

# The AFCON Sentinel

Newsletter of the Academic Freedom Coalition of Nebraska

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## From the President

Laurie Thomas Lee

It was May of 1983 when “Kate” was a student and editor of the “Tanglewood High School” newspaper, the “Oracle.” It was the last issue of the school year, and she wanted to include a story about teen pregnancy. She knew of a number of pregnant students at her school and wanted to share their stories. Another article she planned to publish in the newspaper covered the impact on students of parents divorcing. In both articles, the students’ names would be changed to protect privacy.

But when the newspaper was distributed, Kate discovered two pages were missing—including the pregnancy and divorce stories. They had been censored by her school’s principal.

Kate didn’t expect to make history, but what happened next ultimately led to a landmark decision by the U.S. Supreme Court.

Kate’s story is presented in “A Tangled Issue: Student Freedom of Expression,” a Readers Theatre play that was commissioned by AFCON and written in 1993 to help raise awareness of limitations on student press freedom. The play is a dramatization of the very real case of *Hazelwood School District v. Kuhlmeier*, 1988.

I’m happy to announce that at our annual meeting, Saturday, October 12, members of the Salon Reading Series of the Angels Theatre Company will perform this 3-act play on the auditorium stage at the UNL College of Journalism and Mass Communications. Their performance work is amazing, having previously

performed “Sedition” for us. So mark your calendar!

Then following the performance, you won’t want to miss meeting the real “Kate”—Cathy Kuhlmeier Frey—who will take the stage to share her true-life story as the plaintiff in the landmark case. Cathy was a student in the Journalism II class at Hazelwood East High School in St. Louis, Missouri, where she was the editor of the school newspaper, “The Spectrum.” She and two other student reporters bravely took their case all the way to the U.S. Supreme Court. Unfortunately, SCOTUS ruled in favor of the principal’s actions, finding that school administrators can exercise prior restraint of student expression when it is school-sponsored, such as a curriculum-based student newspaper. But undeterred by the loss, Cathy has been speaking out as an advocate for student free expression ever since. Indeed, some states have since passed laws designating their school newspapers as public forums and providing student journalists greater First Amendment protection.

The play’s performance and Cathy’s presentation are especially timely because Nebraska may soon join those other states in effectively restoring the free expression rights of student journalists that were lost in *Hazelwood*. Senator Adam Morfeld is the sponsor of LB206, a bill to protect the free speech rights of student journalists and their media advisers. So far, the bill has passed the Judiciary Committee of the Nebraska legislature. We will conclude our annual meeting with a panel discussion of the aftermath of *Hazelwood* and what Nebraska’s LB206 entails and its prospects for passage. Please plan to join us!

## Art, History, and Censorship

The San Francisco School Board voted in June to destroy a mural that was painted on the wall of George Washington High School when it opened in the 1930s. In contrast to most art and history of the time, the mural depicted Washington as a slaveowner and colonialism as a genocidal process. But many see the mural as too disturbing for students.

The muralist, Victor Arnautoff, was a Russian immigrant and a communist who worked with famed Mexican muralist Diego Rivera. He was defended in the 1950s by the American Association of University Professors against McCarthyite efforts to have him fired from his position as an art professor at Stanford University.

Here are some links concerning this ongoing controversy:

<https://www.sfchronicle.com/bayarea/article/San-Francisco-school-board-votes-to-destroy-14050025.php>

<https://time.com/5620694/san-francisco-washington-controversial-mural/>

<https://academeblog.org/2019/06/27/current-controversy-recalls-past-aaup-victory/>

<https://www.nytimes.com/2019/07/26/arts/design/george-washington-san-francisco-murals.html>

<https://news.artnet.com/art-world/san-francisco-votes-cover-controversial-1930s-mural-depicting-george-washington-colonizer-slave-owner-1589887>

<https://news.artnet.com/art-world/george-washington-mural-san-francisco-1594663>

## ACLU Centennial

The American Civil Liberties Union, which marks its 100<sup>th</sup> anniversary in January 2020, recently posted on its website this account by Sam Walker of how government repression associated with the U.S. entry into World War I led to the formation of a new “Civil Liberties Bureau” in 1917, which led to the founding of the ACLU in January 1920. Walker was the keynote speaker at AFCON’s 2018 annual meeting.

<https://www.aclu.org/issues/conscientious-objectors?redirect=issues/birth-aclu>

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## Student Press News

On July 24 the U.S. Court of Appeals for the Ninth Circuit issued a decision protecting student press rights in a case involving the allocation of student funds to controversial campus publications. Here are links to two accounts of the decision.

<https://www.insidehighered.com/news/2019/07/25/appeals-court-says-university-may-have-violated-rights-repugnant-humor-publication>

<https://academeblog.org/2019/07/25/a-victory-for-freedom-of-the-campus-press-in-san-diego/>



Cathy Kuhlmeier Frey (left) and AFCON President Laurie Thomas Lee testified in February for LB206, a bill to protect student press rights. Kuhlmeier Frey, plaintiff in *Hazelwood v. Kuhlmeier*, will be the keynote speaker at AFCON’s annual membership meeting October 12 in Lincoln.

# AFCON

[www.academicfreedomnebraska.org](http://www.academicfreedomnebraska.org)

The Academic Freedom Coalition of Nebraska was founded in 1988 to promote intellectual freedom in Nebraska education and research, including freedoms of belief and expression and access to information and ideas.

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## *AFCON Board of Directors*

*Laurie Thomas Lee, 2019 President  
John Bender, President-Elect (2020 President)  
David Moshman, Immediate Past President,  
Policy Coordinator, and Newsletter Editor  
Peggy Adair, Secretary and Legislative Liaison  
Ally Halley, Treasurer  
Todd Schlechte, Webmaster  
Russ Alberts  
Nancy Comer  
Bob Haller  
Paula McClung  
Rod Wagner  
Linda Parker, ex officio, Archivist*

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## *From the AFCON Constitution, Article I:*

The purpose of AFCON shall be to promote academic freedom in Nebraska, defined as intellectual freedom in educational and research contexts. This includes freedoms of belief and expression and access to information and ideas. In pursuit of this general goal, AFCON shall:

1. support application of the First Amendment in academic contexts, including schools, colleges, universities, and libraries.
2. educate Nebraskans in and out of academic settings, citizens and professionals, parents and students 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.
3. assist students, teachers, librarians, researchers, and others confronted with censorship, indoctrination, or suppression of information or ideas in academic settings.
4. act as liaison among groups in the State of Nebraska that support academic freedom.

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## **JOIN OR RENEW** *Ally Halley, Treasurer*

*AFCON now accepts PayPal! Use your PayPal account to join or renew. We offer two ways to pay: You can send a direct payment to us at [afcon.freedom@gmail.com](mailto:afcon.freedom@gmail.com) or you can use the new PayPal button on our website <https://www.academicfreedomnebraska.org/join-afcon.html>. The button on the website will auto-renew your membership each year so you don't have to manually submit a payment when it's time to renew. If you do not have a PayPal account, send us a check at 3015 S 35 Ave, Omaha, NE 68105. Memberships are \$120 for organizations and \$15 for individuals.*

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**The AFCON Sentinel** is the newsletter of the Academic Freedom Coalition of Nebraska, published bimonthly in February, April, June, August, October, and December.  
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**Academic Freedom Coalition of Nebraska  
Board of Directors Meeting**

Eiseley Library, Lincoln, Nebraska  
June 8, 2019

Present:

Nancy Comer, representing Nebraska State Literacy Association

Bob Haller, director at large

Ally Halley, treasurer

Laurie Thomas Lee, president, representing American Civil Liberties Union of Nebraska

Paula McClung, representing Nebraska School Library Association

**MINUTES**

President Laurie Thomas Lee convened the meeting at 10: 10

Bob Haller volunteered to be Acting Secretary in the absence of Peggy Adair

Approval of Agenda: No additions or corrections were requested.

MINUTES: A motion to approve the Minutes of the May 11 meeting was seconded and passed by voice vote.

TREASURER'S REPORT: Allie Halley distributed a report showing no activity since the last meeting, a current balance of \$2,260.20, and renewals by two Institutional members: Nebraska School Librarians Association and Nebraska State Literacy Association.

A request was made to provide at the next meeting a printed statement of who has paid and who needs to pay, sending them a half-page invoice.

NEWSLETTER: Dave Moshman: next Sentinel due date for content: July 24

WEBSITE: Todd Schlechte reports that it has been updated

PRESIDENT'S REPORT: Laurie Thomas Lee has sent an invitation to Adam Morfeld asking *Civic Nebraska* to join AFCON. Discussion ensued.

Lee further reported on a correspondence with a fellow ACLU Board member who referred to the Sentinel report on the Doane exhibition which contained pictures of students in Blackface. He was objecting to online comments; discussion ensued.

Laurie Thomas Lee noted concerns over a Trump-inspired policy forbidding the use of fetal tissue in medical research, which may close down important current work in Nebraska medical schools.

LEGISLATIVE REPORT: Peggy Adair reports no change since last month's report

ANNUAL MEETING PLANNING: Laurie Thomas Lee will put planning on the July agenda, when the Board will also identify recipients of the Academic Freedom Award. Some potential recipients were mentioned.

OLD BUSINESS: Haller reported further interesting findings in the Bell Case, 1938-41 (See *AFCON Sentinel* April 2019)

REPORTS FROM MEMBER ORGANIZATIONS: Nancy Comer reported that, while membership in Nebraska State Literacy Association is declining, their Board voted to continue its AFCON membership

--Laurie Thomas Lee reported that Lisa Daubman will replace Sue Bishop as UNO Faculty Senate representative to AFCON

This was Paula McClung's last meeting, retiring from the Board in order to spend time pursuing a graduate degree. She will let AFCON know of her replacement once selected

The Meeting was Adjourned at 11:20

**Academic Freedom Coalition of Nebraska  
Board of Directors Meeting**

Eiseley Library, Lincoln, Nebraska  
July 13, 2019

Present:

Peggy Adair, secretary, legislative liaison

John Bender, representing UNL Faculty Senate

Nancy Comer, representing Nebraska State Literacy Association

Bob Haller, chief baker, director at large  
Ally Halley, representing Fine Lines  
Laurie Thomas Lee, president, representing  
American Civil Liberties Union of Nebraska  
Dave Moshman, immediate past president,  
newsletter editor, policy coordinator  
Todd Schlechte, webmaster

## MINUTES

President Laurie Thomas Lee convened the meeting at 10:12 a.m.

MINUTES: A motion was made by Moshman, second by Adair, to approve corrected minutes of the AFCON board meeting held on June 8, 2019. Motion carried on a voice vote. The board thanked Haller for acting as secretary pro tem for the June meeting.

TREASURER'S REPORT: Halley distributed the treasurer's report and an updated list of organizational members. Balance on hand as of July 13, 2019, is \$2,732.36

NEWSLETTER: Deadline for articles to be published in the August edition of the *Sentinel* is July 26.

WEBSITE: Schlechte reported he is maintaining updates for the AFCON website.

ANNUAL MEETING: Lee reported the UNL College of Journalism will provide their auditorium gratis as our venue for the event and will pay for the cost of refreshments. Moshman made a motion, second by Haller, to approve a budget of up to \$1,000.00 for annual meeting expenses. Motion carried on a voice vote.

ACADEMIC FREEDOM AWARD: A motion was made by Comer, second by Haller, to name State Senator Julie Slama and State Senator Adam Morfeld as recipients of the 2019 AFCON Academic Freedom Award, for Senator Slama's work on LB399, and Senator Morfeld's work on LB206. Motion carried on a voice vote. Moshman volunteered to write the presentation narrative for the two awardees.

NOMINATING COMMITTEE: Lee appointed Wagner, Halley, and Comer as members of the 2020 AFCON nominating committee. A motion was made by Adair, second by Schlechte, to approve the appointments. Motion carried on a voice vote.

## MEMBER ORGANIZATION REPORTS:

Fine Lines – Halley reported the Fine Lines writing camp is being held this summer at Beveridge Middle School in Omaha. The camp is for aspiring writers from 3<sup>rd</sup> grade to adult.

Nebraska State Literacy Association – Comer reported the annual meeting will be held February 20-21, 2020, in Kearney, weather and water level permitting.

Nebraska Library Association – Schlechte reported the Nebraska Library Association's annual pre-conference meetings will be held October 3, 2019, in LaVista. The NLA annual conference will be held October 4-5 at the same location.

ACLU – Lee reported the ACLU annual meeting was a huge success. The ACLU award recipients included State Senator Patty Pansing Brooks.

MEETING SCHEDULE: There will be no AFCON board meeting in August. The next AFCON board meeting will be September 14, 2019, at Eiseley Library, scheduled for one hour. October 12, 2019, will be a combined AFCON annual meeting, AFCON annual business meeting, and AFCON October board meeting, held at the UNL College of Journalism auditorium. The November AFCON board meeting will be a one-hour meeting on November 9, 2019, at Eiseley Library. The December AFCON board meeting will be a two-hour planning session, held at Eiseley Library on December 14, 2019.

There being no further business, the AFCON board adjourned at 11:22am.

Respectfully submitted,  
Peggy Adair, Secretary