



SCHOOLS, LIBRARIES, AND UNIVERSITIES Nationwide

In the wake of George Floyd's murder and the protests that followed nationwide, a movement galvanized around racism's insidious permeation of innumerable American institutions.

This movement denies the existence of systemic racism and seeks to ban education around current and historic racism from schools, libraries, museums, and institutions of higher learning.

Prominent conservative organizations fund and support this movement. Common language and tactics unite it. They have been demonstrated at school board meetings, library board meetings, local elections, and in the formulation of policy statements and legislation.

Engagement happens from behind a smokescreen, misdirecting those who would oppose it. The movement set up "critical race theory" (CRT) as a boogeyman stand-in for their actual agenda.

Analysis done by NBC News found at least 165 local and national groups working to oppose lessons on CRT.

By its actual definition, CRT is a critical framework examining the intersection of race and US law that originated in the mid-1970s. It is used in law schools to explore social, cultural, and legal issues related to race and racism.

It is important to recognize that the proper meaning of CRT is never what is actually referred to by the bills, policies, and demonstrations opposing its teaching. Administrators who research the real CRT as preparation for a meeting with one of these groups will be armed for the wrong battle.

The deliberate misappropriation of the term originated with Christopher Rufo, who has worked with

conservative think tanks including the Heritage Foundation, the Manhattan Institute, and the Discovery Institute.

The novel vocabulary of the anti-CRT movement does not end there, however. Their evocation of Marxism is another act of verbal misdirection. Its basis is groundless, but it serves as both a callback to the McCarthy era, which waned as the Civil Rights movement began, and as a sidelong dismissal of liberal social movements.

This, too, can be credited to Rufo. After weaponizing CRT on Fox News, Rufo sought to profit from it by publishing a book on winning the "language war" in CRT debates through the use of terms like "race-based Marxism."

The language utilized is significant and clearly differentiates those individually objecting to displays, materials, programming, and curricula, from those participating in the broad astro-turf campaign.

Anti-racist books, trainings, and educational frameworks are being cast as "racist" by adherents of the conservative movement working to outlaw them.

Another term widely employed by the movement is "divisive concepts." As used, it encompasses topics such as systemic racism; White privilege; gender identity; and diversity, equity, and inclusion.

Leah Cohen, an organizer with Granite State Progress, told *The Atlantic* that the terms utilized are intentionally ill-defined. "The vagueness of the language is really the point," she said. They're using "this really broad brushstroke, [and] we anticipate that that will be used more to censor conversations about race and equity."

Policies and legislation prohibiting widely interpretable speech invariably have a chilling effect.

The anti-CRT movement was brought to the national stage by

Rufo's August 13, 2020, appearance on Tucker Carlson's Fox News show.

Rufo took the opportunity to "call on President Trump to immediately issue an executive order." White House Chief of Staff Mark Meadows called Rufo the following morning.

Donald Trump heard Rufo's dog whistle and replayed it through a megaphone. Trump issued Executive memorandum M-20-34 on September 4, 2020, forbidding both training about racism for Federal employees and the funding of such training with federal dollars.

Trump's memorandum specifically addressed anything grounded in "critical race theory" or mentioning "White privilege."

Rufo continued shaping the culture war and fanning the flames of outrage through appearances on Fox News. *The Washington Post* noted Rufo's allegations "are not supported by the evidence he produces and others are stretched beyond the facts."

On September 22, 2020, Trump advanced the national agenda further when he issued Executive Order 13950. This EO utilized the phrase "divisive concepts" and was drafted by Russel Vought, then director of the White House Office of Management and Budget.

Vought now heads the Center for Renewing America, an organization whose primary mission is helping state legislators draft and promote bills fighting CRT.

In an explicit expansion of what the anti-CRT movement was targeting, the EO also forbade gender inequality as a topic of federally-funded training. CRT would soon come to encompass gender identity, sexuality, reproductive rights, mask mandates, and vaccination against COVID-19.

In a March 15, 2021, tweet, Rufo said "The goal is to have the public



read something crazy in the newspaper and immediately think ‘critical race theory.’ We have decodified the term and will recodify it to annex the entire range of cultural constructions that are unpopular with Americans.”

School board meetings have become a particularly heated battleground, inspired perhaps in part by Steve Bannon’s proclamation that “the path to save the nation is very simple—it’s going to go through the school boards.”

Adherents to this movement take a hostile and unruly approach to debate. Tyler Kingkade, investigative reporter for NBC News, said, “School board members . . . have told me that they’ve had to ask for police escorts to their vehicle when they leave the building.”

Jeff Porter, a besieged school superintendent in Maine, told NBC News, “I didn’t understand until recently, but these were tactics from national organizations to discredit the entire district.”

Truthout reported that “most of these opposition groups purport to be homegrown and grassroots, [but] all have access to the support and resources (including model legislation) of numerous national right-wing organizations. These include the Alliance Defending Freedom, the American Legislative Exchange Council, the Family Research Council, Family Watch International, the Heritage Foundation, and Project Blitz, as well as right-wing media outlets such as Breitbart, Fox News, the Daily Wire, Newsmax, and the Washington Free Beacon.”

In addition to protests against policy and curricula, many specific book titles are being targeted. On July 19, a group of parents complaining of Marxism and CRT coerced the Northampton Area School District to reconsider dozens of titles, including

biographies of Rosa Parks and Coretta Scott King (see: “Censorship Deadline: Northampton, Pennsylvania”).

When overt censorship efforts fail, it is increasingly commonplace to attempt to recall local elected officials.

Ballotpedia has documented a record high number of school board recall attempts so far this year. The average from 2006 through 2020 was 23 recall efforts against 52 board members. January through September of 2021 has seen 70 recall efforts against 182 officials. The most previously documented were 38 recalls targeting 91 board members in 2010.

Kingkade told NPR’s Terry Gross: “I’ve heard from school board members that they’re getting people coming in from out of their district that have no children in their district and no connection to the schools but are still showing up to speak about critical race theory.”

National organizations and politicians are supporting efforts to recall school board members. According to AP News, “In Loudoun County, Virginia, a Justice Department spokesperson from the Trump Administration rallied parents in a recall effort sparked by opposition to a district racial equity program.”

In May, a group called the Southlake Families Political Action Committee (PAC) worked to oust two incumbents from a school board, two from the city council, and the town’s mayor in order to prevent the Carroll Independent School District from adopting an anti-bullying policy. After the election, Southlake Families PAC tweeted “Critical Race Theory ain’t coming here” (see: “For the Record: Southlake, Texas”).

In suburban Milwaukee, a law firm heavily financed by a conservative foundation that has fought climate change mitigation and which has ties to Trump’s efforts to overturn the

2020 election, helped parents seeking to recall Mequon-Thiensville school board members in response to the board hiring a diversity consultant.

Parents Defending Education, a new national advocacy group “fighting indoctrination in the classroom,” cites the Mequon-Thiensville recall as a model. They provide FOIA request templates, talking points, organizing strategies, and engagement tools for those eager to oppose anti-racism.

Combative disruptions have also been taking place at public library board meetings over books, displays, and programs. Just as with school boards, public library board elections are seeing heavy conservative political influence opposed to promoting racial equity and gender inclusivity.

A candidate who opposed reflecting the increasingly diverse community in the collection of the Maine Public Library in Niles, Illinois, and instead argued “if we got people to assimilate and learn English better, I think we would do more good,” was elected to the board.

The Kootenai County Republican Central Committee successfully reshaped the Community Library Network’s board in Idaho. They unseated two incumbents and browbeat another candidate into withdrawing from the race.

In their stead, they shepherded candidates onto the board who verbally committed to removing lesbian, gay, bisexual, transgender, queer/questioning, intersex, and asexual (LGBTQIA+) materials from the library (see: [Journal of Intellectual Freedom and Privacy 6, no. 2: “Is It Legal?: Libraries”](#)).

Similarly, universities have faced increasing pressures to undermine academic freedom, particularly as it pertains to discussions around race, racism, and gender identity.



University of Nebraska Regent Jim Pillen introduced a resolution opposing CRT throughout the university.

Florida Governor Ron DeSantis signed a bill requiring students and faculty of the state's public universities to be surveyed regarding "viewpoint diversity" and "intellectual freedom" and allowing college students to record lectures without their professor's consent.

In announcing the bill, DeSantis threatened to defund universities found to be "indoctrinating" students (see: "Is it Legal: Universities").

State legislatures are another prominent battleground. Amplifying Rufo's efforts, the Heritage Foundation and the American Legislative Exchange Council started providing webinars on opposing CRT. They have also created draft legislation.

Chalkbeat has been tracking state legislative attempts to restrict teaching about racism and the history of racism in this country.

Arizona, Arkansas, Idaho, Iowa, New Hampshire, Oklahoma, Tennessee, Texas, and Utah have passed laws prohibiting the teaching of CRT and/or "divisive concepts."

Bills to ban teaching CRT, "divisive concepts," anti-racism, anti-sexism, and/or the 1619 Project have been introduced in the Alabama, Arizona, Georgia, Iowa, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, and Wisconsin state legislatures.

Legislation is also being considered in Maine.

Anti-CRT bills failed to pass in Mississippi, Rhode Island, and West Virginia.

In Florida, the State Board of Education voted unanimously to ban teaching of CRT and the 1619 Project.

Georgia's Board of Education passed a resolution opposing lessons about systemic racism or related to the 1619 Project and stating that no policy should "compel" educators to "discuss current events."

In Indiana, Attorney General Todd Rokita issued a 16-page "Parents Bill of Rights" urging parents to oppose use of the 1619 Project and any teaching using a lens of historic racism to examine US history and government.

Montana's Attorney General Austin Knudsen issued a binding opinion banning CRT and antiracism training in schools.

Reported in: *New Yorker*, June 18, 2021; *NBC News*, May 10, 2021, June 15, 2021, and July 23, 2021; *Washington Post*, May 29, 2021, June 2, 2021, June 19, 2021, July 7, 2021, and July 24, 2021; *Truthout*, July 13, 2021; *NPR*, June 24, 2021, July 25, 2021; *AP News*, September 1, 2021; *The Hill*, May 5, 2021, June 19, 2021, June 22, 2021, June 23, 2021; *Daily Nebraskan*, July 21, 2021; *Daily Nonpareil*, July 14, 2021; *Newsweek*, June 11, 2021, and June 29, 2021; *Tampa Bay Times*, July 23, 2021; *CBS 42*, July 13, 2021; *Colorado Newline*, June 12, 2021; *New York Times*, June 17, 2021; *Atlantic*, May 7, 2021; *School Library Journal*, June 12, 2021; *Advance Local*, June 10, 2021, and June 11, 2021; *Iowa Capital Dispatch*, May 23, 2021; *WRAL*, May 21, 2021; *CBS 46*, May 21, 2021; *Columbus Dispatch*, May 25, 2021; *Read Cultured*, May 15, 2021; *Tennessean*, May 5, 2021; *Dallas Morning News*, May 4, 2021; *Des Moines Register*, April 28, 2021; *Brookings*, July 2, 2021; *Bowling Green Daily News*, July 6, 2021; *Portsmouth Herald*, July 9, 2021; and *American Historical Association*, June 16, 2021.

SCHOOLS Sewickley, Pennsylvania

Five administrators and a teacher at Sewickley Academy were fired after a group called the Sewickley Parents Organization (SPO) complained about "politics and activism" in the classroom.

The SPO placed ads in local publications demanding the removal of activism from the classroom and sent a letter to all members of the school community.

In the letter, the SPO asserted individual families should determine what their children learn, not Sewickley Academy. The letter referred to the school's diversity, equity, inclusion, and social justice initiatives program as "Critical Race Theory [CRT] dressed in sheep's clothing."

LaVern Burton, the director of diversity, equity, inclusion, and social justice, was among those terminated.

Under the Academy's former head of school, Kolia O'Connor, the school had adopted diversity, equity, inclusion, and social justice initiatives as part of its strategic plan.

The plan creating the school's diversity, equity, inclusion, and social justice initiatives was adopted in April. The parent organization sent its letter about the plan to school families and the board of trustees on June 1.

The board met with the SPO to learn more about their concerns. Afterwards, they announced O'Connor's departure.

O'Connor had served as head of school since 2003. Ashley Birtwell, a member of the board, was immediately installed as interim head of school. Birtwell expressed her commitment to "restore the school to what it used to be."

Birtwell then fired Burton; Douglas Leek, head of admissions and financial aid; the head of the senior school; the head of the lower school;



the director of teaching and learning; and Brandi Lawrence, a fifth grade teacher.

Burton was replaced on an interim basis by Derek Chimner, a gym teacher who also coaches track and field and basketball. Chimner does not have previous experience doing diversity, equity, and inclusion work. Birtwell said he was qualified because he was an alumnus.

Leek sued the school on counts of race discrimination and breach of contract. Leek, Burton, and Lawrence are Black. Leek's suit claims the academy discharged him because of his race and was part of a "pattern and practice of discrimination on the basis of race with the goal of restoring the school 'to what it used to be.'"

Before he was fired, Leek met with Birtwell to talk about the differences between the school's diversity, equity, and inclusion initiatives and CRT. Leek was well acquainted with CRT as he had discussed it in his doctoral dissertation. He assured Birtwell the theory was not part of the school's initiatives.

Leek had recently been commended in a performance evaluation. In his first full year as director of admissions and financial aid, he enrolled more students than anyone during the past three years. Two of the previous admissions directors who had enrolled fewer students were promoted.

Birtwell said enrollment issues were the driving force behind the extensive changes.

Gary Niels, executive director of the Pennsylvania Association of Independent Schools (PAIS), expressed concern over the "turmoil" at Sewickley Academy. PAIS accredits more than 115 schools across the state.

"When there is a tenured 18-year head suddenly let go, we wonder what happened," said Niels. "Where was

the communication? Why did this result in such a sudden end? That's where our concern is, coupled on the heels of his departure suddenly to have so many administrators let go."

Niels said he did not believe anything that happened recently would jeopardize Sewickley Academy's accreditation, but indicated that he and the PAIS board would take a closer look at the situation and discuss it with the academy's leadership.

A group of parents has also raised objections to what they view as the academy's efforts to suppress diversity and inclusion initiatives. They expressed concerns that the board made the personnel moves in response to demands from the SPO.

Dominic Odom, a Black Sewickley Academy parent, said the letter the SPO sent left many parents in the community feeling unsafe due to its racial overtones.

"The anonymous letter that was sent had the impact on many members of the parent body that they are now concerned for not only the physical safety but the socioemotional safety of the children," said Odom.

The SPO has "amassed a mailing list from the school directory and created what is now a permanent distribution list of their own, which attaches children's pictures from the directory to addresses of their homes inside and outside of Sewickley," said Odom. "That has left many people feeling uneasy about returning to the campus."

Reported in: *Pittsburgh Post-Gazette*, July 21, 2021; July 26, 2021; July 28, 2021; and July 30, 2021.

Southlake, Texas

When a video of teenage students chanting a racial slur went viral, the Carroll Independent School District (ISD) adopted a Cultural

Competence Action Plan (CCAP) aiming to address racism among students through programs and assembly speakers. The plan also requires diversity training for staff.

The 34-page CCAP references racism only once and does not address systemic or institutional issues. It focuses primarily on preventing bullying and raising "cultural awareness."

A group called the Southlake Families political action committee (PAC) staunchly opposes the passing of the CCAP, which they characterized as "some of the most extreme liberal positions in the history of Texas public education," which would "indoctrinate children according to extreme liberal beliefs."

Five candidates endorsed by the Southlake Families PAC and opposed to the CCAP were elected in May: two to the school board, two to city council, and one as mayor. After the election, Southlake Families PAC tweeted "Critical Race Theory ain't coming here."

Southlake, a suburb of Dallas-Fort Worth, is 79% White with a median income of \$240,000.

There is more to Southlake than conservative White political action groups opposed to the prevention of bullying, however. One group of past and present students from Carroll ISD called Southlake Anti-Racism Coalition (SARC), holds a very different view of the community's issues and needs.

Members of SARC characterized the behavior in the viral video as unsurprising. "That happens all the time at Carroll schools," said Raven Rolle, a 2019 graduate.

Rolle, who is Black, recalled multiple experiences when White peers used racial slurs. She reported them to school officials and said that the offending students were never penalized.



Rolle recounted one incident in which a student repeatedly said a racial epithet. She reported the student to the principal's office. When that student denied the incident, the principal told her, "Just don't let them dim your light, you'll be fine."

Another former student said they were referred to by a slur during class every day for two years. "No one asked me if I was OK, no one did anything to show that they cared about me. I didn't know what to do. I was like, 14."

A classmate corroborated this account. "It definitely happened."

Maddy Heymann, who graduated in 2017, referred to the class in which they were required to read *To Kill a Mockingbird*.

"Someone in class will say the n-word when reading the book," said Heymann. "Teachers think it's an important part about reading the book, [but] it just proliferates the idea that it's an acceptable word to say."

Anya Kushwaha, a SARC member who graduated in 2016, said the proposed CCAP fell short of what she hoped to see.

Even though the plan was lacking, she felt it was at least a starting point. "At the bare, bare minimum, any semblance of a plan like this is necessary just because of how far off we are." As a result of the efforts of the Southlake Families PAC, now even that small step won't be taken by the ISD.

Reported in: CNN, May 5, 2021.

LEGISLATURE Colorado

On June 8, the Colorado legislature passed landmark privacy legislation called the Colorado Privacy Act (CPA).

The CPA creates several data privacy rights for Colorado consumers and sets new boundaries on the

practices of those who control the processing of Colorado residents' personal information and the third-party service providers performing data processing activities.

When it goes into effect on July 1, 2023, the CPA will bestow the following rights to Colorado consumers:

- The right to confirm whether a company is processing their personal data
- The right to access personal data in a portable and readily usable format (to the extent that it is technically feasible to do so)
- The right to correct inaccurate personal data
- The right to delete personal data
- The right to opt-out of the processing of their personal data where it relates to targeted advertising, the sale of personal data, or certain types of profiling

Companies will be prohibited from processing certain personal data without consent. This includes specified biometric and genetic data; personal data from a "known child"; and any data revealing a consumer's racial or ethnic origin, religious beliefs, health diagnosis, sex life, sexual orientation, or immigration status.

Additionally, the law will require controllers to provide consumers with "reasonably accessible, clear, and meaningful" privacy notices describing the types of personal data collected, the purposes for processing it, and the types of data shared with third parties.

While the CPA does not provide avenue for personal lawsuits, it does empower Colorado's Attorney General and local district attorneys to investigate and impose civil penalties against non-compliant businesses.

Reported in: Lexology, June 21, 2021.

Maine

The state of Maine passed a law prohibiting state, county, and municipal government use of facial recognition technology (FRT) in virtually all situations.

Going forwards, Maine police will not have direct access to FRT.

Police can request the FBI or Maine Bureau of Motor Vehicles (BMV) conduct a facial recognition search on their behalf, however. Such requests are limited to cases where they have probable cause and an image of an unidentified person committing a serious crime, and for "proactive fraud prevention."

All FRT searches performed by the BMV must be logged and designated as public records. The law also stipulates that an FRT match alone does not constitute probable cause for arrest.

"Maine is showing the rest of the country what it looks like when we the people are in control of our civil rights and civil liberties," proclaimed a press release from the American Civil Liberties Union.

Maine's law gives citizens the right to sue the state if they are unlawfully targeted with FRT. It also requires that the results of illegally performed FRT searches get deleted and provides that such search results cannot be used as evidence.

Currently, Washington has the only other statewide facial recognition law, but it has been widely criticized for allowing police surveillance with FRT and for FRT to be used to deny access to housing, education enrollment, and other services.

While there is currently no regulation of federal law enforcement agencies' use of FRT, on June 15, 2021, the Facial Recognition and Biometric Technology Moratorium Act of 2021 was introduced by Edward Markey in the Senate



(S. 2052) and Pramila Jayapal in the House (H.R. 3907).

Reported in: *CPO Magazine*, July 8, 2021; *The Verge*, June 30, 2021.

King County, Washington

On June 1, the Metropolitan King County Council voted to ban the use of Facial Recognition Technology (FRT) by all county departments, including the county Sheriff's Office.

The ordinance passed unanimously and prohibits county departments from acquiring or using FRT or any

information derived therefrom. It also prohibits entering into any contract or agreement authorizing a third party to do so on behalf of a county department.

There are two carve-outs. The Sheriff's Office can use FRT evidence in an investigation as long as they did not produce or request it. Additionally, county administrative and executive departments can use FRT to comply with the National Child Search Assistance Act.

The law requires any facial recognition information illegally collected

or derived to be deleted upon discovery. It also allows individuals to sue if FRT is used in violation of the ordinance.

The scope of the ordinance is limited to county personnel, including contractors, subcontractors, and vendors. While it has no bearing on municipal governments within the county, Seattle city agencies have been required to get City Council approval before acquiring or using surveillance technologies since 2018.

Reported in: *Seattle Times*, June 2, 2021.