

ROUNDTABLE

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the notion that you just put out with the idea of sexual harassment? Sexual harassment often times is basically speech that creates a hostile environment. By that rationale, then, the codes barring sexual harassment should be thrown out, since it's basically just a speech violation.

C. Allen: Maybe they should be. Aaron Nelson, student body president-elect: I absolutely do not think we should restrict speech. I'm glad we do not have a hate speech code on this campus, and I hope we continue not to have one because it is important that everybody express all of their views. When we encounter things that would be defined as hate speech, things that are intimidating, we respond loudly, we become organized and we reply that those kinds of things are not tolerated — not that they're illegal — but that people don't think they're acceptable in an environment such as a university. Not everything is protected speech. If I threaten to kill somebody, that's not protected. My harassing somebody is not protected. My causing intimidation specifically, if that's my intent, to a specific individual or to a group — I don't think that is necessarily protected. We ought to speak as freely as we are able.

Laura Streitfeld, graduate student: I'm not sure if hate speech is not the right way to define some things that have been going on on campus. Part of the problem with some of the things that have happened, such as the swastikas appearing, is that there is no accountability. If speech is intended to be inflammatory, then I feel that, in order to engage in dialogue, it would help if the people speaking would take responsibility for the inflammatory nature of what they're saying. I don't believe that prohibiting speech gets to the root of the problem. Some of the types of acts that have happened bring to my mind, where do these things come from? A lot of these things happen in anonymity, and they seem to happen out of a fear of reprisal, or fear of coming right out and saying they are hateful.

Darin Diner, interim Hillel director: I think when you come into a reality of saying whether or not speech was "intended" to be hateful in any way or form, how is that at all protected? Aaron (Nelson), you said there may be an exception for speech that may be used as "intending" to do some harm. I'm wondering if people have any thoughts on intended speech; for example, something that most people would consider protected free speech but the perpetrators of that thought, or that action or that publication, know in their hearts that this is meant to provoke some sort of anger. For example, the cartoon that was published in The Daily Tar Heel last week. That, I think, many people saw as intending to provoke many of those scared feelings.

Chris Yates, student: We've leapt into asking how to respond or how not to respond to hate speech without really defining what hate speech is. So I'd ask that we backtrack for a moment because I think we share the same position on terms, but don't explain the difference in them.

Laura Harris, student: I had the opportunity to go and listen to the Pit talk last Friday. And I was aware that the people who were speaking and those they were speaking to was a choir, and it's unfortunate that that's what I'm seeing in this room, too. But those who have committed these crimes, they're not coming forward. Is there a particular personality of individual who does this? Do we know who the enemy is?

Lt. Williams: The person who did the swastikas is not well-informed about what the symbol is that they were trying to utilize. (The swastikas on the library books were drawn backwards.) So we have a person who wants to cause dissent, or was at the fringe, but they're not an activist because an activist knows the symbolism associated with that group. So it's maybe a fringe wannabe, but we don't believe from a law enforcement perspective that it was a hardcore activist. We believe it was someone who wanted to stir up dissension in the University community and did a very good job of it.

Seth Shelden, student: I think that crimes don't necessarily represent the proportion of hate. The people (who drew the swastikas) probably don't know what they're doing, they're just more vocal. By responding to them, we may not be responding to who we really want to respond to. I would question how important it is to find the original perpetrators and respond to them as opposed to responding to the community.

Brian Weinants, student: Back to Chris' (Yates) question, are we saying hate speech is targeted speech? Speech targeted specifically to incite some feelings of some sort? When people call me a faggot, that strips me of my name, my history, my friends, my family, everything. That is focusing in on one part of my life, and yes, when I hear that it makes me angry. I consider that hate speech, even though they may be well within their rights to say that. So is that what we're defining as hate speech, as targeted speech?

C. Allen: The central problem with hate speech and hate crimes lies in the fact that you cannot nail down a real definition. It's like beauty; it's in the eyes of the beholder. Hate speech to me would be something different from probably everyone else in the room. That's the way it would be for everyone here.

My personal definition of hate speech — and I wouldn't want to try to stop the person from saying this — an example would be a column at The Daily Tar Heel, last December, written by an columnist who wrote in his Christmas wish list that he would like to blow me up with dynamite. Now that's hate speech, but that's my personal definition. It wouldn't fall under any of the guidelines of the proposed policies because it's not directed at my race, my gender, my religion or anything like that, but if we're going to look at hate speech and have this nice neat label for it, that is the problem with trying to come up with a definition.

That's why the solution is more speech. If something outrageous happens, such as a crime like the defacing of these library materials, we have things in our legal terms to

address that: it's called property law. If someone goes out and kills someone because of their race, we have something to protect society against that: it's called murder, manslaughter, whatever the jury decides is the appropriate charge. Those are on the books. When you get right down to it, every type of violent crime committed is a hate crime. No one goes out and kills someone because they love 'em. It just doesn't happen.

Nelson: Beauty, as Mr. (Charlton) Allen said, is an important thing that we all believe in. We wouldn't dismiss the fact that there are things that are beautiful sheerly because we can't define what is beautiful. I'd like to talk more about the speech itself and what to do when we encounter hate speech, however you define it. We must speak loudly and let people know that these kinds of things are intimidating and are things we've got to pay attention to, whether you think it's hateful or not.

Horne: When does hate speech become less of an issue of the free exchange of ideas and more an issue of harming the individual and societal interests? Let me mention, in that context, that there are a number of laws in U.S. society that restrict free speech. There are laws against libel and slander. Are we saying there should be no restrictions on speech whatsoever, even with regard to criminal law?

Diner: I want to speak on that, but I want to jump first back to what Aaron (Nelson) said. I think I'm going to change 'hate speech' to 'ignorant speech' for a second. Because I think when we look at what has happened on this campus, not only in the last couple of months, but going back to the fraternity memo, to ... the cartoon that was published in the DTH; and when I met with Ms. (Ashley) Garner (Carolina Review editor) and

professes to be inclusive and a welcoming environment for people with all backgrounds, the most important thing is to try to promote understanding and to try to get the majority of people to go to something like undergraduate diversity training. Something of that nature would address on a more personal level how people are going to interact in a diverse climate.

Horne: Do you feel the same way about restrictions on sexual harassment, which is basically a speech offense, so to speak? That it shouldn't necessarily be punished, but you should educate the parties involved is better?

Streitfeld: No, as I said, if it crosses the line into intimidation and it limits people's

between sexual harassment and racial harassment and religious harassment? I'm not sure where I stand now. Sexual harassment is something we should not allow, but what's the difference between that and racial and religious harassment?

Horne: So you're saying we should punish sexual harassment but be a bit more lax about these other things?

Nelson: I'm saying that's what we seem to be saying, and that makes me uncomfortable, it seems inconsistent. Who is to define what's threatening?

Horne: There's a debate in the law about sexual harassment. Some courts say the standard is what a reasonable woman in that situation would consider to be sexual

and there have been a number of cases where that has been penalized as sexual harassment. That's where you start treating into dangerous waters where the First Amendment is concerned.

Horne: Is there anything we can do at UNC to stop hate speech before it starts, such as diversity workshops and sensitivity training?

Streitfeld: There are numerous ways to respond. Hate speech is a warning sign that something is going on that may, or may not, lead to crimes. But there's some undercurrent going on in the community. Looking at The Daily Tar Heel, right after this event with the Carolina Review, publishing this cartoon that makes a comment about Jews seems outrageous, and I find it hard to believe they couldn't have thought that might have been offensive to people.

J. Williams: The editorial page editor, the editor and the editorial board all believe the cartoon was, in fact, referring to the Carolina Review; it was a tongue-in-cheek poke at it. And the anger in the Jewish community about the Review, if that somehow provoked it further, it was not meant to. No one in their right mind, especially a newspaper, does things like this to harm other people. Should this come under scrutiny again, the DTH will certainly take another look; there is a heightened awareness now of how news events that we cover actually affect the community, and how our opinions on the edit page affect that — they do go hand in hand.

Horne: Do you think hate speech leads to an increase in hate crime? How should the news media deal with it without sensationalizing it? What specific things can be done to change the current negative atmosphere?



"Hate speech is a problematic phenomenon for a very simple reason: who determines what is hate speech? In an ideal world, for me, hate speech would be counteracted by more speech."

CHARLTON ALLEN
Carolina Review Publisher



"Freedom of speech does come with costs. A cost of free speech is that hate speech will exist. We want to uphold the constitutional right to speech, yet we want to oppose hate speech at the same time."

CHRIS YATES
UNC Sophomore



"When we encounter things that would be defined as hate speech ... we reply that those kinds of things are not tolerated ... that people don't think they're acceptable in an environment such as a university."

AARON NELSON
Student Body President-Elect



"A lot of people have misinterpreted how the cover was meant. But my understanding at least of the stereotype is of a Jew with horns and not of a Jew as the devil. All apologies to Aaron."

ASHLEY GARNER
Carolina Review Editor



Mr. (Charlton) Allen after the Aaron Nelson incident in the Carolina Review. I, as well as everyone else, keep hearing the words, 'Well, we didn't really know that it was going to do this.' There's something inherent in that we keep hearing this.

I'm not saying that we all have to be wonderfully, 100 percent sensitive, PC trained people. But we as a community, and especially in a University community ... what I would say is more important is that people say, 'I didn't realize it was going to provoke such anger.'

Horne: What are the consequences of those actions? Do you feel there should be a hate speech clause in the University code, or what about a hate crime code?

Leslie Humphrey, DTH classified advertising director: Let me just say that I work at The Daily Tar Heel, but I'm not here because of The Daily Tar Heel.

This is an issue that I feel strongly about. As far as a hate crime code goes, I would definitely support that on a college campus because my experience has been that hate crimes are extremely damaging, fatal in some cases. When I was at UNC-G, there was a man living in the dormitory who was gay and lived in an all-male dorm, and the men decided to attack him. They used hate speech, they called him a faggot; they did all kinds of things. They also burnt his door down in his dorm. A week later, he jumped off the top of the library. I don't know how it was investigated, but you'll never get me to believe that it wasn't because he was harassed.

Horne: Keep in mind that I'm just here to ask provocative questions. The opinions I am expressing are not necessarily my own. One thing I don't understand is that there seems to be this consensus that hate speech should be protected. But something like insider trading, basically that's not protected speech. That's a criminal violation.

Humphrey: That's greed speech, not hate speech.

Horne: Are we saying that greed speech should send people to jail, but hate speech should go untouched? Are we saying hate speech should be any more exalted than other kinds of speech? If so, what is the rationale behind saying so?

feeling of being welcome in a library or being able to take a class without repercussions, then there should be some kind of consequence there. But I don't feel like that's the place to start. There's a root out there that we're not getting at, and we need to try.

Doug Nadler, student: In response to what you just said, I feel uncomfortable in the Undergraduate Library. I just have a problem that up until a month ago I felt fine on this campus. And now I have trouble going to the library. I feel threatened. There were swastikas on my campus, a campus that I thought was beautiful; something like this doesn't happen to me, doesn't affect me, and then all of the sudden it does.

Yates: We should begin by acknowledging that freedom of speech does come with costs. A cost of free speech is that hate speech will exist. That may include feeling uncomfortable and feeling offended. But none of us has a right not to be offended. None of us has a right not to feel uncomfortable.

We want to uphold the constitutional right to speech, yet we want to oppose hate speech at the same time. While we can't prosecute someone for hate speech in a traditional political realm, we certainly can shun them socially. We can avoid respecting them or even acknowledging them. That begins with a willingness for us as a university community to admit that some things are right and some things are wrong.

Horne: So you would be against laws that punish slander, libel, defamation?

Yates: Those three words themselves take the idea of speech to a new level. In a newspaper, libel threatens someone's career or public image. The ambiguity of civil hate speech is slightly different from the sharpness of libel speech.

Nelson: To Mr. Yates, I don't think the line is that clear. You say we have a right not to be slandered, a right not to be libeled, not to be harassed, not to be threatened. If I threaten you, that's illegal and I'll be taken to court for that. But a right not to be made uncomfortable and the right not to feel threatened, where's the line between that? You describe libel as limiting somebody's chances of success or their public perception. We all want to protect the Carolina Review, but if anything is aimed at limiting my success or my public perception, then that's something. But I think that ought to be protected. So where do we draw the line? We can't allow all speech, for example, sexual harassment. What's the difference

harassment. Keep in mind that with regard to any sort of law, judges or juries have to make a determination every day.

Justin Williams, DTH staff development manager: The Supreme Court has ruled that for a libelous cartoon, article or photo, there has to be actual malice. There must be proof that someone wanted to harm someone specifically. Also, the greatest defense to libel is truth. Should you say something that a person would take offense to, if it's actually true, that person will not be able to prove libel.

The Supreme Court has also made a decision about who's a public figure and who's a private figure. Especially when you talk about being made to feel uncomfortable in a situation where you choose to run for public office, where you choose to go on the record saying something, you then become a public figure, which means you lose a lot of your rights as a private citizen. The press has a greater right to scrutinize your life, both personal and public. Some provisions protect things that aren't relevant to what your public duty is, but there is a distinction between public and private figures under libel law.

Lt. Williams: I want to bring out that hate crimes, hate speech — they don't just affect the individual that is targeted. They affect the entire community. North Carolina law has a statute that addresses hate crimes to bring up a higher degree of punishment. The reason for that is because it does affect the whole community. When we talk about offensive, directive speech in law enforcement, we have to investigate the motive of the individual who perpetuates hate speech because we have to see a specific motive before we bring him to court. There is a definite need for hate crime statutes because they do affect the total community, not just these individuals.

C. Allen: There should be criminal prosecution for violence or intimidation when something that shows real physical harm occurs. Those laws are on the books. If you threaten someone, there's a clear case for criminal and civil action regardless of what your motive is.

From what I've seen, there are two different types of (sexual harassment) cases: the first is obvious sexual harassment, when an intimidating environment is created for a male or a female in the workplace. When that occurs, there should be a strong statutory solution, just as there is for racial and religious discrimination in the workplace. The problem is with something like a co-worker asking a co-worker out for a date,

Nadler: You said that the DTH feels the cartoon was wrong, that people misinterpreted it and that it offended some people. And yet maybe that was not your intention. How come only the people in this room know what your intentions were? There really hasn't been anything saying what the cartoon meant. A lot of people don't understand the cartoon.

J. Williams: I think there is an inherent and sometimes publicized statement the editorial page — that the reason why it is an editorial page and separate from the rest of the paper and has always been that way is because it reflects either the opinion of an edit board, the political views of readers and the campus or reflects the personal feelings of columnists. That's why that page has been developed to be separate from what is actually reported as the truth.

Nadler: Should people still think that Mike Webb, the guy who drew the cartoon, that he is anti-Semitic, that he thinks people are big Jewish dorks?

J. Williams: No, I don't think he intended ever to portray that. He's not anti-Semitic and doesn't think that. Again, he was using it as a tongue-in-cheek reference to what could have possibly been interpreted as other people's views on this campus.

Diner: To jump back and answer your question, Dr. Horne, of what is the journalistic responsibility, I think it gets back to the inherent reason that we have to deal with that issue for this campus, instead of one that is rhetoric and theory — what on this campus we can do. I'm sorry to focus on the DTH, but it is an issue out there, also the Carolina Review. What are their responsibilities? And I think reporting on hate speech is inevitable, but promulgating hate speech is different. I spoke at length with the editor of the DTH after the cartoon was published. He said that they were trying to say that freedom of information isn't necessarily always a good thing.

But what the journalists, the DTH may have done inadvertently is to say, 'Hah, we can get away with it,' and really that's what I took from Thanassis' (Cambanis, DTH editor) reaction. I said, with all respect, to Chancellor (Michael) Hooker in his office a few days ago. 'Chancellor Hooker, the most powerful person on this campus is the man sitting in the editor's office of the DTH.' I think what has happened with the publication of the DTH and the Review is to focus the debate away from what are the consequences and what can we do. Instead, it has become this huge issue of what is the prob-

lem. And I'm very glad we're going to have this theoretical debate, but I want to know what is going to happen. I think censure is a very important word and one that we all need to remember. Not censor, but censure.

Jordan: To directly answer your question, 'Does hate speech lead to an increase in hate crime?' I think it combines a lot of what I've heard from the people here today. I want to posit the idea that it's not the hate speech that is responsible for hate crime. We can't possibly turn around and say, 'Well the solution to some of these problems is not to have any voices, to cut it off.' Governments have tried throughout the history of mankind to shut down ideas. Those governments have empirically failed because of that. That is how you cure them, by discussing them, not suppressing them, not by pushing them under the surface, no matter how bad they may be.

Yates: What can be done? It seems like a really complex issue here, but the answer is really quite simple. What we learned in elementary school, or Sunday School for some of us, and that is driving home the idea of loving your neighbor as you love yourself. If we are going to survive as a community, we are going to have to do that unconconditionally.

Beth Glenn, student: Are those ideas valuable in and of themselves to open discussion and discourse? If you want to combat speech with more speech, then if you stood in the Pit and called me names and I said, 'Well, I'll call names as well.' Where does that get us? When you talk about drawing lines and acting responsibly, I agree with what you have to say. But I think people are going to have to get to the point where some things do not need to have open discussion in a community.

Ladell Robbins, Senior Class president-elect: The thing that is missing about hate speech is that in order to provoke discussion, it needs to be phrased in an intellectual argument, which is what is occurring today. If you draw a swastika on a book, and I look at it, it doesn't provoke thought in my mind. It provokes the thought that someone needs to erase it out of the book. If I walk into a class and I see 'KKK' written on the wall, it doesn't provoke thought. It says, 'Hmmm ... someone needs to erase this wall.'

The thing that is important about today is that we are debating the intellectual arguments that go behind what we do on campus. If you want to tell me why swastikas are an important symbol, then you've left me with something to think about. But if you just give me a swastika, then you've left nothing for me to think about except the fact that here's a swastika. If we are going to push various aggressive opinions on people, then they need to be opinions that are balanced in fact, that are balanced in reason, that have some kind of rationale behind them, so that people can respond to them with some kind of rationale rather than just blindly saying, 'Nigger,' and waiting for somebody to come back at you with an intellectual argument.

J. Williams: I want to make a clear distinction, partly on defense of a lot of people who work at The Daily Tar Heel, that when you say journalist, you mean the people who work on the edit page. Reporters have nothing to do with it.

Ashley Garner, Carolina Review editor: I'd like to clarify what the intention was of the cover of the Carolina Review. A lot of people have misinterpreted how the cover was meant. But my understanding at least of the stereotype is of a Jew with horns and not of a Jew as the devil. All apologies to Aaron. The picture was of Aaron as the devil, not of a Jew with horns. Aaron was drawn that way because he's at the opposite end of the political spectrum from what we are. It was a comment on his politics and not on his religion. If anyone has taken offense to that, I'm sorry. It was not intended to be anti-Semitic or to be in any way a comment on the fact that he is a Jew.

Nelson: There's no hard feelings, Charlton and I are sitting next to each other here. To the DTH, this is fantastic that they've held this and I think that it is has been important. What I've heard, is (the DTH saying), 'Why is everybody so pissed off at us about our coverage of what happened? What is the anger that's going on campus?' A lot of it has to do with perception. The perception is when you see this, calling a character with a huge nose, a 'big Jewish dork,' is just not the most fantastic thing in the world. I understand that the editorial page doesn't have the responsibility not to offend. That's fine.

The other thing is why was there no coverage on the swastikas in the library if the DTH knew at 9 p.m.? And I've heard that's not enough time. There was no discussion that day. And people were kind of angry that there wasn't that coverage. And I think the other thing is spotlighting. They were highlighting people's duties when we speak to people about what they think about anti-Semitism or about freedom of speech that they wouldn't spotlight other people. Or the Carolina Review that says, 'The difference with Nelson is simple. He's Jewish,' spotlighting my religion and how it must have affected my voting record. Darin will tell you himself that I've been to Hillel twice. But the perception is reality.

I'm glad we've had the chance to clear some of these things up here. I hope everybody takes the message out to the rest of the people about what we've discovered here, which is that everybody in here is pretty much dedicated not to have any hate speech crimes, but also similarly dedicated to speaking out against speech that offends them. There's a lot of power in words and a lot of power in what the DTH prints and a lot of power in what they say. People just need to be careful of that, be responsible and respectful. I don't think it's bad to have campus diversity training even though sirens and whistles do go off in more conservatively minded people. We're not brainwashing anybody, and I think it's important that people know that when they say they are going to 'Jew someone down,' that's actually offensive. ... You didn't know that the horns were going to provoke, but it provoked me.

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