

The AFCON Sentinel

Newsletter of the Academic Freedom Coalition of Nebraska

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Lies, Bullshit, and Freedom of Expression

David Moshman

Freedom of expression is the right to express what you believe. This is closely associated with freedom of belief, the right to determine and maintain your own beliefs. People have a right to believe whatever they believe and to express their beliefs in speech, writing, and other ways.

This holds even if the beliefs are false, provided the speaker believes them to be true. But does free expression include the freedom to lie, which is to say things you know to be false? Does it protect the freedom to say whatever serves your purpose without regard to truth, which the philosopher Harry Frankfurt famously called “bullshitting”? To address these questions we need to consider why we value free expression.

There are three major rationales for freedom of expression: (1) the moral right of individuals to determine and express their own beliefs; (2) the importance of free expression for determining and communicating the truth; and (3) the necessity of free expression for democratic self-governance. Each of these alone is a strong argument for free expression. The three together provide a powerful rationale for protecting the right to say what one

believes, regardless of whether one’s beliefs are offensive, dangerous, false, or otherwise objectionable.

But in cases of disinformation—that is, making claims one knows to be false or with a reckless disregard for the truth—none of these rationales really applies. Liars and bullshitters are not expressing what they believe, so the right to express one’s beliefs is not at stake. Lying and bullshitting do nothing to serve the pursuit of truth. And democratic self-governance requires free discussion under conditions of mutual respect, not lying and bullshitting.

That doesn’t mean we should jump right in and censor all lies and bullshit. For one thing, it may be difficult to prove that someone is lying or bullshitting, rather than just making a mistake. In cases of doubt, we need to protect the right to be wrong in order to protect the right to think and to express one’s thoughts.

The present analysis does open the door, however, for serious discussion about the merits and harms of various potential policies in cases where people are demonstrably not expressing their beliefs. Such discussion is already routine in contexts such as libel and false advertising, where limits on the scope of the First Amendment are well established.

In academic contexts, these matters are perhaps even more clear. We must protect the right to state one's beliefs even if one disagrees with a scholarly consensus, but teachers, students, and researchers are all expected to explain and justify their claims, and all can be evaluated on their ability to do so. No one has a right to falsify data or to teach or publish whatever furthers their political, religious, or other agenda without regard for academic justifiability.

Freedom of expression, then, may not protect lying or bullshitting. And this is especially clear in academic settings. Academic freedom protects erroneous beliefs and statements but not lies or bullshit.

-----David Moshman, a professor emeritus of 1988educational psychology at UNL, has served on the AFCON board of directors since 1988



108th Legislature, 2nd Session

AFCON-related legislative bills

Status as of March 26, 2024

Peggy Adair, Legislative Liaison

The legislature is never without surprises, but at this point in the session, the bills that remain in committee without a priority designation are not likely to move. The two AFCON-related bills that have the most activity are Senator Murman's priority bill, LB1092; and Senator Linehan's priority, LB1402. To view any of these bills online go to nebraskalegislature.gov. The last day of the session is scheduled to be April 18, 2024.

LB1034, Lippincott, permits school employees to display, discuss, and promote their religious beliefs

while on duty at school. AFCON position: oppose

Education Committee, hearing 2/12/2024, remains in committee

LB1064, Lippincott et al, eliminates tenure at the Nebraska University system and the Nebraska State College system. It does not eliminate tenure at community colleges.

AFCON position: oppose

Education Committee, hearing 2/13/2024, remains in committee

LB1065, Lippincott et al, permits K-12 schools to hire chaplains as school counselors.

The bill does not define “chaplain.” No professional qualifications are listed as prerequisites for hiring chaplains, and they need not be credentialed. AFCON position: oppose

Education Committee, hearing 2/27/2024, remains in committee

LB1066, Lippincott et al, allows for students to participate in elective courses in religious instruction off-campus during the school day. Any religion is okay unless it “undeniably promote[s] licentiousness.”

AFCON position: oppose

Education Committee, hearing 2/5/2024, remains in committee

LB1071, Dungan. Protects the free speech rights of student journalists and student media advisers. The AFCON student journalism bill is back! It reads similarly to Senator Morfeld’s previous student journalism bill, with the first section addressing postsecondary educational settings and the second

section dealing with student journalism rights in high schools. AFCON position: support

Judiciary Committee, hearing 2/21/2024, remains in committee

LB1091, Murman et al (21 co-sponsors). If a school board allows a “professional employees organization” to have email and other access to teachers, it must allow all professional employees organizations to have similar access. AFCON position: monitor

Education Committee, hearing 1/23/2024, on general file with no amendments

LB1092, Murman, adopt the Online Age Verification Liability Act. AFCON position: monitor

Judiciary Committee, hearing 2/15/2024, on general file with amendments, Murman priority bill

LB1330, Murman and 14 cosigners. Prohibits UNL, state colleges and community colleges from requiring employees to learn about diversity, equity and inclusion. AFCON position: oppose

Education Committee, hearing 2/13/2024, remains in committee

LB1371, Vargas. Adopt the Media Literacy Act. High school students will be required to take 3 credit hours in media literacy.

Education Committee, hearing 2/20/2024, remains in committee

LB1386, Hansen. Provides state taxpayer funding to private K-12 schools. Establishes the Nebraska Student Savings Account Support Fund. Requires \$1,500 of state money to be deposited in an

educational savings account every year for each student enrolled in a private, denominational or parochial school.

Education Committee, hearing 1/30/2024, remains in committee

LB1399, Murman. Requires schools to provide a list of all the books in their libraries. Allows parents to opt-in to being notified every time their kid checks out a book. Allows for a 5-minute portion of a book to be read out loud at school board meetings. Prevents schools from doing student surveys without permission... This appears to be a new version of Murman's LB374 from last year. AFCON opposes LB374.

Education Committee, hearing 2/5/2024, remains in committee

LB1402, Linehan. Provides state taxpayer funding to private K-12 schools. Appropriates \$25,000,000 from the general fund to the State Treasurer to provide money to the scholarship-granting organizations of the Opportunity Scholarship Act that passed last session.

Appropriations Committee, hearing 2/6/2024, on general file with amendments and emergency clause, Linehan priority bill

LR278CA, Murman, changes the parameters of electing/appointing members of the state board of education such that the board will become controlled by the governor rather than remaining independent. AFCON position: oppose

Education Committee, hearing 2/6/2024, remains in committee

Institutional Neutrality

David Moshman
AFCON Policy Coordinator

Official statements by college presidents about Israel and Palestine since October 7 have led to renewed discussion about whether institutions of higher education should issue statements on current events and issues (see links below). The AFCON Board has discussed these matters at its February and March meetings and is generally sympathetic to the concerns that motivate calls for institutional neutrality but we are not at this time aware of any problematic statements by higher education officials in Nebraska. We would be happy to hear from anyone with concerns about this issue. You can contact me at dmoshman1@unl.edu.

The Academic Freedom Alliance, Heterodox Academy, and FIRE have issued a joint statement urging college and university trustees and regents "to restore truth-seeking as the primary mission of higher education by adopting a policy of institutional neutrality on social and political issues that do not concern core academic matters or institutional operations." The statement makes clear that such a policy must apply only to official institutional speech and must not restrict the right of faculty and students to express their views. <https://institutionalneutrality.org>

A college president explains how presidential statements came to be expected and why that expectation should change <https://www.insidehighered.com/opinion/views/2024/02/13/its-time-reset-presidential-statements-opinion>

Leaving a college presidency in order to regain freedom of expression
<https://www.insidehighered.com/news/governance/executive-leadership/2024/02/13/constrained-presidency>

Should scholarly associations take stands on controversial issues?
<https://www.insidehighered.com/news/faculty-issues/academic-freedom/2024/02/16/scholarly-groups-choose-between-speech-silence-gaza>

Keith Whittington of the Academic Freedom Alliance in the *Chronicle of Higher Education*
<https://www.chronicle.com/article/political-solidarity-statements-threaten-academic-freedom>

Advocacy Works!

Vicki Wood
Immediate Past President

A legislative bill that would allow prosecution of librarians and educators in K-12 schools if they provide obscenity to minors—LB 441, failed to advance in the final weeks of this legislative session.

The Advocacy Committee of the Nebraska Library Association has been fighting this bill for several years. The vote to end debate and advance the bill was 30-17, three votes short of what was needed. This vote was witnessed by 60 librarians in the Legislature balcony. Coincidentally, NLA was in the middle of their advocacy day events and their regularly scheduled program was changed so they could be at the Capitol for the vote.

300 people used our One-Click advocacy tool to contact their senator and encourage them to vote no on this bill in the days leading up to the vote.

NLA has made a concerted effort over the last few years to educate members of the

judiciary committee about the problems with this bill and found advocates among the committee and in the general body to speak against it. Kudos to everyone who helped defeat this harmful bill.

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

State Ed Board rejects measure defining and banning sexually explicit materials in school libraries:

<https://nebraskaexaminer.com/2024/03/08/state-ed-board-rejects-measure-defining-and-banning-sexually-explicit-materials-in-school-libraries/>

Lawmaker apologizes after inserting colleague’s name into book rape scene:

<https://www.washingtonpost.com/nation/2024/03/19/steve-halloran-nebraska-legislature-obscenity/>

Nebraska Lawmakers are considering damaging DEI and tenure bans:

<https://pen.org/nebraska-lawmakers-are-considering-damaging-dei-and-tenure-bans/>

National Links

Palestine Legal and NYCLU Sue Columbia University Over Student Group Suspension

<https://palestinelegal.org/news/columbia-lawsuit>

In Georgia, a bill to cut all ties with the American Library Association is advancing

<https://www.npr.org/2024/03/01/1234226098/in-georgia-a-bill-to-cut-all-ties-with-the-american-library-association-is-advancing>

Academy Award nominee for Best Documentary Short Film: The ABCs of Book Banning

You can watch it here:

https://www.youtube.com/watch?v=b4c6QQv_M8U

PEN America warns Florida will get sued over youth social media ban:

<https://floridapolitics.com/archives/66445-4-pen-america-warns-florida-will-get-sued-over-youth-social-media-ban/>

**Academic Freedom Coalition of
Nebraska**

Board of Directors Meeting

Via Videoconference
March 9, 2024

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

Laurie Thomas Lee, representing ACLU Nebraska

Dave Moshman, policy coordinator

Wyatt Packard, president-elect, representing Nebraska Library Association

Todd Schlechte, webmaster, director at large

Rod Wagner, treasurer, representing Nebraska Center for the Book

Vicki Wood, immediate past president, director at large

Michael Park, guest

MINUTES

President-elect Wyatt Packard called the meeting to order at 10:02 a.m.

MINUTES: A motion was made by Moshman, second by Wagner, to approve minutes of the AFCON board

meeting held on February 10, 2024. Motion carried on a voice vote.

TREASURER'S REPORT: Wagner presented the treasurer's report. Balance on hand as of March 9, 2024, is \$2855.83. A shout-out to Cathi McMurtry, long-time AFCON member who made a recent donation to the AFCON treasury.

LEGISLATIVE REPORT: Adair reported there have been no changes since February's board meeting in status of bills upon which AFCON has taken an official position.

Packard reported the Nebraska Library Association is lobbying against LB441, Senator Albrecht's priority bill that attempts to criminalize teachers and librarians who allow "obscenity" in public and private schools.

The NLA is also advocating against Senator Albrecht's LB635, an attempt to micromanage online educational resources

STATE BOARD OF EDUCATION REPORT: Comer reported regent Kirk Penner's proposed change to Regulations and Procedures for the Accreditation of Schools (Rule 10), which purported to address "pornography" in schools, failed to pass on a 5-3 vote.

POLICY COORDINATOR: Moshman reported he continues to monitor the current issue of maintaining political neutrality in institutions of higher learning. Moshman will publish his article regarding institutional neutrality in the April edition of the Sentinel.

SENTINEL: Wood reported the soft deadline for articles to be published in the April edition of the Sentinel is March 24, 2024.

MEMBER ORGANIZATIONS:
Nebraska Library Association – Packard reported the organization is excited to host Advocacy Day on March 19-20, 2024, in Lincoln.

NEBRASKA STATE LITERACY ASSOCIATION – Comer reported the NSLA views reading as a civil right; that those who cannot read do not have freedom. Comer reported the movie, “The Right to Read,” will be presented at the Ross Media Arts Center on March 27, 2024, at 7:00 p.m. The viewing is by reservation only. Comer will send a link to the event to the AFCON board.

There being no further business, the AFCON board meeting adjourned at 11:02 a.m.

Respectfully submitted,
Peggy Adair, Secretary



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>

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