



THE

AFCON

SENTINEL



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A Quarterly of the Academic Freedom Coalition of Nebraska

September 21, 2002

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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

There is no debating the issue in the public school system where I teach; God will continue to be acknowledged in the Pledge of Allegiance. This sentiment was underscored by video memories to the tune of "God bless America" at our district meeting. Yet, in that darkened auditorium, watching clips of experienced educators in their classrooms, it was the young male teacher in front of me who left during the song and returned when it was over that I noticed.

Although this teacher's absence could be explained with the need for a quick break, I wondered about those teachers and students whose religious beliefs were challenged by this district's emphasis on God.

The zeal for patriotism in this post 9-11 society lacks tolerance for those things different. Challenges to long-standing traditions, such as that to the Pledge of Allegiance this summer, interrupt comfort zones.

The symbolism of the United States flag is powerful. American flags line many city streets beginning Memorial weekend and continue to fly throughout the summer. And for the first time in my memory, flags adorned cars following the September attacks last year. Our JROTC students ceremoniously raise the flag at our school each morning, and our country flies the flag at half-mast to mourn the death of a national hero.

Yet, a school system should acknowledge the various religions in its building in a balance that both honors the Pledge *and* those religions that prohibit its members from making oaths to the flag.

The lessons in civics regarding the flag are abundant. Students could learn about the historical period in which the Pledge of Allegiance was created in 1892 and later amended. Stu-

dents could debate whether Francis Bellamy, the author of the Pledge, would have approved of the 1954 decision by Congress to add the words "under God." Students could analyze the influences of the Cold War era and the effort by Congress to distinguish the American system of government from communism.

Students could also consider the *West Virginia State Board of Education v. Barnette* (1943) case in which the U.S. Supreme Court said that students could be exempt from reciting the Pledge. The decision was prompted by Jehovah's Witnesses who said that the Pledge violated their religious beliefs about oaths. By studying the case, students could examine Supreme Court papers and the history and alterations of saluting the American flag.

It would also be useful for students to study more closely the religious backgrounds of our Forefathers. Debates on the interpretation of our Constitution often infer that our Forefathers were of the same religious mindset, which is simply an untruth.

Several years ago, a public service commercial encouraged teens to stay in school, saying that learning is cool, and that knowledge is power. It's true; knowledge is empowering. The best civics lesson would then be to teach our students about the creation and amendment of the Pledge of Allegiance and their Constitutional rights regarding it. Patriotism and separation of church and state should not be in conflict. We should respect those students who say the Pledge of Allegiance *in addition to* those who respectfully decline to recite the oath. And those who assert their Constitutional right to abstain should not be viewed with suspicion but as Americans who are availing the privileges granted in this democratic society.

Upcoming Events

Banned Books Week: September 21-28

AFCON Board Meetings: October 12, November 9, December 14
Loren Eiseley Library, 1530 Superior, Lincoln, Nebraska; 10 AM

Summaries of AFCON Board of Directors' Meetings—David Kubicek

June 8, 2002—The Board approved the May minutes as corrected and accepted the treasury report of \$1,533.03.

David Moshman reported on a photography instructor who used the school laboratory to develop nude pictures of her husband. Some students saw them. It's not a First Amendment issue; neither AFCON nor ACLU-N will get involved. The teacher has retained a private attorney.

Moshman reported on a gay-straight alliance issue at Norfolk High which is not allowed to use school facilities during school hours, but may use them after hours. Referring to the equal access law, ACLU-N may pursue it if a case develops.

Moshman reported that the Nebraska Board of Education voted 5-2 to retain the state science standards, as written three years ago, and to include them in a rule schools must meet to operate.

Moshman reported on a non-profit organization, formed by Clay Farris Naff, called the Center for Advancement of Rational Solutions.

Moshman reported on a case involving a California teacher who was placed on administrative leave while her district investigated her role in anti-testing activities. A New York teacher spoke out against testing after discovering several incidents of censorship on a Regents English exam. He speculated that this case may be the tip of the iceberg because teachers might hesitate to speak out against testing.

Big Red Day will be 6 pm to 8 pm Sunday, August 25. Laurie Lee, Dwayne Ball, and Moshman will meet before the July meeting to finalize details. Linda Beckstead will investigate the cost of

having a vinyl sign made. Cathi McMurtry reported on a company that can supply pens for 17.5 cents each. The Board budgeted \$350 for Big Red Day, including registration and the cost of the sign.

The Board tabled the 501 (c) (3) issue and the discussion on Banned Book Week, September 21-28.

Beckstead suggested David Kubicek send corrected minutes to Cornelius for posting on the AFCON Web site. (See page 5 of this issue for the AFCON website address.)

Mel Krutz reported that the Nebraska Library Association is in the process of reinstating its Intellectual Freedom Committee which was a viable force in the 1970's.

July 13, 2002—The Board adopted the June minutes as corrected and accepted the treasury report with a balance of \$1,487.28.

The National Association of Scholars and Jane Holt renewed memberships.

Peggy Adair said the Unicameral special session will address no issues that fall under the umbrella of AFCON.

Members discussed the court ruling that the "under God" phrase in the Pledge of Allegiance can not be mandatory for schools.

They discussed *At the Schoolhouse Gate: Lessons in Intellectual Freedom*, by Gloria Pipkin and Re-Leah Cossett Lent, about the authors' experiences fighting academic freedom battles in the public schools. David Moshman offered to write a review for the *Sentinel* and the *Lincoln Journal Star*. (See page 3 of this issue.)

Moshman reported that Dr. Seuss apparently realized the dangers of high stakes testing. At the time of his 1991 death, he was working on a book about the issue.

Moshman reported on the Seward

School Board's 4-1 decision to close a grievance hearing filed by teacher Bill Sloup against the district, though Sloup requested one.

Moshman passed copies of an article Ball found on the Web condemning AFCON's giving its 2000 Academic Freedom Award to the UN-L Regents "for its opposition to legislation banning research on tissue from aborted fetuses."

Moshman distributed copies of a letter he'd written to the Lincoln City Library Board concerning its Internet Access Policy.

Moshman suggested using vignettes and analyses on academic freedom issues in lieu of a regular column in the *Lincoln Journal Star*'s Homeroom section, if the paper approves. The vignettes challenge ethical issues in a non-threatening way, which should start people's thinking about them.

Big Red Day will be held 6 pm to 8 pm Sunday, August 25. Laurie Lee brought samples of pens to be given away, embossed with the AFCON name and Web address. Linda Beckstead will have the sign available. There will be more than 250 booths, on a first come availability. Dwayne Ball will save a table. T-shirts will be sold and copies of a couple vignettes distributed.

501 (c) (3) was postponed.

For Banned Books Week, September 21-28, David Kubicek proposed preparing packets to give away as a promotion for reading and for AFCON. Mel Krutz proposed, Moshman/Adair moved, using \$300 (or more) to prepare the packets. The committee will prepare materials and locate a venue.

Lee asked for suggestions on the annual meeting and for possible topics.

Beckstead reported that the Nebraska Department of Education has listed AFCON on its Web site.

At the Schoolhouse Gate: Lessons in Intellectual Freedom

by Gloria Pipkin and ReLeah Cossett Lent
Heinemann, 2002, 235 pages, \$21 (paper)

Reviewed by David Moshman

“Woe to those who call evil good and good evil who put darkness for light and light for darkness who put bitter for sweet for they have revoked the law of the Lord for this you all shall die one by one.”

This message, put together with words cut from magazines and newspapers, was received by Gloria Pipkin, head of the Mowat Middle School English department in Lynn Raven, Florida, in fall 1986. Pasted below, cut from a phone book, were her name and those of three other individuals. It was not the first death threat she received in the course of fighting for her students’ right to read, and the death threats are only a small piece of the extraordinary story told in the first part of this book. And no, this is not fiction.

Part two, a sequel to this tale of horror at school, takes place a decade later at nearby Mosley High school, where ReLeah Lent, who had been among the four listed to die, was now the highly popular and respected advisor to the award-winning student newspaper. Ordered by the principal to delete an ad for a gay support group from the next issue, she advocated respect for the student editors, who wanted to run the ad, but ultimately saw no choice but to

comply. Incredibly, she was removed as newspaper advisor anyway. It was not enough, it turned out, to capitulate to the principal’s power. You had to agree with him.

In both stories we see in shocking detail the devastating effects of censorship and politics on the professional and personal lives of teachers and on the education of their students. One can’t help notice, moreover, that most of the teachers in these stories are women, and that most of the people trying to keep them under control are men.

The absurdity of this assault on education is obvious to the students. Upon reading a parental suggestion that Robert Cormier’s *The Chocolate War* was deficient in adult role models and that students should read more classics like *Huck Finn*, an eighth grade girl in Pipkin’s English class responded, “First of all, we’ve already read *Huck Finn*, and if you want to talk about role models, we could start with Pap, who beats Huck and leaves him alone for months at a time. And then there’s Miss Watson, who sells Jim away from his family.”

But not everyone sees as clearly as the students, and the problem is not limited to Flor-

ida. “One small step at a time,” the authors lament, “education eases backward as teachers are reduced to coloring within the lines that administrators, state legislators, and censors draw for them. Our story shows that going outside of those lines can be very costly indeed.”

This is a highly engaging and disturbing book. You keep expecting the First Amendment to show up and save the day, but it never does. It’s been expelled from school, it turns out, by the U.S. Supreme Court. So there are no happy endings here. In fact, there are no endings at all, only an ongoing struggle by remarkably courageous and committed teachers to present a variety of materials and viewpoints and to encourage their students to think for themselves and to formulate and express their own ideas.

David Moshman is a professor of educational psychology at UNL and policy coordinator of the Academic Freedom Coalition of Nebraska (AFCON.) To join an e-mail discussion of issues related to this book, go to <http://www.intersersity.org/lists/schoolhouse-gate/>.

University Report—Dwayne Ball

This being summer, there isn't quite as much to report regarding academic freedom at U.S. universities. Nevertheless, there's more than enough to justify a few words . . .

As bad as requiring pornography?

The University of North Carolina at Chapel Hill requires freshman to read the same book, for purposes of a general discussion during their orientation week. This year, the chosen book was a scholarly translation of portions of the *Qur'an* by a professor of religion (Michael Sells, Haverford College,) titled *Approaching the Qur'an: The Early Revelations*. Imagine the outrage—largely by people who hadn't read the book. Parents began calling legislators and demanding action—how dare they insist my child engage in an informed discussion of another religion's holy book? The *New York Times*, in an editorial (August 19, 2002,) said “you would have thought the students had been assigned a work of pornography.” The university is being sued on the grounds that requiring students to read this book violates the separation of church and state (How's that for a switch? Usually, it's Christians' getting sued.) The North Carolina House has attached a provision to the pending state budget authorization that appears—though vaguely worded—to require that any course on religion that wishes to use state funds must study all religions simultaneously. No word yet how this can possibly be accomplished in a single semester, much less one week of orientation—but nothing seems impossible, I suppose, to the Tarheel legislature. The UNC-Chapel Hill Chancellor, James Moeser, approved a compromise in which objecting students were not required to read *Approaching the Qur'an* but had to write an essay explaining their objections.

From a Tipper speech to a kangaroo court

Ben Wetmore, a senior at American University in Washington, D.C., is a known trouble-maker. Well, that is, he maintains a website where he criticizes and ridicules university administrators. He went to a Tipper Gore speech at an A.U. venue and began filming with a video camera (the venue was not posted against this,) undoubtedly to add more material, to his website, and got caught. University police and a university official took him outside, where they wrenched the camera from his hands, forced him to the

ground, and handcuffed him. When he pointed out from his prone position that the video camera was recording their treatment of him, the police removed the video tape and have so far refused to return it. A university judicial proceeding against him—well, you will recognize all the familiar features of university judicial proceedings—included seven charges (theft of “intellectual property,” trespass, and so on,) and was adjudicated by an administrator with two picked jurors. One was her own assistant and the other had filed impeachment charges against Wetmore in the student government two years before. Wetmore's lawyer was not allowed to represent him. There is no right of appeal. Wetmore was sentenced to “conflict resolution” classes, forced to clean the auditorium for forty hours, and was assigned to write three papers on conflict resolution. He was also told by A.U. Counsel Mary E. Kennard that he was wrong to ignore the University's “admonitions” not to post derogatory materials about staff on his website.” The adjudicating administrator, in her judgment, noted “The board is concerned that you are choosing to utilize confrontational tactics to address your personal agendas.” In other words, Wetmore's real crime was public criticism of the university, and they were waiting for him to cross a line—any line, however faint—to drag him into the maw of university “justice.” He is now threatened with expulsion if he breaks another rule. Wetmore is suing the university and a fine legal firm is helping him pro bono. Let us hope civil justice is superior to that dealt out by A.U.! (Foundation for Individual Rights in Education e-mail newsletter, August 2002, <http://www.the-fire.org>.)

Inquisition at UCSD

MEChA is a radical Latino student organization that has branches on a number of campuses, and advocates, among other things, the re-taking of the North American continent by what they call the “bronze people,” presumably those of Mexican, Central American, and Native American ancestry. The University of California at San Diego (UCSD) MEChA chapter is particularly active. In one of their 1995 publications, they exulted over the murder of a Latino U.S. INS agent, and argued that all such traitors to their race deserved death. Their views were explicitly and loudly protected by the UCSD administration. Strangely (Continued to page 5.)

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 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 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
jbender@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)

ADDRESS FOR THE AFCON WEB SITE

<http://www.NebrWesleyan.edu/offices/library/Afcon>

Check it out and learn Who We Are and about Our Activities; read our Constitution; learn how to Join Us; see the where and when of our Meetings; meet our Members and Officers; Study our Publications, Principles, and Statements

Black Receives Writing Award

Tom Black of West Point, Nebraska, received a national award for writing and editing the best state newsletter coverage of teacher retirement issues at the National Education Association-Retired Annual Meeting in Dallas,

Texas, June 27, 2002.

Black's newsletter, the *Corner*, is published in the Nebraska State Education Association magazine, *The Voice*.

Black received the Spotlight Jour-

nalism First Place Award, the highest journalism award given by the NEA-Retired. He also won national honors for the *Corner* at NEA-R meetings in 1999, in Orlando, Florida, and in 2000, in Chicago, Illinois.

(Continued from page 4.) the administration seems to have no such principles when it comes to MEChA detractors. Last November, students from a campus publication called the Koala, which has been known to satirize MEChA, attended an open MEChA meeting and obtained photographs of the MEChA president, Ernesto Martinez, later used in a Koala parody. Three months later, Martinez filed charges against the Koala for violating the Student Code's prohibition of "obstruction or disruption of teaching, research, administration, disciplinary procedures, or other UCSD or University activities." Now here's where things get strange—or stranger. When the open and public university judicial proceeding looked likely to acquit the Koala, director of Student Policy and Judicial affairs Nicholas S. Aguilar nullified the proceedings and insisted that a new proceeding be held behind closed doors. Later, it came out that Aguilar himself had denounced the "hate, bigotry, and intolerance" of the Koala to MEChA members, and had encouraged Martinez to file the charges, citing UCSD's Principles of Community. The Principles of Community encourage free speech...as long as no one is offended. Apparently, arguing for the murder of U.S. Immigration agents is not offensive, but parodies of MEChA are. Outcry against the secret, inquisitorial nature of the proceedings forced the proceedings open again, and it became apparent that the complicity and hypocrisy of the administration would be revealed. At that point UCSD dropped its participation and the charges were dismissed. Couldn't stand the light of day, eh? (F.I.R.E., <http://www.the-fire.org>.)

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 inclusion in this newsletter and/or announcements of organizational meetings for the UPCOMING EVENTS column.

Due date for submissions to the **December 21, 2002**, issue is **November 25, 2002**.

AFCON

515 North Thomas Avenue
Oakland, NE 68045.

Mailing
Address
Label

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**