



THE

# AFCON

SENTINEL



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A Quarterly of the Academic Freedom Coalition of Nebraska

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### 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

Joseph Stimpfl

Several events in Colorado and Georgia will give anyone occasion to consider safety in schools, particularly for those of us who have school-aged children. However, we should all pause a moment before we recommend action. There is often a tendency on behalf of the American public to act quickly to correct our "mistakes." Often times this is overreaction and can lead to a threat to freedom and school success.

Violence in schools is not a new thing. Students in many schools in urban areas are subject to violence in and out of their schools. This has become so commonplace for some of them that it is rarely reported outside of the urban environment itself. Another characteristic of such schools is that they are filled with minority students who are not very successful in the educational system. John Devine, in his book Maximum Security: The Culture of Violence in Inner-City Schools (The University of Chicago Press, 1996,) points out that for many minority students in low income neighborhoods in New York City, the first scholastic act of the day is to be searched for weapons by squads of security guards with handheld metal detectors. The result appears to

be a "distancing" between students and teachers. Schools in fact become like prisons with an atmosphere of fear and distrust that makes education in the traditional sense almost impossible. Even the best teachers and students suffer in such a system.

Certainly that is no "learning" environment. Or at least that is no environment to learn what should be the major objectives of our school: academic excellence, social interaction, cooperation, good citizenship. Before we talk about security guards and metal detectors and uniforms and body searches and strict dress codes, let's consider where this might take us. Probably to a place where censorship is prevalent and unusual behavior is discouraged and controversial topics are forbidden. In short, a police state.

Let's look to correct what is wrong with our children and the culture that brings them to violent action before we impose new rules on schools that can only result in a loss of the freedom so necessary for academic success and positive personal growth.

## Upcoming Events

NSEA Leadership Conference, Kearney, July 26-30  
AFCON Board Meetings, Lincoln, September 11 and November 13  
AFCON Executive Committee Meetings, Lincoln, July 10 and October 9  
Nebraska Literature Festival, Chadron, September 17-19  
NLA/NEMA Annual Conference, October 20-22  
NHSPA Fall Conference, Scottsbluff, October 25

## MINUTES of the AFCON Board of Directors

### Executive Committee, March 13.

The Committee revisited the revision of the AFCON membership brochure as to the information to be presented and the color of the paper. AFCON needs an IRS tax exempt number and a job identification number. Treasurer McMurtry will pursue the matter.

The Executive Committee proposed changes in Articles IV and V of the AFCON Constitution and generally discussed the types and degrees of AFCON membership.

Policy Coordinator Moshman presented a draft on a policy on Sexual Orientation and Academic Freedom. Discussion ensued on Sections 5 and 7 on views of students v. directed comments to students. He will provide revisions for the next meeting.

President Stimpfl outlined the prompt response policy: 1) Any member should forward the item to the president as quickly as possible. The president will either contact the Board or draft a response. The response will be based on policy. 2) The published response will be sent to Board members. The majority of the Board members needs to approve the response. If a majority does not approve, the issue will be deferred to the next AFCON Board meeting.

Stimpfl read a draft on job descriptions.

Treasurer McMurtry reported that four members and two organizations have renewed membership in AFCON, and one new member has joined since the February meeting.

Stimpfl presented to Mel Krutz, immediate past president of AFCON, a certificate of appreciation for her contributions.

Next meeting of the AFCON Board of Directors will be April 10, 10 AM, at the Gere Library, Lincoln

### AFCON Board, April 10

The Board accepted the Secretary's minutes of the previous meeting and the Treasurer's report of a balance of \$2341.30 as of April 9. Of that amount \$1365 are set-

aside funds for the AFCON survey on challenge and censorship issues in Nebraska public schools.

The Board heard a presentation of censorship issues raised in connection with the student newspaper in a Nebraska high school. The Board indicated it would be willing to back the academic freedom of the students and the employment standing of the presenter in the event of further issues.

Black presented copies of proposed constitutional amendments. After discussion, an amendment was adopted to make policy changes and amendments go into effect 45, rather than 90, days after a membership meeting unless overturned by the AFCON Board. Other recommendations: Article V.I treasurer "shall report to the AFCON Board at each meeting of the Board; Article IX.C change "Law" to "Code." One discussion Board's ability to reverse decisions of the membership. Final action on the revised AFCON Constitution was set for the June meeting.

Moshman is writing a pending AFCON policy on sexual orientation. The Board discussed his draft and comments from the UNL Academic Senate Executive Committee which suggested the policy would be better without the examples. Moshman raised the question: does the policy set forth special rights for individuals due to sexual orientation? To avoid such an implication, he proposed to first establish a general policy and then use interpretations of this policy for individual statements. Moshman demonstrated how the Sexual Orientation Policy could be turned into such a general policy by removing sentences referring to the specifics of sexual orientation. He will bring such a general policy to the next meeting, adding some sections which would deal with privacy issues in hiring and due process.

A report was made concerning the forensics team in Beatrice High School. It was reported that the Principal denied permission for the presentation of a skit concerned with sexual orientation.

AFCON sent letters to the Principal asking for more information about the issue. It was reported the students had discussed the matter in the school newspaper and that these articles had not been censored.

Moshman passed out Classroom Crusades and Intelligence Reports from the Southern Regional Poverty Center concerning issues of classroom censorship.

Beckstead reported that the Bellevue case concerning script approval and removal from teaching was lost on appeal. She reported on the Omaha World-Herald notices about the Lincoln Southeast Clarion censorship.

Bender described two cases: one in which a student was forbidden to talk about religion; another in which a student wrote a column about censorship.

McMurtry introduced a policy concerning separation of church and state.

### Executive Committee, May 8

The March 13 minutes were adopted as amended.

The issue of the IRS tax exemption and the Krutz motion on the membership brochure were forwarded to the June Board meeting.

A recommended change in the AFCON Constitution to insure there are always five members on the Executive Committee was discussed.

Krutz suggested topics on which AFCON members could speak. This idea of a speakers' bureau was deferred to the next Board meeting.

The Committee reviewed the draft of job descriptions of officers, chairs, and other titled members of AFCON. The Committee felt job descriptions should be precise and indicate that office holders should agree to what the positions entail and make "strong commitments" to honor their and AFCON's expectations.

(This article appeared in The Pioneer, the student newspaper of Beatrice High School, on March 1, 1999. —the editor.)

## Students deserve respect not censorship!

by Crystal Wiebe

The first amendment of the Constitution gives American citizens freedom of expression. But teenagers, though legal citizens, cannot always fully exercise that right.

On Monday, January 25, 1999, eleven BHS students called in sick to school and went to a legislative hearing at the Nebraska State Capitol. We went to silently stand up for something we believe in. It was a hearing for LB182: The Nebraska Student Freedom of Expression Bill. If it passed into law, the bill's main purpose would be to "prohibit public school officials from censoring student expression in student publications simply because it is too controversial."

Under the current system—put into effect by the 1988 Supreme Court Case, *Hazelwood vs. Kuhlmeier*—administrators (specifically principals) have the right to pre-read high school newspapers before publication. This practice is presently employed at BHS.

It gives the administration the right to cut anything from the paper it deems "offensive just days before the publication date. In case of such an occurrence, student journalists are left with gaping holes in their newspapers and little or no time to fix them.

Although something to this degree has not happened yet at BHS, such instances have devastated students at other schools across the state. My question is this: how close is BHS to such direct censorship?

The BHS forensics team recently suffered a blow of its own. Five students received fourth place at their first competition performing an OID (Oral Interpretation of Drama—ed.) called "Removing the Glove" script which uses left-handedness as a metaphor for homosexuality.

A "concerned" parent found the script—or parts of it—"offensive" and so contacted BHS principal Fred Helmink.

Two of the involved students had a conference with Helmink and offered to revise the script and cut out the most potentially "offensive" parts, but their offer was declined.

Even though "Removing the Glove" won state OID competition a few years ago, BHS students will not be performing it anytime soon.

When Helmink has to become involved with forensics and journalism—things he is not normally a direct part of—tension between him, students, and advisors results even though Helmink is not really the bad guy, but only a representation of it.

Since Helmink began pre-reading The Pioneer last year—I'll be honest with you—he has not been the staff's favorite person. I also know that right now, he is not the forensic team's favorite person either. This is not a pleasant situation for anyone.

Until we, as teenagers, can be trusted with our full constitutional rights—by making laws like LB182 and others like it—"concerned" parents should go directly to "the problem."

If all of those who are "concerned" would take their complaints first to Blaine Christen or Doris Martin (forensics and journalism advisors, respectively) instead of going directly to Helmink, then I guarantee that students' and advisors' relations with Helmink would be a lot less strained.

And also, please bear in mind that you would not like being censored. And if you are "offended" by something, look away. Chances are that it isn't there for the sole purpose of offending you.

Also, I would like to say something on behalf of student journalists. Our intentions are not to see how offensive our writing can be. Some of us will ultimately end up in journalism-related careers. We take our reporting seriously. The same goes for the forensics team. Trust us to have good intentions.

In spite of all this, I understand that some limits have to be implemented. There is no place in a high school setting for expressions that are obscene or libelous. But we must remember that obscene has a clear definition, and controversial is not obscene.

Dr. Wallace Peterson, Regents Professor Emeritus of

## Student Freedom of Expression Act (LB182)

For the fourth time in five years, the Unicameral failed to pass an act allowing students in public secondary schools to exercise their freedom of the press in student publications. Once again it was left dangling on General File. Appearing to have its best chance for passage this year, LB182 cleared committee but fell victim to the rush of action at the session's end.

While encouraging students to exercise their freedoms of speech and press in newspapers, yearbooks, and other school publications, it allowed sponsoring teachers to prohibit materials which were obscene, harmful to minors as defined in Law 28-807, libelous, or likely to incite violence, law-breaking, or substantial and material disruption of the school. Sponsors also could require content to be expressed in a manner consistent with high standards of English, accuracy, and reportorial thoroughness without violating the act. And sponsoring teachers could not be dismissed, demoted, reprimanded, or otherwise punished for supporting student expression consistent with LB182 or with rules adopted by school boards pursuant to the act.

Additionally no school district, board, board member, or employee would be held liable in any legal action for student publications without proof of actual malice.

## IN MEMORIUM

### James A. Lake, Sr.

In 1980, the University of Nebraska-Lincoln initiated an Academic Freedom Award, which recognizes an individual who has made exceptional contributions in defining, supporting, and explaining the application and practice of the principles of academic freedom.

James A. Lake, Sr., was the first person to receive the award in 1980 for his efforts as an unofficial legal counsel for faculty members and his role in writing UNL's bylaws. In an interview after receiving the award, Lake called academic freedom "the heart and guts of the university. I don't see how the university can exist if people who are doing studies are afraid to publish the results."

Later Lake received a more prestigious honor when the University renamed the award as the James A. Lake Academic Freedom Award.

Lake retired in 1991 as a law professor for the UNL College of Law finishing a long and distinguished legal career he began in 1946 as a law clerk for Calvert Magruder, chief judge of the 1st U.S. Circuit Court of Appeals. He then served two years as senior law clerk for U.S. Supreme Court Justice Harold Burton before taking the Nebraska law college position in 1949.

This spring, James A. Lake, Sr., passed away at the age of 71. The Executive Committee of the UNL Academic Senate contributed \$100 from the Friends of the Faculty Senate to the Elmwood, Nebraska, Public Library in his memory.

Economics, was the 1999 recipient of the James A. Lake Academic Freedom Award.

Quoting James A. McShane, Chair of the Academic Senate, "Peterson has deserved recognition both for a single set of activities of exceptional significance and for a lifetime of solid work demonstrating the principles of academic freedom."

"Let me note especially the single extended act of exceptional significance. In the spring of 1971 several threats to academic freedom came into sharp focus at the University of Nebraska. One was the firing of Professor Steve Rozman for his activities immediately after the US incursion into Cambodia. A second was the refusal (on political grounds) by the Regents to honor a recommendation from the UNL Philosophy Department to hire a new assistant professor. Third was the recommendation of two Regents that the University institute some faculty contractual arrangement alternatives to tenure because tenure discouraged diversity of opinion and offered too much protection to extreme positions. In the midst of this swirl of events, Professor Peterson called for a "constitutional convention" to review the University's governance documents to assure future institutional compliance with the principles of academic freedom. A month later (April 1971) the Senate endorsed his resolution. The consequence was a reexamination of the University Bylaws by a committee whose early meetings he chaired and whose procedures were developed under his leadership."

"The outcome of this work was a new set of set of Regents Bylaws which have served as a kind of beacon warding the participants in UNL governance away from the shoals precipitant and merely politically based judgements."

### Nebraska Intellectual Freedom Handbook

For years this handbook has been published and distributed by the Intellectual Freedom Committee of the Nebraska Library Association and the Nebraska Library Commission. It is an indispensable document for librarians, school teachers and sponsors, or anyone who may face a censorship challenge. Now the ENTIRE Nebraska Intellectual Freedom Handbook may be viewed and printed from the Nebraska Library Commission home page: <http://www.NLC.state.ne.us/freedom/intellectfree>

#### FOR SALE BY AFCON

T-shirts with a Paul Fell "banned books" design; Sizes M, L, XL, XXL, XXXL; \$15.00. Packaging and postage: \$2.00 each.

Note cards with a Paul Fell design; \$1.50; four for \$5.00. Packaging and postage: \$0.75 per packet.

Reader's Theatre Script of a TANGLED ISSUE: Student Freedom of Expression. \$10.00 buys the rights to produce and duplicate. Packaging and postage: \$2.00 each.

Send orders to Mel Krutz, 2625 Bluff Road, Seward, NE 68434-9801

## Academic Freedom Narrowly Preserved in Vote by Hastings Public Library Board

In February a Hastings couple requested that forty books on ghosts, witchcraft, and other eerie things be relocated or removed from the shelves of the Hastings Public Library.

After considering a recommendation by a citizens committee and conducting a public hearing, the Hastings Library Board voted 3-2 in favor of leaving the books where they are.

At the public hearing, the couple said it was not requesting that the books be moved for religious reasons, but still cited Scripture and said the books must be moved to an appropriate area to protect the children. The couple was concerned that children in the library were not supervised and that a child of any age could read the disputed books, some of which had gruesome illustrations, such as sacrifices.

Six citizens at the hearing opposed removing the books. One said it would amount to censorship to remove them and he wondered where that would stop. Another compared a library with a grocery store and said, "You shop at the library, too. You discern what you want. Without evil, how do we know goodness? Without darkness, how do we find light?"

## U.S. Supreme Court Denies Final Court Hearing for Drama Teacher

Last fall, the Supreme Court refused to hear the appeal of a North Carolina high school drama teacher who was involuntarily transferred from her job after community members complained about a play performed by her advanced acting class. The play, "Independence," centered on the relationships within a dysfunctional, single-parent family. Prior to performing the play in regional competition, where it won 17 of 21 awards, Margaret Boring had informed school officials of her selection.

Citing the Supreme Court's 1988 Hazelwood decision, the appellate court said Boring enjoyed no First Amendment protection when it came to selecting, producing, and directing a school play with controversial content.

The Supreme Court majority found that each and every curricular decision is "by definition a legitimate pedagogical concern" over which school officials have ultimate control. The decision will be binding on courts in the Carolinas, Maryland, Virginia, and West Virginia.

## Exhibits on Censorship in Public Schools, Libraries, and Colleges and Universities

If you are planning a program for Banned Books week, you might consider purchasing Censorship in Schools and Libraries for \$35.00.

The exhibit contains 28 11" x 14" illustrations with accompanying text. This history of censorship in public secondary schools and public libraries highlights incidents of censorship in the U.S. over the last 100 years. Included are descriptions of the censorship of Adventures of Huckleberry Finn, The Catcher in the Rye, The American Heritage Dictionary, and the novels of Judy Blume. U.S. Supreme Court and lower court decisions regarding censorship are an integral part of the exhibit. The national campaign of the Religious Right to censor several reading series, health education information, gay literature, and environmental efforts are documented. Supreme Court and lower court decisions are included.

If you are planning a program for the 1999-2000 academic year, you might consider purchasing Censorship in Public Colleges and Universities for \$39.00.

The exhibit contains 23 11" x 14" illustrations with accompanying text. The exhibit begins with McCarthyism in the 1950's and continues with illustrations and descriptions of censorship of student organizations, guest speakers, and art and theater programs. Among the eleven incidents is a recent case charging a faculty member with sexual discrimination in the classroom.

The second part of the exhibit focuses on censorship of the college press from the early 1960's. Using resources from the Student Press Law Center, the college press archives, and college libraries, the exhibit presents a variety of incidents of censorship by administrators and students (including the alarming trend of censorship by newspaper theft.) The efforts of many campus newspapers to protect their First Amendment rights are recorded. U.S. Supreme and lower federal and state court decisions are cited.

These exhibits are available by a requesting letter or a purchase order from:

Donald Parker, Co-ordinator  
Long Island Coalition Against Censorship  
P.O. Box 296  
Port Washington, NY 11050.  
Telephone: 1-516-944-9799

# AFCON

515 North Thomas Avenue  
Oakland, NE 68045.

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## 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** (\$100) entitles the organization to one seat on the AFCON Board and one vote in the election of officers and at the annual meeting, provides newsletter subscription for the board member to share with the organization's information director and reduced rates to AFCON conferences for its members.

**Organizational Affiliation** (\$25) provides newsletter subscription and reduced rates to AFCON conferences for its members.

**Individual Membership** (\$10) 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**