



AFCON



Volume 1, Issue 2

Academic Freedom Coalition of Nebraska

April 26, 1997

AFCON OFFICERS

John Bender
President

Mel Krutz
President-Elect

Bob Nedderman
Secretary

Cathy McMurtry
Treasurer

Tom Black
Editor

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble; and to petition the government for a redress of grievances.

U.S. Supreme Court Hears CDA Case

The Communication Decency Act (CDA,) Section 507 of the Telecommunications Act of 1996, became law when President Clinton signed the bill on February 8. It was introduced by James Exon (D-Nebraska.) The Act was a response to concerns about pornographic and other questionable content accessible to virtually anyone with a computer, including minors, on the Internet.

The CDA imposes penalties on anyone who knowingly makes, creates, or solicits and initiates the transmission of any comment, request, suggestion, proposal, image, or other communication that is obscene or indecent, knowing that the recipient of the communication is under 18 years of age. Those found guilty under the law could be sentenced to a maximum of two years in prison and fined up to \$250,000.

The American Civil Liberties Union (ACLU) and a Citizens Internet Empowerment Coalition (CIEC,) including the American Library

Association, filed a lawsuit and won an injunction against implementation of the CDA as part of a ruling in which a panel of three judges in a Philadelphia federal district court unanimously declared the Act unconstitutional.

The federal government appealed the Philadelphia decision to the U.S. Supreme Court which heard the case on March 19, 1997.

At the 70-minute session, the federal government's deputy solicitor general, Seth Waxman, argued that the "Internet threatens to render irrelevant all prior efforts to protect children from indecent material" because it "threatens to give every child with access to a connected computer a free pass into the equivalent of every adult bookstore and video store in the country."

Opposition to the CDA was headed by the ACLU and the CIEC. It is concerned that the Act threatens to criminalized adult speech in newsgroups, email, chat rooms, commercial online services, and the Web about such topics as AIDS, safe sex practices, rape, gay and

IN MEMORIUM

David Stevenson, 1934-1997, long-time NSEA representative on the AFCON Board and a former president, died January 13, 1997, in Kearney.

His dedication to intellectual freedom for faculty, students, and the public was uncompromising. His wit and ingenuity enabled him to deal with controversy and difficult issues without acrimony, gracefully and effectively.

He was active in the NSEA, which represented the faculty at the University of Nebraska-Kearney since the late 1970's, when collective bargaining was first authorized for public higher education. His presence was a force to assure that bargaining contracts included sound standards of tenure and academic freedom.

He was a historian of diverse intellectual interests that crossed disciplinary lines. With AFCON members attending the National Council of Teachers of English, he served on a panel in which he added a historical and theoretical dimension to academic freedom and a balance

CDA: U. S. Supreme Court Hearing: March 19, 1997

(Continued from page 1)
that the language was too broad and that parents could be prosecuted if they did not take enough precautions to keep their children from accessing the material. The CIEC contributed its feeling that the government need not intervene where parents had greater ability to block or screen content on the Internet than on radio or television via filtering software which cost \$30.

Since the U.S. Supreme Court judges seemed to lean against the law on grounds it is overly broad and difficult to enforce, both sides predicted that another round of federal legislation regulating the Internet is inevitable.

Like the CDA, a New York state law that went into effect November 1, 1996, penalizes those who make available on the Internet material to

minors that "depicts actual or simulated nudity, sexual conduct, or sadomasochistic abuse, and which is harmful to minors." Those found guilty of a felony could get up to four years in prison. The ACLU and the American Library Association filed a lawsuit seeking a preliminary injunction against the law.

(News.Com CNET contributed to this article.)

School Board Activities

In Duval (WV) High School, a parent complained that a proposed genetics class taught Darwin's theories about the origin of the species. A school official proposed adding a section to the class that stressed other views of origin besides evolution.

ACLU officials explained to the Board that "schools can not refuse to teach people evolutionary theory in order to avoid offending religious people; nor can they get around the law by labeling as science an article of religious faith."

Several other states, including Tennessee in 1996, have sought to force the teaching of creationism in the classroom. The U.S. Supreme Court has repeatedly struck down those efforts as violations of the separation of church and state.

The Vista (CA) Unified School District recently adopted a policy to ban all public criticism of Board members and the District's Superintendent during the public comment period of the School Board meeting.

The ACLU filed a lawsuit for two District residents who were attempting to question the performance of the Superintendent. The School Board refused to lift the ban. An ACLU official said, "There is no principal more basic than the right of citizens to confront their elected officials in a public forum and comment on their performance." (ACLU News contributed to this

IOWA STUDENTS MAY LOSE FREE NET ACCESS

The Iowa State House voted to end free Internet use at the state's public universities. The measure passed the Iowa Senate last month and now only needs to be approved by Iowa Governor Terry Branstad.

The bill would require university students to pay for Internet access through private companies, rather than receiving free dial-up accounts through the state subsidized Iowa Communications Network.

Students who live in the dormitories will keep free access. The only way that students who live off campus will be able to check e-mail, access grades, sign up for courses, or surf the net for free is by using computers at one of the 23 Institutional Technology Centers on the campuses.

(News.Com CNET contributed to this article.)

A MESSAGE FROM THE PRESIDENT

The AFCON Board scheduled a retreat for April 26 for members and constituent organizations to reconsider AFCON's purpose and direction. When it became obvious that few would attend, Mel Krutz and I decided to postpone the retreat.

AFCON has suffered from a lack of participation by many of its constituent organizations the last couple years. We need to rethink what we are doing

and how we can better meet the needs of those organizations. To do that, however, we must have the participation of those organizations that have not been attending our regular meetings.

We have scheduled a regular AFCON meeting for 10:15 AM, May 17 (a Saturday) at Anderson Library, Touzalin Avenue and Fremont Street, Lincoln. We will try to set a new date for the retreat and figure out a

way to increase attendance. Our goal is to have every constituent organization represented at the retreat by its representative and its leader as well. We also hope that as many of you as possible will attend the May 17 meeting.

If you are one of AFCON's constituent organizations, talk to your representative about what AFCON can do for you and what you expect from AFCON and plan to

RIGHT WING WATCH

The various Religious Right groups were back on familiar ground in recent weeks, attacking public education, bashing gays, working to restrict abortion rights, and railing against the liberal judiciary.

The Alliance Defense Fund included in its latest fundraising letter the intention of ending funding for gay and lesbian support groups on college campuses, "where many of the ideas, attitudes, and conduct that are destroying our country originate."

Pat Robertson via his 700 Club, trashing public education again and urged again the elimination of the Department of Education. He said, "the educational establishment has just ruined our schools... the Education Department was set up as a pay off, if I can use that term, to the teacher's union."

Operation Rescue stated its new anti-abortion campaign is aimed at high schools. They call it "God is Going Back to School."

(People for the American Way

NEWS BRIEFS....

Last June, the Galt School District (CA) entered into a contract with a private business for random, unannounced dog-sniff inspections of lockers, classrooms, vehicles, and communal areas to detect illegal drugs, weapons, and other contraband.

On February 6, the Vice Principal entered a Criminal Justice class and directed the students and teacher to vacate the classroom and leave all their possessions behind for a dog-sniff inspection. One student objected and refused to give up his belongings. Claiming his refusal created a "reasonable suspicion," a Vice Principal took the student to an office and, behind closed doors, searched his pockets, pants cuffs, socks, and belongings. The Vice Principal found no illegal drugs or contraband.

In the meantime, the dog-sniff inspection continued in the classroom. When the teacher began to leave with his personal belongings, he was ordered to leave them. After the inspection the Vice

Principal announced to the whole class that the dogs had alerted a jacket and book bag and order the owners to come forward. A student identified himself as the owner, but refused to submit to a search, unless it was conducted in the presence of a police officer. A policeman was called and conducted a search of the student's pants pockets and cuffs and other belongings. Again, no illegal items were found.

The ACLU filed a lawsuit in U.S. District Court in Sacramento against the School Board and administrators charging that forcing students and teachers to submit to random inspections, without having any basis for suspecting they have done anything wrong, is a clear violation of the Fourth Amendment.

Once again, in Alabama, a U.S. District Judge ruled that the state's "Student Initiated Prayer Law" is unconstitutional.

The state statute provided "voluntary prayer,

invocation and/or benediction, shall be permitted during compulsory or non-compulsory school-related student assemblies, school-related student sporting events, school-related graduation or commencement ceremonies, and other school-related students' events."

An ACLU attorney said "there is nothing 'voluntary' about a grade-school student being told he can either pray out loud with the rest of the class or go stand in the hall."

This is the fourth time, the Alabama legislature has tried to "return" prayer to public schools.

Judge Ira De Ment, in his ruling, observed, "One need not return something that was never absent.... public school students have the right to engage in private religious speech of any type."

(ACLU News contributed to this article.)

In Memorium

(Continued from page 1)

David Stevenson was active in many other ways as a force in the intellectual life of his campus and his state. He served as a President of Interchurch Ministries of Nebraska. For several years he was chair of the United Ministries in Higher Education (UMHE.) This position arose out of his strong support for UMHE in

Kearney, his belief that students needed an anchor in the campus ministry while facing the challenges of their advanced education, and his desire that the ministry be a force in the intellectual life of the campus. His arrived in Kearney in 1966 and was a campus leader before and after its transition to university status.

During his long tenure in his field of history, Stevenson exhibited the principles of scholarship and intellectual integrity which gave the profession meaning. AFCON is very proud to have been one of the organizations which he chose to honor with his energies and support.

AFCON

515 North Thomas Avenue
Oakland, NE 68045.

Mailing
Address
Label

ACADEMIC FREEDOM COALITION OF NEBRASKA

STUDENT FREEDOM OF EXPRESSION BILL LB 539 REINTRODUCED IN UNICAMERAL

Senator Chris Beutler, Lincoln, reintroduced the Student Freedom of Expression Bill (LB 539) in the 1997 Unicameral. The bill will extend to Nebraska high school students the free expression rights they enjoyed prior to the U.S. Supreme Court's 1988 decision in *Hazelwood School District v. Kuhlmeier*. The Hazelwood decision gave principals and other school administrators authority to censor student publications when such censorship was reasonably related to legitimate pedagogical purposes. The vague standard gave school administrators almost unlimited power to censor. LB 539 limits the power of schools to censor student expression in school publications to those instances where it would be libelous, obscene as defined by state law, or inciteful of violence, criminal conduct, or material disruption of the school.

The Education Committee held a hearing on LB 539 in March, 1997; all witnesses testified in support of the bill. Eric German, a Lincoln High School senior, told the legislators that the censorship student journalists experience conflicts with the ideals they learn in civics classes. Emily Taylor, a Bellevue West High School senior, said the bill was necessary so student journalists could write about controversial issues such as the use of marijuana for medical purposes or homosexuality without fearing censorship by high school principals.

Supporters of the bill, including the Nebraska High School Press Association, the Nebraska State Education Association, Lincoln Public Schools, and AFCON, asked the Education Committee to hold the bill in committee for continued action in the 1998 session since the Unicameral is preoccupied with school finance and property tax issues this year.

On April 26, 1997, delegates to the 130th annual Delegate Assembly of the Nebraska State Education Association adopted the following new business item: NSEA will support legislation which clearly defines what types of material may be censored in high school publications.