrants' rights. What they all had in common, Ann Morse, director of the Immigration Policy Project at the NCSL, told *The Washington Post*, is the desire to send a message to Washington.

"When I talk to legislators about what they are doing in the state, they say this is their way of signaling they want federal immigration reform to happen—that they care deeply about the issue, they're working within the parameters they have and sometimes at the edge, trying to get federal attention," Morse said.

According to Storch, "New Jersey has traditionally shied away from immigration matters, predominately because it has one of the largest culturally and ethnically diverse communities in the country. As a result, to target one ethnic group could incite community activism among many other ethnic or religious organizations." ■

Do Blasphemy Laws Protect Religion or Stifle Freedom of Expression?

Religion can be a sensitive subject for some people. But, should questioning, or even attacking, someone's faith or religious belief be a punishable offense? And, if so, what should that punishment be? In some countries the punishment for blasphemy is death.

Black's Law Dictionary states blasphemy is "purposely using words concerning God calculated and designed to impair and destroy the reverence, respect and confidence due to Him as the intelligent creator, governor and judge of the world....It is a willful and malicious attempt to lessen men's reverence of God by denying His existence..."

What are blasphemy laws?

In early America (mid-1600s), many colonists, such as the Puritans, came to the New World to avoid religious persecution in Europe. Despite escaping discrimination, they made religious laws a part of their daily lives that included severe punishment for citizens who violated these laws. Punishment for the crime of blasphemy usually entailed spending time in a public stockade.

With the American Revolution and the adoption of the U.S. Constitution in the late 18th century, the people of the new United States of America were afforded specific human rights and privileges and blasphemy laws were rarely enforced. According to Americans United for Separation of Church and State, a nonprofit educational organization based in Washington, DC, the last person tried and convicted for blasphemy was Abner Kneeland in 1833. In a letter to a newspaper, Kneeland wrote, "I believe that in the abstract, all is God." He was accused of being an **atheist** and a Massachusetts court convicted him on five counts of blasphemy, sentencing him to 60 days in jail.

Blasphemy in the U.S. today

Most U.S. blasphemy laws have been **repealed**; however, six states (Michigan, Massachusetts, Oklahoma, Pennsylvania, South Carolina and Wyoming) still have blasphemy laws on the books. While most blasphemy laws are usually thought to be archaic holdovers from a bygone era, Pennsylvania's law was enacted in the 1970s. The law states that a business name cannot include curse words or be disrespectful of God's name.

This law posed a problem for George Kalman, who in 2007 wanted to name his movie production company "I Choose Hell Productions." His petition to incorporate the name was denied and the rejection letter from the Pennsylvania Department of State declared that business names "may not contain words that constitute blasphemy, profane cursing or swearing or that profane the Lord's name."

Kalman stated in newspaper accounts that his intent was not blasphemous. The title is actually an anti-suicide message, as in "hell on Earth is better than the alternative." With the help of the American Civil Liberties Union, Kalman filed a federal lawsuit in 2009.

In June 2010, a U.S. District Court judge ruled in Kalman's favor, finding Pennsylvania's blasphemy law to be unconstitutional. The Hon. Michael Baylson stated that as written the law "impermissibly entangles (state) employees with religion by requiring them, at their own discretion, to make standardless determinations as to what constitutes blasphemy, profane cursing swearing, or what profanes the Lord's name, based on nothing but their own religious beliefs." According to Judge Baylson, "'Choosing hell' may be an **irreverent** choice for a corporate name, but under the Constitution, this fact alone cannot be the basis for its suppression from the public debate."

Pakistan's blasphemy law

While the U.S. has weakened or repealed its blasphemy laws, Pakistan has strengthened its laws with prosecutions increasing in recent decades. In 1984, Pakistan added section 295-C to the Pakistani **Penal Code/Code of Criminal Procedure**, which states, "Whoever by words, either spoken or written, or by visible representation, or by any **imputation**, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine." In 1991, Pakistan made the death penalty mandatory for anyone found in violation of Section 295-C.

In an editorial for *The Baltimore Sun*, Dr. Faheem Younus, a U.S. Muslim of Pakistani descent, wrote, "blasphemy laws are to Pakistan's extremists what Miracle Grow is to one's home garden" and noted that the Times Square bomber, Faisal Shahzad, was five years old and living in Pakistan when these harsh laws were enacted. "His generation knows only one way to deal with a difference of opinion in matters of religion: Shoot the opponent." A clinical assistant professor at the University of Maryland, Dr. Younus stated, "School-age children need to be taught, from an early age, how to express a difference of religious opinion—and more importantly, how to respect one."

Pakistan's Supreme Court has continually upheld the constitutionality of the country's blasphemy laws. The U.S. Commission on International Religious Freedom (USCIRF), a bipartisan federal government commission, has urged the repeal of blasphemy laws in Pakistan. In a June 2010 press release, USCIRF noted that it "has documented systematic, ongoing, egregious violations of freedom of religion in Pakistan for many years...and the government has failed to protect members of religious minorities from such violence and to bring perpetrators to justice." USCIRF

believes that blasphemy laws promote “an atmosphere of intolerance in the country and emboldens extremists.”

International cartoon incident

In September 2005, *Jyllands-Posten*, a Danish newspaper, created an international stir when it published a number of satirical cartoons of the Holy Prophet Muhammad. A lawsuit by Danish Muslims claimed that by ridiculing and insulting its religious community the newspaper had violated the blasphemy law. The local prosecutor concluded that there was no criminal offense and on appeal, the Director of Prosecutors upheld the decision.

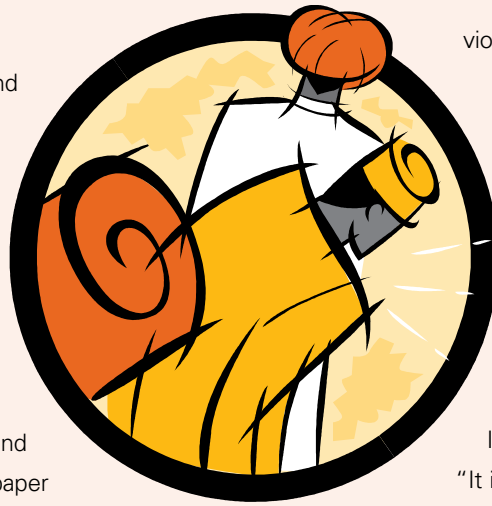
The cartoon that received the most condemnation showed the prophet with a bomb in his turban with a lit fuse. In an article written for *The Washington Post*, Flemming Rose, the editor of *Jyllands-Posten*, who was responsible for publishing the controversial cartoons, noted that critics claimed the cartoon was saying the Prophet Muhammad is a terrorist or that all Muslims are terrorists. Rose stated that he thinks that terrorist acts are “committed in the name of the prophet” and that Islam is being held hostage by those terrorists.

In an interview with *Newsweek*, Rose said, “if any religion insists that I, as a non-Muslim, should submit to their taboos, then I don’t think they’re showing me respect. I think they’re asking for my submission...This is a clash of cultures...I think it would be unfortunate if people in Saudi Arabia or some parts of the world influenced what we speak about in Denmark...”

Islamic voices

In April 2006, Dr. Zakir Naik, president of the Mumbai-based Islamic Research Foundation, wrote a response to the cartoon controversy online in *Islamic Voice*. Dr. Naik explained, “Islam prohibits any depiction of the prophet, even if it is done in the right spirit, as such images could possibly lead to **idolatry**.” He also noted in his response that the *Guardian*, a British newspaper, reported that *Jyllands-Posten* turned down cartoons dealing with the resurrection of Christ in 2003 because they were offensive.

In an editorial for *New Statesman*, Ziauddin Sardar, a London-based scholar who writes on the future of Islam and who was born in Pakistan, wrote, “The reasons why Muslims are outraged with the cartoons of the Prophet Muhammed have little to do with freedom of expression. They have everything to do with Islamophobia and ugly demonization of Muslims. What the cartoons portray should be of concern not just to Muslims but to all of us. Depicting the Prophet Muhammad as a terrorist makes that abomination integral to Islam. It suggests that Islam is intrinsically



violent and irredeemable. It posits all Muslims as potential terrorists. In other words, it fuels the hatred against Muslims and constructs them as evil Others.”

The cartoons offended Sardar because he is “against ignorance, prejudice and downright racism.” He also said, “the placards carried by some protesters, and such slogans as ‘Massacre those who malign the Prophet’ or ‘Butcher those who mock Islam,’ are just as offensive...” Sardar continued, “It is no defense of Muslims anywhere to flourish the language of extremism with mindless abandon.

Worst of all,” he said, “it robs the voiceless majority of the very opportunity that freedom of expression should guarantee—a full and fair hearing for reasoned disclosure of their outrage.”

Push for international blasphemy law

Since 1999, the 56 members of the Organization of the Islamic Conference (OIC) have succeeded in having the United Nations General Assembly and since 2006, the U.N. Human Rights council, pass “defamation of religions” resolutions. These resolutions are non-binding and symbolic; that is, countries are not legally obligated to follow them.

Pakistan has now taken the lead in making these resolutions part of a legally binding treaty or convention. The proposal, written by Pakistan on behalf of the OIC, recommends “legal prohibition of publication of material that negatively stereotypes, insults or uses offensive language” on religious issues that are “sacred or inherent to their dignity as human beings.” Critics claim that this proposal would allow countries to suppress all minorities that disagree with the religion of the government in power, criminalize their actions, and legally (and perhaps violently) crack down on them.

The United States and European democracies are opposed to these OIC resolutions. Chairman of the USCIRF Leonard Leo told members of Congress that these resolutions would result in a “global blasphemy law” and worsen religious persecution. Nearly 200 religious, secular, and non-government organizations are opposed to these resolutions.

While the notion of blasphemy may trigger strong feelings in many people of all different faiths, perhaps we, and the rest of the world, should look to one of America’s Founding Fathers for guidance. Thomas Jefferson said, “The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbor to say there are twenty gods, or no God. It neither picks my pocket nor breaks my leg.” ■

Celebrating Confederate History *continued from page 3*<

that he struggled to overcome them, and whatever his prejudices, he abhorred slavery.” Professor Simpson noted that Lincoln attempted to end slavery “within the bounds of the Constitution,” but ultimately it was the war that gave him the power to achieve this goal.

While he has always stated how much he admires Lincoln and considers him one of America’s greatest presidents, in a 2005 *Time* essay, President Barack Obama, then an Illinois senator, wrote, “I cannot swallow whole the view of Lincoln as the Great Emancipator. As a law professor and civil rights lawyer and as an African American, I am fully aware of his limited views on race. Anyone who actually reads the Emancipation Proclamation knows it was more a military document than a clarion call for justice.”

Professor McPherson, who wrote about Lincoln in his book, *Abraham Lincoln and the Second American Revolution*, contends that the abolition of slavery was a process, and while he does consider Lincoln the Great Emancipator, “it was not in the often-portrayed simplistic sense of liberating four million slaves with the stroke of a pen.” Professor McPherson said, “Lincoln was committed to the preservation of the Union from the beginning of the war, but in order to achieve that goal he became convinced that the abolishment of slavery had become necessary, so he became equally committed to that goal.”

Remembering the war

No sooner had the country seen the end of the Civil War than disagreements over its causes and how to remember the war began. In some areas of the South, the war is still thought of as the War of Northern Aggression, and has been studied as a noble “Lost Cause” for Southerners. A few years ago, Texas had its share of disagreements over displays of Confederate statues and the declaration of Confederate Heroes Day, which marked the birthday of Robert E. Lee, as a state holiday.

Gary Bledsoe, president of the Texas chapter of the NAACP, told *The Chicago Tribune*, “It’s confounding, this continuing **idolatry** of the Confederacy because if you cut it to its very essence, what’s being said by the symbolism is that the Old South was right and slavery was okay.”

In an editorial, Jerry Patterson, the Texas land commissioner who urged the adoption of Confederate Heroes Day and whose great-grandfather was a corporal in the Confederate Army, responded, “Many believe the War Between the States was solely about slavery and the Confederacy is synonymous with racism. That conclusion is faulty, because the premise is inaccurate.”

Regarding the recent controversy in Virginia, Andres Martinez, a former editor of *The Los Angeles Times* and now with the New American Foundation, wrote in an editorial for *The Washington Post*, “It is a wrenching thing to have to acknowledge that your ancestors were on the wrong side of history. Germany offers a powerful example of a society that has come to terms with how you honor your fallen ancestors without honoring the larger cause—swastikas don’t fly and Nazi leaders aren’t glorified.” Martinez also stated, “I fully agree with those who say we shouldn’t disregard the valor and honor of those Confederate soldiers who gave their lives in defense of their homeland. But an odious call to ‘understand’ the sacrifices of the Confederate leaders, not just soldiers, goes too far in the other direction.”

Always divided?

Why is the U.S. still so divided over the causes of the Civil War 150 years later? According to Professor McPherson it is because we are still grappling with the same issues—race relations, regionalism, the balance of power between the national and state governments—and these issues are as contentious now as they were then.

“The country remains divided about the causes of the Civil War today,” Professor McPherson said, “because it remains divided about these issues to this day.”

The North and South will probably never see eye-to-eye on the subject of the Civil War, whether debating the war’s causes or its outcomes. But, perhaps it is good to keep the dialogue going, and celebrating the Confederacy certainly does that. In an editorial for *The Christian Science Monitor*, Allen C. Guelzo, an author and professor at Gettysburg College, wrote, “The only thing worse, as Frederick Douglass might have warned us, than remembering the Civil War wrongly, is not to remember it at all.” ■

Glossary

atheist — someone certain in the belief that there is no God. **bigotry** — an attitude or state of mind of intolerance. **extremist** — someone who advocates extreme measures or holds extreme views. **idolatry** — the worship of idols. **imputation** — a charge or accusation. **injunction** — an order of the court that compels someone to do something or stops them from doing something. **irreverent** — without respect. **penal** — relating to, or prescribing punishment. **repealed** — revoked. A law that is repealed has been withdrawn or cancelled and is no longer a law.