



THE

# AFCON

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## AFCON OFFICERS

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David Moshman  
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Frank Edler  
*Sentinel* 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— Rod Wagner



Rod Wagner

Librarians seek reliable and trusted information sources for their own research and especially for those of their customers. When it comes to information sources for academic and intellectual freedom issues, the American Library Association's Office for Intellectual Freedom (OIF) is at the top of the list. This December, the OIF celebrates 50 years of fighting for intellectual freedom and closely allied academic freedom causes.

In its half-century the OIF has championed the principles of intellectual freedom, and has continuously sought allies to support intellectual freedom and its many components. In addition, the OIF has established relationships with other First Amendment supporters (e.g., Freedom to Read Foundation, Media Coalition, Foundation for Individual Rights in Education, Association of American Publishers, and more).

Over the course of its 50 years, the OIF has had exceptional leadership under its three directors: Judith Krug, Barbara Jones, and Jamie LaRue. Judith Krug's decades of OIF leadership are characterized by her tireless efforts in opposition to censorship and her skill in coalition building. She was a founder and principal in the creation of the Freedom

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Malcolm X

***“Power never takes a back step only in the face of more power.”***  
— Malcolm X

## Upcoming Events

The next AFCON Board Meeting will be **January 13, 2018, 10 AM**  
Loren Eiseley Library, 1530 Superior, Lincoln, Nebraska

**(President's Message —**

Continued from Page 1)

to Read Foundation – a source for legal support in First Amendment challenges. And she was a co-founder of Banned Books Week, launched in the 1980s.

Barbara Jones followed Krug as executive director of the OIF. Before retirement in 2015, Jones led the OIF in speaking out on First Amendment protections – the freedom to read, library privacy, filtering, and more. Notable were the OIF's actions to support school librarians in censorship challenges. Jamie LaRue, the OIF's current director, was appointed in 2016. LaRue has championed three distinct roles for the OIF: case support for library workers and governing authorities facing First Amendment challenges, thought leadership to inform

related to free speech (publications, webinars, workshops, and speakers), and leadership development to recruit and build a group of informed and skilled advocates. LaRue is an articulate spokesperson on many facets of librarianship in addition to intellectual freedom topics. A prolific writer, he blogs on intellectual freedom topics. LaRue is the author of *The New Inquisition: Understanding and Managing Intellectual Freedom Challenges*.

Phone calls, letters, and paper piles in OIF's early years have been replaced largely with email, text messages, and databases. The office has become especially skillful in the use of social media for intellectual freedom communications. Despite many changes over the past 50 years there has been no reduction in the need for assistance on intellectual freedom issues. The OIF

continues to assist in response to intellectual freedom issues by providing information, advice, research, and legal assistance.

A core resource is OIF's *Intellectual Freedom Manual*, a manual that has evolved into a three hundred plus page ninth edition compendium. Further, intellectual and academic freedom advocates can subscribe to the Intellectual Freedom Blog (<http://oif.ala.org/oif>) and receive a corresponding e-newsletter (<http://bit.ly/2hY5wmg>).

Intellectual freedom, academic freedom, and First Amendment rights will always be subject to conflict. For defenders of these freedoms, the OIF will continue to be an indispensable and effective resource.

(Rod Wagner is president of AFCON.)

## LINKS TO ACADEMIC FREEDOM ISSUES

- Chris Ellis's piece on whether Americans support free speech on college campuses in the *Washington Post*: [https://www.washingtonpost.com/news/monkey-cage/wp/2017/11/08/do-americans-support-free-speech-on-college-campuses-absolutely-except-sometimes/?utm\\_term=.e4a750c4e7e7](https://www.washingtonpost.com/news/monkey-cage/wp/2017/11/08/do-americans-support-free-speech-on-college-campuses-absolutely-except-sometimes/?utm_term=.e4a750c4e7e7)
- The Fire's Zach Greenberg on the University of Oklahoma's censoring fracking research: <https://www.thefire.org/university-of-oklahoma-censors-fracking-research-at-the-request-of-oil-company-ceo/>
- "Neo-nazi Rally to Back White Nationalist Student" <https://www.insidehighered.com/quicktakes/2017/11/20/neo-nazi-rally-back-white-nationalist-student>
- Colleen Flaherty's *Inside Higher Ed* piece "Nebraska Responds to Political Demands on Political Climate": <https://www.insidehighered.com/quicktakes/2017/11/20/nebraska-responds-demands-political-climate>
- The Fire's Joe Cohn on legislation introduced to reauthorize the Higher Education Act which includes provisions on free speech, press association and due process on campus: <https://www.thefire.org/congress-higher-education-act-reauthorization-tackles-campus-free-speech-and-due-process/>
- Palestine Legal's article on Trump nominee Kenneth Marcus's anti-free speech /anti-civil rights record: <https://palestinelegal.org/news/2017/11/29/kenneth-marcus>
- The report of the UNL incident by Turning Point USA News: <https://www.turningpoint.news/protest-tpusa-nebraska-police/>
- Judith Shapiro's *Inside Higher Ed* article "Free Speech and Quality Speech": <https://www.insidehighered.com/views/2017/12/06/balancing-free-speech-quality-speech-opinion>

## Open Letter from the Nebraska AAUP Signed by 240 UN Faculty Members Warns of Political Interference at the University

*By way of introduction, Prof. Julia Schleck, president of Nebraska AAUP, states that "UNL was attacked in the press a number of times this fall by a group of state senators. Following the NU administration's inconsistent and tepid response to these attacks, a group of concerned faculty from across the university composed the Open Letter and circulated it to their colleagues to sign. After receiving requests to sign from colleagues at UNO and UNK, the letter was circulated there as well. At the point of publication there were 240 signatures. The letter will be delivered to the Board of Regents at their meeting on December 5.*

To the University of Nebraska Community:

We are concerned that at the highest levels of the University of Nebraska system, decisions involving the future of the University are being made without transparency or proper governance and under improper exertions of influence by the legislative and executive branches of the state government. We fear that financial hostage-taking by members of the state government will result in changes by the administration in the intellectual offerings of the University and opportunities for our students. We believe it is imperative to express our alarm now, before irrevocable damage is done to the mission of the university and the value it contributes to the state of Nebraska. We insist that no radical changes be undertaken in the administration, academic programs, allocation of funds, or support for campus initiatives without appropriate faculty governance, transparency, and respect for academic freedom, which are core values of a healthy university.

Members of the state legislature strongly tied to Governor Pete Ricketts, including senators Steve Halloran, Steve Erdman, and Tom Brewer, along

with staff of anti-public-education nonprofits affiliated with Governor Ricketts, such as School Choice Lincoln, have leveraged a single campus interaction into a sustained attack on the University that has greatly surpassed the scope and import of the initial incident. These senators have called for an end to tenure, demanded further budget cuts, and have written a letter censuring the mission statement and curriculum of the Department of English. A number of that department's faculty have since been aggressively targeted by sweeping open private email requests made by the Governor's allies, including a request that they turn over addresses and emails between the chair and faculty members who have publicly criticized members of the state government.

Under the pretense that the University is unsafe for conservative students, the Governor and his surrogates are opening the door to ideological intervention at the University from outside entities. Their lack of consistency in protecting and respecting students' political views, particularly those that diverge from their own, reveals the political nature of this manufactured crisis. In contrast, we reaffirm what has always been our educational mission: helping students to understand a wide variety of ideas and viewpoints through the many classes they take, with the goal of producing informed citizens capable of making thoughtful independent decisions about how best to govern our society. We insist that this mission be respected and that the alarming politicized interventions in the work of the university be condemned and resisted, rather than validated by our administration.

Any ideological interference in university business from members of the

state government will be a major blow to the University of Nebraska. It will diminish our reputation among our peer institutions in the Big Ten and have a detrimental impact on our ability to attract and retain world-class faculty, as well as to recruit and retain minoritized and underrepresented students, who will rightly fear that initiatives to welcome them and address their unique needs on campus will be characterized as hostile to the agenda of the overreaching state government.

We, the undersigned, expect our administration to stand for the values of the University of Nebraska, a large community of diverse people with diverse viewpoints, and the most significant institutional asset to the state of Nebraska. We understand this community as being committed to the pursuit of truth (wherever it may lead), to the inherent value of open discussion, and to the fundamental values of democracy and free expression. If the Governor or his surrogates in the legislature interfere with the intellectual freedom of the faculty, one of the state's most precious resources will be squandered in a political power grab, as the quality of work at our university and the value of a degree from the University of Nebraska will quickly decline. We insist that all levels of the administration respect the governance structures currently in place, and categorically reject political interference in the good work being done at our state's flagship institution.

## Links Related to the Open Letter and the Original Incident

- For a copy of the faculty Open Letter with all the faculty signatures, go to the Nebraska AAUP website:  
<http://www.aaup-ne.org/content/open-letter-university-nebraska-faculty-recent-attacks-our-institution>
- Rick Ruggles's first article in the OWH on the UNL incident that took place on the afternoon of August 25:  
[http://www.omaha.com/news/education/unl-sophomore-says-she-was-berated-and-intimidated-while-trying/article\\_1187dc24-837c-51ad-9387-17f2ed7e6b5c.html](http://www.omaha.com/news/education/unl-sophomore-says-she-was-berated-and-intimidated-while-trying/article_1187dc24-837c-51ad-9387-17f2ed7e6b5c.html)
- Chris Dunker's first article in the LJS on August 30 on the incident:  
[http://journalstar.com/news/local/education/unl-again-finds-itself-in-midst-of-free-speech-debate/article\\_a9a3b96d-46f1-5009-8ebe-b6fbb56711a5.html](http://journalstar.com/news/local/education/unl-again-finds-itself-in-midst-of-free-speech-debate/article_a9a3b96d-46f1-5009-8ebe-b6fbb56711a5.html)
- Rick Ruggles's second article in the OWH:  
[http://www.omaha.com/news/education/unl-student-resumes-recruitment-for-conservative-group-as-officials-call/article\\_8278e10c-8d0f-11e7-8a89-835f106b5be4.html](http://www.omaha.com/news/education/unl-student-resumes-recruitment-for-conservative-group-as-officials-call/article_8278e10c-8d0f-11e7-8a89-835f106b5be4.html)
- Rick Ruggles's third article in the OWH:  
[http://www.omaha.com/news/education/unl-lecturer-removed-from-classroom-duties-after-confrontation-with-conservative/article\\_2e9bea62-93e4-11e7-8073-5f3b55c4220d.html](http://www.omaha.com/news/education/unl-lecturer-removed-from-classroom-duties-after-confrontation-with-conservative/article_2e9bea62-93e4-11e7-8073-5f3b55c4220d.html)
- KETV Chaneel 7's story on the original incident:  
<http://www.ketv.com/article/unl-sophomore-says-grad-student-professors-harassed-her-at-recruiting-booth/12111229>
- David Moshman discusses the UNL incident with Chris Baker on KFAB iHeartRadio:  
<https://www.iheart.com/podcast/53-Chris-Baker-28270566/episode/unl-professor-emeritus-david-moshman-28688329/>
- David Moshman's first piece "Giving Students the Finger" on the incident in his Huffington Post Blog:  
[https://www.huffingtonpost.com/entry/giving-students-the-finger\\_us\\_59bfl472e4b06b71800c3af9](https://www.huffingtonpost.com/entry/giving-students-the-finger_us_59bfl472e4b06b71800c3af9)
- David Moshman's second piece "Giving the Finger to Turning Point USA":  
[https://www.huffingtonpost.com/entry/giving-the-finger-to-turning-point-usa\\_us\\_59c56942e4b0f2df5e83ae19](https://www.huffingtonpost.com/entry/giving-the-finger-to-turning-point-usa_us_59c56942e4b0f2df5e83ae19)
- Sen. Steve Erdman calls for the termination of Prof. Gailey and graduate teaching assistant Lawton:  
[http://www.starherald.com/opinion/erdman-unl-professor-teaching-assistant-need-to-be-terminated/article\\_b42d7185-12a6-50a0-811c-1f2112f31300.html](http://www.starherald.com/opinion/erdman-unl-professor-teaching-assistant-need-to-be-terminated/article_b42d7185-12a6-50a0-811c-1f2112f31300.html)
- The story in the *Daily Nebraskan* about three Nebraska state senators and their response to the incident:  
[http://www.dailynebraskan.com/news/nebraska-senators-react-to-turning-point-usa-incident-repercussions/article\\_d661fd08-d319-11e7-8bc9-0f275ad13a4a.html](http://www.dailynebraskan.com/news/nebraska-senators-react-to-turning-point-usa-incident-repercussions/article_d661fd08-d319-11e7-8bc9-0f275ad13a4a.html)
- Ruggles's article in the OWH about UNL administration's decision not to rehire Lawton:  
[http://www.omaha.com/news/education/lecturer-accused-of-harassing-conservative-student-will-no-longer-work/article\\_0a127208-cbfa-11e7-89dd-2b859c3ef2bd.html](http://www.omaha.com/news/education/lecturer-accused-of-harassing-conservative-student-will-no-longer-work/article_0a127208-cbfa-11e7-89dd-2b859c3ef2bd.html)
- Chris Dunker's article in LJS on the AAUP's statement that UNL violated due process:  
[http://journalstar.com/news/local/education/national-faculty-group-says-unl-violated-academic-due-process-of/article\\_f54ac713-a7a7-5c3c-ace9-861c7b8b628a.html#tracking-source=home-latest-2](http://journalstar.com/news/local/education/national-faculty-group-says-unl-violated-academic-due-process-of/article_f54ac713-a7a7-5c3c-ace9-861c7b8b628a.html#tracking-source=home-latest-2)
- Colleen Flaherty's article in *Inside Higher Ed* entitled "Scapegoating a Department":  
<https://www.insidehighered.com/news/2017/11/29/professors-push-back-republican-state-lawmakers-allegations-about-english-department>





## AFCON Annual Meeting on October 28 Features Angels Theatre Company's Reading of David Wiltse's Play *Sedition*

On Saturday, October 28, AFCON held its annual meeting at the University of Nebraska Student Union. Muffins, cookies, and coffee were available for hobknobbers from 10:00 to 10:30 AM.

The main attraction was the reading performance of Nebraska playwright David Wiltse's play *Sedition* by the Angels Theatre Company and directed by Timothy Scholl. AFCON president Rod Wagner began the meeting promptly at 10:30 AM, welcomed all who attended, and turned the meeting over to David Moshman, president-elect and organizer of the meeting. David introduced the play and informed the audience that although AFCON had invited David Wiltse to attend, he was unable to do so. David then introduced Timothy Scholl, the director of the reading.

As Scholl explained, the play *Sedition* was the first play to be read in the Angel Theatre Company's Salon Reading Series of 2017-2018. The theme of the series is "Coming to terms with the past" — in this case coming to terms with the University of Nebraska's decision in 1918 to put more than twelve professors on trial for disagreeing with President Wilson's decision to go to war or for not being 100% American. The German word *Vergangenheitsbewältigung* is often used in this connection. As Scholl says "it is an idea most often used when discussing the aftermath of World War II." It is used most frequently to describe the intense debate in Germany on how to come to terms with its National Socialist past.

The play focuses on Prof. An-



*AFCON president Rod Wagner opens the annual meeting. Some of the cast members are seated behind him. On the far right is Tim Mittan; next to Tim is Dick Nielsen; next to Dick is Jules Howard; and next to her is Bret Olsen.*



*Participants of the AFCON annual meeting. Ally Halley with the yellow top on is seated on the left. (Both photos above were taken by Russ Alberts.)*

drew Schrag (played by Dick Nielsen), professor of German, who was David Wiltse's grandfather and one of the professors accused of treason because he criticized the government. Besides Nielsen, the cast included Jules Howard playing Schrag's wife Heather; Mike Keating played Chancellor Samuel Avery; Tim Mittan played Megrim, a member of the Nebraska State Council of Defense; Bret Olsen played

Prof. Cassidy; and Jackson Mikkelsen played Tellig, a student.

After the play was over, David Moshman, moderator, introduced Frank Edler who discussed the historical background of the play and the professors'

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*David Moshman (left) organized the 2017 AFCON annual meeting (Photo by Russ Alberts)*

**(Annual Meeting —**  
continued from Page 5)

trial that took place at the university in 1918. An active discussion ensued involving numerous questions from the audience.

Moshman then introduced founding board member Bob Haller who presented AFCON's Academic Freedom Award to Judy Hart, director of the Angels Theatre Company, for her courage in staging the

reading of *Sedition* which deals with the issues of academic freedom and freedom of speech in time of war. Hart accepted the award and indicated the importance of the collaborative effort between AFCON and Angels Theatre Company.

A short meeting, open to all, of the AFCON board was held at the end.

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*Bob Haller presents AFCON's Academic Freedom Award to Judy Hart, director of the Angels Theatre Company (Photo by Mary K. Stillwell).*



*Frank Edler discusses the historical background of the play and the professors' trial of 1918 (photo by Mary K. Stillwell)*



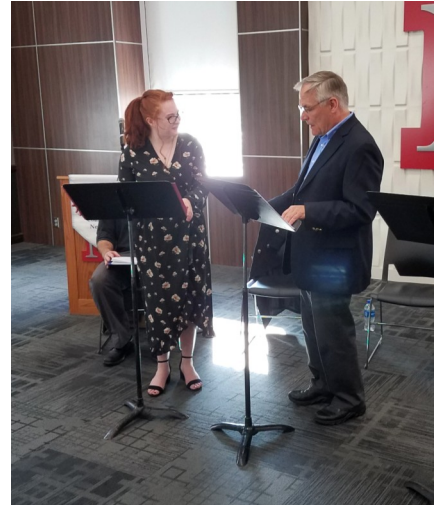
*The entire cast of *Sedition*: Timothy Scholl, director, is standing on the left. After Scholl (from left to right) are Bret Olsen, Jules Howard, Dick Nielsen, Tim Mittan, Mike Keating, and Jackson Millelsen. Judy Hart is seated on the far right; she read the stage directions (photo by Russ Alberts).*



## More Photos of the Annual Meeting



*Chancellor Avery (Mike Keating, standing right) tries to protect Prof. Schrag (Dick Nielsen, standing left) and curb Megrim's (Tim Mittan, center) zeal for catching luke-warm patriots.*



*Heather Schrag (Jules Howard) gets a promise from her husband Andrew (Dick Nielsen) not to go to the rally.*



*Judy Hart accepts AFCON's Academic Freedom Award.  
(Photo by Russ Alberts)*



*The last scene between Prof. Schrag (Dick Nielsen, standing left) and Chancellor Avery (Mike Keating, standing right). Although Avery protects Schrag from the likes of Megrim, he informs Schrag that he no longer has a job because the board of regents has eliminated the German Department. The historical truth is that the German Department was not eliminated, although enrollments dropped dramatically.  
(All photos are by Mary K. Stillwell except the photo of Judy)*

(Continued on Page 8)



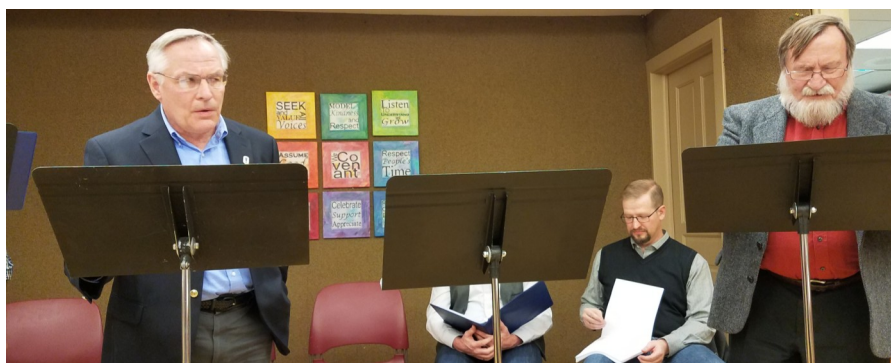
## More Personal Photos



David and Sara Moshman



(above: Rod Wagner. On the left, Bob Haller; seated behind Haller on the right is John Bender; behind Bender is Laurie Thomas Lee; and seated on the left are David and Sara Moshman. Photos by Mary K. Stillwell)



Frank Edler (on the right) fills in for the character of Tellig during the November 4 reading of *Sedition* at the First Unitarian Church in Omaha organized by Linda Parker. (Photo by Russ Alberts.)



# SUMMARIES of AFCON BOARD MEETINGS

Peggy Adair, Secretary



Peggy Adair

**September 9, 2017, Loren Eiseley Library, Lincoln, NE**

**PRESENT:** Peggy Adair, Russ Alberts, John Bender, Nancy Comer, Laurie Thomas Lee, David Moshman, Linda Parker, Rod Wagner.

President Rod Wagner convened the meeting at 10:15 a.m.

**MINUTES:** A motion was made by Moshman, second by Bender, to approve minutes of the AFCON board meeting held on July 8, 2017. Motion carried on a voice vote.

**TREASURER'S REPORT:** Parker presented the treasurer's report and an updated list of paid members. Balance on hand as of September 8, 2017, is \$2,553.04. Parker expressed concern about the AFCON account at Bank of the West. Adair will contact the bank to discuss.

**PRESIDENT'S REPORT:** Wagner encouraged board members to read their favorite banned book during Banned Book Week in September.

**TREAT OF THE DAY:** A delicious assortment of donuts from LaMars Donuts, brought to us by President Wagner. Thank you! We missed Chief Baker Bob's amazing home-baking. But, still, we ate.

**POLICY COORDINATOR:** Moshman reported the Nebraska State Board of Education has updated science standards to include the study of actual science, like climate change and evolution. Moshman also reported US Secretary of Education Betsy DeVos has taken steps

to remove the threat of federal investigations when universities do not adhere to federal mandates to process alleged sexual assaults of students. Moshman reported the Academic Freedom concern about the federal mandates has to do with the government telling colleges how to teach students about human sexuality.

**ANNUAL MEETING 2017:** Moshman reported the date for the AFCON annual meeting is Saturday, October 28, 2017. Venue will be the UNL Student Union. No admission will be charged. Light refreshments will be served. Angels Theatre Company will present a reading of the play, *Sedition*, followed by a panel discussion, the AFCON annual meeting, and a very brief AFCON board meeting. The tentative timeline will be from 10:00am to 2:00pm. Moshman will create a one-page flyer for distribution to groups who may have interest in attending. Moshman will work with Adair to distribute email invitations and to collect RSVP reservations.

Parker reported the First Unitarian Church of Omaha will host a reading of *Sedition*, with no date set yet. Parker requested AFCON pick up the tab for an additional \$25 to be paid to the Angels Theatre Company for the reading. Without objection the board agreed to the payment.

**UNL FREE SPEECH CAMPUS INCIDENT:** The board discussed at length the complex issues surrounding a student, a table, a watch list, a student-teacher, a finger, a counter-protest, viral videos, escalation of raw emotions, anonymous threats of violence, angry donors, misinformation, speculation, and state senators holding the money bags, all played out in the press and the world-wide web.

Moshman drafted a document to attempt to calm the raging tide and to bring both sides together in a joint statement opposing violence and recognizing free speech rights of those on all sides of an issue. Moshman will e-mail an updated draft document to the board. The board agreed by consensus that the finalized document should go to the press, the state senators, and should otherwise be liberally distributed.

**ACADEMIC FREEDOM AWARD 2017:** Moshman nominated Judy Hart for the 2017 Academic Freedom Award, with a second by Parker. The board approved the motion on a voice vote.

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*“Americans’ right to free speech should not be proportionate to their bank accounts.”*

—Sen. Bernie Sanders

**(SUMMARIES —**

Continued from Page 9)

**MEMBERSHIP REPORTS:**

**Nebraska Library Association:** Parker reported the NLA will meet in October in Kearney.

**Nebraska Center for the Book:** Wagner reported the Center is narrowing selections for the 2018 "One Book One Nebraska." Wagner reported the Nebraska Book of the

Year will be announced at the Celebration of Nebraska Books which will be held on October 21, 2017, at the Nebraska History Museum in Lincoln.

**Nebraska State Reading Association:** Comer reported NSRA will put AFCON membership in their budget. Comer reported the NSRA Annual Conference will be held in Kearney in February, 2018.

There being no further business, the AFCON board adjourned at 11:40 a.m.

Respectfully submitted,  
Peggy Adair, Secretary

The next meeting of the **AFCON BOARD OF DIRECTORS** will be held on **Saturday, October 28, 2017**, at the UNL Student Union, immediately following the AFCON Annual Meeting.

[www.academicfreedomnebraska.org](http://www.academicfreedomnebraska.org)  
[afcon.freedom@gmail.com](mailto:afcon.freedom@gmail.com)



*Abbie Hoffman*

***"Freedom of speech means the right to shout  
'theatre' in a crowded fire"***

**— Abbie Hoffman**

## Linda Parker Resigns from the AFCON Board After Serving Ten Years

Linda Parker, long-time member of AFCON's board of directors as representative of the Nebraska Library Association, resigned this year at the AFCON annual meeting on October 28. She was a librarian at Criss Library at the University of Nebraska at Omaha from 1992 to 2013. In 2004, Parker received a research grant from the Nebraska Library Association for a project focusing on Douglas County Nebraska Native American Studies.

She was instrumental in getting UNO library to accept AFCON's archival materials and for the last three years shared the responsibility for keeping up AFCON's website with Lora Leibrandt.

She served as president of AFCON in 2010 and again in 2016. During her presidency in 2010, the

AFCON annual meeting featured Frank LoMonte, executive director of the Student Press Law Center and dealt with the topic "Student Expression: Rights and Responsibilities."

When she was president in 2016, she organized the annual AFCON meeting at the new Milo Bail Student Center at UNO. The topic focused once again on student expression. Michael D. Kennedy, the keynote speaker from Chadron State College, spoke on free speech and the importance of urging the Nebraska legislature to pass the student expression bill that he helped draft. Dr. Max McElwain and the staff of the *Waynestater* at Wayne State College received AFCON's Academic Freedom Award.

When founding member Cathi McMurtry resigned last year as treasurer of AFCON, Parker



*Linda Parker*

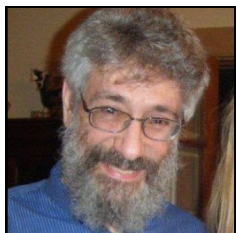
graciously stepped in and agreed to rescue the AFCON accounts.

Most recently, she organized a reading performance of David Wiltse's play *Sedition* on November 4 at the First Unitarian Church in Omaha. We will miss her energy and her wit.



## Academic Freedom as the Freedom to Do Academic Work

### David Moshman



David Moshman  
Academic freedom is traditionally associated with the AAUP, higher education, faculty rights, and Western academic and legal traditions. In this article I propose a broader and more systematic conception of academic freedom as the freedom to do academic work. Academic freedom, I argue, is not just a tradition. Teaching, learning, and inquiry are universal human activities that require intellectual freedom everywhere. Specific formulations of academic freedom such as those of the American Association of University Professors (AAUP) and First Amendment case law may be evolving traditions, but such evolution must preserve and be guided by a deeper understanding of the nature and purpose of academic freedom.

tion for academic freedom by conceiving it, most simply and fundamentally, as the freedom to do academic work. This leads directly to six additional propositions: First, academic freedom includes freedoms of teaching, learning, and inquiry. Second, academic freedom is intellectual freedom, though it is not the only type of intellectual freedom. Third, academic freedom is specific to academic roles and contexts. Fourth, academic freedom is crucial in elementary, secondary, and higher education, and also in libraries and other academic contexts. Fifth, academic freedom is needed by individuals (including students and teachers), formal groups (such as curriculum committees and faculty senates), and institutions (such as school systems or colleges) to meet their various academic responsibilities. Finally, academic freedom is central to the academic integrity of any academic endeavor or institution.

academic freedom encompasses and coordinates the diversity of existing traditions, literatures, principles, and policies concerning the freedom to do academic work, and thus provides a stronger basis for explaining and justifying academic freedom. To see academic freedom whole is to see its value to all engaged in academic work and its role in all academic contexts. The academic world is, ideally, a global world of education and research characterized by academic freedom for all. The challenge is to recognize and coordinate the intellectual freedoms needed individually and collectively for teaching, learning, and inquiry in all educational and research contexts.

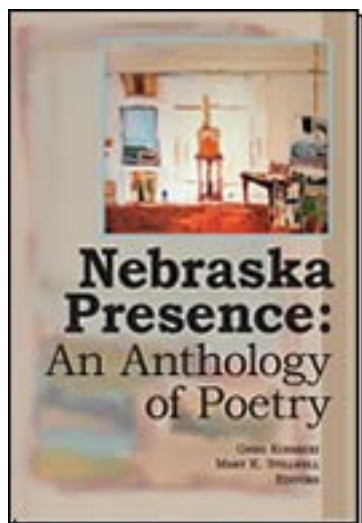
(This is an overview of a longer article published by the AAUP *Journal of Academic Freedom* and available at:

<https://www.aaup.org/JAF8/academic-freedom-freedom-to-do-academic-work#.Wcqm7I6QzuR> )

The article provides a founda-

The resulting conception of

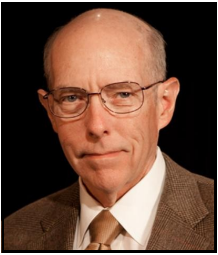
## Nebraska Presence: An Anthology of Poetry Chosen as 2018 One Book One Nebraska



Nebraska Library Commission has chosen *Nebraska Presence: An Anthology of Poetry* (The Backwaters Press, 2007) edited by Greg Kosmicki and Mary K. Stillwell as the selection for the 2018 One Book One Nebraska. The selection was announced at the Center for the Book's Celebration of Nebraska Books on October 21. Poems by more than eighty contemporary Nebraska poets are featured in the collection.

## Two First Amendments at UNL?

John Bender



John Bender

I've studied and taught mass media law for nearly 37 years, so I thought I knew a good deal about the First Amendment.

But now I've discovered that we have not one but two First Amendments. Apparently one First Amendment says conservatives not only have a right to speak and demonstrate but that they should be treated with respect and protected from criticism by liberals. The other First Amendment says liberals may respond to conservatives, but, if they step over some ill-defined boundary of civility, they risk punishment.

This discovery arises from the way the University of Nebraska-Lincoln has handled a controversy over a graduate student lecturer's response to another student who was distributing literature for Turning Point USA.

Kaitlyn Mullen, a UNL sophomore, had set up a table on the north side of the student union to distribute literature and attract students to join Turning Point USA, an organization that promotes limited government and free markets. It also runs a professor watch list on which it posts the names and "offenses" of university and college professors it considers too liberal.

It was this watch list, which smacks of McCarthy-era blacklisting, to which Courtney Lawton objected.

Lawton, a graduate student lecturer in the English department, alerted others to the presence of the Turning Point table. Soon Mullen faced several people who were chanting and carrying signs that protested Turning Point as a

fascist organization. At some point, Lawton displayed a raised middle finger to Mullen.

Lawton was quickly suspended from her teaching duties, but now she has been permanently removed from teaching, even though she has been praised for her teaching and research.

Was Lawton's conduct rude? Yes. Was Lawton's conduct unprofessional? Yes. Was Lawton's conduct protected by the First Amendment? Emphatically yes.

In 1971, the U.S. Supreme Court struck down the disorderly conduct conviction of a man who had worn a jacket bearing the words "F\*\*\* the draft" (without the asterisks) inside the Los Angeles County Courthouse. In holding that the First Amendment protected the man's right to wear the jacket, the court said words convey not only ideas and information but also emotion. Sometimes the emotional force of a statement is the most important part, and it is as deserving of constitutional protection as the ideas and information.

Recently, a woman lost her job after she showed the middle finger to President Trump's motorcade, but she worked for a private company. The University of Nebraska is a state agency and, therefore, required to comply with the First Amendment.

Kaitlyn Mullen said she had felt intimidated by the protests from Lawton and others. I have no doubt that she did. But that alone is not enough to punish Lawton for exercising her First Amendment rights.

Albert Snyder, the father of a

Marine killed in Iraq, was deeply offended by the anti-homosexual protests of the Westboro Baptist Church near his son's funeral. He sued and won a \$5 million jury award, but the U.S. Supreme Court reversed the lower court's judgment. Chief Justice John Roberts said the emotional distress Snyder felt did not justify punishing speech, no matter how offensive, that addressed a matter of public concern. The court used similar reasoning in 1991 when it overturned the conviction of a young man who had burned a cross on the lawn of an African-American neighbor.

The context for this encounter between Mullen and Lawton is important. It happened in a public area where many people gather for expressive and social purposes of all kinds. If Lawton had addressed a student in her classroom in the same way, her dismissal would be justified. But, on the plaza outside the student union, the First Amendment rights of Mullen and Lawton should be the same.

In a column published in the *Journal Star* Tuesday, Chancellor Ronnie Green explained the university's decision regarding Lawton and said, "We will continue to examine ourselves, seek feedback and ask tough questions." So here are some questions I have:

\* If a creationist speaker comes to Lincoln and urges that creationism be taught in biology classes along with evolution, am I free to

(Continued on Page 13)



(Bender — Continued from  
Page 12)

denounce that speaker as someone who is undermining education and critical thinking? Or will I be disciplined if I do so?

\* If fascists (I refuse to use the euphemism “alt-right”) march on the UNL campus chanting “Blood and Soil” and “Jews will not replace us,” am I free to shout my disgust at their hateful ideology, even if I use decidedly unprofessorial language? Or will I be fired if I do so?

I don’t mind having conservatives

speak on campus or in my classes. I don’t mind if conservatives protest liberals or express their disagreement with liberal ideas. But the rules must be the same for all.

We can have only one First Amendment, not two.

(John R. Bender is a member of the AFCON board and has been teaching at UNL since 1991. This article first appeared in the LJS Opinion section on November 28, 2017:

[http://journalstar.com/opinion/columnists/local-view-two-first-amendments-at-unl/article\\_af1a0cfa-60aa-561c-ac0f-85a6690b9bd0.html](http://journalstar.com/opinion/columnists/local-view-two-first-amendments-at-unl/article_af1a0cfa-60aa-561c-ac0f-85a6690b9bd0.html) )

***“Free speech is the bed - rock of liberty and a free society. And yes, it includes the right to blaspheme and offend.”***

**—Ayaan Hirsi Ali**



Ayaan Hirsi Ali



**ANGELS  
THEATRE  
COMPANY**

## **Salon Reading Series 2017-2018**

February 4 - [\*The Women of Lockerbie\*](#) by [Deborah Brevoort](#) - Director Barbara Keating

March 4 - [\*Copenhagen\*](#) by [Michael Frayn](#) - Directed by Bob Hall

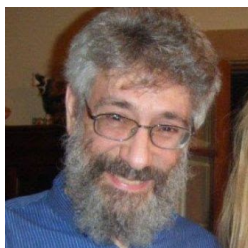
April 1 - [\*Appropriate\*](#) by [Branden Jacobs-Jenkins](#) - Director Deanna Walz

All performances at 2:00 PM  
at the [Iron Tail Gallery](#)  
643 S 25th St. Suite 7 Lincoln, NE 68510



*Angels Theatre Company creates engaging theatre to promote artistic growth, foster community relationships and raise social awareness. Angels Theatre Company nurtures and celebrates theatre artists while engaging our community in quality live theatre.*

## Moshmanic Update



David Moshman

My new article “Academic Freedom as the Freedom to Do Academic Work” appeared in September in the 2017 volume of the AAUP *Journal of Academic Freedom*. The article provides a general theory of academic freedom as the intellectual freedom to do academic work, which includes teaching, learning, and inquiry at all levels of education and in other academic contexts. A summary can be found on page 11. The full article is available at:

<https://www.aaup.org/JAF8/academic-freedom-freedom-do-academic-work#.Wcqm7I6QzuR>

Over the course of September, I posted three accounts of the free speech controversy concerning Turning Point USA at UNL, one based on preliminary information, one providing additional information, and a third focusing on UNL’s response (in order below). Major developments since September will be discussed by the AFCON Board at its December meeting.

[http://www.huffingtonpost.com/entry/giving-students-the-finger\\_us\\_59bf1472e4b06b71800c3af9](http://www.huffingtonpost.com/entry/giving-students-the-finger_us_59bf1472e4b06b71800c3af9)

[http://www.huffingtonpost.com/entry/giving-the-finger-to-turning-point-usa\\_us\\_59c56942e4b0f2df5e83ae19](http://www.huffingtonpost.com/entry/giving-the-finger-to-turning-point-usa_us_59c56942e4b0f2df5e83ae19)

<https://academeblog.org/2017/09/29/using-free-speech-to-stifle-free-speech/>

In October and November, I posted a mini-series of two pieces advocating deliberative democracy, focusing first on unique features of the Nebraska Unicameral and then on an important new argumentation curriculum for middle school student

[https://www.huffingtonpost.com/entry/nebraskas-unicameral-legislature-deliberative-democracy\\_us\\_59dd2e8ee4b04fc4e1e981e5?tac](https://www.huffingtonpost.com/entry/nebraskas-unicameral-legislature-deliberative-democracy_us_59dd2e8ee4b04fc4e1e981e5?tac)

<http://www.huffingtonpost.com/entry/5a1219c9e4b0e30a95850867>



Samuel Gompers

*“The freedom of speech and the freedom of the press have not been granted to the people in order that they may say the things which please, and which are based upon accepted thought, but the right to say the things which displease, the right to say the things which may convey the new and yet unexpected thoughts, the right to say things, even though they do a wrong.”*

— Samuel Gompers



## Desperately Seeking Cathi McMurtry: AFCON's Treasurer-for-Life

Thirty years ago, in the fall of 1987, a group of individuals representing several Nebraska organizations held a series of meetings to plan a Nebraska coalition that would coordinate efforts to promote and defend intellectual freedom in education and research. On February 13, 1988, AFCON was officially constituted with the approval of its constitution and elected its first officers.

One of those officers was Cathi McMurtry, a member of that founding group, who was elected treasurer. Little did anyone know that she would serve until spring 2016. Long before reaching 28 years, she was deemed our Treasurer for Life, persisting toward the end in the face of increasingly serious medical problems.

Then suddenly she was gone. We heard she was in the hospital but were unable to get any further information for over a year, leading us to



*Cathi McMurtry being inducted into the Nebraska English Language Arts Hall of Fame on May 6, 2016.*

fear the worst.

But recently we heard from Cathi's daughter Deirdre, who had old treasury records for us. It turned out that Cathi, after several surgeries, is at Westgate Assisted Living in Omaha, and doing somewhat better. Deirdre wrote that Cathi "really loved AFCON and her work with the group" and was "quite proud of the Treasurer for Life title."

The loss of the only treasurer we had ever known threw AFCON for a loop. Fortunately, Linda Parker, our 2016 president, agreed to serve also as our transitional treasurer and led us through the unprecedented challenge of managing our treasury without Cathi. We are now fortunate once again that Ally Halley, our representative from Fine Lines, has agreed to run for treasurer. The election is officially for one year, with annual re-election, but of course we expect Ally to serve the usual 28-year term, ending in December 2045.

We wish Cathi the best. We're hoping to hear from her when she's ready to resume her job, but she may need to wait until Ally serves out her term.

--Dave Moshman



The Autumn 2017 issue of *Fine Lines*, a national quarterly literary journal edited by David Martin is now available at  
<http://finelines.org/current-issue/>



## AFCON SPEAKER'S BUREAU (As of December 2017)

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"

llee1@unl.edu

**SUPPORT  
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FREEDOM**

### ADDRESS FOR THE AFCON WEB SITE

[www.academicfreedomnebraska.org](http://www.academicfreedomnebraska.org)

**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 for the March 2018 issue is February 24, 2018.**

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

## KEEPING THE FAITH IN HARD TIMES



**FACULTY SENATE**



**FACULTY SENATE**

### 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 Linda Parker, 4718 N. 83rd Street Omaha, NE 68134 )

**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**