

Bill focuses on censorship issues

By BRIAN CARLSON
Staff writer

When Omaha Westside High School administrators introduced drug-sniffing dogs onto the school's parking lot, the high school newspaper was on the story.

But the high school journalists didn't get far, said Allison Conway, an editor for the newspaper. At a hearing of the Legislature's Education Committee Monday, she told lawmakers that administrators barred the paper from photographing the dogs.

Later, when the paper learned that a student had been suspended for drug use, administrators denied it—even after the newspaper presented them with the student's name, Conway said.

"The student who wasn't allowed to attend class would have been surprised to find out no one had been suspended," she said.

Conway and several other students and high school newspaper advisers testified in support of LB182, known as the Student Freedom of Expression Act. It would increase students' freedom of expression in school publications.

In 1988, the U.S. Supreme Court ruled in *Hazelwood School Districts v. Kuhlmeier* that the First Amendment did not prohibit school officials from exercising editorial control over student publications, as long as the control was related to an educational purpose.

That broad standard for editorial control too often allows school administrators to censor student articles not because of poor journalism or libel, but because they are controversial, said John Bender, a University of Nebraska-Lincoln news-editorial professor.

"When an administrator is attempting to censor an article or editorial that is tempered, respectful, well-written and well-researched, then something is out of balance," said Bender, who also serves as executive director of the

Nebraska High School Press Association.

LB182, sponsored by Sen. Chris Beutler of Lincoln, would allow only sponsoring teachers to exercise editorial control over student publications.

Material could be suppressed only for being obscene, libelous or demonstrably likely to incite law-breaking or disruptions at the school. It could not be suppressed because of controversial subject matter.

Doris Martin, newspaper adviser at Beatrice High School, said administrators' censorship had created an "environment that's not conducive to teaching students about journalism and democracy."

"I firmly believe we can't send students to government class and teach them what a brilliant document the Bill of Rights is," she said, "and then have them come to journalism class and say that because an article is not positive, it will not be printed."

Sen. Kermit Brashear reminded proponents that the Supreme Court had already ruled the First Amendment did not specifically grant students the freedoms contained in LB182.

But Matthew Beermann, editor of Lincoln Southeast High School's newspaper, noted that states have the power to extend students' rights of free expression. School newspapers should not be subject to censorship because they are supported by taxpayer money, he said.

"It is wrong to say that simply because it receives funding from the government, a school newspaper should be blindly uncritical of that government," he said.

Brian Hale of the Nebraska Association of School Boards was the lone person to testify against the bill.

He said school boards and administrators, who allot funding for school publications, should be able to control the product. This is similar to the real world, where publishers control what appears in their publication, he said.

Education bills bring change

By IEVA AUGSTUMS
Senior staff writer

Members of Nebraska's higher education community decided Monday they weren't going to sit around and wait for state legislators to advance 21 bills and two constitutional amendments.

Instead, the Coordinating Commission for Postsecondary Education said it would take immediate action on the legislation that would, if passed, change the responsibilities and structure of the commission, as well as area state and community colleges.

"Our plan is to keep the commission and its staff informed and updated on legislation," said Commission

Executive Director David Powers.

"When necessary, we will talk with the higher education community and with senators individually about the bills."

Larry Scherer, the commission's policy analyst, presented a report detailing the Legislature's higher education bills and identified key bills that would be of interest to the commission.

Commissioner Jane Hood questioned whether any of the bills presented would be advanced to the floor, especially LB631, sponsored by Speaker Doug Kristensen of Minden.

LB631 would make Chadron State and Wayne State colleges part of the University of Nebraska system, as well as turn Peru State College into a community college.

Hibler responds to harassment suit

By SHANE ANTHONY
Staff writer

Former UNL Assistant Professor David Hibler's filing Friday in response to a sexual harassment lawsuit against him goes beyond denying charges.

In a 28-page affidavit to support his motion, Hibler uses profanity, refers to President Bill Clinton several times and indicates he might sue the university if the lawsuit is not dismissed.

"So you have my word, Your Honor. I won't file my lawsuit. And I promise I'll even tone down my rhetoric on the late-night Internet Mind Radio Shows about having my followers file their own lawsuits," he said on page 25 of the affidavit.

In the motion, Hibler said he has never been served with a copy of the complaint against him and is "ill-equipped" to answer.

Former UNL student Valerie Giunca sued the NU Board of Regents and Hibler in February alleging that Hibler sexually harassed her during the 1996 fall semester.

Giunca's attorney, Carole McMahon-Boies, said U.S. District Judge Richard G. Kopf had already ruled Dec. 16 that the documents had been signed for at UNL in February, while Hibler was still an employee.

"... I'll even tone down my rhetoric on the late-night Internet Mind Radio Shows about having my followers file their own lawsuits."

DAVID HIBLER
former English professor

The university revoked Hibler's tenure and fired him June 20.

On Jan. 8, Kopf ordered that Hibler must respond to Giunca's motion for summary judgment.

Kopf had already ruled Dec. 16 that a previous motion from Hibler asking to quash service or dismiss the suit because of lack of personal jurisdiction was untimely. Hibler's current motion asks for reconsideration of his previous filing. It also offers a general denial "to any and all matters of fact contained in said complaint."

Hibler, who has been representing himself, said in the affidavit he has had difficulty finding attorneys to represent him. For that reason, he said, the motion asks the court for 120 days to find adequate legal representation.

McMahon-Boies said the court normally requires a response within 20 days of the complaint being served on

the defendant. Hibler is entitled to additional time to answer, she said, but his requests are not timely.

She said Hibler has a right to defend himself, but the court is not likely to give him much more time.

Hibler's language in the affidavit is littered with profanity.

"In light of all the other shit I've just laid on this Court, and I remind this Court that I am still bound under oath and I swear everything above to be the truth, the whole truth, and nothing but the truth the way I see it," the affidavit said. "Whether you personally like it doesn't mean shit to a tree."

On page 19, he referred to Giunca as "what some people might call a 'little, lying bitch' but which yours truly, Defendant Hibler, rather chooses to call a 'woman of proven selective memory and medically documented mental instability.'"

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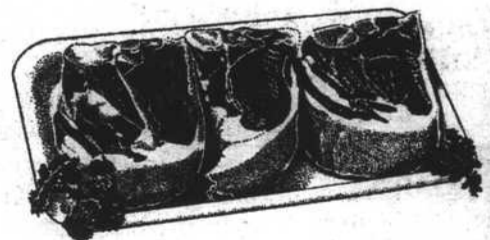
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