



THE

# AFCON

SENTINEL



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September 2017

## AFCON OFFICERS

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## 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

The First Amendment of the Constitution of the United States states the following: *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

Freedom of speech is a cherished right for most Americans, and should be for all. Yet, there is a willingness, for some, to sacrifice that right when it comes to those whose speech and actions are contrary to their own beliefs and values. There are numerous examples of college campuses where the freedom of speech is under attack – from left, center, and right. Speakers are invited and disin- vited. Faculty are under watch for any state- ment or comment that might unsettle anyone in the classroom. There are numerous inci- dents where faculty have been accused, har- assed, threatened, and fired. Administrators are under pressure and attack for choices that they must make, or don't. Fringe groups as- semble to flaunt their symbols and chant their sentiments. Counter groups form to take on the demonstrators. Clashes occur. Police at- tempt to separate and maintain safety. In the extreme there are violence and destruction.

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Jean Piaget

***"Education means making creators... You have to make inventors, innovators, not conformists."***

**— Jean Piaget**

## Upcoming Events

The next AFCON Board Meeting will be **September 9, 2017, 10 AM**  
Loren Eiseley Library, 1530 Superior, Lincoln, Nebraska

## (President's Message — Continued from Page 1)

So, how do First Amendment rights square up with what's going on in communities and on campuses?

The internet, social media, and streaming services make communication cheap, fast, and relentless. Anyone can say anything and reach anyone else everywhere. Pre-internet media was largely controlled by a small number of networks. Now, writers, publishers, readers, listeners, and

viewers have many options. Free speech is cheap speech. And we all have a responsibility to use that freedom ethically and responsibly. But many don't. The tragedy resulting from the August 2017 so-called white nationalists' Unite the Right rally and counter protest in Charlottesville, Virginia, has heightened public awareness and response. And response has been swift, vast, and unsettling.

Among the many responses to the violence in Charlottesville was a statement from Jim Neal, President

of the American Library Association. In his response, Neal expressed that "No matter the venue or the circumstance, we condemn any form of intimidation or discrimination based on culture, ethnicity, gender, nationality, race, religion, or sexual orientation. Our differences should be celebrated, and mutual respect and understanding should serve as the norms within our society." Many similar sentiments have been expressed. May we all abide by them.

(Rod Wagner is president of AFCON.)

## LINKS TO ACADEMIC FREEDOM ISSUES

- Rhode Island is now the 13th state to ensure the free-expression rights of student journalists: <http://www.splc.org/article/2017/07/rhode-island-governor-signs-new-voices-legislation-into-law>.
- The founder of The Slants on the history of their Supreme Court case, which recently resulted in a decision upholding strong First Amendment rights even for what many would regard as hate speech: <https://www.nytimes.com/2017/06/23/opinion/the-power-of-repurposing-a-slur.html>.
- Will Creeley's FIRE article on public colleges, the cancellation of white nationalist events, and the First Amendment : <https://www.thefire.org/public-colleges-the-cancellation-of-white-nationalist-events-and-the-first-amendment/>.
- Symposium on free speech in the latest issue of *Commentary*. Most commentators focus on free speech issues in higher education. Many call for support for free speech across political divides. <https://www.commentarymagazine.com/articles/free-speech-threat-united-states/>.
- Jeremy Bauer-Wolf's *Inside Higher Ed* article "Legal Grounds to Turn Away White Supremacist Speakers" : <https://www.insidehighered.com/news/2017/08/17/public-universities-are-solid-ground-cancel-richard-spencer-events-legal-experts-say>
- Susan Kruth's article "On the Violence in Charlottesville" at The Fire: <https://www.thefire.org/on-the-violence-in-charlottesville/>
- After two months of deliberation, the Conejo Valley Unified School District voted to include Sherman Alexie's *The Absolutely True Diary of a Part-Time Indian* in the 9th grade English curriculum. <http://ncac.org/press-release/free-speech-groups-warn-ca-school-district-against-dropping-part-time-indian-from-curriculum-victory-board-finally-votes-to-implement-curriculum>
- Profile: Mary Beth Tinker on ameliorating civic education: <https://www.thefire.org/profile-mary-beth-tinker-on-ameliorating-civic-education/>

# Celebrate the Freedom to Read!

## Banned Books Week: September 24- September 30



Banned Books Week is an annual event celebrating the freedom to read. Typically held during the last week of September, it highlights the value of free and open access to information. Banned Books Week brings together the entire book community — librarians, booksellers, publishers, journalists, teachers, and readers — in shared support of the freedom to seek and express ideas, even those some consider unorthodox or unpopular.

To continue to raise awareness about the harms of censorship and the freedom to read, the ALA [Office for Intellectual Freedom](#) (OIF) publishes an annual list of the [Top Ten Most Challenged Books](#), using information from public challenges reported in the media, as well as censorship reports submitted to the office through its [challenge reporting form](#).

Find out which books made the Top Ten Most Challenged Books of 2016 and explore Top Ten talking points, infographics and social media art on the [Top Ten resource page](#). View the [2017 State of America's Library Report](#) for more information on censorship, library trends and research.

## LET'S SUPPORT ACADEMIC FREEDOM!

## Sedition in Nebraska, 1917-2017

*CHANCELLOR: A university is famous for people with opinions. This is not the time for opinions.*

*SCHRAG: But, surely, freedom of speech and academic liberty affect the university most profoundly.*

*CHANCELLOR: That's very grand, but I hardly think that you, personally, carry the mantle of intellectual freedom on your shoulders, do you? Not when the opinion of the people is arrayed against you.*

This is the Chancellor of the University of Nebraska, where Andrew Schrag is a Professor of German. The time is 1917-18, and the dialogue is from “Sedition,” by playwright David Wiltse, Professor Schrag’s grandson.

The Angels Theatre Company will be presenting at least three readings of “Sedition” in fall 2017 to commemorate the centennial of the events it portrays. At each reading of the play, the Academic Freedom Coalition of Nebraska (AFCON) will provide historical background concerning the 1918 University of Nebraska professors trial, in which a dozen professors were put on trial before the Board of Regents for not being sufficiently loyal and anti-German as the U.S. went to war with Germany.

**Sunday, October 1, 2:00 PM, Lincoln.** This reading will initiate the Angels Theatre Company’s 2017-18 Salon Reading Series on the theme “Coming to Terms with the Past.”

**Saturday, October 21, 3 PM, University of Nebraska at Omaha.** Annual membership meeting of the American Association of University Professors’ Nebraska State Conference will be from 9:30 AM to 2:30 PM.

**Saturday, October 28, 10:30 AM, Lincoln.** AFCON annual membership meeting.

*SCHRAG: Every man is free to voice his view on any folly just as I am free to dispute it. It's called freedom of speech. I hold it precious.*

*[PROSECUTOR] MEGRIM: I couldn't agree more. Nothing is more precious than the freedom of speech except the freedom of this country. We are here today because of the possibility of sedition. And what is that but the misuse of freedom of speech?*

Although Andrew Schrag was not dismissed, victims of the 1918 professors trial included Harry K. Wolfe, who got his Ph.D. in Germany and brought the new scientific psychology back to Nebraska in the 1880s; George Washington Andrew Luckey, an expert in child study and pedagogy who founded and led what became the college of education; and Clark Persinger, a staunch defender of academic freedom who headed the Department of American History.

*CHANCELLOR [to SCHRAG]: What would happen if everyone went around practicing his “freedoms”? The average man doesn't know what his freedoms are and doesn't exercise them. He worships the gods his parents gave him and agrees with the loudest voice he hears, he does what he's told and he's happy to do so — it relieves him of the burden of thinking. If everyone said and acted as he wished, authority would be forced to sit upon us like a stone on an egg. We have freedom only as long as we don't exercise it.*

A century later, questions of academic freedom in times of patriotic fervor and ethnic hysteria remain as relevant as ever, and not just in higher education. We hope the presentation of “Sedition” will increase historical awareness and spur useful discussion about the exercise of freedom in 1917 and 2017. If you have ideas for an additional reading or any other suggestions or questions, please contact AFCON President-elect David Moshman at [dmoshman1@unl.edu](mailto:dmoshman1@unl.edu) or Angels Theatre Director Judy Hart at [info@angelscompany.org](mailto:info@angelscompany.org).

## Support Academic Freedom!



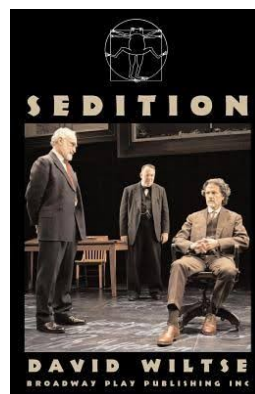


## The Academic Freedom Coalition of Nebraska Holds Its Annual Meeting on October 28, 2017

AFCON welcomes **Angels Theatre Company** who will present a reading of David Wiltse's play *Sedition* (2007) as the centerpiece of AFCON's **annual meeting** held on **October 28, 2017 at 10:30 A.M.** There will be a panel discussion of the play and the trial after the reading.



Wiltse's play is based on the disloyalty trial that took place during World War I when eleven professors and one staff member were accused of disloyalty and put on trial at the University of Nebraska. Wiltse's grandfather, Andrew D. Schrag, professor of German at the university, was one of the twelve accused of disloyalty and is the play's protagonist.



War hysteria gripped Nebraska in 1917-1918, and anyone who disagreed with the government or criticized it in any way could be arrested and thrown in jail.

A century later, questions of academic freedom in times of patriotic fervor and ethnic hysteria remain as relevant as ever, and not just in higher education. Most Nebraskans don't know that every Nebraska school district is required by a 1949 law to have a "committee on Americanism" charged with monitoring the history and civics curriculum to ensure the production of a "patriotic citizenry." LB 308, a bill introduced in the Nebraska legislature in January 2017, is designed to activate these committees. We hope the presentation of *Sedition* will increase historical awareness and spur useful discussion about the exercise of freedom in 1917 and 2017.



David Wiltse



*Angels Theatre Company will begin their Salon Reading Series on the theme of "Coming to Terms with the Past" on Sunday, October 1, at 2 PM with a reading of David Wiltse's script "Sedition." They will also perform a reading of the play at the AFCON annual meeting and at the annual meeting of the Nebraska State Chapter of the AAUP at UNO on October 21.*



# 2017 ACLU of Nebraska Annual Event

September 21, 2017

6:00 pm – 9:00 pm

Tens of thousands of Nebraskans support the ACLU through their financial contributions and activism. Join us for our 2017 ACLU of Nebraska Annual Event to celebrate the Nebraskans who defend civil rights and civil liberties in The Cornhusker state.



Nebraska Club  
233 S. 13th St., 20th Floor  
Lincoln, NE 68508

## **Tickets**

Regular Ticket: \$100

Young Professional (35 & under): \$55

VIP Reception: \$50 + Regular or Young Professional Ticket

## **Agenda**

5:00pm

VIP Reception - Hosted Bar

6:00pm

Social Hour - Cash Bar

7:00pm

Program

# SUMMARIES of AFCON BOARD MEETINGS

## Peggy Adair, Secretary



Peggy Adair

**June 10, 2017,  
Loren Eiseley  
Library,  
Lincoln, NE**

**PRESENT:** Russ Alberts, Nancy Comer, Bob Haller, Ally Halley, Laurie Thomas Lee, David Moshman, Ron Wagner. President

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

**MINUTES:** The May 13 minutes were approved without dissent on a motion by Alberts seconded by Halley.

**TREASURER'S REPORT:** A treasurer's report sent in advance by Linda Parker showed a balance of \$2600.04.

**PRESIDENT'S REPORT:** Wagner reported that the process of incorporating AFCON in Nebraska is now complete.

**TREAT OF THE DAY:** Haller distributed refrigerator bran muffins. (Yum!!)

**SENTINEL:** There was high praise for the just-published June *Sentinel* and discussion about distributing it as widely as possible. Organizational representatives are urged to see that it gets distributed by email and other means to governing boards and/or others within their organizations.

**ANNUAL MEETING:** Moshman provided updates and options regarding the annual meeting. Angels Theatre Company will present the initial reading of *Sedition* on October 1 and a second reading at our annual meeting later that month. Additional readings might be sponsored at UNL (perhaps by the German department and/or its student group) and/or perhaps in Omaha by the Unitarian Church.

After discussion there seemed to be a consensus that we would (1) have the annual meeting during the daytime on Saturday, October 28 (the football team plays at Purdue that day); (2) have a panel discussion and handouts in addition to the reading of the play; (3) have snacks but not our usual lunch; and (4) not charge admission but encourage attendees to join AFCON. It was noted that we should be prepared at the July meeting to identify someone for our annual academic freedom award and to appoint the annual nominating committee, which presents a slate at the annual meeting.

### MEMBERSHIP REPORTS:

Halley reported that her employer, PayPal, will provide charitable contributions to AFCON based on her hours of volunteer work.

Wagner reported that the Nebraska Center for the Book will have its annual membership meeting and celebration of the Nebraska Books program on October 21 in Lincoln.

It was agreed that, as usual, we would meet in July and September but not August. The meeting was adjourned at 10:50 a.m. The president was praised for the most efficient meeting anyone could recall.

Respectfully submitted,  
David Moshman  
Interim Assistant Vice Secretary



Rosa Luxemburg

*"Freedom is  
always the  
freedom of  
the dissenter."*

—Rosa  
Luxemburg

**July 8, 2017,  
Loren Eiseley  
Library,  
Lincoln, NE**

**PRESENT:** Peggy Adair, Russ Alberts, John Bender, Frank Edler, Bob Haller,

Ally Halley, Laurie Thomas Lee, David Moshman, Linda Parker, Rod Wagner.

President Rod Wagner convened the meeting at 10:08 a. m.

**MINUTES:** A motion was made by Edler, second by Alberts, to approve minutes of the AFCON board meeting held on June 10, 2017. Motion carried on a voice vote. Secretary Adair expressed appreciation to Moshman for serving as secretary pro tem in her absence.

**TREASURER'S REPORT:** Parker presented the treasurer's report and an updated list of paid members. Balance on hand as of July 7, 2017, is \$2,720.04.

**SENTINEL:** Edler reported the deadline for articles for the next edition of the *Sentinel* is August 24.

**TREAT OF THE DAY:** Zucchini bread. Moist, delicious, baked to perfection!

**POLICY COORDINATOR:** Moshman reported recent attempts by administrators at some universities to curb or control speech on campus has led conservatives to voice strong support for free speech. The pendulum swings.

**ANNUAL MEETING 2017:** Moshman reported the date for

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## (SUMMARIES —

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the AFCON annual meeting is October 28, 2017.

**PAY PAL GIVES GRANT PROGRAM:** President Wagner thanked Halley for her efforts in submitting an AFCON grant application to Pay Pal Gives. Board members discussed using Halley's application template for future grant opportunities.

### MEMBER REPORTS:

**Fine Lines:** Halley reported the summer writing camps have been a huge success with great attendance from all ages, grade school through geezerhood.

**Nebraska Center for the Book:** Wagner reported the Nebraska Book Festival will be held July 14-15, 2017, at Union Plaza in Lincoln. Wagner also reported the Celebration of Nebraska Books will be held on October 21, 2017, at the Nebraska History Museum in Lincoln.

**Nebraska Library Association:** Parker reported the NLA has hired Creative Association Management to help reorganize the administration of the NLA. Parker reported library science students can join both the Nebraska Library Association and the American Library Association for one small membership fee.

**FREEDOM TO READ:** Board members had a great discussion regarding

books they are currently reading or have recently read.

There being no further business, the AFCON board adjourned at 11:03am.

Respectfully submitted,  
Peggy Adair, Secretary

The next meeting of the **AFCON BOARD OF DIRECTORS** will be held on **Saturday, September 9, 2017**, at Eiseley Library in Lincoln.

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

(Please note that the July minutes have not yet been approved as the board did not meet in August.)



## Nebraska State Conference October 21, 21017

The **ANNUAL AAUP State Membership Conference** will be held this year at the University of Nebraska at Omaha on **Saturday, October 21, 2017** from 9:30 am to 2:30 pm.



At the conference, the **Angels Theatre Company** will present a reading of David Wiltse's play *Sedition*. **The reading will take place at 3:00 pm.** This play is based on the 1918 trial that took place at the University of Nebraska and charged eleven professors and one staff member with disloyalty. David Wiltse is the grandson of Professor Andrew Schrag who was one of the professors accused of disloyalty.

Panels and discussions will be held on the following topics: "Where is that written down? (Governance Documents)", "Why Should Anyone Join AAUP? (Chapter Building)", and "Activism in the Academy: Rights, Protections, Strategies".

For additional information contact Julia Schleck, president, at [jshleck2@unl.edu](mailto:jshleck2@unl.edu) or Donna Dufner, president-elect, at [ddufner@unomaha.edu](mailto:ddufner@unomaha.edu)





## 2017 NLA/NSLA JOINT CONFERENCE

October 11-13, 2017

Kearney, NE

Younes Conference Center

416 Talmadge Street, Kearney, NE

### Call for Volunteers

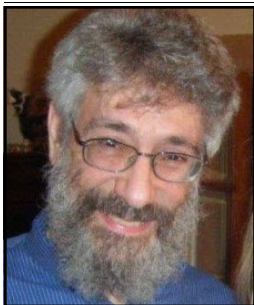


It's that time of year where we are looking for volunteers to help serve on a number of committees and task groups that help put together our state's Library Conference!

If you are from the central region of the state, or would be willing to commute for monthly meetings, we would like to hear from you.

Please let us know at [NebLib2017@gmail.com](mailto:NebLib2017@gmail.com) if you'd like to volunteer, or would just like to provide suggestions or feedback on what we can do to make this the best conference yet!

Conference contact [Michael Straatmann](#),  
NLA Conference Coordinator and Interim Executive Director



Dave Moshman

## Moshmanic Update

### *The Latest in Moshmania*

Dave Moshman's new article "Academic Freedom as the Freedom to Do Academic Work" will appear in the 2017 volume of the AAUP *Journal of Academic Freedom*, available beginning Sept. 27 on the JAF website at <https://www.aaup.org/reports-publications/journal-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. Here's the abstract:

*Academic freedom is defined as the freedom to do academic work. It follows that academic freedom (1) includes freedoms of teaching, learning, and inquiry; (2) is a type of intellectual freedom; (3) is specific to academic roles and contexts; (4) is crucial at all levels of education and in all other academic contexts; (5) is individual, collective, and institutional; and (6) is central to the academic integrity of any academic endeavor or institution. This conception, which coordinates multiple traditions and literatures, enables us to explain the nature and limits of academic freedom and to justify it as a necessity for academic work. Specific academic freedom principles and policies, such as those of the AAUP, are largely consistent with this conception.*

Dave's previous article in the *Journal of Academic Freedom*, written with Frank Edler, was "Civility and Academic Freedom After Salaita," which appeared in the 2015 volume. It can be found here: <https://www.aaup.org/JAF6/civility-and-academic-freedom-after-salaita#.WYjG2Y6QzuQ>

Meanwhile at the *Huffington Post*, Dave has reported on an ongoing challenge to free inquiry and publication ethics at the feminist philosophy journal *Hypatia*. In addition, he responded to finding himself on a blacklist for writing about Israel, and discussed free speech for Nazis:

Transracial Identities and Feminist Orthodoxies (June 2017)

<http://www.huffingtonpost.com/entry/593ce918e4b014ae8c69e2fa>

I've Been Blacklisted at Canary Mission (July 2017)

<http://www.huffingtonpost.com/entry/595a5ef1e4b0c85b96c6639e>

"White Lives Matter" after Charlottesville (August 2017)

<http://www.huffingtonpost.com/entry/599a2934e4b02eb2fda3212c>

(This article is reprinted here on Page 12).

## Support Academic Freedom!

*"I call on people to be 'obsessed citizens,' forever questioning and asking for accountability. That's the only chance we have today of a healthy and happy life."*

— Ai Weiwei



Ai Weiwei

# Fine Lines Creative Summer Writing Camp, June 19 – 23, 2017

## Ally Halley



Ally Halley

Photo by Nia Karmann

I did something this week I hadn't done in 30 years: I went to summer camp. Fine Lines Creative Writing Camp brings together writers of all ages to spend a week celebrating and fostering creativity. Fine Lines is a non-profit organization dedicated to the writing development of its members that publishes a quarterly literary journal as part of its mission. This year marked the 18<sup>th</sup> camp organized by Fine Lines and had the largest attendance to date: roughly 150 campers, about 30 of which were in the adult group. This year's theme was "Imagination."

Each day started promptly at 8:30 with some inspirational words from camp director, David Martin, some writing prompts, and a reminder of the goal for the week to have at least one publishable work ready to submit to *Fine Lines*. From 9:00 – 10:00, artists from various disciplines presented their works and discussed how they exercise their imaginations. After a short break and snack, campers broke off into smaller groups by age. In the smaller groups, they worked with their instructors on stimulating their imaginations and getting their ideas into written form. 11:30 – noon was sharing time; writers of all ages stood before 150 other people to read their works. Before dismissing for the day, David Martin instructed the campers to spend

their afternoons writing and polishing their works for submission.

On Monday, the presenting artist was Michael Campbell. Mr. Campbell is a songwriter, musician, singer, essayist, and book designer. He also designs the layouts for the *Fine Lines* journal. He encouraged writers to write freely, without editing until after the work was complete. He told an anecdote about a study done in which half the participants were told they would be graded based on the number of works submitted. Quality was still a part of the grade, but quantity was the primary criteria. The other half were told they would be graded on the quality of the work submitted, regardless of the quantity. In spite of the emphasis on writing speed, the first group produced higher quality work. Mr. Campbell also encouraged writers to write not only "what you know," but also to write the details of what you know that the reader *doesn't* know. He said those details add feeling to the story. Mr. Campbell sang several of his songs and read a number of essays from his book "Of Mice and Me." He took questions and signed books after his talk.

Tuesday's artist was Janice Gilmore. Ms. Gilmore writes a bi-weekly column for the *Omaha World Herald*, and is a retired teacher and principal. She spoke about her experience growing up as an African American child in Omaha in the 1950s and 1960. She recounted that her family liked to eat at Joe Tess's restaurant, but they had to drive up to a window in the back to buy the food, out of view of the restaurant's Caucasian patrons. They were not allowed to eat *inside* the restaurant. She talked about driving past a large, public swimming pool with a big slide and



how she begged her father to go. He explained to her that because of the color of their skin, they couldn't swim there. They had to go to the smaller pool in another part of town that didn't have a big slide. She said she could only go to the skating rink on days when business was slow due to church: Wednesdays and Sundays. So, her family had to choose between church or skating if they wanted to skate. For imagination and ideas for her column, Ms. Gilmore said she gets ideas from observing the world and suggested all writers could be inspired that way. She described imagination as letting "you explore possibilities." She encouraged writers to keep writing even if it's not something they may be able to make a living doing. She said you can write *and* be a teacher or a police officer or a salesperson or whatever you want to be.

On Wednesday, Lori Lynn Ahrends encouraged writers to "claim it in the chaos." Ms. Ahrends is an early childhood development teacher and songwriter. She currently has two songs published and is in the process of recording a compilation of her children's songs. When she spoke of claiming it in the chaos, she explained that "it" is the writer's passion or dream. She said, "you'll never regret writing, capturing your feelings." She emphasized that songwriting is not about money for her, it's about leaving something in the universe. She sang several of her children's

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**(Fine Lines Camp —**

Continued from Page 11)

songs, including “Hey Diddi Diddi,” “100 Kisses,” and “I’m a Pig.”

Thursday’s artist was costume designer, Cally Ann Casteel. Ms. Casteel explained that although she studied printmaking in college, she didn’t have the materials for her trade after graduation, so she taught herself to sew. From there, she started playing with characters. She may not always have a goal or a look when making a costume; rather, she plays with pattern. She designed the costumes for several shows at the Rose Theater, including “How I Became a Pirate,” “Robin Hood,” “Santa Claus is Coming to Town,” “The Borrowers,” and “No Dogs Allowed.” She draws storyboards as part of her design process. For commissioned works, she collaborates with the set designer, artistic director, etc., and the director must approve her costume sketches before she starts making them. Her commissioned works often require a lot of research, such as historically accurate pirate attire. She particularly focuses on the socio-economic background and the character’s place

in history. To nurture her imagination, she said taking time for herself is important. Ms. Casteel brought several of her mascot heads, which were very popular with the campers. A stampede raced to the stage when she asked if anyone wanted to try on a head. Ms. Casteel also put on one of her early monster costumes and was descended upon by volunteers to rip its arms off. Two victorious campers held their trophy arms aloft, with fabric “blood” dripping from the stumps.

For the Friday finale, choreographer, Julian Adair, brought her dancers to perform ballet and modern dance. Ms. Adair encouraged the writers to embrace their vulnerability. She said she tells her dancers to strive for excellence, rather than perfection. Perfection dictates one way to do something, but with art, excellence comes in many forms. She told the writers not to be afraid to fail. “If you’re not failing, you’re not challenging yourself enough.” The dancers performed “Paquita,” “Glass Doll,” “Once Upon a Time,” and “Sisterly Love.”

Sharing time at the end of the day was amazing. Long lines of

enthusiastic readers queued up each day to share what they’d written. I was blown away by how fearless the kids were reading on-stage, from a podium, in front of a banquet room of people. Every speaker, from the beginning writer to the most experienced wordsmith, stepped off the stage to enthusiastic applause. We heard the mystery of the stolen hairbrush. We heard about writing bringing the author hope in the midst of despair. We heard an epic quest in a fantastic world. We heard coming out stories. We heard essays that told us a blank page was an opportunity, and not something to be feared. We heard an essay about the joy a writer felt to find so many like-minded peers at camp when before they felt isolation. The boldness of the readers was indicative of the nurturing, safe, and supportive environment of camp and is the greatest testimonial I can give it. Fine Lines camp engenders a love of writing in the nascent author and triggers the creativity and imagination of all its campers.

(Ally Halley is an AFCON board member representing Fine Lines.)




*Priya Kukreja of Millard North  
2017 Nebraska Journalist  
of the Year*

## NEBRASKA HIGH SCHOOL PRESS ASSOCIATION

will hold its Fall Convention on

**October 16, 2017**

**at the University of Nebraska– Lincoln  
Student Union**





# “White Lives Matter” after Charlottesville

## David Moshman



David Moshman

Shortly after Charlottesville, Virginia, became the site of deadly violence, Texas A&M University canceled a previously scheduled “White Lives Matter” rally, citing concerns that the event would turn violent.

The University of Florida soon refused to allow a similar white supremacist event, followed by Michigan State and Louisiana State, with other colleges facing the same issue.

This raises a problem known in First Amendment law as the “heckler’s veto.” If speech that may lead to violence is banned, anyone can get anything censored by generating a sufficient threat of potential violence in response. But before pursuing the free speech issue, let me consider the speech that is at issue.

A good place to start is the slogan of the canceled rally: White Lives Matter. This is true, of course, but why say that? Obviously it is meant as a response to Black Lives Matter, which was followed by All Lives Matter and now White Lives Matter. If one takes these three slogans simply as independent moral propositions, they are fully consistent with each other and are all true. But consider them now in sequence and in context.

Black Lives Matter was a response to a series of killings of black boys and men under circumstances that led many to question whether black lives were taken as seriously as white lives. The clear message was Black Lives Matter *too*. No one suggested that *only* black lives matter. On the contrary, black lives matter precisely because *all* lives matter.

But if all lives matter, what’s

wrong with the slogan All Lives Matter? It appears to be true, relevant, and morally important.

The problem lies in the sequence. Black Lives Matter (Too) already assumes that all lives matter, so it makes no sense to respond that All Lives Matter. Instead, a response of All Lives Matter implicitly misinterprets or misrepresents Black Lives Matter as *Only* Black Lives Matter. At best, this misses the point. At worst, All Lives Matter willfully deflects attention from black lives just when we are being reminded that they matter.

Now we have White Lives Matter. This would be a reasonable response to *Only* Black Lives Matter or *Not* All Lives Matter. But following Black Lives Matter (Too) and All Lives Matter, why respond with White Lives Matter, which has not been questioned? In this context and sequence, the most obvious interpretation of White Lives Matter is *Only* White Lives Matter, which contradicts the previous slogans and thus adds something new.

Only White Lives Matter is the ideology of white supremacy, including Nazis, the Ku Klux Klan, and Vanguard America, whose slogan is “Blood and Soil.” These are the people who organized the armed rally in Charlottesville.

But we should not permit our concern about white supremacists to blind us to another, and perhaps more common, reading of White Lives Matter. For many, this is a claim that white lives matter *too*.

Many white people perceive themselves to be living in a world where groups of all sorts get affirm-

ative action while white lives and struggles are ignored or dismissed. Some, without denying that black lives matter, may be sympathetic to, or at least interested in, White Lives Matter (Too). Banning a White Lives Matter rally reinforces their sense of group victimization.

So how should colleges respond to plans for a White Lives Matter rally? They can of course deny or cancel any event that is intended to be violent. But if the threat of violence arises from the possibility of potentially violent counterdemonstrators, then to cancel the event is to give in to a “heckler’s veto.”

Once it becomes clear that speech can be silenced by a sufficient show of likely violence, moreover, there may be threats to all sorts of speech deemed objectionable. The heckler’s veto may come back to haunt in unexpected scenarios. Ultimately, white

(Continued on Page 14)



## “White Lives Matter” —

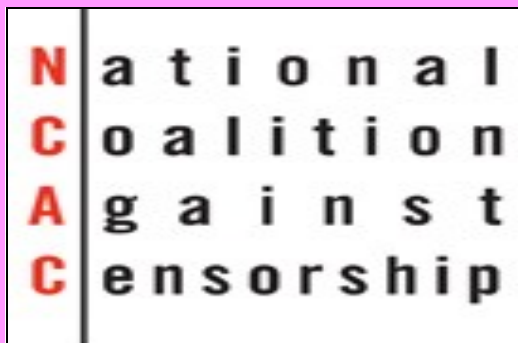
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supremacists may be among the most successful in shutting down events they dislike by mustering credible threats of violence.

Maintaining both physical safety and intellectual freedom for all

may be the top challenge of the coming academic year. Regardless of who the heckler may be, the heckler's veto must not prevail. Colleges must ensure they have plans, procedures, and sufficient security to protect controversial speech and those who wish to hear it. We cannot permit threats of force and fears of violence to dictate what can be said on college campuses.

(David Moshman is president-elect of AFCON. This article originally appeared on August 20 at his *Huffington Post* blog (<http://www.huffingtonpost.com/entry/599a2934e4b02eb2fda3212c>)



## HOW TO CELEBRATE BANNED BOOKS WEEK

Make all kids and adults aware of the **Kids' Right to Read Project (KRRP)** which is a signature aspect of NCAC's Youth Free Expression Program. KRRP offers support, education, and direct advocacy to people facing book challenges or bans in schools and libraries and engages local activists in promoting the freedom to read. It was co-founded with the American Booksellers for Free Expression and is supported in part by the Association of American Publishers and the Comic Book Legal Defense Fund.



Lane Tech College Prep High School students protest the removal of *Persepolis* from the seventh grade curriculum.

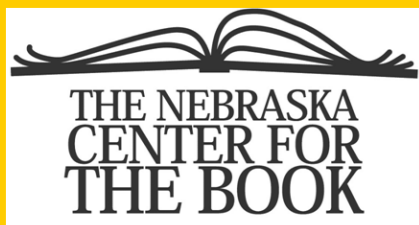


Be sure to check out and read  
the **Kids'-Right-to-Read Toolkit** at  
<http://ncac.org/resource/book-censorship-toolkit>

## Support Academic Freedom!

## Nebraska Center for the Book Annual Meeting

### 2017 Celebration of Nebraska Books



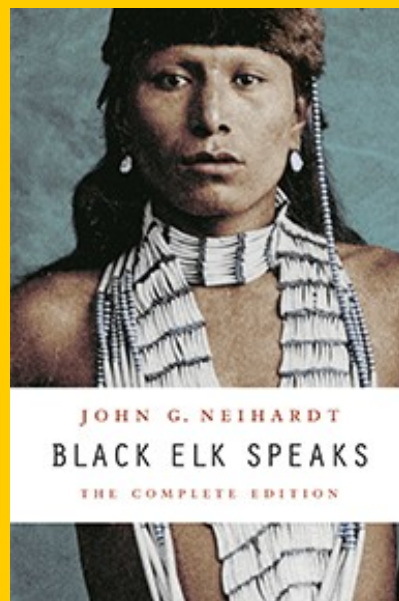
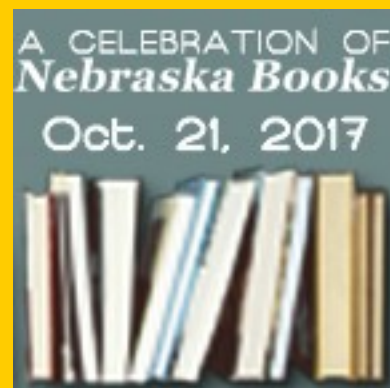
Saturday, October 21, 2017; 2:30 - 6:30 p.m.

Nebraska History Museum

131 Centennial Mall North, Lincoln, NE

The celebration, free and open to the public, features presentations of the Nebraska Center for the Book's **Nebraska Book Awards**, **Mildred Bennett Award** and **Jane Geske Award**. The 2017 [Nebraska Book Awards](#) honors authors and publishers of books with a Nebraska connection published in 2016. Featured winning authors read from their work and sign copies of their books. The 2017 [Jane Geske Awards](#) will be presented for exceptional contributions to literacy, books, reading, libraries, or literature in Nebraska. The Jane Geske Award commemorates Geske's passion for books, and was established in recognition of her contributions to the well-being of the libraries of Nebraska. Jane Pope Geske was a founding member of the Nebraska Center for the Book, former director of the Nebraska Library Commission, and a long-time leader in Nebraska library and literary activities. The [Mildred Bennett Awards](#) recognize individuals who have made significant contributions to the fostering of the literary tradition in Nebraska. Its purpose is to remind us all of the literary and intellectual traditions that enrich our lives and mold our world. The 2017 [One Book One Nebraska](#) book selection, *Black Elk Speaks* by John G. Neihardt will be featured, with a presentation by Tim Anderson.

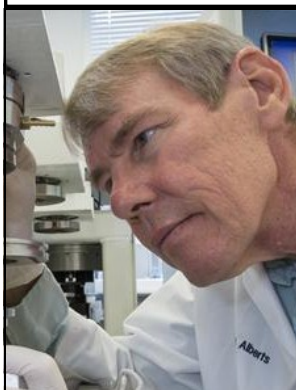
The Nebraska Center for the Book [Annual Meeting](#) will be held at 1:30 p.m., just prior to the celebration. An **Awards Reception** honoring the winning authors, book signing, and an announcement of the **2018 One Book One Nebraska book choice** will conclude the festivities.



## Support Academic Freedom



## AFCON 1994 Annual Meeting Time Capsule: Marcia Pally presenting *Out of Harm's Way: the Soothing Appeal of Censorship* Review and Commentary by Russ Alberts



Russ Alberts

When Linda Parker announced her plans to donate her AFCON files to be archived at the UNO library, I resolved to look through my old files which predated Linda's experience on the board to find earlier material to add to the archive. I had been president of AFCON during the 1994 Annual meeting when we received a small grant from the Nebraska Humanities Council to bring Marcia Pally to our annual meeting. Marcia Pally was the author of *Sense & Censorship: The Vanity of Bonfires* published by Americans for Constitutional Freedom in 1991. That year she also came out with *Sex and Sensibility: Reflections on Forbidden Mirrors and the Will to Censor*. She now teaches part time at New York University in their Multilingual Multicultural Studies Department often on religious topics. I remembered that I had arranged to have her presentation recorded but I did not remember what had happened to the video tapes. When I went through my files I was delighted to find a number of copies of Pally's presentation in VHS format. In 1994, I used them to have Pally's presentation play on the Lincoln public access community cable channel. Reviewing them took me back in time.

The title of Pally's presentation was *Out of Harm's Way: the Soothing Appeal of Censorship*. At an event the previous day, she had discussed censorship of sexual images so her talk that day was about violence. There were two hypotheses, one that rap and rock music were spurring young people to engage

in violence and sexism and the second that violent images in the media beget more violence. However, a study of rock and rap music revealed that the most common theme in the genres was love. Only about 7% of the lyrics dealt with sex and violence but the listeners generally did not interpret them as sexist. Studies done on them did not demonstrate that they caused an increase in sexist behavior. The second hypothesis also was not supported by data. During the 20<sup>th</sup> century the US had two major crime waves from 1929-32 and from 1979-81. Violent crime in society has been trending down since then. Violence was much higher throughout the 19<sup>th</sup> century long before modern media. The hypothesis that violent images increase violence in a society is also not supported by cross-cultural studies. Short term studies on small groups that often indicated an increase in negative responses have methodological problems. Showing violent images to subjects does elicit more violent responses but showing people anything that increases heart rate – such as exercise videos – will also elicit a great response to about anything being measured, including more kind behavior. What causes violent behavior in children is not violent 2D images but the real-life violent 3D images they experience in the home. Abuse begets more abuse. Children trying to escape abuse will take refuge in action movies.

Why do people censor? It provides the boost action and it feels effective. It is easier than doing the hard work of solving the problems of sexism and violence. It flatters us to think that we have done something. Pally's speech was followed by a



Marcia Pally

panel discussion with Nancy Hicks of the *Lincoln Journal Star*, Pat Shafer of the Nebraska State Education Association and

Charles Stephens, minister at the Lincoln Unitarian Church and a founding member for the Nebraska ACLU.

Rev. Stevens began by saying that he believed Russ Alberts invited him to be on the panel because about a year earlier he had preached a sermon on the causes of black violence and condemned rap violence. He denied that the sermon was about censorship. He was expressing his abhorrence without taking an ultraconservative point of view, and he opposed the expression of violence that is unnecessary.

Ms. Hicks expressed her opinion that there should be different standards for adults and children. Adults should be free to see and hear anything but parents should be able to control the content for their children. She had done that herself when she censored literature of bigotry from her kids reading. She wondered how parents could effectively control the television kids watched. She appreciated content labels that gave her control. She knew that

(Continued on Page 17)



(Marcia Pally 1994 —

Continued from Page 16)

her kids would step over her lines so she wanted to draw those lines very close. She had a problem with government censorship and wanted to retain the right to express abhorrence. Computers were one way to get around government censorship, and she thought she could handle cyber creeps, but how would an eight-year-old know what to do?

Ms Shafer spoke about censorship attempts in Nebraska public schools. She may have recounted an earlier manifestation of the Tea Party when she spoke of women who wore tea bags as earrings when seeking the censorship of a book. Generally, the censorship attempts come from a small group of people associated with a few organizations such as James Dobson's Focus on the Family, Citizens for Excellence in Education and Dr. William Colson. They tended to be particularly concerned about the 4 S's — Swearing, Satanism, Sex and Secular Humanism. They widely attacked outcome-based education and Halloween. While very little actually became censored, they created a climate that promoted self-censorship by teachers: succumbing to the comfort of "good" censorship. How do you abhor something without censoring it?

In Marcia Pally's response to the panel she relayed information on Canada's proposed law to require V-chips in televisions. Such chips could potentially censor some news coverage as the US did in the Gulf war. Pally said that human beings love to watch violence. She believed that it was because of a basic need for fantasy. A person deprived of REM sleep will go insane as will a person deprived of fantasy. We need fantasy. Drive it underground, and you just make it forbidden fruit.



Many of the comments and questions from the audience centered on children and if they could be harmed by images. One person suggested that children will interpret things only in the way they could understand so maybe it is not necessary to separate adult and children content.

Rev. Stephens asked, "What if the consensus indicates that violence in the media does cause violence in society?" Marcia replied that the current research in that topic is in disarray. However, if you cannot explain history you cannot explain anything. Bob Haller commented that in Nebraska the main violence people watch is football violence.

The speech, discussion and questions reflected the concerns of that time 23 years ago. There was a lot of concern about overtly violent and sexist lyrics in rap music — particularly by older people who did not like rap music — concerns about protecting children and society as a whole based on recent studies that by 1994 were being discredited and some discussion about technology such as V-chips and the computers that were becoming common in homes. Since then, some of these concerns have subsided, some remain and new ones have arisen. The trend discrediting

the positive link between violence in the media and in society has continued. A study of crime rates in US cities after the release of some particularly violent movies showed a DECREASE in crime in the aftermath of their release. A follow-up study showed that the amount of the decrease was approximately proportional to the length of the movie: implying that people who otherwise would have been committing violent acts were busy watching the movie. The annual national crime victimization survey since 1994 has not just continued to show nationwide declines in violent crime — it has shown spectacular declines in crime. The rate of rape declined particularly dramatically during the late 1990's and the only explanation for it seems to be linked to the rise of readily available internet porn.

Why didn't Rev. Stephens ask, "What if the consensus is that violence in the media decreases violence in society?" The ancient Greeks debated whether violence in their plays promoted more violence or was a catharsis for violence. Pally's comments about our need for dreams and fantasy and the current inverse correlation between violence in the media and violence in society would support the catharsis hypothesis.

The 1994 concerns about rap lyrics and V-chips seem tame compared to the fire-hose of violent and sexual images available on today's internet. Computer technology only came up briefly in the discussion. Not mentioned were concerns about expression in the public square and the heckler's veto.

One enduring question from the meeting was, "How do

(Continued on Page 18)

**(Marcia Pally 1994 —**

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we express abhorrence without censoring?” Certainly we have a right to express abhorrence and such expression is often needed. But when it is expressed, the message on censorship can be confused or garbled. A strong and deserved expression of abhorrence may imply an unintended call for censorship. Some people argue that Nazis and others who advocate harm or prejudice against other groups forfeit their right to free speech in the public square. I heard such arguments at the recent rally for Charlottesville in Omaha from Anti-

Fascist (Antifa) leaders, and I was disturbed by it. Does this entitle Antifa activists to drive cars into crowds of people they perceive to be fascists? As horrifying as that would be, a couple of speeches that evening did call for a violent response to fascism. Perhaps how we draw the line was demonstrated recently in Boston where better policing separated and disarmed the demonstrators and prevented violence.

In spite of all our abhorrence, allowing hate speech gives us an opportunity to deal with vital issues. Why was there blatant sexism in 1990’s rap music? Clearly it was not the rap music that caused sexism in society. Sexism was

there centuries before rap. But the expression of it in rap music provided a mirror to our society that revealed a blemish we needed and still need to heal.

If you would like a copy of the 1994 meeting please contact AFCON. The video can be transferred to any thumb drive with more than 4 GB of space or made available for a small fee on a DVD.

(Russ Alberts is a director-at-large member of the AFCON board.)

## Anti-Authoritarian Academic Code of Conduct: Bracing Ourselves

This 10-point code was recently proposed by Dr. Rachel Barney, professor of classics and philosophy at the University of Toronto (the editor’s alma mater). The ten points below were taken from an article entitled “Values for the Trump Era” by Colleen Flaherty (*Inside Higher Ed*, November 30, 2016):

- I will not aid in the registering, rounding up or internment of students and colleagues on the basis of their religious beliefs.
- I will not aid in the marginalization, exclusion or deportation of my undocumented students and colleagues.
- I will, as my capacities allow, discourage and defend against the bullying and harassment of vulnerable students and colleagues targeted for important aspects of their identity (such as race, gender, religious beliefs, sexual orientation, etc.).
- I will not aid government or law enforcement in activities which violate the U.S. Constitution or other U.S. law.
- I will not aid in government surveillance. I will not inform.
- As a teacher and researcher, I will not be bought or intimidated. I will present the state of research in my field accurately, whether or not it is what the government wants to hear. I will challenge others when they lie.
- I will not be shy about my commitment to academic values: truth, objectivity, free inquiry and rational debate. I will challenge others when they engage in behavior contrary to these values.
- As an administrator, I will defend my students, faculty and nonacademic staff. I will not allow the expulsion, firing, disciplining, harassment or marginalization of individuals targeted for being members of disfavored groups or for expressing dangerous opinions. I will speak up for academic freedom. I will insist on the autonomy of my institution.
- I will stand with my colleagues at other institutions, and defend their rights and freedoms.
- I will be fair and unbiased in the classroom, in grading and in all my dealings with all my students, including those who disagree with me politically.

## Support Academic Freedom!

# How the University of Nebraska Lost Its Identity during World War I and Became an Army Boot Camp (Part III: The Professors' Trial)

Frank Edler



Frank Edler

The trial of the Nebraska Twelve (actually the Nebraska Sixteen, see below) was unique in the annals of higher education during World War I [Dorothy Weyer Creigh, *Nebraska: a History* (New York and Nashville: W. W. Norton and Company and American Association for State and Local History, 1977), p.171]. No other college or university in the United States put twelve of its employees on trial for disloyalty. The University of Michigan is perhaps a close second for “discharging six professors [of German] for suspected disloyalty,” although no trial was involved (Clifford Wilcox, “World War I and the Attack on Professors of German at the University of Michigan,” *History of Education Quarterly*, Vol. 33, No. 1 (Spring 1993); 59). Clifford Wilcox says of the University of Michigan case that it “may represent an extreme case of wartime excess” and goes on to say that “few other universities reacted with such sweeping faculty censure” (Ibid). Cox perhaps could have paid more attention to the University of Nebraska.

On the morning of the first day of the public trial, university law professor Henry H. Wilson, who agreed to function as floor manager, read a preamble to the audience. He was, in essence, the attorney for the regents. He had hoped that someone else would serve in this capacity, but, alas, no one did, and he accepted the job the day before the trial began (*Lincoln Daily Star*, “Regents’ Board Hearing Charges

of State Council,” May 28, 1918, p. 4). This, of course, gave Wilson virtually no time to prepare. He may have believed or hoped that the evidence the Nebraska State Council of Defense (NSCD) had communicated to the board on May 20 had passed legal muster. In his preamble he stated the charge as well as the principles and rules of procedure he would use to guide the trial: “The charge is disloyalty.... The board will listen to any evidence tending to show loyalty or disloyalty of the accused, whether such evidence is mentioned in the charges or not” (*Lincoln Daily Star*, “Regents’ Board Hearing Charges of State Council,” May 28, 1918, p. 4). He stated that the trial was “in no respect a criminal prosecution” and that the manager was not “in any sense a prosecutor of the charges” against the accused; indeed, the manager “will seek neither a conviction nor an acquittal, but will earnestly endeavor to impartially put ... all the facts” at the disposal of the regents (Ibid). Wilson’s unpreparedness, however, will soon become apparent and catch up with him.

The charge of disloyalty, however, proved problematic. On the third day of the trial or inquisition, as Robert E. Knoll refers to it (Robert E. Knoll, *Prairie University*, p. 66), lawyers for the NSCD realized that the evidence presented did not support the charge of “active disloyalty,” and they reverted back to the charge of “passive loyalty,” that is, exhibiting behavior that was negative, halting, or hesitating in support of the government (*Omaha World-Herald*, “Drop Two Charges in Regents’ Hearings,” June 1, 1918, p. 1; see also Censor

Peregrinus, “A University in a University Court” in *The Nation*, Vol. 106, No. 2764, June 22, 1918, p. 733). Given the war hysteria, especially in the spring of 1918 when the Allied offensive was underway and American soldiers were being killed at a much higher rate, anyone perceived as being passively loyal was labeled as disloyal, even treasonous. And since professors at the state university should be leaders in the community, they should express not only what the community thinks and feels, but they should be even more extreme in their patriotism than the community. In his letter to *The Nation* entitled “The Nebraska Decision,” shortly after the trial ended, philosophy professor Hartley Burr Alexander agreed that the “college teacher should be a leader in the community ... meaning that the college teacher must voice public sentiment” (*The Nation*, “The Nebraska Decision,” Vol.107, No. 2766, July 6, 1918, p.14). Alexander apparently forgot Plato’s dictum that once one gains truth and knowledge outside the cave, one has a duty to go back into it and share it with others. Socrates did, and he paid for it with his life.

Who were the other participants in the trial besides Wilson? First, there were the accused, eleven professors and one staff member. The latter was Annis S. Chaikin, secretary of the Nebraska Alumni Association who had

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**(University of Nebraska —**

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Hartley Burr Alexander  
Daily Nebraskan, 1927

grown up in an orthodox Jewish family in Omaha and written her master's thesis on Euripides at the University of Nebraska (Ted Chaikin Sorensen has written about his mother in his book *Counselor: A Life at the Edge of History* (New York: HarperCollins, 2008), pp. 22-33]. The eleven professors included Paul H. Grummann, head of the School of the Arts; Leon E. Aylsworth, professor of political science; Clark E. Persinger, associate professor of American history; John P. Senning, instructor of political science; Erwin P. Hopt, professor of agronomy; Henry Blumberg, professor of mathematics; Mary Fossler, assistant professor of chemistry (no relation to Professor Lawrence Fossler); George W. A. Luckey, dean of the Graduate School of Education; Howard W. Caldwell, professor of American history; Adolph S. Riddervolt, assistant professor of civil engineering; and Andrew D. Schrag, professor of German. During the trial four more professors were added to the list of the accused: Harry K. Wolfe, professor of philosophy; Louis B. Tuckerman, professor of physics; Edgar L. Hinman, professor of philosophy; and Addison E. Sheldon, instructor of American history.

Thus, a total of sixteen university employees were accused of disloyalty. Remarkably, fourteen of the sixteen accused had been signatories of the anti-war petition in early April of 1917.

Second, members of the board of regents functioned as the jury and would make a ruling after all the evidence had been presented. At that time there were six regents. Although Frank L. Haller had resigned as president of the board, he was still a regent and could not be fired; however, after he resigned, he no longer attended board meetings. Edward Provost Brown, regent from Davey, was elected president and presided over the jury. Acting Chancellor William Hastings filled in for Chancellor Avery. The other four regents at the trial were Victor Gerald Lyford (Falls City), John Eschleman Miller (Lincoln), Harry DeWitt Landis (Seward), and Phillip Louis Hall (Lincoln) [1917 Cornhusker Yearbook, pp. 19-20, <http://yearbooks.unl.edu/yearbook.php?year=1917,598#page/28/mode/transcription>].

Third, there were the prosecuting attorneys representing the State Council of Defense: William Gurley of Omaha and Frank M. Hall of Lincoln (*Lincoln Daily Star*, "Regents' Board Hearing Charges of State Council," May 28, 1919, p. 4). Will Owen Jones in his column "More or Less Personal" in the *Nebraska State Journal* clarified the fact that these lawyers "were chosen by the American bar association" long before the trial and "had very little to do with preparing the charges and are therefore not responsible for the trivialities and the irresponsible gossip they are called upon to make good" (*Nebraska State Journal*, "More or Less Personal," May 31, 1918, p. 6). It is very likely that Richard L. Metcalfe drew up the charges not only because he composed the initial NSCD report on disloyalty in Nebraska and was head of the secret service committee of the NSCD, but also because he was the person primarily responsible for driving Frank L. Haller out of his position as president of the

board of regents, Metcalfe even went to the extraordinary length of publicly attacking Haller's wife, Florence. To quote Metcalfe himself in the *Lincoln Daily News*, "I made the charge that Mrs. F. L. Haller is head and front of the pro-German-ultra-pacifist propaganda in the University of Nebraska and for that reason he [Frank Haller] should retire from the place [board of regents] in order that Nebraska may be put 'in the fighting trim for America'" (*Lincoln Daily News*, "Metcalfe Says Haller Evasive," July 20, 1917, p. 1).

Fourth, counselors for the accused were also at the trial, not only to cross-examine witnesses who were making accusations, but also to present witnesses in defense of their clients. I cannot provide a complete list, but here are a number of the defense lawyers: Christian Abraham Sorensen defended four of the accused including Mary Fossler, John P. Senning, Henry Blumberg, and Annis Chaikin (Nebraska State Historical Society, RG2951, S1, B2, File 65, letter from C. A. Sorensen to Arthur Weatherly, June 15, 1918); Lincoln Frost represented Howard W. Caldwell and George W. A. Luckey; T. F. A. Williams represented Clark E. Persinger and Louis B. Tuckerman; and John M. Stewart defended Leon E. Aylsworth.

Finally, there were those who participated as witnesses and presented evidence either for or against the accused. Professors took the stand to accuse or defend other professors; Chancellor Avery returned from Washington to take the stand (more on that later); students took the stand; newspaper editors and reporters

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**(University of Nebraska —**  
Continued from Page 20)

took the stand, and business people took the stand. The trial was open to anyone who was willing to make an accusation. People testified about conversations overheard between professors or about discussions that took place at Open Forum meetings. Much of the so-called evidence related to what the accused had said before the United States entered the war. It was clear that the NSCD had made no attempt whatsoever to screen the evidence, much of which was hearsay. Metcalfe clearly was aware that lawyers were available to him and the NSCD, but he apparently did not avail himself of William Gurley or Frank Hall when he reviewed the evidence and drew up the charges.

On May 28, Paul Grumann's case was the first to be considered. A student testified that Grumann's classes had given her the impression that "he was not as open and loyal in support of this country" as a professor should be; Professor Sarka Hrbova testified against Grumann that at a convocation denouncing German atrocities in Serbia, he had told the speaker that his speech was good, but that he was German [Robert N. Manley, *Centennial History of the University of Nebraska, I. Frontier University, 1869-1919* (Lincoln: University of Nebraska Press, 1969), pp. 220-221]. Grumann was born in Indiana. Bertha Du Teil, a stenographer, testified that Grumann in 1915 had tried to justify the sinking of the *Lusitania* by stating that American passengers had been warned not to travel on British ships that might be carrying munitions (ibid, 221). Professor H. B. Alexander testified on behalf of Grumann and repeated what he had heard Grumann say to Professor Fling, who was aggressively pro-war since 1914 and an officer in the Nebraska Peace Society: "I permit no man to question my Americanism ... No person is more strongly opposed than I to the military autocracy and junkerdom of

Germany, for few have suffered more than I because of it" (*Omaha Morning World-Herald*, "Professors Score in Loyalty Hearing," June 6, 1918, p. 1).



Paul H. Grumann  
Daily Nebraskan, 1931

Professors Caldwell and Blumberg as well as Annis Chaikin were accused of being disloyal because they showed sympathy for the Industrial Workers of the World or IWW (Robert N. Manley, *Centennial History of the University of Nebraska*, 221-222). President Wilson's administration feared the IWW's radical unionism and carried out a massive repression of the entire organization. As Samuel Walker says, the Justice Department in the fall of 1917 raided "every IWW office in the country" and "[h]undreds of suspected members were indiscriminately arrested" [Samuel Walker, *In Defense of Civil Liberties: A History of the ACLU* (New York and Oxford: Oxford University Press, 1990, p. 25]. It is difficult to comprehend how being fully in support of the war was

incompatible with feeling sympathy for the injustices done to the IWW.

Professor Erwin Hopt, "one of the most popular instructors in the College of Agriculture" (Robert N. Manley, *Centennial History*, p. 222), was an absolute pacifist and made no bones about it. H. H. Wilson questioned Hopt on the stand and asked him if he would shoulder arms for his country, and he replied that he could not. "I do not believe in war," he said. He went on to say that if his family were threatened with violence, "I would see to it that I was shot first" (*Morning Omaha World-Herald*, "Professors Score in Loyalty Hearing," June 6, 1918, p. 3).

J. S. Stewart, a Lincoln businessman, turned in Professor Tuckerman's name to the NSCD shortly before the list of the Nebraska Twelve was sent out to the board. Stewart at a social gathering had stated that the "university was a hotbed of treason and that it was time for a housecleaning" ((*Lincoln Daily Star*, "Tuckerman Gives View on the War," June 7, 1918, p.12). Tuckerman defended the professors and "attacked Metcalfe" (Robert N. Manley, *Centennial History*, 218). Stewart then asked him why it was that when patriotic professors talked about the war, they were understood plainly by the common people, but when suspected professors spoke, they were charged with being pro-German (Ibid, 218)? Tuckerman responded by saying that "You common people haven't good common sense" (Ibid). Tucker-

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**(University of Nebraska —**  
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man may have been guilty of discourtesy but certainly not of disloyalty. Statements of incivility were easily turned into statements of disloyalty.

Professor George N. Foster, a member of the law faculty, testified against Professor Leon Aylsworth. Foster was soliciting for war savings stamps, and Aylsworth agreed to subscribe. Nevertheless, Foster said that Aylsworth “did criticize the government’s method of raising funds. The witness said he was not impressed that Prof. Aysworth [sic] was 100 per cent American” (*Lincoln Daily Star*, “Says Aylsworth Blamed War on Capitalists,” June 4, 1918, p. 1).

Harry Kirke Wolfe, one of the most distinguished professors on campus who established the first undergraduate psychology laboratory in the United States, was charged with disloyalty because “members of the investigating committee of the county defense council testified that Professor Wolfe had declined to display [the] Red Cross Liberty loan emblem at his home” and that “he had declined to make a record of his war contributions for the defense council census” (*Omaha World-Herald*, “Persinger Interview Introduced in Quiz,” May 30, 1918, p. 2). Wolfe said he didn’t think professors should “advertise such things” (ibid). In these affairs, he said he “was not governed by what others thought” (ibid). He also pointed out the dangerous side of patriotism when he said it was patriotism that got Germany into the war (ibid).

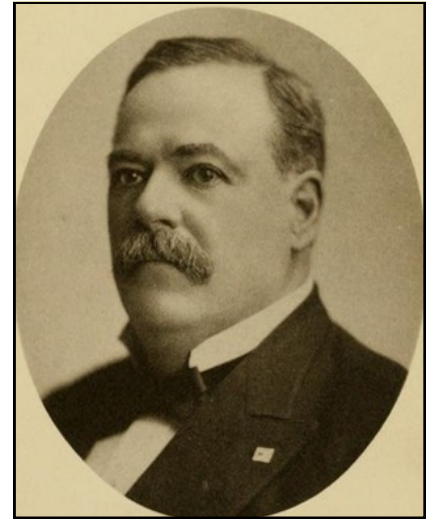
Because Wilson was unprepared for the trial, he unfortunately allowed unsubstantiated rumors at times to be introduced as factual truth. For example, when Wilson questioned A. E. Sheldon about signing the anti-war petition in early April, he asked

him the following questions: “Did you know that the petition was written in the office of a German newspaper on N Street?” (*Nebraska State Journal*, “Arrive at Nothing Final,” May 29, 1918, p. 4) and “Did you know that the German Alliance [German American Alliance] had paid for transmission of the telegram to Washington?” (*Lincoln Daily Star*, “Prof. Wolfe, Not on the List, Before Regents,” May 29, 1918, p. 4). Sheldon responded that he did not know. The claims, however, were totally false. The petition was completely unrelated to the German American Alliance. Professor Persinger corrected the falsehoods by stating that he himself had typed the petition in his office (*Lincoln Daily Star*, “Prof. Persinger Takes Sharp Rap at Prof. Taylor,” June 8, 1918, p.4).

In addition, since the lawyers assigned to the NSCD were not included in drawing up the charges, it is unclear who determined the list of witnesses called to testify against the Nebraska Twelve. For example, Miss Margaret McPhee who had been “named by the council as a witness against Mr. Senning, said she knew nothing whatsoever to his discredit.” When Emeritus Professor W. G. Langworthy Taylor, who had testified that Chaikin and Blumberg were sympathetic to the IWW, was asked how he came to be listed as a witness, he said that he had had conversations with Chaikin and Blumberg and mentioned it casually “when I was a guest at the home of George Coupland, a member of the state defense council. I never had any evidence. Never claimed to have it, and don’t believe there is any” (*Morning Omaha World-Herald*, “Drop Two Charges in Regents’ Hearing,” June 1, 1918, pp. 1, 16).

On Saturday, June 1, Major Samuel Avery returned from Washington to testify at the trial. Much would depend on his testimony. Questioned by

William Gurley, Avery said that he had hoped after the declaration of war “the non-aggressive professors would joyfully get in line,” but he was disappointed when they didn’t. He explained that a man “was no patriot at all” if he “did not reconstruct his mind or had not changed his attitude since the declaration of war.” He went on to say “I am not satisfied that there was ardent support of the war on the part of some.” When asked by Gurley to name



Henry H. Wilson

these professors, Avery replied, “I have not heard of Prof. Luckey ardently supporting the war” (*Lincoln Daily Star*, “Chancellor Avery Says Few Faculty Members Passive,” June 2, 1918, p. 4). Robert E. Knoll’s remark that “Avery, who had always found Luckey willful, did nothing to help him” does not go far enough (Knoll, *Prairie University*, p. 67). It is clear that Avery named Professor Luckey as a faculty member who did not ardently support the war and thus gave the regents a reason to dismiss him. Avery’s comment pretty much put the proverbial nail in Luckey’s coffin, since he

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was already accused of giving a commencement address at Howells, Nebraska, in which he said “I could not conscientiously fight and die in the trenches in a war which I had nothing to do in creating and was not absolutely convinced of the righteousness of the cause” (Robert N. Manley, *Centennial History*, p. 223). Avery also expressed doubts about Persinger (*Sunday Omaha World-Herald*, “Avery Says War Record of University Is Good,” June 2, 1918, p. 1).

On June 9, the lawyers for the NSCD finished presenting their evidence, and H. H. Wilson recommended the withdrawal of charges for six of the accused including Annis Chaikin, John Senning, Mary Fossler, and Andrew Shrag. The other two were professors added after the trial had started, namely, E. L. Hinman and A. E. Sheldon. Wilson made a public apology in relation to these two professors. He said, “If I had it to do over again I would not have brought the names of those men publically before the board, and I apologise for doing so” (*Nebraska state Journal*, “Evidence Is Now Complete,” June 9, 1918, p. B-11). He said he had at times relied on witnesses who were reputed to have had testimony on the loyalty of these two professors. He admitted that “the witness had been called without conference with the manager, and he had not known of the insignificance of the evidence” (Ibid). The same could be said of the former four; the evidence against them was flimsy and insignificant.

William Gurley argued before the regents that eight professors should be dismissed: Professors Caldwell, Luckey, Persinger, Wolfe, Aylsworth, Tuckerman, Hopt and Blumberg (*Lincoln Daily Star*, “Gurley

Asks for Dismissal of Eight Professors,” June 11, 1918, p. 1). F. M. Hall, also for the NSCD, “emphasized the fact that the accused professors were not charged with disloyalty, but the charge was that they were hesitating, halting, negative, and lukewarm in their support of the government” (*Lincoln Daily Star*, “Regents Wait on Report of Hearing,” June 12, 1918, p. 8). On June 12, however, manager Wilson turned his summation into a rant against Luckey, Persinger, and Hopt.

Rather than using the charges just mentioned by the NSCD attorneys, he used the more virulent charges of disloyalty and sedition. Oddly, he never referred to the three professors by name, as though their names had been so sullied by their disloyalty that they could not be uttered in public. “The Dean of the Teachers’ College [Professor Lucky] is charged with disloyalty and sedition in a public address delivered at the high school commencement in the city of Howells,” said Wilson [Henry H. Wilson, *Occasional Addresses*, ed. by Charles Telford Fairfield (Lincoln, NE: C. T. Fairfield, 1929), p. 210]. Actually, none of the Nebraska Twelve was charged with sedition. Referring to Professor Persinger as “the Professor of American History,” Wilson stated that his “articles breathed the poisonous atmosphere of disloyalty and sedition” (Ibid, 221). When he turned to “the Professor of Agronomy,” he stated that “his example and influence [as a pacifist] must certainly tend to weaken the military spirit of those coming in contact with him and render them less loyal to the government” (ibid, 224).

It is well to recall that Wilson in his preamble had pledged he would seek “neither a conviction nor an acquittal” but only endeavor to place the facts before the regents. Clearly, he



Clark E. Persinger

now broke his pledge and argued vehemently for the conviction of Luckey, Persinger and Hopt. Moreover at the end of his summation he made an outrageous comparison that stretched the bounds of credulity: “No three private soldiers [in the German army] have been able in the last year to do anything like the damage to the American cause that has been done by these three members of our University faculties” (Ibid, 226). Thus, the behavior of these three professors produced worse consequences than three German soldiers killing American boys in the trenches.

The regents took the evidence into consideration and deliberated until June 19 when they delivered a verdict that stunned just about everyone. First, since the NSCD dropped the charge of disloyalty in favor of the charge of negative, halting, and hesitating behavior, the regents in their report stated that the trial proved “that there is no basis for the charge of intentional disloyalty against any University employee” (University of Nebraska Archives, RG 1/1/1, Board of Regents Papers, Box 23, File 200). Second, with regards to

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the charges of negative, halting, and hesitating behavior, the regents congratulated the university that with one exception no employee was guilty of those charges. Even Persinger and Luckey were not found guilty of those charges. The exception was Professor Hopt for being a conscientious objector.

Persinger, one of the strongest faculty defenders of academic freedom, and Luckey were fired for being indiscreet and having involved “themselves and the University in public criticism;” they were fired because they had lost “their usefulness to the institution” (Ibid). What caught everyone by surprise was the board’s additional decision to fire Professors Fred Fling and Minnie T. England, who were staunch pro-war patriots. They were held responsible for provoking “dissent and personal differences among members of the University staff” and “spreading ... unfounded suspicions” (Ibid; see also Robert N. Manley, *Centennial*

*History*, p. 223). It may also have been an attempt to punish certain faculty members not only for collaborating with the NSCD but also for putting the NSCD above university interests. Since these charges, however, were not part of the trial, the board allowed them the chance to return to the university if they could disprove the charges before the board. Both were able to do so.

The animus by the NSCD against Professor Fling began when he took a leave of absence from the university to work for the Historical Branch of the national War Department in Washington, D.C. shortly before the trial began. Fling had information that the NSCD regarded as crucial to making its case against the disloyal professors. Indeed, Robert Joyce, NSCD chairman, stated that “it had been Fling who had first suggested the need for the investigation” and George Coupland, vice chairman of the NSCD, said “Fling’s behavior was absolutely inexcusable” (Robert N. Manley, *Centennial History*, p. 224). Before leaving, however, Fling claimed the only evidence he had was hearsay, not direct evidence.

Metcalf resigned from the NSCD, and two days later became a candidate for the U. S. senate in the Democratic primary. He was roundly beaten by John Morehead. Metcalfe wanted to make 100% Americanism the theme of the campaign, but Nebraskans were fed up with the repression of the NSCD and rejected Metcalfe as well as Governor Neville who was running for re-election.

The scars of the trial ran long and deep. The deepest scar may have been the early death of Harry Kirke Wolfe of a heart attack shortly after the trial. Some believe the trial hastened his death. In his last article published the month he died, Wolfe stated “[t]oo much obedience may ruin character, may dwarf the intellect, may paralyze the will of children and of adults” [Ludy T. Benjamin, Jr., *Harry Kirke Wolfe: Pioneer in Psychology* (Lincoln and London: University of Nebraska Press, 1991), pp. 125-126].

On July 16, 1918, Richard L.

(Frank Edler is editor of the  
*AFCON Sentinel*.)

## MARK YOUR CALENDARS!



Mark Blyth

**Mark Blyth, author of *Why People Vote for Those Who Work Against Their Best Interests*, will speak at the E. N. Thompson Forum on World Affairs at 7 PM at the Lied Center on October 10, 2017.**



Thomas Frank

**Thomas Frank, author of *What’s the Matter with Kansas* and *Listen Liberal* will speak at the Unitarian Church in Lincoln as part of the Sorensen Lecture Committee Series at 7 PM on October 29, 2017. The Unitarian Church is located at 6300 A Street.**



## AFCON SPEAKER'S BUREAU (As of August 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

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[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 December 2017 issue is November 25, 2017.**

Send to Frank Edler, 908 Elmwood Avenue, Lincoln, NE 68510 or email [frankhwedler@gmail.com](mailto:frankhwedler@gmail.com)

# KEEPING THE FAITH IN HARD TIMES



## 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.

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