

The AFCON Sentinel

Newsletter of the Academic Freedom Coalition of Nebraska

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June 2019

From the President

Laurie Thomas Lee

With summer upon us, many of you are probably enjoying some well-deserved vacation adventures. Taking off for other lands is a great way to relax and escape the politics and even the concerns about academic freedom that we share. Yet it can also be a good time to ponder what intellectual freedom is enjoyed—or not enjoyed—elsewhere.

I just got back from attending a wedding in Switzerland, and while gazing at the snowy Alps and dining on way too much cheese, I must admit to blocking out such worries. But I've since wondered about the state of academic freedom in a place such as Switzerland. And I'm happy to say that just like us, they, too, value and fight for academic freedom.

I was actually surprised to learn that academic freedom is considered to be a deep-rooted right in the Swiss Constitution. The Freedom House, which scores freedom in the world, has given Switzerland a score of four out of four when considering whether there is academic freedom and an educational system free of extensive political indoctrination. They determined that in Switzerland, "[a]cademic freedom is largely respected."

Even so, it seems that the Swiss must actively guard against infringements. For example, I ran across a notice for a 2017 science conference session in Berne titled "Academic freedom: a universal right at stake?" In the session description, they noted that the right is

guaranteed in many national constitutions but increasingly being encroached upon in recent years and in different ways. The meeting sought to address the implications and possible countermeasures.



In fact, academic freedom in Switzerland is considered to be "endangered," according to some Swiss scholars in a 2017 essay published in the *European Journal of Higher Education*. The threat, they say, comes from private sponsorship agreements, secretly negotiated between university leaders and big companies. Such agreements are increasingly vital to Swiss universities, which are being steered to accept private funding by Swiss authorities who turn around and reward such third-party funding with even more federal subsidies.

I could only read the abstract (in English), but found a couple of examples online that explain this concern over the impact of private monies on university research and academic freedom.

One major case involved a University of Geneva professor whose research questioned the health risks of passive smoking. It turned out that the researcher had long been on the payroll of U.S. tobacco company Philip Morris. There was concern that the funding could lead to “distortions.”

Another case involved Switzerland’s largest bank, UBS, which signed an agreement promising 100 million Swiss francs (\$112 million at the time) to fund five university chairs and to establish a “UBS International Centre of Economics in Society” at the University of Zurich. Faculty were upset that a funder could interfere with their freedom to work. A petition was signed by 1,500 people calling for the protection of academic independence.

So what are the academic freedom rights and issues at your summer vacation spots? If you can, take note and let us know. Of course in the meantime, enjoy your summer!

Links from the Editor

David Moshman

In April and May, Nebraska continued to receive national attention over issues of intellectual freedom in higher education. First the chair of the Nebraska Republican Party succeeded in having former U.S. Senator and New School president Bob Kerrey replaced by a different graduate speaker at Creighton University. Then a display at Doane College about Doane’s history was removed, and the librarian responsible for the display suspended, because the display included photos of students in blackface. Here is an analysis of the Creighton speaker replacement by the Foundation for Individual Rights in Education (FIRE):
<https://www.thefire.org/nebraska-gop-effort-to-have-college-disinvite-bob-kerrey-undermines-free-speech-message/>

And here is a report from Inside Higher Ed on the removal of the historical display and suspension of the librarian at Doane:
<https://www.insidehighered.com/news/2019/05/06/doane-u-suspends-library-director-over-exhibit-included-1920s-era-students-blackface>



Eugene Volokh (a law professor widely known for his Volokh Conspiracy blog) has been preparing a series of short, entertaining videos on free speech, three of which are now available. Here are the topics and links:

Free Speech in Schools:

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

Hate Speech:

<https://reason.com/2019/02/20/free-speech-rules-my-new-youtube-video-s-2/>

Fake News:

<https://reason.com/2019/04/10/free-speech-rules-my-new-youtube-video-s-3/>

And here is a comic book from FIRE on the free speech rights of high school students:

<https://www.thefire.org/resources/high-school-network/free-fire-comic-books/>

AFCON’s annual meeting will be October 12 in Lincoln. The keynote speaker, as noted in the April Sentinel, will be Cathy Kuhlmeier Frey, plaintiff in Hazelwood v. Kuhlmeier, the 1988 case in which the Supreme Court drastically curtailed First Amendment rights in education. Here is a brief analysis of Hazelwood I published on its 25th birthday in January 2013:
https://www.huffpost.com/entry/unlearning-liberty-hazelwood_b_2416801

AFCON promotes intellectual freedom
in education and research,
including freedoms of belief and expression
and access to information and ideas.

www.academicfreedomnebraska.org

AFCON Board of Directors

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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.

JOIN OR RENEW

Ally Halley, Treasurer

AFCON now accepts PayPal! Use your PayPal account to join or renew. We offer two ways to pay: You can send a direct payment to us at afcon.freedom@gmail.com or you can use the new PayPal button on our website <https://www.academicfreedomnebraska.org/join-afcon.html>. The button on the website will auto-renew your membership each year so you don't have to manually submit a payment when it's time to renew. If you do not have a PayPal account, send us a check at 3015 S 35 Ave, Omaha, NE 68105. Memberships are \$120 for organizations and \$15 for individuals.

The AFCON Sentinel is the newsletter of the Academic Freedom Coalition of Nebraska, published bimonthly in February, April, June, August, October, and December.
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**Academic Freedom Coalition of Nebraska
Board of Directors Meeting**
Anderson Library, Lincoln, Nebraska
April 13, 2019

Present:

Nancy Comer, representing Nebraska State Literacy Association

Bob Haller, chief baker, director at large

Laurie Thomas Lee, president, representing American Civil Liberties Union of Nebraska

David Moshman, immediate past president, policy coordinator, newsletter editor

Rod Wagner, representing Nebraska Center for the Book

MINUTES

President Laurie Thomas Lee convened the meeting at 10:20 a.m. Moshman agreed to take minutes.

MINUTES: Moshman moved to approve minutes of the March board meeting. Wagner seconded. Motion approved without dissent.

TREASURER'S REPORT: Ally Halley emailed the treasurer's report in advance because she could not attend. Balance on hand as of April 13, 2019, is \$2,143.14. We need to encourage renewals by organizational members.

NEWSLETTER: Deadline for articles to be published in the June *Sentinel* is May 24. Contact Moshman with plans or suggestions.

WEBSITE: The website continues to be updated and includes current Sentinels. The list of officers needs to be updated.

PRESIDENT'S REPORT: Lee reported ongoing efforts at UNL to educate faculty and students about academic freedom.

TREAT OF THE DAY: Homemade cookies, far more than the five of us could eat.

LEGISLATIVE REPORT: Peggy Adair published a legislative report in the April *Sentinel*. Moshman noted that with the passage of LB399 the former

Americanism law has been transformed into an American Civics law, which is much less indoctrinative and includes provisions for civics education that attracted broad support, but the revised law is still problematic for academic freedom in that the legislature is making curriculum decisions.

POLICY COORDINATOR: Moshman noted concerns about the application and impact of President Trump's recent executive order threatening withdrawal of federal funds from colleges and universities that are deemed to be suppressing free expression. He circulated a photo of the signing from the *Chronicle of Higher Education*, with UNL's Kaitlyn Mullen among the students standing behind Trump.

ANNUAL MEETING: There was substantial discussion related to the October 12 annual meeting featuring Cathy Kuhlmeier Frey as keynote speaker, including potential formats, costs, academic freedom awardees, and panelists. Lee will continue to work on arrangements.

Moshman reported that the June and July Board meetings have been scheduled at Eiseley. The May meeting will once again be in Anderson.

MEMBER ORGANIZATION REPORTS: Haller reported that the UNL AAUP is attracting many members to its informal gatherings. It was suggested and agreed that we contact Civic Nebraska as a potential member.

There being no further business, the AFCON board adjourned at 11:15 a.m.

Respectfully submitted,
Dave Moshman, Acting Secretary

**Academic Freedom Coalition of Nebraska
Board of Directors Meeting**
Anderson Library, Lincoln, Nebraska
May 11, 2019

Present:

Peggy Adair, secretary, legislative liaison

John Bender, representing UNL Faculty Senate

Bob Haller, chief baker, director at large
Laurie Thomas Lee, president, representing
American Civil Liberties Union of Nebraska
Paula McClung, representing Nebraska School
Library Association
Dave Moshman, immediate past president,
newsletter editor, policy coordinator
Todd Schlechte, webmaster
Rod Wagner, representing Nebraska Center for the
Book

MINUTES

President Laurie Thomas Lee convened the meeting at 10:12 a.m.

MINUTES: A motion was made by Moshman, second by Adair, to approve minutes of the AFCON board meeting held on April 13, 2019. Motion carried on a voice vote. Adair thanked Moshman for acting as secretary pro tem for the April meeting.

TREASURER'S REPORT: Halley distributed the treasurer's report via email. Balance on hand as of May 11, 2019, is \$2,260.00.

NEWSLETTER: Deadline for articles to be published in the June edition of the *Sentinel* is May 24.

WEBSITE: Todd Schlechte has uploaded the list of current AFCON officers to the website.

PRESIDENT'S REPORT: Lee will invite Civic Nebraska to become an organizational member of AFCON.

TREAT OF THE DAY: Homemade cookies with cinnamon, walnuts, coconut... yummm!

LEGISLATIVE REPORT: Adair provided an update on the status of legislative bills of relevance to academic freedom.

POLICY COORDINATOR: Moshman reported on the events leading up to former Nebraska Governor and United States Senator Robert Kerrey withdrawing as commencement speaker at Creighton University. Moshman also discussed the events at Doane University wherein the school's

librarian was placed on administrative leave and later reinstated over an exhibit of photographs depicting the history of "parties" at Doane. The display included two photos of students in blackface, and a current student contacted the administration with a complaint that the photos are offensive.

ANNUAL MEETING: Lee will continue to work with the UNL journalism college to organize the AFCON annual meeting to be held on October 12, 2019.

MEMBER ORGANIZATION REPORTS:

Nebraska Center for the Book – Wagner reported the Celebration of Nebraska Books event will be held Saturday, November 9, at the Nebraska History Museum in Lincoln.

Nebraska School Library Association – McClung reported the NSLA will hold a combined annual meeting with the Nebraska Library Association and the Iowa Library Association, October 2-4, in LaVista.

UNL Faculty Senate – Bender reported the senate is currently focused on money issues, including the administration's efforts to develop a new budget model and to centralize services of the university system.

ACLU – Lee reported the ACLU annual meeting will be held June 22, 2019, at the Center for People in Need. The event is free, registration required, and will offer break-out advocacy training sessions.

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

Respectfully submitted,
Peggy Adair, Secretary