



## Lawyers celebrate First Amendment program that grew from flap over 'Annie'

Oct. 3--More than a decade after a lawsuit forced the Olathe School District to keep a homosexual-themed novel in school libraries, lawyers this week celebrated a First Amendment program that grew out of it.

The Olathe district had to pay winning attorneys almost \$170,000. That money was used in 1999 to start the First Amendment Foundation Program, which was founded to promote those rights. Much of that effort is in Johnson County.

Shook Hardy and Bacon of Kansas City, Mo., the winning law firm, contributed \$30,000 more to start a program that has sponsored many college scholarships.

Nadine Strossen, a New York law professor and former president of the American Civil Liberties Union, was among those who spoke Tuesday to about 75 people, including lawyers, students, school librarians and others.

Book bans and similar issues rage on in old ways and new, she told the group at Johnson County Community College.

"No fight for civil liberties ever stays won," she said.

The Olathe case took shape when a group of students and parents sued after school officials took "Annie on My Mind" off secondary school library shelves in 1994. The book by Nancy Garden is about a lesbian relationship that begins in high school.

The ACLU worked with the plaintiffs. One of the winning lawyers, David J. Waxse, is now a federal judge in Kansas City, Kan. In 1995, a federal judge ruled that Olathe school officials denied the plaintiffs' First Amendment rights by removing the book because officials objected to ideas it expressed.

Olathe school officials declined to comment, but noted that current school board members were not on the board in 1994.

The Tuesday meeting took place during the American Library Association's Banned Book Week. At the meeting, students could obtain free copies of often banned books such as "The Adventures of Huckleberry Finn," "To Kill a Mockingbird" and "Of Mice and Men."

Garden was ill and could not attend the meeting but sent a letter that was read there. In another response to a school ban on "Annie on My Mind" elsewhere, Garden wrote, students checked 3,000 controversial books out of a library.

"When you remove what is controversial," Garden wrote, "you don't have much left."

The American Library Association reported 513 cases of known book bans or attempted bans nationwide last year. In far more cases, the association says, books just quietly disappear.

Strossen said the largest cause of bans last year was sexual content of any kind and the second largest was offensive language.

"The whole thing is not about sexual orientation but any sex at all," Strossen said. "Much of it has to do with Puritan traditions."

Another speaker, Anthony Lewis, author and a two-time Pulitzer Prize winner for his journalism at the New York Times, said fear of the young learning about sex is pointless.

"Young people, like older people, know all about it--what's the use?" he asked.

At the gathering, Lewis and Strossen discussed the shifting sands of constitutional law. Among their points:

Some courts are starting to take hard lines against students in what used to be regarded as free speech acts.

Courts are upholding some cases of students disciplined for parodying teachers or school officials on social Web sites.

In a U.S. Supreme Court case two years ago, a majority upheld the suspension of a California student for displaying a banner reading "BONG HiTS 4 JESUS" across the street from a rally.

The ACLU won a court battle in Florida, however, on behalf of a student who was told he could not wear the Star of David because it was a gang symbol. "I guess it is," Strossen said. "A really big gang."

The Internet and cell phones are pitting the rights of free speech and privacy against each other in new ways, they said.

Internet users need to remember "once something is out there it is always out there" Strossen said, and is considered public and probably not protected by privacy rights.

"The only way to protect your self is to be incredibly circumspect," Strossen said.

Strossen thanked the students who came forward as plaintiffs in the lawsuit against the Olathe district.

As a child in the 1950s and 1960s, Strossen said she could only read the few books in the school library for those younger than 18 but "I didn't have the courage to step forward."

She could not even check out the popular Nancy Drew mysteries, she said. "I found out later that was because she was too independent."

In the front row Tuesday, Abby Pierron of Lawrence listened quietly to the speakers. She and her brother were among those who sued the Olathe schools.

"It was a great education in the judicial system," she said.

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