

The AFCON Sentinel

Newsletter of the Academic Freedom Coalition of Nebraska

Volume 27, Number 1

February 2023

From the President
A Tale of Two Cities
Vicki Wood



Nebraska libraries have faced their share of challenges as the attacks on materials, programming and displays in public and school libraries increase across the country. Two recent challenges made headlines not just in their hometowns, but statewide as well.

In the first case, two Kearney “citizens”—it’s not clear if these were parents—requested removal of two books, both written for teens, from the high school library. The Kearney School Board voted unanimously to retain both: *Crank*, by Ellen Hopkins, about substance abuse; and *Empire of Storms*, by Sarah Maas, a fantasy.

Acknowledging that the books contained some sensitive material, board members emphasized that these books were not mandated or assigned reading material. One board member was disturbed that those bringing the complaints forward had not read the books.

We see here that a strong adherence to intellectual freedom is enhanced by good policy and process:

Those challenging the books did not read the entire book and therefore would be unable to make claims about the whole work and its literary or artistic merit.

Those reviewing the material *did* read the entire book.

Parental rights were not violated because the book was not assigned or mandated.

Students’ rights to read the book were protected by retaining it in the school library.

The superintendent has created a book review committee with professionals from the community who are familiar with issues and challenges facing young people. These psychologists, educators, a youth minister and others are serving in an advisory capacity to the board in evaluating book challenges.

For a full review of the board meeting content, start here on page 11:

<https://4.files.edl.io/1eac/12/19/22/185715-e93a49ec-dd7e-44a7-9088-0e91db53679e.pdf>

Meanwhile in Fremont, a woman and her adult daughter attended a city council meeting to complain about five books in the children’s department of the Keene Memorial Library: *Sex Is a Funny Word*, and four LGBTQ+-themed books. After the council meeting, the mayor, the library board president, the city administrator and the library director, Laura England-Biggs, decided to move seven sex education books for children into the adult

collection. The LGBTQ+-themed books were retained in the children's section.

According to reporting in the *Fremont Tribune*, "England-Biggs said the six other books moved Wednesday were what she referred to as 'normal and standard' sex education books aimed at children and teens that are intended to teach them about reproduction, their bodies and changes to bodies and genitalia during puberty."

It is unclear at this time why the books were moved, as England-Biggs goes on in the article to defend the principles of intellectual freedom as a guiding philosophy in libraries and to assert very correctly that parents have the ultimate responsibility for choosing books for their own children. It's clear that Keene Memorial Library has a procedure for challenging books but it seems this procedure was not followed for these books.

I have invited Ms. England-Biggs to attend our February 11 AFCON meeting to tell us more about this challenge and the outcome.

For more detailed information:

https://www.news-journal.com/sex-education-books-moved-to-adult-section-of-fremont-library-after-complaints/article_4c4f7c07-5ee7-5411-92b0-30cc7347d112.html

Academic freedom-related legislative bills introduced this session

Peggy Adair
AFCON Legislative Liaison

AFCON board members will review these bills and select priorities at our February 11 board meeting. To attend this meeting, see page 8.

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

LB225, Senator Dungan, adds a student member to every local school board's "Committee on American Civics."

***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...



***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.

LB455, Senator Wayne, provides grant funding to provide a nondigital sort of "Weekly Reader" in all schools and homes in Nebraska. (I LOVED Weekly Reader when I was in elementary school back in the dark ages!)

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.

LB528, Senator Hansen, creates an "option enrollment tuition account."

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

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

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

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.

***LB753**, Senator Linehan, “Opportunity Scholarship Act,” a backdoor effort to take money from public schools.

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

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

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.

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

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

About the 108th Nebraska Unicameral Legislature, 1st Session

Peggy Adair

AFCON Legislative Liaison



Website: <https://nebraskalegislature.gov>

This year’s state legislature will convene for 90 working days. The senators have introduced 812 new bills and 30 constitutional amendments. Every bill and every constitutional amendment will have a public hearing, unless a bill is withdrawn before a public hearing is scheduled.

This year, with recent political firestorms over educational governance, a plethora of new bills have been introduced that potentially affect students, teachers, parents, curriculum, school and public libraries, and public schools themselves. These bills can be found under separate heading in this issue of the *Sentinel*.

We are fortunate in Nebraska to have a state legislature that is receptive to public input, and that offers a number of methods for Nebraskans to have their voice heard. If a bill is of particular interest or concern to you, you can call your senator, email your senator, write letters to senators on the committee, visit in person with your senator, offer online comments on the bill, testify in person at the public hearing, sign in as a proponent or opponent to a bill at the public hearing even if you choose not to testify, visit with staff members to discuss the bill, and offer to provide factual information about the bill’s subject matter. If you need ADA accommodation, you can submit written testimony for the public hearing by accessing an online portal on the legislature’s website.

This year, Nebraskans can offer comments online at any stage of the process to any bill that has been set for public hearing. To access this resource, go to the legislature’s website, search the bill number and a box will appear that reads, “Submit Comments Online.” Comments must be received by noon on the last workday before the hearing if you wish for your comments to be included in the public hearing record. E-mailed comments and hand-delivered written comments will *not* be included in the record.

A word about contacting senators: Be brief, be factual, be helpful, and be kind, even if you disagree with the issue at hand. Senators are incredibly busy and they get some pretty awful negative input from angry people. A little kindness and courtesy go a long way to build good relationships.

Our legislature’s website is user-friendly and easy to navigate. You can read the entire text of a bill, amendments to the bill, biographies of the senators, the state constitution, transcripts of hearings and floor debate... it is a goldmine of historical and procedural information. We Nebraskans are most fortunate to have full access. Again, the website is:

<https://nebraskalegislature.gov>.

Hop on PoPS

A Journal in Distress

David Moshman



Hop on Pop, one of my favorite Dr. Seuss books, was accused in 2014 of encouraging children “to use violence toward their fathers.” After review, however, the Toronto Public Library found no reason to remove the book, deeming it humorous, engaging, and educational. Even if one takes it literally, the book explicitly says, “Stop. You must not hop on Pop.”

But this article is not about *Hop on Pop*. Rather, it is about psychologists hopping on *PoPS*, a major journal of the Association for Psychological Science entitled *Perspectives on Psychological Science*. Those psychologists include (a) a Twitter mob that generated over a thousand signatures on a petition demanding the immediate resignation of *PoPS* Editor-in-Chief Klaus Fiedler for racism and other offenses and (b) APS officials who then secured Fiedler’s resignation without providing him any opportunity to respond to the petition’s charges.

After the editor’s forced resignation in early December 2022, most of the associate editors resigned as well. As I write this in late January, APS has yet to appoint even an interim editor and the journal is not accepting new manuscripts.

In spring 2022, Bernhard Hommel, a professor of psychology in both China and Germany, sent *PoPS* a manuscript responding to a 2020 *PoPS* article by Stanford psychology professor Steven

Roberts and co-authors. The Roberts article presented the results of a study of race with respect to the editors, authors, and contents of six major psychological journals. It concluded with recommendations for journals and authors, advocating more attention to racial diversity.

The Hommel critique deplored what Hommel perceived as a trend toward ideology and activism in psychological research, with the Roberts article as a prime example. Hommel advocated a broader conception of diversity, arguing that Roberts’ focus on race and his concluding recommendations were not justified by the evidence provided.

PoPS editor-in-chief Klaus Fiedler selected three reviewers to evaluate the Hommel manuscript, all of them highly regarded psychologists with relevant expertise (he also invited Roberts, who declined because he was on sabbatical). The three reviewers all endorsed the manuscript, which was unsurprising given their own writings on related matters, and it was accepted for publication.

The editor then took the unusual step of inviting all three reviewers to expand their highly favorable reviews into commentaries for publication (he also invited Roberts to reply to the critiques of his work, which is standard editorial practice). Having reviewed hundreds of manuscripts for dozens of journals, I have occasionally been asked to expand a review into a commentary for publication but I have never seen an editor invite multiple reviewers who all agree with a target article to all provide commentaries.

The commentaries from the three supportive reviewers were accepted by the editor without any review process, which is typical for invited commentaries. Hommel was invited to respond, bringing to five the number of manuscripts critical of Roberts’ 2020 article.

The Roberts commentary, in sharp contrast, received a detailed review written by Hommel, though it was not called a review, presumably because Roberts had already been told that his invited manuscript had been “conditionally

accepted” for publication and would not be sent for review. Editor-in-chief Fiedler informed Roberts that he need not make all of the extensive changes called for by his critic but should keep in mind that Fiedler would determine whether his revisions were sufficient to merit publication of his commentary.

Roberts, who identifies as mixed race, posted his revised commentary online along with his account of what he rightly perceived as unfair treatment, which he attributed to racism. This led to a petition signed within days by over a thousand psychologists, beginning with a charge of racism and demanding, among other things, the immediate resignation of the editor. Though Roberts himself provided a subtle analysis focusing on systemic racism, the Twitterstorm generating the petition turned this into a charge of blatant racism against the editor.

The Association for Psychological Science promptly informed the editor that he must resign immediately or be fired. Apparently, faced with a petition charging racism, APS concluded that to provide even a modicum of due process would be perceived as insufficiently anti-racist.

Though the charge of racism is understandable under the circumstances, the pattern of discrimination Roberts experienced seems more likely due to viewpoint than to race. There is no reason to think it would have made any difference if Roberts were White. But if Roberts had been advocating views like those of Hommel and the commentators, I think the editor-in-chief would have been eager to publish his work and he would have received more favorable treatment.

Roberts specifically perceived racism in repeated references to a mule by commentator Lee Jussim, a Rutgers psychology professor. In the context of Jussim’s commentary, however, it seems clear there was no racist intent. Jussim focused on the importance of distinguishing political advocacy from science. In a recurring metaphor, he invoked a comic scene from *Fiddler on the Roof* in which the Jews of Anatevka recall the community brouhaha that ensued when one sold another a horse but delivered a mule.

Faced with a petition charging racism, APS concluded that to provide even a modicum of due process would be perceived as insufficiently anti-racist.

The reference to a mule was perhaps unfortunate, but Jussim’s point, which is clear in context, is that you should deliver what you promise. Academic journals, which promise academic work, should not publish political advocacy instead.

Roberts considers his article metascience, not political advocacy, and I agree. He has published a study of how psychology operates and provided recommendations to improve scientific research and publishing. I disagree with some of his recommendations, and largely agree with the critique and commentaries, but that doesn’t mean his work is not academic and not fit for *PoPS*. So I disagree with Jussim on this point, but see nothing racist in either his argument or his metaphor.

Overall, I think the charge of racism was counterproductive. It generated a Twitterstorm that failed to distinguish explicit, implicit, and systemic aspects of racism, leading to a precipitous firing intended to demonstrate how serious *PoPS* is about racism. APS might reasonably have concluded, after considering all relevant evidence, that the editor-in-chief was unfit for his position, but dismissing him without due process was outrageous, making him a victim too.

The focus on race also deflected attention from what seems to me an unjustified pattern of viewpoint discrimination in the review process. Academic freedom includes the freedom of journal editors to make editorial decisions but such decisions must be genuinely academic, based on evidence and argument, not simply a matter of hindering publication of disfavored viewpoints.

The question now is how to move forward in ways that are fair to everyone and best maintain

the academic integrity of the journal at the center of the dispute. The first step, I suggest, is to affirm that all six manuscripts will be published, perhaps after voluntary revisions, in a format to be determined by the next editor, perhaps with some additional commentaries. Not only is this fair to the authors, but it avoids the perception of censorship.

My own assessment is that the six manuscripts in question are all thoughtful and competent works, despite what they say about each other. The authors all appear motivated by what they think is best for psychology. The fact that 5 of the 6 manuscripts take the same point of view reflects an underlying problem of viewpoint discrimination in the editorial process, and limits the value of the resulting set of articles, but we can't solve that problem by censoring some of these accepted and invited articles. The solution is to invite additional commentaries.

My favorite page spread in *Hop on Pop* presents the words SAD DAD BAD HAD and then tells us that “Dad is sad—very, very sad” because “he had a bad day, what a day dad had.” I hope there are better days ahead for *PoPS*.

David Moshman is professor emeritus of educational psychology at UNL. The original Roberts article can be found [here](#). His later post can be found [here](#). A recent statement from Fiedler can be found [here](#). Analysis by Jussim and links to Hommel's critique, all three commentaries, the petition to fire Fiedler, and other relevant documents can be found [here](#). For another example of mob action infringing on the academic integrity of a journal, see [here](#). On the attempted censorship of Hop on Pop, see [here](#). I am grateful to Dwayne Ball, Carlos Cortes, Audun Dahl, Klaus Fiedler, Bernhard Hommel, Melanie Killen, Lee Jussim, Steven Roberts, Keith Stanovich, and Wolfgang Stroebe for helpful comments and discussion.

Recent Links

Kearney school board rejects request to ban books
https://kearneyhub.com/news/local/book-banning-kearney-school-board-denies-2-requests/article_d5acb33a-7b2a-11ed-9b96-53ca49952842.html

Meanwhile in the Unicam

https://journalstar.com/news/state-and-regional/govt-and-politics/bill-targets-school-library-books-and-critical-race-theory-in-nebraska-classrooms/article_07919f21-f4f0-530d-ba2c-b4322a5a8912.html

Creighton University bans images of guns

<https://www.thecollegefix.com/nebraska-university-refuses-to-lift-ban-on-pro-second-amendment-posters/>

“Many Republicans believe most Democrats want to teach a history defined by shameful oppression and white guilt. Many Democrats believe most Republicans want to focus on the white majority and overlook slavery and racism. But we found that both impressions are wrong.”

<https://www.edweek.org/teaching-learning/americans-do-disagree-on-how-history-should-be-taught-but-less-than-they-think/2022/12>

National parents council disbanded after complaints from conservative parent rights groups about its composition. There is no indication that there was any thought given to including the excluded groups rather than dissolving the council.

<https://www.edweek.org/policy-politics/conservative-backlash-pushes-biden-administration-to-dissolve-new-national-parent-council/2022/12>

Student rights at Berkeley Law: The Dean maintains on the basis of free speech principles that student groups should not exclude speakers simply because they are Zionist or anti-Zionist. He also insists on the basis of First Amendment law that each student group has a right to make its own decisions about whom it invites to speak.

<https://www.nytimes.com/2022/12/21/us/uc-berkeley-free-speech.html>

Two January articles from *Quillette*:

<https://quillette.com/2023/01/11/a-report-from-the-stanford-academic-freedom-conference/?ref=quillette-newsletter>

<https://quillette.com/2023/01/01/stuck-in-the-middle-of-academia/?ref=quillette-newsletter>

**Academic Freedom Coalition of Nebraska
Board of Directors Meeting**

Via Videoconference
December 10, 2022

Present:

Peggy Adair, secretary, legislative liaison
John Bender, representing UNL Faculty Senate,
Nancy Comer, representing Nebraska State Literacy Association
Bob Haller, chief baker, director at large
Dave Moshman, newsletter editor, policy coordinator
Todd Schlechte, immediate past president, webmaster, director at large
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 10:04 a.m.

MINUTES: A motion was made by Werum, second by Moshman, to approve minutes of the AFCON board meeting held on October 8, 2022. Motion carried on a voice vote.

NEWSLETTER: Articles for the February issue of the *Sentinel* are due by January 24, 2023.

LEGISLATIVE UPDATE: Adair reported the 2023 session of the Nebraska State Legislature will commence on January 4, 2023.

PRESIDENT'S REPORT: Wood noted there will be no January AFCON board meeting. The next AFCON board meeting will be Saturday, February 11, 2023, at 10:00 a.m., via videoconference.

AFCON ELECTIONS: Moshman will send the AFCON email list to Wood, who will distribute

certified ballots for the AFCON elections. An automatic recount by hand is anticipated.

POLICY COORDINATOR: Moshman discussed the need for AFCON to more clearly articulate our support for the academic freedom rights of parents, as well as the rights of students and teachers.

MEMBERSHIP: Moshman made a motion to offer a new category of Lifetime AFCON Membership for individual members only, at a rate of \$150.00. Bender offered a second to the motion. Discussion followed on how to responsibly utilize AFCON's wealth. Motion carried on a voice vote.

WEBSITE: Schlechte reported the AFCON website platform, Weebly, has been bought by Square. Schlechte reported Square offers debit/credit functions that have some advantages over PayPal. Moshman made a motion to authorize Schlechte to take appropriate steps to activate the Square payment functions on the AFCON website. Werum seconded the motion. Motion carried on a voice vote.

STATE BOARD OF EDUCATION: Wood discussed recent contentious relations between some parent groups and the State Board of Education. Wood proposed AFCON become more consistently aware of problems and issues the Ed Board faces by assigning an AFCON board member to monitor and report back to AFCON. The AFCON board agreed by consensus to appoint Nancy Comer to this new position, with her consent.

MEMBER ORGANIZATIONS:

AAUP-UNL: Werum reported AAUP is concerned with new IT policy problems and with general fairness principles in the workplace.

There being no further business, the AFCON board meeting adjourned at 10:54 a.m.

Respectfully submitted,
Peggy Adair, secretary



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.

2023 Board of Directors

Vicki Wood, President

*Shee Covarrubias, President-elect and
Communications Coordinator*

*Peggy Adair, Secretary and Legislative
Liaison*

Rod Wagner, Treasurer

*David Moshman, Policy Coordinator and
Newsletter Editor*

Todd Schlechte, Webmaster

John Bender

Kari Bulgrin

Nancy Comer

Robert Haller

Laurie Thomas Lee

Wyatt Packard

Regina Werum

The AFCON Board meets via Zoom on the second Saturday of most months beginning at 10:00 a.m. and adjourning no later than Noon. Meetings are open to all. To attend the February 11 Board meeting, which will include discussion of library censorship and legislative bills, just send your name and email address to President Vicki Wood: wood.vk@gmail.com

JOIN 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 use a credit card, Apple Pay, or Google 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.

Organizational members are entitled to a representative on the AFCON board. We also have at-large board members. You may express your interest to the president to be considered for appointment to the board.

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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