



THE

AFCON

SENTINEL



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June 18, 2010

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Webmaster

Tom Black
Newsletter Editor

Purpose:

To promote academic freedom, defined as intellectual freedom in educational and research contexts. This includes freedoms of belief and expression and access to information and ideas.

MESSAGE FROM THE PRESIDENT—Linda Parker

LAWS, LAWS, AND MORE LAWS

Academic Freedom issues can arise in unlikely places. And likely ones, too! Take Arizona, for example, and its new law, "Support our Law Enforcement and Safe Neighborhoods Act," aka 'the illegal immigration act'. Despite Arizona officials' protests to the contrary, media reports have raised the problem of racial profiling as a consequence of this law. Government assurances that racial profiling will not occur are not in synch with reality.

During May 2010, I attended two national conferences—one academic and the other in the 'popular culture' genre—and learned how the Arizona law has begun to impact the lives of citizens, legal residents, and legal visitors to the United States. An international student with a Bulgarian accent was stopped on the street and was asked to verify his legal status. Since he did not have his student visa in his backpack, he was arrested. A Nepali citizen working legally in the United States was afraid to travel to Phoenix to meet an American academic colleague. He did not want to risk the danger of being detained as a result of racial profiling.

The news media has been fixated on the bill and its impact. Even allowing for the usual hyperbole, one can find examples that set off alarm bells for supporters of academic freedom. A CNN video interview of an Arizona teacher of English as a Second Language (ESL) is a chilling preview of the law taken to the extreme. The superintendent of her public school district sent observers into her classroom to assess the teacher's accent. The implication was that if the teacher's Spanish accent was unacceptable, i.e., "too thick", she would be

reassigned. The teacher, who had eleven years of experience teaching ESL, a Hispanic surname and a slightly discernible Spanish accent, clearly felt threatened by the "observation". The CNN news reporter also interviewed the school superintendent and asked the reasons for the newly implemented policy of observing a teacher's accent. The superintendent stated that a teacher needed to be understood and be able to pronounce English words correctly. Fair enough, I said to myself as I watched the video. The teacher's Spanish-accented English was much more correct than my twangy, colloquial Texas patois. I wondered if the Arizona State Patrol would stop me at the border because I say in'surance instead of insur'ance. The superintendent, son of Polish immigrants, failed to see the irony of his policy on ESL teachers and their accents.

Arizona did not stop with the illegal immigration act. After the passage of this act, the Arizona legislature passed a bill (which was signed by the Governor) to end the teaching of ethnic studies in public schools. If the schools continue to teach ethnic studies (African American, Hispanic American, Native American), 10% of the school's state funding would be withdrawn.

Why should Nebraskans of all ethnic backgrounds be so concerned about what is happening in Arizona? Nebraska is one of ten states where a state senator has announced his intention to introduce a similar bill in the next legislative session. The Nebraska Supreme Court has ruled that the citizens of Fremont can vote on an anti-illegal immigration ordinance. The *Omaha World Herald*, in a story published April 24, 2010, quoted Fremont attorney Jim Drake,

(See **LAWS...**, page 2.)

Upcoming Events

Saturday, July 10, executive board meeting and tentative meeting with NHSPA teachers, Lincoln. (Place to be determined)
Saturday, September 11, AFCON Board meeting, Eiseley Library, Lincoln.

(LAWS, from page 1)

“... the Nebraska Supreme Court got the decision right but enacting the ordinance would be wrong.” I agree.

Please join the public debate about how best to handle difficult social and political issues while maintaining and preserving our civil liberties and academic freedoms. Read the Arizona laws and consider the impact similar laws would have on the citizens of Nebraska.

The link for the “Support our Law Enforcement and Safe Neighborhoods Act” is <http://tinyurl.com/2b44j5n>.

The link for the bill banning ethnic studies is <http://tinyurl.com/2fdqog4>.

Summaries of AFCON Board of Directors’ Meetings—Peggy Adair

March 13, 2010—

Executive Board Meeting

Present: Peggy Adair, secretary; Dwayne Ball, immediate past president; Cathi McMurtry, treasurer; Linda Parker, president; Rod Wagner, president-elect

MINUTES: Minutes for the February 13, 2010, AFCON board meeting will be presented for approval at the April board meeting. Minutes for the March 13, 2010, executive board meeting will be presented for approval at the May 8, 2010, executive board meeting.

TREASURER’S REPORT: The Treasurer’s report dated March 12, 2010, was reviewed. Balance on hand for March 12, 2010, is \$2,830.48. McMurtry will enclose AFCON brochures when she sends dues reminders to individual AFCON members.

PRESIDENT’S REPORT: President Parker reported she has established a Google Docs account for AFCON as another way to communicate within the group and also as a way to attract younger members. The user name is afcon2010board@gmail.com. *

MEMBERSHIP: The membership recruitment committee has been officially named the “Committee for Member Outreach.” Dwayne Ball agreed to be the committee organizer. Other members of the committee include Parker, Laurie Lee and Nancy Comer. The Executive Committee discussed the need to prioritize strengthening relations with K-12 educators. The Committee for Member Outreach will meet via email and will bring ideas to the AFCON board meeting in April.

NEWSLETTER: Deadline to submit articles for the June edition of the *Sentinel* is May 24, 2010. Articles should be emailed to Tom Black at wpc6296@cableone.net.

LEGISLATIVE REPORT: Adair reported it is unlikely the Student Expression Bill (LB 898) will advance this year because it is not a priority bill and the session will end April 14. She reported Senator Haar remains committed to the cause of student expression and is likely to re-submit a bill in the next session.

Adair reported she has had some communication with NSEA staff regarding the harm suffered by teachers who have attempted to support their students’ academic freedom.

Adair presented a workshop on student expression at the Nebraska State Reading Association annual conference in Kearney on February 26.

ANNUAL MEETING: The executive board discussed possible speakers for the annual meeting. The executive board consensus was that we should continue to pursue inviting a nationally-recognized speaker who will increase attendance as well as awareness of AFCON. Possible dates for the annual meeting are November 6 and November 20, 2010. Rod Wagner will contact potential speakers and will report to the full board in April.

ACLU: The executive board agreed by consensus to continue with the AFCON tradition of placing an advertisement in the program for the ACLU-Nebraska annual dinner.

AFCON OUTREACH: Parker and Adair have submitted a proposal to present a workshop on student expression at the Nebraska School Board Association/Nebraska School Administrators Association annual meeting in November. We should hear back some time in April whether or not the proposal has been accepted.

GOALS FOR 2010: The executive board discussed the proposed 2010 AFCON goals. The executive board will recommend that the AFCON board approve the proposed 2010 AFCON goals at the April AFCON board meeting.

AFCON LETTERHEAD: The executive board approved by consensus the AFCON letterhead and envelope design proposed by Adair. Adair will determine if the design can be distributed via email as a pdf.

NEW BUSINESS: The executive board briefly discussed what to do about organizational representatives who rarely or never attend AFCON meetings or otherwise do not participate on behalf of their member organization. Due to time constraints the executive committee decided to continue this discussion via email.

NEXT MEETING: The next meeting of the **AFCON BOARD OF DIRECTORS** will be **Saturday, April 10, 2010**, at 10:00 a.m. in **Eiseley Library, Lincoln**.

- To obtain the password or to get more information about the Google Docs site, please contact President Linda Parker, lparkerlib@gmail.com

April 10, 2010—

Present: Peggy Adair, Dwayne Ball, John Bender, Robert Brooke, Karen Buckley, Nancy Comer, Bob Haller, Laurie Thomas Lee, Cathi McMurtry, Dave Moshman, Linda Parker, Rod Wagner.

MINUTES: Minutes for February 13, 2010, were approved upon a motion by Moshman and second by Buckley. Minutes of the March 13, 2010, executive board meeting were distributed for review. Discussion followed regarding posting minutes on the AFCON website. Brooke noted that the *Sentinel* is already posted on the website and since the *Sentinel* contains AFCON minutes there is no need for a duplicate posting.

TREASURER’S REPORT: The Treasurer’s report dated April 9, 2010, was reviewed and filed for audit. Balance on hand for April 9, 2010 is \$2,939.12.

PRESIDENT’S REPORT: President Parker distributed proposed AFCON goals for 2010.

NEWSLETTER: Deadline to submit articles for the next edition of the *Sentinel* is **May 24, 2010**. Articles should be emailed to Tom Black at wpc6296@cableone.net.

POLICY COORDINATOR REPORT: Moshman reported concerns about the Texas School Board’s making curriculum decisions for the state’s public schools. He also discussed the disinvitation of William Ayers at the University of Wyoming. Moshman will write AFCON policy articles on the two incidents for the *Sentinel/website*. Parker will write a brief letter to the Texas School Board and the University of Wyoming stating AFCON’s position on academic freedom.

(See **Minutes**, page 3)

Summaries of AFCON Board of Directors' Meetings

(Continued from Page 2)

LEGISLATIVE REPORT: Adair reported the student expression bill, LB 898, will not move forward this session. However, Senator Haar has introduced an interim study, LR 433, to examine the status of student expression in Nebraska. Discussion followed. Comer said some teachers are feeling left out. We need to determine what teachers need from AFCON. Moshman said in most cases students and teachers are on the same side and it is administrators who intrude into the student-teacher relationship in cases of suppressed student expression.

Adair will write a *website/Sentinel* article regarding the status of the student expression bill and what will happen next.

MEMBERSHIP REPORTS: No reports.

ANNUAL MEETING: Wagner recommended to the board that we invite Frank LoMonte, executive director of the Student Press Law Center, to be our featured speaker at the AFCON annual meeting. He also recommended we hold the meeting at Beacon Hill Restaurant in Lincoln on November 6, 2010. Motion by Adair, second by Moshman to approve Wagner's recommendations. Discussion followed. AFCON will need to provide for air fare, lodging, and a signed copy of Moshman's latest book in order to entice LoMonte to attend. The board also discussed the possibility of a student rate so high school students/college students will be able to attend. Motion carried.

MEMBERSHIP OUTREACH AND RECRUITMENT: The board clarified the charge to the membership outreach committee is to "devise a plan to strengthen relationships with member organizations."

Bender invited Parker to attend the Nebraska High School Press Association's State Journalism Contest on May 10, 2010. The day begins with a meeting at 9:15 a.m.; Parker will explain the purpose of AFCON, recognize the Millard South student and his family who were presented the 2009 Academic Freedom Award, bring AFCON brochures to distribute, bring a flyer about Frank LoMonte's coming to speak on November 6, and will update the NHSPA on the status of the student expression bill.

The board brainstormed ways to recruit new members, including social networking such as Facebook. Parker will contact board member Max Morrissey to get his perspective.

Parker said she has not heard from the Nebraska School Board Association

regarding AFCON's application to present a workshop at their annual meeting in November, 2010.

NEXT MEETING:

The next meeting of the **AFCON EXECUTIVE BOARD** will be on **Saturday, May 8, 2010**, at 10:00 a.m. in **Criss Library, Omaha**.

The next meeting of the **AFCON BOARD OF DIRECTORS** will be **Saturday, June 12, 2010**, at 10:00 a.m. in **Criss Library, Omaha**.

May 8, 2010—

Executive Board Meeting

Present: Peggy Adair, secretary; Dwayne Ball, immediate past president; Cathi McMurtry, treasurer; Linda Parker, president; Rod Wagner, president elect

MINUTES: Minutes for the March 13, 2010, AFCON executive board meeting were approved upon a motion by Ball and second by Wagner.

TREASURER'S REPORT: The Treasurer's report dated May 7, 2010, was reviewed. Balance on hand for May 7, 2010, is \$2,790.87.

PRESIDENT'S REPORT: President Parker will review the AFCON brochure and will email pdf copies of the brochure to AFCON board members so they can print copies on demand for speaking engagements and other events.

Parker will be speaking at the Nebraska High School Press Association business meeting on Monday, May 10. She will bring copies of the student expression bill, the interim study, the AFCON brochure, and the list of student censorship incidents in Nebraska.

ACADEMIC FREEDOM ISSUES: Wyoming: The executive board will take no action regarding the University of Wyoming. President Parker was going to write a letter to the university after the university's president, Tom Buchanan, decided not to allow William Ayers to speak on the UW campus, citing security reasons. However, a student and Ayers sued the university and a judge ruled that the university must permit Ayers to speak, and he did so without incident.

Texas: President Parker will write a letter to the Texas Board of Education regarding academic freedom. She will send copies of the letter to

select newspapers in Texas.

Millard South, Nebraska: Adair updated the group on the Millard South lawsuit. The attorney for the plaintiff is currently in negotiations with the school district for a settlement that includes improving the school district's student expression policies.

Omaha North, Nebraska: Adair will work on an op-ed piece to inform the public about the upcoming interim study on student expression in Nebraska. Adair noted the local program, "Kaleidoscope," had a segment on the North High School censorship incident

MEMBERSHIP: The membership recruitment committee has been officially named the "Committee for Member Outreach." Dwayne Ball agreed to be the committee organizer. Other members of the committee include Parker, Laurie Lee and Nancy Comer. The Executive Committee discussed the need to prioritize strengthening relations with K-12 educators. The Committee for Member Outreach will meet via email and will bring ideas to the AFCON board meeting in April.

NEWSLETTER: Deadline to submit articles for the June edition of the *Sentinel* is May 24, 2010. Articles should be emailed to Tom Black at wpc6296@cableone.net.

LEGISLATIVE REPORT: Adair will contact Tom Green in Senator Haar's office before the June AFCON meeting to set up a meeting with the steering committee on student expression.

STUDENT EXPRESSION BILL: The executive board discussed using email lists, the AFCON website, and the AFCON *Sentinel* to maintain communication with and gather input from teacher organizations and individual teachers as the interim study on student expression progresses.

AFCON BOARD VACANCIES: Carol Mitchell will be the new AFCON representative from the UNO Faculty Senate.

(See **Minutes**, page 4)

Our Founding Father Jesus—By David Moshman

The March 30, 2010, issue of *The Dailyer Nebraskan* reported in its lead headline, “Texas Board of Education Votes to Place Jesus Among Founding Fathers in New Textbooks.” Below the headline was a large picture of the signing of the Declaration of Independence, with Jesus Christ restored, according to the caption, “to his rightful place next to America’s founding fathers.” The caption went on to explain that Christ “tells his audience of legislators that all men are created equal as long as they’re white.”

The Dailyer Nebraskan is UNL’s spoof student newspaper, not to be confused with *The Daily Nebraskan*, UNL’s (nonspoof) student newspaper (which requires *The Dailyer* to run a prominent disclaimer on the front page of every issue). The *Dailyer*’s reporting on this issue, it turns out, was a bit exaggerated.

But not much. The Texas Board of Education did indeed make major changes to the social studies curriculum that were clearly motivated by political and religious views and unjustified by historical consid-

erations. *The Dailyer Nebraskan* was far from the only publication ridiculing Texas in the past few months. And historians have strongly objected, on historical grounds, to many specific changes.

AFCON’s central concern, however, is with the fact that curriculum decisions were made by the Board at all. Education requires a curriculum formulated on academic grounds by those with appropriate academic expertise. History curriculum should be formulated by historians and history teachers. The role of a governing board is to see that this process is working properly, not to substitute its own judgments for those of teachers and experts. Students have a right to a curriculum formulated on academic, rather than political or religious, grounds.

There are two additional points worth noting. First, the problem is not the addition of religion to the curriculum. Religion has played a major role in U.S. history and there is no First Amendment objection to addressing its influence. But discussion of religion in public schools must be designed to enhance the study of history, social

studies, or literature, not to promote or denigrate particular religions or religion in general.

Second, inclusion in the curriculum does not signify approval. Many questioned the Board’s decision to add Phyllis Schlafly, for example. But a history of the United States in the late 20th century might reasonably include her as an influential figure. She was certainly influential enough to scare people like me and was probably the model for the 1980s spoof character Virginia Cholesterol, President of Ladies Against Women. I’d be happy to see students learn about that. But Phyllis Schlafly’s place in the curriculum should not be up to me, nor to the Texas Board of Education.

As for Jesus, I rarely claim to speak for him, but my guess is he would just as soon *The Dailyer Nebraskan* and the Texas Board of Education leave him out of all this.

David Moshman is AFCON policy coordinator and author of *Liberty and learning: Academic freedom for teachers and students*.

(Minutes continued from page 3)

ANNUAL MEETING:

The executive board discussed possible themes for the annual meeting and decided upon “Speechless in Nebraska: The High School Press.” Wagner will put together a budget proposal for the annual meeting to present at the June AFCON board meeting. Wagner will apply for a grant from the Nebraska Humanities Council to offset some of the costs of the annual meeting. The executive board discussed seeking donations from the Nebraska Press Association and the Society of Professional Journalists.

The executive board discussed registration fees. They proposed one fee for the event, whether or not the person stays for lunch. (Last year the fee was \$35.00.) They also proposed a smaller fee for students but made no determination of the amount. Registrations will be sent to treasurer Cathi McMurtry upon her request.

AFCON MEMBERSHIP COMMITTEE:

Ball noted that the difficulty with recruiting secondary teachers is the lack of perceived value and the sacrifice that is required to be a board member. Parker and Ball will work on getting a group of 3 or more teachers together to discuss their concerns and needs regarding academic freedom.

NEBRASKA SCHOOL BOARD ASSOCIATION CONFERENCE:

Parker will write a letter to the Nebraska School Board Association to determine if AFCON’s application to present a workshop at their conference in November has been accepted.

NEXT MEETING:

The next meeting of the **AFCON BOARD OF DIRECTORS** will be **Saturday, June 12** at 10:00 a.m. in **Abrahams Library, Omaha**.

STUDENT EXPRESSION UPDATE

“R.I.P. Julius.”

It was a poignant expression of grief over the loss of a friend. Dan Kuhr, a high school student, designed an artistic t-shirt using that time-honored phrase to express his personal sorrow and also to help raise money for the family of his murdered friend, Julius Robinson. Dan’s high school administrators, rather than offering solace and counseling for students like Dan who were suffering, suspended the young man and his friends for wearing the t-shirt to school.

This is just one of many instances in Nebraska where young citizens are learning that when public school students try to stand up for their academic freedom and civil liberties, school administrators are “big” while students and teachers are “little,” as more than one young person said during testimony before the education committee of the Nebraska legislature this year.

Senator Ken Haar introduced LB 898, the Student Expression Act, to reduce incidents of unwarranted and illegal intrusions into the academic freedom and expression rights of students and teachers. On the day of the public hearing on the bill, the education committee’s hear-

ing room was absolutely packed with citizens from all walks of life who came to testify in support of academic freedom for students and teachers, so much so that the committee chair limited speakers to a mere 3 minutes of testimony, and not all supporters were even allowed to speak (ironic, since the issue was support of free speech). All of those in opposition to the bill, who were mostly paid lobbyists for bureaucracies, were permitted to speak.

LB 898 was held in committee during the legislative session and was not heard on the floor of the legislature. Senator Haar remains committed to this issue and has introduced a resolution calling for an interim study of student expression in Nebraska’s public schools. The study will seek information regarding current policies, including curricular guidelines for citizenship education. The study will establish best practices, and will determine if state laws need to be changed to avoid unnecessary and illegal violations of student expression. The interim study is referenced as LR 433. A full copy of the study resolution can

be found on the legislature’s website, www.nebraskalegislature.gov.

Interim studies take place when the legislature is not in session. An interim study can be anything from gathering of information by legislative staff to a series of public hearings throughout the state. AFCON will continue to update its member organizations and individual members as we learn more about the interim study. Please continue to check our website and read the AFCON Sentinel for updates.

Thank you to all of the teachers, students, parents, librarians, journalists, advocates, and others who have given of your time and talent in support of academic freedom for young people and their teachers.

Note: The person who shot and killed Julius Robinson was convicted of first degree murder and was sentenced in May to life in prison. Millard South High School is currently the defendant in a lawsuit that alleges the school district illegally denied students their civil liberties.

--Peggy Adair,
AFCON Legislative Liaison

SAVE THE DATE! November 6, 2010 10:00 a.m. – 1:30p.m.

AFCON Fall Program and Annual Meeting

Country Inn and Suites/Beacon Hill Restaurant, 5353 N. 27th Street, Lincoln, NE

“SPEECHLESS IN NEBRASKA: THE HIGH SCHOOL PRESS”

“What are the next topics...that will not be explored in the (student) newspaper?” a television commentator asked recently after the Omaha North High School student newspaper was censored by the principal for issuing a special section on teen sexuality. “Drugs?” he asked. “Gangs? Lack of parents in the home? Poverty? I mean, we can’t talk about these things?”

The Omaha North High School incident is just the latest in a growing list of student censorship incidents in Nebraska. Censorship has reached beyond the student newspaper to student theatrical performances, creative writing assignments, student art, and even students’ basic human need to grieve the loss of a friend.

AFCON has invited Frank LoMonte, executive director of the Student Press Law Center, to discuss the troubling effects of student censorship in Nebraska. The Student Press Law Center, based in Arlington, Virginia, advocates for student free press rights and provides information, advice, and legal assistance at no charge to students and the educators who work with them. To learn more about the Student Press Law Center visit their website: splc.org. To view a list of student censorship incidents in Nebraska, visit the AFCON website: nebacon.org.

If you want to receive updates about the AFCON annual meeting and/or you are interested in attending, please send your name and email address to: Peggy Adair, matgama@tconl.com.

“We are in school to learn life lessons,” a former journalism student lamented, “and being censored should not be one of them.”

AFCON SPEAKER'S BUREAU (As of December 2007)

Peggy Adair: "Banned Books, Black Arm-bands, and School Prayer: The Evolution of Children's First Amendment Rights in America"

padair@tconl.com

Dwayne Ball: "Threats to Academic Freedom at Universities"

adball@neb.rr.com

Bob Haller: "Civics Education and the Practice of Freedom" and "America v. the U.N. Rights of the Child. What's the Problem?"

mshortt@inebraska.com

David Moshman: "Principles of Academic Freedom"

dmoshman1@unl.edu

John Bender and David Moshman: "Student Freedom of Expression/Student Rights"

jbender1@unl.edu

dmoshman1@unl.edu

Laurie Thomas Lee: "Implications of the USA Patriot Act"

llee1@unl.edu

Presentation of the Readers' Theatre production of A Tangled Web: Student Freedom of Expression

(a cast of adults and students)

ADDRESS FOR THE AFCON WEB SITE

<http://www.nebafcon.org>

**Check it out and learn Who We Are and about Our Activities; read our Constitution; learn how to Join Us; see the where and when of our Meetings; meet our Members and Officers;
Study our Publications, Principles, and Statements**

REQUEST FOR NEWS FOR FUTURE ISSUES

The editor of the AFCON SENTINEL invites all AFCON individual and organizational members to send news about academic freedom issues in Nebraska or editorial comments for inclusion in this newsletter and/or announcements of organizational meetings for the UPCOMING EVENTS column.

Due date for submissions to the September 17, 2010, issue is August 23, 2010

Send to Tom Black, editor, 610 West Park, West Point, NE 68788 or wpc6296@cableone.net

AFCON

515 North Thomas Avenue
Oakland, NE 68045.

Mailing
Address
Label

ACADEMIC FREEDOM COALITION OF NEBRASKA

HELP AFCON PROMOTE ACADEMIC FREEDOM

As a member of AFCON, you can help us

- ◆ support applications of the First Amendment in academic contexts, including elementary and secondary schools, colleges, universities, and libraries.
- ◆ educate Nebraskans about the meaning and value of intellectual freedom, intellectual diversity, mutual respect, open communication, and uninhibited pursuit of knowledge, including the role of these ideals in academic contexts and in democratic self-government.
- ◆ assist students, teachers, librarians, and researchers confronted with censorship, indoctrination, or suppression of ideas.
- ◆ act as liaison among groups in Nebraska that support academic freedom.

MEMBERSHIP (To become a member, send dues, organization or individual name, address, and phone number to Cathi McMurtry, 515 N. Thomas Avenue, Oakland, NE 68045)

Organizational Membership (\$120) entitles the organization to one seat on the AFCON Board, one vote in the election of officers and at the annual meeting, eligibility for office and chairing standing committees, provides newsletter subscription for the board member to share with the organization's information director, and reduced rates to AFCON conferences for its members.

Individual Membership (\$15) provides newsletter subscription, eligibility for office and for chairing standing committees, reduced rates for AFCON conferences, and one vote at annual meetings.

Student Membership (\$5) entitles full-time students to the same privileges as provided by the Individual Membership.

**AFCON ORGANIZATIONAL MEMBERS, PLEASE DUPLICATE THIS NEWSLETTER FOR YOUR MEMBERS.
INDIVIDUAL MEMBERS, PLEASE PASS THIS NEWSLETTER TO A FRIEND AFTER YOU HAVE READ IT.
ENCOURAGE HIM OR HER TO JOIN AFCON**