

The AFCON Sentinel

Newsletter of the Academic Freedom Coalition of Nebraska

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From the President

Laurie Thomas Lee



I'm pleased to serve as your president this year and to serve with president-elect John Bender, whose office at UNL is literally just a few doors away from mine. I like to think we make a great team, especially in defending academic freedom in Nebraska. And there have certainly been a lot of academic freedom and First Amendment issues at the University of Nebraska this last year, such as the Turning Point USA matter, subsequent AAUP censure, and the white nationalist student who advocated violence.

Yet despite these troubles, I am heartened by the knowledge and support I have observed from fellow faculty and staff at UNL.

One outcome has been the creation of a free expression policy by the Board of Regents that, despite several problems noted last year by AFCON, calls for the University to educate its academic community about the First

Amendment and "the expectations surrounding those rights." When UNL sought volunteer "faculty fellows" to spread the word, I volunteered. I have since had the pleasure of presenting a "Freedom of Speech and Academic Freedom" workshop to the faculty and staff of nearly a dozen units on campus.

It's been great to witness the response. All of the units have at least a few faculty who are very familiar with the current issues and even with some former issues, such as the disinvitation of educator Bill Ayers because of his former ties to the radical Weather Underground. (I am happy to tell them that AFCON subsequently invited him to speak about that infringement on academic freedom.) One faculty member didn't fully know about the TPUSA matter (she works mostly at UNO) but her colleagues were more than happy to chime in with informed explanation. Of course, not as many are familiar with the latest policies of limited free speech zones. Still, I've come away very encouraged by the awareness and understanding of academic freedom by my UNL colleagues, some of whom are passionate and even eager to get involved.

I attribute much of this to the good work of AFCON in monitoring the issues, raising awareness, testifying before legislative committees, suggesting policy changes, and taking a stand. Kudos to all of you for making this happen—your good work is truly having an impact. Thank you for your support as we continue to promote academic freedom in Nebraska.



One Book One Nebraska

Rod Wagner

The Nebraska Center for the Book's One Book One Nebraska (OBON) program is now in its fifteenth year. The 2019 selection is Ted Genoways' book, *This Blessed Earth* (W. W. Norton & Company, 2017). For many years, Nebraska's One Book selection has received recognition with a governor's proclamation as part of a signing ceremony in January at the State Capitol. But not this year. A week before the scheduled proclamation ceremony I received a phone call notifying the Nebraska Center for the Book that Governor Ricketts would not be issuing a proclamation for the 2019 OBON. That is his prerogative, but we were surprised and disappointed.

The Nebraska Library Commission publicizes the OBON program and coordinates arrangements with the governor's staff for the proclamation ceremony, a ceremony that typically includes a few dozen other organizations and causes. Ted Genoways was among those planning to attend the ceremony. Genoways was not only surprised by the governor's decision, he, of course, wanted to know why. And he followed with Twitter posts, tweets if you will, that generated responses from near and far. A *Washington Post* reporter was among the callers wanting details. Articles were published in the Lincoln and Omaha newspapers. The news articles were copied in numerous publications. To be sure, Governor Ricketts did not ask for any action in regard to the book choice, he only chose not to give it his endorsement.

There is much to be considered and learned in *This Blessed Earth*. Genoways, a fourth-generation Nebraskan, is a gifted researcher and journalist. The book has received broad-based and positive recognition and awards including the Stubbendieck Great Plains Distinguished Book Prize. The Smithsonian Institution includes *This Blessed Earth* among the best agricultural history books: "*This Blessed Earth* is both a concise exploration of the history of the American small farm and a vivid, nuanced portrait of one family's fight to preserve their legacy and the life they love."

Genoways describes the book on his website: "For forty years, Rick Hammond has raised cattle and crops on his wife's fifth-generation farm. But as he prepares to hand off the operation to his daughter Meghan and her husband Kyle, their entire way of life is under siege. Confronted by rising corporate ownership, encroaching pipelines, groundwater depletion, climate change, and shifting trade policies, small farmers are often caught in the middle and fighting just to preserve their way of life. Following the Hammonds from harvest to harvest, *This Blessed Earth* is both a history of American agriculture and a portrait of one family's struggle to hold on to their legacy."

The controversy that resulted from the governor's decision has heightened curiosity and interest in the book. A long-scheduled presentation and reading at a Lincoln bookshop required a hasty appeal to the publisher for more books. A standing room only crowd attended Genoways' presentation and reading. More books were ordered and sold. The number of holds for the book at libraries grew to lengthy wait times.

Nebraska's One Book One Nebraska program originated with the Willa Cather Foundation as part of a celebration year recognizing the foundation's 50th anniversary. The foundation chose Cather's *My Antonia* for its celebration year. The Nebraska Center for the Book was among several state organizations that joined in

promoting the foundation's anniversary activities.

The initial statewide book promotion was successful and led to encouragement to continue the program. Since its inception in 2005, the One Book One Nebraska program has selected annually a work by a Nebraska author or a work that is set in Nebraska. The process that has evolved includes public solicitation of recommendations. A Nebraska Center for the Book committee reads the nominated books, leading to a short list that is publicized and a vote of the NCB board for the final OBON selection. The process was different for this year's selection. A planned 2019 joint Nebraska and Iowa library associations' conference prompted interest in collaborating on a book to be chosen for promotion in both states. Like Nebraska, Iowa also has a statewide book promotion and discussion program. For Iowa, it is All Iowa Reads. Representatives of the two states read and considered recommended books, books that were selected for their appeal to people in both Iowa and Nebraska. *This Blessed Earth* was selected through this process – a book that represented common themes and experiences of the two states. We hope that thousands of Nebraskans and Iowans, and many beyond, will read the book.

Rod Wagner, a former president of AFCON, represents the Nebraska Center for the Book on the AFCON Board of Directors.

Highly Recommended

An entertaining new video from Eugene Volokh summarizes the state of free speech in U.S. schools in less than four minutes:

<http://reason.com/reasonTV/2018/12/13/free-speech-rules-free-speech-in-schools>

How Free are Nebraska College Faculty?

Paul A. Olson

The 2018 censure of the University of Nebraska–Lincoln by the American Association of University Professors (AAUP) has led some of my friends to remark that Nebraska—while a conservative state—generally has respected the academic freedom of college faculty. Actually, the record is not good:

1965 to 1990: The Board of the Nebraska State Colleges was on the censure list after the AAUP found that Henry St. Onge's contract to come teach at Wayne State College was abrogated for inadequate cause and without due process after political controversy over a speaker invitation.

At the University of Nebraska, the cases are many:

1918: During World War I over a dozen faculty were tried before a panel of Regents, without serious evidence, for supposedly being sympathetic to the German side. David Wiltse's play **Sedition** dramatizes the trial with a focus on his grandfather Andrew Schrag, professor of German. The **Mennonite Cultural and Historical Society's** account of the results is as follows:

Two faculty members were rebuked, three were asked to resign, two for being "indiscreet" in their "public criticism," and the other for being a pacifist. . . . Although he had been fully cleared, Schrag resigned his position with the university. . . . [T]he German Department was abolished and German was not taught during the war. Schrag's grandson, John C. Wiltse, [formerly] Associate General Counsel at the University of Nebraska [and brother of David Wiltse], has written, in an unpublished article on the trial of Schrag, that his grandfather had been "insulted by the students and victimized by adverse publicity."

The 1932 Lowry Wimberly violation posed as an enforcement of Prohibition. Jeffrey Miller's

university history, based on Robert Knoll's, tells how Wimberly, founder of the *Prairie Schooner*—one of our more distinguished literary magazines—was victimized because Chancellor Burnett's wife did not like the realism of the magazine's content and influenced her husband to threaten its budget and then its editor, suspending him for a year because, near the end of Prohibition, he was in a room where alcohol was present, possibly a set-up.

1951–53: The American Legion's attacked Prof. E. N. Anderson of the History Department for his teaching of an essay by Owen Lattimore that had no content that McCarthyites should have found objectionable. Eventually the faculty and students resisted enough so that Prof. Anderson survived, but quickly left the University of Nebraska for the rest of his eminent career. Other distinguished faculty members such as Professor Edgar N. Johnson in History also left -- he for Brandeis University, partly because of McCarthyite pressures against academic freedom on which he had written.

1957: The head of the Agricultural Economics Department, Prof. Clyde Mitchell, was removed as the head of that department by Chancellor Hardin for espousing of the Brannan plan opposed by an Omaha regent connected to the Omaha Grain Exchange. Prof. Mitchell later became an important force in the Green Revolution.

1962-63: Karl Shapiro was removed from heading the *Prairie Schooner*, or given no alternative but resignation when told to kill a story he had chosen as editor. Shapiro resigned as *Schooner* editor rather than accept such censorship, and thereafter resigned his professorship to go to U-C. Davis. (Shapiro was a Pulitzer prize-winning poet.)

In 1968 a Sociology graduate student was removed from the classroom by Chancellor Hardin and the central administration for introducing Ernie Chambers at an Omaha rally. The Executive Committee of the College of Arts

and Sciences refused Hardin's request for the student's removal, but the administration thereafter went behind the backs of the committee and dean and assigned him another job.

In 1971, Prof. Stephen Rozman was fired from the University because of his supporting an end to the war in Vietnam and indicating to students that they were within their rights to protest that war through occupying the ROTC building. Rozman was blamed by the University administration for the student occupation, but a faculty investigation found that he was not the cause. Rozman has since taught at a historically African-American university.

A 1971 faculty report deemed that Prof. Bert Evans had been denied promotion and the opportunity to teach advanced classes because of his Ag. Econ. positions, leading to his transfer from Agricultural Economics to the Department of Economics.

In 2008 the UNL administration disinvented Prof. William Ayers of the University of Illinois, Chicago Circle, an expert on Early Childhood Education and board member of the Woods Foundation. Ayers had recently written a grant for 49.2 million dollars to reform Chicago schools and received Chicago's "citizen of the year" award. He was prevented from coming to the campus due to multiple threats of violence, but no persons were arrested or even investigated. Ayers had been a member of the Weather Underground, which committed significant violence during the Vietnam War. However, he was never found guilty of crimes for his Weathermen role, and later spoke without incident at the 2009 AFCON annual meeting.

In 2017, Courtney Lawton, an adjunct lecturer in the English Department, was removed from the classroom without due process after demonstrating against a UNL student (not in her classes) who had set up an information table to recruit other students to form a campus chapter of Turning Point USA. The absence of due

process led to UNL's placement on the national AAUP censure list.

One could also elicit the case of Louis Crompton who was persecuted by the state legislature, especially Sen. Terry Carpenter, for teaching—indeed inventing—a course in literature and sexuality, though he was never fired.

One can make several observations about this list:

First, repressive forces create reasons for repression such as the protection of public morality, economic stability, the security of the country, or the security of UNL classes and events. No serious evidence typically appears that public dangers exist, no police inquiry follows, and there is no causal connection between repressed person and threat.

Second, the state and University have lost distinguished persons through denying academic freedom: e.g., Clyde Mitchell, Karl Shapiro, and Eugene Anderson. The University and state colleges have been permanently damaged.

Third, the impetus toward repression comes from three forces: (a) sectors of the public that do not appreciate the positions expressed, whether for religious reasons, reasons of false patriotism, or political ideology; (b) sectors of the Board of Regents and administration that do not understand academic freedom and claim to be protecting the institution; and (c) sectors of the state legislature that wish to prevent open opinions contrary to theirs from receiving academic validation.

Fourth, the denial of academic freedom is rarely enforced by a firing but by a removal of the person from the classroom or the lectern, a reassignment of duties, or an indication that the person is so unsuited for the job that he or she must be reassigned.

Finally, the repression is never a repression of popular views but often of views later proving to be correct and likely placing the institution doing the repression in an intellectually advanced position, had they supported freedom.

Paul Olson, Professor Emeritus of English at UNL, wrote this at the invitation of the editor based on remarks he made following a panel discussion on "Free Speech and Academic Freedom at the University of Nebraska" at the October 2018 AFCON Annual Meeting.

Civics and Speech



from "U.S. Constitution Still a Timely Text for Civics" (Education Week, Nov. 28, 2018):

[Seventh grade teacher] Calvin Johnson has already had discussions with his students about students' free expression rights in the wake of the student activism that followed the February shooting at Marjory Stoneman Douglas High School in Parkland, Fla.

"They start out with an abstract view of current events," Johnson said of his students. "Through discussion, we are able to make connections to their lives. **They get excited when they realize that they are the 'people' in 'We the People.'**"

From the AFCON Constitution, Article I:

The purpose of AFCON shall be to promote academic freedom in Nebraska, defined as intellectual freedom in educational and research contexts. This includes freedoms of belief and expression and access to information and ideas. In pursuit of this general goal, AFCON shall:

1. support application of the First Amendment in academic contexts, including schools, colleges, universities, and libraries.
2. educate Nebraskans in and out of academic settings, citizens and professionals, parents and students 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.
3. assist students, teachers, librarians, researchers, and others confronted with censorship, indoctrination, or suppression of information or ideas in academic settings.
4. act as liaison among groups in the State of Nebraska that support academic freedom.

www.academicfreedomnebraska.org

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Academic Freedom Coalition of Nebraska
Board of Directors Meeting
Eiseley Library, Lincoln, Nebraska
December 8, 2018

Present:

David Moshman, president, policy coordinator
Todd Schlechte, webmaster
Nancy Comer, representing Nebraska State Literacy Association
Laurie Thomas Lee, representing American Civil Liberties Union of Nebraska
Rod Wagner, representing Nebraska Center for the Book
Bob Haller, director-at-large
John Bender, representing UNL Faculty Senate

MINUTES

President David Moshman called the meeting to order at 10:15 a.m.

MINUTES: Comer moved and Bender seconded approval of the minutes of the September meeting. The motion passed unanimously.
Lee moved and Comer seconded approval of the minutes for the brief October Board meeting that followed the annual membership meeting. The motion passed unanimously.

ELECTION RESULTS: Wagner reported that the slate of candidates for 2019 offices nominated by the nominating committee had been unanimously elected.

TREASURER'S REPORT: The report covered the period from Oct. 12, 2018, to Dec. 8, 2018. The beginning balance was \$2,767.72. Receipts during the period totaled \$81, comprising \$45 in individual membership renewals and \$36 in donation. The expenditures totaled \$686.56, of which \$659.31 was for the annual meeting. The remainder was for travel reimbursement, leaving a balance of \$2,162.16.

PRESIDENT'S REPORT: Moshman reported that the visit by Nadine Strossen was successful. Strossen delivered an E.N. Thompson Forum lecture on hate speech and why the remedy to it should be more speech. She also spoke to the ACLU of Nebraska. He noted that Strossen had visited Nebraska in 1988 and spoke to a joint meeting of the Nebraska Civil Liberties Union (as it was called at the time) and the newly formed AFCON.

The UNL Faculty Senate had received the amended Student Code of Conduct and the issue was on the Senate's agenda for a final vote at the Dec. 4, 2018, meeting. The outcome of that vote was not known by anyone at this meeting. Moshman explained that the existing code had provisions allowing the punishment of students who engaged in expression protected by the First Amendment, a problem noted by the Foundation for Individual Rights in Education (FIRE). Law professor John Lenich drafted revisions to the code that were intended to address those issues. The Association of Students of the University of Nebraska (ASUN) has approved the revisions. If the Faculty Senate approves them, they will go to the NU Board of Regents. Moshman said approval by the Regents was not certain because of the positions the board has taken on similar issues in the past.

Moshman also took note of the furor created over a Facebook like posted by UNL political science professor Ari Kohen. The posting liked another item on Facebook that made fun of the name of U.S. Rep. Jeff Fortenberry. As a result of Kohen's post, Fortenberry filed a complaint with UNL officials and asked for disciplinary action. No action was taken, and the issue has died down since the November election.

Moshman said the December edition of the newsletter had been published. He also asked if anyone was interested in taking over editorship of the newsletter. There were no volunteers, so with the unanimous approval of the directors present, Moshman appointed himself editor for the coming year.

Moshman also reported that Paul Olson was compiling a list of UNL faculty members who have been dismissed since the beginning of the 20th century. The effort was inspired by the publicity surrounding the presentation of the play "Sedition" earlier this year. Moshman said Olson's list would appear in the February edition of the newsletter and would be followed by articles elaborating on some of the more notable cases.

PLANS FOR 2019: Moshman opened the meeting to discussion of the plans for 2019 and the 2019 annual meeting. He suggested that it might be wise to focus on something other than UNL, which has been the focus for the past two years. A program focused more on K-12 education or Nebraska libraries might be a possibility.

He mentioned the possibility of a program focused on civic education. The issue has been before the legislature recently, and Sen. Anna Wishart is working on legislation that would move the state toward lowering the voting age to 16. Her argument for doing so is that it would promote civic engagement by young people, get them in the habit of voting and encourage them to learn more about government and public issues. Other possible focuses for the annual meeting included high school press freedom, an issue Sen. Adam Morfeld has embraced, and book banning by schools and libraries, with a possible speaker being Rainbow Rowell, author of books for young adults that have been the target of book banning.

MEMBER ORGANIZATION REPORTS:

Rod Wagner reported that the Nebraska Center for the Book held its Celebration of Nebraska Books gathering Saturday (Dec. 1) and that the selection for this year's One Book One Nebraska effort is Ted Genoways' "This Blessed Earth: A Year in the Life of an American Family Farm."

Nancy Comer reported that the Nebraska State Literacy Association will hold its annual conference Feb. 21-22 in Kearney. The theme for the conference is "Let Literacy Light the Way."

ADJOURNMENT: Moshman adjourned the meeting at 11:15 a.m.

Respectfully Submitted,
John Bender, Acting Secretary