



THE

# AFCON

SENTINEL



Volume IX, Number 4

A Quarterly of the Academic Freedom Coalition of Nebraska

December 16, 2005

## AFCON OFFICERS

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### Purpose:

To promote academic freedom, defined as intellectual freedom in educational and research contexts. This includes freedoms of belief and expression and access to information and ideas.

## MESSAGE FROM THE PRESIDENT—David Moshman

Here in the lame duck days of my AFCON presidency, my awesome presidential powers inexorably waning, I look back at another year in which AFCON failed, once again, to create a permanent utopia of academic freedom throughout the state of Nebraska.

But things could be worse. On a recent trip to St. Louis, where I was invited to discuss academic freedom with the faculty of Webster University, I learned that gambling there takes place on riverboats in order to get around the law against gambling in Missouri. I later learned that this has more to do with academic freedom than one might think. Prior to the Civil War, when it was illegal to educate black children in the state of Missouri, underground "freedom schools" provided the education that the state forbid. And one creative advocate for academic freedom, a former slave, founded a school for black children that met, legally, on a riverboat.

Today we advocate for academic freedom under the pall of *Hazelwood*, the infamous 1988 decision of the U.S. Supreme Court that has undermined the First Amendment basis for intellectual freedom in all aspects of elementary and secondary education, and to a large extent,

in higher education as well. Infringements on the rights of students and faculty that would once have been struck down by courts are now routinely upheld.

But this is not the end of academic freedom. We still can, and do, advocate for intellectual freedom at all levels of education. There are still students who pursue ideas of their own, teachers who present what they think students need to hear, researchers who pursue what they think needs to be known, and administrators and governing board members who promote and defend liberty in teaching, learning, and inquiry.

Even in the era of *Hazelwood*, we should remember that things could be, and have been, worse. Whatever the state of academic freedom it always remains possible to make progress. Recognizing the reality that academic freedom is never fully and finally won, we should also recognize the reality that it is never fully and finally lost. There is always something to be done. There are always riverboats to be built.

As for me, however, that's the year and I'm outta here. If you've been censored, indoctrinated, or otherwise intellectually violated, go see Bob Haller.

**THE AFCON WEB SITE: <http://www.AFCONEbr.org>**

**Check it out; learn Who We Are and about Our Activities; read our Constitution; discover how to Join Us; see the where and when of our Meetings; meet our Members and Officers; study our Publications, Principles, and Statements**

## Upcoming Events

AFCON Board Meetings: January 14, 2006; February 11, 2006; March 11, 2006  
Loren Eiseley Library, 1530 Superior, Lincoln, Nebraska; 10 AM

## Summaries of AFCON Board of Directors' Meetings—Karen Buckley

### September, 2005—

President Dave Moshman brought the meeting to order at 10:12 a.m. Minutes of the July 9, 2005 board meeting were distributed by e-mail and were approved without dissent.

The treasurer's report showed \$2165 in account with 34 individuals and 17 organizational members in good standing (dues current). Approved unanimously.

Copy deadline for the December 16 issue of the Sentinel will be Nov. 21. Copies of the Sept. 16 Sentinel were distributed.

President's Report: Moshman reported that Michael Baker of Lincoln East High School has met with several administrators regarding his request to continue teaching history in reverse chronological order. Following his meeting with Dr. Marilyn Moore, associate superintendent for instruction, Baker is teaching history chronologically during the first semester. A decision is pending regarding second semester. Moshman plans to write a letter requesting the decision be made in regard to the best interest of the students.

Banned Book Week: Laurie Lee distributed fliers for Banned Book Week. AFCON will kick off Banned Books Week Saturday, September 24 with activities from noon until 5 p.m. at Eiseley Branch Library, Lincoln. Three panel discussions are scheduled. Other activities will include readings from "challenged books" and interactive displays.

The AFCON annual meeting will be Saturday, November 5 at the Downtown Holiday Inn in Lincoln and will feature a panel discussion on the evolution/creationism controversy by: Barbara Baier, Lincoln Board of Education member; Linda Geisert, Lincoln High School science teacher; Monte Jones, a former science teacher in the public schools

who now teaches Anatomy/Physiology and Bible at Lincoln Christian School; Garrick Little, PhD. in organic chemistry, employed by a biotechnology company involved in DNA sequencing who believes in the Gospel and is interested in Christian apologetics; and Clay Farris Naff, an award winning-community activist and author and the executive director of Nebraska Citizens for Science.

After discussing whether to increase the cost of the luncheon (since AFCON has underwritten some of the cost in the past) from \$10 to \$15, board members decided to leave the cost at \$10, because that was the price mentioned in the September 16, 2005 Sentinel. The meeting is open to the public, and those wishing just to hear the panel without having lunch may do so for free.

Board members voted to present AFCON's annual Academic Freedom Award to Sam Walker, the recently retired UNO criminal justice professor who has been an outspoken critic of the Afghan studies program and hiring practices at UNO. Moshman described Walker as a staunch defender of academic freedom and free speech, who has published the definitive history of the ACLU. Walker has served on state and national boards of the ACLU.

Dick Herman and Jim Bunstock volunteered to serve on the nominating committee to present a slate of officers at the annual meeting.

The November board meeting will be held following the general meeting, November 5, at the Downtown Holiday Inn, Lincoln, in lieu of meeting the regular time, November. 12.

### October 8, 2005—

Acting president Bob Haller called the meeting to order at 10:18 a.m. with the following members present: Dwayne Ball, Tom Black, Karen Buckley, Joanne Chapuran, Nancy Comer, Bob Haller, Dick Herman, Laurie Lee, Cathi McMurty and Doug Paterson. Minutes of the September, 10 board

meeting were distributed and approved. Treasurer's report showed \$2165.37 in account, with 36 individuals and 17 organizational members. Approved.

Newsletter: Copy deadline for the December 16 issue of the Sentinel will be Nov. 21. Black reported that he had received an e-mail from the University of Tulsa Law Review. Requesting an article Moshman had written on pornography which had appeared in a 1993 Sentinel issue.

Banned Book Week: Lee thanked everyone for their help. Collaboration with the ACLU and Nebraska Library Association proved to be a good experience. Lee thought AFCON should consider collaborating with Lincoln City Libraries in the future.

Annual Meeting: The AFCON annual meeting will be Saturday, Nov. 5 at the Downtown Holiday Inn in Lincoln. Schedule of events: 9:30 a.m. Registration and rolls; 10 a.m. Panel (Evolution, Creation and Academic Freedom); 12 noon Lunch; 1 p.m. Annual Meeting, including presentation of Annual Academic Freedom Award to Professor Samuel Walker, UNO and report of the Nominating Committee.

Nominating committee: Herman reported that the nominating committee proposes the following slate of officers: president-elect: Doug Paterson; secretary, Karen Buckley; "treasurer for life." Cathi McMurty. Board members voted to present the nominating slate at the general meeting. Ballots will then be mailed.

Membership: Chapuran requested help staffing an AFCON table at the Nebraska High School Press Association state conference Oct. 17 at the UNL Student Center. Chapuran and Moshman will be part of a panel presentation on the high school press and the First Amendment. She distributed copies of her survey on self-censorship by high school newspaper advisors, a summary of results and advisors' comments. (Continued to Page 3.)

## Summaries of AFCON Board of Directors' Meetings (Continued from Page 2)

Chapuran would like to see AFCON support efforts to obtain legislative protection for student newspapers in Nebraska. This issue will be discussed at the Dec. 10 meeting.

Cases/Issues: Haller presented a Wall Street Journal article, brought to his attention by Herman, regarding a serious attempt in Congress to pass David Horowitz's Academic Bill of Rights, which has passed as a non-binding resolution in its first Congressional committee.

New Business: If a donation has not been made for this year's campaign, McMurtry will send a \$25 check to the "Harvest of Books."

### AFCON Annual Membership Meeting, November 5, 2005—

The membership meeting followed a panel presentation and lunch, beginning at 10 a.m. The panel presentation, entitled "Evolution, Creation, and Academic Freedom," featured Barbara Baier, Lincoln Board of Education member; Linda Geisert, science teacher at Lincoln High School; Monte Jones, Lincoln Christian School teacher; Garrick Little, Li-Cor employee; and Clay Farris Naff, executive director of Nebraska Citizens for Science. Dave Moshman served as moderator, with more than 50 persons in attendance for the presentation.

President Moshman brought the meeting to order at 1 p.m. with the following members and guests present: Peggy Adair, Dwayne Ball, Amy Birky, Tom Black, Karen Buckley, Jim Bunstad; Joanne Chapuran, Nancy Comer, J. Eileen Durgin-Clinchard, Bob Haller, Dick Herman, Monte Jones, Mel Krutz, Laurie Thomas Lee, Cathi McMurtry, Dave Moshman, Jane Neal, Doug Paterson, Marguerite Paterson, Leslie J. Seymore.

Minutes: Dwayne Ball distributed minutes from the November 6, 2004, annual membership meeting.. Motion

to approve: Haller; Herman seconded. The minutes were approved without dissent.

Treasurer: McMurtry distributed copies of the annual treasurer's report, which showed AFCON has \$1,487.99 as of November 5, with 35 individual members and 17 member organizations. Motion to approve: Adair. Second: Herman. Approved without dissent.

Newsletter: (Black) Copy deadline for the December 16 issue of the Sentinel will be Nov. 21.

Nominating committee: The nominating committee of Herman and Bunstad presented the following slate of officers for the December ballots: president-elect: Doug Paterson; secretary, Karen Buckley; "treasurer for life," Cathi McMurtry. Ballots will be mailed in December.

Adjournment: Moshman adjourned the general meeting at 1:30 p.m.

### November 5, 2005—

President Moshman brought the AFCON Board of Directors to order at 1:33 p.m. with the following members and guest present: Peggy Adair, Dwayne Ball, Amy Birky, Tom Black, Karen Buckley, Jim Bunstad, Joanne Chapuran Nancy Comer, Bob Haller, Dick Herman, Mel Krutz, Laurie Thomas Lee, Cathi McMurtry, Dave Moshman, and Doug Paterson,

First item of business was the case of Michael Baker, who had requested AFCON's assistance in his quest to continue teaching American History in reverse chronological order. Baker has received a letter from LSP Assistant Superintendent Marilyn Moore directing him to continue teaching his history courses in the traditional (i.e. chronological order) method, as he has been directed to teach first semester. Because Baker was out of town, Moshman was unsure if he still wanted AFCON support. The board has previously au-

thorized Moshman to write a letter or otherwise support Baker and Moshman said he is willing to do this, while being respectful of Dr. Moore's response. He will e-mail board members with a draft of a letter, if Baker wants such a letter written, so board members might weigh-in with final feedback.

The second issue Moshman addressed involves a group of UNL students who collectively spelled out "OKLAHOMOS" when they attended the UNL-OU football game. The students were warned by stadium police that they would be expelled from the game if they stood up and called attention to the lettering they were wearing. The students did stand up and were promptly expelled. This incident has been forwarded to the director of student judicial affairs and has been the subject of inter-university e-mails. After some discussion, it was decided that if there were academic consequences (such as suspension or expulsion), the action would become an academic freedom issue as a violation of free speech. Otherwise, AFCON would not need to be involved.

Joan Birnie, president of the Nebraska Library Association, said Jodene Glaesmann will be the new NLA representative on the AFCON board.

Board members discussed the possibility of e-mailing ballots rather than sending them in the mail. Since AFCON by-laws state that ballots be mailed in December, the by-laws would need to be amended. The matter was tabled for further discussion at a summer meeting, which would allow a change in by-laws to be presented at the 2006 general meeting for a vote.

Moshman adjourned the meeting at 2 p.m. The next meeting will be at 10 a.m. Saturday, December. 10 at Eiseley Library.

## “Resolved: That states adopt the Academic Bill of Rights (US Congress, HR 318) as proposed by David Horowitz.”

### POINT-COUNTERPOINT!

This feature is a debate between two members of the AFCON Board, Doug Paterson and Dwayne Ball, regarding the Academic Bill of Rights (henceforth ABOR) that has been promoted (so far unsuccessfully) by David Horowitz in 15 state legislatures and in a bill now before the US Congress (HR 318). The ABOR has been the subject of considerable debate, not only in legislatures, but within universities. We hope our debate will shed a little light on the issues that have arisen with the ABOR. A copy of the ABOR is appended to this debate. Dwayne will take the affirmative side and Doug the negative, on the resolution: “Resolved: That states adopt the Academic Bill of Rights as proposed by David Horowitz.”

**Dwayne:** Doug, thanks for this opportunity to discuss the ABOR. At first glance, it appears to be an entirely reasonable document that advocates traditional concepts of academic freedom, including freedom of the faculty from legislative pressure. Who could argue with that? Yet, it is almost invariably Republicans that introduce the bill, and Democrats who oppose it. That suggests hidden political agendas. The hidden agenda *against* the ABOR is that, by demanding actual observance of academic freedom instead of lip service, it threatens the hegemony of the academic left over universities. It threatens their power to purge faculty and students who are not orthodox politically correct through speech codes, hiring practices, administrative procedures, etc., that have become depressingly common on US campuses in the past 20 years.

**Doug:** Dwayne, I in turn appreciate the opportunity to discuss the ABOR. First, I want to say that I do not want to speak as a Democrat or for Democrats. I am a progressive, indeed a radical progressive, and much of my politics addresses issues of class, privilege, and oppression. My comments will focus on several areas. (1) A question: Why would the American right wing, known for McCarthyism, enemies lists, research restrictions, recently more retaliation against enemies, and endless list of campaigns against groups of people (women, people of color, non-Americans – eg, the French – and gays and lesbians) suddenly be interested in some kind of “diversity” of educational perspectives? The word “agenda” comes to mind; (2) My belief that all education is political, which to me means “power”, and that, like the National Association of Manufacturers (Conservative), National Chamber of Commerce (Conservative), talk radio (Conservative), World Evangelical Alliance (Conservative plus), and the US government in the past thirty years (Conservative), politics within educa-

tion is a part of and essential to its character; (3) Furthermore, my belief that all areas of study have deeply ingrained politics within them and require political analyses; (4) Students are adults and to treat the entire population of students as if they were children and/victims, illiterate of political analysis, is unfair; and (5) Education is intrinsically progressive because it advocates doubt, challenges to authority, attention to documentable facts, broad secularity, expansion of democratic enfranchisement, and indeed as the ABOR would advocate, the free exchange of ideas. I contend that the history of the right wing in the US reveals an approach to ideas that ranges from suspicious to unalterably opposed to each of these qualities. The agenda I imagine is to use the ABOR document to establish something like those dreaded “quotas” for conservative professors on campuses when they are in the severe minority in higher education, or in education in general.

**Dwayne:** Doug, it’s refreshing to see an academic leftist admit he believes education is political, and that his ideas should, by right, dominate. This makes our argument simpler, devoid of the usual tortuous twisting that the academic left uses to argue against ABOR and yet pretend support of academic freedom. We agree: it’s about power. The academic left has nearly all of it, and the ABOR is designed to keep the inevitable corruption of power in some kind of check. Read what it says: faculty will be hired, fired, and promoted on the basis of competence, not politics. Students will be graded on competence, not politics; professors will not use their classrooms to advance their personal political agendas. What, exactly, do you disagree with about that?

**Doug:** Well, Dwayne, I’m nothing if not refreshing. But you misread. The left definitely does not dominate because they “should,” but because they do. The left thinks, analyzes, researches, doubts, promotes education everywhere, champions diversity, cultivates dialogue, desires debate. Conservatives simply don’t care about those things. Moreover, the US right-wing, I suggest, promotes and always has promoted an ideology of supremacy. White, male, straight, Christian, rich, English-speaking, American! – whatever the power card, that’s what the right, and the Republican Party (not Republicans per se) are about. No debate necessary. Why? Because – the great argument of the right – it’s “common sense.” So I hear in your argument that this Horowitz document is “common sense.” Who could disagree with that? I do, especially from Horowitz, but I need another chunk of time and am returning the ball to your court.

(Continued to Page 5.)

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## Academic Bill of Rights Debate (Continued from Page 4.)

**Dwayne:** I've never thought there was anything wrong with being White, male, etc., although I fail two of your criteria. In fact, I rather like being White, male, etc. – but I'm sure I'd also like being whatever else I might have been born to be or made of myself. Nor can I credit the notion that only the left knows how to think critically, teach, and do research, which are what faculty do. I'm sorry, but that's simply not true. But it also isn't what the debate is about. It's about the ABOR. I have to put the ball back in your court, Doug. I repeat: please point to those specific items in the ABOR, printed below, that are objectionable to you.

**Doug:** They aren't objectionable, Dwayne, because they are already outlined in the By Laws of the Board of Regents of the State of Nebraska. They prohibit political ideology from conditioning student evaluation and faculty promotion and tenure. That's my point. Why would the right want to do this so vociferously when virtually all state institutions have just these injunctions? Because there's an agenda here. First, it's like a loyalty oath, useful only for punishing dissent, like mine. Further, it's similar to the abortion issue. Conservatives hate abortion but have been able to let the "holocaust" go for over thirty years because it was a vote getter. Same here. Horowitz wants votes, and a way to bludgeon liberal professors, not in terms of some legal By Laws, but with the hammer of a conservative "cause".

**Dwayne:** Let me try to recapitulate your position, Doug, since your last shot is coming up. First, you say there's nothing objectionable about the ABOR. But, you oppose it. *Actual enforcement* of injunctions against politicized grading, hiring, and firing in academe seems to be what you oppose. The only conclusion I can draw here is that you actually *support* politicization, as long as it is controlled by the Virtuous Left. That would certainly fit with statements you've made, above, and would mean you support the continuance and expansion of speech codes, politicized classrooms, ideological hiring and firing, witch hunts, and all their other pet projects. The ABOR, however, if adhered to, would prevent those projects from either side; you'd rather not do that. Am I correct?

**Doug:** Recapitulatedly Correct? No, of course not. Thanks for the "virtuous" tag, but I'll leave the assigning of that to Bill Bennett and other right-wing virtue- and gambling-addicts. In getting to know you, Dwayne, I know you believe that there are multiple examples of the persecution of the right on campus. I just don't see it, frankly. And here we are going to be stuck with our respective anecdotes. I know of Sociology and Poli-Econ departments that were purged of their lefties in the seventies as the tide of progressivism began to ebb. And in turn I am sure you know of your examples. The point is, and you are right, these ideology-based actions should not happen on campuses, by-

laws prohibit it, and laws -- by- or not -- must be enforced. At best, the ABOR reiterates standard practice and I know it's because Horowitz, and the right, has an agenda for campuses. As I listen to Ingram, Horowitz, Savage, Limbaugh, Libby, Schlessinger, Beck, Scarborough, Murdoch, Robertson, Hannity, Malkin, and anything Fox, I have a feeling the agenda is not for universities to be fair and balanced. (Oh, I almost forgot: Viva la revolucion! Yee ha!)

**Dwayne:** I think you've arrived a bit late at the revolution, Doug, if you mean the leftist academic takeover. That train left the station two decades ago and ran over academic freedom on its way out. Hence, your examples of leftists being purged are 35 years old. My examples of rightists being purged and suppressed are fresh. Read the last two years' worth of the Sentinel – including this issue – for all the examples you could desire. If you "don't see it, frankly," you just aren't looking. Denial, demonizing the messengers, and agreeing to freedom in principle while stonewalling in practice: all of these are the usual ways that the academic left, like any power block, denies rights to others. Happily, we agree that the principles of academic freedom embodied in the ABOR should be enforced. They will be enforced only for the benefit of the academic left, however, until a force outside the academy steps in, a necessity that I greatly regret.

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The copy of the Academic Bill of Rights, reprinted on the following pages, is from the student organization initiated by David Horowitz: the Students for Academic Freedom. <http://www.studentsforacademicfreedom.org/abor.html>.

NOTE: AFCON has not taken a position on the Academic Bill of Rights.

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## The Academic Bill of Rights

### I. The Mission of the University.

The central purposes of a University are the pursuit of truth, the discovery of new knowledge through scholarship and research, the study and reasoned criticism of intellectual and cultural traditions, the teaching and general development of students to help them become creative individuals and productive citizens of a pluralistic democracy, and the transmission of knowledge and learning to a society at large. Free inquiry and free speech within the academic community are indispensable to the achievement of these goals. The freedom to teach and to learn depend upon the creation of appropriate conditions and opportunities on the campus as a whole as well as in the classrooms and lecture halls. These purposes reflect the values--pluralism, diversity, opportunity, critical intelligence, openness and fairness--that are the cornerstones of American society.

### II. Academic Freedom.

1. The Concept . Academic freedom and intellectual diversity are values indispensable to the American university. From its first formulation in the General Report of the Committee on Academic Freedom and Tenure of the American Association of University Professors, the concept of academic freedom has been premised on the idea that human knowledge is a never-ending pursuit of the truth, that there is no humanly accessible truth that is not in principle open to challenge, and that no party or intellectual faction has a monopoly on wisdom. Therefore, academic freedom is most likely to thrive in an environment of intellectual diversity that protects and fosters independence of thought and speech. In the words of the General Report, it is vital to protect "as the first condition of progress, [a] complete and unlimited freedom to pursue inquiry and publish its results." The Concept . Academic freedom and intellectual diversity are values indispensable to the American university. From its first formulation in the General Report of the Committee on Academic Freedom and Tenure of the American Association of University Professors, the concept of academic freedom has been premised on the idea that human knowledge is a never-ending pursuit of the truth, that there is no humanly accessible truth that is not in principle open

Because free inquiry and its fruits are crucial to the democratic enterprise itself, academic freedom is a national value as well. In a historic 1967 decision ( *Keyishian v. Board of Regents of the University of the State of New York* ) the Supreme Court of the United States overturned a New York State loyalty provision for teachers with these words: "Our Nation is deeply committed to safeguarding academic freedom, [a] transcendent value to all of us and not merely to the teachers concerned." In *Sweezy v. New Hampshire*, (1957) the Court observed that the "essentiality of freedom in the community of American universities [was] almost self-

evident."

2. The Practice . Academic freedom consists in protecting the intellectual independence of professors, researchers and students in the pursuit of knowledge and the expression of ideas from interference by legislators or authorities within the institution itself. This means that no political, ideological or religious orthodoxy will be imposed on professors and researchers through the hiring or tenure or termination process, or through any other administrative means by the academic institution. Nor shall legislatures impose any such orthodoxy through their control of the university budget.

This protection includes students. From the first statement on academic freedom, it has been recognized that intellectual independence means the protection of students - as well as faculty - from the imposition of any orthodoxy of a political, religious or ideological nature. The 1915 General Report admonished faculty to avoid "taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive opinion of his own." In 1967, the AAUP's Joint Statement on Rights and Freedoms of Students reinforced and amplified this injunction by affirming the inseparability of "the freedom to teach and freedom to learn." In the words of the report, "Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion."

Therefore, to secure the intellectual independence of faculty and students and to protect the principle of intellectual diversity, the following principles and procedures shall be observed.

These principles fully apply only to public universities and to private universities that present themselves as bound by the canons of academic freedom. Private institutions choosing to restrict academic freedom on the basis of creed have an obligation to be as explicit as is possible about the scope and nature of these restrictions.

1. All faculty shall be hired, fired, promoted and granted tenure on the basis of their competence and appropriate knowledge in the field of their expertise and, in the humanities, the social sciences, and the arts, with a view toward fostering a plurality of methodologies and perspectives. No faculty shall be hired or fired or denied promotion or tenure on the basis of his or her political or religious beliefs.

2. No faculty member will be excluded from tenure, search and hiring committees on the basis of their political or religious beliefs. (Continued to Page 7.)

**The Academic Bill of Rights**  
(Continued from Page 6.)

3. Students will be graded solely on the basis of their reasoned answers and appropriate knowledge of the subjects and disciplines they study, not on the basis of their political or religious beliefs.

4. Curricula and reading lists in the humanities and social sciences should reflect the uncertainty and unsettled character of all human knowledge in these areas by providing students with dissenting sources and viewpoints where appropriate. While teachers are and should be free to pursue their own findings and perspectives in presenting their views, they should consider and make their students aware of other viewpoints. Academic disciplines should welcome a

diversity of approaches to unsettled questions.

5. Exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty. Faculty will not use their courses for the purpose of political, ideological, religious or anti-religious indoctrination.

6. Selection of speakers, allocation of funds for speakers programs and other student activities will observe the principles of academic freedom and promote intellectual pluralism.

7. An environment conducive to the civil exchange of ideas being an essential component of a free university, the obstruction of invited campus speakers, destruction of campus literature or other effort to obstruct this exchange

will not be tolerated.

8. Knowledge advances when individual scholars are left free to reach their own conclusions about which methods, facts, and theories have been validated by research. Academic institutions and professional societies formed to advance knowledge within an area of research, maintain the integrity of the research process, and organize the professional lives of related researchers serve as indispensable venues within which scholars circulate research findings and debate their interpretation. To perform these functions adequately, academic institutions and professional societies should maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers on questions within, or outside, their fields of inquiry.

**University Reports** by Dwayne Ball

Sources are the *Chronicle of Higher Education* (CHE,) the newsletters of the Foundation for Individual Rights in Education (FIRE,) and various newspapers and other sources as noted.

**FREEDOM OF SPEECH ON CAMPUS**

KC Johnson, professor at Brooklyn College School of Education (SOE), is under investigation by a “faculty integrity committee.” His crime was to openly criticize the SOE for requiring that faculty evaluate students not only on their academic ability, but also on their commitment to social justice (as defined by the college). This demand for evaluation of social opinions as a condition for passing courses follows “disposition theory,” the notion that future teachers must hold certain opinions on political matters. (FIRE newsletter, Sept. 8, 2005). After negative publicity generated by FIRE, Johnson was told there would be no investigation (FIRE newsletter, Sept. 14, 2005).

Washington State University School of Education also uses “dispositions theory” as the basis for evaluating their students’ commitment to “social justice” and “diversity.” Student Ed Swan wrote an essay requested by one of his professors, who posed the questions, “What do you

really feel?” and “What makes you feel uncomfortable in class?” Swan wrote, among other things, that he believed that white privilege and male privilege do not exist, was uncomfortable when they were asserted as received wisdom, and that he opposes gun control. That seemed to set a cat amongst the pigeons, because Swan was told he would be expelled if he did not change his mind, sign an oath to that effect, and take “diversity training.” Under negative publicity generated by FIRE, these requirements were dropped and WSU agreed not to use dispositions theory to evaluate students, but later public statements by administrators have cast doubt on their resolve to reform themselves. (FIRE newsletters of Sept. 21 and Oct. 12, 2005).

Two accrediting agencies for university social work programs, the National Council for Accreditation of Teacher Education and the Council on Social Work Education, ask that universities desiring accreditation rate their social work students on their commitments to

“social justice.” The National Association of Scholars has asked the Justice Department to investigate these agencies for violations of the free speech clause of the First Amendment (CHE, November 2, 2005).

The American Association of University Professors (AAUP) has sharply criticized Stevens Institute of Technology (New Jersey) for proposing an institutional code of ethics that would bar faculty from commenting on university issues to the press without permission of the university. There has been disagreement between the faculty and the administration regarding how to deal with financial exigencies and other administrative matters, and the administration is effectively proposing a gag order on the faculty (CHE Sept. 30, 2005).

The University of Colorado Health Sciences Center demoted tenured professor of medicine Richard W. Scarier from his position as department chair. He had criticized the university’s planned move  
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**University Reports**

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to Aurora, a suburb of Denver. He sued, claiming his first amendment rights were violated. A three-judge panel ruled that, as a public employee, he had spoken on a "matter of public concern," which protects public employees from retaliation. However, they also ruled that he was unlikely to win his case, since he was, in their opinion, attempting to interfere with the legitimate business of the university (CHE November 3, 2005).

**ACADEMIC FREEDOM IN CAMPUS LIBRARIES**

The ACLU is challenging the FBI's demand for library patron records at the University of Connecticut, filing in US District Court in Bridgeport on August 9, 2005. An unidentified member of the American Library Association (which could be a library employee or a member of a library service organization) is standing as plaintiff. The FBI demand was made via a national security letter under a provision of the Patriot Act, which allows government agents to demand such records and denies the library the opportunity to tell anyone that they have been demanded or provided (CHE, August 29, 2005). The Patriot Act is currently up for revision and reauthorization by the US Congress.

**ACADEMIC FREEDOM IN THE CLASSROOM**

Quoting from the Chronicle of Higher Education of Sept. 23, 2005: "An Ohio lawmaker has dropped legislation that would have protected students who hold unpopular beliefs from bias and prevented professors from discussing controversial topics unrelated to their courses. State Sen. Larry A. Mumper, a Republican, withdrew the bill after the Inter-University Council of Ohio, which represents the state's 13 public colleges and 2 medical schools, agreed to adopt a resolution urging colleges to respect the opinions of students and faculty members and not to judge them on their political beliefs. The resolution, based

on a statement adopted this summer by the American Council on Education, also calls on colleges to create grievance procedures for students and instructors who feel mistreated because of their views."

Arizona State University had certain sections of freshman English classes open only to Native Americans. They offered a different learning experience than the other sections of freshman English. ASU had similar enrollment conditions in 2002 for a Navajo History class, which was the object of strong negative publicity by FIRE. The earlier history classes were integrated, and the negative publicity generated by FIRE over the freshman English classes caused those classes to be integrated as well (FIRE newsletters of 10/5/05 and 10/10/05).

**FREEDOM OF ASSOCIATION ON CAMPUS**

Quoting from the CHE of August 30, 2005: "Southern Illinois University at Carbondale cannot deny official university recognition to a campus Christian group, according to a preliminary injunction issued by the United States Court of Appeals for the Seventh Circuit. University officials had revoked the Christian Legal Society's university privileges last semester after deciding that the group's stance on homosexuality violated anti-discrimination laws."

Quoting from the CHE of September 7, 2005: "Arizona State University will return official recognition to a Christian law-student group and allow it to limit its membership to students who uphold conservative Christian beliefs in their sex lives, as long as it does not discriminate on any other prohibited basis, according to a settlement reached last week between the group and the university."

At the University of Wisconsin-Eau Claire, the resident assistants in the student dormitories have been recently prohibited from holding prayer meetings on their own time in their rooms, on the grounds that it might make non-religious students uncomfortable in seeing them about a problem. When confronted by the free speech implications of this ruling, the university declared that RA's

were now prohibited from recruiting students for, or organizing or leading students in, any activity whatsoever, even on their own time. Well, there goes those Ultimate Frisbee games! (FIRE newsletters of Nov. 2 and Nov 14, 2005).

At SUNY-Albany, the student government uses a referendum to decide which student organizations will get a portion of the mandatory student fees. In other words, if your student group is popular, it gets money; if it is unpopular, it doesn't. Two conservative students sued over the use of their money to fund organizations with whose viewpoints they disagreed. Judge David Hurd of the US District Court in Utica, New York, struck down the referendum practice, citing a 2000 precedent involving the University of Wisconsin at Madison that such decisions about funding student organizations must be viewpoint-neutral. In addition, he made the university give the two students their student fees back (CHE November 11, 2005).

**FACULTY EMPLOYMENT RIGHTS**

The Cardinal Newman Society, a conservative Catholic Organization, has called for the firing of 18 faculty members at Catholic universities who argued publicly for the removal of Terri Schiavo's feeding tube. Schiavo was the cause celebre of both the right-to-die and right-to-life movements earlier this year. The Cardinal Newman Society sent a letter to 75,000 people in August demanding the termination of those faculty, whose names and positions were provided in the letter (CHE, August 18, 2005).

Dawn Saunders, a visiting professor at the University of Vermont from 1995 to 2003, became active in faculty union organizing. When she was given a sabbatical in 2003, the University informed her that she would be given a one-semester contract at the end of it, and that it would not be renewed. She contends this is entirely due to her union activities, not her record (CHE, August 22, 2005) (Continued to Page 9.)



**FOR SALE BY AFCON**

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Note cards with a Paul Fell design with the wording "When all Books are Banned, see the Book— \$1.00;" \$1.50 or a packet of four for \$5.00. Packaging and postage: \$0.75 per packet.

Reader's Theatre Script (a booklet,) entitled TANGLED ISSUE: Student Freedom of Expression. \$10.00 buys the booklet and all production rights, including rights to copy parts. \$3.00 for postage and packaging.

**REQUEST FOR NEWS FOR FUTURE ISSUES**

The editor of the AFCON SENTINEL invites all AFCON individual and organizational members to send news about academic freedom issues in Nebraska or editorial comments for inclusion in this newsletter and/or announcements of organizational meetings for the UPCOMING EVENTS column.

Due date for submissions to the **March 17, 2006**, issue is **February 22, 2006**.

**AFCON SPEAKER'S BUREAU (As of December 2004)**

Dwayne Ball: "Threats to Academic Freedom at Universities"

adball@alltel.net

Linda Beckstead: "Freedom of Student Press Issues"

BecksteadL@aol.com

Bob Haller: "Free the Students! Why Higher Education Needs a New Movement" and "How Books Can Harm You: Lessons of the Censors"

rhaller1@unl.edu

David Moshman: "Principles of Academic Freedom"

dmoshman1@unl.edu

John Bender and David Moshman: "Student Freedom of Expression/Student Rights"

bender@unl.edu

dmoshman1@unl.edu

Mark Weddleton and Laurie Thomas Lee: "Implications of the USA Patriot Act"

mark@weddleton.com

llee1@unl.edu

Presentation of the Readers' Theatre production of A Tangled Web: Student Freedom of Expression (a cast of adults and students)

**University Reports**

(Continued from Page 8.)

Professor Ward Churchill, of the University of Colorado, is being investigated by the university's Standing Committee on Research Misconduct on charges of "plagiarism, misuse of others' work, and falsification and fabrication of authority." Mr. Churchill claims this is a "fishing expedition" to uncover anything that might be used to discredit or fire him, based on the animosity generated by his 2001 publication of statements comparing those who worked in the destroyed World Trade Center to Nazis. Mr. Churchill, who was hired to teach without a doctorate, claims Native American ancestry, but this is disputed. (CHE Sept. 12, 2005).

William C. Bradford, an associate professor in the School of Law at Indiana University-Purdue University

at Indianapolis, is up for tenure and unlikely to get it, he believes, despite legal scholarship more substantial than many tenured faculty. A veteran, he supports the war in Iraq. Even though he is a Chiricahua Apache, he refused to sign a petition pushed by some of his tenured colleagues in support of alleged Native American Ward Churchill (see above). For this he was declared "non-collegial" by the petition circulator, a tenured professor. Mr. Bradford claims he will be denied tenure because he is conservative, and therefore "the wrong kind of Indian." (CHE, Oct. 28, 2005)

Most college and university presidents (53%) support the end of tenure. This result is according to the CHE's survey of 4-year college presidents. Results vary strongly by whether or not a college president has taught himself/herself: only 38% who came from the

teaching ranks support ending tenure, while 70% of those not from the teaching ranks would prefer to end it. Complaints by the presidents against tenure were that it was too hard to get rid of faculty who were lazy or incompetent, and too hard to get rid of troublemakers (CHE November 4, 2005).

**NON-DISCRIMINATION IN STUDENT ADMISSIONS AND FUNDING**

The US Department of Justice has announced it will sue Southern Illinois University over graduate fellowships reserved for minorities and women. The suit says that the University has "engaged in a pattern or practice of intentional discrimination against whites, non-preferred minorities, and males." The DOJ alleges that three fellowship programs violate Title VII of the Civil Rights Act of 1964.

# AFCON

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## ACADEMIC FREEDOM COALITION OF NEBRASKA

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### HELP AFCON PROMOTE ACADEMIC FREEDOM

As a member of AFCON, you can help us

- ◆ support applications of the First Amendment in academic contexts, including elementary and secondary schools, colleges, universities, and libraries.
- ◆ educate Nebraskans 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.
- ◆ assist students, teachers, librarians, and researchers confronted with censorship, indoctrination, or suppression of ideas.
- ◆ act as liaison among groups in Nebraska that support academic freedom.

**MEMBERSHIP** (To become a member, send dues, organization or individual name, address, and phone number to Cathi McMurtry, 515 N. Thomas Avenue, Oakland, NE 68045)

**Organizational Membership** (\$100) entitles the organization to one seat on the AFCON Board and one vote in the election of officers and at the annual meeting, and eligibility for office and chairing standing committees and provides newsletter subscription for the board member to share with the organization's information director and reduced rates to AFCON conferences for its members.

**Individual Membership** (\$10) provides newsletter subscription, eligibility for office and for chairing standing committees, reduced rates for AFCON conferences, and one vote at annual meetings.

**Student Membership** (\$5) entitles full-time students to the same privileges as provided by the Individual Membership.

**AFCON ORGANIZATIONAL MEMBERS, PLEASE DUPLICATE THIS NEWSLETTER FOR YOUR MEMBERS.  
INDIVIDUAL MEMBERS, PLEASE PASS THIS NEWSLETTER TO A FRIEND AFTER YOU HAVE READ IT.  
ENCOURAGE HIM OR HER TO JOIN AFCON**