

The AFCON Sentinel

Newsletter of the Academic Freedom Coalition of Nebraska

Volume 27, Number 2

April 2023

From the President
A Pushback and a Win
Vicki Wood

When we last visited the situation in Fremont—see the February Sentinel—several sex education books written for children had been moved to the adult collection. The city council later voted in an amendment that would allow any parent with a child under the age of 11 to move any book in the children’s area to the adult collection. The Intellectual Freedom Roundtable of the Nebraska Library Association quickly sent a letter to the introducer of the amendment explaining why this policy was problematic in both theory and practice. The response was quick and sharp from the city council person who introduced the amendment. At this point the library director Laura England Biggs advised her advocates that any further letters or actions would be futile.

Enter Sally Ganem, former First Lady of Nebraska, educator, and reading advocate; and a member of the Fremont City Council. Ms. Ganem requested a review of this policy. The NLA’s Intellectual Freedom Roundtable sent supportive materials to both Ganem and a local library advocate speaking against the amendment. At the March council meeting, the amendment was removed, and it seems as if the traditional request for reconsideration policy has been endorsed as the way to handle parent concerns.

Bravo to the work done by the intellectual freedom advocates of the state, the Fremont library staff, as well as the citizens and the council for reversing this damaging policy.



AFCON

www.academicfreedomnebraska.org

The Academic Freedom Coalition of Nebraska was founded in 1988 to promote intellectual freedom in Nebraska education and research, including freedoms of belief and expression and access to information and ideas.



The AFCON Sentinel is the newsletter of the Academic Freedom Coalition of Nebraska, published bimonthly in February, April, June, August, October, and December. Unless otherwise indicated, articles represent the views of the authors.

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Statement Regarding Censorship in Fremont, Nebraska

Nebraska Library Association

On February 14th, the Fremont City Council introduced and passed a concerning amendment to the Keene Memorial Library policy manual, by a 7-1 vote. This amendment allows a parent or legal guardian to relocate any book from the children's section of the library to the adult section, as long as their child is eleven years old or younger. According to the Fremont Tribune, this decision comes on the heels of one Fremont citizen's continued attempts to ban sex education and LGBTQ+ books from the public library. The amended policy is now set to go into effect on March 13th. The Nebraska Library Association (NLA) firmly stands in opposition to this amendment and urges the Fremont City Council to reconsider its passage.

While this amendment does not completely remove books from the library by itself, it disregards the expertise and ethics of trained library professionals while ignoring the library's established policy for handling book challenges. This formal review process, by which an item may be removed from or relocated within the library, already exists and allows for more careful consideration of materials. If this process is entirely disregarded, book banning becomes easier. By allowing anyone the ability to alter the library's collection with no standard review process, individual ideologies will become the primary determinant of the library's organization systems, resulting in censorship by a few, for the many.

When deciding what items to purchase for the library and how to organize these materials in the physical or virtual collections, trained library professionals select books and other resources that represent many view-points of their community, not just their own or those of a singular group. Inherently, a well-developed public library will and should contain items that some people disagree with, because disagreements exist within communities. The right to seek and access information "from all points of view without restriction" (American

Library Association), or intellectual freedom, is a core value of librarianship. Public libraries affirm that parents or guardians can already restrict what information their children, and only their own children, consume. Additionally, public libraries should not be expected to interfere with those parental responsibilities for all members of the community. What one parent believes to be inappropriate or harmful material, another parent may find helpful to their own child's development and education. One parent or guardian should not have the power to limit the right to access information for any other child or family.

Formalized public library policy, which has long helped to maintain diverse library collections and guard against censorship, should not be disregarded by legislative bodies or city leaders due to political or social reasons, especially not as a response to pressure from vocal individuals. The NLA urges the Fremont City Council to reconsider this amendment and we applaud the Fremont citizens who have made their voices heard by standing up for the intellectual freedom of their community.

Postscript: The amendment was reconsidered and removed in March, as noted in the president's message on page 1.

JOIN AFCON OR RENEW

Rod Wagner, Treasurer

If you are interested in defending and expanding academic freedom in Nebraska, we welcome you or your organization as a member of AFCON. Annual dues are \$120 for institutions, \$15 for individuals, and \$5 for students. Individual life memberships are available for \$150. You can pay by visiting our website at

<https://www.academicfreedomnebraska.org/>

Memberships and donations can also be made by check (payable to AFCON). Send check to AFCON Treasurer, 3901 S. 27th St., #47, Lincoln NE 68502.



**The Nebraska Unicameral Legislature
Then and Now**
Peggy Adair
AFCON Legislative Liaison



I was a lobbyist in the Nebraska state legislature from 1989 until 2018, working for various non-governmental organizations. Most of my lobbying focused on child welfare, juvenile justice, voting rights and education.

I learned a lot about how the legislature functions over my 19 years of walking the halls of the Unicam. I learned to value the relationships I developed with the senators as we grappled together with solving weighty public policy issues Nebraskans face. I learned to be patient, because some of those weighty issues take years upon years to resolve. I learned which senators were all in on an issue, which were absolutely against it, and which were on the fence.

There were always senators on the fence. There were always senators who were not sure how they were going to vote on an issue because they knew they didn't have adequate information to make an

educated decision. When I would visit with these senators, I listened to their concerns, offered them factual information in my areas of expertise, treated them courteously, and followed up when they wanted more facts. Sometimes I could win over a senator to my side of an issue, sometimes not. But always, we had a respectful mutual relationship, because on the next issue we could very well be on the same side.

There were also always senators with lengthy service who were so experienced, so wise in the ways of legislative history and tradition, that they mentored newer senators to pass on the traditions and functions of the legislature that made our Unicam so beautiful, pragmatic, functional and unique.

Then came term limits.

Beginning with the 2006 legislature, at first the effects of term limits were insignificant. Those wise and experienced senators were still in office, as were their wise and experienced staff. But slowly and surely, over the years, those experienced senators were ousted by term limits, and the experienced staff retired.

What has filled the void is an ever-increasing number of new senators and staff who are a mix of political viewpoints but all of whom are inexperienced and lack an in-depth understanding of the intricacies of legislating. In plain language, they don't know what they are doing and nobody is there to teach them.

The results this session are nothing less than catastrophic. We have a lot of public policy issues in Nebraska that need addressing: public school funding, affordable housing, rural health care needs, corrections reform, economic development. But instead of prioritizing our pressing issues, new senators are hopping on the national fad of the culture war bandwagon. One brand-new senator, with only 45 days of legislative experience, chose as her priority bill a copy-cat anti-LGBTQ bill attacking the trans community in Nebraska. In days past, when the legislature was a bastion of experience, tradition, and thoughtful deliberation, such a provocative

bill would never have been introduced, let alone get out of committee.

But that was then, this is now.

Culminating on March 23, when ten senators who oppose LB574 spoke on the floor one by one and literally begged for mercy on behalf of trans children and their families. The senators exposed their private, vulnerable lives in hopes of gaining some sort of sympathy and understanding. They spoke in tears about their own families, their own struggles. They presented factual information in support of transgender affirmation. They spoke of all of the professional medical associations who oppose this bill. They explained the dire consequences of the legislation at hand. They stressed how harmful to the trans community it was to threaten their very identity through this legislation.

The senators in the majority didn't care. It is no longer about the merits or deficiencies of legislation. It is not about listening and deliberating and coming to consensus on substantive issues that affect Nebraskans. It is about winning.

And so, after eight hours of tense, emotional, heart-wrenching debate, the majority ignored their colleagues' pleadings and voted lock-step as a unit to cease debate and move the bill to select file. Some of them were seen laughing together under the balcony as senators who fought so hard against this bill sobbed.

That evening, after a local news station reported on the movement of the anti-trans bill, the station felt compelled to post the suicide prevention hotline. It is 988, for those of you who may need it.

I don't know if anything can be done to salvage this session. But I do know we, as Nebraskans, have a responsibility, as the "second house," to let our voices be heard and our concerns known. You can find contact information for your state senator at nebraskalegislature.gov. Please speak up in support of good governance.

Academic Freedom-Related Legislative Bills

Peggy Adair

AFCON Legislative Liaison

updated 4/24/2023

AFCON board members voted to officially oppose the following legislative bills and resolutions:

***LB178**, Senator Erdman, requires the posting of "In God We Trust" in K-12 schools.

Education Committee, hearing 3/6/2023, in committee (i.c.)

***LB374**, Senator Murman, the "Parents Bill of Rights and Academic Transparency Act," similar bill to LB71, only way more specific and wide-reaching. Allows for removal of books from school libraries, parental refusal of vaccine mandates, forbids teaching of things we just don't like, protects teachers from teaching those things they just don't like...

Education Committee, hearing 1/31/2023, i.c.

Senator Hunt has filed an IPP motion. (IPP is a motion to kill the bill.)

***LB441**, Senator Albrecht, removes protection against obscenity charges for all teachers except those in postsecondary education. Also removes protection for teachers in galleries or libraries, including public libraries.

Judiciary Committee, hearing March 24, 2023

***LB635**, Senator Albrecht, requires filtering out obscenity in school computers.

Education Committee, hearing 3/6/2023, i.c.

LB690, Senator Linehan, reverses the power structure of the state Board of Ed, giving the Commissioner power over the board. Presently, the Commissioner carries out the directives of the Board.

Education Committee, hearing 3/7/2023, i.c.

LR24CA, Senator Albrecht, eliminates the State Board of Education and gives authority to the governor to appoint a Commissioner on Education.

Education Committee, hearing 3/7/2023, i.c.

LR28CA, Senator Linehan, reduces the State Board of Education from 8 members to 7, all of whom will be appointed by the Governor instead of being elected by the voters of Nebraska.

Education Committee, hearing 3/7/2023, i.c.

LR29CA, Senator Linehan, limits the Board of Ed to two 4-year terms.

Education Committee, hearing 3/7/2023, i.c.

AFCON is monitoring the following legislative bills:

***LB71**, Senator Sanders, tweaks existing law on parental access to their children’s learning materials.

Education Committee, hearing 1/31/2023, i.c.

Lippincott priority bill, on general file with amendments

LB225, Senator Dungan, adds a student member to every local school board’s “Committee on American Civics.”

Education Committee, hearing 1/23/2023, i.c.

LB455, Senator Wayne, provides grant funding to provide a nondigital sort of “Weekly Reader” in all schools and homes in Nebraska.

Education Committee, hearing 2/21/2023, i.c.

LB487, Senator Hunt, prohibits discrimination in schools that receive public funding (note: not “public schools,” but any school that receives any public funding) from discriminating on basis of race, color, religion, national origin, ancestry, citizen status, gender, sexual orientation, gender identity, disability, or special education status.

Education Committee, hearing 2/14/2023, i.c.

LB528, Senator Hansen, creates an “option enrollment tuition account.”

Education Committee, hearing 2/28/2023, i.c.

LB550, Senator Ballard, changes the parameters of option enrollment.

Education Committee, hearing 2/28/2023, i.c.

***LB679**, Senator Day, the “Holocaust and Genocide Education Training Grant Program.”

Education Committee, hearing 3/6/2023, i.c.

***LB753**, Senator Linehan, “Opportunity Scholarship Act,” a bill that gives a tax credit to the wealthy and corporations which will reduce general funds available for public education. It does not grant “scholarships” to anyone.

Revenue Committee, hearing Feb 3, 2023, Linehan priority, select file

***LB805**, Senator von Gillern, requires schools to allow “youth organizations” to provide information, services, and activities in schools.

Education Committee, hearing 2/7/2023, von Gillern priority, general file

**A similar bill was introduced in the 2022 session.*

Nebraska Links

Fremont:

https://fremonttribune.com/entertainment/library-director-rejects-request-to-remove-lgbtq-book/article_3e245eea-a190-5f3a-a73b-333228adb9cb.html

Unicam bills with implications for intellectual freedom in education

https://omaha.com/news/state-and-regional/govt-and-politics/parents-bill-of-rights-legislation-divides-public-at-nebraska-legislative-hearing/article_9f542498-a187-11ed-b709-3fe328913e0a.html

https://omaha.com/news/state-and-regional/govt-and-politics/nebraska-bill-would-require-in-god-we-trust-be-displayed-in-public-schools/article_d878333c-bc2f-11ed-b0e4-5720fa208f36.html

https://omaha.com/news/state-and-regional/govt-and-politics/measure-to-eliminate-nebraskas-state-ed-board-draws-opponents-no-supporters/article_50bea320-bd12-11ed-a767-af4241abc18a.html

https://omaha.com/news/state-and-regional/govt-and-politics/nebraska-lawmakers-advance-one-parental-control-bill-while-others-lie-in-wait/article_f61f00ec-c1a6-11ed-b58c-93d4fe8171fd.html

Ten years ago this spring, Ernie Chambers was back in the Unicam after sitting out four years due to newly-instated term limits that many believe were passed to get him out of there (he ended up serving eight more years). And part of his agenda was defending the intellectual freedom of students (though his bill, unfortunately, did not pass):

http://www.huffingtonpost.com/david-moshman/ernie-chambers-pledge-allegiance_b_2989935.html

National Links

FIRE proposes legislation to ban compulsory DEI statements

<https://www.thefire.org/news/new-fire-model-legislation-takes-dei-bureaucracys-chilling-effect-campus>

Henry Louis Gates on the long history of censoring Black history

<https://www.nytimes.com/2023/02/17/opinion/desantis-florida-african-american-studies-black-history.html>

Chilling effects of recent laws: What teachers are afraid to teach

<https://www.washingtonpost.com/education/2023/03/06/slavery-was-wrong-5-other-things-educators-wont-teach-anymore/>

Can't David just put on some clothes?

<https://reason.com/volokh/2023/03/23/charter-school-principal-forced-to-resign-allegedly-because-6th-grade-students-were-shown-michelangelos-david/>

A thoughtful discussion on the value and limits of free speech, focusing especially on educational contexts

<https://www.socialstudies.org/social-education/87/1/free-speech-time-different-kind-discussion>

“The ‘Empower Hotline’ was a key campaign promise of Republican Superintendent of Public Instruction Tom Horne, who ran on a platform that promised to focus on math and reading instruction and ‘declare war’ on conversations about emotions and identity.”

<https://www.edweek.org/leadership/arizona-schools-chief-sets-up-critical-race-theory-hotline/2023/03>

The story of Rosa Parks rewritten to avoid censorship by omitting mention of race: “Rosa Parks showed courage. One day, she rode the bus. She was told to move to a different seat. She did not. She did what she believed was right.”

<https://www.nytimes.com/2023/03/16/us/florida-textbooks-african-american-history.html>

To promote productive engagement across ideological divides, universities must protect free speech, maintain institutional neutrality, and actively encourage dialogue.

<https://www.chronicle.com/article/how-to-combat-tribalism-on-campus>

Students are cautious about discussing controversial topics due to fear of peer reactions

<https://www.chronicle.com/article/the-real-source-of-self-censorship>

A long letter from the Dean of Stanford Law School to all members of the SLS community defends free expression after a highly publicized incident in which students disrupted an invited

speech by a federal judge because they objected to his rulings on GLBTQ+ issues. “I believe that strong protection for freedom of speech is a bedrock principle that ultimately supports diversity, equity, and inclusion and that we must do everything in our power to ensure that it endures.”

<https://law.stanford.edu/wp-content/uploads/2023/03/Next-Steps-on-Protests-and-Free-Speech.pdf>

College President: “Drag shows are derisive, divisive and demoralizing misogyny, no matter the stated intent.” FIRE: “Under core First Amendment principles, Defendants’ ongoing suppression of a peaceful charity drag show constitutes unlawful viewpoint and content discrimination.”

<https://reason.com/volokh/2023/03/26/fire-sues-west-texas-am-over-its-blocking-of-student-groups-drag-show/>

Academic Freedom Coalition of Nebraska Board of Directors Meeting

Via Videoconference

February 11, 2023

Present:

Peggy Adair, secretary, legislative liaison
John Bender, representing UNL Faculty Senate,
Nancy Comer, representing Nebraska State Literacy Association
Laura England-Biggs, guest
Laurie Thomas Lee, representing ACLU Nebraska
Dave Moshman, newsletter editor, policy coordinator
Wyatt Packard, representing Nebraska Library Association
Todd Schlechte, immediate past president, webmaster, director at large
Rod Wagner, treasurer, representing Nebraska Center for the Book
Vicki Wood, president, director at large
Regina Werum, representing American Association of University Professors, UNL

MINUTES

President Vicki Wood called the meeting to order at 10:01 a.m.

GUEST SPEAKER: Laura England-Biggs, Library Director at Keene Memorial Library in Fremont, presented to the AFCON board a history and update on a controversy surrounding one person’s demand that certain books be removed from the Fremont public library. The

AFCON board offered to assist in support of independent library boards and library operations. England-Biggs asked the AFCON board to defer action until after the Fremont city council meeting on February 14, 2023, when approval of library board by-laws and the library policy manual are on the city council agenda.

MINUTES: A motion was made by Moshman, second by Schlechte, to approve minutes of the AFCON board meeting held on December 10, 2022. Motion carried on a voice vote.

TREASURER'S REPORT: Wagner reported balance on hand as of February 10, 2023, is \$3,772.27. Treasurer's report will be filed for audit. Schlechte will explore methods of providing automatic online renewal for payment of membership dues. Wood will use the AFCON email list to send out reminders that 2023 AFCON memberships are due.

COMMUNICATIONS COORDINATOR: Covarrubias reported via email AFCON is receiving decent traffic on our Facebook page.

BOOKS IN TEXAS: Moshman reported his recent move to Texas involved sneaking books across the border into the Lone Star State. His new Ring doorbell captured the shadowy likeness of Texas Rangers peering into the window of his home library, taking snapshots of his bookcases full of books.

LEGISLATIVE UPDATE: Adair presented an updated list of legislative bills pertaining to academic freedom. Moshman made a motion, second by Packard, that Wood is authorized to take formal action in opposition to LB374, LB690, LR24CA, LR28CA, and LR29CA . Motion carried on a voice vote. Moshman made a motion, second by Adair, that Wood is authorized to take formal action in opposition to LB441 and LB635. Motion carried on a voice vote.

STATE BOARD OF EDUCATION: Comer reported on the status of the Nebraska State Board of Education in the aftermath of the 2022 election cycle.

PRESIDENT'S REPORT: Wood presented a class on book challenges in Nebraska to an OLLI class as part of their series on free speech. Bender will be presenting a class on the First Amendment in high schools.

MEMBER ORGANIZATIONS:

Nebraska School Librarians Association: Bulgrin reported via email the NSLA has issued statements in opposition to LB374 and LB71, and is preparing statements in opposition to LB441 and LB635. The statements will be available on the NSLA website.

Nebraska Library Association: Packard reported Advocacy Day is March 3, at the Cornhusker Hotel in Lincoln. The group will tour the state library among other activities.

AAUP-UNL: Werum reported UNL is searching for a replacement for Chancellor Ronnie Green. She also reported John Zimmerman will be speaking on campus March 30, at 5:30p.m.

Nebraska State Literacy Association: Comer reported the NSLA annual meeting will be in February.

There being no further business, the AFCON board meeting adjourned at 11:45 a.m.

Respectfully submitted,
Peggy Adair, secretary

**Academic Freedom Coalition of Nebraska
Board of Directors Meeting
Via Videoconference
March 11, 2023**

Present:
Peggy Adair, secretary, legislative liaison
John Bender, representing UNL Faculty Senate,
Nancy Comer, representing Nebraska State Literacy Association
Shee Covarrubias, communication coordinator, director at large
Bob Haller, chief baker, director at large
Laurie Thomas Lee, representing ACLU Nebraska
Dave Moshman, newsletter editor, policy coordinator
Wyatt Packard, representing Nebraska Library Association
Todd Schlechte, immediate past president, webmaster, director at large

Rod Wagner, treasurer, representing Nebraska Center for the Book
Vicki Wood, president, director at large

MINUTES

President Vicki Wood called the meeting to order at 10:04 a.m.

MINUTES: A motion was made by Moshman, second by Covarrubias, to approve minutes of the AFCON board meeting held on February 11, 2023. Motion carried on a voice vote.

TREASURER'S REPORT: Wagner thanked Schlechte for his work to update online membership payment options on the AFCON website.

NEWSLETTER: Moshman reported the deadline to submit articles for the April edition of the *Sentinel* is March 24, 2023.

LEGISLATIVE UPDATE: Adair presented via email an updated list of legislative bills pertaining to academic freedom, and where those bills are in the legislative process. Moshman proposed AFCON add another bill, LB178, to the list. Moshman made a motion, second by Wagner, that AFCON shall oppose LB178, a bill that would require the prominent display of "In God we trust," in every K-12 school. Motion carried on a voice vote.

STATE BOARD OF EDUCATION: Comer reported the state board has prioritized addressing the current teacher shortage. The board unanimously approved a motion to repeal Rule 23, which requires teaching candidates to take and pass a post-graduate test to receive certification. Comer reported the state board continues to search for a new commissioner of education.

PRESIDENT'S REPORT: Wood reported she submitted a letter of opposition to LB635 to the legislature, and attended or observed recent public hearings held by the legislature's education committee.

Wood reported the new library director for Lincoln Public Libraries has encountered an increased number of formal complaints about books, people hiding books they don't like, and general low-level harassment. Wood reported she and Packard will be providing intellectual freedom training for Lincoln Public Library circulation staff. Wood reported she continues to work with Wagner on membership. Her plate is full.

TEXAS AFCON BRANCH: Moshman reported the state of Texas is taking over Houston Public Schools, the largest school district in the state. What could go wrong?

FREMONT PUBLIC LIBRARY: Wood reported the Fremont city council approved a new library rule that allows any parent with a child age eleven or younger to request and require the library to move any book from the children's section to the adult section. Packard reported city council member Sally Ganem has requested a reconsideration of the issue at the coming city council meeting on March 14, 2023. Wood and Packard will coordinate AFCON and NLA outreach efforts to contact and offer assistance to local library advocates.

ONLINE AFCON MEMBERSHIPS: A motion was made by Moshman, second by Covarrubias, authorizing Wood, Wagner and Schlechte to work out details for AFCON online payment options. Motion carried on a voice vote.

MEMBERSHIP ORGANIZATIONS:
Nebraska State Literacy Association – Comer reported the NSLA is hosting a "Right to Read" campaign on their website, with emphasis on reading as a civil rights issue.
Nebraska Library Association – Packard reported the NLA advocacy day at the legislature was a huge success with over 80 in attendance. NLA is working on strategic planning and regional training.

There being no further business, the AFCON board meeting adjourned at 11:48 a.m.

Respectfully submitted,
Peggy Adair, secretary