



THE

AFCON

SENTINEL



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AFCON OFFICERS

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President

Lora Leibrandt
President-Elect

Nancy Comer
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Treasurer

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Policy Coordinator

Peggy Adair
Legislative Liaison

Linda Parker and
Lora Leibrandt
Website Administrators

Frank Edler
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—Linda Parker



Linda Parker

I feel so fortunate to have had a 43-year career as a librarian. Coming of age in the 1960s, the slogan “Power to the People!” spoke deeply to me and continues to be meaningful. I loved being part of a profession with a belief that information was power and that we librarians

were (and still are) instrumental in passing power to the people. For me, AFCON also embodies the value of speaking freely and openly about the issues of the day in the classroom, in print, in speech, and in the virtual world.

Our membership represents many professions with statements on academic and intellectual freedom. Here is a list of links to some of these sites:

- American Civil Liberties Union of Nebraska
<https://www.aclunebraska.org/en/issues/freedom-of-expression-and-religion>
- American Association of University Professors, Nebraska State Conference
<http://www.aaup-ne.org/node>
- Nebraska English Language Arts Council
<https://www.facebook.com/NebraskaEnglishLanguageArtsCouncil>
- Nebraska Library Association
<http://www.nebraskalibraries.org/group/IFRT>

- University of Nebraska Omaha Faculty Senate
http://www.unomaha.edu/facsen/faculty_handbook/04_faculty_hndbk.php

- Academic Freedom Coalition of Nebraska
<http://www.academicfreedomnebraska.org/principles-of-academic-freedom.html>

National organizations and other universities have powerful statements on academic freedom.

- American Library Association’s Office for Intellectual Freedom
<http://www.ala.org/offices/oif/>

- American Association of University Professors
<https://www.aaup.org/our-work/protecting-academic-freedom>

- National Council of Teachers of English
<http://www.ncte.org/action/anti-censorship>

If you would like to have your organization’s statement listed or link updated, please email us at afcon.nebraska@gmail.com. AFCON has contacted Nebraska colleges and universities to encourage these institutions to adopt a model statement on freedom of expression based on a statement from the University of Chicago and adapted by FIRE (Foundation for Individual Rights in Education). If you would like to view the model statement, go to <https://www.thefire.org/model-freedom-of-expression-resolution-based-on-university-of-chicago-statement/>.

Upcoming Events

The next AFCON Board Meetings will be **July 9 and August 13, 2016, 10 AM**
Loren Eiseley Library, 1530 Superior, Lincoln, Nebraska; 10 AM

SUMMARIES of AFCON Board of Directors' Meetings — Peggy Adair



Peggy Adair

March 12, 2016, Abrahams Library, Omaha, NE

PRESENT: Peggy Adair, Russ Alberts, Jayaram Betanabhatla, Nancy Comer, Frank Edler, Laurie Thomas Lee, Lora Leibrandt, David Moshman, Linda Parker.

MINUTES: President Linda Parker convened the meeting at 10:06 a.m. A motion was made by Edler, second by Leibrandt, to approve minutes of the AFCON board meeting held on February 13, 2016 as prepared by secretary pro tem Rod Wagner. Motion carried on a voice vote.

PRESIDENT'S REPORT: President Parker reported on Rod Wagner's excellent review and update on the status of LB969, the bill that would diminish the independence of library boards. Parker also reported she is working on organizing and planning for the remainder of the AFCON year.

TREASURER'S REPORT: McMurtry presented the treasurer's report dated March 11, 2016. Balance on hand on March 11, 2016 is \$1,914.52. The treasurer's report will be filed for audit. McMurtry asked for help in sending out membership invoices for 2016. Parker and Moshman will work together to prepare a membership letter to send with the invoices. McMurtry will send membership contact information to Parker who will prepare and send out the invoices.

NEWSLETTER: Edler will finalize the March issue of the *Sentinel* by Monday, March 14, for email distribution. Deadline for articles for the June issue of the *Sentinel* is May 24.

POLICY COORDINATOR: Moshman requested a change to item 4 of the AFCON Goals for 2016. The board approved the change by consensus. Item 4 now reads:

"Address free speech issues in Nebraska colleges and universities."

Moshman reported UNL Chancellor Harvey Perlman supported First Amendment rights and Academic Freedom principles in a letter he sent to the Black Lives Matter events organizers on the UNL campus.

Moshman discussed the letter ACLU legal counsel and interim director Amy Miller sent to public colleges and universities in Nebraska. The letter addresses free speech rights of students and others on college campuses.

A motion was made by Moshman, second by Alberts, that Moshman and Parker shall work together to prepare and send a letter from AFCON to all colleges and universities in Nebraska, encouraging the institutions to adopt the FIRE statement on free speech. Motion carried on a voice vote.

LEGISLATIVE LIAISON:

Adair thanked Lee for Lee's testimony in support of LB885 before the legislature's judiciary committee. Adair reported LB885, which will protect free speech and free press rights of college and university journalism students, does have a chance to pass this year. Adair will monitor the progress of the bill and will communicate progress with the board.

MEMBERSHIP: Moshman suggested sending copies of AFCON's letter encouraging adoption of the FIRE free speech statement to faculty senates and student groups at the various college and university campuses as a way to broaden the audience for AFCON membership. The board agreed by consensus.

TREAT OF THE DAY:

Buttery cinnamon bread, thank you, Lora Leibrandt; and glazed donut holes, thank you Linda Parker!

WEBSITE: Leibrandt and Parker reported the website is up to date. Edler indicated one issue of the *Sentinel* (September 2015) is missing from the website. The website managers will post new issues of the *Sentinel* in a timely fashion in light of their huge sala-

ries and generous benefits packages.

AFCON AWARD:

Senator Al Davis was suggested as a candidate for the 2016 Academic Freedom Award.

ANNUAL MEETING

2016: Parker presented a draft plan for the 2016 AFCON annual meeting. The plan received favorable feedback from the board. Parker will contact UNO to flesh out the details on venue and dates.

MEMBER REPORTS:

UNL Faculty Senate: Lee reported non-tenured professors of practice are being invited to sit on the committee for academic rights and responsibilities. Lee also reported the faculty senate has requested an update on the TIPS program.

There being no further business, the AFCON board adjourned, finally, for real, at 11:19 a.m.

Respectfully submitted,
Peggy Adair, Secretary

www.academicfreedomnebraska.org
afcon.nebraska@gmail.com



"Disobedience is the true foundation of liberty."
Henry David Thoreau

SUMMARIES of AFCON Board of Directors' Meetings (Continued from Page 2)

April 9, 2016, Eiseley Library, Lincoln, NE

PRESENT: Peggy Adair, Russ Alberts, Frank Edler, Bob Haller, David Moshman, Linda Parker, and Rod Wagner.

MINUTES: President Linda Parker convened the meeting at 10:15 a.m. A motion was made by Moshman, second by Alberts, to approve minutes of the AFCON board meeting held on March 12, 2016. Motion carried on a voice vote.

PRESIDENT'S REPORT: President Parker distributed a draft master list she is working on to compile a database of public post-secondary educational institutions in Nebraska with contact information for Chancellors or Presidents. The purpose of the database is to have a working list to distribute copies of the AFCON letter encouraging the adoption of the FIRE statement on free speech on college campuses.

MEMBERSHIP: Moshman reported on the need to send out invoices for organizational memberships immediately. Parker will perform that task.

TREASURER'S REPORT: McMurtry emailed the treasurer's report for April, 2016. Balance on hand as of April 7, 2016 is \$1,822.32. The treasurer's report will be filed for audit.

NEWSLETTER: Edler still needs the September, 2015, edition of the *Sentinel* to be posted on the AFCON website. Deadline for articles for the next edition of the *Sen-*

tinel is May 24, 2016.

WEBSITE: Parker encouraged AFCON members to send AFCON-related photos to Lora Leibbrandt for posting on the AFCON website home page.

POLICY COORDINATOR: Moshman reported he will be speaking to Nebraska Library Association roundtable groups at the Seward Library on April 15, 2016.

TREAT OF THE DAY: Orange muffins. Thanks, Bob!

LEGISLATIVE LIAISON: Adair reported LB885, the legislative bill supporting free press on college campuses, remains on general file. Due to the short legislative session the bill will not move any further. However, Adair is encouraged by the unanimous support the bill received from the judiciary committee. Adair will meet with Davis before the next legislative session to encourage his re-introduction of the bill in 2017.

NATIONAL COUNCIL OF TEACHERS OF ENGLISH, NEBRASKA: Adair received a request from NCTE to send a letter from AFCON nominating Al Davis for the NCTE Intellectual Freedom Award. A motion was made by Moshman, second by Edler, to endorse Al Davis as a nominee for the award. Motion carried on a voice vote. Adair will draft a letter to be signed by President Parker. Adair will contact NCTE regarding the AFCON decision.

WAYNE STATE UPDATE: Haller discussed his research and his written report on the faculty situation at Wayne State College. Haller will provide Edler with a version of his report for publication

in the *Sentinel*. Haller will do further research on by laws, the standards of governance used by universities in other states, and AAUP best practices for protection of academic freedom of faculty when contentious situations arise.

AFCON AWARD 2016: The board discussed possible candidates for the 2016 Academic Freedom Award.

There being no further business, the AFCON board adjourned at 11:14 a.m.

Respectfully submitted,
Peggy Adair, Secretary

The next meeting of the **AFCON BOARD OF DIRECTORS** will be **Saturday, May 14, 2016, at Eiseley Library in Lincoln, Nebraska.**



Coco Chanel

"The most courageous act is still to think for yourself. Aloud."

May 14, 2016, Eiseley Library, Lincoln, NE

PRESENT: Peggy Adair, Russ Alberts, Jayaram Betanabhatla, Nancy Comer, Bob Haller, Lauri Thomas Lee, Cathi McMurtry,

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SUMMARIES

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David Moshman, Linda Parker and Rod Wagner.

MINUTES: President Linda Parker convened the meeting at 10:08 a.m. A motion was made by Moshman, second by Alberts, to approve minutes of the AFCON board meeting held on April 9, 2016. Motion carried on a voice vote.

PRESIDENT'S REPORT: Parker sent membership invoices to AFCON organizations. She will send a note and invoice to those organizations and individuals who have been inactive to encourage renewal.

ANNUAL MEETING 2016: Parker will pursue partnering with UNO academic departments/professors for the AFCON annual meeting so we can have access to the Thompson Alumni Center free of charge. The board discussed a possible registration fee of \$30, with a lower student rate that will cover the cost of food.

ACADEMIC FREEDOM AWARD: The Board discussed possible nominees for the 2016 AFCON Academic Freedom Award



Noam Chomsky

TREASURER'S REPORT: McMurtry presented the treasurer's report for May, 2016. Balance on hand as of May 7, 2016 is \$1,822.32. The treasurer's report will be filed for audit.

NEWSLETTER: Deadline for articles for the next edition of the *Sentinel* is May 24, 2016.

WEBSITE: Parker encouraged AFCON members to send AFCON-related photos to Lora Leibrandt for posting on the AFCON website home page.

POLICY COORDINATOR: Moshman handed out copies of the outline of his presentation on defending intellectual freedom, titled "Not Always a Dirty Job, But You've Gotta Do it Regardless." Moshman gave his outstanding presentation to enthralled attendees at the Nebraska Library Association's spring meeting in Seward.

Moshman reported he continues to monitor attempts to change the "controversial issues policy" in Lincoln Public Schools. Recent attempts to weaken the policy were unsuccessful.

Moshman discussed five Supreme Court cases highlighted in a newly-published book on the status of student first amendment rights. The book is titled *Lessons in Censorship*, by Catherine Ross.

TREAT OF THE DAY: Homemade blueberry muffins dusted with confectioner's sugar. Thanks, Bob!

STUDENT VIDEO CONTEST: Laurie Lee will put together a proposal of ideas for a multi-media contest to tie in with a hoped-for student journalism bill to be introduced in the 2017 legislative session.

WAYNE STATE UPDATE: Haller discussed the conflict between the State College Board Policy Manual and the State College Faculty Senate Bylaws. Haller will do further research to see if state statutes provide for minimum requirements for state college governance.

NEBRASKA CENTER FOR THE BOOK: Wagner reported the Nebraska Center for the Book annual convention will be held October 29 at the Nebraska History Museum in Lincoln. Wagner also reported the keynote speaker for the Nebraska State Library Association's convention to be held on October 20-21 will be Jamie LaRue.

NEBRASKA STATE READING ASSOCIATION: Comer reported the NSRA State Reading Conference will be held in Kearney, February 23-25, 2017.

There being no further business, the AFCON board adjourned at 11:47 a.m.

Respectfully submitted,
Peggy Adair, Secretary

The next meeting of the AFCON **BOARD OF DIRECTORS** is scheduled for **Saturday, June 11, 2016, at Eiseley Library in Lincoln, Nebraska.**

"If we don't believe in freedom of expression for people we despise, we don't believe in it at all." *Noam Chomsky*

LESSONS IN CENSORSHIP

David Moshman



David Moshman

P u b l i c schools, we all agree, should teach civics and promote democracy, including respect for constitutional rights. Unfortunately, regardless of the official

curriculum, schools routinely teach students through censorship and punishment that those in charge decide what may be said.

In *Lessons in Censorship: How Schools and Courts Subvert Students' First Amendment Rights*, George Washington University law professor Catherine Ross presents and analyzes dozens of legal cases concerning the free speech rights of students in K-12 public schools. She also provides a convincing critique of the state of the law, an urgent warning about what students experience in school, and concrete suggestions for protecting student speech

Ross does not address censorship of college students, which has been much in the news over the past year. But her book is an important reminder that censorship of students begins long before they get to college. She organizes her presentation around five key U.S. Supreme Court decisions.

In *West Virginia v. Barnette* (1943), the Court ruled that public schools must respect the First Amendment right of students not to participate when the class salutes the flag and recites the pledge of allegiance. The decision was justified on the basis of

fundamental principles of free speech, personal autonomy, and the constitutional protection of individual rights. It remains a classic and oft-quoted statement of those principles.

In *Tinker v. Des Moines* (1969), the Court ruled that public schools must respect the First Amendment right of students to wear black armbands to protest U.S. violence in Vietnam. Setting a relatively stringent standard known since as the *Tinker* test, it ruled that student speech is protected by the First Amendment provided it does not disrupt the operation of the school or violate the rights of others.

Tinker came at a high point of judicial protection for individual rights. In subsequent decades, as the Supreme Court became more conservative, it increasingly deferred to government authority by reversing or narrowing earlier decisions protecting individual rights. Although *Tinker* has not been reversed, its scope has been substantially limited by three subsequent Supreme Court decisions.

In *Bethel v. Fraser* (1986), the Court upheld the authority of a school to punish a high school student who gave a sexually suggestive speech at a school assembly. Schools have since banned and punished a wide range of speech deemed offensive; courts have often, though not always, rejected First Amendment challenges.

In *Hazelwood v. Kuhlmeier* (1988), the Supreme Court upheld the authority of a high principal to censor the school newspaper. Ever

since, schools have taken their authority over school-sponsored speech to justify censoring or punishing any speech associated with the curriculum, including student speech in class. Unfortunately, federal courts have generally upheld broad school authority over curriculum-related student speech.

In *Frederick v. Morse* (2007), involving a banner that said "Bong Hits 4 Jesus," the Supreme Court upheld school authority to punish student advocacy of illegal drug use, thus creating a new exception to the First Amendment. Although the opinion concerns nonpolitical speech about drugs, schools construe it broadly and courts generally defer to the judgment of school officials about what needs to be censored.

In summary, schools interpret the three later decisions as broad exemptions from First Amendment law. Unfortunately, federal courts often, though not always, let them get away with this, leaving *Tinker* to apply only to incidental speech in the hallways and cafeteria that does not offend anyone or question school values. As a result we teach the next generation lessons in censorship that contradict and undermine our claims to value liberty and democracy.

What can we do? Educators should respect free speech. States should pass laws to protect student speech, as some already have. Courts should recognize the core principles of *Barnette* and *Tinker* and interpret the subsequent restric-

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Lessons in Censorship

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tions of their scope narrowly as limited exceptions to basic principles of free speech.

Students, Ross argues, learn the meaning and value of constitutional rights by “living liberty” during their time in school. If we’re serious about civics and democracy, we should insist that public schools

teach respect for individual rights and show that they mean it. For more, read the book.

This article originally appeared in The Huffington Post on May 24, 2016.

Academic Freedom Links

- David Moshman’s *Huffington Post* piece “Mohamedou Takes Tea with his Torturers” (March 2016)
http://www.huffingtonpost.com/david-moshman/mohamedou-takes-tea-with-_b_9447316.html
- David Moshman’s *Huffington Post* piece “Fighting ‘Genocide Ideology’ in Rwanda” (April 2016)
http://www.huffingtonpost.com/david-moshman/fighting-genocide-ideolog_b_9716142.html
- “From Suppressing to Compelling,” *Inside Higher Ed*, April 25, 2016, The diversity requirements at the University of Massachusetts at Amherst demonstrate a troubling shift from proscription of speech to prescription of political attitudes, argue Daphne Patai and Harvey Silverglate.
<https://www.insidehighered.com/views/2016/04/25/new-diversity-requirements-umass-amherst-compel-speech-and-belief-essay>
- “Law Professors’ Open Letter Regarding Campus Free Speech and Sexual Assault,” 21 law professors send open letter to the U. S. Department of Education’s Office of Civil Rights (OCR) protesting OCR’s overreach.
<http://online.wsj.com/public/resources/documents/Law-Professor-Open-Letter-May-16-2016.pdf>
- “In Open Letter, Professors Criticize Department of Education’s Overreach,” by Will Creeley, May 19, 2016, FIRE:
<https://www.thefire.org/in-open-letter-professors-criticize-department-of-educations-overreach/>
- Robby Soave’s piece in Reason.com on the activities of the Bias Response Team: “The University of Oregon’s Thought Police Investigate Students for Saying Anything” (May 10, 2016).
<http://reason.com/blog/2016/05/10/the-university-of-oregons-thought-police>
- The FIRE’s Chris Maltby and Aaron Reese write an article on Mary Beth Tinker: “From Black Armbands to the Supreme Court: Mary Beth Tinker and Student Free Speech Rights” May 23, 2016.
<https://www.thefire.org/from-black-armbands-to-the-supreme-court-mary-beth-tinker-and-student-free-speech-rights/>
- Tom Rachman on Ash’s manifesto: “Timothy Garton Ash Puts Forth a Free-Speech Manifesto” in the *New York Times*, May 22, 2016:
http://www.nytimes.com/2016/05/23/books/timothy-garton-ash-puts-forth-a-free-speech-manifesto.html?_r=0



To protest free speech in the name of protecting women is dangerous and wrong.

Betty Friedan

TWO AFCON BOARD MEMBERS RECEIVE AWARDS



Catherine McMurtry
(Photo by Curt Hine)

In the Warren Room of the State Capitol on May 6, 2016, AFCON's lifetime treasurer, **Catherine McMurtry** of Oakland, Nebraska, was inducted into the Nebraska English Language Arts Hall of Fame. Catherine and three other educators were inducted into the Hall of Fame

by the Nebraska English Language Arts Council (NELAC) and the National Council of Teachers of English (NCTE). She was recognized for her long service in Nebraska as an English teacher (39 years), and as the lifetime treasurer of AFCON since its founding in 1988. She has a lifetime K-12 teaching certificate. Since her retirement, she has been a Quiz Bowl reader and substitute teacher and loved every minute of it! Her name will be engraved on a plaque in the State Department of Education.



Rod Wagner

Rod Wagner of Lincoln, Nebraska has received one of two 2015 NCTE National Intellectual Freedom Award Honorable Mentions. Members of the Standing Committee Against Censorship who judged the award applaud Rod's long history of service in the area of intellectual freedom. From arranging

the funding and distribution of Nebraska's first Intellectual Freedom Handbook for libraries to serving on the Nebraska Academic Freedom Coalition (AFCON), he's underscored every Nebraskan's right to read!

We are most pleased for Catherine and Rod. They deserve it!

CHRISTIAN ABRAHAM SORENSEN AND FREE SPEECH AT GRAND ISLAND BAPTIST COLLEGE

Frank Edler



Frank Edler

A little over two years ago when Michael Barth, a senior at Gordon-Rushville High School in Nebraska, won a first place medal at the state high school speech tournament by

performing a number of poems on gender identity, he was ecstatic. When it came time, however, to record his presentation in Lincoln with the other winners, the Nebraska School Activities Association (NSAA) told him that he would have to eliminate one of the

poems in his presentation called "Swingset" about a lesbian kindergarten teacher. He decided that he would not comply and would give the original performance. Luckily, the NSAA reversed its decision. Nevertheless, when I first read of Michael Barth's situation, I thought of Christian Abraham Sorensen, father of Ted Sorensen, who found himself in similar circumstances more than a century ago.

Born on a "soddy" on March 24, 1890, near Harrisburg, Nebraska, into a Danish family of traditional farmers and fishermen who were "highly religious" for generations, Sorensen, according to Addison E. Sheldon, was "reared . . . to hate war

and to believe in religion, temperance, and education" (Sheldon, *Nebraska. The Land and the People*, vol. 2, p. 149). Sorensen, the oldest of ten children, believed in an absolute pacifism that was clearly rooted in his family's tradition and their religious beliefs, although he also would emancipate himself from the devout religious conservatism of his parents (Ibid, see also Ted Sorensen, *Counselor*, p.35).

At the age of sixteen, he was able to pass the eighth grade examination to attend Loup City

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SORENSEN

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High School. According to Sheldon, "in high school he was president of the school literary society and on the debating team" (Sheldon, *Nebraska*, Vol. 2, p. 149). Sorensen apparently continued the practice of debating on the farm by "playing senator" with a boyhood friend where each would take an opposing view atop separate haystacks and "thunder their denunciations at each other in true senatorial style" while observing the rules of decorum (Ibid; Sorensen, *Counselor*, p. 35)

After paying his own way through two summers of continuing education at Wesleyan College (Wesleyan Academy) by shoveling coal, he agreed to attend Grand Island Baptist College. Ted Sorensen says his father did this to please "his devout parents," but I suspect that the parents may have been more willing to contribute to his education in a school of religious denomination (Sorensen, *Counselor*, 35). He was twenty years old when he entered Grand Island Baptist College.

It may have been inevitable that a rupture would occur. In his teens, Sorensen grew up after the decade when the battle raged over evolution and the bible. Walter Locke, associate editor of the *Nebraska State Journal*, mentions in his autobiographical work *This World, My Home*, the great debate that occurred in Nebraska in the 1890s over evolution and free thinkers like Robert G. Ingersoll and how "long and bitterly" the battle raged (*This World, My Home*, Yellow Springs: Antioch Press, 1957, p. 54). When the debate began to settle down, Locke says "I encountered, meanwhile, Ralph Waldo Emerson, Thomas Jefferson, Walt Whitman, Henry D. Thoreau. I found in them a faith that shamed my own" (Ibid, p. 54).

Sorensen excelled rapidly at Grand Island Baptist College: he was business manager of the student newspaper, *The Volante*, in 1910-1911 (see

vol. XVI, No. 9, June 1911, p. 22) and then editor-in-chief in the fall of 1911 (Ibid, p. 10). In addition, he was elected president of the Prohibition League (Ibid, p. 16). He also won the Sophomore Oratorical Contest held on June 3, 1911. The oration was printed in *The Volante* under the title "Intellectual Slavery" (Vol. XVI, No. 1, October 1911, pp. 7-9). This oration was an early version of the one Sorensen will give more than eight months later causing something of an explosion in Grand Island that rippled through the state.

Sorensen's declaration of independence from religious conservatism came on the night he gave his oration at the intercollegiate contest on February 17, 1912, in Grand Island at the Bartenback Opera House. The oration was entitled "The Hand of the Past."

The *Nebraska State Journal* ran a story on the incident the following Monday, February 20, on page 7, under the heading "Stirred the Pastors" with the subhead "Address of Mr. Sorenson [sic] Representing College Caused Trouble" (See also *Grand Island Daily Independent*, February 19, 1912, p. 1). The story opened with the following description: "A rather acute religious controversy has arisen in this city as a result of the oration of Mr. Sorenson [sic], the student representing Grand Island college, the Baptist denominational school of the state, in the state oratorical contest held here last Friday night" (*Nebraska State Journal*, p. 7).

Although it was a revision of the earlier oration under the title of "Intellectual Slavery," this version was more definitive. The earlier oration ended on a note of trust that there was perfect harmony between "the loyal pursuit of truth" and "the intentions of the Creator" (*The Volante*, Vol. XVII, No. 1, October, 1911, p. 9). In "The Hand of the Past," Sorensen took a much stronger position on how traditional religion was a hindrance to hu-



Sorensen on the UN Debating Team
Omaha Daily Bee, Dec. 8, 1912

man progress. For example, he says that "[t]he religious world fails to adjust itself quickly to the growth of knowledge and the expansion of thought" and that "Too many sermons taste like canned goods found in the cellars of theology" (*Grand Island Daily Independent*, "Wesleyan Man Is the Winner," Feb. 17, 1912, p. 1, 5). The section of the oration that caused the most ruckus was the following:

"We offer up our prayers before the shrine of time-honored falsehoods But we are beginning to see that the essence of the religious life is the science of the duty of man to man, and not a fantastical belief in a supernatural and mythological scheme of heavenly things. True religion needs no supernatural equipment. The mission of true religion is not to give a system of theology nor a doctrine about gods but to proclaim the union of all men in the bond of an ideal brotherhood" (Ibid, p. 1)

In his book *Counselor* Ted Sorensen states that his father's speech was "explosive;" he was right (*Counselor*, p. 35). His father was stripping the supernatural out of religion. Religion is not about God; religion is about human being, "the science of the duty of man to man," "the union of all men in a bond of ideal brotherhood." The ministerial union that met on

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Monday morning after the oratory contest clearly saw the speech as a challenge to the divinity of Christ: "A Christian religion without Christ [the divine Christ], it was contended, was too much to be permitted to go by unheeded" (*Grand Island Daily Independent*, "Occasion a Protest," February 19, 1912, p. 1).

The same newspaper report also touched on a crucial point that spoke volumes about Sorensen. Dr. Garrison, president of Grand Island Baptist College, stated that Sorensen's speech had been reviewed by the faculty and changes had been made prior to the delivery of the speech. Garrison stated that the first sentence ("We offer our prayers. . . .") had been eliminated and the second ["But we are beginning. . . ."] was modified by the clause "under the guidance of a Divine fatherhood" (*Grand Island Daily Independent*, Feb. 19, 1912, p. 1). Sorensen clearly refused to be muzzled by the college and stuck to his unedited version. Dr. Garrison's assessment of the situation was that "the student who is characterized as an able but headstrong young man, deliberately disregarded the college authorities" (Ibid, p. 1; *Counselor*, pp. 35-36). Sorensen was dismissed from Grand Island Baptist College. It did not matter that he had won third place in a contest among eight entries from York College, Wesleyan University, Doane College, Creighton University, Cotner University, and Bellevue College (*The Volante*, Feb. 12, 1912, p. 1).

This incident will mark Sorensen for the rest of his life as a fighter for truth, free speech, and social justice. He learned a valuable lesson at a young age that freedom of conscience is nothing without



C. A. "Abe" Sorensen
1915 *Cornhusker*

freedom of speech.

Unbeknownst to Sorensen, there were two benefactors in the wings who were aware of his predicament. One was Walter L. Locke, who had heard of Sorensen's expulsion and sent him a letter out of the blue stating that he "belonged in two places, both in Lincoln—the University of Nebraska and the Unitarian Church" (*Counselor*, p. 36). More importantly, Locke offered to do two things: help him with his admissions to the university and give him a place to stay at the Locke residence until he got settled (Ibid). The other benefactor was Arthur L. Weatherly, Unitarian minister of All Souls' Church, who, in conjunction with Locke, offered Sorensen a scholarship to attend the University of Nebraska (Ibid).

Sorensen enrolled at the uni-

versity on February 27, 1912, eleven days after giving his oration that rocked the clergy of Grand Island. He entered as a political science major under the tutelage of Dr. George Elliott Howard who was head of the Department of Political Science and Sociology. Howard had gone from the University of Nebraska to Stanford University to establish the first history department there, but he later resigned from Stanford over the firing of Edward A. Ross. He returned to the University of Nebraska in 1904. Sorensen learned much from Howard about social activism and also from Addison E. Sheldon, who was head of the Nebraska Legislative Reference Bureau and taught a course at the university on practical legislation, a course that enabled law students to help legislators research topics and write bills.

He proved himself to be an exceptional student at the university. He was a member of two successful debating teams, editor of the *Daily Nebraskan* in the fall of 1914, president of the World Polity Club, and a member of the Henry Ford peace expedition. He graduated from law school in 1916, and Addison E. Sheldon hired Sorensen as his assistant at the Legislative Reference Bureau. Sorensen was almost constantly involved in efforts for peace advocacy, greater democratization, constitutional reform and social justice. He even found time to establish the Round Baler Manufacturing Company.

All of this changed in 1917 when the United States entered the First World War. The zeal for progressivism and social reform that produced a Teddy Roosevelt waving a red bandanna, a stolen socialist symbol, at the Progressive Party

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SORENSEN

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convention in 1912 was now transformed into an hysterical demand to win the war at any cost [on the red bandannas of the Progressive Party convention, see Doris Kearns Goodwin, *The Bully Pulpit. Theodore Roosevelt, William Howard Taft, and the Golden Age of Journalism* (New York and London: Simon and Schuster, 2013), pp. 719-721]. This was to be achieved by eliminating any and all forms of dissent (thousands were jailed for criticizing the government), by virtually eliminating the freedoms of speech, assembly and the press, and by using an army of 200,000 to 300,000 American Protective League members loosely associated with the Department of Justice to snoop into people's homes, bank accounts, and private affairs to make sure people were completely loyal and "one hundred percent American" (Robert Justin Goldstein, *Political Repression in Modern America: From 1870 to 1978* (Urbana and Chicago: University of Illinois Press, 2001), p. 111).

In Nebraska the repressive work was done primarily through the State Council of Defense and

its tributary county councils. Richard L. Metcalfe, editor of *The Omaha Nebraskan* and head of the State Council's secret service division, targeted the Lutheran Church, German-American communities, and the University of Nebraska claiming that they harbored disloyal nests of pro-Germans (Robert N. Manley, "The Nebraska State Council of Defense: Loyalty Programs and Policies during World War I," Master's Thesis, University of Nebraska, 1959, pp. 38-41). The State Council, thinking that in time of war its power was not subject to the Constitution, pressured the university board of regents to put sixteen professors and one staff member on trial in the law school for disloyalty. Sorensen, now a lawyer for the Farmers' Union and state attorney for the Non-Partisan League (NPL) in Nebraska, defended five of the accused, one of whom, Annis Chaikin, would later become his wife. Instead of peace advocacy and social reform, Sorensen now spent all his time defending civil liberties (Ibid; see Chapter 6 on the university and Chapter 7 on the trial).

The State Council in collusion with the Omaha Business Men's Protective

Association tried to drive the NPL out of Nebraska by bullying and intimidating its members, breaking up its meetings, and beating up League organizers (Ibid, see Chapter 9). When the League petitioned Governor Keith Neville to protect its right to hold meetings and organize, Neville responded by asking "the organization to leave the state" (*Red Cloud Chief*, "Asked To Leave State," June 27, 1918, Image 6).

Sorensen finally had to go to district court to file an injunction against the State Council to cease its activities against the League (Elmo Bryant Phillips, "The Non-Partisan League in Nebraska," Master's Thesis, University of Nebraska, 1931, pp. 12, 41). The result was a compromise in which the State Council allowed the NPL organize in Nebraska on the condition that the NPL would eliminate some of its "unpatriotic" literature and hire only Nebraskans as organizers rather than NPL members from North Dakota.

More Academic Freedom Links

- Appellate Attorney Howard Bashman speaks at Emory University Law School on "Free Speech on College Campuses" on C-SPAN2:

<http://www.c-span.org/video/?402809-1/free-speech-college-campuses>

- Alexander "Sasha" Volokh, Emory University law professor, explains the difference between free speech at public versus private universities:

<https://www.thefire.org/want-fires-take-on-free-speech-at-public-and-private-schools-emorys-volokh-spells-it-out-in-two-minutes/>



Sojourner Truth

"Life is a hard battle anyway. If we laugh and sing a little as we fight the good fight of freedom, it makes it all go easier. I will not allow my life's light to be determined by the darkness around me."

"Because of them I can now live the dream. I am the seed of the free, and I know it. I intend to bear great fruit." — Sojourner Truth

AFCON SPEAKER'S BUREAU (As of June 2016)

Peggy Adair: "Banned Books, Black Arm-bands, and School Prayer: The Evolution of Children's First Amendment Rights in America"

impa@centurylink.net

Bob Haller: "Civics Education and the Practice of Freedom" and "How Books Can Harm You: Lessons from the Censors"

mshortt@inebraska.net

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"

lleel@unl.edu

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**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**

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 SEPTEMBER 2016 issue is August 24, 2016.

Send to Frank Edler, 908 Elmwood Avenue, Lincoln, NE 68510 or email frankhwedler@gmail.com

AFCON



“Fahrenheit 101: Can Free Speech Survive Higher Education?”

The latest cover of *Newsweek* features an article by Nina Burleigh entitled “The Battle Against ‘Hate Speech’ on College Campuses Gives Rise to a Generation That Hates Speech” (<http://www.newsweek.com/2016/06/03/college-campus-free-speech-thought-police-463536.html>).

Burleigh is concerned, and rightly so, that “American college campuses are starting to resemble George Orwell’s Oceania with its Thought Police, or East Germany under the Stasi. College newspapers have been muzzled and trashed, and students are disciplined or suspended for ‘hate speech,’ while exponentially more are being shamed and silenced on social media by their peers. Professors quake at the possibility of acci-

dentally offending any student and are rethinking syllabi and restricting class discussions to only the most anodyne topics. A Brandeis professor endured a secret administrative investigation for racial harassment after using the word *wetback* in class while explaining its use as a pejorative.”

The bigger debate, she says, is “about the purpose of the university. Is it an island for experiments in how to make society kinder and more just? Or is it a boot camp for the brain, where young minds are challenged by other viewpoints and learn how to defend their own?” This choice may well be a false dilemma. Universities should do both while maintaining strong protections for academic freedom in speech, research, and teaching.

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 DISTRIBUTE THIS NEWSLETTER TO YOUR MEMBERS.
INDIVIDUAL MEMBERS, PLEASE SHARE THIS NEWSLETTER WITH YOUR FRIENDS IMMEDIATELY.
ENCOURAGE THEM TO JOIN AFCON**