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The Authoritarian Big Chill: Critical Race Theory versus Nostalgia in a Deep Red State¹

John R. Wood

Abstract

This article focuses on Oklahoma’s House Bill 1775 and its implications for academic and intellectual freedom. In a political strategy to cancel the study of race and gender in US history through memory laws, it is creating a chilling effect on teaching and is banning books related to these subjects. Proponents of H.B. 1775 want to replace the current curriculum with a “patriotic” political history that relies on nostalgia. Oklahoma teachers and professors, however, are not backing down.

Michael Givel, a University of Oklahoma professor and AAUP chapter president, is worried about a chilling of academic freedom after the passing of the vaguely worded House Bill 1775, which could allow for arbitrary enforcement and erode academic freedom. “Students who are listening to these sorts of issues ought to be able to have inquiry on the issues of the day,” Givel says.²

The new law affects K–12 classrooms, too. For example, Melissa Smith, adjunct sociology professor at Oklahoma City Community College and a teacher at U. S. Grant High School, expected to teach a class in summer 2021 called Race and Ethnicity, which she had taught for several years. Her course was canceled in response to the Oklahoma Legislature’s

¹ This article is adapted from Wood 2021.

² Quotations in this article for which a source document is not cited are from my conversations with the people quoted.

fixation on critical race theory (CRT)—the latest solution in search of a problem, used by lawmakers to fire up their base in the new culture war.

This article focuses on the recent passage of H.B. 1775, a memory law that narrows the view of US history to one of nostalgia, producing a chilling effect in the classroom and banning, even threatening to burn, library books; fining and firing librarians; and revising history, thereby undermining academic freedom. With the help of the American Civil Liberties Union (ACLU), the Black Emergency Response Team (BERT), and the AAUP, faculty are resisting this war on truth.

Oklahoma's New Law and Pending Legislation

Oklahoma's H.B. 1775, which fails to mention CRT beyond "prohibiting certain topics," especially ones related to race and sexual identity, passed along party lines—77-18 in the House and 38-9 in the Senate (Oklahoma State Legislature 2021). After Republican governor Kevin Stitt (2021) signed this legislation, he said, "We can and should teach this history without labeling a young child as an oppressor." The bill itself states schools should "prohibit discrimination on the basis of race or sex in the form of bias, stereotyping, scapegoating, classification, or the categorical assignment of traits, morals, values, or characteristics based solely on race or sex."

By a 5-1 vote in July, the Oklahoma Board of Education approved H.B. 1775 rules censoring classroom discussion of race and gender (Eger 2021). Violations could lead to suspended teaching licenses and even docking schools' accreditation based on parent complaints, creating ambiguity and fear. Smith's class is an example. It was canceled before being reinstated too late to teach it.

H.B. 1775 has three parts: it bans teaching that one race is superior to another, attempts to keep students from feeling they are "oppressors" because of their race, and seeks to shield students from feeling "uncomfortable" or "guilty." Smith said she doesn't need to blame anyone to teach effectively about racial inequalities and disadvantages. In her classroom, she said, "It's all about power. For the most part, it's all run by white men. Of course, representation matters. I do have people feel guilty for the past. If we are telling the truth, we should all be

uncomfortable. If little kids of color can feel racism, then they can learn about it, too. I always say, get comfortable being uncomfortable. I'm not blaming you; I say it's the system."

It seems that Smith doesn't teach what this new law prohibits. Maybe conservatives miss the point since, as Smith notes, racism is not necessarily focused on the individual. Racial bias is unfortunately found in our systems—laws, rules, norms laid down by our ancestors often reinforcing and perpetuating racial inequity.

According to Katherine Bishop, the Oklahoma Education Association president, no teacher she knows teaches CRT. "It's a moot point," she said. "We teach with integrity and keep with our standards." An Association of American Education poll only found 4 percent of respondents are teaching CRT nationwide. As of May 2021, the Oklahoman reported, the Oklahoma Department of Education had not received a single complaint about the subject being taught (Forman 2021).

By mid-August, *Education Week* reported that twenty-six states had introduced such bans and nine, including Oklahoma, had turned their proposals into laws—typically without knowing what CRT means (Ray and Gibbons 2021). Smith said she hadn't heard of CRT before the accusations about her class and didn't know what it was until she did her own research.

A Yahoo News/YouGov poll reports that less than half the US public is familiar with the theory or knows what it means (Romano 2021). In conservative Oklahoma, pollster Pat McFerron's Cole Hargrave Snodgrass and Associates found that 58 percent of voters opposed teaching CRT in public schools, spelling trouble for Democratic candidates (McFerron 2021).

Several pieces of legislation relating to CRT have been proposed for the 2022 Oklahoma legislative session, including ones focused on sexual identity. For example, Oklahoma state senator Rob Standridge recently proposed H.B. 1142, permitting parents to challenge public school books with "sexual content." This legislation sets a \$10,000 bounty to be collected by parents for each day a challenged book remains on library shelves (Migdon 2021). It passed the Senate Education Committee 8-4, a

measure mimicked in other states as the Republican Party pursues parental rights as its next electoral wedge issue.

Oklahoma's ACLU Lawsuit

The ACLU legal director, Megan Lambert, told KFOR News in Oklahoma City, "We are hoping a federal judge will find [HB 1775] unconstitutional" (Berry 2021). She added that the ACLU sued to protect both the First Amendment and the integrity of education. Teachers, she claimed, can no longer even utter the words "diversity" and "white privilege."

In *BERT v. O'Conner*, filed in the US District Court for the Western District of Oklahoma, OU's Black Emergency Response Team, its AAUP chapter, and a coalition of state civil rights groups challenged H.B. 1775 (Phan 2021). In March 2020, a faculty task force recommended the development of a semester-long general diversity, equity, and inclusion course, Gateway to Belonging. In response to a three-day sit-in and hunger strike in OU's Evans Hall a month prior, the course was created. The *Norman Transcript* reported that the sit-in was also a response to "racist incidents at the university, including two professors saying a racial slur in their classrooms in recent weeks" (Keith 2020). BERT, a group dedicated to creating a safer and more supportive experience for Black students at OU, unsuccessfully demanded that Provost Kyle Harper resign. Instead, OU plans to create a student advisory council to the provost's office as well as a review process for the president's executive leadership.

The lawsuit quotes the OU AAUP as saying that H.B. 1142 infringes on the plaintiffs' "academic freedom to present and research topics regarding race and sex." Givel said that within minutes of the law's passing in July, Gateway to Belonging class administrators shifted it from mandatory to voluntary. "This is a direct threat to professors everywhere. If the state legislature gets away with this, what else? If teaching racial history, you can't say things. . . This is a violation of academic freedom. That type of interference should be blatantly illegal."

The lawsuit further describes the law's harms: "Public universities are prohibited from offering 'any orientation or requirement' that presents 'any form of race or sex stereotyping' or 'bias on the basis of race or sex,'

or even testing these concepts, leaving educators and students to guess at the scope of such broad, undefined terms and how this impacts the treasured principle of academic freedom in the state's universities." As a result, faculty are forced to reconfigure their "pedagogical approach wholesale" to avoid any discussion of race or sexual orientation.

Laws like H.B. 1142 are contrary to the AAUP's 1940 *Statement of Principles on Academic Freedom and Tenure*, which reads, "Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights" (AAUP 2015b).

Chilling Academic and Intellectual Freedom through Memory Laws

H.B. 1775, not unlike the right-wing response called the 1776 Project, is a memory law. Revising history with "memory laws" is common in authoritarian states like Russia, Yale historian Timothy Snyder (2021) notes. Memory laws are ways for an authoritarian government to impose sanctions and uphold a single mandatory interpretation of history, leading to self-censorship. Violators can be fined and their licenses revoked; schools' accreditation can be threatened. Jason Stanley's *How Fascism Works* goes further, describing one of the ideology's trademarks to be the "politics of hierarchy"—a conviction based on a "biologically determined superiority." In this way, such methods focus on recreating a "mythic" and "glorious" past by excluding people found to be inferior because of their religion, ethnicity, gender, and/or race (Stanley 2018). For example, Hungarian dictator Viktor Orbán banned gender studies in August 2018 (Redden 2018). This is a challenge to academic freedom, as it blocks teachers' ability to inquire into subjects that evoke their concern while presenting critical thinking to their students, thereby nurturing higher learning skills.

Consequently, in June 2021, more than a hundred academic representatives signed the *Joint Statement on Efforts to Restrict Education about Racism* (AAUP et al. 2021). They contend that memory laws are inappropriately attempting to "transfer responsibility for the evaluation of a curriculum and subject matter from educators to elected officials."

Memory laws remind me of Anne Applebaum's *Twilight of Democracy* (2020), which describes two types of nostalgia, one reflective and the other restorative. Limiting academic and intellectual freedom is restorative as it involves nostalgic memories that amount to a fairy tale.

Playing Politics with Academic Freedom

Nikole Hannah-Jones, Knight Chair in Race and Journalism at the Howard University School of Communications, created the 1619 Project for the *New York Times*. Its aim, she explains, is to “reframe the country’s history by placing the consequences of slavery and the contributions of Black Americans at the very center of the US national narrative” (Hannah-Jones 2019).

CRT is polarizing, as conservatives view racism as personal, liberals as systemic. Only 31 percent of Republicans agree that racism is systemic and embedded in our country, and 67 percent of Donald Trump supporters oppose CRT being taught. What I find even more revealing is that when YouGov/*Economist* pollsters described racism’s systemic nature without using the CRT label, 54 percent of Republicans agree with it—a 23 percent jump that underscores the political underpinnings of these opinions (Frankovic 2021).

As NBC has reported, the Heritage Foundation, a right-wing think tank, orchestrated school board protests with anti-CRT webinars after the election and before Joe Biden’s inauguration (Kingkade, Zadrozny, and Collins 2021). Consequently, in the spring of 2021, seventy-eight school board protests occurred nationwide over this suddenly sensitive topic—even though universities and law schools (not public elementary or high schools) have been teaching CRT for more than fifty years. In addition, the GOP is creating “school board boot camps” with a platform to specifically fight CRT (Payne 2021). In Virginia’s November general election alone, the Republican Party made the pandemic, sex education, gender identity, and CRT the focus of its activism in eighty-eight school districts (Ortiz 2021).

CRT has also infiltrated local electoral politics; NBC reports that there were more school board challenges in the first six months of 2022 than at any time in memory. MSNBC revealed that the “same people” behind the

Tea Party during President Barack Obama's presidency were now animated by the "MAGA movement's attempt to return to power" and the "Big Lie" (Trump's false claims of election fraud as responsible for his defeats at the polls).

After the January 6, 2021, insurrection, the Right again sought to fan fear. For example, Fox News commentator Tucker Carlson described CRT as "poison" and called for cameras in classrooms, while former South Carolina governor Nikki Haley warned it was "going to hold back generations of young people" (Mulraney 2021). Fox News mentioned CRT 1,860 times in only the first six months of 2021, more than ten times the mentions in 2020 (Barr 2021).

However, this seems to be just politics as usual. As *Miami Herald* columnist Leonard Pitts (2021) put it, "Tomorrow—mark my words—it will be something else, some other pithy term to serve as a repository of all that the white Right fears. There are many things for which they should be afraid—life, health, future. But sadly, they fear nothing quite so much as the loss of whiteness and its privileges. As I said, I know this terrain well." So, unfortunately, white supremacy won't die. It just mutates.

Florida governor Ron DeSantis helped make teaching CRT in K–12 against state law with the "Stop W.O.K.E. Act," instituting a National Model Civic Literacy Initiative similar to the Civic Literacy Act championed by Trump's 1776 Commission, created by the conservative American Legislative Exchange Council (Gibson 2021). DeSantis also seeks to survey public college and university staff, faculty, and students to gauge their views on "intellectual diversity." He hinted further "budget cuts could be looming"—a not-so-veiled threat of financial penalties for noncompliance.

The New York-based 1776 Project PAC, formed to fight CRT, raised nearly half a million dollars to help fund candidates, winning forty-four of fifty-eight school district races (1776 Project PAC 2021). TrumpWhiteHouse.gov (2021) describes the 1776 Commission as a "rebuttal" to "reckless 're-education' attempts that seek to reframe American history around the idea that the United States is not an exceptional country but an evil one." Likewise, the 1776 Project echoes David Randall's (2021) essay for the ultraconservative Oklahoma Council

of Public Affairs, which yearns for Oklahoma to “write into law a positive vision of what civics and history classes should look like.” The 1776 Commission was composed of eighteen people, mainly white male conservatives, sans historians, writing the forty-page document to promote “patriotic education” and counter the 1619 Project, which marks the historically factual year when African slaves first arrived in Virginia shores (Autry 2021).

Republicans are looking backward through a myopic lens, in a nostalgic lovefest for a whitewashed history. Fortunately, President Biden terminated the 1776 Commission on his first day in office.

Intellectual Freedom Burning Up?

Intellectual freedom ensures academic freedom, according to the 2012 revision of the AAUP’s *Joint Statement on Faculty Status of College and University Librarians*, which emphasizes the need to guarantee “the intellectual freedom of the academic community through the availability of information and ideas, no matter how controversial, so that teachers may freely teach, and students may freely learn” (AAUP 2015a).

Librarians are on the front lines fighting book censorship. For example, in September 2021, the American Library Association’s Office for Intellectual Freedom found a 60 percent increase in challenges to books from the previous year (ALA 2021). Veteran librarian Angie Manfredi said the book banning shows that some individuals “don’t want their children to learn about the experiences of underrepresented groups, including their struggles for equality” (Nittle 2021).

Megan Lambert, the ACLU legal director and plaintiffs’ counsel in the aforementioned BERT lawsuit, asserts that the Edmond (Oklahoma) Public Schools banned books by Black authors or that treat the theme of racism, such as Harper Lee’s *To Kill a Mockingbird* (Berry 2021). Meanwhile, Republican Oklahoma state senator George Burns introduced S.B. 1161, a memory law to create a “Sunday School” elective in the state’s public schools and ensure that every school library includes a King James Bible (Oklahoma State Senate 2022).

Elsewhere, during Virginia’s 2021 election campaign, two Spotsylvania County School Board members, Rabih Abuismail and Kirk

Twigg, proposed burning books. “I think we should throw those books in a fire,” said Abuismail, while Twigg said he wants to “see the books before we burn them so we can identify within our community that we are eradicating this bad stuff” (Blake 2021). Their board voted 6-0 to ban “sexually explicit” books. Twigg has been made board chair (Jarrell 2022).

The *Atlantic* reports that Texas state representative Matt Krause seeks to ban up to 850 titles that might create “discomfort, guilt, anguish, or any other form of psychological distress because of [a student’s] race or sex.” The San Antonio School District has already pulled 414 titles from its libraries in reaction (Sarappo 2021). Likewise, in Kansas, the Goddard School District removed more than two dozen titles from its library shelves (Perez 2021).

What’s worse, Republicans in Iowa want to throw teachers in jail for allowing students to read “the wrong book.” Iowa Senate president Jake Chapman and Senate Judiciary Committee chair Brad Zaun have proposed new legislation to make “dissemination of obscene material to a minor” a felony (Green 2021), similar to the legislation proposed by Oklahoma state senator Standridge, noted above.

A ray of sunlight comes from Pennsylvania, where students fought back when librarians in one district “froze” book checkouts for a year while the school board vetted them. In response, the Central York High School student group protested peacefully with a daily walk-in. The board reversed its decision in September 2021. Ben Hodge, a Central York High School teacher and staff adviser to the student group, told CNN, “They are heroes and should be celebrated as bastions of American freedom and democracy. I want to be clear; these kids did this” (Alsharif and Reilly 2021).

Max McCoy, representing the International Institute for Democracy and Educational Assistance (IDEA), argues that the insurrection on January 6, 2021, was an ominous turning point in the “backslide” of US democracy. Books, he notes, are a prime target on the “authoritarian’s hit list,” pointing out that a regime doesn’t have to burn books, just create laws that make it easier to challenge them in public libraries and schools (McCoy 2021).

While people have the right to be concerned about what their children read, the fact that a challenge from a single person can have a book removed is ridiculous, as most libraries have due process and students have a constitutional right to access such information. For example, in *Board of Education, Island Trees Union Free School District No. 26 v. Pico* (1981), the US Supreme Court held that school libraries enjoy a special affinity with the rights of free speech and press because book banning narrows our understanding of the world around us, often leading to self-censorship. Also worrisome is what historian Timothy Snyder (2021) calls a “totalitarian pirouette” by which government affirms free speech while banning divisive speech. As OU professor Givel points out, “It’s a clash in the view of history. The Radical Right theorizes about a mythic past.”

Nostalgic Patriotic Civics

Without evidence last year, Christopher Rufo, a conservative Manhattan Institute fellow, told Fox’s Carlson that CRT has taken over the federal government and is “an existential threat to the United States” (Wallace-Wells 2021). After Trump watched that segment, the *Washington Post* reported, he immediately issued an executive order requiring federal agencies to cancel program funding on either “white privilege” or “critical race theory” because it is “divisive, un-American propaganda” (Dawsey and Stein 2020).

Even worse, NBC found, CRT opponents increasingly use it as a catchall to include teaching systemic racism, white privilege, and anything related to equity, diversity, and inclusion (Kingkade, Zadrozny, and Collins 2021). Trump’s “patriotic” curriculum is based on Wilfred M. McClay’s *Land of Hope: An Invitation to the Great American Story* (2019). McClay, a former OU professor now a historian at conservative Hillsdale College, dismisses all other textbooks as “radical critics of American society” (Waxman 2021). Georgetown history professor and *Dissent* coeditor Michael Kazin has described McClay’s text as whitewashing topics commonly found in other US history textbooks: social movements, feminism, LGBTQ activism, unions, and the long history for Black freedom (Illing 2020).

Tim Wise, in *Dear White America* (2012), said this fits the narrative embraced by Trump acolytes: their bright red “Make America Great Again” caps represent a fictional, glorious turning back of the clock. These supporters, he adds, tell us of an “idealized, albeit mythical place,” from which they can look down at others. But it’s easy to see that our preference for a nostalgic, largely false history has consequences, including a lack of historical knowledge, especially about people of color.

“How can we not talk about what slavery was all about?” Givel asks. His answer: “Those in power limited our history; they changed our historical record so blame can’t be placed on a certain group of people. Instead, they say it is just a few bad apples, but that’s just a social psychology defense mechanism—it’s white fragility.” To illustrate, only 8 percent of US high school seniors can identify slavery as the cause of the Civil War (Southern Poverty Law Center 2018).

Bravely Fighting the War on Truth

Winston Smith, the protagonist of George Orwell’s *1984* (1961 [1984], 44), explains his job for the Ministry of Truth: “The Party understands that by rewriting the events of the past and controlling the narrative of history, they can maintain their position of authority.”

Revising the past is about controlling the future.

We all need access to truth, because if we don’t know where we have been, we’ll fail to see where we are going. A successful democracy requires that we face uncomfortable truths, not nostalgic myths like the Orwellian, “feel good” 1776 Project. As the late John Lewis said about our history, “You have to tell the whole truth, the good and the bad, maybe some things that are uncomfortable for some people” (quoted in Haygood 2020).

Snyder (2021) wrote in the *New York Times* that the Republican-led “war on history is a war on truth.” On MSNBC’s *Medhi Hasan Show*, he regretted that “we don’t grow up as citizens capable to make good decisions.” When a teacher’s instruction narrowly provides us with what is “only good, [then] we are being groomed for authoritarianism” (Zerlina and *The Mehdi Hasan Show* 2021).

Likewise, the Foundation for Individual Rights in Expression (FIRE), pointed out that while H.B. 1775 applies to public school K–12 curricula, it creates a chilling effect on academic freedom elsewhere. FIRE cites the Sixth Circuit Court of Appeals case *Hardy v. Jefferson Community College and Kentucky Community and Technical College System* (2001). The judges ruled that free expression in the college classroom, even expression some find “repugnant,” has First Amendment protection when it is relevant to the class’s subject matter (Bonilla 2021).

A teacher’s purpose is to serve the common good through open inquiry that advances truth, knowledge, and critical thinking rather than myths for ideological or partisan aims. Professors should possess academic freedom in the classroom and make their own decisions, free of influence from Oklahoma legislators, even if the history they teach doesn’t flatter our state and nation. As the AAUP’s 2021 *Statement on Legislation Restricting Teaching about Race* puts it, “Those most harmed by these cynical attempts of partisan political interference are the students. When legislators take actions like the ones we are seeing these days—actions which essentially legislate ignorance—our students are denied the opportunity to learn and grow.”

If the ACLU prevails, faculty may again be able to teach about Oklahoma’s troubled past in its fullness, even the hard truths—including the Tulsa Race Massacre, “sundown towns,” segregation, the Trail of Tears, and the Osage murders—without fear of retaliation. If we whitewash this history, our students won’t be able to deal with the future intellectually and keep our democracy intact.

Oklahoma City teacher Melissa Smith said she will not allow a chilling of her academic freedom: “I teach the truth, and I’m not going to run away from that. I’ll keep doing it without teaching lies.”

John R. Wood is professor of public administration and co-coordinator of the Master’s of Public Administration (MPA) program at the University of Central Oklahoma. He is a past president of the OCU AAUP chapter and the Oklahoma state AAUP conference.

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