

Congress of the United States

House of Representatives

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Opening Statement of Chairman Jamie Raskin Hearing on “Free Speech Under Attack (Part II): Curriculum Sabotage and Classroom Censorship” May 19, 2022

This is our second Subcommittee hearing addressing the escalating assault on free speech and free thought in classrooms across America. Last month, our hearing was on the thousands of books being targeted for censorship in school libraries and classrooms, such as George Orwell’s 1984, Toni Morrison’s *The Bluest Eye*, *Drama* by Raina Telgemeier, and Margaret Atwood’s *Handmaid’s Tale*, because they address the historical and psychological realities of race, gender, sexual orientation, or power in ways that are deemed politically incorrect.

Book censorship wrecks a healthy environment for free inquiry and learning, and I have been amazed by the widespread response we have received across the country to our hearing from students, parents, teachers, and authors alarmed by what is taking place in their communities. But I am also heartened by their express determination to fight for the freedom to think, to read, to debate, to discuss, and to explore.

I want to introduce into the record a letter signed by more than 1,300 children’s and young adult authors and illustrators, including New York Times bestselling authors and Newberry and Seuss award winners like Judy Blume, Rick Riordan, Jacqueline Woodson, and Mo Willems, that is decrying book bans and classroom censorship.

This hearing addresses the closely related nationwide assault on the rights of teachers and students to engage in free speech and learning in the classroom through the dissemination of basic facts and historical truths that are deemed by some politically incorrect or just uncomfortable. Authoritarianism always opposes historical memory and teachings that record and evoke the experiences of prior victims of authoritarianism, racism, and fascism. The historical record of oppression and suffering is treated as an impediment to imposing new forms of control over people’s lives and people’s thoughts and people’s bodies.

Of course, the replacement of education based on facts, truth and ideas is the spread of dangerous conspiracy theories, Big Lies and disinformation.

And America has come to know the bitter price of conspiracy theory, and Big Lies, and disinformation: social polarization, virulent racism and white nationalism, proliferating hate crimes, deranged gun violence and racial massacre.

The people of Buffalo, New York just paid that terrible price on Saturday.

Just six days ago, an 18-year-old gunman jacked up on deranged conspiracy theory and white supremacy packed up a small arsenal of firearms and drove four hours to a neighborhood grocery store in Buffalo, New York called Tops Friendly Market, where he proceeded to execute ten people and wound three others. After months of planning, the gunman selected this neighborhood because it was the most densely populated African American community nearby. Inspired by prior deadly racist massacres from the Oklahoma bombing to ChristChurch to El Paso to the Tree of Life Synagogue to the Mother Emanuel Church, the killer livestreamed his sickening atrocity on the gaming platform Twitch.

The gunman’s 180-page manifesto justified what he cheerfully called his “act of terrorism” by reference to “White

Replacement Theory,” the pervasive right-wing conspiracy theory which asserts that white people, the rightful rulers of America, are being purposefully replaced in society with Black and brown minority groups by their Jewish controllers for the purpose of destroying the white race. The killer wanted to warn non-whites to “leave [white territory] while you still can, as long as the White man lives you will never be safe here.”

He openly stated that his goal was to “kill as many Black people as possible.”

Significantly for our hearing today, the mass murderer invoked the spread of Critical Race Theory, or CRT, as a motivating factor in his crime.

Critical Race Theory was a theory advanced in the 1980s when I was in law school [by professors such as Kimberle Crenshaw, Gary Peller and Richard Delgado, which tried] to explain the stubborn hold of white supremacy and racism even after the Supreme Court’s decision in *Brown v. Board of Education* in 1954. They argued that American legal institutions and legal doctrine must incorporate the people’s lived experience of slavery, the *Dred Scott* decision proclaiming that African Americans have no rights that the white man is bound to respect, the Civil War and Reconstruction, *Plessy v. Ferguson* in 1896 upholding Jim Crow apartheid in America, as well as the recurring, heroic struggle for civil rights and freedom in our country.

Critical Race Theory has barely been taught in most law schools recently and was never taught in America’s public schools, in elementary school or middle school. The vast majority of public school teachers had never even heard of it before the right-wing decided to make it the name of everything they wanted to purge from public schools in America, specifically, the actual history of race and racism in America as well as teachings about gender, sexual orientation, and gender identity.

This effort began with a right-wing propagandist named Chris Rufo who decided to use Critical Race Theory as the cover and the villain for his campaign to destroy public education in America. In November of last year, he Tweeted: “It’s time to clean house in America: remove the attorney general, lay siege to the universities, abolish teachers unions, and overturn the school boards.” Recently, he elaborated his program in a speech called “Laying Siege to the Institutions,” apparently a favorite phrase of his that has an eerie ring to those of us who were here on January 6, 2021. But in that speech, he stated: “To get to universal school choice, you really need to operate from the premise of universal public school distrust.” And he said: “You fight on terms you define.” Giving the game away in his attack on our institutions. “You have to create your own frame, your own language, and you have to be ruthless and brutal in pursuit. . .”

When called out specifically for attempting to create a mass “campaign against public education that starts with (1) sowing mass distrust in public schools in order to win [and] (2) universal school choice,” Rufo responded: “Hell yeah. Thanks for sharing!”

This sinister strategy to promote paranoid distrust in the school environment is now playing out in states around the country. Some 17 states have passed classroom censorship laws or adopted orders prohibiting the discussion of race-related issues in history, literature, and current events in public schools.

These prohibitions include teaching anything that might make a student feel “guilt, anguish, or psychological distress” on account of race or sex, which imagines that our students, millions of students, specifically white students, are snowflakes who cannot handle the actual history of racism, Jim Crow segregation, or massacres like the Tulsa Race Riot. These laws are designed so that if a student hears something that might make them uncomfortable, their parents can complain, and in many states, get teacher disciplined or fired.

This is, of course, an absurd and unworkable principle upon which to base education about history and society, which is inevitably filled with material that will make someone uncomfortable. Must we purge the teaching of World War II in high school because the students are considered too fragile to handle the truth? Must we purge the truth of wars against Native American Indians in the 18th and 19th century because that would hurt the descendants of whites who were alive at the time?

A grotesque effect of these classroom censorship laws is that teachers cannot discuss with students the actual self-

proclaimed motivations of the Buffalo shooter or the falsehoods and racial animosity inherent in “White Replacement Theory” without fear of getting fired. Under new Texas laws, not only could classroom discussions about the shooting be prohibited but Twitch could also be prohibited from removing the livestream of the massacre from its servers because that would be defined as viewpoint discrimination.

Classroom censorship has also expanded into attacking the LGBTQ+ community by creating a moral panic about lesbian and gay people recruiting and indoctrinating children, grooming them for sexual exploitation. Florida passed the so-called “Don’t Say Gay Act” which prohibits teaching anything related to human sexuality or gender identity to K-through-3rd grade students.

The truth is that grooming, in this twisted parlance, is not, and has never been, part of a state or local curriculum or any competent teacher’s practice. No one wants to teach kindergarteners about sexual activity, beyond recognizing what a bad touch or overture from a grown up is.

No, if young students are learning about sexual orientation and gender identities, it is in the context of recognizing differences in family structures—yes, some kids today may have two moms or two dads today just as a lot of kids may have a single parent at home. What’s wrong with teaching that? And the emotional social learning curricula that have come under attack teach you that it’s ok to be yourself. Or perhaps it is part of anti-bullying instruction—it’s not okay to vilify or humiliate someone just because they’re different.

The classroom censorship laws being passed and proposed are the hallmark of authoritarian regimes—removing anything from the public sphere that does not comport with a strict party-line and then demonizing it. In Russia and Belarus today, it is a crime to disseminate so-called LGBTQ+ propaganda or “discredit the institution of the family,” just as it is a crime to describe the war against the sovereign democratic nation of Ukraine as a war. That can get you sent to prison in Russia today. A proposed law in Tennessee would prohibit the use of any classroom material addressing “LGBTQ lifestyles.” A proposed Kansas bill would make it a misdemeanor to use any classroom materials depicting gay people.

These laws are not being passed for the benefit of students and their educational progress. They are not being passed to support parents’ rights to transparency and involvement in their child’s education. They are being passed to enforce the will of a right-wing minority hellbent on destroying public schools against the exhausted majority of parents who support real education and trust teachers, principals, and elected school boards to do right by their children. These laws are being used to undermine public faith in public education and destroy one of the key pillars of our democracy, one that was precious to the Founders of our country and that is precious to the parents of America—more than 90 percent of whom send their kids to public school.

I look forward to hearing from our excellent witnesses.

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