

# Reading between the lines

## Bar Association overstepping First Amendment rights



*"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..."*  
—U.S. Supreme Court

In the middle of the 20th century, the Supreme Court ruled that government censorship of books violated the First Amendment guarantee of free speech.

In the 1960s, they made a huge contribution to freedom of the press by restricting libel law.

In the 1970s, they allowed even a despised group of racists like the Ku Klux Klan to march in public.

In the 1980s, they protected flag burning, and in the 1990s, they struck

down government censorship of the Internet.

The battle for free expression is over, and we've won, right?

Perhaps not. Consider the case of Paul Converse, a graduate of the South Dakota School of Law. Converse moved to Nebraska and applied for admission to take the Bar exam. The Nebraska Supreme Court refused to let him take the exam because Converse "lacked the requisite moral character."

**His crime?** While a student, Converse posted a picture of a woman's naked backside on his study carrel, circulated a satirical pamphlet about the dean and sent letters critical of a professor to two federal judges. None of these actions even violated the law school's honor code, much less the criminal law.

If Converse had done these kinds of things after getting his law license, he would probably be protected by the First Amendment.

Instead, because of the delicate sensibilities of the Nebraska Supreme Court, he's lost three years of his life and tens of thousands of dollars.

Consider also the case of Matthew

Hale. Hale, an avowed racist and founder of the World Church of the Creator (a white supremacist religious group), took the Illinois Bar Exam.

Hale passed the exam, including the portion on ethics, but was refused a law license because of his political and religious views. The Bar is afraid Hale won't be able to treat black clients fairly.

If, as the U.S. Supreme Court asserts, freedom of expression is the "fixed star" of the constitutional "constellation," then the law should only prohibit actions and not words.

There is no evidence that Hale has ever acted in a discriminatory manner toward blacks, nor has he ever threatened to treat black clients unfairly.

This failure to separate mere words from actions creates a dangerous precedent. If a Southern Baptist applies for a law license, should he be denied because he might not treat women or gays fairly?

I've probably said all kinds of things about Christians ... should I be denied because I might not treat them fairly?

Simply put, lawyers don't need to like their clients to do a good job.

*Does your copy of the Constitution say that there shall be no law abridging freedom of speech "unless the speech is insensitive"? Mine doesn't.*

When lawyers defend rapists, embezzlers and murderers, do you think they like their clients? Probably not, but they're still ethically bound to do their best.

Converse certainly acted immaturity—he could have taken his grievances through proper channels instead of airing them in public.

Hale's views are despicable and wrong. But the point is that no one, not even Bar Associations in all of their monopolistic splendor, should have the power to decide what kind of speech is allowable.

At the very least, Converse and Hale could have been granted probationary status for a set period of time while an experienced attorney supervised their cases to make sure no problems took place.

These small incursions on free speech occur more often than we real-

ize. Take a look at a UNL Housing poster for example. It prohibits "insensitive language" towards members of certain groups as a "serious violation of housing policy."

Does your copy of the Constitution say that there shall be no law abridging freedom of speech "unless the speech is insensitive"?

Mine doesn't. As a gay man, I'm certainly sympathetic to the problems minority groups face because of name-calling, but I don't think infringing upon the First Amendment is the solution.

When the Constitution protects the likes of Converse and Hale, we can be sure it will protect all of us.

The days when the government burned books and imprisoned writers are gone.

But the day when all speech is truly free has not yet come.

*Jeremy Patrick is a first-year law student and a Daily Nebraskan columnist.*

# Sponsor a miracle

*Helping underprivileged children can be rewarding experience*



I was very touched when I read my mail after returning from Christmas vacation. One of my letters was from Children International. I was curious as to why I was sent this letter. I never sent off for anything.

We've all seen pictures of poor children in magazines and on television. You may have even thought "Someday, I'm going to do something to help." Maybe you've considered giving a donation "someday," but you just never got around to doing it because you were too busy or you forgot.

Dying children can't wait for "someday." Children everywhere are dying every second as you read this column. They need our help now.

After reading the letter, I felt so privileged and lucky to have had such a good childhood. I've never been without anything that I needed. I couldn't even imagine what it would be like to live in desperate poverty.

I believe in miracles, and I believe that no condition in life is permanent. Not everyone is born with a silver spoon in his or her mouth, but we can certainly make the most of what we do have.

One of my New Year's resolutions is to become a better person. I want to help others more by serving others. Giving to charity is simply kindness.

I decided that I would sponsor a child for \$12 a month. I am just a poor college student like the rest of you, but I know that I can survive without \$12 each month. Sometimes I think I just throw money away on things that I really don't need. Shoes and clothes are simply material things I can do without.

Children International is a no cost, no risk and no obligation charity. No one is forced to do anything they don't want to do. All they ask of you is to consider sponsoring a child or just say "maybe." I knew immediately that I wanted to get involved, and I just said "yes" because I knew it was the right thing for me to do.

It is the least I can do for a child.

Innocent children like Elmer from Honduras are among the many millions of chil-

dren who need our help. He was 3 years old and living in desperate poverty. His grandmother was trying to provide for him after his parents abandoned him.

She was trying to survive on a meager income of \$30 a month. I looked at his picture. He looked so innocent and so precious that he touched my heart. I imagined if this was my child. I think like all children, Elmer believes in miracles.

A miracle would mean going to the doctor when he is sick instead of suffering in silence on the dirt floors of the tiny, drafty shack he calls "home."

A miracle would be the opportunity to attend school, wear shoes and have basic school supplies to get an education.

You can help make miracles happen for a needy child and discover the rewards of sponsoring a child like Elmer. There is no risk or obligation.

For as little as 40 cents a day, you can help provide desperately needed basic care for your sponsored child; things such as medical and dental care, educational assistance, food, clothing and improved living conditions.

These days \$12 won't even buy a pair of shoes or cover a decent meal at a restaurant.

But \$12 can help work miracles.

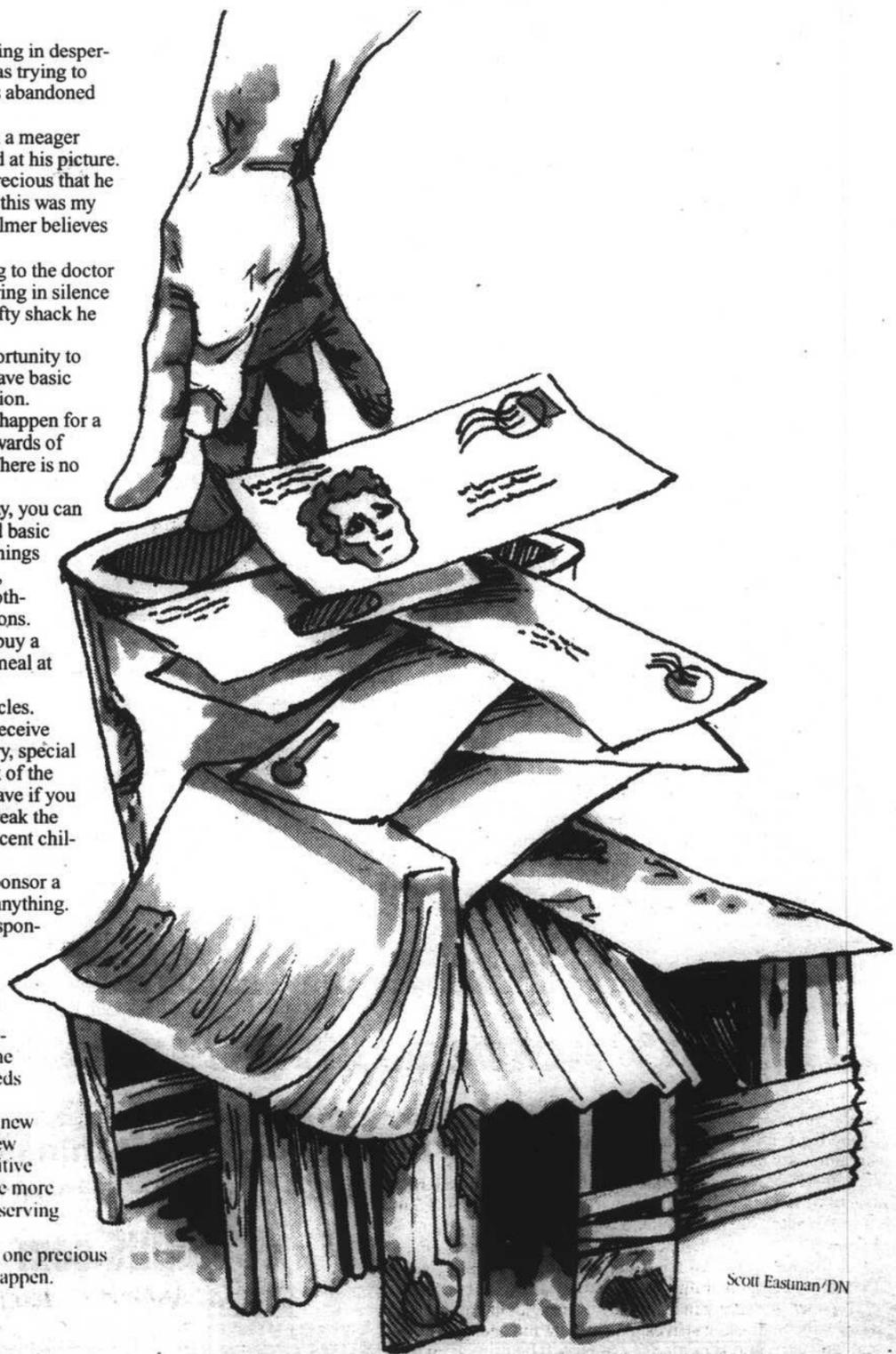
If you sponsor a child, you receive his or her photo, personal history, special interests and hobbies. Just think of the personal satisfaction you will have if you sponsor a child. You can help break the cycle of poverty that many innocent children face throughout the world.

If you decide you want to sponsor a child, you're never locked into anything. You can change or cancel your sponsorship at any time for any reason.

We cannot solve all the world's problems ... but we can all help to improve the problems in this world by helping one small child who desperately needs someone like YOU.

Now that we have entered a new millennium, a new century, a new beginning, let's make some positive changes in our lives and become more giving, caring and generous by serving others.

We can all reach out to help one precious child and truly make miracles happen.



Scott Eastman/DN

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