



THE

AFCON

SENTINEL



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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—Linda Beckstead

The delicate but necessary balance that journalism teachers and administrators must achieve is what permits high school journalism programs to thrive.

However, at times, the journalism teacher and administrator may appear to coexist for separate causes. The journalism teacher strives to teach skills ranging from writing to photography, graphics to advertisements, in the same publication classroom. The culmination of those skills results in an edition of the school newspaper or the publication of the school annual. Similarly, the administration supports the teaching of those skills, and the successful publication of the newspaper or yearbook. The perspective shifts, however, in the area of content.

Ultimately, content is what establishes a school newspaper. Students and their advisers know it; so does the administration. High school newspapers have become very sophisticated in the past 10 years. With the advent of desktop publishing capabilities in most classrooms, students and teachers have become quite skilled in displaying their product. Equally, the quality of publication content continues to improve.

If high school teachers feel challenged to create lessons that attract the attention of Gameboy/Nintendo savvy pupils, student journalists feel similar pressures. They must write stories and design pages worthy of the time of their peers. And the standards of quality are high. Students want to write interesting stories, stories that create change, stories that cause awareness. One of my student editors wrote in an essay that her goal was to tap into the student psyche to stimulate thought via the student newspaper. In many ways she was successful. One of her best efforts was to write about abusive high school relationships—a topic that she

hoped would cause school lunch and home dinner table conversations. A topic she hoped would cause interventions.

Each year, in addition to less traditional stories, students enjoy pursuing stories that are new to them, but old to us adults. Alcohol, smoking, and sex rank among the most popular. These could become redundant stories but thankfully, the angles continue to change. Students also want to pursue topics that require depth in interviews and research, but regardless of the topic, some stories may not bode well with administration who sometimes see the school newspaper as another opportunity to gain public support. And after tackling censorship issues in my own school, I've realized that administrators are under great pressure to "sell" the school to the student and parent consumers who currently have the option to select the school district of choice.

About seven years ago, the administration removed two stories from my students' school newspaper; one was about a student who practiced Wicca and the other was about a gay student in a military family. Our board policy allowed students to challenge content censorship, and although I wanted to challenge the administrator's decision, I adjusted my curriculum to allow students to pursue a challenge to the censorship. In hindsight, the revised curriculum provided the students with a rich study of journalism. The end result was a 100-page student-authored document containing newspaper articles, local, state, and national letters of support—including several from AFCON members, surveys, and a rebuttal using precedent U. S. Supreme Court decisions, including *Hazelwood*, to challenge the censorship.

By May, the principal reversed his decision and respect for the journalism program grew.

(Continued to page 3.)

Upcoming Events

AFCON Board Meetings, April 13, May 11, June 8
Call Tom Black, 402-372-2341 for meeting location

MINUTES of the AFCON Board of Directors

January 12, 2002—

Linda Beckstead opened the meeting as the new AFCON President.

Ball and Lee moved to approve the November minutes. Three new member organizations have joined AFCON raising the treasurer's balance to \$1399.25. Ball and Moshman moved the approval of the report.

The Board was reminded that a variety of AFCON materials are available for conferences. Members of organizations hosting the conferences in which AFCON mans a recruiting/informational table are encouraged to assist the operation.

Adair read LB 982—the Americanism Bill. It has significant changes from the Nebraska Patriotism Law. Adair will monitor the bill for AFCON.

The Board dropped the subcommittee structure from the agenda.

Moshman's article on Americanism will appear in the *Lincoln Star-Journal*, January 14. (Read his article on page 4 of this newsletter—the editor.)

Beckstead related the basic facts of the controversy surrounding the Omaha Central High School newspaper—the *Register*. Moshman will draft a letter supporting academic freedom of the newspaper to be sent to the advisor with a copy to the school principal. (Read Moshman's letter on page 3 of this newsletter—the editor.)

Beckstead thanked Dwayne Ball for his year's service as President of AFCON. The Board gave him a standing ovation!!

Beckstead reviewed organizational goals for the year.

Ball will update the AFCON website: <http://firefly.unl.edu/afcon/> with Barbara Cornelius assisting. The 2002 Annual Meeting will be

placed on the February meeting agenda. September 21-28, 2002, will be Banned Books Week. Haller will send membership reports to the Nebraska State Board of Education. The AFCON Board reviewed meeting dates. Regular meetings in 2002 will be the second Saturday of every month except August.

The Board decided to try meeting at the Loren Easley Branch Library.

Election results were announced: Linda Beckstead, President; Laurie Lee, President-Elect; Peggy Williams, Secretary; and Cathi McMurtry, Treasurer.

Krutz announced an online index of documents attacking free expression can be found at www.ncac.org/issues/freex911.html.

February 9, 2002—

Ball and Lee moved acceptance of the Treasurer's Report showing a balance of \$1210.48. Moshman pointed out that it is time to send dues notices to member organizations.

Beckstead distributed board member representative lists, with contact information. In a round of membership reports, Ball asked ACLU-NE to look for ways of limiting the effects of LB 982 on constitutional grounds, but none was found.

Nebraska Unicameral LB's 982, 1082, and 1083 were discussed with written descriptions provided by Adair. Ball and Lee moved that AFCON provide testimony against LB 982 on February 12, 2002, at the Judiciary Committee hearing, on grounds of micro-managing public teaching, acceding to the idea of "free markets" as a necessary component of Americanism, and asserting control over the curriculum of private schools. Ball and Lee further moved testimony be presented against LB 1082 because the definition of bullying is overly broad and ill-defined,

with potential to harm students due to expressions of opinion or thought alone. Haller volunteered to provide the testimonies. (Read Haller's testimony on LB 982 on page 5 of this newsletter—the editor.)

Moshman presented the following: a) his opinion column on the Americanism law and its amendment LB 1082 which appeared in the *Lincoln Journal-Star* on January 14, 2002; b) a response to the American Council of Trustees report criticizing and listing U.S. university faculty who have spoken out in some form against restrictions of liberties due to the war on terrorism. The response was by a group called Tattletales for an Open Society; c) a story about an organized children's foot race run in a town in Pennsylvania in which the police refused to protect it because of a Harry Potter theme; d) the firing of a University of South Florida professor of Palestinian origin due to an alleged disruptive effect of his speech on the campus; e) a letter Moshman composed on behalf of AFCON to the principal of Omaha Central High School regarding a student publication.

Lee and Ball offered to work on planning an AFCON table at Big Red Day at UNL. Ball and Lee moved that \$500 be set aside for expenses associated with Big Red Day.

Kubicek and Krutz volunteered to do a feasibility analysis of a Banned Book Festival. Discussion ensued.

Ball and Blair moved the expenditure of \$50 for an advertisement in the May 23 ACLU-NE annual dinner program.

The AFCON board voted to hold its March meeting at the new Loren Easley Branch Library in northwest Lincoln as a possibly permanent site for the monthly meetings of the AFCON Board of Directors.

CORRECTIONS: In the December 21, 2001, edition of the *Sentinel*, please note the following errors:

Page 2, November 10 Minutes, the name of Krutz (Mel) was incorrectly spelled three times.

Page 7, third column, second to last paragraph: the second "rote" should be "hate," as in "That all our sons and grandsons, daughters and granddaughters never face being forced into a rote school that teaches only **hate**"

PRESIDENT’S MESSAGE (Continued from P.1.)

However, the year was privately a difficult one. The following is an excerpt from an article I wrote about the incident:

“Job anxiety, stress, and administrative indecision made the year a difficult one for me. I lost my naïve notion that censorship happens at other schools, and to other advisers. My personal challenge, however, came in the form of how, and to what degree, I would support my students. Sadly, my support was not seen as a natural consequence of my profession but as a challenge to administrative authority

My principal must have faced similar hardships. Bellevue is a conservative district and the articles challenged strongly-held beliefs about lifestyles, religion, family, and tradition . . . I can empathize with his need to be objective and yet honor so many audiences.”

Despite the incredibly tense relationship between my principal and me that year, our professional goals seem to be shared now. We work together to battle censorship and maintain an open and honest line of communication. Most recently a challenge to the newspaper came this fall following an article about two students who are gay and “out” in the school. This time the challenge came from several teachers who ignored protocol and spoke to the assistant superintendent about the article. To my relief, the strongest defender was the same principal who censored a similar article five years ago. And right behind him were four department chairs who put the support of the student newspaper on their monthly agenda.

The balance that the journalism teacher and administration must establish begins with open and honest communication. Both should strive for student publications that encourage in-depth and fair reporting and sound writing. Finally, neither should fear content. Well-written, meaningful stories, coached by a trained journalism teacher, are powerful ways to show by example excellence in education.

**Letter to Omaha Central High School Principal
Approved by AFCON Board**

February 15, 2002
Omaha Central High School
124 North 24th Street
Omaha, NE 68102

Dear Dr. Thompson:

The Academic Freedom Coalition of Nebraska (AFCON) has been greatly concerned about the ongoing controversy with regard to the *Register*. Although we do not doubt your responsibility for the quality of education at Omaha Central, we consider it crucial that administrative authority always be exercised in a manner consistent with principles of academic freedom.

With this in mind, we are enclosing AFCON’s Principles of Academic Freedom. We urge you to ensure

(a) that the *Register* remains a genuine forum for student expression (Principle 3;)

(b) that the *Register* continues to encourage and promote free inquiry (Principle 4;)

(c) that Omaha Central’s journalism curriculum remains under the control of journalists acting on the basis of journalistic standards rather than coming under the control of administrators or others who are likely to be motivated by presenting a positive image and avoiding controversy (Principle 5;) and

(d) that challenges to the journalism curriculum are addressed in a manner consistent with respect for curricular integrity and the academic freedom of students and teachers (Principle 6.)

We are well aware that the application of principles such as these to actual issues and controversies can be both

intellectually and politically challenging. We hope you won’t hesitate to call on us if we can by of any assistance, now or in the future. You can call me at (402) 472-2226, email me at <dmoshman1@unl.edu>, or write to me at Department of Educational Psychology, 230 Teachers College Hall, University of Nebraska-Lincoln, NE 68588-0345.

Yours truly,

David Moshman
AFCON Policy Coordinator

cc: Superintendent John Mckiel
Matt Deabler, Journalism Advisor
Matt Wynn, Editor

Have I caught you reading this newsletter and enjoying it?? Have I discovered that you are not a member of the Academic Freedom Coalition of Nebraska?? Are you one who believes you should be informed about threats to First Amendment rights?? Then accept our offer to join AFCON. Learn how by reading the information on the last page of this newsletter!! (The editor)

“Americanism” and Intellectual Freedom

By David Moshman

Among the most paradoxical results of the events of last September 11 are the simultaneous increase in (a) rhetorical support for American freedom and (b) extraordinary restrictions on the freedoms of Americans. Intent on doing their part, schools across the country have redoubled their efforts to indoctrinate students in American values, oblivious to the fact that freedom from indoctrination is itself a core American value.

In Nebraska, the State Board of Education has rediscovered Nebraska’s 1949 Americanism law and has rewritten accreditation standards to force compliance with some of its most unAmerican provisions. With this in mind, let me recall a bit of history.

In January 1942, seeking to foster “the ideals, principles, and spirit of Americanism,” West Virginia mandated that teachers and pupils in public schools regularly salute the flag and pledge their allegiance. All over the country, young Jehovah’s Witnesses refused to participate in such rituals. To their families, the salute and pledge violated God’s commandment in Exodus: “Thou shalt have no other gods before me . . . Thou shalt not bow down to them nor serve them.”

The national crisis over compulsory Americanism soon reached the U.S. Supreme Court. In *West Virginia State Board of Education v. Barnette* (1943,) the Court rejected indoctrination as inconsistent with the constitutional basis for democratic self-government:

“There is no mysticism in the American concept of the State or of the nature or origin of its authority. We set up government by consent of the governed, and the Bill of Rights denies those in power any legal opportunity to coerce that consent. Authority here is to be controlled by public opinion, not public opinion by authority.”

Without questioning that “national unity is the basis of national security,” Justice Robert Jackson observed that the promotion of national unity could proceed via “persuasion and example” rather than “compulsion.” Efforts to “coerce uniformity of sentiment” were unnecessary and dangerous:

“As governmental pressure toward unity becomes greater, so strife becomes more bitter as to whose unity it shall be. Probably no deeper division of our people could proceed from any provocation than from finding it necessary to choose what doctrine and whose program public educational officials shall compel youth to unite in embracing.”

Coercive efforts to achieve unity, the Court warned, would undermine the legitimacy of schools. Instead, public schools must respect democratic principles of intellectual freedom: “Free public education, if faithful to the ideal of secular instruction and political neutrality, will not be partisan or enemy of any class, creed, party, or faction.”

But what about the community interest in social cohesion and patriotic commitment? Diversity and liberty, insisted the Court, are not threats:

“We apply the limitations of the Constitution with no fear that freedom to be intellectually and spiritually diverse or even contrary will disintegrate the social organization,. To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds.”

Six decades later we have forgotten that democracy requires intellectual freedom, and is thus inconsistent with forms of schooling that, as Justice Jackson put it, “strangle the free mind at its source.” At least in a time of national crisis, we think, core patriotic commitments must be inculcated directly and must remain unquestioned. Differences of opinion are still permitted but only within a range of politically acceptable views.

We should know better, Intellectual freedom is not a luxury to enjoy when times are good. On the contrary, we need it most when times are tough. Writing in the middle of WWII, Justice Jackson courageously acknowledged the breathtaking scope and depth of the First Amendment.

“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.

“If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not occur to us.”

(David Moshman is a professor of educational psychology at the University of Nebraska--Lincoln and policy coordinator of the Academic Freedom Coalitions Of Nebraska.)

FOR SALE BY AFCON

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

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

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 book with rights to duplicate the script and produce the play. Packaging and postage: \$2.00 each.

AFCON SPEAKER'S BUREAU (As December 2001)

Dwayne Ball: "Threats to Academic Freedom at Universities"
3120 Jasper Ct., Lincoln, NE 68516
adball@alltel.net

Linda Beckstead: "Freedom of Student Press Issues"
611 North 42nd Street, Omaha, NE 68131
BecksteadL@aol.com

Bob Haller: "Money Talks: Ideas in the Political Process"
and "Religion, Intellectual Freedom, and the University"
4000 S. 56th St., Lincoln, NE 68506
rhaller1@unl.edu

John Bender: "The Nebraska Student Freedom of Expression Bill"
3609 S. 20 St., Lincoln, NE 68508
jrbender@unl.edu

David Moshman: "Principles of Academic Freedom" and "Student Rights"
1901 Pepper Ave., Lincoln, NE 68502
dmoshman1@unl.edu

Presentation of the Readers' Theatre production of A Tangled Web: Student Freedom of Expression (a cast of adults and students)

AFCON Testimony against LB 982 by Robert Haller

My name is Robert Haller. I appear here (Unicameral Judiciary Committee) today (February 12, 2002) on behalf of the Academic Freedom Coalition of Nebraska, an organization representing 13 educational and media organizations. AFCON, by a vote of its Board, is opposed to LB 982 on four grounds:

First and most importantly, this bill represents a detailed specification by the Legislature of the content of school curricula so extensive as to limit the professional judgment of the teacher and the local school system, and thus restricts the school's and the teacher's academic freedom and the effectiveness of the classroom environment. Senator Ernhart has indicated that the list is not intended as a mandate and is subject to modification by the State Board in its instructions and by Americanism committees. But these are not the teachers who have to devise the lesson plans, and who need room to maneuver.

AFCON and its constituent organizations are certainly in favor of the aims of the bill. We are pleased when any curriculum includes attention to the First Amendment and to its effectiveness in supporting the freedom of intellectual inquiry in the schools and public life of the community. Similarly we

support the emphasis on the primary texts of this country's founding and history, direct confrontation with the words of our first and later leaders in the various branches of government. But we believe that a literal attempt to fulfill all the provisions of the bill would leave little flexibility for schools and teachers to pursue citizen education and the other aims of the curriculum in a manner suited to the school and the community.

Second, we believe the bill, like the Americanism law in which it is embedded, fosters indoctrination rather than education, in a way contrary to traditional American values. It is certainly one of the functions of the common schools to foster citizenship, and the reading of and focus on major documents and events of American history are essential to this task. But our founders came to the basic ideas of our country by resisting indoctrination and thinking for themselves, and it is still in the American character to resent the attempt to impose a single way of thinking on us.

Third, the bill would impose its standards on non-public schools, perhaps in violation of conscience or in unintended ways interfere with the mission of non-public schools. It is in keeping with American values that we allow non-public schools to join with the public schools in the mission

of citizen education. But there may be instances where the requirements of this bill will force a private school to defy the law in compliance with conscience.

Fourth, on a particular matter. The inclusion of the "free-market economic system" among the values of Americanism is a controversial move which seems to imply that Nebraska's public power, for instance, is contrary to American values. The term "free market" does not appear in the Constitution or any of our revered documents, all of which emphasize human freedoms and let markets fend for themselves. Although there are many who see "free market" when they read these documents, the interpretations of what that term covers often run counter to American practice and conflict with the democratic values espoused in the founding documents.

For all of these reasons, we urge the committee to reject LB 982 and to depend upon the Department of Education, local school boards, and teachers working with parents and students to continue to improve citizen education without the burden of mandates excessive in their detailed requirements.

REQUEST FOR NEWS FOR FUTURE ISSUES

The editor of the AFCON SENTINEL invites all AFCON individual and organizational members to send news about academic freedom issues in Nebraska or editorial comments for this newsletter and/or announcements of organizational meetings for the UPCOMING EVENTS column. Due date for submissions to the **June 14, 2002**, issue is **May 27, 2002**.

UNIVERSITY REPORT

BY Dwayne Ball

This column, which I hope to make a regular feature of the AFCON *Sentinel*, will report on incidents involving academic freedom at universities. I'd invite anyone to contribute whatever they've heard or read. My sources at present are the news media, the Chronicle of Higher Education, and the public interest groups FIRE (Foundation for Individual Rights in Education; www.the-fire.org) and the ACLU (American Civil Liberties Union; www.aclu.org.) Obviously, I cannot report on everything, I hear, but these incidents below are a taste of what is happening in the rocky world of academic freedom in the academy.

Orange Coast College: Professor Kenneth Hearlson has been reinstated in his job eleven weeks after being suspended without a hearing. He was accused of offending four Moslem students in a post-9/11 lecture by referring to them as terrorists. Luckily for him, the lecture had been taped by other students, who came to his defense, along with several media organizations and FIRE. Hearlson simply did not say the things he was accused of, and yet the College only grudgingly returned him to his post with a letter of reprimand. The Moslem students still insist he should be "taught a lesson," even if they lied about his statements. The more serious question here is, of course, "Why did the College even take action over what was allegedly said in a classroom without giving benefit of the doubt to the accused? Don't they realize that this sort of thing encourages witch hunts? [TV news magazine *48 Hours*, FIRE, and various news media]

The American Council of Trustees and Alumni (ACTA) issued a report condemning U.S. universities for being the "weak link" in America's response to terrorism. ACTA's most prominent guiding lights are Lynne Cheney, the Vice-President's wife, and former Democratic Vice-Presidential nominee Senator Joseph Lieberman. The report ("Defending Civilization: How Our Universities Are Failing America and What Can Be Done About It" (<http://www.goacta.org/Reports/defciv.pdf>), in its early version, named specific professors who had criticized the U.S. reaction to, or blamed the U.S. for, the September 11th terrorism. This provoked an immediate reaction from a

number of quarters that the naming of professors who had spoken out was kind of McCarthyism. In fact, it is not — no action or investigation against them individually was proposed — but it is nonetheless too close to McCarthyism for comfort. ACTA removed the names from subsequent versions. [ACTA website and various news sources]

Columbia University's Sexual Misconduct Policy: Remember the old "Saturday Night Live" news sketch, when Chevy Chase used to say, ". . . and Francisco Franco is still dead?" I have a feeling we will be saying, ". . . and Columbia's sexual misconduct policy is still alive . . ." for many years to come. Columbia has been slowly backing off of this egregious violation of the due process rights of male students since it was put in place last year, and now has at least included a presumption of innocence lacking from the original. However, an accused student may still not face his accuser, be present for the accuser's testimony if she doesn't want him there, cross-examine the accuser, be represented effectively, submit an effective appeal, discuss the case with the press or anyone else not approved by policy, or be tried by his peers — the jury panel must be specially "trained" in recognizing the nuances of sexual harassment — common sense is not allowed. And this policy is being held up by some feminists as a "model" for policies elsewhere. [FIRE]

The University of South Florida

(USF:) has fired tenured professor Dr. Sami Al-Arian, a pro-Palestinian activist, on the grounds that reaction to his views disrupted the University. Dr. Al-Arian appeared on a news show post-9/11 and was accused of having ties to terrorists, which he denied. Please note that no one accused Dr. Al-Arian of anything illegal, or even violations of university policies, although he had certainly expressed unpopular views sympathetic to the Palestinian cause. In the hysterical aftermath of 9/11, USF received angry letters, e-mails, phone calls, and threats of violence. Showing a now-familiar Jello-like spine, and justifying their action entirely on the grounds of unsubstantiated accusations about his claimed ties, and the fact the business of USF was allegedly being disrupted by this mere presence, USF fired him. [multiple news sources]

Academia Nuts: (Don't read this paragraph if you are easily offended.) On the lighter side of academic foolishness — and by "lighter side," I mean no one is in danger of losing his job or career — there is Ohio Wesleyan. The rugby team was ordered to stop wearing t-shirts that said, "We may not go down in history, but we'll go down on your sister!" Fair enough, if we are all going to be sensitive — the Women's Center was outraged at the implied objectification of women. But strangely, the women's swim team, coached by Richard Hawes, Jr., are still wearing t-shirts that say, "We swim for dick!" At Ohio Wesleyan, there is no Men's Center to express outrage, I suppose. [Chronicle of Higher Education 1/11/2002]

AFCON

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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, and eligibility for office and chairing standing committees and provides newsletter subscription for the board member to share with the organization's information director 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**