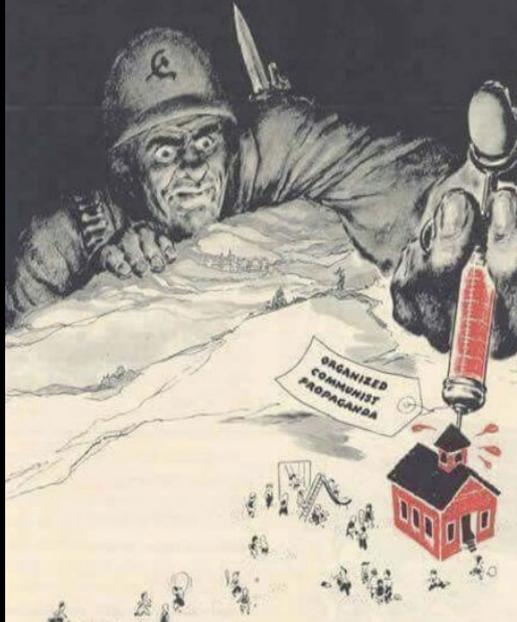
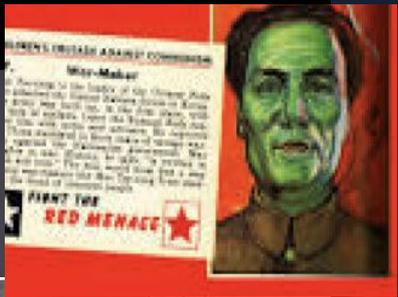


HOW **RED**  
IS THE LITTLE RED SCHOOLHOUSE?



*It's high time American parents knew the facts!*





## Yes, These Bills Are the New McCarthyism

BY ELLEN SCHRECKER Every once in a while, when some new threat to civil liberties or violation of academic freedom surfaces, I get a call from a journalist, documentary filmmaker, or fellow academic asking me to compare the current situation to McCarthyism. "Can it happen again?" "Is what's happening today as bad as it was..."



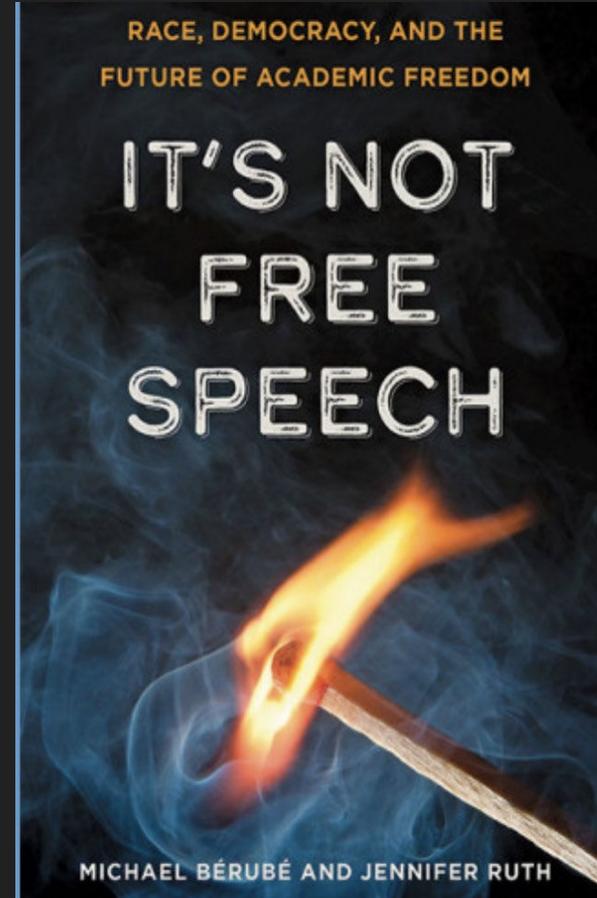
## The Black Scare

BY ERIC SMAW Recently, the Florida state legislature passed House Bill 233, which requires the state Board of Education and Board of Governors to conduct an annual survey of students and professors at public colleges and universities to determine if they feel comfortable expressing their viewpoints in the classroom. State Rep. Spencer Roach, who sponsored...

[Pen report : "education gag orders"](#)

Academic freedom is not free speech. Politicians can make demonstrably wrong, irresponsible, and race-baiting claims; responsible professors cannot. Academics also have First Amendment rights in other aspects of our lives, but we are held to the standards of our profession when we make claims in peer-reviewed journals or submit our work to promotion and tenure committees. Through these processes, society comes into possession of a body of work that has been vetted by experts and that cannot be reduced to mere opinion or hearsay. They provide a democratic society with what the law professor and former Yale Law dean Robert Post calls “democratic competence.” And this — academic freedom — is what distinguishes universities in democratic states from those in authoritarian and totalitarian states where one political group has the ability to control knowledge. Despite all its old Cold War fear-mongering and all its empty talk of freedom, the Republican Party now harbors a sizable contingent of politicians who are increasingly willing to use authoritarian tactics to get what they want.

[“The Increasingly Authoritarian War on Tenure,”](#) *Chronicle of Higher Ed*, Feb. 2022



## Free Speech

→ “Equal status in the field of ideas” - all expressions are (supposedly) given equal protection under the law - “viewpoint neutrality”

→ Speech need not manifest any sense of “competence” - so long as it does not incite violence or does not fall into other categories of constitutionally “unprotected” speech

→ Free speech rights are focused on the individual person (where “person” now includes corporations)

## Academic Freedom

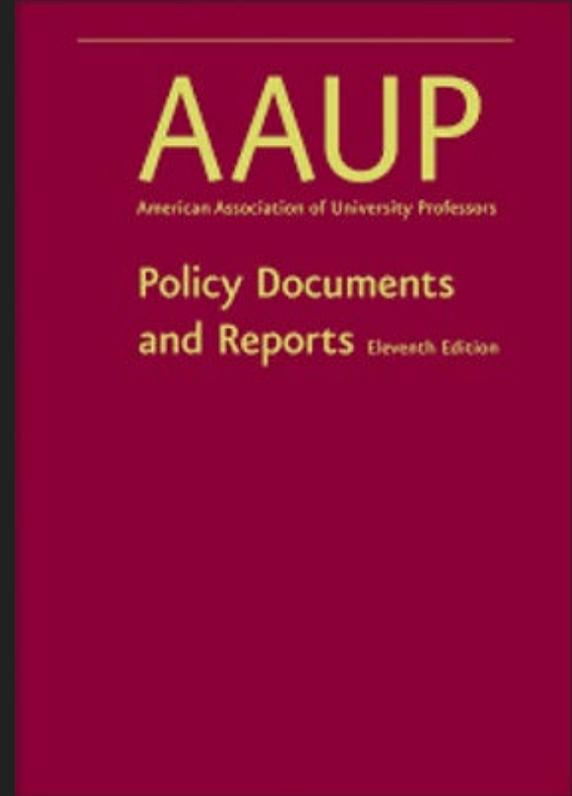
→ Inequality of status between ideas, based on disciplinary standards and peer review  
→ to progress knowledge for the common good

→ Speech manifesting “disciplinary incompetence” is *not* protected

→ Academic freedom rights are regulated by the “collective” -- peers within your discipline determine what constitutes “disciplinary competence”

# What are the primary responsibilities of the faculty in shared governance?

The role of the faculty is to have primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life related to the educational process. The responsibility for faculty status includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal.



Why should the faculty voice be authoritative in the academic area?

- “Faculty are distinctly qualified to exercise decision-making authority in their areas of expertise.”
- The faculty’s “judgment is central to general educational policy.”
- Scholars in a particular field or activity have the “chief competence for judging the work of their colleagues.”

WHO IS BETTER QUALIFIED TO WRITE OUR CURRICULUM? EXPERTS IN THEIR FIELDS OR THESE PARTISAN POLITICIANS?



# #TRUTHBE TOLD

LEGISLATIVE ATTACKS ON RACIAL AND GENDER JUSTICE EDUCATION



# Tennessee Statute HB 580

Passed June 2021

a. An LEA or public charter school shall not include or promote the following concepts as part of a course of instruction or in a curriculum or instructional program, or allow teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include or promote the following concepts

1. One (1) race or sex is inherently superior to another race or sex;
2. An individual, by virtue of the individual's race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously;
3. An individual should be discriminated against or receive adverse treatment because of the individual's race or sex;
4. An individual's moral character is determined by the individual's race or sex;
5. An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex
6. An individual should feel discomfort, guilt, anguish, or another form of psychological distress solely because of the individual's race or sex;
7. A meritocracy is inherently racist or sexist, or designed by a particular race or sex to oppress members of another race or sex;
8. This state or the United States is fundamentally or irredeemably racist or sexist;
9. Promoting or advocating the violent overthrow of the United States government;
10. Promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people;
11. Ascribing character traits, values, moral or ethical codes, privileges, or beliefs to a race or sex, or to an individual because of the individual's race or sex;
12. The rule of law does not exist, but instead is a series of power relationships and struggles among racial or other groups;
13. All Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including, life, liberty, and the pursuit of happiness; or
14. Governments should deny to any person within the government's jurisdiction the equal protection of the law.

# Montana Attorney General Opinion

HELD: In many instances, the use of “Critical Race Theory” and “antiracism” programming discriminates on the basis of race, color, or national origin in violation of the Equal Protection Clause of the Fourteenth Amendment, Title VI of the Civil Rights Act of 1964, Article II, Section 4 of the Montana Constitution, and the Montana Human Rights Act.

Opens with American exceptionalism: “The United States is an exceptional nation founded on exceptional principles. Beyond a simple political revolt, the Founders waged an ideological revolution—one that ushered in a new epoch and reordered American society around timeless truths. “

Spends over a paragraph on Declaration of Independence’s proclamation of equality without mentioning slavery or 3/5ths clause: “That generation constructed our great Constitution around those same principles. Indeed, the Framers considered the Declaration’s assertion of human equality to be *the* self-evident truth—the absolute truth—upon which our republican form of government necessarily hinges. “

## Montana AG cont'd.

Section on critical race theory starts off quoting Richard Delgado and Jean Stefanic's book published by New York University Press. Fine. CRT sounds pretty innocuous. Knudsen then begins to draw on a non-peer reviewed American Enterprise Institute Op-ed and then turns to Chris Rufo's "primer" on CRT, posted on the non-peer-reviewed Imprimis, a free monthly digest. From there, the rest of Knudsen's argument completely adopts Rufo's fever-dream version of CRT. He quotes Rufo calling CRT a "mousetrap" which disables any potential disagreement. The rest of the 25 page Opinion gives up the pretense of citing any credible sources and the majority of its references are to Rufo's various pieces for City Journal like "Subversive Education" and "Racism in the Cradle."



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## Bills Redefining Antisemitism and Racism Threaten Academic Freedom

AAUP's Committee A on Academic Freedom and Tenure published a [statement](#) today that addresses recent partisan efforts in state legislatures to enact bills targeting teaching about Israel and about the history of racism in the United States. The statement notes that “conservative politicians have justified restrictive legislation” on these two topics “under the guise of protecting students from harm.” With regard to Israel, legislation “defines antisemitism to include political criticism of the state of Israel.” With regard to racism, legislation “defines critical analysis of the history of slavery and its legacies in US society as being itself racially discriminatory against whites.”

Following a critique of Florida bills, the statement concludes, “Proponents of overly broad definitions of antisemitism and of eliminating teaching about the history of racial . . . violence” are attempting “to mobilize the government to enforce particular, emaciated accounts of history, harm, and injury.” In addition, when politicians mandate curricular content, they “prevent colleges and universities from fulfilling their missions,” undermine academic freedom, and frustrate the faculty’s ability to play “a primary role in academic decision-making.” The statement closes by urging “the defeat of these legislative initiatives and others of their kind in order to protect the academic freedom that is vital to the preservation of democracy.”

[Read the full statement here.](#)

**Publication Date:** Thursday, March 24, 2022

“Those who seek to suppress critical, evidence-based pedagogy about US histories of racism, empire, and settler colonialism justify their efforts in the name of equality. In the words of Texas congressman James White, “Antiracism and CRT emphasize that racial divisions are the foundation of our American society, rejecting the time-honored classical liberal principle of equality under the law.”<sup>1</sup> There is a doubly perverse logic operating here. White and other like-minded legislators invoke equality to reject critical analysis of history and arguments for social justice and to deny teachers of history their liberty of expression and their academic freedom.”

[Legislative Threats to Academic Freedom: Redefinitions of Antisemitism and Racism](#)

# Get Your Laws Off Our Syllabi!

Using Shared Governance to Fight Back

# WHERE DO FACULTY AS A COLLECTIVE EXERCISE ACADEMIC FREEDOM?

## FACULTY SENATES/COUNCILS

What YOU can do: Work with a few of your colleagues to adapt the Senate Template and Propose a Resolution “Defending Academic Freedom to Teach Race and Gender Justice and Critical Race Theory” to your Faculty Senate or Council.

# Background Information

[Template](#) was developed during the summer of 2021 by the African American Policy Forum's higher ed group (Jennifer, Valerie Johnson) as part of the Truth Be Told Call to Action. Announced at the National Teach In on October 14, 2021.

87 Institutions have passed the resolution to date.

Associations: [American Studies Association](#)

Chapters: Ball State-AAUP, Purdue-AAUP

The poster is for a virtual event titled "NATIONAL CRITICAL RACE THEORY TEACH IN" held on Thursday, October 14, 2021, at 3:00 ET. The subtitle is "What Faculty Need to Know about Classroom Censorship Laws". It features four speakers: Kimberlé Crenshaw, Emily Wash, Valerie Johnson, and Jennifer Ruth. The event agenda includes an opening message at 3:00 PM, a panel discussion at 3:20 PM, breakout sessions at 3:45 PM, and a closing message at 4:15 PM. The breakout sessions focus on understanding government actions, using campus organizations, and knowing faculty rights. The poster also includes the Truth Be Told logo and a registration link.

Thursday, October 14, 2021, 3:00 ET  
**NATIONAL CRITICAL RACE THEORY TEACH IN**  
What Faculty Need to Know about Classroom Censorship Laws

Kimberlé Crenshaw Emily Wash Valerie Johnson Jennifer Ruth

**3:00 PM** OPENING MESSAGE  
Professor Kimberlé Crenshaw

**3:20 PM** PANEL  
Professors Emily Wash, Valerie Johnson & Jennifer Ruth

**3:45 PM** BREAKOUT SESSIONS  
(pre-register by Oct. 13th for breakout selection priority)  
• The State's Role in Government about Academic Freedom  
• Using Student Government to Keep Laws Off Your Campus  
• Using Campus Org. Using a CRT Lens  
• Know Your Rights to Teach Truth

**4:15 PM** CLOSING MESSAGE

#TAUTHBETOLD  
truthbetold@aapf.org

African American Policy Forum  
Register: <https://bit.ly/2XQv3mM>

# 1) Find the resolution template here: <https://www.aapf.org/truthbetold-call-to-action>

Breakout: Get Your Laws Off x TRUTH BE TOLD Call to Action x

aapf.org/truthbetold-call-to-action

14th. We also invite educators to take the [pledge to teach the truth](#). And show your support for our October 14th Call to Action by completing our [endorsement form](#).

Our Teach-In will begin with an opening message from Professor Kimberlé Crenshaw followed by a panel with Professors Emily Houh, Valerie Johnson, and Jennifer Ruth. Breakout sessions include *The Disinformation Grift about Academic Freedom*; *Using Shared Governance to Keep Laws Out of Your Syllabus*; *Doing Campus DEI from a CRT Lens*; and *Know Your Rights to Teach Truth*. To preselect your breakout sessions, register by October 12, 2021.

resolution template, and consider adopting similar language at your own university. To sign the Open Letter, please use this [form](#).

A DAY OF ACTION TOOLKIT >

REGISTER FOR THE NATIONAL TEACH-IN

NATIONAL CRITICAL RACE THEORY TEACH IN

RESOLUTION TEMPLATE FOR UNIVERSITY SENATE MEETINGS

OPEN LETTER TO DEFEND ACADEMIC FREEDOM >

SHARE YOUR CAMPUS SENATE RESOLUTION STATUS >

SENATE RESOLUTION TEMPLATE EXAMPLES >

There's no time to waste. If you act, we'll be able to not only push back against the attacks on CRT and the teaching of truth, but also to lift up the campaigns we are already organizing around and winning.

## Messaging and the Media

Do you need some general tips to prepare for speaking with the media or do you want to better understand the context

SUEVEY K

IDA B. WELLS

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Portland State University Faculty Senate Motion  
1 November 2021

# Defending Academic Freedom to Teach and Research Race and Gender Justice and Critical Race Theory

## Background

"McCarthyism has returned." These are the recent words of Ellen Schrecker, author of *No Ivory Tower: McCarthyism and the Universities*. In the summer of 2021, Republican politicians began proposing legislation against "divisive concepts" and critical race theory. Bills have passed in twelve states and are pending in others. (The African American Policy Forum tracks the legislation [here](#).) The attempt to use the state to restrict teaching and research about race and racism is, in fact, "worse than McCarthyism," Schrecker [wrote](#), because "the red scare of the 1950s marginalized dissent and chilled the nation's campuses, but it did not interfere with such matters as curriculum or classroom teaching." Academics failed to come together to mount a strong defense of academic freedom in the 1950s. We can do better today.

Whether these bills are currently being proposed in Oregon or not, we believe that Faculty Senates everywhere must speak up against them and in defense of academic freedom. We join with our colleagues across the country in resolving the following:

### Motion presented by the Steering Committee in collaboration with several other Senators

Whereas

State legislative proposals are being introduced across the United States that target academic discussions of racism and related issues in American history in schools, colleges and universities;

Whereas

The [Constitution of the Portland State University Faculty](#) (Article 3) states that "The Faculty has primary responsibility for such fundamental areas as curriculum,



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The Ohio State University Faculty Resolution to Support Educators' Rights to Teach About Racism (Ratified by majority vote of the Faculty Council on November 4, 2021 This accompanies a Resolution to the University Senate on December 2, 2021)

**Since 1870, The Ohio State University has enriched society** with its founding principle of “Education for Citizenship,” as literally inscribed on our official seal “*Disciplina in civitatem.*” The faculty of Ohio State continue to maintain this time-tested core value. To this end, Ohio State engages in a Shared Values Initiative that aims to “reinforce our ethical culture and live our shared values to better advance the university’s core work of teaching, learning, research, and service.” Most recently (2021), these included five core values of our land-grant institution: (1) Excellence and Impact; (2) Diversity and Innovation; (3) Inclusion and Equity; (4) Care and Compassion; and (5) Integrity and Respect. These core values echo the commitments asserted by President Kristina M. Johnson in her February 2021 State of the University address and her November 2021 Investiture address, which included intentional efforts to build an anti-racist community.

These core values and commitments have come under attack with congressional representatives proposing legislation to cut federal funding for schools that use lessons or curricula based on the *New York Times* “1619 Project” (Ujifusa, 2021). Additionally, 27 states have proposed or passed legislation to severely limit K-12 and university educators’ ability to teach historical facts, culture, and race. These measures ostensibly target critical race theory (CRT), a legal theory of race and society, yet they misunderstand that body of scholarship and falsely identify it as widespread. In short, “CRT” has become a short-hand for all anti-racist pedagogy and an easy, misapplied way to vilify it (Education Week, 2021).

Not only does this legislation undermine the core values of OSU, but it also puts faculty members, graduate students, contingent instructors, and K-12 educators at risk. For faculty in higher education, these amorphous mandates against “divisive teaching” (Ohio House Bill 322; Ohio House Bill 327) are antithetical to and contradict the dual principles of academic freedom and academic responsibility. Current movements across the country related to these issues are alarming. In Texas, educators were directed to teach “both sides” of the Holocaust, in compliance with a bill curbing the teaching of history. In Georgia, the university system enacted new moves to remove the protections of tenure. In Ohio, the state board of education repealed its earlier anti-racism resolution. For K-12 educators, these mandates can have a chilling effect, and may lead to harassment from the misinformed or antisocial elements, and questionable loss of employment. We stand in strong support of these teachers, who are preparing our future students with the breadth of knowledge to succeed at our university. In short, given the national focus on these issues, clarity from this faculty is critical.

Given the founding principles of Ohio State, our Shared Values, and our commitment to anti-racism articulated by colleagues and our president, which this faculty endorses, we urge the University Senate to resolve:

To advocate for and support faculty members, graduate students, contingent instructors, and K-12 educators in teaching about racism--including the systemic and ideological racism that is foundational to institutions in the United States--and to defend educational institutions against the assault on facts or established truth that “anti-divisive” teaching bills, resolutions, and policies represent.

To provide guidance to college and K-12 administrators on how to create support structures within their institutions to enable all university and K-12 educators to engage in anti-racist teaching and pedagogies for social justice without fear of repercussions from within or outside their places of work (see, e.g., *Understanding the Attacks on Critical Race Theory*).

To respond with integrity to arguments, proposed bills, and other efforts designed to curb the rights of K-12 and university educators to teach about systemic, structural, and ideological racism. These responses are foundational to the free society valued by the citizens of the United States.

# Institutions that have passed the resolution

## UT-Austin – passed on Monday, 2/14



**Dan Patrick** ✓ @DanPatrick · Feb 15

...

I will not stand by and let looney Marxist UT professors poison the minds of young students with Critical Race Theory. We banned it in publicly funded K-12 and we will ban it in publicly funded higher ed. That's why we created the Liberty Institute at UT.



statesman.com

UT Faculty Council passes resolution supporting freedom to teach crit...

The resolution states that educators, not politicians, should make decisions about teaching and learning.

National press:

[Across the Country Faculty Fight To Defend Academic Freedom](#) (*The Nation*, March 30, 2022)

[Template for Academic Freedom](#) (*Inside Higher Ed*, Dec. 15, 2021)

[“College Faculty Are Fighting Back Against State Bills on CRT”](#) (*Washington Post*, Feb. 19, 2022)

[“Fighting Back Against CRT Panic](#) (*Salon*, March 7, 2022)

[“Faculty, You Have Power! Use It!”](#) (*Academe* blog)