



AFCON



Volume 1, Issue 3

Academic Freedom Coalition of Nebraska

September 12, 1997

AFCON OFFICERS

John Bender
President

Mel Krutz
President-Elect

Bob Nedderman
Secretary

Cathi McMurtry
Treasurer

Tom Black
Newsletter
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

US SUPREME COURT DECLARES CDA UNCONSTITUTIONAL

On June 26, the United States Supreme Court by a 7-2 vote affirmed the ruling of a three-man federal district court in Philadelphia that the Communications Decency Act (CDA) is unconstitutional.

The court supported the legislative goal of protecting children from exposure to adult material and it provided guidelines for legally pursuing that goal in future legislation. Nevertheless, it found the CDA unconstitutionally undermined the free-speech rights of adults. It ruled unanimously that the law's "patently offensive display" provision which could have applied to speech posted on Web sites or in chat rooms was unconstitutional. The court split 7-2 on the "transmission" condition which made it a crime to "knowingly" send indecent material to persons under the age of 18.

Too, the court concluded that regulations used to censor obscenity in broadcasting do not automatically apply to the Internet. "The special factors recognized in some of the court's cases as justifying regulation of the broadcast media—the history of extensive government regulation of broadcasting—are not present in cyberspace."

The court flatly rejected the Justice Department's argument that the need to protect kids from indecency supersedes an adult's right to have access to such content.

Other comments in the decision spoke to the vagueness of the CDA, and agreed it is the responsibility of parents and educational institutions to protect the children from indecency. Justice O'Connor wrote an opinion that left room open for future regulation when she said eventually technology can create "adult zones" to keep kids out of pornographic areas while letting adults enter freely.

However, the decency issue will soon reappear in the next session of Congress, in state legislatures, and in public library and school board discussions.

NEBRASKA PASSES HATE CRIMES LAW

In June, Nebraska became the forty-eighth state to prohibit hate crimes. Only South Carolina and California remain without statutory prohibitions against hate crimes.

The law states, "A person in the State of Nebraska has the right to live free from violence, or intimidation by threat of violence, committed against his or her person or the destruction or vandalism of, or intimidation by threat of destruction or vandalism of, his or her property regardless of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability."

The following crimes would be among those subject to enhanced sentences under the law: manslaughter, assault, terroristic threats, stalking, kidnapping and false imprisonment, rape and sexual assault, arson, criminal mischief, and trespassing. The law allows hate-crime victims to sue for civil damages and established a state registry of hate crimes.

Although a person would be formally charged with a hate crime, his or her jury would be presented only with evidence on the underlying crime. If the person were found guilty, a judge then would decide whether or not the crime was committed because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, or disability. If that motive were proved beyond a reasonable doubt, the judge would sentence the offender as if he or she had committed the next most serious crime under Nebraska's sentencing table.

Supporting LB 90 was a coalition of religious and minority advocacy groups including the Urban League of Nebraska, the Anti-Defamation League, the Chicano Awareness Center, and the National Conference of Christians and Jews. (The Omaha World-Herald contributed to this article.)

A MESSAGE FROM THE PRESIDENT

September 12 was an important day for AFCON. We held a meeting at the Lincoln Optimists Club Lodge at Branched Oak Lake to consider the future of the organization.

Some of the immediate issues that inspired the creation of AFCON have faded over the years. Our members and constituent organizations wonder what role AFCON should play. Academic and intellectual freedoms remain fragile. They nurture our physical and spiritual lives, but they lack the concreteness of

other rights, such as property rights. And those at the center of the controversies over academic and intellectual freedoms often have raised unpopular points of view. So, even if the academic freedom front seems quiet now, experience tells us that new challenges will arise sooner or later. Therefore, we need some mechanism to help defend these freedoms.

What we needed to consider at our retreat was what roles AFCON should play in protecting academic freedom. Are we an advocacy group? Are we a

repository of information about assaults on intellectual freedom? Are we an educational organization? Are we a mediator?

We also needed to consider what resources we have for playing any of these roles. Some roles may be more difficult than others or may require more money or more specialized expertise than AFCON has. Should we select a role for which we have the resources? Or should we find a niche that needs filling and then set about finding the resources we need to do the job?

We need all the help we can get to answer them. The more people we have involved in this discussion, the greater the likelihood we will reach a productive, sensible conclusion.

— John Bender, President

You, too, can become a participant in these important discussions within AFCON by becoming a member:
 Individual dues—ten dollars
 Organizational dues—100 dollars
 Write Cathi McMurtry,

MINUTES of the AFCON Board of Directors

July 12, 1997—

Jeffrey Lofthus, Norfolk Elementary Principal, presented a proposal to study censorship and challenge activities in Nebraska's public schools. His study would examine the extent of such incidents and determine how the schools handled challenges to educational textbooks, supplemental reading materials, library books, student publications, and musical and drama presentations. AFCON Board members voiced support of the project and will return to their constituent groups to request funds for the study.

The Board also discussed two fund-raising suggestions: to sell censored books at various events around the state and/or to sell appropriately designed t-

shirts.

The Board discussed a complaint of censorship brought by a Nebraskan against a radio station. Members suggested he monitor it and if a suspicious pattern emerged, contact the FCC or AFCON. The Board supported the President's mailing a letter to the board of the Hastings public library regarding its policy on Internet access.

The AFCON newsletter will be published in September, December, March, and June, annually.

Senator Chris Beutler, the sponsor of LB 539, the Student Freedom of Expression Bill, asked AFCON to prepare a plan for increasing support of the bill in the next Unicameral session, 1998.

The annual AFCON conference is tentatively set for Spring 1998. Potential programs would include the results of the Lofthus' study and academic freedom and

August 15, 1887—

Board members discussed having to continue efforts to seek funding from their constituent groups for the Lofthus study, since several groups did not meet during the summer. President Bender will ask Lofthus to prepare a one-page description of his proposal to accompany funding requests.

President-elect Krutz presented a report on her investigations into acquiring books for an AFCON fund-raising sale. Moshman, the ACLU-N representative, suggested a banned book auction for which book stores often donate books.

For the proposed t-shirt fund-raiser, one suggestion concerned having Paul Fell create the initial design of an appropriate academic freedom or censorship image for the shirts.

The Board discussed final plans for the AFCON retreat to be held September 12 at the Lincoln Optimists Club

at 5:30 PM AFCON members and constituent group representatives and their leaders are invited to discuss the future direction of AFCON. All persons should bring their own place settings, a meat to grill, and a potluck dish.

Kathy Stofer delivered a letter expressing the AFCON position of Internet access to the board of the Hastings public library. The library board adopted a compromise in which only a few of the computer terminals for Internet services were to be programmed with blocking software for the use of children.

Moshman described an essay on censorship by Lois Gilbert which appeared in an issue of the Fine Lines newsletter. Kurz will try to get permission to reprint the essay in the AFCON newsletter.

The Board approved Bender's sending a letter to the editor of the Lincoln Journal Star regarding the vandalizing of a book of Jock Sturgess' photographs.

NEWS BRIEFS....

The Hastings, Nebraska, Public Library....

In July, the Hastings public library trustees, hoping to keep Internet pornography away from children, voted to use filtering software on three of the seven library computers in a six-month trial run. People 16 and younger are restricted to those three computers unless accompanied by a parent.

The Nebraska Chapter of the American Civil Liberties Union and the Academic Freedom Coalition of Nebraska had expressed concern on possible violations of First Amendment rights. (Omaha World-Herald)

Pike County Public Schools, Alabama

The Jewish parents, Sue and Wayne Willis, of four school students have sued(August 4) the Pike County (Alabama) School Board and Administration for violating their children's religious freedom, citing dozens of incidents when students, teachers, and school officials persecuted them for being Jewish.

The lawsuit says the district failed to stop the harassment. The children have been victims of religious bigotry and anti-Semitic hate crimes by students, and the faculty, the administration, and school board members have done nothing to stop it.

Examples of persecution suffered by the Willis children include:

- * Superintendent John Key suggested the harassment would stop if the family would convert to Christianity.
- * One teacher said, "If parents will not save souls, we have to."
- * A teacher, thinking it was a gang symbol, refused to let them wear the Star of David while other children wore crosses.

If Hate Groups Come to Your Town

- * Speak up. Silence can be interpreted as acceptance. Make it clear that your community will not tolerate hate.
- * Talk with your neighbors. Many will agree with you.
- * Document hate crimes by reporting them to the police.
- * Assist the victims and support the groups being attacked.
- * Encourage religious and civic leaders to address the problem publicly in rallies and community meetings. Newspaper editors can help by reporting on the crimes and the community's response.
- * Contact the human-rights organizations in your town or state at. Their staffs are a good source of advice.

NEWS BRIEFS....

Liberties" constitutional amendment, H.J. Res. 127.

"Nothing in this Constitution shall prohibit acknowledgments of the religious heritage, age, beliefs, or traditions of the people or prohibit student-sponsored prayer in public schools. Neither the United States nor any State shall compose any official prayer or compel joining in prayer, or discriminate against religious expression or belief.

Compare the concepts of the Istook amendment with the First Amendment in the Bill of Rights in the United States Constitution and to the News Brief about the Jewish family in Pike County, Alabama. (People for the American Way)

Message from the editor....

It is always difficult to learn about issues affecting academic freedom, about censorship and challenge activities in Nebraska's public institutions.

I ask our readers to send documented news about any such incidents which occur in the public schools, libraries, colleges and universities, and community organizations in your area.

In order for our newsletter to truly represent the interests of AFCON—academic freedom in NEBRASKA., we need your help in acquiring items to print for the enlightenment of us all.

Please send your news to:

Tom Black
610 West Park
West Point, NE 68788-1624

tb35925@navix.net

AFCON

515 North Thomas Avenue
Oakland, NE 68045.

Mailing
Address
Label

ACADEMIC FREEDOM COALITION OF NEBRASKA

CENSORSHIP, OR: ALL MY CHILDREN EVER WANTED TO KNOW ABOUT SEX AND WERE NEVER AFRAID TO ASK

We always had an “open shelf” policy in our house, i.e., my children were allowed access to any book on any shelf provided all books were handled with care. I believe that this encouraged my children to be early readers and to develop a great love of books. On one occasion which I remember vividly, it also led to an embarrassing event (for Mom, at least.)

When our kids were between the ages of 3 and 10, a friend and I decided to take them on a mini-vacation. We loaded everyone up and headed for a Holiday Inn. Sometime during this vacation my youngest daughter returned to our room. Just when we were beginning to wonder if she had gotten lost, she came running from the room, waving a book at us and shouting, “Mom, look what I found! There’s nik-ed people in this book!!”

My daughter had discovered my friend’s paperback which was something like a pocket-sized “Joy of Sex.” She may not have been a strong reader at this time but clearly those pictures were worth a thousand words to her!

Now I am NOT a censor. But I do believe firmly that it is a parent’s obligation to provide information to his or her children in appropriate packaging. I made my judgment call and took the book from my daughter, promising that we would go to the library and find books for her to read about this subject. She took home an armload of children’s books which led us to some very interesting conversations.

I know that she spent some time examining that paperback before she shared it with us. Some people might label it “pornographic” due to its sexual content. When I removed this book from her hands, I was not judging the book nor the subject of the book. I had merely determined that this book was not appropriate for my 5-year-old and took what I believed were necessary actions. It was my job to do this and do it I did!

These days the Internet has opened a whole new “shelf” in our house, in our schools, and in our libraries. We are being asked to “monitor” the usage of this shelf in our libraries. I still believe that the “open shelf” policy is the best. It is a parent’s job to monitor what his or her children access, whether it be book, URL, or any other media. As a parent, I am glad that my daughter was not afraid to ask questions and to seek information. As a librarian, I hope all people are comfortable coming to libraries of all types to ask questions and to seek information. This promotes the watchfulness of the citizenry which is espoused on our State Capitol’s walls. It is the stuff of which democracy is made.

Librarians have always encouraged learning. I hope that we do not lose this by succumbing to the pressure being exerted by outside influences. Censorship of any format is the enemy of learning and as such is the enemy of democracy itself.

—Nebraska Library Association Quarterly, Jo Budler