

THE

AFCON



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A Quarterly of the Academic Freedom Coalition of Nebraska

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AFCON OFFICERS

Nancy Comer President

Dwayne Ball President-Elect

Doug Paterson Past President

Karen Buckley Secretary

Cathi McMurtry Treasurer

David Moshman Policy Coordinator

Peggy Adair Legislative Liaison

Barbara Cornelius Webmaster

Tom Black Newsletter Editor

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—Nancy Comer

Greetings member organizations, members and all persons interested in academic/intellectual freedom. My name is Nancy Comer and I am the 2008 President of the Academic Freedom Coalition of Nebraska. I am pleased to be part of this unique organization.

I must admit to feeling somewhat intimidated back in 2002 when I first began attending AFCON's monthly meetings; I represented the Nebraska State Reading Association. (As you may know, each of our 19 member organizations is asked to send a representative to the monthly meetings; this person communicates upcoming events within the representative's organization and takes back to her/his group what is happening with issues of academic freedom across Nebraska.) In 2002, the focus often revolved around issues at the college and university levels, with occasional forays into censorship in high school journalism and theater classes.

As a teacher with 40 years experience in elementary classrooms and literacy leadership roles, I hope to bring an expanded view of what we in the NSRA refer to as intellectual freedom. Often censorship begins very early on. Concerned citizens put pressure on librarians to remove books which they deem inappropriate from library shelves. Or, quite frequently, teachers themselves self-censure material because they fear the administration or parents will object to a particular topic. Recently, the Reading Classic Competition, with divisions for Grades 1-9, and sponsored by the NSRA was asked to remove certain titles from the competition book lists. All 4 books challenged were Golden Sower nominees for 2006-2007, books selected each year by a Golden Sower Committee made up of Nebraska teachers and librarians who review hundreds of titles suggested by participating libraries and schools. (Guidelines for book selection can www.nebraskalibraries.org/ viewed

goldensower)

So where does all this lead? I wish I had the collective data, as does the International Reading Association through their yearly survey of literacy leaders, to determine the hottest topics for 2008. Still, I can give you some insight into AF-CON's goals for this year and let you know where current issues are leading us. In the first paragraph I mentioned the uniqueness of AF-CON. No other state has an organization like it. Past president Doug Paterson and board member Linda Parker are seeking to network with other states, especially the six states surrounding eastern Nebraska—South Dakota, North Dakota, Minnesota, Iowa, Missouri and Kansas to see if there is interest in organizing an AFCON-like network.

Just this week, President-elect Dwayne Ball sent letters to the Omaha World Herald and the principal of Omaha North High School when the production of the play "The Member of the Wedding" was cancelled. The play uses the "n-word" in order to make a point about racism. The principal was quoted in the Omaha World-Herald as saying "...this is not the time to put those things out there." To quote from Dwayne's response, "if not now, when? When will high school students, most of whom will have full citizenship rights and responsibilities before they graduate, learn how to deal with the adult world, if not in high school? By the age of 16, they should be learning to deal with controversial public issues. By the age of 18 they will have to."

Another board member, Bob Haller, shared censorship and banned books expertise with students seeking to become secondary school teachers and their professor in a small group format at Nebraska Wesleyan University in February.

Our legislative chair, Peggy Adair, has provid-(See **The President** on Page 2)

Upcoming Events

AFCON Board Meetings, April 12, Walt Branch Library; May 10 and June 14 Loren Eiseley Library, 1530 Superior, Lincoln, Nebraska; 10 AM

THE PRESIDENT—Nancy Comer

ed excellent talking points and other materials for an upcoming student free expression bill which we hope can be brought to the legislature in the next session. You can read more about this and learn how you can help by visiting our website www.AFCONebr.org

And finally, this is the anniversary year of the Hazelwood decision in which the United States Supreme Court upheld the right of public high school administrators at Hazelwood East High School in suburban St. Louis, Missouri, to censor stories concerning teen pregnancy and the effects of divorce on children from a school-sponsored student newspaper. Dwayne Ball is looking for persons and examples of ways this decision may have affected you, as this will be

the focus of our annual meeting November 15.

Remember, call your organizational representative, or contact any officer or member of the AFCON board if issues of academic freedom surface in your organization, schools and communities. AFCON serves as a sounding board and may be able to provide assistance or support.

Summaries AFCON Board of Directors' Meetings—Karen Buckley

December 1, 2007: Annual Meeting--

Present: Dwayne Ball, Amy Birky, Karen Buckley, John Comer, Nancy Comer, Faye Doolittle, Bob Haller, Judy Henning, Chas Krutz, Mel Krutz, Laurie Thomas Lee, Cathi McMurtry, "Mac" McMurtry, Dave Moshman, Sarah Moshman, Susan Oles, Alan Peterson, Doug Paterson, Sarah Swift,

Preceding the annual general membership meeting of AFCON were an awards presentation, lunch and a brief history of AFCON. Nancy Comer welcomed the group and invited attendees to introduce themselves.

Paterson presented UNL student Sarah Swift with the Academic Freedom Award, recognizing her role last year as editor of the Omaha Benson High School *Gazette*, which published a series of articles on "The N Word." The Benson High School newspaper advisor, Jerrod Zegelis, was unable to attend but will also receive an Academic Freedom Award. Swift spoke on her experiences, the resulting controversy, and answered questions.

Haller distributed a handout on Civic Education, regarding the Civics Nebraska Partnership.

After lunch, Haller presented a special award to Mel Krutz as founder of AFCON. Dave Moshman reiterated Mel's crucial role in the founding of AFCON and recounted its history. Krutz, Haller and McMurtry also spoke on the founding of AFCON and its history. Moshman distributed copies of "A Brief History of AFCON on the Occasion of its 15th Anniversary Year 2003," prepared by Krutz. Of note, McMurtry has served as the group's only treasurer.

The general membership meeting.

Minutes: Buckley distributed minutes from the December 2, 2006, annual membership meeting. The minutes were approved.

Treasurer: McMurtry distributed copies of the annual treasurer's report, showing a balance of \$1342.33, with 43 individual members and 13 member organizations current with dues.

Nominating committee: The slate of officers for the December ballots is president-elect, Dwayne Ball; secretary, Karen Buckley; treasurer, Cathi McMurtry. No further nominations were made. Ballots will be mailed. Ball moved to commend officers on their service to academic freedom and to AF-CON. The motion was approved

(**The Editor**—The December 2007 *Sentinel* did not report that the AFCON Board increased annual Organizational dues to \$120 and Individual dues to \$15.)

January 12, 2008—

Present: Peggy Adair, Dwayne Ball, Karen Buckley, Nancy Comer, Bob Haller, Jenny Heckman, Susan Helmink, Laurie Thomas Lee, Cathi McMurtry, Dave Moshman, Linda Parker

New president Comer called the meeting to order. **Minutes** of the November. 10 meeting were approved.

Treasurer's Report: McMurtry distributed copies of the treasurer's report showing a balance of \$1028.82, with 6 individuals and 3 organizations current with dues. McMurtry said IRS raised mileage to \$.505; AFCON allows \$.22. The Board voted to increase mileage to \$.25, effective February 1.

President's Report: Comer received

13 ballots. Ball as president-elect; McMurtry as treasurer; and Buckley as secretary were elected.

Comer asked for discussion of the annual meeting. The Board approved holding the 2008 annual meeting during the first half of November before the regular November Board meeting.

Policy Coordinator: Moshman is working on a tenure position for AF-CON, stating that tenure is critical to protect academic freedom in higher education. Anyone working within the academic system, including "professors of practice," need academic freedom Ultimately, it is the right of students to be taught by teachers having that freedom.

Legislation Report: Adair reported that none of the bills introduced during the first three days of the legislative session seemed to relate to academic freedom. Sen. White has chosen not to introduce the student free expression ball during this session. Adair said AFCON should not be discouraged by this decision, as any bills not designated "priority bills" usually are not acted upon and advised Board members to be patient, to keep encouraging groups to support this bill, and to keep gathering information.

Parker requested that Adair create a "talking points" one-page document that could be posted on the AFCON website. This document could also be placed in the newsletter and distributed to member organizations.

Adair said that she is trying to contact Amy Miller with the Nebraska ACLU regarding the statues of the proposed brochure on student rights. She feels publication of this document would be

(See Summaries on Page 3)

Summaries of AFCON Board of Directors' Meetings

especially valuable in an election year.

Membership Reports: Haller said that Moshman sent an e-mail to UNL AAUP members suggesting the chapter is in danger of becoming defunct. Haller is encouraging the leadership to try reviving the chapter by calling a meeting at the end of January.

Comer noted that the annual conference and state meeting of the Nebraska State Reading Association will be held Feb. 21-23 in Kearney.

Ball will attend the Jan. 26 meeting of the Nebraska Writers Guild in York and encourage membership renewal and a new representative be appointed to AFCON.

Old Business: Parker will contact Paterson regarding where AFCON stands in seeking other states to form academic freedom organizations. She said a letter had been prepared but was uncertain if it had been mailed to faculty senates in nearby states. She will also report back to the group next month on whether the Nebraska Historical Society or UNO archivist would be willing to archive AFCON materials.

New Business: Comer asked for Ball's assistance in updating the AF-CON website and with the IRS request for an update of records.

Haller moved and Moshman seconded to invite Academic Freedom award winner Sarah Swift be a student board member. AFCON members agreed.

With input from board members, Comer proposed 2008 goals for AF-CON as:

- * Outreach
- * Updating materials and website
- * Working towards the passage of student free expression bill (including contacting State School Board Association, State School Administrators Association and the Nebraska State Education Association) Ball suggested that the annual meeting focus on the 20 year aftermath of the Hazelwood decision. He is requesting assistance in collecting people and their stories of academic violations, especially in the wake of that Supreme Court Decision.

February 9, 2008—

Present: Dwayne Ball, Tom Black, Karen Buckley, Nancy Comer, Bob Haller, Dick Herman, Laurie Thomas Lee, Cathi McMurtry, Dave Moshman; Doug Paterson, Mary Reiman, Rod Wagner.

President Comer called the meeting to order at 10:08 a.m. **Minutes** of the January 12 board meeting were approved, upon a motion by Moshman and a second by Ball.

President's Report: Comer said that Sarah Swift had not responded to AF-CON's request that she be a student board representative. Comer noted that someone had made a donation in her (Comer's) name to the National Coalition Against Censorship Activities (www.ncac.org/) and that organization might be a good match with AFCON.

Treasurer's Report: McMurtry distributed copies of the treasurer's report, showing a balance of \$951.06, with six individuals and three organizations current with dues. Ball noted that the IRS requires non-profit organizations to file an e-postcard of form 990N annually or risk being fined. He has filed the e-postcard for this year.

Newsletter: (Black) The next deadline for the Sentinel will be Feb. 25.

Legislation Report: Board members are urged to contact their respective organizations to enlist their support of the Student Free Expression bill.

Membership Reports: Buckley noted that program proposals for the 2008 NLA/NEMA Conference, "Nebraska Libraries: Vision for the Information Age," are due March 31. The conference will be Oct. 15-17 at the Cornhusker Hotel in Lincoln.

Ball said that the annual dinner and awards presentation of ACLU Nebraska will be held Saturday, April 12 at the DC Center in Omaha. Featured speaker will be Barbara Bailey, ACLU Medal of Liberty award winner, librarian and ACLU client challenging the Patriot Act.

Lee said that the Faculty Senate is observing the actions of the diversity committee.

Black reported that the NSEA's top priority in the Unicameral is increasing teacher pay. Nebraska is ranked 43, down from its previous ranking of 38.

The NSEA-Retired's top priority is a bill to exempt social security and teachers' pension income from state income taxes.

Haller said that the State Conference of AAUP was also meeting Feb. 9 to discuss how they can meet the national requirements for State Conference. UNL AAUP needs to establish itself with officers and meeting dates.

Paterson called attention to the plight of the North High School drama department, which was forced to move its production of Carson McCuller's drama, **Member of the Wedding**, off campus, when the school administration cancelled performances at the school. Ball volunteered to write letters to the Omaha World Herald and the school administration, stating AF-CON's support of the drama department.

Wagner said the Center for the Book will meet next Saturday in Bellevue. The annual Nebraska Book Festival will be Oct. 17-18 in Lincoln. William Kloefkorn's **Restoring the Burnt Child** has been selected for "One Book/One Nebraska."

Old Business: Ball has updated the AF-CON website, including current officers, membership lists and newsletters in PDF format.

Ball attended the Writers Guild Meeting recently in York. The directors had considered not renewing their AFCON membership, in part due to the fact that their membership had dropped from 300 to 125 members After Ball's presentation, the Guild did decide to remain an AFCON member.

Paterson will report on AFCON's outreach at the April meeting. Haller has submitted an article about AFCON for *Academe*, the magazine of the AAUP...

Linda Parker has approached the Nebraska Historical Society about archiving AFCON materials. The society was to make their decision at their Feb. 8 meeting.

Ball reminded members that the focus of the Nov. 15 annual membership meeting will be the 20th anniversary of the Hazelwood decision and requested assistance in finding people who could relate how that Supreme Court decision had affected their lives or teaching.

New Business: Members updated the AFCON membership brochure.

AFCON SPEAKER'S BUREAU (As of December 2007)

Peggy Adair: "Banned Books, Black Armbands, and School Prayer: The Evolution of Children's First Amendment Rights in America" padair@tconl.com

Dwayne Ball: "Threats to Academic Freedom at Universities" adball@neb.rr.com

Bob Haller: "Civics Education and the Practice of Freedom" and "How Books Can Harm You: Lessons from the Censors" rhaller1@unl.edu

David Moshman: "Principles of Academic Freedom" dmoshman1@unl.edu

John Bender and David Moshman: "Student Freedom of Expression/Student Rights" jbender1@unl.edu dmoshman1@unl.edu

Laurie Thomas Lee: "Implications of the USA Patriot Act" llee1@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.AFCONebr.org

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

FOR SALE BY AFCON

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

Note cards with a Paul Fell design with the wording "When all Books are Banned, see the Book—\$1.00;" \$1.50 each or a packet of four for \$5.00. Packaging and postage: \$0.75 per packet.

Reader's Theatre Script (a booklet,) entitled TANGLED ISSUE: Student Freedom of Expression. \$10.00 buys the booklet and production rights, including rights to copy. Packaging and postage: \$3.00.

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 June 21, 2008, issue is May 26, 2008.

Send to Tom Black, editor, 610 West Park, West Point, NE 68788 or wpc6296@cableone.net

University reports—Dwayne Ball

My sources for these reports are the Chronicle of Higher Education (CHE) the newsletters of the Foundation for Individual Rights in Education (FIRE), and other sources as noted.

FREEDOM OF EXPRESSION

A report recently released by the Foundation for Individual Rights in Education (FIRE) describes the extent of speech codes on U.S. campuses. The report may be read at http://thefire.org/index.php/article/8702.html. The analysis of 346 American colleges and universities shows that 75% of them have policies that restrict speech that would be protected by the First Amendment outside of the college and university grounds. (FIRE newsletter, 12-6-07)

At the University of Florida, Gainesville (UF), Four student groups (the Law School Republicans, College Republicans, Jewish Student Union, and the Jewish Law Students Association) posted flyers advertising the screening of a film, "Obsession: Radical Islam's War Against the West." The fliers used the headline, "RADICAL ISLAM WANTS YOU DEAD." The UF VP for Student Affairs Patricia Telles-Irvin e-mailed all students and faculty on 11/26/07 demanding an apology from those groups for offending Moslem students and others on campus. FIRE wrote to Telles-Irvin pointing out that the flyers were protected free speech and that Telles-Irvin was chilling free speech. Twelve days later, Telles-Irvin reversed herself and emailed everyone on campus again, assuring them all of their rights to free expression without intimidation from the University. (FIRE newsletter 12/10/2007)

STUDENT ACADEMIC FREE-DOM

St. Louis Community College at Meramec (STLCC) has it in for student Jun Xiao. In October 2007, he e-mailed his classmates in Organic Chemistry I, encouraging them to enroll for the follow-up class, Organic Chemistry II, at another college. STLCC immediately put him on disciplinary probation and banned him from e-mailing his classmates. The president of the university also, without a hearing, declared Xiao guilty of "hazing, obstruction or disruption of teaching, disorderly conduct, and failure to comply with directions of a college official." After FIRE intervened, the charges were dropped, but Xiao was informed he was being charged with asking too many questions in Chemistry class, and of being impolite to the Chemistry department secretary. He was given 9 days to respond to the charges and appeal to the president, who obviously doesn't care for him. At that point, not only FIRE, but the ACLU of Eastern Missouri got involved, and STLCC signed an agreement on January 25, 2008, dismissing all charges, removing all items reflecting charges from his file, and restoring all his rights. (FIRE newsletter 1/29/08)

FACULTY EMPLOYMENT RIGHTS

The libertarian-leaning Goldwater Institute of Phoenix has analyzed the potential effect of a Civil Rights

Initiative, sponsored by Ward Connerly's group, on state universities in Arizona. The report discusses state university policies and concludes that some of the universities. as well as the Arizona Board of Regents, have effective quotas for women and minority faculty, as well as discriminatory hiring practices to achieve those quotas. Passage of the Arizona Civil Rights Initiative, the report says, would effectively end these reversediscrimination programs. nerly's group is pushing Civil Rights Initiatives in 5 states in 2008, including Nebraska. (CHE 12/6/07)

STUDENT ADMISSION RIGHTS

The U.S. Commission on Civil Rights issued a report insisting that law schools disclose the success of law students (in terms of passing the bar and other measures), detailed by student race. For some time, law schools across the U.S. have used preferences in admission of law students to admit more minority students than would be admitted on the basis of objective merit alone. The report insists on determining if these policies have resulted in more failures of minority students. The report also wants the American Bar Association, in accrediting law schools, to stop requiring that law schools demonstrate a commitment to diversity, which it says infringes on the academic freedom of the law school faculty. (CHE 8/28/2007)

(See ACADEMIC FREEDOM IN THE CLASSROOM on Page 6)

The ACLU Nebraska ANNUAL DINNER

Saturday, April 12, 2008
DC Centre, 11830 Stonegate Circle, Omaha, Nebraska
6:00 p.m. social hour (cash bar;) 7:15 p.m. dinner
Keynote speaker: BARBARA BAILEY, "Safe and Free"

Tickets are \$42.50 and may be purchased at ACLU Nebraska, 941 O Street, Lincoln, NE 68508. Call Megan Moslander at 402.476.8091 to reserve your seat, or email her at mmoslander@aclunebraska.org. RSVP by April 4, 2008.

BARBARA BAILEY

President, Library Connection, Inc. *Director*, Welles-Turner Memorial Library, Glastonbury, Connecticut

Doe v. Gonzales: Fighting the FBI's Demand for Library Records

Barbara Bailey was awarded the 2007 ACLU Roger Baldwin Medal of Liberty award for standing up against the Patriot Act and for her refusal to violate the privacy of her patrons and clients at the Wells-Turner Memorial Library in Glastonbury, Connecticut. Her passion to protect her clients and her desire to stand up against injustice were evident as she spoke during her acceptance speech at the 2007 ACLU Membership Conference.

As she said, "As a member of the Executive Board, and President of Library Connection, Inc., I have been gagged from speaking out on the "John Doe" case. This journey has truly been a rollercoaster of emotions for me.

The Executive Board took a risk bringing a case against the government. Although the three officers of the Executive Committee were comfortable with our decision to go forward, we were not able to discuss it with the entire board because of the Patriot Act gag. This made me very uncomfortable. What would have happened to the officers' integrity and the organization's integrity had some member libraries disagreed strongly with this decision?"

We invite you to hear Ms. Bailey's personal story. As Barbara put it, "We showed our fellow Americans that this was not just some theoretical political debate. The Patriot Act affects real lives and even an ordinary American like me can end up being targeted by the FBI."

AWARD WINNERS

Highlights of the evening will announcements of the winners of the Civil Libertarian of the Year, the Robert M. Spire Founders Service Award, and the Defender of the Bill of Rights Award

ACADEMIC FREEDOM IN THE CLASSROOM

(Continued from page 5)

U.S. Secretary of Education Margaret Spellings, in 2007, tried to impose regulations for accountability measures on American Colleges and Universities that receive any Federal monies (which includes nearly all of them). For example, the measures would have included tests to determine if students were actually learning, . The proposed regulations were controversial in Congress, which refused to authorize

them. However, the issue is likely to be back in 2008, as there are many in Congress who would like to see greater accountability for the tens of billions of Federal dollars that are spent by colleges and universities. (CHE 1/31/08)

The AFCON Annual Membership Meeting, December 1, 2007

Dave Moshman, Mel Krutz, Bob Haller, and Cathi McMurtry presented personal stories on the founding of AFCON and its history. Moshman distributed copies of "A Brief History of AFCON on the Occasion of its 15th Anniversary Year 2003," prepared by Krutz.

At right: AFCON President Doug Paterson presents the 2008 Academic Freedom Award to Sarah Swift, recognizing her role last year as editor of the Omaha Benson High School *Gazette*, which published a series of articles on "The N Word." Swift spoke on her experiences, the resulting controversy, and answered questions.

The Omaha Benson High School *Gazette* advisor, Jerrod Zegelis, unable to attend, was also recognized for a 2008 AFCON Academic Freedom Award.





The founding members of AFCON, Mel Krutz, Bob Haller, Cathi McMurtry, and David Moshman. Of note, McMurtry has served as the group's **only** treasurer.



Bob Haller presented a special award to Mel Krutz as founder of AFCON and for her continued service to the principles and activities of AFCON.

STUDENT RIGHTS MANUAL NOW AVAILABLE

Through a cooperative effort between AFCON and ACLU-Nebraska, young citizens in Nebraska have a new resource to assist them in understanding their rights as public school students. *Know Your Rights! A student's guide to rights in school* explains student rights regarding freedom of expression, school publications, student clubs, discrimination, bullying, sexual harassment, freedom of religion, and privacy rights.

The manual may be viewed and downloaded on the ACLU website, www.aclunebraska.org.

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 (\$120) entitles the organization to one seat on the AFCON Board, one vote in the election of officers and at the annual meeting, eligibility for office and chairing standing committees, 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 (\$15) 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