



## SCHOOLS Kingsburg, California

Kingsburg Elementary Charter School District's board removed Jewell Parker Rhodes's *Ghost Boys* from its curriculum after a parent complaint regarding political views expressed in the book.

*Ghost Boys* tells the tale of Jerome, a twelve-year-old Black boy killed by a police officer who mistook his toy gun for a real one. As a ghost, Jerome observes the devastation felt by his family and community in the wake of his killing. He also meets other ghosts who suffered similarly unjust deaths, including Emmett Till. *Ghost Boys* was a *New York Times* bestseller, the 2018 New Atlantic Independent Booksellers' Association (NAIBA) Book of the Year, and won the 2019 Walter Dean Myers Award for Outstanding Children's Literature award, among other distinctions.

The Kingsburg Elementary Charter School District's book challenge policy allows for a book's immediate removal in response to a single parent's objection. According to the National Coalition Against Censorship, such policies can lead to spontaneous curriculum changes. Fear of navigating such complex and cumbersome tasks leads teachers to self-censor and select less relevant content as well as lower quality books.

This outcome illustrates how policies allowing a single parent to dictate curriculum changes for an entire school district can undermine trust in the choices made by educators and the school board.

**Reported in: *National Coalition Against Censorship*, October 13, 2020.**

## Burbank, California

Middle and high school English teachers of the Burbank Unified School District were surprised to learn *To Kill a Mockingbird* by Harper Lee;

*The Cay* by Theodore Taylor; *Roll of Thunder, Hear My Cry* by Mildred D. Taylor; *The Adventures of Huckleberry Finn* by Mark Twain; and *Of Mice and Men* by John Steinbeck could no longer be taught until further notice. Superintendent Matt Hill made the announcement on September 9, 2020; prior to the announcement, all of the books were required reading aside from *The Adventures of Huckleberry Finn*. (See [Journal of Intellectual Freedom & Privacy 5, no. 3/4, p. 33](#), for initial report.)

The books were removed from the curriculum for review after four parents challenged them for alleged potential harm to the roughly four hundred Black students in the school district. The parents expressed concern over racial slurs contained in the novels, their portrayals of Black history, and the lessons they may impart.

Carmenita Helligar, mother of a fifteen-year-old student who was traumatized by other students repeating taunts and slurs they read in class, said, "For over thirty years these books have been on this list. The true ban is that there aren't other books of other voices that could ever be on there."

Nadra Ostrom, another Black parent who filed a complaint said, "The portrayal of Black people is mostly from the White perspective. There's no counter-narrative to this Black person dealing with racism and a White person saving them." She added that, "The education that students are basically getting is that racism is something in the past. And that's not the conversation that we should be having in 2020."

Sungjoo Yoon, a sophomore at Burbank High School, acknowledged that the books contained valuable lessons about racism, but noted, "I've been in classrooms where teachers, White teachers specifically,

unconditionally say the N-word without anybody's concern or single out a single African American student to become the spokesperson for the entire class. I think that's where the harm is coming from."

The National Coalition Against Censorship and PEN America sent letters urging Superintendent Hill to allow the books to be taught while they were undergoing review. The American Library Association's Office for Intellectual Freedom also sent a letter strongly encouraging the novels to be retained as part of the curriculum.

Numerous parents, teachers, and students spoke out against the books' banning, signed a petition to continue teaching the novels, and wrote opinion letters to the *Los Angeles Times*, including recommendations to continue teaching the books while providing professional development to make anti-racist practices part of school culture.

A fifteen-member committee tasked with reviewing the community concerns and books, and making recommendations regarding the curriculum, was ultimately unable to reach consensus. Superintendent Hill had to decide how to move forward. On November 27, he sent a letter to families and employees detailing the process, the committee's recommendations and inability to come to consensus, and his determinations regarding the books and curriculum.

All five books were removed from the core novel reading list, though remain available to students for independent reading and small group discussion. Passages from the books can no longer be read aloud to a whole class. Teachers wishing to teach the books to small groups are required to take special training on facilitating conversations about race, racism, implicit bias, and how to affirm



students' racial identities before doing so.

In a letter to parents, Hill indicated, "This is not about censorship or banning books outright, this is about determining which books are mandatory and which books are optional." Additionally, the superintendent followed the committee's recommendation to "ban the use of, and reading of, the N-word in all classes, regardless of context."

These decisions came after the Burbank Unified School District's Board of Education adopted a statement of commitment to anti-racism in the wake of racial unrest earlier in the year. The district has a Diversity, Equity, and Inclusion Committee composed of teachers, administrators, parents, students, and community members.

The committee is working to add more books written by authors who are Black, Indigenous, and People of Color (BIPOC) and which "show a balanced and fuller representation of the Black experience" to the approved core and supplemental reading lists for the district.

Going forward, the reading lists will continue to be reviewed and updated at least every eight years in an effort to prevent the curriculum from once again growing outdated and out of touch.

**Reported in: *Los Angeles Times*, November 12, 2020, and November 19, 2020; ABC 7, November 14, 2020; *My Burbank*, November 28, 2020.**

### West St. Paul, Minnesota

Henry Sibley High School administrators stopped lessons on John Steinbeck's *Of Mice and Men* and Larry Watson's *Montana 1948* after receiving complaints about the books. Both parents and staff communicated "concerns about racist stereotypes and

slurs" in *Of Mice and Men*, part of the ninth-grade curriculum.

Steinbeck's novel has been banned from schools and public libraries numerous times and is number four on ALA's list of the *Most Challenged Books of the 21st Century*. It contains racial epithets and has previously been banned for "condoning racial slurs," containing "vulgar language," "anti-business" themes, and "promoting euthanasia."

Teaching of *Montana 1948* as part of the tenth-grade curriculum ceased in response to "concerns about the content . . . from our American Indian community." The plot of Watson's novel revolves around the protagonist's uncle sexually assaulting and murdering their Sioux housekeeper.

At the time of the book challenges, the West St. Paul, Mendota Heights, and Eagan school district, to which Sibley High School belongs, did not have a policy regarding reconsideration of instructional materials.

They have subsequently reached out to several other school districts for guidance. Until a policy is implemented, students have been reassigned short stories.

**Reported in: *Pioneer Press*, December 23, 2020.**

### Quincy, Illinois

Identical twins Kyra and Phallon Pierce were shocked and saddened to discover that the original title of Agatha Christie's *And Then There Were None*, which was included on their eighth-grade summer reading list, contained a racial epithet that was interwoven throughout the story. They complained about it and ultimately were successful in removing it from St. Dominic Catholic School's summer reading list.

Realizing that diversity was lacking in their school-assigned books, these now thirteen-year-old students began

working with state legislators to craft Illinois House Bill 3254, also known as the Pierce Twins Bill.

If passed into law, the bill would amend the Instructional Materials Article of Illinois's School Code such that "a school district (including a charter school) shall require that books that are included as part of any course, material, instruction, reading assignment, or other school curricula related to literature during the school year or that appear on summer reading lists must include books that are written by diverse authors, including, but not limited to, authors who are African American, women, Native American, LatinX, and Asian."

The bill would also prohibit reading material perpetuating "bias against persons based on specified categories."

The board of any school district utilizing Title I funds would be required to approve the selection of each book to be included in a reading assignment, course material and instruction, or other school curricula related to literature, with the minimum requirement that a book may "not be approved by the school board if the book contains language or material that is derogatory or racist or incites hate against any persons."

IL HB 3254 was introduced on February 19, 2021, and given a "do pass" recommendation by the School Curriculum and Policies Committee on March 24, 2021.

**Reported in: CBS Chicago, January 19, 2021.**

### Fort Walton Beach, Florida

Keisha Thomas, an English teacher at Chocawatchee High School, was forced to stop teaching Robin DiAngelo's *White Fragility: Why It's So Hard for White People to Talk About Racism* to her senior students when parents complained to the school board



that the book was part of the curriculum. The *New York Times* bestseller deals with issues of White supremacy, systemic racism, prejudice, bias, discrimination, and “the counterproductive reactions White people have when their assumptions about race are challenged.”

Thomas sought to create space and context for students to discuss racism, think critically about it, and form their own opinions. On learning the book was being taught, one parent informed the school board that “racism is not an issue in America.”

The administration announced the book’s removal with a short statement noting, “The Florida Department of Education has established standards for each course in the public-school setting that define what students should be taught. . . . It is not apparent that this material aligned with the standards for the course.”

During an October 13, 2020, school board meeting, Okaloosa County School Superintendent Marcus Chambers and Choctawatchee High School Principal Michelle Heck were asked to explain why the book was removed. They indicated that part of the process to approve a book for study was not followed in this case.

Several people spoke out against the book’s removal from the course. Gregory Seaton said, “The district is missing an opportunity to develop skills around college and career readiness. This book would allow students to be presented with ideas that they could think about and discuss in a critical format. Racism is not going away any time soon.”

Kimberly Davidson Woods recounted that when she was a student of the Okaloosa County School System, they did away with an African American History class, yet she was forced to read books where racially derogatory words were used

frequently. Woods said, “It seems the N-word really doesn’t bother anybody but the people that it is directed towards. That is part of the White fragility we’re talking about. In Okaloosa County, we’re not burning down buildings, looting or rioting, and I for one don’t want that, it’s not civilized. What is civilized is sitting down and using our critical thinking and allowing our students to think for themselves.”

Dewey Destin, a school board member, noted that Keisha Thomas was working with her principal to address the procedural issues so the book could be returned to the curriculum next semester.

**Reported in: *Northwest Florida Daily News*, October 13, 2020; ABC WEAR-TV, November 13, 2020.**

### Huntersville, North Carolina

On October 21, 2020, it was reported that some parents were leading a push to remove *The Poet X* by Elizabeth Acevedo from Lake Norman Charter (LNC) School’s curriculum. They expressed concerns over sexual and vulgar references in the book and what one parent described as “anti-Christian” themes.

The school board denied an appeal to reconsider the book, explaining that the themes are presented in a respectful and age-appropriate way. The school does offer an alternative independent study option for students wishing to opt out of reading *The Poet X*.

Acevedo’s novel about a Dominican fifteen-year-old in Harlem working through family conflict by writing poetry won the Carnegie Medal for best children’s book published in the UK in 2018, multiple Youth Media Awards, and received starred reviews from *Horn Book*, *Kirkus*, and *School Library Journal*.

Once parents’ attempts to ban the book from the school became public, students started speaking out in support of the novel by contacting administrators, making petitions, and sharing their thoughts through collaborative Google Docs.

Student Maisie McCall described the story as “not anything crazy, it’s just what teenage girls go through. It’s a girl trying to find her voice.” Kit Kay said, “Whatever happens in the book might oppose our own views and beliefs, but that’s the whole point of reading the book, so we get a wider view of what’s going on in the world.”

After the school board refused to remove the book, Robin and John Coble filed a lawsuit to ban it. On November 6, 2020, a judge decided that the book could continue to be taught. The court found that public schools have a legitimate interest in having young people encounter challenging ideas, and in a country populated by people of diverse faith—and no faith at all—a public school must not be forced to base its curriculum on anyone’s religious beliefs.

Lake Norman Charter School Superintendent Shannon Stein sent a letter to all parents stating, “The school seeks and values diverse thought and a range of opinions and perspectives to increase students’ awareness, expand their thinking and ultimately help them grow and achieve their full human potential. . . . LNC will not fall to pressure to censor *The Poet X* or any of its literary selections. Instead, we choose to view this as an opportunity to share our school’s core values and model navigating differences of opinions and perspectives respectfully and civilly.”

On November 9, 2020, the Cobles filed an appeal to the Fourth Circuit Court to overturn the judge’s decision. The Fourth Circuit declined to grant an injunction for the Cobles’ son



to receive instruction from a different English language arts teacher while *Coble et al. v. Lake Norman Charter School, Inc. et al.* proceeds.

**Reported in: WCNC Charlotte, October 21, 2020, and October 22, 2020; Charlotte Observer, October 29, 2020; U.S. News and World Report, November 10, 2020; WSOC-TV, November 6, 2020; Virginia Star, November 13, 2020; National Coalition Against Censorship, November 16, 2020.**

### Laporte, Pennsylvania

A school library display featuring terminology, resources, and lesbian, gay, bisexual, transgender, queer/questioning, intersex, and asexual (LGBTQIA+) celebrities and authors was challenged by a school board member during a live-streamed meeting of the Sullivan County School Board.

The display included quotes like, “Gay pride was not born of a need to celebrate being gay, but with our right to exist without persecution,” and affirmations from teachers such as, “You are allowed to be who you are . . . and encouraged.” It featured books including *Facing Homophobia*, *Coming Out and Seeking Support*, and *Confronting Stereotypes*, as well as works with LGBTQIA+ characters, themes, and authors.

Board Member Tim Nitzcznski said that the display should be taken down because it is “wrong” and he has a “real problem” with it. Nitzcznski continued: “Suppose that I feel we should have KKK Month or I feel we should have White Supremacist Month. . . . This is how I feel or somebody did with the rainbow organization or whatever you want to call it.”

Superintendent Patrica Cross defended the display and indicated it is based on a Pennsylvania Department of Education framework meant

to raise awareness and combat intolerance. She said, “Now we have a place that these kids can identify with and they feel safe.”

Parents who saw the live-stream condemned Nitzcznski’s comments and called them unacceptable. Jennifer Livezey said, “Educate yourself on what you’re saying before you say it, that’s all I’m asking, and don’t do it with so much hate.” Mary Elise Nolan went further, “To say promoting inclusivity for students who are LGBTQ is the same as having to allow White supremacists to have their say? That’s complete nonsense.” Nolan is calling for Nitzcznski’s resignation from the school board.

**Reported in: WBRE/WYOU, November 11, 2020.**

### Fillmore, Michigan

In the spring of 2017, the Hamilton Community Schools in Fillmore Township started using book clubs for grades 5 and up as part of their reading and writing curriculum.

The curriculum included lessons and teaching points but not which books should be read, allowing students to select books they’d find engaging. “If you don’t have the books to make kids fall in love with reading, you can’t have readers read,” said Mat Rehkopf, director of teaching and learning.

The district purchased around 70,000 books to build classroom libraries from which the students can select. In September 2020, the district received complaints from parents that an option for middle school students, Ernest Cline’s *Ready Player One*, contained profane language.

*Ready Player One* is a young adult dystopian science-fiction novel about a teen boy’s quest to find an Easter egg hidden in a virtual reality (VR) video game’s labyrinth of pop culture trivia and claim the game creator’s

inheritance, possibly saving the world in the process. It received Young Adult Library Services Association’s (YALSA) Alex Award in 2012 and won the 2011 Prometheus Award, among other critical accolades.

The school district “paused” its entire book club program for review in response to the challenge regarding Cline’s book. They created a committee of teachers, administrators, and parents to review each book as well as all books added to the collection in the future.

During a school board meeting on October 12, 2020, it was shared that the committee had created a vetting system to match books to grade levels based on ratings from Common Sense Media, Scholastic, and other sources. To allow parents to decide which books are appropriate for their children, the spreadsheet containing the titles, ratings, and grade levels would be shared ahead of a book club starting.

In response to the presentation on the committee’s work, several parents again raised concerns over *Ready Player One*, asserting that they felt it lacked educational value and contained inappropriate material. They suggested it should be removed from the school instead of moved to a higher grade level.

Superintendent David Tebo stated he did not want to ban any books from the school.

**Reported in: Holland Sentinel, October 17, 2020.**

### Rosemount, Minnesota

The Minnesota Police and Peace Officers Association (MPPOA) sent a complaint to Governor Tim Walz on October 30, 2020, about a book used in a fourth-grade assignment at the Rosemount-Apple Valley-Eagan school district. The MPPOA requested that the state stop



recommending and using *Something Happened in Our Town: A Child's Story About Racial Injustice* for instruction to elementary students.

The book by Marianne Celano, Marietta Collins, and Ann Hazzard follows a White family and a Black family as they discuss the police shooting of a Black man in their community. It aims to “answer children’s questions about such traumatic events, and to help children identify and counter racial injustice in their own lives.”

In response to the complaint, the Minnesota Departments of Education and Health issued a joint statement: “The book in question won multiple awards and was authored by psychologists seeking to help children process a difficult set of issues. It presents several complete conversations, as voiced by different characters, that many kids have likely heard in different parts of their lives. Some people will find characters’ perspectives resonate with them, while others may find some of the perspectives challenging, especially when taken out of the complete context of the full conversations depicted.”

The teacher who read and discussed the book with her class is Qorsho Hassan, Minnesota’s 2020 Teacher of the Year, the first Somali American to earn this distinction. Eighty protesters, including teachers, parents, students, and board members of the local teachers union showed up outside the school district office ahead of their November 16 school board meeting.

According to the *Sahan Journal*, Hassan “cultivates her classroom as a space where her fourth graders can affirm their identities,” and said, “The book does a really wonderful job of discussing racial injustice in kid terms.”

Her diverse students often don’t have space to discuss their experiences with racism, she said, which is especially important in the Twin Cities in the wake of George Floyd’s killing. She added, “Young kids are ready for these conversations. It’s oftentimes adults that are scared and unprepared.”

The local teachers union, Dakota County United Educators (DCUE), defended Hassan in an email sent by the executive board to their members: “As the leadership team at DCUE, we want to make clear that we unequivocally support the teacher and the teaching of racial inequities, and we condemn the actions of a few who would use this occasion to spread hate, violence and division.”

However, the school district itself has not yet indicated if they will support Hassan and continue to allow *Something Happened in Our Town* to be taught. Hassan said the district’s response has been “mum” and expressed disappointment in their “willingness to be silent, to keep peace instead of really owning the truth and really tackling this issue of racism and being firmly against it.”

**Reported in: *Bring Me the News*, November 5, 2020; *Sahan Journal*, November 18, 2020.**

### Santa Clarita, California

In response to concerns raised by students and parents, *Of Mice and Men*, *The Adventures of Huckleberry Finn*, and *To Kill a Mockingbird* were temporarily removed from the mandatory reading list of the William S. Hart Union High School District. While the books remain in school libraries, teachers can no longer use them as part of their curricula.

The nature of the concerns regarding these books was not disclosed in this instance; however, they have frequently been challenged due to their treatments of race and racism and, in

the case of *To Kill a Mockingbird*, its White savior narrative.

Dave Caldwell, a spokesperson for the district, only indicated that concerns over these books had reached a critical mass. “We were like, ‘OK, we need to pull these off and let’s come up with a new process and a new lens because we’re in 2021 now,’” he said.

The district is utilizing input from teachers, students, and parents as they formulate a new process to approve books for the mandatory reading lists and establish selection criteria. There is no timeline in place for when a final decision will be made regarding whether these books would return to the mandatory reading list.

**Reported in: *The Santa Clarita Valley Signal*, January 12, 2021.**

### Visalia, California

Days after the violent insurrection at the US Capitol led by far-right White supremacists, Jerry Jensen formally complained about a book taught at Redwood High School, part of the Visalia Unified School District (VUSD). The challenged book is *A Different Mirror for Young People: A History of Multicultural America*.

The textbook documents the lives of people of color, and its author, Ronald Takaki, was inducted into the Society of American Historians and received the Fred Cody Award for Lifetime Literary Achievement and the Association for Asian American Studies’ Award for Lifetime Achievement.

Jensen argued that the book establishes the “victimhood” of people of color and does not represent “my America.”

At a January 26 school board meeting, Colijia Feliz, a licensed clinical social worker and graduate from Redwood High School, said that Jensen spoke from a perspective of White supremacy and that “he grew up



living with all the benefits of privilege,” whereas “this book speaks to the atrocities of what people of color have endured in this country.” She added that, “Children need to be able to learn from the mistakes of this country. It’s clear from the insurrection we just had that a lot of people haven’t learned from it.”

District parent Raul Gonzalez said, “For most students, this is the first time they have been given the opportunity to share their experiences and have cross-cultural dialogue.” Takaki’s book is part of a pilot program the board approved last fall in which two ethnic studies courses are offered as electives.

Visalia resident Ceniza Machado said, “As the board, you agreed to roll out the course and this book. It has been approved by you—the board and the superintendent. Why is this objection even being entertained?”

At the school board meeting on February 9, students spoke out in support of the book. Senior Nolan Pritchett said that, as a White male, the ethnic studies course expanded his “knowledge of our multicultural world.” He went on to say, “I’ve never learned these things in required social studies courses. None of my fellow classmates or parents of classmates have any issues with our curriculum or the book we are reading.”

Former *Visalia Times-Delta* opinion editor Paul Hurley warned older White men of his generation about blind spots: “Anyone who believes they don’t have blind spots should talk with a member of a different ethnic or cultural group, or gender for that matter.”

Board member Walta Gamoian argued against teaching the book because Takaki committed suicide and she didn’t “know about that being a great role model for our kids.” However, she did not extend her

stance to include the works by Ernest Hemingway, Sylvia Plath, Virginia Woolf, David Foster Wallace, Vincent Van Gogh, or Jerzy Kosinski (who are suicide victims) that are in the high school curriculum.

Board president Juan Guerrero said he hoped the ethnic studies pilot would expand to other high schools. Guerrero and VUSD Superintendent Tamara Ravalín are bringing in facilitators from Fresno’s Civic Education Center to host a community discussion around the textbook and the pilot program. A committee including ethnic studies teachers, parents, students, administrators, and community members will be part of the discussion.

**Reported in: *Visalia Times-Delta*, January 28 and February 11, 2021.**

## COLLEGES AND UNIVERSITIES Kent, Ohio

State Representatives Reggie Stoltzfus and Don Jones urged Kent State University to stop assigning the book *Anime from Akira to Howl’s Moving Castle: Experiencing Contemporary Japanese Animation* by Susan J. Napier, after a seventeen-year-old student’s parent complained about one chapter in the book.

Napier’s book was assigned in a freshman composition course, described by an official at Kent State as “College Writing I: Social Issues through Anime, which teaches college level writing through the prism of critical social issues prevalent in this internationally popular art form, such as mental health challenges, stereotypes, violence, and relations between men and women.”

The student was enrolled as part of the College Credit Plus program at Kent State, which allows those in grades 7–12 to take classes for college credit. Before any student enrolls in a

College Credit Plus course, they and their guardians must sign an acknowledgment that course materials may include mature adult themes.

Napier’s book was first published in 2005 and is a scholarly study of anime and its relation to Japanese culture. The book includes one chapter on pornographic content in Japanese animation.

When interviewed about the challenge to her book, Napier said, “I think that some pornographic anime is disturbing. But I think precisely because it’s disturbing it ought to be dealt with. We do have to engage the things that are ugly or distasteful in a rational, objective fashion. . . . I think this kind of issue of finding controversial things you don’t want to read and judging an entire book by it is also disturbing. . . . Most of the book is about the variety of Japanese animation. It was shocking to me they would want to have the book banned and use terms like ‘pornographic’ about the book. The idea of feeling that if you don’t like a subject you ignore or suppress anything controversial is not a very sensible way to approach a subject. It can come back and flower even more because it’s seen as forbidden.”

According to a statement given to Fox News by Kent State, “The assigned text is related to the subject matter and prepares the class for dialogue about themed issues. Faculty have academic freedom to communicate ideas for discussion and learning to fulfill the course objectives.”

Representative Stoltzfus threatened to try and remove \$150 million of annual funding for Kent State if they did not stop assigning the book.

**Reported in: *Fox19 Now*, October 6, 2020; *Otaku USA Magazine*, December 18, 2020; *Crunchyroll*, December 22, 2020.**



## Muscatine, Iowa

A Muscatine Community College (MCC) virtual production of Bert V. Royal's play *Dog Sees God: Confessions of a Teenage Blockhead* was canceled by Dean Jeremy Pickard, who had previously raised concerns about the play's content.

*Dog Sees God* is a parody of Charles M. Schulz's *Peanuts* comic strip characters, portraying them as teenagers navigating sexual identity, drug use, child sexual abuse, suicide, eating disorders, and teen violence.

It won the New York International Fringe Festival's 2004 Excellence Award for Best Overall Production, Theatermania's Play Award of 2004, the GLAAD Media Award for Best Off-Off Broadway Production, Broadway.com's 2006 Audience Award for Favorite Off-Broadway Production, and the 2006 HX Award for Best Play. The play has been performed nationwide, including on numerous college campuses.

As the campus was largely closed to the public due to the COVID-19 pandemic, theater instructor Alyssa Oltmanns had proposed producing the play through Zoom, with actors performing remotely and MCC selling "tickets" to access the recorded performance.

Oltmanns stated Pickard had previously voiced concerns that "if you do this play, I'll get phone calls to my office because this isn't the *Peanuts* they are used to." Dean Pickard sent Oltmanns an email on September 4, 2020, stating, "The *Dog Sees God* play you are advertising has not been approved as a play at MCC. Please select another play and have it approved."

After Oltmanns questioned why Pickard wouldn't approve the play, MCC President Naomi DeWinter sent her an email stating, "We are unable to support a virtual performance at

this time, as we don't have the available technical staff to ensure it runs smoothly."

The Foundation for Individual Rights in Education (FIRE) urged the college to reinstate the play. Lindsey Rank, FIRE's program officer, asserted, "Citing public health in canceling a virtual theatre production after the dean of instruction raised concerns about the script's content is naked pretext to censorship, violating MCC and EICC's [Eastern Iowa Community College's] obligations under the First Amendment."

The American Civil Liberties Union (ACLU) of Iowa's Executive Director Mark Stringer said if MCC canceled *Dog Sees God* because of its artistic content, "that would be a problem" as "a public community college cannot censor artistic endeavors which are protected under the First Amendment."

Oltmanns decided to move forward with the play as a community theater performance broadcast over Zoom and benefiting Clock Inc, a LGBT+ community center.

**Reported in: *The Dispatch-Argus*, September 29, 2020; *The FIRE*, September 30, 2020.**

## NATIONWIDE

On September 22, 2020, President Trump issued an executive order banning federal contractors and military institutions from holding training sessions on bias or stereotyping based on race or sex.

A senior administration official from the White House Office of Management and Budget said that the executive order "is not limited to federal agencies and applies to federal contractors and grant recipients." Institutions nationwide struggled to navigate the depth and scope of this executive order.

Peter F. Lake, a law professor at Stetson University, said that it constitutes "such a broad statement that people are going to spend a lot of time noodling over it and trying to second-guess what the government might do. That's where the chilling effect comes in."

While they were undertaking a review of the order's implications, the president and provost of the University of Michigan released a statement saying the executive order is "a direct violation of our right to free speech and has the potential to undermine serious efforts to acknowledge and address longstanding racist practices that fail to account for disparate treatment of our citizens throughout our society."

Brett A. Sokolow, chair of college risk management group TNG Consulting, said his group advised colleges to proceed with diversity training. "This kind of defiance is admirable and, if it catches on, may prove a real headache for the thought police in DC."

However, colleges and universities have also received contradictory guidance. A spokesperson for the University of Iowa informed *Inside Higher Ed* via email that the university is "both a federal contractor and a recipient of funds from federal agencies. General Counsel believes the provisions regarding training of employees may be read as applicable to all our employees and not just to those working on or funded through federal contracts."

The chilling effect resulting from the ambiguity of the order and its potential enforcement combined with the fear of substantial fiscal penalties was widespread.

The John A. Logan College in Carterville, Illinois, halted all planned diversity efforts and programs to review the implications of



the executive order. The freeze was so widespread as to include “Reflections on Hispanic and Latinx Identity in a Time of Upheaval,” a talk about Hispanic heritage by Roberto Barrios, an anthropology professor at Southern Illinois University. Barrios said, “My talk was canceled without anyone consulting me about the contents. They in no way violated the executive order.” Texas State University also postponed planned events.

In response to the executive order, one of four US Military Academies backed out of participation in an Arts in the Armed Forces screening of Spike Lee’s *Malcolm X* and a virtual question-and-answer with actor William Jackson Harper.

On Twitter, Harper stated, “This executive order is an attempt to censor certain difficult truths that still haunt our society. This executive order denies the very real experiences of so many minorities in this country. This executive order is rooted in the fictitious idea that the scourges of racism and sexism are essentially over, and that the poisonous fallout from centuries [of] discrimination isn’t real. But all of these things are real, and they remain to this day some of the most salient malignancies in our society. . . . The film is not propaganda meant to teach one to favor one race or sex over the other. It’s History. It’s an admittedly thorny history, but it’s history. I believe that the selective censorship of certain chapters of our country’s [history] because we find it disquieting, or because it disrupts our narrative and tarnishes our self-image is cowardly at best, dangerous at

worst, and dishonest either way.” (See “From the Bench: Free Speech.” for more news pertaining to this executive order.)

**Reported in:** *IndieWire*, October 6, 2020; *The Wrap*, October 6, 2020; *Newsweek*, October 6, 2020; *Inside Higher Ed*, October 7, 2020; *Chronicle of Higher Education*, October 7, 2020.

### PRISONS Bentonville, Arkansas

On January 26, 2021, it was reported that the Benton County Sheriff’s Office, in August 2020, removed all reading material other than the Bible and other printed religious material from the county jail.

Lieutenant Shannon Jenkins indicated inmates’ damaging and destroying books as the rationale for the removal. She also stated, “As of this moment, there is no discussion about returning the book cart privilege.”

Inmates wrote to the *Northwest Arkansas Democrat-Gazette* complaining they no longer had access to magazines or books and that books donated for their use were being thrown in the garbage.

Public records obtained through Freedom of Information Act (FOIA) requests made by the *Northwest Arkansas Democrat-Gazette* showed no documentation of jail inmates destroying books nor any public record of a discussion to suspend the book cart privilege.

On January 27, the American Civil Liberties Union (ACLU) of Arkansas issued a press release demanding that the Benton County Sheriff restore

access to reading material, asserting the book ban violated the First Amendment rights of incarcerated people. “Incarcerated people have a right to access books and other information, which provide a lifeline to the outside world,” said Holly Dickson, ACLU of Arkansas executive director.

According to the press release, “courts have affirmed that the First Amendment protects incarcerated people’s access to information, including books and other reading material. In addition, by allowing incarcerated people to read the Bible and religious texts, but not other material, prison officials are engaging in content-based censorship, which is only lawful if it can be shown to have a legitimate security purpose.”

In February 2021, six months after they confiscated and disposed of the jail’s reading materials and three weeks after the ACLU’s press release, the sheriff’s office asked for donations to replace the books through their Facebook page.

Dickson said, “We’re glad the sheriff’s office is taking steps to restore access to reading material to people in its custody, and we urge them to avoid such arbitrary and counterproductive restrictions on incarcerated people’s access to information in the future.”

**Reported in:** *Westside Eagle Observer*, January 26, 2021; *ACLU Arkansas press release*, January 27, 2021; *Arkansas Democrat-Gazette*, January 27, 2021; *March 5, 2021*; *Northwest Arkansas Democrat-Gazette*, February 24, 2021.