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**HEADLINE:** **Cartoon draws ire of group** Newspaper adviser caught in fallout

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**BODY:**

Just an hour's drive from the Arkansas border, Southwest Missouri State University has come under the scrutiny of a Philadelphia-based civil liberties advocacy group for its handling of an editorial cartoon published last fall in the student newspaper.

The Nov. 21 cartoon in The Standard, titled "The 2nd Thanksgiving," depicts two American Indians approaching a Pilgrim woman bearing a gift of a large can of corn and a can opener.

The caption has the Pilgrim saying: "Gladys, the Indians are here and it looks like they brought corn ... again ... "

The student group American Indian Leaders of Today and Tomorrow filed a discrimination complaint with SMSU's Office of Equal Opportunity, which sought to engage the parties in mediation. The student paper's adviser, Wanda Brandon, refused, citing among other things The Standard's contention that the incident does not legally fit the definition of a discrimination case.

Rather, she said, the matter is purely a First Amendment issue outside the Office of Equal Opportunity's purview. "I cannot go along with negotiating limits to speech," Brandon, an associate professor of journalism, said last week.

"I do believe in responsible journalism, but that's an internal thing," added Brandon, who by university policy cannot control what students publish. The Springfield, Mo., campus drew 221 Arkansas residents as students last fall, said Don Hendricks, university communications director. SMSU's unofficial enrollment is 17,467.

After months of volleying letters, SMSU and the Foundation for Individual Rights in Education have not resolved all their differences, said David French, president of the foundation, which focuses on civil liberties at public and private universities and colleges in the United States.

University officials said the episode is over and that it plans to punish no one as a result of the printing of the cartoon.

Brandon isn't so sure.

On July 14, the university's Academic Affairs office notified her it was removing her voting privileges on the Student Publications Advisory Board, changing her status to that of a nonvoting member.

She's still waiting for a full explanation.

Though the university told her "this structural change" was being made to all advisory committees on campus, officials didn't explain why, nor how nonvoting members were selected.

French suspects the move was retaliation against Brandon. "We've asked for an explanation and have not received one," he said.

SMSU General Counsel John Black, who has corresponded with the foundation since at least March, said he's "relatively sure" the change has nothing to do with the dispute.

Black disagrees with the foundation that the Office of Equal Opportunity was investigating Brandon and the student newspaper.

The office is required by law to follow through when it gets a complaint, he said. The university also had educational responsibilities apart from First Amendment considerations, he said.

"The students need to have an understanding of the First Amendment, but there are other things they need to understand," Black said, citing as an example ethical standards outlined by the Society of Professional Journalists that encourage journalists to avoid stereotyping.

"The point is, there is more than one issue to be considered in any academic field, including the student newspaper and the student journalists," he said. SMSU administration scrutinizes other academic departments' teaching of basic principles, too, Black said, but its monitoring of the journalism department attracts more attention because it publishes a newspaper.

According to correspondence and the recollections of those involved, the American Indian students filed the discrimination complaint after The Standard editor at the time, student Mandy Phillips, stood her ground regarding the cartoon's publication.

The Standard published a response from the president of the American Indian group, Stephen Fullerton, in a guest column Dec. 2.

"The two Indians in stereotypical dress with modern canning and can opener can be taken as offensive," Fullerton wrote.

"This can be misconstrued as, 'Why do they even bother trying to keep their heritage in the 21st century?'"

The artist, then-Standard cartoonist Zak Hamby, responded in the Dec. 9 edition that, as a Cherokee Indian descendant, he had researched the period attire of the Pawtuxet Indians from the Pilgrims' era before sketching the cartoon.

The cartoon was intended as a satire of modern-day Thanksgiving hosts who complain about guests bringing the same dish year after year, he wrote.

"I do not understand how it is thought, in any way, that I was attempting to demean the Native American heritage," Hamby wrote.

French argues that whether something offends someone should not interfere with a newspaper's First Amendment right to publish it.

Offensive speech is precisely the kind of speech that tends to need protection, he said.

"One thing we've found is that universities tend to be very responsive when someone's feelings are hurt," he said in an interview.

"Nobody's going to censor something that does not offend somebody."

The correspondence between SMSU and the foundation is another reason those on both sides said they can't be sure the matter has been put to rest.

Black assures the foundation that the university will not discipline Brandon.

But his assertions that her academic role is separate from her advisory role with the newspaper continue to worry foundation leaders.

"It is possible that due to Dr. Brandon's dual role, a complaint might deal with her function as a faculty member, as opposed to her role as adviser to The Standard," Black wrote March 17, in one of the earlier exchanges on this point. "However, we don't know, since that has not occurred."

In an Aug. 5 letter, French wrote: "SMSU's continued insistence on taking action regarding the content of Hamby's cartoon `separate and apart from any First Amendment issue' completely ignores the fact that the First Amendment does not tolerate attempts to officially punish viewpoints by other means."

In an earlier e-mail to her department head, Brandon cited other reasons she had refused mediation.

She was not initially provided a written copy of the complaint, and she also took issue with the Office of Equal Opportunity's pursuit of her despite her lack of authority over newspaper content and that she never saw the cartoon before publication.

In an interview, Brandon said the American Indian group could have chosen other ways to direct its grievance.

"They also have the courts if they think we've done something legally wrong," she said.

On Friday, French said he's seen both good signs - such as SMSU's assurance it won't punish cartoonist Hamby - but also some discouraging signs.

One of these is a recommendation by a diversity subcommittee that the student newspaper journalists undergo mandatory diversity training. The foundation would oppose such mandatory training for any student but particularly for members of the press.

"It is a method of indoctrinating future so-called `offenses' out of the students," French said, adding it would thwart a truly free press.

"There is no state-approved way of writing a newspaper."

The civil liberties group first tries private dialogue with schools. If the issues aren't resolved that way, the next step is a news release publicizing the dispute.

From there, the cases can be referred to the foundation's legal network of volunteer attorneys for lawsuits, though French said most are resolved without legal action.

Black said he is hopeful that he and the foundation can continue discussions, based on a conversation earlier this month. "My guess is that if we can get together with Mr. French, we can better understand each others' positions," Black said. "I thought it was a good conversation.

"I thought there was an excellent likelihood the misunderstandings we have had could be resolved."

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