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LIS 551: Intellectual Freedom in Libraries
Challenge Case Analysis

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CHALLENGE CASE

The following article describes a case that exemplifies a challenge to intellectual freedom facing residents of Arizona. The article references a ban on ethnic studies in Arizona public schools, which recently became law, and its effect on local curriculum. An analysis of the case delves into the historical and social context of this law and identifies some unexpected results. This briefing paper concludes with some important decision points and strategies for public libraries to consider in order to effectively respond to this new law.

ARTICLE

<http://www.nytimes.com/2012/03/19/education/racial-lens-used-to-cull-curriculum-in-arizona.html>

March 19, 2012

Racial Lens Used to Cull Curriculum in Arizona

By [MICHAEL WINERIP](#)

TUCSON — Ana Verdugo is a fan of Matt de la Peña’s young adult novels; she read his “Mexican WhiteBoy” in two days.

Like the lead character, Danny, Ana is a Mexican-American whose family does not have much, is being raised by her mother and has a father who spent time in jail.

Like Sofia, the lead female character, Ana, a high school junior, is hoping to go to community college, where she wants to study accounting. “Most books I read, I don’t know the people,” Ana said. “This book is the truth.”

Last fall, she had the idea of inviting Mr. de la Peña to Tucson High. “I didn’t think he’d say yes,” she recalled, “but maybe he would.”

For the next several months, Ana and the school librarian, Amy Rusk, worked to raise \$1,000 for his speaking fee. It was not easy — their most successful bake sale netted only \$124.

Still, on Tuesday morning at 8:30, Mr. de la Peña walked into the Tucson High library, although there was a surprising plot twist.

On Jan. 1, after a new state law targeting Mexican-American studies courses that are perceived as antiwhite was upheld, it became illegal to teach “Mexican WhiteBoy” in Tucson’s classrooms. State officials cited the book as containing “critical race theory,” a violation under a provision that prohibits lessons “promoting racial resentment.”

For those who have read the book, like Ana, it is hard to figure. In “[Mexican WhiteBoy](#),” the hero’s hope is to become a pitcher on his school’s baseball team.

The novel’s story is pretty much the American dream.

Andrew LeFevre, a state spokesman, said that while the Education Department had found the Mexican-American studies program out of compliance with the law, it was the Tucson district’s job to decide how to enforce the ruling. “I think the district said: ‘Let’s be safe and collect this material. We don’t want a teacher from Mexican-American studies to use it in an inappropriate fashion.’ ” he said.

The conflict dates to 2006 when [Dolores Huerta](#), a labor activist, gave a speech at Tucson High, telling students “Republicans hate Latinos.”

Tom Horne, the state education superintendent at the time and a Republican, sent his deputy to the high school to convey their concerns. But students saw the visit as an attack on free speech, and 200 walked out in protest.

Ka-boom. Mr. Horne accused the district’s Mexican-American studies program of using an antiwhite curriculum to foster social activism. At the time, the program served 1,400 of 53,000 students in the Tucson district, which is 60 percent Latino.

In 2010, after several attempts, the Republican-controlled Legislature and the Republican governor passed a law prohibiting classes that advocate overthrowing the government, are designed for students of one ethnic group or advocate ethnic solidarity instead of treating pupils as individuals. The state wanted Tucson’s Mexican-American studies program disbanded.

When Tucson officials resisted, the attorney general’s office issued subpoenas. Investigators obtained textbooks, PowerPoint presentations, teachers’ college theses, exam prompts, poems and lyrics from hip-hop songs.

Class lessons were singled out over apparent political bias, among them “From Cortes to Bush: 500 Years of Internalized Oppression.” Seven texts were ordered removed from all classrooms, including “Chicano!

The History of the Mexican-American Civil Rights Movement” by F. Arturo Rosales and “[Pedagogy of the Oppressed](#)” by [Paulo Freire](#).

“Mexican WhiteBoy” fell into a category of books that could no longer be taught but could be used by students for leisure reading. To get an independent assessment of the program, the state hired a consultant, for \$110,000, to conduct an audit.

The audit found that while some aspects of the program needed changing, it was doing a good job. It noted that students who took Mexican-American studies were more likely to attend college, and that the program helped close the achievement gap. The state ignored the audit, calling it flawed.

John Huppenthal, the new state superintendent, told a reporter that he was fighting a war. “When we encountered this situation, we did what Hannibal did to the Romans,” he said. “This is the eternal battle, the eternal battle of all time, the forces of collectivism against the forces of individuality.”

In January, facing a \$15 million penalty from the state for failure to comply, the Tucson resisters threw down their arms. Administrators went from room to room, collecting hundreds of copies of the seven textbooks.

Mr. de la Peña’s visit, which began in October as a literary event, had political implications by March, although little he said was directly political.

Mostly, he told the 300 students his story of reluctant reader to successful writer. He explained that, half-Mexican, half-white, he had grown up speaking no Spanish; too white for Mexican kids, too brown for whites.

He got to college because he could play basketball. His hope was to play professionally until, in one of his college games, he guarded Steve Nash. (Nash: 36 points, 4 assists; de la Peña: 3 points, 1 assist, 8 turnovers.)

He told them that if they were serious about writing, they had to be ready to accept lots of failure. He once wrote a poem for a girl he liked, but after reading it, she never spoke to him again. His goal as a writer, he said, “is to give grace and dignity to people from the other side of the tracks.”

“If you are Mexican-American, embrace it,” he said. “If the classes are offered, take them; if not, try to get them back.”

Mr. de la Peña donated his fee to buy 240 copies of his books, which he gave to the students. “I want to give back what was taken away,” he told Samantha Neville, a reporter for the school newspaper, The Cactus Chronicle.

As for Ana, this may have been the greatest day of her life. Having finished all four of Mr. de la Peña’s novels, she is now reading “The Lucky One” by Nicholas Sparks, about a Marine’s search for a mysterious woman in a tattered photo he finds, who turns out to be strong but vulnerable.

“It’s not the same,” Ana said. “I don’t know anybody like that.”

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ANALYSIS

A great deal of media attention has focused on this new law, Arizona House Bill HB2281s, which went into effect officially on December 31, 2010, but had been making headlines since 2008, when the predecessor bill HB1108 was first proposed. (The Arizona Republic Editorial Board 2008) The law bans any curriculum which includes any courses that:

1. Promote the overthrow of the United States government.
2. Promote resentment toward a race or class of people.
3. Are designed primarily for pupils of a particular ethnic group.
4. Advocate ethnic solidarity instead of the treatment of pupils as individuals.

The full text of the law can be found here (new additions in blue text):

www.azleg.gov/legtext/49leg/2r/bills/hb2281s.pdf

On the surface, the law does not seem so terrible: of course publicly funded classrooms should not promote racially targeted resentment, or exclude pupils based on ethnicity. However, in order to understand the full impact of the law, one must examine the historical context of the conflict. There are three important aspects to consider in this case. First, distant Arizona state history, including Spanish and Mexican possession, up to and including conflicts around Arizona statehood; this history plays a role in determining the current politics of Arizona-the-state. Second, a lengthy and varied history of institutional racism by Arizona including dual-wage systems, withholding the right to vote, and even rescinding the Martin Luther King Jr. Day holiday for state employees in 1987.¹ (Ross and Johnson 2007) Third, the relatively recent rise in inclusive educational approaches designed to teach a more balanced and relevant curriculum, which includes teaching ethnic and cultural history in some classes. Of particular relevance, the Mexican-American studies program taught by the Tucson Unified School District (TUSD), which is at the heart of this controversy.

The Hispanic population currently makes up about 16% of the overall United States population, but 31% in Arizona (U.S. Census Bureau 2009) and approximately 60% in the TUSD. The Hispanic population is also the fastest growing minority group in the United States, so these numbers are likely to shift even further in the future. At the same time,

¹ This was the act of Arizona governor Evan Mecham, his *first* act in office. This set off a boycott of the state.

² Pima Library, which serves Tucson and Pima County in Arizona, celebrates Banned Book Week in September as well as the Tucson Festival of Books in March: <http://www.library.pima.gov/about/annualevents/> They also offer a summer reading program which

however, there is an increasing achievement gap between Hispanic students and almost all other groups. (Webley 2011) The Mexican American studies program uses a model of *Critically Compassionate Intellectualism* to increase academic achievement for students by integrating three approaches (Tucson Unified School District 2012):

1. Teaching from a culturally relevant and academically rigorous curriculum.
2. Developing students' critical thinking and socially critical consciousness through a dialogic pedagogy.
3. Interacting with students out of respect, understanding, and appreciation to develop their academic identity.

Indeed, the Mexican American studies program does help close this achievement gap; an audit showed that students who had taken courses in the program were more likely to perform better on standardized tests and also more likely to graduate high school. (Cambium Learning 2011)

The law dismantles this Mexican American studies program and disallows the teaching of several related texts in all Arizona classroom curriculum. It does not ban the material from the local public libraries, nor does it ban all the material from the local public school libraries. However, restricting access through the classroom will effectively eliminate access for some students, and obscures not only an important aspect of Arizona and United States history, but silences a critical cultural conversation. This law represents the institutional backlash against the demographic shift in Arizona and related shift in educational priorities, and like many discussions around ethnicity and racism in the United States, is a sensitive topic with fiercely opinionated supporters on both sides.

It has also had some unintended side effects; the debate has reached a national audience through extensive news coverage and vigilante groups have formed underground library systems intent on providing access to the full cohort of “banned” books. These *librotraficantes* (book smugglers, www.librotraficante.com) have traveled throughout Texas, Arizona, and New Mexico, collecting donated materials and establishing lending libraries filled with banned titles. (Feldman 2012) (Fernández 2012) These underground libraries have sprung up in community centers and private meeting spaces, but do not yet have broad public library support. Perhaps this is due to the relative youth of the movement, as these articles were published one month ago, but this is a crucial turning point for information freedom in Arizona. Public libraries must choose which path they take.

DECISION POINTS AND STRATEGY

Public libraries must consider their options and choose their actions wisely in a way that satisfies the needs of their local users and protects intellectual freedom. There are several questions and decision points that must be addressed to effectively tackle this case challenge.

1. What are our user demographics and information needs likely to be?
2. Is there local support for this law?
3. Should we hold a meeting for the general public to discuss the issue?
4. Do we stock all of the restricted materials?
5. If not, can we afford to purchase them?
http://www.librotraficante.com/Banned_Book_List.xls
6. What is our library policy on promoting banned books?
7. Do we consider these course materials in the same category?²
8. Should we choose to address this issue publicly and vocally or simply provide access to materials?
9. Should we leverage our social media and newsletter tools to create awareness?
10. Should we choose to create a summer reading program with age-appropriate selections from the banned book list?
11. Should we offer space to host a *Librotraficantes* event or lending library?
12. Should we invite speakers from Teacher Activist Groups
(<http://www.teacheractivistgroups.org/tucson/>) to lecture in our library?
13. Should we actively lobby for the legislature to overturn the law?
14. How can we accomplish our goal of supporting intellectual freedom without alienating our patrons who might support the law?
15. How can we best engage in a respectful dialogue with all sides?

The American Library Association (ALA) Council and the Young Adult Library Services Association (YALSA) have recently passed a resolution in support of intellectual freedom that specifically addresses this challenge. The full text of the resolution is found in Appendix A, but officially, the ALA:

1. Condemns the suppression of open inquiry and free expression caused by closure of ethnic and cultural studies programs on the basis of partisan or doctrinal disapproval.

² Pima Library, which serves Tucson and Pima County in Arizona, celebrates Banned Book Week in September as well as the Tucson Festival of Books in March:
<http://www.library.pima.gov/about/annualevents/> They also offer a summer reading program which might be useful here.

2. Condemns the restriction of access to educational materials associated with ethnic and cultural studies programs.
3. Urges the Arizona legislature to pass HB 2654, "An Act Repealing Sections 15-111 and 15-112, Arizona Revised Statutes; Relating to School Curriculum."

As a librarian charged with addressing this challenge, my answer to almost every single decision point would be "yes", an answer which is supported by my professional organizations. Yes, we should stock all the materials, all 85+ titles (and multiple copies of each). If we cannot afford it, we should find the money. Yes, we should make this a public issue, and use our social media outlets (Twitter, Facebook, etc.) to have the conversation online. Yes, we should provide space for public debate. Yes, we should provide space for traveling underground libraries, and yes, we should invite educational speakers. Yes, yes, yes: yes to banned books week and yes to summer reading programs. The bigger challenge, I suspect, will be to help educate supporters of this law to the true value of ethnic studies, specifically, and intellectual freedom, generally. But by saying "yes" to the above, we can at least get the conversation started.

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APPENDIX A

RESOLUTION OPPOSING RESTRICTION OF ACCESS TO MATERIALS AND OPEN INQUIRY IN ETHNIC AND CULTURAL STUDIES PROGRAMS IN ARIZONA

WHEREAS, The policy of the American Library Association supports “equal access to information for all persons and recognizes the ongoing need to increase awareness of and responsiveness to the diversity of the communities we serve” (ALA Policy Manual, Section 60); and

WHEREAS, “The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label “controversial” views, to distribute lists of “objectionable” books or authors, and to purge libraries.” (Freedom to Read Statement, adopted June 25, 1953; last revised June 30, 2004); and

WHEREAS, “No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say” (Freedom to Read Statement, adopted June 25, 1953; last revised June 30, 2004); and

WHEREAS, The Tucson Unified School District (TUSD), in compliance with The State of Arizona Revised Statutes Sections 15-111 and 15-112, had to eliminate its Mexican American Studies (MAS) Program, resulting in the subsequent removal of textbooks and books on the MAS Program Reading List; and

WHEREAS, Textbooks and reading list titles written by nationally and internationally renowned authors and scholars that reflect this country's rich diverse heritage can no longer be taught or assigned by teachers in the suspended MAS Program; and

WHEREAS, Students in the TUSD MAS Program develop critical thinking skills through the study of literature written by ALA award winning authors; and students have demonstrated proven academic success, graduating from high school at the rate of 90% and entering college at a rate of 80%; and

WHEREAS, Educators rely on the collection development expertise of school librarians and access to a diverse collection to respond effectively to the individual learning needs of their students; and

WHEREAS, HB 2654 has been introduced in The State of Arizona House of Representatives, "An Act Repealing Sections 15-111 and 15-112, Arizona Revised Statutes; Relating to School Curriculum;"

now, therefore, be it

RESOLVED, That the American Library Association:

- 1) Condemns the suppression of open inquiry and free expression caused by closure of ethnic and cultural studies programs on the basis of partisan or doctrinal disapproval.
- 2) Condemns the restriction of access to educational materials associated with ethnic and cultural studies programs.
- 3) Urges the Arizona legislature to pass HB 2654, "An Act Repealing Sections 15-111 and 15-112, Arizona Revised Statutes; Relating to School Curriculum."

This resolution should be sent to The Tucson Unified School District, The State of Arizona Department of Education Superintendent of Public Instruction, each member of The State of Arizona Legislature, the Governor of Arizona, United States Congressman Grijalva, and the United States Secretary of Education.