The AFCON Sentinel

Newsletter of the Academic Freedom Coalition of Nebraska

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Trump's Ministry of Truth

By John Bende

The Ministry of Truth in George Orwell's *1984* manufactured the lies that helped keep the public ignorant and Big Brother in power. Brendan Carr, the chairman of the Federal Communications Commission, seems intent on turning his agency into Donald Trump's Ministry of Truth … at least to the extent his limited authority allows.

Carr's tool is Section 315 of the Communications Act, which is the equal opportunity rule. It is central to governing how radio and television broadcasters treat political candidates. Carr wants to use the rule to penalize broadcasters who give airtime to candidates hostile to Trump. Carr's recent targets have been *The View* on ABC and the now-cancelled *Late Show with Stephen Colbert* on CBS.

First, a little history about Section 315. The equal opportunity rule was part of the Radio Act of 1927, the first federal effort to regulate the new broadcasting industry. Congress wanted to make sure that those who ran radio stations could not promote their favored candidates and silence opponents. The rule was included in the Communications Act of 1934.

Section 315 says, "If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station."

Some call Section 315 the "equal time" rule, but "equal opportunity" means more than "equal time." Giving one candidate 30 minutes during prime time on Wednesday night and the other 30 minutes early on Sunday morning may be equal time, but it's not equal opportunity.

The FCC has treated almost any recognizable appearance of the candidate's face or voice as a use of a broadcaster's facilities. But for many years, the commission considered the appearance of a candidate in a news program as exempt. That changed in the late 1950s.

Lar Daly, who made a hobby of running for elective offices, was a legally qualified candidate for mayor of Chicago in 1959. When a

local television station ran news footage of incumbent Mayor Richard Daley greeting a foreign official and appearing at an event to raise money for polio victims, Lar Daly demanded equal opportunity. The FCC agreed with him.

The FCC's reversal on the appearance of candidates in news program so shocked broadcasters that they asked Congress to intervene. Broadcasters said they would be reluctant to cover any political candidate, no matter how newsworthy that person might be, if they had to provide equal opportunity to all candidates. In some campaigns, there might be dozens of candidates.

Congress agreed with the broadcasters and passed a 1959 amendment to Section 315 saying a candidate's appearance in a *bona fide* newscast, *bona fide* news interview, *bona fide* news documentary or *bona fide* on-the-spot coverage of a new event would be exempt. For all four exemptions, the FCC wants the broadcaster to be a making a good-faith (*bona fide*) determination that the candidate is appearing because it is newsworthy and not to promote one candidate over another.

In the case of news interview shows, the FCC has considered them exempt if they are regularly scheduled, are controlled by the licensee or an independent producer, and are selecting people to interview based on their newsworthiness. The commission traditionally has made case-by-case decisions about whether a program is exempt. For many years, it did not consider NBC's *The Tonight Show* exempt because it mainly focused on entertainment figures, not politicians or others relevant to current events.

The FCC started expanding the category of exempt interview shows in 1984 when it said Phil Donahue's daytime interview show would be exempt. Other shows soon joined it. In 2006, the FCC added Jay Leno's *Tonight Show* to the list after he interviewed Arnold Schwartzenegger when he first ran for California governor. The FCC even recognized the weekly call-in shows conducted by Nebraska Gov. Dave Heineman and Sen. Ben Nelson as exempt. The FCC had declared *The View* an exempt interview show in 2002.

So, why is the FCC now going after *The View* and Colbert? Both shows attracted the Carr's scrutiny by interviewing James Talarico, a Democratic candidate for U.S. senator from Texas. *The View* aired its interview with Talarico Feb. 2. A week later, the ABC owned-and-operated station in Houston, KTRK, received a letter of inquiry from the FCC asking whether Talarico's appearance complied with the equal opportunity rule. ABC said the show was exempt, but the FCC followed up by demanding that KTRK petition the commission for a declaratory ruling that the show is exempt.

Stephen Colbert was planning to air an interview with Talarico Feb. 16, but CBS blocked him from doing so, in part because of the FCC's reaction to *The View*'s interview with the candidate. Colbert did interview Talarico, but it ran on the internet. About 9.4 million people have watched the interview on YouTube.

The FCC also took the unusual step of starting the review of all of ABC's station licenses a year or more in advance of their expiration. The FCC says it is concerned that ABC may be engaged in illegal discrimination in employment.

Other daytime and late-night interview shows may be affected. Shortly after it questioned ABC's Houston affiliate about the Talarico interview, the FCC issued "guidance" for broadcasters regarding interview shows. The FCC said it feared broadcasters considered the 2006 action regarding *The Tonight Show with Jay Leno* as a blanket exemption for all similar interview shows. The FCC said it has an obligation to make sure "that the content, format and participants not be intended for the political advantage of candidates." Any determination that a show was exempt applied only to that show as it was conducted at the time of that determination. In other words, the FCC is saying it wants to review all past determinations exempting shows from the equal opportunity requirement.

The FCC isn't prohibiting interview shows from hosting Democratic or liberal political figures. It can't do that. Section 326 of the Communications Act says, "Nothing in this chapter shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication."

What the commission can do, however, is make interview shows costly, burying them under a pile of demands for paperwork and frequent reviews. The FCC wants to review exemption decisions from the 20 or 30 years ago. That may make sense, but what if it demands annual reviews from networks and producers? What if it wants evidence that they select guests on the basis of newsworthiness? Talarico's newsworthiness seems clear; he was gaining popularity and support against his better-known primary opponent, Jasmine Crockett. Other decisions may be less clear.

Brendan Carr lacks the power to demand broadcasters tell lies just to please him and Trump. But he can do much to make it painful for broadcasters to air speakers who oppose the administration. To the extent Carr succeeds, he will be tilting the political playing field in Trump's favor.

John Bender joined the faculty of the College of Journalism and Mass Communications at the University of Nebraska-Lincoln in 1990. During his time at the university, Bender taught mass media law, beginning and advanced reporting classes, mass media history, graduate seminars in media law and media history, and honors seminars in freedom of expression, media ethics, and media misrepresentations of events, along with a variety of other courses. In his final two years at UNL, Bender served as associate dean for research and faculty affairs.

Bender is retired from UNL and is currently president of AFCON.

"Mass of Perpetual Indulgence"

The University of Nebraska Apologizes (Again) for a Queer Mass Dissertation

David Moshman

In May 2025, *The College Fix*, a national student journalism project with strong conservative leanings, published the first in a series of articles about UNL awarding a doctoral degree in music composition to a student whose 2025 dissertation was a queer-oriented Catholic Mass including a drag performance. The dissertation abstract reads:

> ***Mass of Perpetual Indulgence* for chamber orchestra, electronics, soprano solo, and drag performer was written to bridge the gap between queerness and spirituality, to sanctify queer people and celebrate queer lives and communities. Amalgamating musical styles ranging from disco to opera, art song to EDM, this appropriation of the traditional Mass blurs the lines between the sacred and the profane. This work features original text by librettist Caroliena Cabada that responds to the narrative of the Mass Ordinary from a distinctly queer perspective. Ultimately, this work celebrates the queer body as a holy body, queer community as a sacred communion, and carnal pleasure as a consecrated sacrament.**

In June 2025, Lincoln Bishop James Conley wrote:

> **The recent report that a University of Nebraska-Lincoln doctoral student produced an orchestrated drag performance mocking the Catholic Mass is both disturbing and appalling. Such a blatant public display of faith-based discrimination that led to the student earning a doctorate degree reflects poorly on the University of Nebraska, its faculty and our community.**
>
> **Quite honestly, our Nebraska community is better than that. There is no redeeming value in such a display of ignorance. Such discrimination would not be tolerated if directed at other religions, so why is it tolerated if the target is the Catholic faith? It's offensive and should be condemned by the University, not applauded or rewarded. Education should strive for the true, the good and the beautiful -- not lies, evil and ugliness.**
>
> **I call on the University of Nebraska to do more than ignore such a vile display of hatred. Have the courage to stand up and declare your institution will not tolerate or reward such inappropriate behavior and take action against the faculty who encouraged it.**
>
> **As Christians, we will live boldly for our faith and our God. St. Francis of Assisi's words ring true in such times. "All the darkness in the world cannot extinguish the light of a single candle." May the University of Nebraska and all institutions of higher learning enlighten their students with true wisdom and lead them out of intellectual darkness. We must seek truth not in the world, but in Jesus Christ. "In the world you will have trouble, but take courage, I have conquered the world" (John 16:33).**

The university promptly arranged for Bishop Conley—joined by the communications director of the Lincoln Diocese and a representative of the Nebraska Catholic Conference—to meet with University of Nebraska President Jeffrey Gold, UNL Chancellor Rodney Bennett, the chair of the University of Nebraska Board of Regents, and an additional regent. Following up in July 2025, Chancellor Bennett wrote to Bishop Conley to assure him that his concerns were being taken seriously and detail how the university was responding:

> **The University of Nebraska is grateful for the opportunity to meet with you and your colleagues to discuss a very important matter affecting members of your diocese and others in our community.**
>
> **As shared during our meeting, we take this matter seriously and do all we can to ensure the University of Nebraska considers and respects all its stakeholders. We regret deeply that the matter we met to discuss has caused disruption, and we sincerely apologize.**
>
> **A hallmark of public higher education is open and free expression in accordance with applicable provisions outlined in board policy, and state and federal laws. While we recognize that freedom of expression, freedom of speech, and academic freedom are foundational principles upon which higher education has thrived, we also strongly believe that along with those rights comes tremendous responsibility. As one of our country's leading institutions of higher education we fully embrace the opportunity this incident has prompted to consider carefully how we educate members of our community about the impact individual acts may have on people and communities-both positively and negatively, and whether intended or inadvertent.**
>
> **To that end, we will work with campus partners to develop and share strategies directed at seeking greater balance, appreciation, and understanding of how to best express individual rights and convictions in such a way as to not alienate those who are vital to the collective success. As the state's Big Ten, land-grant, RI university, UNL is committed to maintaining the highest standards of rigor and excellence to best support the state and citizens of Nebraska.**
>
> **Additionally, and equally important to the way forward, is the establishment of the President's Advisory Roundtable on Community Engagement, which will advise the university on the most effective ways and best practices in addressing sensitive and often emotional matters for which there are strong convictions. The commission will be comprised of well-respected individuals across the state of Nebraska and our country, who are experts in their professional fields, and whose work is considered among the leading voices.**
>
> **Through the work of the commission, we will gain critical insights from its members, and we believe the number of incidents like the one we discussed during our meeting will be reduced or eliminated. The establishment of the commission is underway; membership is being finalized and expected to be operational by the end of the summer.**

In August 2025, Bishop Conley wrote on his blog that he was pleased with the university's positive response but would monitor the follow-up. He noted again: "Mocking the Eucharist, which is the very source and summit of the Catholic faith, should never be an action that is rewarded with a degree, but instead should be condemned for its ignorance and evil."

In April 2026, *The College Fix* reported that President Gold, at least according to Bishop Conley, had apologized again for the dissertation and was taking strong action to prevent a recurrence of such a situation. It remains unclear exactly what the university has done or will do. But NU administrators are apparently compromising student inquiry and the academic judgment of faculty in order to restrict projects and ideas members of the community may deem offensive, upsetting, or hurtful. This undermines not only the academic freedom of students and faculty but also the academic integrity of the institution.

David Moshman is AFCON's policy coordinator. His new book, Gaza, Genocide, and Academic Freedom, was published in May. This article was originally published on his Substack

Legislative Report

May, 2026

The 2026 Nebraska Legislature is in the books. The legislative bills affecting academic freedom were rather tame and lacked the venom of some bills from recent years, so that was a relief. In fact, the academic freedom bills introduced were so tame AFCON chose to monitor the bills rather than take official action for or against. It was a good year to take a back seat and just observe.

We have a new class of legislators coming in after the November elections, and now is the time for Nebraskans who value academic freedom to start making plans ahead of next year's session that will begin on January 6, 2027. New senators are eager to meet with their constituents and hear their ideas for improving our state. The window of opportunity to establish good relationships with new senators and provide input on the value of protecting academic freedom will open after November 3, 2026.

Mark your calendars, register to vote, help others register to vote, learn about your local candidates, vote in November, and then meet your state senator and make plans for a healthy, productive, deliberative, compassionate, thoughtful 2027 Nebraska Unicameral Legislature.

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.

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
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.

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.

Local Links:

Following Up: Aiden McClaren & Gretna, Bill Mauldin & Stars and Stripes, B.C. & Easter
https://www.dailycartoonist.com/index.php/2026/04/07/following-up-aiden-mcclaren-gretna-bill-mauldin-stars-and-stripes-b-c-easter/

Pillen order requires Nebraska to track, restrict antisemitic behavior
https://nebraskaexaminer.com/2026/05/29/pillen-order-requires-nebraska-to-track-restrict-antisemitic-behavior/

UNK removes DEI training module after Pillen calls it destructive
https://nebraska.tv/news/local/unk-removes-dei-training-module-after-pillen-calls-it-destructive

UNK releases report on internal review of allegations on programming, culture
https://www.centralnebraskatoday.com/2026/05/29/405078/

National Links:

Banned Books Week 2026 Artwork Unveiled

https://www.ala.org/news/2026/04/banned-books-week-2026-artwork-unveiled

From shuttered print editions to firings, student journalists clash with universities

https://www.csmonitor.com/USA/Education/2026/0321/student-journalism-first-amendment

Fearing controversy, schools cancel graduation speeches

https://www.fire.org/news/fearing-controversy-schools-cancel-graduation-speeches

Texas professor reinstated after firing over Palestine talk says 'I didn't do anything wrong'

https://www.theguardian.com/us-news/2026/may/14/texas-professor-fired-palestine-idris-robinson

Free speech group defends Marin County student journalists amid investigation

https://localnewsmatters.org/2026/05/08/marin-county-student-journalists-investigation/

Tennessee librarian fired for refusing to move LGBTQ books from children's to adult section

https://thehill.com/homenews/education/5810725-tennessee-librarian-fired-lgbtq-books/

Academic Freedom Coalition of Nebraska
Board of Directors Meeting
Via Videoconference

April 11, 2026

Present:
Peggy Adair, secretary, legislative liaison
John Bender, president, representing UNL Faculty Senate
Bob Haller, director at large
Laurie Thomas Lee, president-elect, representing American Civil Liberties Union, Nebraska
Dave Moshman, policy coordinator
Lila Padios, guest, representing The Write Stuff
Rod Wagner, treasurer, representing Nebraska Center for the Book
Regina Werum, representing American Association of University Professors, UNL
Vicki Wood, editor-in-chief, director at large

MINUTES

President John Bender called the meeting to order at 10:03 a.m.

MINUTES: A motion was made by Moshman, second by Wagner, to approve corrected minutes of the AFCON board meeting held on March 14, 2026. Motion carried by a voice vote and show of hands.

TREASURER'S REPORT: Wagner reported balance on hand as of April 11, 2026, is $4,120.71.

THE WRITE STUFF: Bender introduced Lila Padios, representing The Write Stuff, an organization that fights book bans and promotes all access to books in schools and libraries. The Write Stuff will consider joining AFCON as an organizational member, with Padios as its representative on the Board. There was a consensus that if The Write Stuff did not join AFCON we would add Padios to the Board as an at-large member.

LEGISLATIVE REPORT: Adair will produce a final legislative report after the 2026 legislative session adjourns sine die.

SPEAKER REQUEST: John Bartle, of the UNO Faculty Senate Committee on Faculty Development, has requested a speaker to provide an update on the status of academic freedom in Nebraska. The meeting will be at 2:00pm on April 22, 2026. Moshman will contact Bartle with an offer to speak to the group via Zoom.

UNL FACULTY SENATE: Bender reported the senate withdrew their earlier no-confidence vote against certain UNL administrators. The senate aspires to promote shared governance.

GRETNA EAST HIGH SCHOOL: A Gretna East High School student has filed an appeal to the Gretna School Board after his political cartoon was rejected by school administrators prior to publication in the school's newspaper. The school board will meet on Monday, April 13, at 7:00p.m. AFCON President

Bender will draft a letter to the school board in support of student journalism and academic freedom. Bender will confer with Bulgrin on the issue.

SENTINEL: The deadline for articles for the next issue of the Sentinel is May 26, 2026.

ORGANIZATIONAL REPORTS:
Nebraska Center for the Book – Wagner reported the annual Celebration of Books will take place on November 14, 2026, at the UNL Student Union.

Nebraska Library Association – Wood reported the NLA Advocacy Group has been very active and had approximately 50 people in attendance at their recent legislative advocacy day.

NEXT MEETING: The next AFCON board meeting will be Saturday, May 9, 2026, at 10:00 a.m. via Zoom.

There being no further business, the AFCON board meeting adjourned at 10:52 a.m.

Respectfully submitted,
Peggy Adair

Academic Freedom Coalition of Nebraska
Board of Directors Meeting
Via Videoconference
May 9, 2026

Present:
Peggy Adair, secretary, legislative liaison
John Bender, president, representing UNL Faculty Senate
Nancy Comer, representing Nebraska State Literacy Association
Bob Haller, director at large
Laurie Thomas Lee, president-elect, representing American Civil Liberties Union, Nebraska
Dave Moshman, policy coordinator
Lila Padios, guest, representing The Write Stuff
Todd Schlechte, webmaster, director at large
Rod Wagner, treasurer, representing Nebraska Center for the Book
Regina Werum, representing American Association of University Professors, UNL
Vicki Wood, editor-in-chief, director at large

MINUTES

President John Bender called the meeting to order at 10:03 a.m.

MINUTES: A motion was made by Werum, second by Moshman to approve the agenda. Motion carried by a voice vote and show of hands.

A motion was made by Moshman, second by Comer, to approve corrected minutes of the AFCON board meeting held on April 11, 2026. Motion carried by a voice vote and show of hands.

TREASURER'S REPORT: Wagner reported balance on hand as of April 11, 2026, is $4,347.93.

GRETNA EAST HIGH SCHOOL: Bender reported that the political cartoon, rejected by the Gretna East High School administration prior to publication, won first prize in Class B in the NSAA state journalism competition.

UNL FACULTY SENATE: Bender reported that there were not many academic topics discussed, instead there was discussion about the $600 million renovation of the football stadium.

STATE BOARD OF EDUCATION:
Comer reported that she was not able to attend the May 8 meeting in person but according to the agenda, there were issues that members were deadlocked on, including accepting grant money, and parental rights versus student rights.

THE WRITE STUFF: Padios reported that The Write Stuff would like to become an organizational member of AFCON. Moshman has agreed to pay their dues.

POLICY COORDINATOR: Moshman met with the UNO Faculty Senate Committee to share information about what AFCON does. Some faculty are concerned about teaching about race and gender in the current political climate and expressed interest in being involved with AFCON again.

Moshman reported that as part of a music composition dissertation a student at UNL created a 'queer-related" Mass. A publication called The College Fix has publicized this as "a drag performance" and the bishop of Lincoln called it anti-Catholic. President Gold was contacted and the regents assigned a committee to investigate. Bender will follow up with the student's advisor and Werum will inform the AAUP about this issue.

At the UNK a 20 minute video intended to promote inclusiveness for transgender students for professors was pulled after Governor Pillen intervened. Bender will follow up on this.

SENTINEL: The deadline for articles for the next issue of the Sentinel is May 26, 2026.

ANNUAL MEETING: There was discussion about possible topics for our annual meeting including:

- Budget cuts and their effect on academic freedom/ a collaborative meeting with the UNL AAUP and AFCON
- Creating a Board of Regents questionnaire/collective bargaining and the dismissal of faculty across Nebraska
- A journalism focus with the Gretna student publication as a topic

It was suggested that we could give the Academic Freedom Award to Gretna student Aidan McClaren and/or Nicholas Mitchell, a student who featured the story on his website.

ORGANIZATIONAL REPORTS:
AAUP- Werum reported that the state AAUP is organizing their fall conference.

Nebraska Library Association – Wood reported the NLA Advocacy Group is organizing a pre-conference on intellectual freedom issues for a joint MPLA and NLA conference this fall.

The Write Stuff – Padios reported that they delivered appreciation baskets to 15 Omaha libraries and 238 library staff for National Library Week.

NEXT MEETING: The next AFCON board meeting will be Saturday, June 13, 2026, at 10:00 a.m. via Zoom.

There being no further business, the AFCON board meeting adjourned at 11:05 a.m.

Respectfully submitted,
Vicki Wood, for Peggy Adair

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. All issues of the AFCON Sentinel are available here: https://www.academicfreedomnebraska.org/the sentinel.html