



CENSORSHIP

Opposing
Viewpoints®

OPPOSING VIEWPOINTS SERIES ®



Greenhaven Press

CENSORSHIP

Opposing
Viewpoints*

David Bender & Bruno Leone, *Series Editors*

Lisa Orr, *Book Editor*

OPPOSING VIEWPOINTS SERIES ®



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"Congress shall make no law . . .
abridging the freedom of speech,
or of the press."

First Amendment to the U.S. Constitution

The basic foundation of our democracy is the first amendment guarantee of freedom of expression. The Opposing Viewpoints Series is dedicated to the concept of this basic freedom and the idea that it is more important to practice it than to enshrine it.

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Why Consider Opposing Viewpoints?

"It is better to debate a question without settling it than to settle a question without debating it."

Joseph Joubert (1754-1824)

The Importance of Examining Opposing Viewpoints

The purpose of the Opposing Viewpoints Series, and this book in particular, is to present balanced, and often difficult to find, opposing points of view on complex and sensitive issues.

Probably the best way to become informed is to analyze the positions of those who are regarded as experts and well studied on issues. It is important to consider every variety of opinion in an attempt to determine the truth. Opinions from the mainstream of society should be examined. But also important are opinions that are considered radical, reactionary, or minority as well as those stigmatized by some other uncomplimentary label. An important lesson of history is the eventual acceptance of many unpopular and even despised opinions. The ideas of Socrates, Jesus, and Galileo are good examples of this.

Readers will approach this book with their own opinions on the issues debated within it. However, to have a good grasp of one's own viewpoint, it is necessary to understand the arguments of those with whom one disagrees. It can be said that those who do not completely understand their adversary's point of view do not fully understand their own.

A persuasive case for considering opposing viewpoints has been presented by John Stuart Mill in his work *On Liberty*. When examining controversial issues it may be helpful to reflect on this suggestion:

The only way in which a human being can make some approach to knowing the whole of a subject, is by hearing what can be said about it by persons of every variety of opinion, and studying all modes in which it can be looked at by every character of mind. No wise man ever acquired his wisdom in any mode but this.

Analyzing Sources of Information

The Opposing Viewpoints Series includes diverse materials taken from magazines, journals, books, and newspapers, as well as statements and position papers from a wide range of individuals, organizations, and governments. This broad spectrum of sources helps to develop patterns of thinking which are open to the consideration of a variety of opinions.

Pitfalls to Avoid

A pitfall to avoid in considering opposing points of view is that of regarding one's own opinion as being common sense and the most rational stance, and the point of view of others as being only opinion and naturally wrong. It may be that another's opinion is correct and one's own is in error.

Another pitfall to avoid is that of closing one's mind to the opinions of those with whom one disagrees. The best way to approach a dialogue is to make one's primary purpose that of understanding the mind and arguments of the other person and not that of enlightening him or her with one's own solutions. More can be learned by listening than speaking.

It is my hope that after reading this book the reader will have a deeper understanding of the issues debated and will appreciate the complexity of even seemingly simple issues on which good and honest people disagree. This awareness is particularly important in a democratic society such as ours where people enter into public debate to determine the common good. Those with whom one disagrees should not necessarily be regarded as enemies, but perhaps simply as people who suggest different paths to a common goal.

Developing Basic Reading and Thinking Skills

In this book, carefully edited opposing viewpoints are purposely placed back to back to create a running debate; each viewpoint is preceded by a short quotation that best expresses the author's main argument. This format instantly plunges the reader into the midst of a controversial issue and greatly aids that reader in mastering the basic skill of recognizing an author's point of view.

A number of basic skills for critical thinking are practiced in the activities that appear throughout the books in the series. Some of the skills are:

Evaluating Sources of Information. The ability to choose from among alternative sources the most reliable and accurate source in relation to a given subject.

Separating Fact from Opinion. The ability to make the basic distinction between factual statements (those that can be demonstrated or verified empirically) and statements of opinion (those that are beliefs or attitudes that cannot be proved).

Identifying Stereotypes. The ability to identify oversimplified, exaggerated descriptions (favorable or unfavorable) about people and insulting statements about racial, religious, or national groups, based upon misinformation or lack of information.

Recognizing Ethnocentrism. The ability to recognize attitudes or opinions that express the view that one's own race, culture, or group is inherently superior, or those attitudes that judge another culture or group in terms of one's own.

It is important to consider opposing viewpoints and equally important to be able to critically analyze those viewpoints. The activities in this book are designed to help the reader master these thinking skills. Statements are taken from the book's viewpoints and the reader is asked to analyze them. This technique aids the reader in developing skills that not only can be applied to the viewpoints in this book, but also to situations where opinionated spokespersons comment on controversial issues. Although the activities are helpful to the solitary reader, they are most useful when the reader can benefit from the interaction of group discussion.

Using this book and others in the series should help readers develop basic reading and thinking skills. These skills should improve the reader's ability to understand what is read. Readers should be better able to separate fact from opinion, substance from rhetoric, and become better consumers of information in our media-centered culture.

This volume of the Opposing Viewpoints Series does not advocate a particular point of view. Quite the contrary! The very nature of the book leaves it to the reader to formulate the opinions he or she finds most suitable. My purpose as publisher is to see that this is made possible by offering a wide range of viewpoints that are fairly presented.

David L. Bender
Publisher

Introduction

"Abuses of the freedom of speech ought to be repressed; but to whom are we to commit the power of doing it?"

Benjamin Franklin

One of the founding precepts of the United States is freedom. Many of the people who originally settled here fled from repressive societies that did not allow them the freedom to practice or even to express their religious, political, and social beliefs. Consequently, the people who turned this raw country into a nation were determined to preserve all possible freedom for the inhabitants here. As testimony to their determination, the very First Amendment to the U.S. Constitution, added in 1791, pledged that "Congress should make no law. . .abridging the freedom of speech, or of the press."

In spite of this seemingly clear prohibition against abridgement of free speech and press, censorship has been a controversial issue throughout American history. For example, the First Amendment did not prevent the nation's second president, John Adams, from signing into law the Alien and Sedition Acts in 1798. Passed during a time of turmoil and uncertainty, the laws, in part, made it a crime to speak, write, or publish materials "with intent to defame. . .or bring into contempt or disrepute" members of the government. Such criticism was deemed "sedition" and thus was not protected by the Constitution. Under these acts, some newspapers were shut down and their editors jailed.

The laws were allowed to expire in 1801 by Adams's successor Thomas Jefferson, the author of the Declaration of Independence. In contrast to Adams and others who worried that the power of the press might, in some situations, endanger the nation, Jefferson considered it a strength. Jefferson was strongly against censorship of any kind, believing that people should have free access to all information. He argued that people could then sort through information and make wise decisions. He did not fear that they would be seduced by false and possibly malicious claims in newspapers. Instead, he argued, common people would be able to recognize falsehood from the truth. After he left the presidency, he wrote in a letter, "When the press is

free and every man able to read all is safe."

The philosophical differences between two of our nation's founders, Adams and Jefferson, are echoed today in debates over exactly what forms of speech "shall not be abridged" according to the Constitution. In areas as disparate as pornography, espionage, education, and art, Americans are still divided over whether the government has the right to restrict individual expression to protect its citizens or to protect national security.

One example of a recent controversy concerns treatment of the American flag. In 1989 the Supreme Court, in a five-to-four ruling, overturned the conviction of a political protester brought to trial because he had burned the flag. The Court's majority ruled that burning the flag in protest is a right guaranteed by the First Amendment to the Constitution. President George Bush was among many who disagreed with the Court's ruling. Bush and others were so concerned that they proposed a new amendment to the Constitution specifically prohibiting such actions. The controversy generated by the Court's ruling focused America's attention on highly charged arguments about patriotic feelings vs. freedom of expression.

Justice William Brennan, author of the Supreme Court's majority view, argued that burning the flag is a form of speech and that its offensiveness to other Americans is not enough to censor it. He wrote, "The government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable. . . . Punishing desecration of the flag dilutes the very freedom that makes this emblem so revered." Justice Anthony Kennedy added that recent peaceful revolutions in Eastern Europe, in which flags were burned, prove that this is an "internationally recognized form of protest." These justices and others, as did Thomas Jefferson, believe that Americans should be free to voice any opinion, no matter how repugnant, as long as it does not directly cause harm to any individual. To act otherwise would be to tolerate censorship, an even greater affront to America's ideals.

People who believe flag burning should be illegal say that it is the epitome of disloyalty and perhaps even treasonous. In an opinion disagreeing with the Court's flag-burning ruling, Justice John Paul Stevens stated, "The flag uniquely symbolizes the ideas of liberty, equality, and tolerance. . . . ideas that Americans have passionately defended and debated throughout our country." Chief Justice William Rehnquist agreed, stating, "Flag burning is the equivalent of an inarticulate grunt or roar that. . . is most likely to be indulged in not to express any particular idea, but to antagonize others." He argued that such expression is not protected by the Constitution. To these justices and others, permitting destruction of the flag is tantamount to sanc-

tioning destruction of the nation itself. They believe that even in a nation whose chief value is freedom, certain things should not be tolerated.

This controversy is only one of many that have marked America's recent history. *Censorship: Opposing Viewpoints* examines contemporary controversies on freedom of speech and other censorship issues. This new book replaces Greenhaven's 1985 book of the same title with new viewpoints and several new issues. The questions debated are: Should There Be Limits to Free Speech? Should the News Media Be Regulated? Does National Security Justify Censorship? Is School and Library Censorship Justified? Should Pornography Be Censored? The controversies examined here show that censorship remains an emotional and important issue for the U.S. as the nation continues to try to live up to its historical visions of freedom.

1 CHAPTER

Should There Be Limits to Free Speech?

CENSORSHIP

Chapter Preface

Freedom of speech is one of the basic privileges guaranteed to all Americans by the Bill of Rights in the U.S. Constitution. Traditionally, no form of speech should be censored unless it poses a direct harm to others. Shouting "fire" in a crowded theater (assuming no fire exists) is the most familiar example of harmful, and outlawed, speech.

But several questions are raised by this seemingly straightforward view of freedom of speech. One question often asked is whether some speech is so harmful that its censorship is justified. Writer Rod Davis, for example, believes that people espousing white supremacy and racial hatred do not deserve freedom of speech protections. But others, including civil libertarian Nat Hentoff, argue that even deeply offensive speech must be protected, and that preventing a white supremacist from speaking is one step toward censoring other unpopular kinds of speech as well.

The viewpoints in this chapter debate three topics on the critical issue of freedom of speech.