

The AFCON Sentinel

Newsletter of the Academic Freedom Coalition of Nebraska

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From the President

Bob Haller

My report as President at the March 12 AFCON Board meeting:

I graduated from High School in 1951, a long time ago. One of my memories is that the Principal and his advisors realized that it would be wise for the curriculum to find a place to discuss some of the changes which puberty brought about and the need to understand how these changes can be accommodated to growth and life in society. The carrying out of these discussions was assigned to gym teachers, who were not necessarily prepared for these sessions. I don't remember the sessions as particularly useful, and I am not sure that parents were informed of them.

At present we live in a world where there is child abuse and sex trafficking and where students pre- and post-puberty are troubled by growth and feelings that question their identity. "Health Standards" will help students understand their fellow students and find their way to a satisfactory adulthood. It is about time to recognize the wisdom of including in the curriculum carefully-constructed teaching that will facilitate an understanding of laws and practices.

Another matter:

I have decided to resign as President. I was last President in 2005, but now have no connection to education except the Osher Lifelong Learning Institute, where any threat to Academic Freedom would be met with derision. I am heartened by our most recent Board members and am glad that there are people under the age of 88 to run the organization, including President-elect Vicki Wood, who will now become President and serve through December 2023. I will continue to try to help.





AFCON President-elect Vicki Wood sent this email message on Feb. 2 to all members of the State Board of Education and the Nebraska Commissioner of Education.

Subject: Books available in school libraries

Greetings Nebraska State Board of Education Members,

I am submitting the following written comment regarding ongoing and increasing attacks on teachers and school librarians in our legislature, through local school boards, and in individual school buildings across our state accusing them of providing obscene materials.

The materials in question typically have to do with issues related to LGBTQ+ youth, sex education, and race and American history.

School libraries serve their entire community of students and librarians are tasked with finding the highest quality materials of interest to their students and those that support school curriculum. They purchase materials following guidelines that encourage exploration, promote representation, and expand a young person’s academic and personal growth.

Like all professions, librarians have professional standards. One of these is to promote Intellectual Freedom and fight censorship. No librarian can be expected to know the individual values or

circumstances of each family in each school building. They must strive to have a collection that balances the needs of all students.

An important standard in determining if a work is obscene is based on the whole work, not sentences or paragraphs taken out of context. There is no evidence that any school library in Nebraska includes books that come anywhere close to the legal definition of obscenity.

It’s important to know that school and public librarians across this state, as well as teachers and organizations that value academic and intellectual freedom, will fight these attacks on educational materials.

Vicki Wood
President Elect
Academic Freedom Coalition of Nebraska



The Nebraska School Librarians Association also sent a statement, which began as follows:

January 31, 2022
To the members of the Nebraska State Board of Education,

As you consider passages from books and other library resources shared at local or state Board of Education meetings, the Nebraska School Librarians Association would like you to keep the following information in mind:

Selection of School Library Materials by Highly Qualified School Librarians

“School library collections are carefully curated and thoughtfully inclusive in content and perspectives to support the curricular and developmental needs and interests of students

with the goal of inspiring lifelong learners and readers...Book selection can take weeks or even months to curate a list of high-quality books that represent a wide range of authors, genres, topics, views, and experiences that also meet students' needs and interests.”

<https://knowledgequest.aasl.org/the-art-and-science-of-collection-development/>

Nebraska School Librarians, under Rule 10, are required to be certified teachers and have graduate level school library endorsements earned through accredited universities which includes passing a PRAXIS exam. They are highly qualified and specially trained in all aspects of collection development including selection of materials.



In February, AFCON provided the following written testimony, signed by President Bob Haller, President-elect Vicki Wood, and Policy Coordinator David Moshman, on the Nebraska Unicameral website:

[LB1077] provides a long list of ideas about race, sex, and related matters to be banned in public elementary, secondary, and higher education. Passing this bill would be an extraordinary infringement on the intellectual freedom of teachers and students and would severely undermine the quality of education in Nebraska.

One major problem with the bill is that it infringes on the proper authority of educational governing boards—including local school boards, the State Board of Education, the University of Nebraska Board of Regents, and the Board of Trustees of the Nebraska State College System—to oversee Nebraska education. Such micromanagement is sufficient reason for rejecting the bill.

There are many additional problems. Even if it were proper for the legislature to manage curriculum in all schools, a list of what ideas cannot be presented or discussed is a terrible way to do so. The bill is vague, moreover, about what ideas are objectionable and thus would have a broad chilling effect on education about race, sex, and related topics.

We also note that the disclaimers in the final section of the bill render it incoherent. Taken as a whole, the bill requires that schools censor ideas deemed unacceptable by the government in a manner that respects the intellectual freedom of teachers and students. This cannot be done.

In general, Nebraska teachers are highly committed to presenting an academically defensible curriculum in a manner that respects the intellectual freedom of students and promotes their intellectual development. Any deviations from this are best addressed by faculty committees, administrators, and governing boards. The main effects of passing this bill would be to intimidate teachers, undermine legitimate governing boards, infringe on local autonomy, and compromise the quality of education about race, sex, and other important topics.

The Academic Freedom Coalition of Nebraska (AFCON) strongly opposes LR278CA. Academic freedom requires that schools, colleges, universities, and libraries be insulated from external political pressures. This is generally achieved, in Nebraska and elsewhere, through independent governing boards operating on a nonpartisan basis. The State Board of Education, which is elected on a nonpartisan ballot, is an excellent example.

LR278CA would eliminate the State Board of Education and place control of elementary and secondary education in the hands of the governor, thus enhancing the governor's political power at the expense of the academic integrity of Nebraska's schools. This is a terrible idea.

Letter to University of Nebraska President Carter

The February Sentinel included a December 17, 2021 letter sent by Dwayne Ball and Dave Moshman to University of Nebraska President Ted Carter objecting to a passage in University of Nebraska Executive Memorandum 34 that specified, with regard to administrative, faculty, and staff searches, “Plans should...ensure that selected candidates can articulate a commitment to diversity and inclusion,” which, they wrote, sounded like a loyalty oath. On February 4 they received the following response indicating that EM34 would be amended to address the concern raised. The change was implemented on February 10.

Dear Drs. Ball and Moshman:

Thank you for your message. I hope you will forgive my delay in responding. I appreciate the thoughtful concerns you have raised regarding Executive Memorandum No. 34. I can't speak to my predecessor's use of this particular language when EM34 was adopted in 2019, but I can assure you the University of Nebraska System has no intent to be discriminatory in our hiring practices. Nor would we expect any job candidate or current employee to express a specific point of view regarding diversity and inclusion.

As such, I will be amending EM34 to read, “Plans should... ensure that candidates have the opportunity to articulate any possessed knowledge of diversity and inclusion and/or any relevance it may have in the context of higher education or concerning university strategic planning, goals, and strategies.” Words matter, and this amended statement will better articulate our intent through the EM to engage candidates in dialogue regarding culture, diversity, and inclusion. These areas are a pillar of the University's Five-Year Strategy, and we will pursue them in an open and thoughtful manner.

Thank you again for your message, and I wish you all the best in the New Year.

Ted

Nebraska Links

AFCON testified against this bill (see page 3):

[Unicam education committee hears bill restricting education about race](#)

The State Board of Education has been much in the news:

[State Board of Education leaves open the possibility of revisiting health education standards](#)

[Unicam considers legislation preventing State Board of Education from establishing health education standards](#)

[State Board of Education hears readings from school library books with words the Omaha World Herald does not deem fit to print](#)

[Hearing on proposal to eliminate the State Board of Education](#)

[State Board of Education moves toward new push for health standards](#)

[But the pace will be slow](#)

University of Nebraska

[Claims about critical race theory at U. of Nebraska: A fact check](#)

[AAUP statement on the November 2021 removal of censure at UNL](#)

And finally:

[Bill would forbid viewpoint discrimination in funding of student groups](#)



Indoctrination in DEI Training

David Moshman

In January 2022, I was asked to serve as an expert witness for an employee of the state of Vermont, who was charging in federal district court that the state of Vermont violated his First Amendment rights by requiring him to participate in a series of mandatory DEI (Diversity, Equity, and Inclusion) training sessions that he deemed to be indoctrination. I was skeptical at first, but after reading a transcript agreed to testify that the training was indeed indoctrination. His attorney drafted a list of questions and I provided written answers in preparation for my deposition. Several days before the deposition, however, she told me the plaintiff had decided, under pressure, to drop the case. Below are excerpts from the deposition that never took place.

Can you define what indoctrination is?

Indoctrination is most literally the imposition of a doctrine. It comes in two forms, one related to curriculum (what is taught) and the other related to instruction (how it is taught). Curricular indoctrination is teaching a curriculum devised on the basis of political, religious, or other ideological commitments rather than on academic grounds. Instructional indoctrination is teaching in a manner that coerces belief and limits dissent rather than convincing students through evidence and argument in a context that encourages critical thinking and free discussion.

What is the difference between educating a student and indoctrination of the student?

The root of the term “education” is “educe,” which means to draw out. Education respects students as people with their own beliefs and values and aims to promote progress in conceptual understanding and rational competencies. Indoctrination aims to instill the instructor’s beliefs, values, and doctrines without regard to student autonomy.

What did you observe about whether or not the Valerio trainings were indoctrination?

What I see in this transcript is indoctrination, not education. Specifically, I see indoctrination with respect to both the curriculum and the manner of

instruction. With respect to curriculum, the instructor repeatedly makes unjustified and sometimes false assertions, apparently motivated by ideology rather than evidence, thus violating the right of students to a curriculum devised on academic grounds. With respect to instruction, the instructor teaches in a manner that undermines students’ intellectual autonomy by sharply restricting academic discussion and banning dissent.

Do you have examples? Yes.

[from transcript of Zoom session] “Before we delve into the work, I’d love to hear from everyone as far as how you’re feeling emotionally and physically. Where are you in your body? [Much more about this, culminating in students sharing feelings via chat.]

“All right, great. Thank you. Again, get used to that. We are going to be doing a lot of sharing. That is part of doing this work. I’d love to share a little bit about the format and my, sort of, question protocol for this workshop. In terms of questions, I do not take real-time questions. We have a lot to cover. If this were a weeklong workshop and I were with you on site, it would be a different dynamic, but we’re trying to squish a lot of content into a short time. The other reason I don’t take real-time questions is that it very often serves to derail the work, and what I mean by that is sometimes the questions are very self-serving, and they don’t necessarily serve the entire group. And then other times, questions—people ask questions to stop the progress of the group, or to argue, and so that, it’s a self-protective measure. I’ve had lots and lots and lots of workshops where that has happened, and so we’re just not going to do it today.”

This sets a framework in which students are expected to be actively and emotionally involved but are forbidden to question the teacher or engage in academic discussion or argumentation (with repeated reminders of these restrictions later). I don’t see anything anywhere in the transcript to suggest that there was ever any critical thinking or serious argumentation about any of the ideas presented in these sessions, although many of them are conceptually complex or controversial, and some are false.

Do you have other examples that demonstrate indoctrination? Yes. Valerio tells students that the goal of the training is “to lead people to the work and to push them into a new realization.” She explains that “the work” includes “dismantling all kinds of isms” and “unlearning harmful ideologies that we, as a society, have both internalized and perpetuated.”

How does this demonstrate indoctrination? The idea of “leading” people to “the work” and “pushing” them into the associated ideology does not respect the autonomy of those being led and pushed. In the context of the introduction, it seems clear that the instructor will have sole authority to determine what ideologies are harmful and, because the ideologies are internalized, the instructor is free to delve into students’ personal and emotional lives to get students to “unlearn” whatever ideologies are deemed “harmful.” Students who are uncomfortable with all this should “simply sit with that discomfort.” The extraordinary lack of respect for student autonomy makes this indoctrination rather than education.

What are other examples? A PowerPoint slide of “Community engagement guidelines” is presented. The guidelines begin with “This is not the time for arguing for argument’s sake.” They exhort students to “Listen with ears and heart” and “Give your full attention,” and specify that “Although silence is a valid way of participating in other situations, your vocal participation is crucial here.” Again we see that students are expected to engage actively but not critically. Argumentation is dismissed as “arguing for argument’s sake,” failing to recognize the crucial role of argumentation in testing ideas, considering alternatives, and promoting student understanding and reasoning. The “community engagement guidelines” reinforce the earlier message to students that this DEI training is an environment in which dissent will not be tolerated.

Other examples?

[from transcript] “So the first thing is that we are going to acknowledge that racism is real. It’s not an opinion. It’s real. It is baked into the very fabric of this society. Slavery would

not have existed without racism, and without this hierarchy, this racial hierarchy, created by human beings, right? So there’s that.

“As I said, earlier, we’re not going to argue for argument’s sake. It really takes away from the work.

“...You listen with your entire body, if you can, all right? Be engaged. Very often, we might listen to respond, which actually means we’re not listening.”

We see here a quick list of strong claims about race, racism, society, slavery, and history, followed by strong warnings to students that they should be emotionally engaged but cognitively passive, accepting whatever they are told as “real” and thus beyond dispute. The claims are vaguely stated, with no explanation or justification, which are presumably deemed unnecessary because students are required to accept, emotionally, whatever they are told.



Do you think the claims are false? No, I think they’re partly true, but vague. For example, consider this claim, which is presented as unquestionably true: “Slavery would not have existed without racism, and without this hierarchy, this racial hierarchy, created by human beings.” It’s certainly true that racial hierarchies are created by human beings and have served to justify slavery. And I think it’s likely true that the creation of a system of racial hierarchy was a necessary condition for slavery of the sort seen in the U.S. prior to the Civil War. But we can never be certain what would have happened in history under a different set of conditions. Slavery has been common in human societies since antiquity, long before modern conceptions of race, and in places like ancient Athens was not based on anything like race. So a claim that slavery cannot exist without racial hierarchy might be an

interesting starting point for discussion but is highly indoctrinative when presented as a statement of unquestionable truth, as it is here, followed by a reminder that argumentation will not be permitted because it undermines “the work.”

Are there statements in the training that are clearly false?

[from transcript] “And perhaps most importantly, is to realize that your intent is very different from the impact of your actions. I like to say that nobody cares about your intent, no one cares. It is how you make somebody feel through your words, your actions, your attitudes, the stereotypes that you are reacting to, that’s what matters. All right? You can have the best intent in the world; no one cares. It is the impact of your actions. All right? Cool.”

Of course we should be concerned with the impact of our actions, but as a matter of psychology, morality, and law, most of this statement is false. People routinely distinguish intentional harm from accidents and commonly assign degrees of responsibility in cases of negligence. Such distinctions are recognized by most moral theories and by legal systems in the U.S. and elsewhere. Developmental research has shown that very young children may judge actions on the basis of impact alone but by age 7 or 8 years, if not earlier, the moral relevance of intent is universally recognized.

Are there other false statements in the trainings?

[from transcript] “And race is a socially constructed category of identity based—created to produce a hierarchy of skin colors. All right? Biologically, we are not very different from each other, so you know, we might have—there might be environmental factors that factor into our skin color and our facial shape, like the bone shape, but biologically, we are absolutely similar. So there is no scientific basis for the category of race to actually exist.”

I agree that race is a social construct and a matter of identity and have often taught about this. Here,

however, rather than explaining and justifying her opening assertion, Valerio goes on to make unjustified claims that, biologically, people are “absolutely similar,” with any individual differences in skin color, facial shape, or bone shape due mostly to “environmental factors.” In fact, there is substantial genetic diversity in all species, including the human species, and this includes genetic diversity in skin color and other anatomical features such as facial or bone shape, which are determined mostly by ancestry, not by the environment we grow up or live in. The casualness about facts, here and elsewhere, suggests a curriculum driven largely by ideology. That by itself is indoctrination, but the violation of student rights is compounded by the indoctrinative manner of instruction, in which students are forbidden to question what is presented.

David Moshman is a professor emeritus of educational psychology at UNL and author of Liberty and learning: Academic freedom for teachers and students. To see the rest of the planned deposition, email him at dmoshman1@unl.edu.

AFCON

www.academicfreedomnebraska.org

JOIN OR RENEW

Rod Wagner, Treasurer

AFCON now accepts PayPal! Use PayPal to join or renew. We offer two ways to pay: you can use the PayPal button on our website <https://www.academicfreedomnebraska.org/join-afcon.html> or send us a check payable to AFCON at 3901 S. 27th St., #47, Lincoln, NE 68502. Memberships are \$120 for organizations and \$15 for individuals.

The *AFCON Sentinel* is the newsletter of the Academic Freedom Coalition of Nebraska, published bimonthly in February, April, June, August, October, and December. Unless otherwise indicated, articles represent the views of the authors. Editor: David Moshman dmoshman1@unl.edu

**Academic Freedom Coalition of Nebraska
Board of Directors Meeting**
Via Videoconference
February 12, 2022

Present:

Peggy Adair, secretary, legislative liaison
John Bender, representing UNL Faculty Senate
Bob Haller, president, chief baker, director at large
Dave Moshman, newsletter editor, policy coordinator,
executive vice secretary
Wyatt Packard, representing Nebraska Library Association
Todd Schlechte, immediate past president
Rod Wagner, treasurer, representing Nebraska Center for
the Book
Vicki Wood, president-elect, director at large

MINUTES

President-elect Vicki Wood called the meeting to order at 10:04 a.m.

MINUTES: A motion was made by Moshman, second by Bender, to approve minutes of the AFCON board meeting held on December 11, 2021. Motion carried on a voice vote.

TREASURER'S REPORT: Wagner reported balance on hand as of February 12, 2022, is \$3,365.04. Treasurer's report will be filed for audit.

NEWSLETTER: Articles for the next issue of the *Sentinel* are due by March 20, 2022.

LEGISLATIVE UPDATE: Adair presented a legislative report to the board via email. Wagner updated the board on the current status of LB1213. Discussion followed.

Moshman made a motion that AFCON shall oppose LB1213. Second by Schlechte. Motion carried on a voice vote. Moshman made a motion that AFCON shall oppose LR278CA. Second by Packard. Motion carried on a voice vote. Moshman made a motion that AFCON shall oppose LB1077. Second by Schlechte. Motion carried on a voice vote.

The board agreed by consensus to monitor the following bills: LB1251, LB1170, LB1158, and LB1050.

PRESIDENT'S REPORT: Haller discussed the history of and need for free and compulsory education in a democracy. Haller noted that education exists to enable everyone to learn how to participate in

democracy, and the independent governance of schools must remain separate from the politics of the moment. Education, Haller noted, is a human right.

STATE BOARD OF EDUCATION: Wood sent a letter to the state board of education on behalf of AFCON in support of intellectual freedom and expressing concern for increased attacks on educators and librarians over educational materials involving human sexuality. Three members of the board sent responses to Wood, which she shared with the board. Moshman has added members of the state board of education to AFCON's email list.

POLICY COORDINATOR: Moshman discussed the current political environment where some parents want to control what is being taught in schools. Parents have a right to know the school curriculum, Moshman pointed out, but not a right to control the curriculum. Moshman also noted teaching controversial ideas is not indoctrination.

AFCON MEMBERSHIP: Wood and Moshman will work together to draft a letter to invite inactive membership organizations to attend AFCON board meetings via Zoom, and to otherwise participate in the activities of the Academic Freedom Coalition of Nebraska in support of intellectual freedom.

MEMBER ORGANIZATIONS:
Nebraska Library Association: Packard reported the NLA opposes LB1213 and supports LB1256. NLA's Advocacy Day will be held March 3, 2022, at the Cornhusker Hotel in Lincoln.

There being no further business, the AFCON board meeting adjourned at 11:16 a.m.

Respectfully submitted,
Peggy Adair, secretary

**Academic Freedom Coalition of Nebraska
Board of Directors Meeting**
Via Zoom
March 12, 2022

Present:

Nancy Comer, representing Nebraska State Literacy Association
Shee Covarrubias, communications coordinator, director at large
Bob Haller, president, chief baker, director at large

Dave Moshman, newsletter editor, policy coordinator
Wyatt Packard, representing Nebraska Library Association
Todd Schlechte, immediate past president, webmaster
Rod Wagner, treasurer, representing Nebraska Center for
the Book
Vicki Wood, president-elect, director at large
Tom Black, guest

MINUTES

President-elect Vicki Wood called the meeting to order at 10:05 a.m.

APPROVAL OF THE AGENDA: A motion was made and seconded to approve the agenda. Motion carried on a voice vote.

APPROVAL OF FEBRUARY MINUTES: A motion was made and seconded to approve minutes of the AFCON board meeting held on February 12, 2022. Motion carried on a voice vote.

TREASURER'S REPORT: Wagner submitted the treasurer's report via email. Balance on hand as of 3/12/2022 is \$3,379.25.

NEWSLETTER: Moshman indicated that he is now in his fifth year as editor of the Sentinel and would like someone else to take over the job. The next deadline for the Sentinel is March 20, 2022.

COMMUNICATIONS COORDINATOR'S REPORT: Covarrubias reported that views on our Facebook page have averaged about once a day. She suggested that we have informational posts about candidates for school boards in the upcoming elections. Moshman reminded the group that due to our IRS status, we cannot support or oppose candidates. It was suggested that we create a questionnaire and invite candidates to answer, posting their responses in our communications. Covarrubias and Wood will put together a draft questionnaire for the next board meeting with a focus on some of the larger school districts.

LEGISLATIVE UPDATE: It looks as if only LB1213, the bill about online educational resources, is still active in the legislature. Several organizations, including Rod and the Nebraska Library Commission are working with the judiciary committee on this bill.

PRESIDENT'S REPORT: Haller reiterated fears about the current attacks on public schools and attempts

to censor what they can teach in areas relating to history and sex education. Haller said he felt that carrying out his duties as President would be difficult given his current health issues.

PRESIDENT-ELECT'S REPORT: Wood thanked Haller for his comments and reassured him that she could carry on some of the duties as president.

POLICY COORDINATOR'S REPORT: Moshman spoke about the important role AFCON plays in educating people about academic freedom issues across the spectrum, from elementary to university levels.

NEW BUSINESS: Schlechte reported that there was an AFCON email account that was not monitored for many months and some communication that fell through the cracks. Both Schlechte and Wood reached out to someone who emailed about the issues related to *Something Happened in Our Town*, apologizing and seeing if there was any need to follow through. Neither heard back. It was decided that Schlechte and Covarrubias would monitor the email messages going forward.

Moshman suggested that we think ahead about new officers before the fall as many members have been in their roles for many years—maybe somewhat reluctantly. This led to a general discussion about the need to bring in new members as well as the need to encourage groups that are paid dues members to have a representative at our meetings. Wood said she would get a list from Wagner of affiliated groups and draft a letter inviting these groups to send a representative to future meetings. As these fall under communications, Wood and Covarrubias will put together this draft for our next meeting.

MEMBER ORGANIZATIONS: Nebraska Library Association: Packard reported that he would be doing Intellectual Freedom training for staff at Lincoln City Libraries, as well as at a Southeast Library System event. NLA had good turnout at the last Advocacy Day event in early March.

There being no further business, the AFCON board meeting adjourned at 11:40 a.m.

Respectfully submitted,
Vicki Wood, president-elect