



AFCON



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Academic Freedom Coalition of Nebraska

March 21, 1998

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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

A Message from the President

A MOMENT OF ACCLAMATION: IT'S OUR 10TH ANNIVERSARY YEAR

That makes it a time for patting ourselves on the back, we, all of us, YOU, each member, and each member of each member organization, ALL part and parcel of AFCON, for we have DONE MUCH and come a long way.

A MOMENT OF REFLECTION

It is, even more importantly, a time for reflection and vision, having begun in the tumult of January 1988, the same month that the infamous Hazelwood Decision rocked (but did not stop) intellectual freedom in the schools.

One of AFCON's earliest projects faced that issue. We asked: how could this potential for limitation come about—how could the Supreme Court even consider tinkering with the Tinker Decision of 1969? That standard for academic freedom stated that “students do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” And so we commissioned Randy McCutcheon to find out, sending him to St. Louis County to interview the people whose case it was. It was an ambitious project for our fledgling group, and an important one.

The result was A TANGLED ISSUE: STUDENT FREEDOM OF EXPRESSION, a reader's theater script that presents what happened and why. You are invited to get a copy from AFCON for your organization to enact on this 10th Anniversary Year. Its message is even more relevant today. (See page three.)

A MOMENT OF THE PRESENT

Bob Haller summarized the extensive work of AFCON's first decade in the membership brochure, which you have recently received, and which you are welcome to use in newsletters and releases. Your representatives, the AFCON Board, continue this progress of the promotion of intellectual freedom.

We aren't sure your organization's members know this. Publicity has not been our forte. And so we plan now and in the future to send information directly to newsletter editors in order to help inform all, to elicit response, input, and participation, and to let you know that organizational and individual memberships are money well spent and necessary.

Among present issues that we are working to help resolve are a Nebraska journalism teacher's being reprimanded for student articles dealing with contemporary issues in their experience; students and parents facing vio-

lation of their academic right to grievance and response; an academic freedom issue of gender and diversity; and the academic freedom issue of teachers' professional expertise considered as secondary in reading curriculum choices.

Meanwhile, recently, CATCHER IN THE RYE (sound familiar?) was challenged in a Nebraska high school, and no one asked for help. We hope this is not indicative of the many instances of covert and self-censorship, which undoubtedly exist.

A MOMENT TOWARD THE FUTURE

Your organizational representatives to the Board will be returning a form requesting, among other things, your suggestions for continued Board agendas. One we are currently looking toward the future with is Dr. Jeff Lofthus's study of Censorship in Nebraska Today. The questionnaire is ready to be mailed. His results will have a bearing on future directions, as will the knowledge that censorship's tentacles are not only clutching at valid sections of the printed word, they reach beyond to all that might be a potential target in non-print material, in academic relations, in community outreach and more. We/you are open to the challenge.

MINUTES of the AFCON Board of Directors

DECEMBER 13, 1997—

The Board approved the policy statement “Decisions About Curricular and Instructional Methods.” It will be distributed to the membership and the press. (See page three.)

Moshman presented a memo from Norfolk Public Schools regarding a multicultural inservice day which had a chilling effect on teachers who may need to deal with sexual diversity in their courses.

Moshman presented a summary of an incident at Blair High School involving purported drug searches taking place based on dress and social status. Student complaints were reportedly censored. The school denies the incident. Krutz will write the principal concerning the intellectual freedom implications of denying students free expression of opinion.

Bender addressed an incident at Bellevue West High School involving censorship of two interview stories in the student newspaper. The faculty advisor was told to discourage the students from appealing the principal’s decision to the school board. AFCON will monitor the situation and support the faculty advisor.

Dr. Jeff Lofthus presented a draft of his proposed “Survey of Educational Challenges in Nebraska K-12 Public Schools” and the cover letters and possible presentation venues.

The Board discussed possible spots for the Spring Conference. The State

Department of Education is planning a major conference to launch its reading and writing standards. Trefz will investigate if AFCON can participate in this conference.

JANUARY 24, 1998—

Jeff Lofthus reported Norfolk teacher Mary Zimmer is the Learning Disabilities Teacher of the Year.

AFCON drafted a letter to the Norfolk administration regarding its memo objecting to a presentation about sexual preferences and lifestyles.

AFCON sent a letter urging its use as a mediator in the Blair High School incident.

The Board discussed a pending suit regarding censorship of the school newspaper at Bellevue West High.

Bender will write an editorial on the State Board of Education’s policy on teaching phonics for the Omaha and Lincoln newspapers.

LB539, the Student Freedom of Expression bill, is on General File, but probably will not be advanced this year. Bender will meet with Alan Peterson and other sources to discuss how to approach school boards on this issue.

The Board continued discussion of the Spring Conference. Bender mentioned a possibility of participating with the May 2 conference of the Nebraska High School Press Association.

The State Board of Education has a reading list of books students CAN read. Does this suggest that there is another list of books that can not be used? AFCON

plans to investigate.

FEBRUARY 21, 1998—

Jeff Lofthus hopes to mail the “Survey of Educational Challenges in Nebraska K-12 Public Schools” to more than 1200 Nebraska teachers and administrators. Estimated cost of printing and mailing is \$1622.

The Norfolk Public School Superintendent has circulated a memo that is “friendlier” and that clarifies the school’s stance on a multicultural inservice that included a presentation on alternate sexual preferences and lifestyles.

There has been no response from Blair High School on AFCON’s offer of mediation.

Bender awaits further information from the Bellevue West journalism advisor regarding the pending administrative appeal regarding articles removed by the principal from the school newspaper.

Copies of the AFCON policy statement, “Decisions About Curricular Content and Instructional Methods,” will be sent to members of the Unicameral.

Krutz presented a 1998 calendar and requested organizational representatives to provide dates of state meetings with which AFCON might hold joint meetings.

Bender moved that the AFCON Board meet prior to the Nebraska Collegiate Media Association meeting April 15 and possibly provide a program for the NCMA meeting. Lofthus volunteered to present his survey to NCMA and gather input from the college journalists present.

Krutz asked for volunteers for a membership chair to encourage appropriate state organizations to join AFCON.

Shriner may assist.

AFCON will seek seed money to print T-shirts to sell as fundraisers at state meetings of member organizations. Haller will assist.

Krutz will contact Clara Rottman and Ruth Ann Linus to help plan a 10th anniversary observance for AFCON.

Moshman reported that UNL officials have been stronger in their support of First Amendment free speech in the case of professor David Hibler than in previous years. Other groups, including, the Afrikan Peoples’ Union and the Town Hall Committee of the UNL faculty have spoken in defense of Hibler’s right of free speech while denouncing his actions.

Bender will send a letter of support to James Meiser, UNL, commending the University’s action. Copies will be sent to the Omaha and Lincoln newspapers.

ATTENTION

The position of Vice President/President Elect for AFCON is vacant.

Meetings are in Lincoln on the second Saturday of each month, with no meetings in August or December.

Please, if interested, call or write Mel Krutz
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Decisions About Curricular Content and Instructional Methods

Policy Statement of the Academic Freedom Coalition of Nebraska

1. **Education in Nebraska.** Nebraska citizens have a high level of literacy and educational attainment. The tradition of local option, trust in the professional judgment of teachers, and freedom from political bias which has characterized the history of educational policy-making in the state have made this attainment possible. The maintenance of this tradition is important to the well-being of the state and its schools.

2. **Bases for educational decisions.** Any decision about content of curriculum and/or methods of instruction will favor some topics, perspectives, ideas, facts, and/or methods over others. Such decisions should be oriented toward enhancing the quality of education students receive, with due regard for the right of students not to be indoctrinated.

3. **Responsibility for educational decisions.** Students are best served if decisions about curricular content and instructional methods are based on sound research and reflection on direct experience, unbiased by political or commercial considerations. It is the responsibility of teachers within an institution or system to make professional judgments and decisions about content and methods.

Such judgments and decisions should be made on the basis of (a) research about teaching, learning, and development; (b) expertise about the topics to be taught; (c) knowledge about current practices and the diversity of the student population; and (d) the need for a coherent curriculum and for assessment of student achievement.

School Boards have broad authority over educational policy and finances, including responsibility to (a) represent the community's interest in quality education; (b) protect student rights; and (c) comply with legal mandates. These responsibilities may require substantial attention to educational standards and assessment of students. It is crucial, however, that elected officials refrain from mandating content and method in such detail as to interfere with the professional judgment and academic freedom of those with direct responsibility for teaching.

4. **Recommendations vs. requirements.** In cases where central authorities make specific proposals about curriculum or instruction, it is important to distinguish recommendations from requirements. Recommendations may enhance education by alerting local decision-makers to options that merit consideration, whereas requirements may curtail the quality of education by restricting the autonomy of those in the best position to assess the needs of particular communities and students.

5. **Inclusion vs. exclusion.** Because education is enhanced by the opportunity to consider multiple ideas and perspectives, exclusion decisions are more suspect than inclusion decisions. Thus, although a requirement that teachers address certain topics or present certain ideas or perspectives may be more problematic than a recommendation to this effect, such a requirement is less likely to diminish the quality of education than a requirement that teachers *avoid* certain topics, ideas, or perspectives. A requirement that the reading curricula include instruction in phonics, for example, is less objectionable than a requirement that it consist exclusively of instruction in phonics. Similarly, a requirement that sexuality curricula inform students of the advantages of abstinence is less objectionable than a requirement that they exclude learning about contraception.

Approved by unanimous vote of the AFCON Executive Committee, December 13, 1997. Organizational members of AFCON include: American Association of University Professors (Nebraska State Conference;) American Association of University Professors (UNL Chapter;) ACLU Nebraska; Journal Writers of Nebraska; Lincoln Education Association; Lincoln Public Schools; Nebraska Center for the Book; Nebraska English/Language Arts Council; Nebraska High School Press Association; Nebraska Library Association; Nebraska Press Association. Nebraska State Education Association, UNL Academic Senate.

A Tangled Issue: Student Freedom of Expression

A READERS THEATER For Five Men and Three Women

Written by Randy McCutcheon

Adapted and Edited by Kathryn T. Stofer

A Tangled Issue is a readers theater script for five men and three women and includes stage directions and costume suggestions. It is easily adaptable for classroom performance or stage production.

TO ORDER: First copy, with rights to reproduce: \$10 plus \$2 postage and handling. Additional copies with same order: \$5 each, postage paid. Send name, address, and payment to: A Tangled Issue, c/o Cathi McMurtry, 515 North Thomas, Oakland NE 68045

JOE RAIOLA ON CENSORSHIP AND MAD MAGAZINE

Joe Raiola, MAD Magazine staff member since 1985 and current associate editor, spoke at the Nebraska Library Association pre-conference, sponsored by Nebraska's Regional Library Systems, October 29, 1997.

"Censors miss two fundamental truths," Raiola said. "(1) People fight censorship in order to protect their own right to see and do what they want and 2) Censorship does not work. The proof is in Genesis. If God, the universe's first censor is unsuccessful, what makes humans think they can be successful?"

"Those pushing the concept of the Family Friendly Library, i.e., a library comprised of only material of their selection, are NOT your friends. Their charter says, 'As a branch of the government, the library has the duty to protect the American way of life.' No, protecting the American way of life is the duty of the military!

"The First Amendment to the Constitution protects ALL speech unless, according to the Supreme Court, material is obscene. Who decides obscenity? The dictionary defines obscenity as

"(1) 'Those things which are disgusting and senseless.' On a street in New York City's Chinatown, hanging in a picture window were 20 black cooked chickens hanging by their necks with their heads still on, dripping juice. To some that was disgusting, but it obviously was appealing to others or the storeowner would never have made a picture window advertisement of them. Disgusting to the senses is completely arbitrary.

"(2) 'That which is an aberration to morality.' The question is whose morality? The southwestern U.S. Indians had long

used peyote in religious ceremonies, but its practice was declared illegal by the government. What was sacred and moral to them was not moral to others.

"(3) 'That designed to incite lust.' The list of what may incite lust in someone is unpredictable and endless. Actually 'lust comes from the word 'luster (sic:) to shine and reflect.'

"This year's list of banned books is smaller, only 101 compared to last year's 162, but don't take heart: 25 were banned for sexual content, including The Joy of Sex and Everything About Abstinence. Twenty-four were banned for language, including last year's dictionary; 15 for violence; 9 for inappropriate subjects for young people; 8 for homosexual content; some for being racist; some for promoting Mexican nationalism; The Scarlet Letter for conflicting with community values; and Beaverton, Oregon, banned The Illustrated Encyclopedia of Family Health because of explicit drawings of sexual intercourse positions. The book was put on reserve for Staff use.

"In Nebraska, obscenity is defined as: beyond candor, having morbid interests, which can't be defined. Many religious people believe that 'Cleanliness is next to Godliness,' and thus want to clean things up. Censors would have no 'filth or slime.' However, a baby being born, the best sex, eating, and digesting all have filth and slime. The best of life itself is dirty.

Next issue: How did MAD escape censorship and where did it go? How could a magazine without advertising become the one with the most circulation?

—Cathi McMurtry

MULTICULTURALISM, ACADEMIC FREEDOM: TWO SIDES OF THE SAME COIN

Anyone who has spent the past two weeks in Lincoln is aware that Professor David Hibler has used the University of Nebraska-Lincoln's e-mail system to send his "MUMliterature" to a large number of individuals, many of whom considered the content racially offensive. Cases such as this create the impression that multiculturalism and academic freedom are at odds with each other. Should a university support multiculturalism by restricting the expression and distribution of ideas some deem offensive? Should it instead maintain academic freedom and ignore those offended and excluded by what they consider racist, sexist, or homophobic messages?

Rather than make such a choice, let me suggest instead that choosing between multiculturalism and academic freedom is not only unnecessary but impossible. Multiculturalism and academic freedom are not only fully consistent with each other but are two sides of the same coin. Both involve respect for intellectual diversity—that is, recognition that

divergent ideas and perspectives are inevitable in a multicultural academic community and that the existence of such diversity is one of the strengths of such a community. The challenge is to find creative ways to foster useful discussion and to encourage all members of the academic community to contribute to and profit from such discussion.

Rather than focusing exclusively on the case of Professor Hibler, consider a case that did not generate as much publicity. In the summer of 1995, a UNL ethnic studies class was discussing recent events involving Francisco Renteria. As most Lincolnites will recall, Renteria was arrested for a crime he did not commit; he was unable to communicate with the arresting officers because he did not speak English and they did not speak Spanish; and subsequently he died in police custody.

A white female student in the class expressed the opinion that Renteria had been in the United (Continued on page 5.)

MULTICULTURALISM, ACADEMIC FREEDOM

(Continued from page 4.)

States long enough that he should have learned English. An African American male student responded that her ideas were “ridiculous” and “bullshit” and maintained over the course of the ensuing discussion that he shouldn’t have to listen to such views, and that people like her are what is wrong with America. The female student complained that the male student was personally insulting to her and that his response was the sort that silences women. She insisted that he be punished.

What should be done in a case of this sort? Perhaps the male student should learn to express himself in a more civil manner that would encourage discussion rather than offend others. And perhaps Professor Hibler also has something to learn. But punishing either of them not only would violate the First Amendment but would discourage frank communication about controversial and sensitive matters, which would undermine both intellectual freedom and multicultural education. With this in mind, let me suggest two principles of multicultural academic freedom.

1. The opportunity to seek, receive, consider, express, disseminate, defend, and discuss information and ideas should

not be restricted on the basis of point of view, regardless how alien, upsetting, or offensive the actual or perceived viewpoint may be to some individuals, some groups, or the community at large.

2. Given that education in a multicultural society should promote respect and understanding across cultures, educational institutions should actively foster reflection and discussion about matters of culture, including associated issues of race, gender, religion, ideology, identity, sexuality, etc.

I am not suggesting that following these principles will enable UNL to avoid controversy. But avoiding controversy should not be our goal. As the U.S. Supreme Court explained in *West Virginia vs. Barnette* (1943), “freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order.”

(David Moshman is professor of educational psychology at UNL and a member of the AFCON Executive Committee. He submitted this piece at the request of the Lincoln Journal Star.)

PORN PANIC

STATE SHOULD PROTECT CHILDREN, NOT GO ON A WITCH HUNT

(This article from a February 1998 *Daily Nebraskan* was written by one of its columnists, Anthony Colman.)

Has Barnes & Noble been pandering kiddy porn? Some of our residents expressed their concern over the presence of books of photographs by Jock Sturges on the shelves of our intrepid booksellers. It seems some of Sturges’ photographs were of (gasp) *nude children!*

While some learned individuals might contend that Sturges is a highly skilled artist whose photographs are among the most profoundly insightful and captivating of their genre (and less erotic than a Georgia O’Keefe watercolor,) other vigilant citizens have declared Sturges’ work to be nothing more than masturbation fodder for pedophiles.

Is Sturges’ work merely some nice photographs of a few naked people, or is it pornography? Is it art, or is it obscene? Our legislators are working to deem it obscene.

The Nebraska Legislature is

presently working to revise LB1349, known as the Child Pornography Prevention Act, so that it would more rigorously define the bounds of child pornography. Under the revised law, any compilations of visual depiction of nude children could be defined as pornographic and censurable. Violators would be guilty of a Class IV felony, punishable by up to five years in prison and a \$50,000 fine for each offense.

One can fully appreciate efforts to protect children and teen-agers. We must be committed to providing for them a safe and healthy environment. There is no doubt that sexual abuse of young people is a serious problem. For some children, the effects of such abuse are devastating.

But is there no other way of approaching the problems of child sexual abuse and its prevention? Is the only solution to the problem of child abuse to raise the age of consent and increase the penalties for the manufacture and distribution of child pornography? The laws regarding the sexual exploitation of children and

teen-agers are already clearly outlined and severely punishable. Have we managed to stem the tide of violence of young people? Are our children and teen-agers safe yet?

This has become a classic instance of censorship and infringement of our First Amendment rights. The poor judgment of a minority of individuals with a hyperactive sense of decency has left the rest of us impoverished. Jesse Helms could not have done so well.

If the books in question were obviously obscene in any manner, if it were apparent that persons depicted in Sturges’ photographs were actually exploited, this uproar might be remotely justifiable. But we have nothing more here than some pictures of kids who, in a few instances, happen to be naked. (Cont’d. on p. 6) (Continued on page six.)

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ACADEMIC FREEDOM COALITION OF NEBRASKA

PORN PANIC (Continued from page five.)

Under whose definition does that constitute kiddy porn?

It is easy to pin blame on the evil specter of kiddy porn, make a law, and believe that you've done something good for young citizens. Unfortunately, this sort of legislation does very little, if anything, to address the real dangers present to the young people of our society.

Child pornography is a panic-button issue that incites hysterics rather than rational, critical thought. In our flurry of panic and public outrage over the amoral dangers of child molesters, we've overlooked the very real dangers. The sexual victimization of children by strangers is a scary thought; however, the simple fact is that far more children are affected by the consequences of domestic violence and abuse than are exploited by strangers. Domestic violence, battering, mental and verbal abuse, and neglect constitute very real and pervasive problems for the young people of our society.

According to the National Committee to Prevent Child Abuse, more than 1 million children are confirmed each year as victims of abuse or neglect. And while the overall national incidence rate of child sexual abuse remains unknown, less than 5 percent of those child sexual abuse cases reported to Child Protective Service agencies occurred outside the home.

Focusing on kiddy porn does little to diminish the brutal

treatment of young people. Children and teen-agers are still being sexually abused, beaten, and sometimes put to death by their adult custodians.

Everyone is appalled at the thought of children or teen-agers being sexually exploited or forced to perform sexual acts in front of a camera. However, could our elected representatives' time not be better spent addressing these issues in a more adequate and cogent manner than going on a witch hunt?

If we are sincere about wanting to tackle child abuse, then we need to be more resourceful and willing to more closely examine what issues our children face. We should work to create a more comprehensive plan for dealing with these issues. Abuse takes many forms, and it is difficult to imagine a single act of legislation that could adequately encompass every real problem children and teen-agers face.

It would help if we could better educate parents and young people. As it is, we're afraid to give children and teen-agers the information, power, and support they need to be safe and to control their own bodies. Our fear degenerates into attitudes of sexual repression, leaving our young people ignorant of the dangers they may face. A child has the right to be safe from fear of violence and sexual abuse, and we need to be alert to the real dangers our young people may face.