



THE

# AFCON

SENTINEL



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A Quarterly of the Academic Freedom Coalition of Nebraska

June 21, 2003

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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—Laurie Lee

Part of my job in academia is to serve as chair of my college's review committee for the Institutional Review Board (IRB.) Unfortunately, the work associated with this position sometimes seems to fly in the face of the academic freedom rights I espouse as a member of AFCON.

Quite frankly, some faculty members and students automatically assume that the IRB consists of meddlesome bureaucrats who are trying to violate their academic freedom and interfere with or impede their research. I spend a lot of time trying to justify the purpose of the research reviews, but must admit there are some elements of prior restraint that deservedly raise eyebrows.

Federal law requires that universities and other institutions review and approve of research involving "human subjects." Essentially anyone in academia—including students working on theses—must file paperwork with the IRB requesting permission to conduct research intended for publication that involves human participants. This is understandable, given the deaths and other harmful events in unethical medical research in recent years. In fact, federal oversight of IRBs is becoming tighter.

Yet some contend that IRBs lean to-

ward regulatory excess and are trying to control all activities on campus. Indeed, IRBs have the power to reject research on the grounds that it may harm, discomfort, or invade the privacy of participants. The insular nature of their decisions can make some boards appear unaccountable.

Some scholars now complain that the current scope of IRB supervision is a manifestation of an extreme case of "mission creep," in that it presents a violation of First Amendment guarantees against prior restraint. The paperwork and scrutiny alone can be demoralizing to researchers who think that their institution does not trust them and can serve as a chilling effect on freedom of research through self-censorship. Indeed, I've known some faculty who have thrown up their arms in serious consideration of stopping their planned research when faced with IRB paperwork requirements and the possibility of rejection.

The fact of the matter is that IRBs can wield considerable authority. They also have quite a bit of flexibility under federal regulations and guidelines. One concern is that social science and qualitative research do not pose the same level of risk as medical, genetic, or

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## Upcoming Events

AFCON Board Meetings, July 12 and September 13, 2003  
Loren Eiseley Library, 1530 Superior, Lincoln, Nebraska; 10 AM

## Summaries of AFCON Board of Directors' Meetings—David Kubicek

**March 8, 2003—Minutes.** See [www.AFCONebr.org](http://www.AFCONebr.org) for the March minutes.

**April 12, 2003**—The treasurer reported a balance of \$1719.97

Marcia Miller said Arlene Rea is the new president of the Lincoln Education Association.

Peggy Adair reported on several Unicameral bills.

LB512 would prevent fetal tissue research by public institutions or state employees and would disallow grant funding to engage in fetal tissue research. It imposes civil/criminal penalties for acquiring, transporting, or transplanting fetal tissue. The bill advanced to general file but will probably go nowhere this year.

LB566 would create the offense of destructive research on a human embryo. The bill advanced to general file with civil penalties.

LB672 would require all school districts to install filtering software on school computers to restrict access to child pornography and other materials defined as obscene by law. The bill is in committee, but may be redundant because all school districts have filtering software as mandated by the federal Children's Internet Protection Act passed two years ago.

LB778 would require one statewide test in five grades and one assessment to be used statewide after the 2007-2008 year.

LB602—the Human Cloning Prohibition Act would make it a crime to clone a human being. The AFCON Board passed this policy statement: "Consistent with the tenets of academic freedom, the Academic Coalition of Nebraska supports medical research leading to therapeutic advances, including medical cloning research. AFCON is neutral on the issue of cloning human beings because this is not an academic freedom issue."

David Moshman reported that UNL responded to its budget crisis by cutting programs and tenured faculty without declaring financial exigency.

UNL is continuing to hire new faculty even as it lays off tenured faculty in other programs, which seems inconsistent with claiming a state of financial exigency and could lead to censure by the American Association of University Professors. Dwayne Ball will write an op-ed piece for the Lincoln Journal and the Omaha World-Herald.

**May 10, 2003**—The treasurer's report with a balance of \$1667.34 was accepted.

**Membership Reports.** Marcia Miller reported she will represent the Lincoln Education Association. Dave Moshman distributed flyers for the upcoming ACLU Bill of Rights Dinner. Barbara Cornelius reported on plans for the conference of the Nebraska Library Association. Dave reported on recent developments at UNL related to the termination of tenured faculty, including the Chancellor's initiation of a vote of the UNL Assembly that violates the procedural requirements for such a vote as specified in UNL bylaws. Dick Herman noted the political reality that most Nebraskans are unlikely to share the concerns of faculty about UNL violations of its bylaws. It was agreed that AFCON had played an appropriate role in this situation by publishing an article explaining the importance of tenure to academic freedom.

**Legislative Report.** With regard to LB 602, Peggy Adair proposed on the basis of a recent email discussion among several Board members the following revised version of AFCON's policy on human cloning: "The Academic Freedom Coalition of Nebraska opposes legal sanctions against therapeutic cloning, which is a type of medical research designed to improve human health and prolong human life but which cannot result in human reproduction." The Board approved the revised language, without dissent.

**Policy.** Dave reported on recent articles that assume the U.S. occupation of Iraq will enhance intellectual freedom in Iraq's schools and colleges, which have been relying on highly indoctrin-

ative books and curricula. He lamented the lack of attention to distinguishing actual enhancements of intellectual freedom from the simple replacement of one form of indoctrination with another.

He also noted the recent decision of a U.S. Court of Appeals that college student newspapers, unlike high school student newspapers, are protected by the First Amendment. He cautioned that, although the Court's decision not to extend Hazelwood to higher education is good for college students and faculty, it reinforces the unjustifiable assumption that the immaturity of high school students renders academic freedom irrelevant to secondary education.

**Old Business.** Laurie Lee distributed AFCON's recent column in the Lincoln Journal Star concerning the importance of tenure for academic freedom and thanked Dwayne for drafting and revising it. She also distributed AFCON's wonderful new pens. Barbara Cornelius reported that the new website, after a period of technical difficulties, will be fully functional within a few days. Barbara also distributed a draft of a new AFCON brochure and took note of several corrections and suggestions. Peggy reported on arrangements for AFCON to present its annual Academic Freedom Awards at the Nebraska Educational Media Association conference on Thursday, October 30, at Noon. It was tentatively agreed to hold AFCON's annual meeting that morning. Mel Krutz reported that AFCON's Banned Book Week Committee will meet to plan for this year's activities and that the NLA Intellectual Freedom Committee will be meeting later this month. With regard to the question of where to store the several boxes of AFCON materials that are used for conferences, Peggy Adair volunteered to check with the League of Women Voters, which might have space in its Lincoln office.

**New Business.** It was unanimously agreed to allocate \$70 for a full-page ad in the ACLU Nebraska Bill of Rights Dinner program.

**PRESIDENT’S MESSAGE—Laurie Lee**

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pharmaceutical research. Yet many IRBs attempt to apply the same requirements on qualitative studies as they do on medical or psychological experiments. Federal regulations specifically exempt six categories of research from formal IRB review. For example, public observations, oral histories, surveys, and interview studies are exempt as long as they do not collect information that could be harmful to people. Unfortunately, “exempt” status only means that the proposed research does not require full review by the Board; the researcher must still complete the tedious application process and receive approval.

All IRBs are different. I’m thankful to report that the UNL IRB has ultimately de-

nied only one application in all its years. And I would argue that our IRB does not come up with rules just to “keep itself in business.” There are certainly legitimate situations that exist where IRB approval should be sought so that research participants are protected from harm. Even in my area of journalism and survey research, I’ve seen studies where participants could feel harmed and consider suing. One never knows in this litigious society.

But when risk-averse IRBs around the country are tempted to protect their institutions over the interests of researchers and their human subjects, academic freedom is lost. IRB rules must be balanced with academic freedom to conduct research. Unfettered control by overzealous

IRBs over all academic research goes too far.

The AAUP has expressed concern about the development of paternalistic IRBs that impinge on academic freedom. They recommend that the exempt categories be expanded. Others suggest that some subject areas should simply be excluded.

It is not inconceivable that a constitutional challenge of the IRB rules as applied to some disciplines could result. AFCON should keep an eye on the “mission creep” as it affects academic freedom. Indeed, the AAUP has suggested that universities should devise a way of collecting systematic evidence about the effects of IRB reviews on faculty and students.

But of course that would have to pass IRB review, first.

**ANNUAL MEETING AND ACADEMIC FREEDOM AWARD LUNCHEON**

Mark your calendars for Thursday, October 30, 2003

AFCON will coordinate its Annual Meeting and the presentation of its Academic Freedom Awards with the Nebraska Library Association/Nebraska Educational Media Association 2003 Conference. The Conference will be held at the Holiday Inn Central, 72nd and Center Streets, in Omaha.

A panel discussion, open to the public, followed by an annual meeting is scheduled from 10:00 a.m. to noon.

At noon, AFCON members will join the Nebraska Educational Media Association for lunch and

will present the AFCON Academic Freedom Awards at that time.

An exhibitor's table with AFCON materials will provide conference participants opportunities to learn more about AFCON and pick up "Got Freedom?" AFCON pens.

A final schedule of events, the panel discussion topic and speakers, and cost will be in the September issue of the *Sentinel*. Reserve October 30, 2003, on your calendar now, before fall activities gobble up those little white squares.

This combined event is a great opportunity to increase visibility of AFCON and the work it does to support academic freedom in Nebraska. Many of the teachers who will be attending this conference may not be familiar with AFCON. This will be one moment in time to promote AFCON’s purpose and achievements.

DO plan to attend!

**Questions?**

Contact AFCON President-elect Peggy Adair, 402-334-5863, [pegadair@radiks.net](mailto:pegadair@radiks.net)

# A CAUTIONARY TALE ABOUT TENURE AT UNL

By Dave Moshman

(2003—With the University poised to begin dismantling its tenure system and the U.S. government involved in its most controversial war since Vietnam, the historical column below, which originally appeared in the *Lincoln Journal Star* in 1996, has once again become all too relevant.

—Dave Moshman)

University of Nebraska-Lincoln faculty hear from many sources that the tenure system must be reconsidered. We need to be more accountable, it is argued, to the people of Nebraska—who do, after all, pay our salaries.

Anyone who wonders what faculty life would be like without tenure need look no further than the history of our own university. Prior to the institution of tenure, faculty could be—and often were—fired by the administration or the Board of Regents because of their political views, their educational philosophies, or their stance on campus issues.

Perhaps the most egregious violation of academic freedom in Nebraska history was the extraordinary public hearing of 1918. Of the many people affected by this event, Harry K. Wolfe is probably the best known. Many UNL faculty are aware of Wolfe's critical early role in philosophy, psychology, and education at UNL. The tragic end of his career, however, is a less-told tale.

After receiving his undergraduate degree from the University of Nebraska in 1880,

Harry Kirke Wolfe earned a doctorate at the University of Leipzig (Germany) under the direction of the renowned Wilhelm Wundt. Returning to the University of Nebraska as a professor of philosophy, Wolfe was a pioneer in the application of psychology to education long before the University had either a department of psychology or a college of education. In 1895, he was instrumental in attracting George Washington Andrew Luckey to come to Nebraska to found the new Department of Pedagogy, the predecessor of what is now the Teachers College.

An early proponent of active learning, critical analysis, and lifelong inquiry, Wolfe encouraged students to form and justify their own ideas and highlighted the relevance of the new science of psychology to issues of human welfare. Over the course of his career, he founded one of the first psychological laboratories in the United States, actively encouraged student research, and inspired a number of undergraduate women who went on to earn doctorates and make major contributions to psychology and education.

In 1917, after the United States declared war on Germany, popular and political pressure was brought to bear on the University of Nebraska, as on universities across the country, to ensure that its faculty were adequately patriotic and its curriculum consistent with the war effort. In the spring semester of 1918, the Board of

Regents arranged a public hearing in the Law Building to consider charges of "hesitating, halting, and negative support of the government" against more than a dozen faculty, including Wolfe and Luckey, whose loyalty was suspect or whose courses were not sufficiently anti-German in ideology.

. . . . Support was not forthcoming. Newspapers across the state called for the University to "clean its house." The Governor concurred. The American Association of University Professors, then in its infancy, concluded that academic freedom did not protect the teaching of ideas that might undermine the war effort. The ACLU, established in 1920 as a direct result of the civil liberties violations of this era, did not yet exist. Chancellor Samuel Avery testified that there were indeed problems with Professor Luckey's "attitude."

The hearings lasted two weeks and generated intense publicity. One by one, before a panel of Regents and a large crowd of Nebraska citizens, the professors faced hostile questions about their patriotism and their teaching.

At the conclusion of the hearings, the Regents decided which of the accused faculty should be asked to resign. Luckey was among those whose resignations were demanded. Wolfe did not lose his job but was now publicly known as a teacher

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**A CAUTIONARY TALE**—David Moshman

(Continued from Page 4.)

whose classes undermined the patriotic values of Nebraska youth. Disgraced and humiliated, he died unexpectedly, apparently of a heart attack, six weeks after the verdicts.

In his last published article, which appeared the month of his death, Wolfe addressed the relation of education and individuality. "Society," he wrote, "should now be strong enough to do justice to the individual and not seek to crucify or to dwarf him. There is no institution in society worth preserving that cannot withstand all attacks of individual iconoclasts." "Too much obedience," Wolfe warned, "may ruin character, may dwarf the intellect, may paralyze the will of children and of adults."

In an age that takes tenure for granted, one assumes something like this couldn't happen here. As calls for accountability proliferate, however, we need to remember that it did happen here, and it could happen again.

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David Moshman is Professor of Educational Psychology at UNL. For a more detailed account, see "Harry Kirke Wolfe: Pioneer in Psychology" by Ludy T. Benjamin, Jr. (University of Nebraska Press, 1991). This column originally appeared in the *Lincoln Journal Star* on December 3, 1996.

**The Nebraska Storytelling Festival** is at the College of Saint Mary, Omaha, Nebraska, June 26-29. Internationally renowned storytellers and four regional tellers are featured. Refer to [www.nebraskastoryarts.org](http://www.nebraskastoryarts.org) or call 402-551-4532 for a brochure and additional information. There are seven great telling events plus thirteen workshops. The festival carries a G rating—for families and folks ages 4-05. "The best way to know another culture is from the inside out—through story."

LB 602—the Human Cloning Prohibition Act would make it a crime to clone a human being. The bill was bracketed until 1/7/04, meaning it has been held over until the next legislative session. In January 2004, it will start on general file as a 2003 priority bill, but once the next session begins, 2004 priority bills go to the front, and 2003 priority bills go to the back. At its May 10 Board meeting, AFCON approved this policy statement:

**The Academic Freedom Coalition of Nebraska opposes legal sanctions against therapeutic cloning, which is a type of medical research designed to improve human health and prolong human life but cannot result in human reproduction.**

**FOR SALE BY AFCON**

Send orders to Mel Krutz, 2625 Bluff Road, Seward, NE 68434-9801

T-shirts with a Paul Fell "banned books" design; Sizes M, L, XL, XXL, XXXL; \$15.00. Packaging and postage: \$2.00 each.

Note cards with a Paul Fell design; \$1.50; four for \$5.00. Packaging and postage: \$0.75 per packet.

Reader's Theatre Script of a TANGLED ISSUE: Student Freedom of Expression. \$10.00 buys the book with rights to duplicate the script and produce the play. Packaging and postage: \$2.00 each.

## AFCON SPEAKER'S BUREAU (As of December 2001)

Dwayne Ball: "Threats to Academic Freedom at Universities"  
3120 Jasper Ct., Lincoln, NE 68516  
adball@alltel.net

Linda Beckstead: "Freedom of Student Press Issues"  
611 North 42nd Street, Omaha, NE 68131  
BecksteadL@aol.com

Bob Haller: "Money Talks: Ideas in the Political Process" and "Religion, Intellectual Freedom, and the University"  
4000 S. 56th St., Lincoln, NE 68506  
rhaller1@unl.edu

John Bender: "The Nebraska Student Freedom of Expression Bill"  
3609 S. 20 St., Lincoln, NE 68508  
jrbender@unl.edu

David Moshman: "Principles of Academic Freedom" and "Student Rights"  
1901 Pepper Ave., Lincoln, NE 68502  
dmoshman1@unl.edu

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

### ADDRESS FOR THE AFCON WEB SITE

<http://www.AFCONebr.org>

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

### CHANCELLOR CUTS ENGLISH DEPARTMENT— A PARODY by David Moshman

**Lincoln, April 21.** In a tersely worded statement, Chancellor Harvey Perlman announced earlier today that the University of Nebraska-Lincoln was forced by the budgetary situation to eliminate its English Department. He said that, in keeping with UNL's famous commitment to its faculty, every effort would be made to find positions for as many of the affected faculty as possible.

Several hours later the University announced that it had found positions for most of the former English Department faculty in a newly created "Department of English." In response

to questions, the Chancellor said that positions had been found for all faculty except Professor Robert Haller, who was "not a good fit" with the new department. When asked how the two departments differed, the Chancellor responded.

"The difference can quite clearly be seen in that the work of a professor such as Robert Haller, which was of course highly valued to the English Department, would not be relevant in the Department of English—or maybe vice versa, but you see my point"

Reached at his office, Professor Haller said he was at that very moment

consulting with the President of the UNL AAUP. Meanwhile, University officials suggested that Precision Restructuring of Programs (PRP,) as applied to the case of the English Department, could also be useful in fields as diverse as economics, marketing, journalism, animal science, and educational psychology.

In a related development, Varner Hall announced a joint project with the Pentagon to develop a new generation of UltraSmart Bombs (USBs) capable of taking out the office of a specific faculty member without creating a chilling effect in the office next door.

### 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 **September 20**, 2003, issue is **August 25**, 2003.

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## TENURED FACULTY SHOULD NOT HAVE TO FEAR FOR THEIR POSITIONS

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By Laurie Thomas Lee

Faculty with tenure are going to be fired at the University of Nebraska-Lincoln. Well, so what? Lots of people are being laid off all over the country. Why should tenured university faculty be any different?

Let us explain just briefly what tenure means. It does not mean a lifetime job, regardless of performance. Faculty can be, and have been, fired for failing to do their jobs. Tenure means that a professor can't be fired for expressing a professional opinion or idea that people don't like. This is the concept of academic freedom, and tenure is an integral part of it. Tenure normally comes after a period of at least six years during which the ability of a professor to generate and disseminate knowledge is carefully evaluated.

Tenure and academic freedom create a body of scholars who are not afraid for their jobs because powerful forces in the state or country don't like what they say or write. A biologist who argues that the prairie dog is an endangered species does not have to worry about angry ranchers getting him fired. A professor of education who argues the merits of school vouchers does not have to fear an angry teachers' union. We all benefit when an institution such as a university exists, with

faculty unafraid to say and write what other people cannot or will not, and with the time and protection to collect evidence and make carefully-reasoned arguments.

UNL Chancellor Harvey Perlman, to accommodate the Legislature's cuts to the university's state budget, has chosen to advocate "vertical" cuts. This means cuts of whole programs and departments, along with their tenured faculty. Perlman argues that this is the least damaging option to the university. The *Lincoln Journal Star* has supported him in this and has argued that academic freedom is not threatened. We take a different view.

Vertical cuts can easily be done to give the appearance of fairness, but in fact send a clear message that faculty who make powerful people uncomfortable should be afraid for their jobs. Under vertical cuts, it is not difficult for a university to rid itself of such politically inconvenient people. Their departments can be eliminated. Then the department's faculty who were less inconvenient can be re-hired for other jobs. Or, two departments can be combined and some of the faculty can be declared redundant to the new department's mission. Or, the definition of "program" or

"department" can be manipulated to cut out the inconvenient faculty. Of course, some other faculty may be let go as well, but the message will be clear to the inconvenient ones and their colleagues.

We are not arguing that specific cuts proposed at UNL are motivated by politics or retaliation, but we are saying that cutting tenured faculty sets a bad precedent under which political agendas could be hidden. Program cuts are not the least damaging option. All of the deans on campus have proposed ways to cut the budget without letting go of tenured faculty. UNL appears to be the only major university in the United States that is trying to cope with widespread budget cuts by cutting tenured faculty.

We believe cuts of tenured faculty open the door to more serious long-term threats to the quality of the university, the cornerstone of which is a faculty unafraid to speak its mind.

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Laurie Thomas Lee, an associate professor in the College of Journalism and Mass Communications at the University of Nebraska-Lincoln, is president of the Academic Freedom Coalition of Nebraska.

## University Reports

—by Dwayne Ball

### University of California, Berkeley:

One morning just before the November, 2002 elections, Tom Bates, the Democratic candidate for mayor, was exhausted. Well, at least, that is the excuse he gave for finding and dumping into the trash hundreds of copies of two student newspapers that didn't endorse him! *The Daily Californian* endorsed his opponent, and the *California Patriot* spoke better of the opponent than of him. So, on the morning of November 4, on Sproul Plaza, which figured so prominently in the 1960s free speech movement, Mr. Bates (now Berkeley's mayor), returned several times to collect hundreds of free copies from students handing them out, and from racks. He then carried the stacks of newspapers to trash receptacles and dumped them in. Although convicted of petty theft and fined, Mr. Bates has refused to resign as mayor. He is now the proud recipient of a 2003 Muzzle Award from the Jefferson Center for the Protection of Free Expression. (<http://www.tjcenter.org/>)

University of South Florida: Professor Sami Al-Arian has been fired by the University after being charged by Federal prosecutors with racketeering – essentially, conspiracy to commit terrorism. Dr. Al-Arian, already under suspension at USF, is an outspoken advocate of the Palestinian cause. After 9/11, he made public comments that made him a target of anonymous death threats, and the University suspended him and began proceedings to fire him on the grounds that he was a disruptive influence because of the threats against him. After public ridicule caused USF to withdraw those grounds, they began seeking other ways to discard him, and the Federal charges have provided them with the necessary cover. The usual hearings and protections for tenured faculty have been ignored – the accusation has been sufficient. (New York Times 2/21/03)

Citrus College, Florida: students in

Professor Rosalyn Kahn's Speech 106 class, a course that is required of all students, were told last Fall semester to write letters to President Bush as an exercise. The kicker is this: Professor Kahn insisted that the letters be against the invasion of Iraq; students who wanted to write in support of the war would not receive credit for the assignment. When the letters were written, she bundled them up and sent them to the White House! Complaints by students caused an investigation by the Foundation for Individual Rights in Education (F.I.R.E.) and a formal complaint to the Citrus College administration, which then reprimanded Kahn and repudiated her actions. ([www.the-fire.org](http://www.the-fire.org))

Virginia Tech University: On March 10, 2003, the Board of Visitors of Virginia Tech passed a resolution stating that no one could meet on university property "if it can be determined that such persons or organizations advocate or have participated in illegal acts of domestic violence and/or terrorism," and required all groups to obtain "approval [from] the President of the university at least 30 days in advance." The Foundation for Individual Rights in Education immediately wrote to the Board of Visitors and other state officials pointing out the clear content-based restrictions, plus "prior restraint" restrictions on free speech that violated the First Amendment. The Virginia Attorney General's office quickly informed Virginia Tech of the unconstitutionality of the ruling, which was withdrawn. ([www.the-fire.org](http://www.the-fire.org))

Harvard University, Massachusetts: After complaints of lack of due process, Harvard revised its disciplinary procedures on such things as sexual misconduct to give presumption of innocence and evidentiary hearings to the accused. This angered Boston feminist and attorney Wendy Murphy, who filed a complaint with the US Department of Education's Office of Civil Rights

(OCR) alleging that such protections for the accused violate the civil rights of women. She argued that trials should go forward regardless of evidence or the lack of it, and that since women more often bring sexual misconduct charges, not doing so was a violation of Title IX. The OCR begged to differ with Ms. Murphy, pointing out that Title IX and other anti-discrimination laws do not prohibit due process. And there the matter rests at Harvard, with at least some due process in place. ([www.the-fire.org](http://www.the-fire.org))

### Governors State University, Illinois:

The infamous *Hazelwood* decision of 1988 that gave school administrators power to censor student publications may not apply to college and university-sponsored publications. Student journalists at Governors State were told in October 2000 by former Dean of Student Affairs Patricia Carter that they had to present their work to her for approval prior to publishing. This is prior censorship, and they sued. In early April, the U.S. 7<sup>th</sup> Circuit Court of Appeals ruled that, while *Hazelwood* may or may not make some sense for high school journalists, it definitely does not make sense for journalists in colleges and universities. This may set a precedent for other U. S. courts, freeing college journalists from fear of censorship by their administrations. (Chicago Tribune, April 11, 2003).

### University of Nebraska-Lincoln:

UNL Chancellor Harvey Perlman has announced that he will cut the Department of Museum Studies, including 8 tenured faculty. Several of the faculty have found other jobs within the University, others have not. UNL is at this writing the only U.S. university handling budget cuts by eliminating tenured faculty. None of the AAUP safeguards for termination of tenured faculty have as yet been followed, and the May 4, 2003, *Lincoln Journal Star* reports that the national AAUP may consider censure of the university. By the time you read this, there will certainly have been further develop-



ments.

University of Miami (UM), Coral Gables, Florida: In early April, UM President Donna Shalala took the position, through UM functionaries, that only one conservative student organization is necessary. Thus, the four female undergraduates (all registered Democrats) who tried to form a conservative organization called Advocates for Conservative Thought (ACT) were twice denied a charter and the usual access to university facilities and funds of a student organization. They could have been removed from campus for distributing conservative literature or trying to hold meetings. The College Republicans were sufficient, according to UM officials, to represent the conservative viewpoint on campus. This is in spite of the fact that there are 6 organizations representing liberal political viewpoints, two Moslem student organizations, and multiple organizations with overlapping agendas representing blacks, Hispanics, Caribbean students, and so forth. After a spate of unfavorable national publicity, Shalala blamed her subordinates for not keeping her informed of the public relations nightmare that was developing, and rescinded the decision. ACT is now an official campus organization. ([www.the-fire.org](http://www.the-fire.org))

Shippensburg State University, PA: The Foundation for Individual Rights in Education announced a nationwide campaign to rid U.S. universities of speech codes, which like Shippensburg's, often hide themselves under names like "Codes of Conduct." These speech codes pay lip service to the principles embodied in notions of academic freedom and (on state-supported campuses) to the First Amendment's free speech clause. Yet, at the same time, they provide for penalties for expressions that are deemed offensive in manner, usually intending to suppress speech that minorities or women with strong racial or gender identities would dislike. Shippensburg State is where F.I.R.E. intends to begin its campaign. (The New York Times, April 24, 2003).

## Double Plus UnGood by Dwayne Ball

A delightful article in the March 2003 *Atlantic Monthly* by Diane Ravitch is entitled "The Language Police," which is also the title of Ravitch's new book. Ravitch is a research professor of education at New York University, and has spent the past several years documenting how publishers and school boards across the United States try to control student social and political attitudes by controlling what they read in textbooks, right down to the minutest words and images

Here are some of the gems she has uncovered. Each represents an example of either voluntary "restraint" on the part of a publisher (presumably under pressure of lowered sales to school districts,) or a codified statement by a local or state school authority that textbooks purchased by that authority shall not contain the following:

- The word "bookworm" is banned as offensive; replace "with intellectual."
- The word "busybody" is banned as offensive to older women
- The word "duffer" is banned as offensive to older men.
- The phrase "minority group" is simply banned as offensive.

- The phrase "roving the land" is banned in the context of Native Americans.
- Images of people of color as politically liberal are banned.
- The phrase "straw man" is banned as sexist.
- Images of women as teachers, nurses, or secretaries are banned.
- Images of boys as strong, rough, competitive, or good at math are banned.
- Images of men and boys as larger or heavier than women or girls are banned.
- Images of older people with twinkles in their eyes, needing afternoon naps, losing hearing or sight, or suffering aches and pains are banned.
- Images of women as more nurturing than men are banned.
- Images of men playing sports or working with tools are banned.
- Images of Asians as having strong family ties are banned.

I could go on, but you should buy the book – don't wait for the movie, I don't think it's the sort that Hollywood will go for.

# AFCON

515 North Thomas Avenue  
Oakland, NE 68045.

Mailing  
Address  
Label

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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**