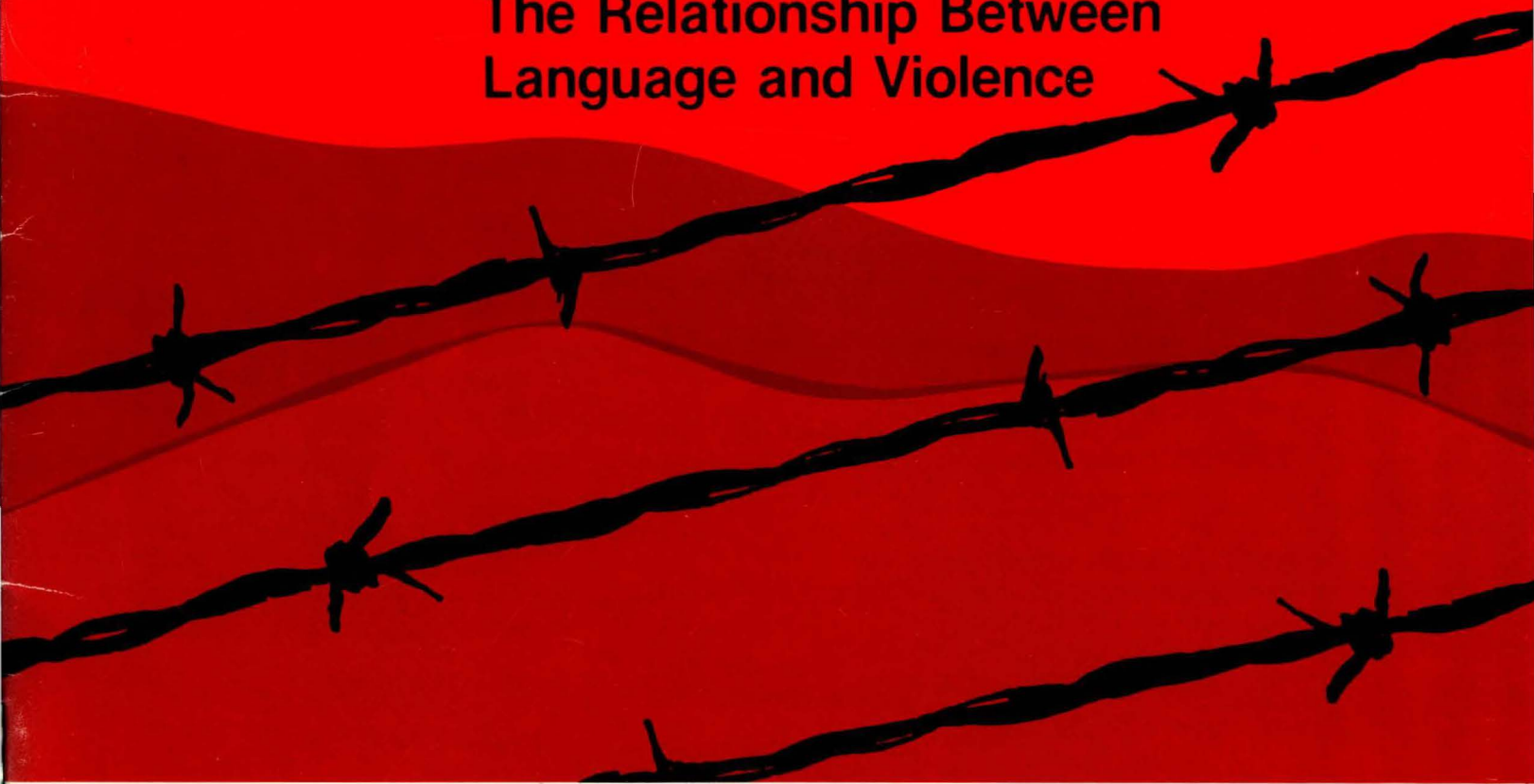


Group Defamation & Freedom of Speech

The Relationship Between
Language and Violence



HOFSTRA CULTURAL CENTER

Wednesday, Thursday, Friday
April 20, 21, 22, 1988

HOFSTRA
UNIVERSITY



HEMPSTEAD, NEW YORK 11550



HOFSTRA CULTURAL CENTER



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Group Defamation & Freedom of Speech

The Relationship Between Language and Violence

Conference Director: **Monroe H. Freedman**
Professor of Law

Conference Chairman: **David S. Mack**
Trustee, Hofstra University

Conference Coordinators: **Natalie Datlof**
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Co-Sponsors: **Anti-Defamation League of B'nai B'rith**
New York, NY

Asian American Legal Defense and Education Fund
New York, NY

NAACP Legal Education and Defense Fund, Inc.
New York, NY

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Diane E. Paterson
Undergraduate Assistant

Michael Quattrucci
Undergraduate Assistant

Tara Stahman
Undergraduate Assistant

DIRECTOR'S MESSAGE

Few if any countries are free of hatred and oppression directed towards one or more minority groups. The United States is no exception. Twenty years ago, the National Advisory Commission on Civil Disorders issued its Report to the President of the United States. The Commission concluded that our country was moving toward "two societies, separate and unequal." *The New York Times* columnist Tom Wicker wrote at the time that the Report presented a picture of "one nation divided." Recently, Mr. Wicker had occasion to observe that we are today "a community still deeply divided on racial lines—blacks and whites in fear of one another, judging each other with hatred and contempt."

Racism is not a new phenomenon in the United States, nor have Blacks been the only victims. The Constitution itself protected the institution of slavery. American Indians have suffered genocide. Asian-Americans have frequently been the object of oppression, including the internment of Japanese-Americans during World War II. Discrimination against other ethnic and religious minorities has been pervasive in our society and has reached the point of mob attacks, lynchings, and other violence throughout our history. Women, too, have been the victims of various forms of oppression, including violence.

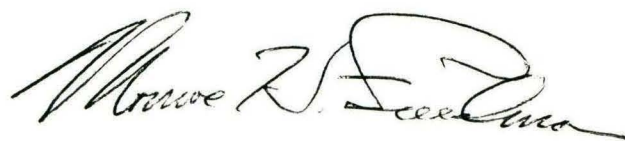
Ironically, the announcement of this conference has resulted in mailings of hate literature to Hofstra University, most of it antisemitic and some of it directed against Catholics and Blacks.

A particular speech or series of speeches attacking a minority group may not present a clear and present danger of violence. We know intuitively, however, that group defamation can create a social climate that is receptive to and encourages hatred and oppression. If a minority group can be made to appear less than human, deserving of punishment, or a threat to the general community, oppression of that minority is a likely consequence.

We know also that language itself can hurt, that there are words that, by their very utterance, inflict injury. Language can demean one's sense of dignity. Language can induce insecurity and fear. Language can cause palpable physical reactions. When the message is violent, language can itself be violence.

Nevertheless, the criminalization of group defamation raises serious questions of both policy and constitutionality. Along with the Equal Protection Clause, the greatest safeguard of minority rights in this country is the First Amendment's guarantee of freedom of speech and of association—an essential limitation of the power of the majority to impose its will upon any minority. The criminalization of group defamation means the delegation of power to agents of the state to determine which ideas are to be punished as hateful. Thus, the paradox that is the subject of this conference: If we restrain freedom of speech and association in order to protect minorities from group defamation, we could do incalculable harm to minority rights of speech and association.

This conference is not expected to produce ready solutions to the problem of group defamation and freedom of speech. However, this extraordinary international assemblage of scholars from the humanities, psychology, sociology, history, linguistics, and the law is certain to deepen our understanding of this critical problem and to provide important insights into how we should seek to resolve it.



Monroe H. Freedman
Conference Director

Wednesday, April 20, 1988

Hofstra Hall Lobby, South Campus

9:00 a.m. – 5:00 p.m.

Registration and Coffee

10:00 a.m.

Opening Ceremonies

Hofstra Cultural Center Lecture Hall
Joan and Donald E. Axinn Library, 1st floor

Call to Order:

Monroe H. Freedman

Professor of Law
Director, Group Defamation Conference

Greetings:

James M. Shuart

President
Hofstra University

David S. Mack

Trustee, Hofstra University
Conference Chairman

Introduction of
Keynote Speaker:

Gerald Light

Vice Chairman
Hofstra University Board of Trustees

Keynote Address:

The Honorable John Conyers, Jr.

Chairman, Subcommittee on Criminal Justice
of the House Judiciary Committee
United States Congress
Washington, D.C.

Poster Exhibition: "The Holocaust, 1933-1945"

Through May 15, 1988

Courtesy of the Anti-Defamation League of B'nai B'rith
New York, NY

11:30 a.m. – 1:30 p.m.

Lunch
Student Center, North Campus



Wednesday, April 20, 1988

Hofstra Cultural Center Lecture Hall
Joan and Donald E. Axinn Library, 1st floor

PANEL 1

1:30 a.m. – 4:30 p.m.

GROUP DEFAMATION AND RACIST OPPRESSION

Moderator: *Ronald B. Sobel*

Senior Rabbi
Temple Emanu-El
New York, NY
and
Chairman
National Executive Committee
Anti-Defamation League of B'nai B'rith
New York, NY

Kenneth Clark

Distinguished Professor of Psychology Emeritus
The City University of New York
New York, NY

"Group Defamation and the Oppression of
Black Americans"

Lawrence Hauptman

Department of History
SUNY at New Paltz
New Paltz, NY

"Group Defamation and the Genocide of
American Indians"

Coffee Break

John W. Dower

Department of History
University of California/San Diego
San Diego, CA

"Group Defamation and the American-Japanese War"

Michael J. Blain

Department of Sociology
Boise State University
Boise, ID

"Group Defamation and the Holocaust"

Discussion

7:00 p.m.
Reception

Hofstra Cultural Center Gallery
Joan and Donald E. Axinn Library, 10th floor
South Campus

*Reception sponsored by the Anti-Defamation League of
B'nai B'rith, Long Island Regional Board*

Exhibitions:

David Filderman Gallery, 9th floor
Books and Manuscripts
"Ethnic Images in Advertising"
Courtesy of the Balch Institute for Ethnic Studies
Philadelphia, PA

Private Preview – 10th floor
"Françoise Gilot: An Artist's Journey, 1945-1987"

8:00 p.m.

Conference Banquet

Dining Room, Student Center
North Campus

Presiding:

James M. Stuart
President
Hofstra University

Introduction:

Monroe H. Freedman
Professor of Law
Conference Director

Banquet Address:

Elie Wiesel
Andrew W. Mellon Professor in the Humanities
Boston University
Boston, MA

Presentation:

The Honorable Arnold A. Saltzman
Trustee, Hofstra University

Musical

Presentation:

Hofstra Gospel Ensemble

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Thursday, April 21, 1988

Hofstra Hall Lobby, South Campus

9:00 a.m. – 5:00 p.m.

Registration and Coffee

PANEL II

9:30 a.m.

Hofstra Cultural Center Lecture Hall
Joan and Donald E. Axinn Library, 1st floor

THE RELATIONSHIP BETWEEN LANGUAGE
AND VIOLENCE

Moderator: *John DeWitt Gregory*
Sidney and Walter Siben
Distinguished Professor of
Family Law
Vice Dean
Hofstra University School of Law

Robert Jay Lifton, M.D.
Distinguished Professor of Psychiatry and Psychology
John Jay College of Criminal Justice/CUNY
New York, NY

"The Psychological Relationship Between
Language and Violence"

Laraine R. Fergenson
Department of English
Bronx Community College/CUNY
Bronx, NY

"Group Defamation: From Language to Thought
to Action"

Mari J. Matsuda
Faculty of Law
Hiroshima University
Hiroshima, Japan

"Outsider Jurisprudence: Toward a Victim's
Analysis of Racial Hate Messages"

12:00 – 1:30 p.m.

Lunch
Student Center, North Campus

Moot Court Argument

1:30 – 4:30 p.m.

Statutory Drafting Competition Awards

Presentation of Awards

First Prize

Joseph M. Ribakoff

Whittier College School of Law
Whittier, CA

First Honorable Mention

Heidi A. Bachana

Northeastern University School of Law
Boston, MA

Second Honorable Mention

Devin E. House

University of Missouri-Kansas City
School of Law

Moot Court Argument

TESTING THE CONSTITUTIONALITY OF A MODEL GROUP
DEFAMATION STATUTE DRAFTED AS PART OF THE CONFERENCE

The Bench

Judge Amalya Kears

United States Court of Appeals for the Second Circuit
New York, NY

Judge Abner Mikva

United States Court of Appeals for the District of
Columbia Circuit
Washington, D.C.

Judge Harry T. Edwards

United States Court of Appeals for the District of
Columbia Circuit
Washington, D.C.

The Advocates

Floyd Abrams (Against the Statute)

Cahill, Gordon & Reindel
New York, NY

Jack Greenberg (For the Statute)

Vice Dean and Professor of Law
Columbia University School of Law
New York, NY

Panel Discussion

Discussion Leader: *John P. MacKenzie*

Member, Editorial Board
The New York Times
New York, NY

Hofstra Cultural Center Lecture Hall
Joan and Donald E. Axinn Library, 1st floor

8:00 p.m.

Hofstra USA Productions
presents
"The Yellow Bench" and "The Clown-Magician"
from *Dispatches from Hell*

By Melvin I. Cooperman
Dramatists Guild of America

The Yellow Bench

Setting

A small park in a German city around 1937.

Starring

Waremann *Drew Keil*
Kanenlauf *Drew Palmer*
Frau Dunkel *Alene Hatch Merey*
Frau Wechsel *Kitty Beattie*

Directed by

Ed Dennehy

Sound

Jim Vazeos

Set Design

Mark Tarantino

Music Consultant

Carol Rubin

Stage Manager

Gail Lelyveld

Backstage Manager

Steve Proto

Costumes

Vivian Passuello

Special Assistant

Don Birsner

The Clown-Magician

Setting

A small travelling circus on the outskirts
of a Bavarian Village, 1944.

Starring

Ringmaster *Jeffrey Kraus*
Hans Weisgau *Al "Tank" Passuello*
Greta Weisgau *Joan Rubenstein*
Jugendfuhrer *Kevin Shinick*
Jakob *Ed Dennehy*

About the Playwright

Melvin I. Cooperman, author of the triptych, *Dispatches from Hell*, is a native New Yorker, living on Long Island, who turned to playwriting after many years of involvement in theatre as both actor and director. He has written six full-length plays and more than a dozen one-act plays, ranging from the drama of *Dispatches from Hell* to comedic pieces. Cooperman is currently serving as Special Assistant to the Commissioner for Community Affairs of the New York State Division of Human Rights.

Director's Notes

...another ancient and timely reminder of the furiously-paced and ever present past...

Special Thanks to

***the sponsors of this show, the Louis and Lena Minkoff Foundation, Kings Point, New York
***WRHU, especially Jeffrey Kraus and Jim Vazeos, without whom this production could never have been performed.
***Don Swinney and the staff of the Drama Department

Reception

Meet the Playwright

Joan and Donald E. Axinn Library, 10th floor
South Campus

There will also be performances of the play on Friday,
April 22 and Saturday, April 23 at 8:00 p.m.;
Sunday, April 24 at 3:00 p.m.
For ticket information: (516) 560-5041/5669.

Friday, April 22, 1988

Hofstra Hall Lobby, South Campus

9:00 a.m. – 12 noon

Registration and Coffee

PANEL III

9:30 a.m.

Hofstra Cultural Center Lecture Hall
Joan and Donald E. Axinn Library, 1st floor

**GROUP DEFAMATION IN INTERNATIONAL AND
COMPARATIVE LAW**

Moderator: *James E. Hickey, Jr.*
Associate Professor of Law
Hofstra University School of Law

Louis Henkin
University Professor
Co-Director
Center for the Study of Human Rights
Columbia University
New York, NY

"Group Defamation and the International Law of
Human Rights"

David Partlett
Solicitor and Barrister
Supreme Court of Australian Capital Territory
Visiting Professor of Law
Vanderbilt University School of Law
Nashville, TN

"Group Defamation in Australia"

David Kretzmer
Faculty of Law
Hebrew University of Jerusalem
Jerusalem, Israel

"Group Defamation in Israel"

Robert Martin
Faculty of Law
University of Western Ontario
London, Ontario
Canada

"Group Defamation in Canada"

12:00 – 1:30 p.m.

Lunch
Student Center, North Campus

Friday, April 22, 1988

Hofstra Cultural Center Lecture Hall
Joan and Donald E. Axinn Library, 1st floor

PANEL IV

1:30 – 4:30 p.m.

GROUP DEFAMATION AND FREEDOM OF SPEECH

Moderator: *Julius L. Chambers*
Director and Counsel
NAACP Legal Defense and
Education Fund, Inc.
New York, NY

Lee C. Bollinger
Dean, University of Michigan School of Law
Ann Arbor, MI

“Rethinking Group Defamation and Freedom of Speech”

Catharine A. MacKinnon
Institute for Research on Women and Gender
Stanford University
Stanford, CA

“Pornography and Group Defamation”

Coffee Break

Kenneth Lasson
Professor of Law
University of Baltimore School of Law
Baltimore, MD

“Group Defamation as Unprotected Speech”

Leon Friedman
Professor of Law
Hofstra University School of Law

“Freedom of Speech: The Essential Safeguard of
Minority Rights”

Reception

Joan and Donald E. Axinn Library, 10th floor

Credit for success of the Conference goes to more people than can be named herein, but those below deserve special commendation:

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New York, NY

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Bellport, NY

FORTHCOMING CONFERENCES

ROBERT MOSES AND THE PLANNED ENVIRONMENT INNOVATION IN THE AMERICAN TRADITION

Friday, Saturday
June 10, 11, 1988

Opening Address:

Kenneth T. Jackson
Department of History
Columbia University
New York, NY

Banquet Address:

Robert A. Caro
New York, NY
Author

The Years of Lyndon Johnson: The Path to Power (1982)
The Power Broker: Robert Moses and the Fall of New York
(1974)
Pulitzer Prize in Biography

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English/American Studies

Natalie A. Naylor
Long Island Studies Institute

LORD BYRON AND HIS CONTEMPORARIES A CRITICAL REAPPRAISAL

Thursday, Friday, Saturday
October 6, 7, 8, 1988

Keynote Speaker:

Leslie A. Marchand
Author
Byron's Poetry: A Critical Introduction (1965)
Lord Byron's Selected Letters and Journals (1982)

Special Guest Speaker:

Jerome J. McGann
Department of English
University of Virginia
Author
Byron (1986)

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Department of English

Alice Levine
Department of English

BUSINESS FINANCE IN LESS-DEVELOPED CAPITAL MARKETS

Friday and Saturday
September 23 & 24, 1988

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Department of Banking and Finance
Hofstra University School of Business

CHOCOLATE: FOOD OF THE GODS A SYMPOSIUM

Thursday, Friday, Saturday
December 1, 2, 3, 1988

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Dean, Hofstra University School of Business

FOR INFORMATION
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Hempstead, New York 11550
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HOFSTRA CULTURAL CENTER

Conference Schedule and Publications Listing

- George Sand Centennial—November 1976
- Heinrich von Kleist Bicentennial—November 1977
- + The Chinese Woman—December 1977
- George Sand: Her Life, Her Works, Her Influence—April 1978
- William Cullen Bryant and His America—October 1978
- The Trotsky-Stalin Conflict in the 1920's—March 1979
- *Albert Einstein Centennial—November 1979
- Renaissance Venice Symposium—March 1980
- + Sean O'Casey—March 1980
- *Walt Whitman—April 1980
- *Nineteenth-Century Women Writers—November 1980
- *Fedor Dostoevski—April 1981
- *Gothold Ephraim Lessing—November 1981
- *Franklin Delano Roosevelt: The Man, the Myth, the Era—March 1982
- *Johann Wolfgang von Goethe—April 1982
- James Joyce—October 1982
- *Twentieth-Century Women Writers—November 1982
- *Harry S. Truman: The Man from Independence—April 1983
- John Maynard Keynes—September 1983
- *Romanticism in the Old and the New World—*Washington Irving, Stendhal, and Zhukovskii—October 1983
- *Espectador Universal: Jose Ortega y Gasset—November 1983
- *Dwight D. Eisenhower: Soldier, President, Statesman—March 1984
- + Victorian Studies—April 1984
- Symposium on Eighteenth-Century Venice—April 1984
- *George Orwell—October, 1984
- Friedrich von Schiller—November, 1984
- John F. Kennedy: The Promise Revisited—March, 1985
- *Higher Education: Today and Tomorrow—April, 1985
- Heritage: A Reappraisal of the Harlem Renaissance—May, 1985
- New York State History Conference—June, 1985
- Eighteenth-Century Women and the Arts—October, 1985
- Johann Sebastian Bach—October, 1985
- + Law School Conference: Sixteen Years of the Burger Court, 1969-1985—November, 1985
- Avant-Garde Art and Literature—November, 1985
- Television 1985-1986: Issues for the Industry and the Audience—November, 1985
- Artificial Intelligence—February, 1986
- Evolution of Business Education—March, 1986
- Lyndon B. Johnson: A Texan in Washington—April, 1986
- Long Island Studies—May, 1986
- + + Attitudes Toward Persons with Disabilities—June, 1986
- The World of George Sand—October, 1986
- Miguel de Unamuno/Ramon Valle-Inclan/Federico Garcia-Lorca—November, 1986
- C. G. Jung and the Humanities—November, 1986
- The Bicentennial of the United States Constitution: A Celebration—April, 1987
- Suburbia Re-Examined—June 12-13, 1987
- Shellfishing and Coastal Resource Management: A Global Perspective—August 19-21, 1987
- American Immigration and Ethnicity—October 8-10, 1987
- Richard Nixon—November 19-21, 1987
- Dream and Reality: The Modern Black Struggle for Freedom and Equality—February 19-20, 1988
- Multinational Culture: Social Impacts of a Global Economy—March 23-25, 1988
- Group Defamation & Freedom of Speech: The Relationship Between Language and Violence—April 20-22, 1988
- Long Island Studies Conference: Robert Moses—June 10, 11 1988
- Business Finance In Less-Developed Capital Markets—September 23, 24, 1988
- Byron and His Contemporaries—October 6-8, 1988

- Volumes available from AMS Press, Inc., 56 East 13th Street, New York, NY 10003
- Volume available from M.E. Sharpe, Inc., 80 Business Park Drive, Armonk, NY 10504
- + No publication
- *Volume available from Greenwood Press,
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All other volumes forthcoming from Greenwood Press

For further information and "Calls for Papers":

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