

**FREE SPEECH UNDER ATTACK
(PART II): CURRICULUM SABOTAGE
AND CLASSROOM CENSORSHIP**

HEARING

BEFORE THE
SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL
LIBERTIES

OF THE

**COMMITTEE ON OVERSIGHT
AND REFORM**

HOUSE OF REPRESENTATIVES

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Written opening statements and statements for the witnesses are available on the U.S. House of Representatives Document Repository at: docs.house.gov.

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- * CNN, article, April 22, 2022, "Florida Releases Four Examples from Math Textbooks It Rejected for Public Schools"; submitted by Rep. Donalds.
- * Math Book screenshot; submitted by Rep. Donalds.
- * *Tampa Bay Times*, article, "Florida Rejected Dozens of Math Textbooks But Only 3 Reviewers Found CRT Violations"; submitted by Rep. Raskin.
- * *New York Times*, article, "A Look Inside the Textbooks that Florida Rejected"; submitted by Rep. Raskin.

The documents entered into the record for this hearing are available at: docs.house.gov.

**FREE SPEECH UNDER ATTACK
(PART II): CURRICULUM SABOTAGE
AND CLASSROOM CENSORSHIP**

Thursday, May 19, 2022

HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND REFORM
SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL LIBERTIES
Washington, DC.

The subcommittee met, pursuant to notice, at 10:10 a.m., 2154 Rayburn House Office Building and via Zoom; the Hon. Jamie Raskin (chairman of the subcommittee) presiding.

Present: Representatives Raskin, Maloney, Wasserman Schultz, Kelly, Norton, Tlaib, Davis, Mace, Jordan, and Donalds.

Mr. RASKIN. Good morning. The committee will come to order. Welcome to today's remote hearing.

Without objection, the chair is authorized to declare a recess of the committee at any time. And I will now recognize myself for an opening statement, and I want to thank our witnesses for being here for this important hearing, and we have got some great witnesses today.

It 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, in 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 expressed 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* best-selling authors and Newberry and Seuss Award winners like Judy Blume, Rick Riordan, Jacqueline Woodson, and Mo Willems, that is decrying book bans in classroom censorship.

Mr. RASKIN. 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, truths, 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. 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 10 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, quote, "Leave while you still can. As long as the white man lives here you will never be safe." He openly stated that his goal was to, quote, "kill as many Black people as possible."

Significantly for our hearing today, the mass murderer invoked the spread of critical race theory as a factor in his crime. Critical race theory was a theory advanced in the 1980's, when I was in law school, 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. And these scholars 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 our country 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 in the villain for his campaign to destroy public education in America. In November of last year, he tweeted, "It is 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 a premise of universal public school distrust." And he said, "You fight on terms you define. Giving the game away," in his attack on institutions, "you have to create your own frame, your own language, and you have to be ruthless and brutal in pursuit of something good."

When called out specifically for attempting to create a mass campaign against public education that starts with (one) sowing mass distrust in public schools in order to win, and (two) universal school choice, Rufo responded, "Hell, yes. 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 our country, including racism, Jim Crow, or massacres like the Tulsa race riots. 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 the teacher disciplined or fired.

This is, of course, an absurd, unworkable, and dangerous principle upon which to base education about history and society which is inevitably filled with material that might make someone or everyone uncomfortable. Must we purge the teaching of World War II, with its genocide and massacres 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 centuries because that would hurt the feelings of the descendants of whites who were alive at the time?

A grotesque effect of these censorship laws is that teachers cannot even 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 kindergartners about sexual activity beyond recognizing what a bad touch or overture from a grownup 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, just as a lot of kids may have a single parent at home. What is wrong with teaching that? And the emotion-social learning curricula that have come under attack teach you that it is OK to be yourself, or perhaps it is part of anti-bullying instruction. It is not OK to vilify or humiliate someone just because they are different.

The classroom censorship laws being passed and proposed today 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 children'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 schools 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 today, and I now yield to our superb ranking member, the distinguished gentlelady from South Carolina, Ms. Mace. But I must begin by congratulating her, because I understand that she recently got engaged over the weekend to one of the luckiest guys in America, Mr. Patrick Bryant.

So congratulations to you, Ms. Mace, and I now recognize you for your opening statement. And please, I think I have gone over so you use the time you need.

Ms. MACE. Thank you, Chairman Raskin, and I know Patrick will appreciate the congratulations. We are both still on Cloud Nine

from the weekend. I appreciate our witnesses being here today, both in person and virtually.

Our state and local government can and should make informed decisions and choices about curriculum for our students. In fact, the first hearing we had on this a few weeks ago we had eye-witnesses, and when I asked them if state superintendents of education should have a say in the curriculum of students, they could not answer the question yes or no. When I asked if school boards should have a say in students' education, those witnesses could not answer yes or no. And when I asked if parents should have a say in the education of their children, those witnesses could not answer the question.

But, in fact, in 1982, it was the Supreme Court that recognized state legislatures and school boards are, in fact, empowered to establish and apply their curriculum in such a way as to transmit community values. And that makes total sense. Legislatures and school boards are directly accountable to voters and to the parents of students attending local schools. And as we often like to say up here in Washington, DC, on the Hill, is that the government closest to the people is a government that governs best for the people.

And I want to recognize that there is important work going on across the country to ensure K-12 curriculum in public schools serve our students well and prepare them for success. And there is no time like the present to be having this conversation because kids are still suffering from what we put them through in COVID-19, aka virtual school, which was an absolute abject failure for our students across the country.

At the last hearing we talked about the importance of our freedom of speech, and it is important in our American society, especially given the attempts to stifle free speech on college campuses and across the country. And in the last hearing I talked about a college in my own backyard, where a student tried to start a non-partisan political organization and was banned from doing that on his college campus and had to sue to establish that organization. And that should never happen in this country. Whether you have a R or a D by your name, or whether you have the most far right or far left beliefs in this country, free speech should not be stifled. I know the chairman will agree with me that when they say it aloud, you want to hear them. We want to know what folks are thinking.

I am concerned this hearing may be here today to discredit legitimate and lawful attempts to ensure our curricula are designed to empower students to achieve their full potential. These are the things we should be focusing on.

I have seen it in my own personal household. I am a single working mom of two teenagers, one in high school and one in middle school, and I cannot tell you how devastating COVID-19 and virtual school has been, not only on our family but families across the Nation. And every one of our students, no matter their ZIP code or the color of their skin, should have the opportunity to reach their full personal and academic potential. But unfortunately we have seen attempts to indoctrinate our young students. In fact, we saw an examples of this during the pandemic. We saw teachers' unions that conspired with the far left, with some far-left politi-

cians, to keep schools closed, to keep parents of school board meetings.

Parents watched their children struggle through virtual school, like I myself did. We saw kids that were struggling with their mental health. We had suicides and attempted suicides and suicidal thoughts and mental health issues with our children increase over 25 percent during the COVID-19 pandemic, and many of these kids have not recovered.

We also witnessed lesson plans being laced with divisive and radical ideologies. But make no mistake—we should be teaching our children the academic skills they need to succeed along with the complete history of our country, the good, the bad, and the ugly.

And, in fact, I talked about this last weekend when we were commissioning a missile destroyer named after Lieutenant General Frank E. Petersen, Jr., who was the first African American aviator in the U.S. Marine Corps. He was the first African American flag officer or general on the U.S. Marine Corps. He served for 38 years. He flew over 350 missions, combat missions, and received the Distinguished Flying Cross, a Superior Service Medal, the Purple Heart, and any number of other commendations.

I also talked about some of the rich Black history we have in the low country, in the area that I represent, from Robert Smalls, who commandeered a Confederate ship during the Civil War and got it to Union soldiers in Beaufort and Hilton Head Island in the low country area. I talked about Harriet Tubman, who rescued over 700 slaves in one single night during the Civil War. I talked about the history of the first Black American to ever sit in the U.S. House of Representatives, and his name was Joseph P. Rainey. He was a Black Republican representing South Carolina's First congressional District.

We have so many heroes that our children, Black, white, and other, can aspire to. These are the things that we should be talking about celebrating and teaching our kids our history, giving them hope for the future, giving them people and heroes, literal heroes, to look up to, and one day become.

But make no mistake. As I stated earlier in and in the last hearing we held on this subject, we must teach our children all of the chapters of our history, and in K-12 classrooms there are no places to be teaching concept like race as essentialism, racial scapegoating, the concept of a sexual nature that is not age appropriate for our young children. These are things that the vast majority of Americans cannot agree to.

Our children's innocence should be protected and prioritized along with their potential for their personal and academic success. Our children are the most loving and forgiving among us. Our children are the ones who can teach us so many lessons about how to be fair, how to be equitable amongst those that are not. Our children should not be taught that they are oppressors or that they are victims, merely based on the color of their skin. Instead, we should redouble down on our efforts to ensure our children have the foundation to achieve their best and full potential. Reading, writing, arithmetic, where too often our schools are failing our children.

I look at my own state of South Carolina, where we are slated, right in the smack-dab in the middle of the amount of money that

we spend per pupil in this country. And yet we are always last on education and the academic achievements of our students in this country. We have so much further we have to go, and we are not doing it. And we need to do better in terms of the way and the amount of money is spent, and getting it to the classrooms and to our teachers rather than to bureaucrats that are doing a great disservice to parents and students across the country.

Those students whose schools were closed the longest have suffered the most, whose parents worked outside the home, whose parents were impoverished and did not have internet or their kids did not have computers to work on when schools were closed. We miserably failed our students during COVID-19. This learning loss was acute. This learning loss continues, and many of our students I know personally have not recovered. I know this personally because I have seen it with my own family, with my own eyes, and I have seen it in students across the state of South Carolina.

We have empirical data to show the losses. Studies from both Harvard and Brown University demonstrate children in virtual school had the greatest learning loss. Those students are the very students who the far left claims they care the most about. The most disadvantaged, the greatest minority populations were the ones that we left behind. The far left are dismissive of the greatest increase in educational inequity in our history because it was at the hands of blue state officials. And until we acknowledge the problem they created we cannot fix it.

Now I am concerned that we are simply not doing enough to get our students back on track. Our children's future, our country's future is at stake.

I look forward to hearing from our witnesses today, especially about their ideas to ensure our students can reach their full potential and the many obstacles that we have created, how do we overcome them to do better for our kids and our country?

Thank you, Chairman Raskin, and I yield back.

Mr. RASKIN. And thank you, Ms. Mace, for that very fine opening statement.

I want to recognize the chair of the full Oversight Committee for an opening statement. Ms. Maloney, you are recognized if you wanted to speak for a few minutes.

Chairwoman MALONEY. Thank you so much for this hearing. It is very timely. I would also like to commend you on your leadership and taking on this issue in your subcommittee. It is extremely important.

I served as a teacher early in my career so I know how challenging a job it can be and also how important it is that educators are free to tell our children the truth—the truth about our history, the truth about our great nation, and the truth about themselves.

Censoring classroom discussions on race, gender, and LGBTQ issues is an affront to the right of free speech guaranteed in our Constitution. It can also have devastating consequences. The horrifying, racist attack at a grocery store in my home state this past weekend shows what happens when we ignore and spread hatred. That attack was carried out by a man who targeted a Black neighborhood in Buffalo and killed 10 innocent people. He found his motivation in a racist and radical conspiracy theory that he discovered

online. On June 8, the full committee will examine the failures that allowed guns to get into the hands of this individual and other criminals.

But today we are talking about a more fundamental concern, how censorship laws will facilitate the further spread of hateful ideologies, because hiding the truth from our children, as the state laws we are discussing today aim to do, only makes it more likely that racism, homophobia, and other lies will fester and spread.

Proponents of some of these new censorship laws claim they want to protect children, but banning classroom instruction on uncomfortable issues like slavery, Jim Crow, the Black and LGBTQ civil rights movements does nothing to protect children, nor do we protect children when we hide books from them that might teach them about the beauty and humanity of people and cultures that are different from their own.

Among the most disturbing aspect of these censorship laws is how they seek to poison the relationship between teachers, students, and their families, turning relationships of trust into relationships of fear. For example, lesbian, gay, and transgender students often see schools as safe havens where they can learn about who they are and seek guidance. Evidence shows that LGBTQ children who have even a single adult they can confide in, especially when they may not have one at home, are less likely to attempt suicide than their peers that have no support.

But laws like the Don't Say Gay bill in Florida make it almost impossible for teachers to talk about these issues and could even require teachers to report a child who comes out to them to the child's parents. This puts an already vulnerable population of students at even greater risk. These extreme censorship laws also put teachers in constant fear of discipline and even legal or financial harm simply for doing their jobs.

We have an important group of people who are here to testify. I look forward to your testimony. I have a very long statement. I am going to put it in the record because I want to hear what you have to say and I know our time is limited.

Chairwoman MALONEY. I thank the chairman for yielding to me. I would like to yield back now to hear your testimony on this very important issue.

Mr. RASKIN. And thank you so much, Madam Chair. And now it is my pleasure to introduce our first panel of witnesses who are all high school students. They will be testifying but not answering questions, pursuant to agreement with Ranking Member Mace and customary practice.

First we have Elle Caldon, who is a student from Dallas County, Texas. Then we will hear from Claire Mengel, who is a student from Hamilton County, Ohio. And finally we hear from Krisha Ramani, who is a student from Oakland County, Michigan.

The witnesses will please stand or be unmuted so I can swear you in. Please raise your right hands.

Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Ms. CALDON. I do.

Ms. MENGEL. I do.

Ms. RAMANI. I do.

Mr. RASKIN. Let the record show that all of the witnesses have answered in the affirmative. Thank you very much. Without objection, your written statements are going to be made part of the record. We give you five minutes within which to explain to the committee your basic point.

And with that, Ms. Caldton, you are now recognized for your testimony.

**STATEMENT OF ELLE CALDON, HIGH SCHOOL STUDENT,
DALLAS COUNTY, TEXAS**

Ms. CALDON. My name is Elle Caldton and I am a student at McArthur High School in Irving, Texas. I would like to thank the House Oversight Subcommittee—

Mr. RASKIN. Ms. Caldton, I am sorry. We cannot hear you. Can you speak up or more directly into your microphone?

Ms. CALDON. My name is Elle Caldton and I am a student at McArthur High School in Irving, Texas. I would like to thank the House Oversight Subcommittee on Civil Rights and Civil Liberties for providing me the opportunity to speak today about my school where various classes and clubs have been effectively dismantled after administrators scraped rainbow-striped ally stickers off of teachers' doors, and students and teachers sought an explanation. One of the teachers asking questions was my favorite teacher, Rachel Stonecipher. She taught English, yearbook, journalism, and newspaper. When she supported her newspaper staff in pursuing information about the policies behind the stickers' removal she was removed, and recently her contract was terminated.

The trouble began over the weekend of August—

Mr. RASKIN. I am sorry. You said her contract was what?

Ms. CALDON. Terminated.

Mr. RASKIN. Terminated? OK.

Ms. CALDON. The trouble began over the weekend of August 27 through 29 of last year, when school administrators covertly removed the small rainbow stickers from where they had unobtrusively sat for over a year on allied teachers' doors and windows. Teachers and students arrived the morning of August 30 to scratch marks on doors and residue on windows, leaving students unsure and fearful of who may have removed them so suddenly. It became clear that administrators had removed the stickers without any communication with the school's large Gay-Straight Alliance Club that has provided them to its sponsors, of whom Ms. Stonecipher was one.

Ms. Stonecipher, responding to a newspaper student's interest in reporting the matter shared the public information that the district had given teachers concerning its policy justification. Later we found out that teachers had been directed to bring their concerns about the stickers only behind closed doors, which ultimately revealed there was no policy behind the stickers' removal and that all had unfolded in closed-door conversations among administrators.

Shortly after Ms. Stonecipher voiced her questions to administrators about why and when the stickers disappeared, and only two days after all five GSA sponsors filed a grievance about the district

requesting the stickers to be re-allowed, she was removed right in front of me and my classmates during my seventh-period newspaper class on September 16. Less than a week later, GSA sponsor, history teacher, and National Honor Society leader, Zobaria Shah was next.

In my view, administrators could only be satisfied to leave the school without a newspaper, a yearbook, a philosophy club, a competitive journalism team, a National Honor Society, and great history and English teachers during a teacher shortage if they had abandoned the belief that education matters more than politics. The district could have simply talked with the LGBTQ students and allies seeking answers, but somehow administrators found their priorities in conflict with the ideals of transparent communication and support for students.

This is becoming a national trend. Teachers are being vilified. They are being attacked. They are taking the fall for administrative mistakes. They took the fall when my district removed the rainbow stickers and claimed there was a policy supporting their actions. Since I was a part of the newspaper staff, philosophy club, and Uil journalism team, Ms. Stonecipher's sudden absence has seriously compromised my academic plans, like other students. I have been verbally demeaned by district and school officials for challenging their motive behind terminating a teacher who, in my view, outperformed other teachers. But I do not believe in muzzling student inquiry or speech, and I will not be silenced.

Ms. Stonecipher's English language and composition class taught me the power of words in our perception of the world. As newspaper editor-in-chief, I was thrilled when she managed to attract over 30 students in this year's staff, which the previous year only had four students. Two weeks in we had a brand-new design concept and 15 articles in production, but after her disappearance her students were relocated to sit in the gym without any lesson plans. Once a permanent substitute arrived we got back into the classroom, but the newspaper classes were given assignments from the English 2 course, which most had already taken or were concurrently enrolled in.

On September 29, I met with a high-level school administrator who told me that they had been unaware Ms. Stonecipher even taught newspaper and promised to provide a curriculum, but a newspaper never happened. In November, I wrote an article about what students thought when the teachers came down and Ms. Stonecipher left. But on November 9 I was told not to submit my story because of, quote, "personnel matters," unquote, and

[inaudible] would bar it from publication regardless. I wrote a complaint concerning September's events. In a meeting between myself and a campus operations official I was told that talking about Ms. Stonecipher made my arguments less effective and that I should know that because I am a writer. That official also suggested I only filed the complaint because I want to be a lawyer.

The

[unclear] at McArthur High is more than the absence of a sticker or even two teachers. It is the disavowal of the ethics of education that I hope is not a signal for worse things to come in our Nation.

Thank you.

Mr. RASKIN. Thank you for your excellent testimony and for finishing within five minutes and for hanging tough for your teacher and for freedom.

Let's see. Ms. Mengel, you are now recognized for your testimony for five minutes.

**STATEMENT OF CLAIRE MENGEL, HIGH SCHOOL STUDENT,
HAMILTON COUNTY, OHIO**

Ms. MENGEL. Good morning. My name is Claire Mengel, my pronouns are they/them, and I am from Cincinnati, Ohio. Thank you for inviting me here today and for holding this hearing.

I want to tell you about an event my school hosts called Diversity Day and how its cancellation is affecting my peers' education and mental health. But first I want you to know two things about me. In my whole life I have been taught by only one teacher of color, my Mandarin teacher from China. Also, I live in suburban Cincinnati where just under 90 percent of my classmates are white.

Diversity Day is a one-day, optional event at Turpin High School at which students participate in activities and discussion to learn about and celebrate diversity. On the day before Diversity Day this year the event was postponed. Our school board told us that the permission slips sent to parents were not comprehensive enough so the event had to be postponed. Students could immediately tell that their issue was not with the permission slips. The board members expressing concerns had campaigned on anti-CRT policies and were using CRT as a scapegoat to cancel open discussion of diversity.

We were determined to preserve Diversity Day so we sent new permission slips and rescheduled the event for May 18. Then, on Sunday, May 1, the board held a special meeting and canceled Diversity Day. They voted 4-0 that the event could not happen on school property, during school hours, or using any school funds.

Students took matters into our own hands. We made a GoFundMe to cover the cost of student shirts and raised more than \$13,000, over double our goal. We planned a shortened version of the event, outside school hours, and not on school property. Because we did not have a whole school day we could only have one of our four original speakers. We had to cut many activities and videos.

Yesterday, almost 400 students participated in a peaceful protest during the school day, but because of sports and other conflicts only 140 could attend the after-school Diversity Day.

We held an event outside of school because it was the only option. But the shortened event paled in comparison to what we originally planned, and an extracurricular event will not be a viable path forward for future Diversity Days.

Like many others, my district is in the middle of a mental health crisis. Seven students have committed suicide since I started middle school. While administrators are doing everything they can just to keep us alive, the anti-CRT rhetoric by the school board is causing immeasurable stress on our students and staff. I, and other students, spent many hours planning this replacement event instead of studying for exams and cherishing our last weeks of high school.

The board's actions have also taken a toll on our teachers and administrators. The superintendent announced his resignation after the first postponement. Our teachers are scared. I have had teachers whisper to me that they wish they could take a sticker that says "Protect Diversity Day" but they fear repercussions. Something has gone very wrong when teachers think they will be fired for supporting the concept of diversity.

Most critically, students of color are being told by the highest authority in their district that their stories do not deserve to take up school time, school grounds, or school resources. I bring up mental health to remind you that this issue is, in many cases and in many ways, life and death.

I ask you, shouldn't we, as students, have the freedom to learn in school about different cultures, perspectives, and backgrounds? Our event is not about CRT. Our event is about diversity, learning about it and celebrating it. The school board brought politics into our schools when they attacked our event. Their actions have harmed our education, our mental health, and our community.

I urge you to protect students' opportunity to learn about diversity and I urge you to listen to student voices.

Thank you for inviting me here.

Mr. RASKIN. Claire, thank you for that very powerful and cogent testimony, and thank you for hanging tough for freedom and the right of inquiry and organizing.

And now we come to Ms. Ramani. You are now recognized for your five minutes of testimony.

**STATEMENT OF KRISHA RAMANI, HIGH SCHOOL STUDENT,
OAKLAND COUNTY, MICHIGAN**

Ms. RAMANI. Thank you. Good morning, everyone. I am Krishna Ramani and I am a junior from Novi High School.

I have had the privilege of growing up in two very different communities. From kindergarten through elementary school I attended a school where the majority of students there did not look like me, and I still remember this pivotal moment in my life, sitting down at this lunch table with all my friends around me. Still surrounded by my friends I felt different. And I felt different because looking around the table at everyone else's lunch, everyone had what I had come to know was normal food—pasta, burgers, pizza. And I looked around the table and I just felt different. And when that kind of thing happens again and again and again, you start to doubt yourself, and I did. I started to doubt my culture.

When I was in fifth grade my family moved to Novi where there is a significant South Asian population, and being surrounded by people who could connect with my experiences, who could validate what I had gone through, discuss the things that I felt different for helped me cherish my culture.

But so many students in this country are not afforded the luxury of living in a community with diverse perspectives. So many students in this country still feel different, and that is where the power of literature comes in. Books help us connect with people who may be going through the same difficult experiences, but over the past year 17 states have passed legislation prohibiting teachers from holding discussions about race, and many states are following

in Florida's lead and introducing legislation that seeks to prohibit discussions of gender and sexuality.

Let's put this plainly. These are targeted attempts to infringe on minority voices, and attempting to silence perspectives that we may not necessarily relate to or even agree with undermines the very values that make this country great. Our country is built upon the ability for our citizens to share their experiences through their First Amendment rights.

Thomas Paine's *Common Sense* fan the flames for the push for freedom. *Uncle Tom's Cabin* and Frederick Douglass' autobiography galvanize grassroots action for the abolition movement. *Silent Spring* by Rachel Carson spurred national efforts to protect our environment. To censor voices that bring diverse perspectives to the mainstream is an unfettered attack on the very ideals that have progressed our country, and by infringing on students' rights to hear from diverse authors we effectively sanitize our history.

But our country was powered by and founded by challenging perspectives, and young people want to hear these voices. Gen Z's utilize social media to transcend institutional barriers to organizing. Rather than filter through older generation's hold on traditional media, students have democratized the primary source of information. And young people's proficiency in navigating social media has enabled us to build a viable, sustainable platform for our voices.

In fact, the most impactful movements of today has been conceived and perpetuated by Gen Z 16-and 17-year-olds. The Sunrise Movement, Project Exchange, YAF, March For Our Lives, millions of young people have been mobilized at a few taps on a glass screen. I mean, in Michigan alone, organizers like Dylan Morris, Lukich Dorevitch

[phonetic], Rahi Shah, these students are organizing hundreds of thousands of young people. And through the school year my friends and I worked with lawmakers to propose legislation that enables high school constituents to vote for the school board members that are representing us.

We are not exceptions to the rule. Across the country young people are educating themselves on our social landscape. Gen Z has the capacity, and more importantly, the willingness to learn about the issues affecting us. We want to participate in these tough conversations. We want to read about the diverse perspectives affecting us. And efforts to regulate what can be taught in the classroom is an insult to young people's ability to understand nuanced arguments.

These book bannings, which disproportionately target authors sharing stories about communities that have never before been heard in this manner silence voices that we want and we deserve to hear.

Now I am sure everyone is familiar with the glass ceiling metaphor, but what I want to talk about today is the glass fence that surrounds Capitol Hill. But finally, through social media, young people are melting down this glass fence. We are melting down these barriers. We are more connected, more educated, and more active than ever before. And as we continue to tear down this glass fence that separates the minds on Capitol Hill from the innovators

of our time we have a duty to stop underestimating young people's ability to understand and connect with nuanced literature.

It is time to stop underestimating us. Thank you.

Mr. RASKIN. All right. Well, thank you for that marvelous statement, and I think that nobody will underestimate this new generation after seeing these three very powerful presentations by these students. You have infused us with a lot of hope with your vivid language and description of what is actually happening, which is such a dramatic counterpoint to a lot of the program talking points and propaganda that we get up on Capitol Hill.

So thank you so much for participating. You are now excused. And we welcome our second panel, so please show them in, and I am going to introduce them as they arrive.

First we have Suzanne Nossel, who is the CEO for PEN America. Then we are going to hear from Dr. James Whitfield, who is the former principal for Colleyville Heritage High School in Colleyville, Texas. Then we will hear from Willie Carver, who was a teacher at Montgomery County High School, not in Maryland but Montgomery County High School in Mount Sterling, Kentucky. Next we will hear from Virginia "Ginny" Gentles, the Director of the Education Freedom Center at the Independent Women's Forum. And then we will hear from Jennifer Cousins, a parent of four, who has come to join us from Orlando, Florida. And finally, last but not least, we will hear from Dr. Timothy Snyder, the Richard C. Levin Professor of History at Yale University, who will join us by Zoom.

The witnesses will please be unmuted or will rise so I can swear them in. If you all could rise.

Please raise your right hands. Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Ms. NOSSEL. I do.

Mr. WHITFIELD. I do.

Mr. CARVER. I do.

Ms. GENTLES. I do.

Ms. COUSINS. I do.

Mr. SNYDER. I do.

Mr. RASKIN. Let the record show that all of the witnesses have answered in the affirmative. Thank you very much for joining us, and without objection your written statements will be part of the official record of this hearing. And with that you are going to be recognized for five minutes of oral testimony.

Ms. Nossel, you go first, and you are now recognized.

**STATEMENT OF SUZANNE NOSSEL, CHIEF EXECUIVE OFFICER,
PEN AMERICA**

Ms. NOSSEL. Good morning. Thank you, Chairman Raskin, Ranking Member Mace, and members of the subcommittee. I am Suzanne Nossel, CEO of PEN America. I applaud this committee for examining the wave of censorship engulfing our classrooms.

PEN America's mission is to both celebrate and defend free speech. We have championed rightist-facing Nazis, Gulags, fatwas, and life sentences. We work on free speech worldwide, including China, Turkey, Russia, Ukraine, Myanmar, and here in the U.S.

I am the mother of two public high school students and a lawyer by training. I have proudly served in government twice, implementing the Helms-Biden agreement on U.S. arrears to the United Nations, and advancing U.S. interests at the U.N. Human Rights Council.

Beginning in 2015, PEN America grew alarmed by rising censoriousness at college campuses, speaker dis-invitations, trigger warnings, and calls for safe spaces. We launched work on free speech in education, aiming to convince young people of the value of free speech and to enshrine it firmly in the future.

In the last year, our concerns about free speech and education have widened and intensified. Since 2021, we have tracked the introduction of 185 bills, which we call educational gag orders, in 41 states. Nineteen have become law in 15 states that are home to an estimated 122 million Americans.

Tennessee teachers have banned from discussing 14 distinct ideas, anything that promotes resentment of a class of people or questions whether individual rights are endowed by a creator. In Florida, from July, it will be legally risky for teachers to reference LGBTQ families before fourth grade. State legislation has led to written guidance for Iowa faculty on how to alter their teaching to avoid “drawing scrutiny” from the state. It has led to a trainer telling Texas teachers to balance books on the Holocaust with “opposing views.”

Over the last 10 months we have also documented more than 1,500 book bans in 26 states, 350 new books slated to be destroyed in Rapid City, South Dakota, 110 books removed from shelves in Texas. Books targeted include Toni Morrison’s *The Bluest Eye*, Art Spiegelman’s *Maus*, and biographies of Ruby Bridges, Rosa Parks, and Martin Luther King, Jr.

We are tracking proposals to surveil teachers, screen and censor public library holdings, mandate loyalty oaths, and encourage calling a hotline to report on educators for perceived acts of defiance.

As an advocate who has championed stalwart U.S. leadership on free speech issues worldwide, I barely recognize my own country. The Supreme Court is clear that the discretion afforded to school boards is bounded by the First Amendment. The state cannot “cast a pall of orthodoxy” over the classroom nor “contract a spectrum of available knowledge.”

The current wave of bans and gag orders do just that, particularly because they are disturbingly vague. Current bill bar “divisive concepts,” stereotyping, and “race and sex scapegoating,” offering no definitions of these sometimes novel terms.

Courts have held that speech bans must be narrowly tailored because they silence not just what is expressly prohibited but a wider band of what may be close to the line. Vague prohibitions risk rendering entire subject areas off limits. They could foreclose studies of the fugitive slave clause, *Plessy v. Ferguson*, or even the Civil War. At PEN America we think of our current moment as an ed scare, a time when manufactured fear is overtaking reason.

Look, we are in a time of social transformation, addressing the unfinished business of the Civil Rights Movement. The drive for social change may sometimes take forms that feel heavy-handed or even counterproductive. I have seen diversity training materials

that seem to replace one set of pernicious racial stereotypes with another.

The test for our democracy is how we respond. Of course parents must be deeply involved in our schools. That is why we have PTAs, parent-teacher conferences, and school boards. As a parent, if I have a concern I connect with those in charge, I attend a meeting, make a proposal about what could be done differently. I do not make threats or try to get people fired, because laws banning curriculum and books are not actually about giving parents a stronger say in schools. They are an orchestrated effort to polarize, intimidate, and restrict the flow of ideas.

We also have to recognize that not all hazards to open discourse are equal. Topping any hierarchy of threats to free speech are those that the Constitution's framers most abhorred—viewpoint-specific, government prohibitions. So the idea that poorly thought-out training materials or tendentious classroom discussions can properly be met with government bans replaces one open debate with another that is far more potent and permanent.

Our schools teach children not just math and reading but citizenship. Do we want them to think that the right response to these objectionable books or ideas is a government ban? If you are afraid of how this country is changing, what could be more frightening than seeing the First Amendment itself shunted aside to score points and sow division?

In this time of widening fissures, schools help soldier us together as a Nation, yet these bills and laws are turning them into a raw, shredded battleground. Our public schools are the bedrock of American democracy. These attacks on open discourse and education risk cracking that foundation irreparably, an outcome that no defender of free speech and no American should allow.

Thank you.

Mr. RASKIN. Thank you, Ms. Nossel, for your superb testimony.

Dr. Whitfield, you are now recognized for your testimony.

I just want to tell the members that votes have been called. We are monitoring it and we may have to recess, just to alert everybody.

Dr. Whitfield, you are now recognized. Thank you for coming.

**STATEMENT OF JAMES WHITFIELD, FORMER PRINCIPAL,
COLLEYVILLE HERITAGE HIGH SCHOOL, COLLEYVILLE,
TEXAS**

Mr. WHITFIELD. Good morning and thank you, Chairman Raskin, Ranking Member Mace, and members of the subcommittee, for having me here today.

My name is James Whitfield. I am a husband and father of three amazing children. Most recently I served as a high principal in northeast Tarrant County, Texas, a suburb just outside of Dallas.

I am here to tell you today there is reason for concern. I chose a career in education because of my school experience. Above all, I want school to be a place where students feel like they belong and they are excited to be each day, where staff are empowered, inspired, and equipped to serve each day, and where families feel connected and have the highest levels of trust as they send their young people into our buildings each day. I have witnessed what

can happen when that environment exists. It is such a beautiful thing.

But I have also witnessed how toxic things can get when people with nefarious agendas come to town—the lies, the bigotry, the intolerance, the racism. Never mind the fact that they do not know you or even care to know you. They have an agenda, and your mere existence threatens that, so they come after you.

If not for public school educators filling some deep holes in my life I do not know where I would be. From Ms. Duffy, my junior high science teacher, who made me truly feel seen at school for the first time, to Coach Carmona, who was the first Black male educator I remember during my school experience, when I got to seventh grade, he was a representation for me of what could be. To Coach Stevenson, my high school basketball coach, who helped guide me through two pivotal points in my young life, my mother's diagnosis with leukemia when I was a sophomore in high school, and then in the spring of my senior year I became a father at the age of 17. Coach Stevenson wrapped his arms around me. He did not allow me to wallow in self-pity. He loved me and he continued to encourage me.

When I sit before you today and tell you that education, specifically public education, saved my life I say that from the deepest parts of my soul. I serve as a public school educator with a deep sense of purpose and conviction like so many who have chosen this most noble profession. Teaching is one of the most complex and multifaceted professions on the planet. Every kid deserves a Ms. Duffy, a Coach Carmona, a Coach Stevenson in their lives. Someone who believes in them, inspires them, empowers them, holds them accountable, and above all, loves them.

But here is what keeps me up at night. We are losing Ms. Duffys and Coach Carmonas and Coach Stevensons left and right as educators continue to be asked to do more with less, all while navigating the complexities of their role and enduring baseless attacks by individuals with political agendas. Processes for addressing concerns through procedural means have been overwritten by the loudest, most fanatical factions in our communities.

Teachers are met with interpreting vague legislation which speaks to not making people feel guilt or anguish. Educators who pour their heart and soul into the growth and development of young people have been placed squarely in the crosshairs of political groups who are determined to destroy public education. They face bullying. They face calling for their jobs. They face death threats and hate mail. They have reached points of frustration and exhaustion that I have not seen in my near two decades in the profession.

To be crystal clear, this is about disrupting and destroying public schools. When you say “parents’ rights,” it is not what it seems. You see, parents have rights. To say they do not is a blatant lie to the public. As educators, we do not build walls between families in our schools. We build bridges. We understand the critical importance of a strong school-family partnership. We must simply call this what it is, a ploy to divert public school dollars to subsidize private education in the name of choice.

This cannot be the way forward. We simply cannot afford to lose true public education. It is the key to upward mobility in our society. Every student, regardless of faith, race, socioeconomic status, sexual orientation, or any other factor deserves to be seen, heard, valued, celebrated, engaged, inspired, empowered, and loved each day.

The past several months have been traumatic for my family and I, to say the least. I have witnessed firsthand what an environment can become when the most extreme, vile, hate-filled elements take grip of a community. But I have also witnessed large groups of students, like we have seen in here today, gain a voice and stand in the face of this hatred. I am so proud of our young people, and standing with you. They give me great hope.

And far too often when mentioning parents we have left out the vast majority of parents and families who adamantly stand against these hateful efforts, as witnessed in my journey. Those people stood with me and stood in the gap for my family during such a chaotic time, and we are eternally grateful for their love, compassion, encouragement, and support.

These concerns are real and have lasting impact on educators, students, and families, and I beg you to take these threats seriously and do all you can to support us.

I appreciate the time to speak with you all this morning. Thank you very much.

Mr. RASKIN. Dr. Whitfield, thank you. Your love and your commitment to education is moving beyond words, and I know the committee is going to be interested in hearing more about specifically what happened to you, how your contract was terminated just for speaking out about diversity in the school and you were accused of participating in critical race theory, as I understand it. But we will come to you. Thank you for your testimony.

Mr. Carver, you are now recognized for your five minutes.

STATEMENT OF WILLIE CARVER, FORMER TEACHER, MONTGOMERY COUNTY HIGH SCHOOL, MOUNT STERLING, KENTUCKY

Mr. CARVER. Chairman Raskin, Ranking Member Mace, and members of the subcommittee, thank you for this opportunity to come before you and offer my testimony on this issue.

My name is Willie Carver. I am a 17-year teaching veteran. I sponsor multiple school groups and am published in dozens of professional organizations. I am the 2021 Teacher Who Made A Difference, and was chosen among 42,000 teachers as the 2022 Kentucky Teacher of the year.

I was born to teach, and I am good at it. I transform students' thinking, abilities, and lives. I have always faced discrimination as a gay teacher, and I have weathered the storm because my presence saves lives. Forty percent of trans people attempt suicide, nearly all before they are 25, but one affirming adult reduces suicide attempts by half.

But that was before. Few LGBTQ teachers will survive this current storm. Politicizing our existence has darkened schools. I am made invisible. We lost our textbooks during lockdown so I wrote and found free printing for two textbooks, and I was not al-

lowed to share them. Other schools celebrate similar work but my name is a liability. I am from Mount Sterling, Kentucky, and met the President of the United States. My school did not even mention it in an email.

This invisibility extends to all newly politicized identities. Our administrator's new directive is "nothing racial." Parents now demand alternative work when authors are Black or LGBTQ, and we are told to accommodate them, but I will not ethically erase Black or queer voices. We ban materials by marginalized authors, ignoring official processes. One parent complaint removes all students' books overnight. Students now use anti-LGBTQ or racial slurs without consequence. Hatred is politically protected now.

My Gay-Straight Alliance, or GSA, a campus group dedicated to LGBTQ issues and safety, could not share an optional campus survey with classmates. I was told it might make straight students uncomfortable. When posters were torn from walls my principal responded that people think LGBTQ advocacy is "being shoved down their throats."

Inclusive teachers are being thrown under the bus by the people driving it. During a teacher shortage crisis, gay educators with perfect records are being terminated. A Kentucky teacher's message of "You are free to be yourself with me. You matter," with pride flags, resulted in wild accusations and violent threats. During this madness, his superintendent wrote to a parent, "This incident is unacceptable and will not be tolerated." The situation became unimaginably unsafe. The teacher resigned.

Last month, one parent's dangerous false allegations that my GSA was grooming students was shared 65 times on Facebook. I felt my students and I were unsafe. Multiple parents and I asked the school to defend us. One father wrote, simply, "Please do something." The school refused to support us.

There are 10,000 people in my town. The fringe group attacking us does not represent most parents who trust us. School is traumatic. LGBTQ students are trying to survive it. They often do not. Year after year, I receive suicidal goodbye texts from students at night. We have always struggled to save those students but now I panic when my phone goes off after 10.

Merrill, a gentle trans girl from Owen County High School, recently took her life. She always wanted a GSA. Her friends tried to establish one but the teachers who wanted to help were afraid to sponsor it. Merrill's mother, Rochelle, runs an unofficial group, Prism, from the local library.

Forty-five percent of LGBTQ youth seriously considered suicide this year. We chip away at their dignity and spaces to exist. The systems meant to protect them will not even acknowledge them.

I recently attended Becky Oglesby's TED talk. She described surviving a tornado with first-graders, how they huddled, her arms around them, as school walls lifted into the darkness. I sobbed uncontrollably. I realized that for 15 years I have huddled around students, protecting them from the winds, and now the tornado is here. As the walls rip away I feel I am abandoning them, but I am tired. I have fought for so long for kids to feel human, to be safe, to have hope. I do not know how much longer I can do it.

I need you—we need you—to be brave, to face the storm with us. Strong public schools are an issue of national security and moral urgency. Political attacks are exacerbating teacher shortages, harming our democracy, and above all, hurting our children. We need you to pass the Equality Act to make discrimination against LGBTQ people illegal. We need you to pass the Safe Schools Improvement Act to protect all students from harassment.

We are not asking for special treatment. We are asking for fundamental human decency, dignity, freedom from fear, and the same opportunity to thrive as everyone else.

Thank you.

Mr. RASKIN. Thank you, Mr. Carver, for your service and for that eloquent presentation.

Now, Ms. Gentles, you are now recognized for your five minutes.

STATEMENT OF VIRGINIA GENTLES, DIRECTOR OF THE EDUCATION FREEDOM CENTER, INDEPENDENT WOMEN'S FORUM;

Ms. GENTLES. Chairman Raskin, Ranking Member Mace, and members of the subcommittee, thank you for inviting me to appear today.

My name is Virginia Gentles and I am the Director of the Education Freedom Center at Independent Women's Forum. IWF is a nonprofit organization that advances policies that enhance people's freedom, opportunities, and well-being. My work there focuses on empowering parents by expanding educational freedom.

Like you, Ranking Member Mace, I am a single parent of two school-aged children, and I also wanted to mention that I am the product of Orange County public schools in Orlando, Florida.

The nearly universal public school closures that began in March 2020 temporarily granted parents access to classroom content. Before the pandemic began, many parents complacently trusted their neighborhood schools to provide a robust academic experience for their children.

However, as parents logged on to access their children's online assignments and library books and peered over their children's shoulders into Zoom classrooms, they discovered materials focused on activism rather than academics. These materials repeatedly warned children of a looming climate catastrophe, instructed them that our country is irredeemably racist, and pressured them to define themselves by their racial, sexual, and gender identity.

Parents realized two things during the school closures, which were lengthy in too many areas of the country. No. 1, limiting parental access to instructional materials had allowed schools to hide these weak and often politicized instruction that children receive. And No. 2, the combination of weak instruction and lengthy school closures left children struggling academically and falling further behind, resulting in widespread learning loss.

The primary purpose of the education system is to educate students, so how have schools been doing with this primary responsibility? An avalanche of research suggests that our education system is failing to deliver on this most basic promise of developing an informed citizenry equipped with basic skills, knowledge, and prepared for the work force.

It appears that today's hearing has been called in response to a wave of parental objections to school materials that promote an obvious political and ideological agenda. But the bigger crisis we need to focus on for our Nation's students is that of learning loss.

Negligent school district leaders endanger children academically, emotionally, and physically but closing and refusing to open schools, decisions that led to devastating learning loss and significant mental health issues. As *The New York Times* has reported, children fell far behind in school during the first year of the pandemic and have not caught up.

Unfortunately, vulnerable students were hit particularly hard, with the youngest students, students with special needs, and students from low-income households experiencing the most learning loss. Students in states and school districts that kept schools closed longer have suffered the most. A recent study from Harvard University found that schools with large numbers of low-income and minority students remained closed the longest, and remote instruction was a primary driver of widening achievement gaps. According to an author of the Harvard study, this will probably be the largest increase in educational inequity in a generation.

Assessment provider Renaissance Learning discovered that students reading and math scores are worse this school year than last school year, suggesting that the pandemic is having a compounding effect on student achievement. And we see specific state results that are disturbing. California math scores have been described as a five-alarm fire, with eighth-grade students testing, on average, at the fifth-grade level in math. Maryland state assessment results marked the greatest single-year decline in any state test given in at least the past two decades.

Sadly, children who had not yet learned to read before schools closed are still struggling to read. In Virginia, where I live, early reading skills are at a 20-year low.

Unfortunately, most school district leaders are not taking this learning loss crisis that they created seriously. Districts are awash in Federal funding but they have not been strategically spending the \$190 billion in supplemental funding that Washington showered upon them across three COVID-era emergency spending bills. Districts have only allocated a tiny portion of the funds to student-centered strategies like tutoring, and according to the U.S. Department of Education, most of the Federal funding remains unspent.

Private schools reopened quickly and stayed open during the pandemic, protecting enrolled students from learning loss and driving support for education freedom to all-time highs. Policymakers should empower parents to leave public schools that do not prioritize academic instruction and enroll their children in options committed to educating students. State and local leaders should fund students directly by creating flexible education savings accounts. Allowing parents to access funding directly through such accounts enables them to escape the chaos of COVID-era education systems and swiftly address their children's educational needs.

The majority of American students entered COVID with weak academic skills. School closures, atrocious remote instruction, and the prioritization of activism over academics compounded a pre-ex-

isting condition. Parents and policymakers must hold school districts accountable for the massive infusion of Federal funds and ensure that the resources are directed to proven student-centered strategies that will effectively address the Nation's learning loss crisis.

Mr. RASKIN. Ms. Cousins, thank you for your very thoughtful testimony.

And now Professor Snyder, you are recognized for your five minutes.

I am sorry. That was Ms. Gentles. Thank you for your thoughtful testimony.

Ms. Cousins, your turn, and I will come to you, Dr. Snyder, in a moment.

**STATEMENT OF JENNIFER COUSINS, PARENT, ORLANDO,
FLORIDA**

Ms. COUSINS. Good morning. Thank you, Chairman Raskin, Ranking Member Mace, and the rest of the subcommittee.

I am a mom of four empathetic, beautiful, and intelligent kids, who my world revolves around. My kids are 6, 8, 12, and 14, and I have two boys, one girl, and one gender nonbinary child. I am a fierce advocate for my children, all of whom have only ever attended public school, an institution I hold sacred.

When I saw the bills that were going through Tallahassee earlier this year I felt the need to travel up there with other concerned parents, students, and advocates to share my concerns about House bills 1557, 1467, and 7. These new laws whitewash history, ban books, and more importantly, erase the acknowledgement of students, parents, and school staff that belong to the LGBTQIA+ community.

H.B. 1557, also known as Don't Say Gay, as written forbids the instruction of sexual orientation and gender identity in grades K-3, and then only where age appropriate thereafter. The bill's sponsors did not bother to define in the law what was meant by "sexual orientation," "gender identity," "classroom instruction," or "age appropriate," but we, and that includes school policymakers, know its intent is to target LGBTQIA+ inclusive learning.

Supporters of the law have argued gender identity inclusion in middle and high school is not age appropriate and sexual orientation is only included in the voluntary state standard of HIV prevention curriculum. So now our local leadership is desperately waiting for clarity from the Florida DOE.

If gender identity is commonly defined as a personal sense of one's own gender, a book or instructional material that depicts a girl proudly wearing a frilly, pink dress is just as much about gender identity as a material with a transgender character in it. A book featuring a Mommy and Daddy is just as much about sexual orientation as a book that features two Mommies.

K-3 classroom materials are usually filled with pictures that are designed to engage early learners. Please take a moment and imagine what classroom materials would look like if they could not include families or relatable boys and girls.

Teaching about the existence of LGBTQIA+ people in K-3 prevents bullying, builds empathy, and ensures that every child feels

included in the classroom. H.B. 1557 will impact my family. It will make my rising first-and third-graders second-guess whether it is safe to speak proudly about our family and their sibling for fear of getting themselves or their teachers and school in trouble. It will increase the likelihood that my non-binary child will be bullied for simply existing, and it will make it harder for them to seek out support from school staff, knowing that this law incentivizes avoiding conversations about sexual orientation and gender identity.

In a recent survey by the Trevor Project, it was shown that 1 in 5 trans and non-binary youth have attempted suicide in the past year. Now that Florida is seeking to hide their existence and silence their voices, I fear for what those numbers will look like next year.

In addition to the censorship, these laws allow for legal action to be taken and add a new barrier to building a positive parent-teacher relationship. Teachers are leaving the profession in droves, particularly in Florida, where pay, morale, and district support is low. This year, my honors English sixth-grader has been bounced between three different teachers, with their last one being a math teacher, and it is looking worse for next year. Laws such as these leave our educators weary of remaining in a profession where politicians are breeding distrust and removing their ability to make adjustments that best serve the unique makeup of their classrooms.

Public schools always have and always will continue to serve the largest and most diverse group of students. Teachers are trained to discuss many controversial topics in the classroom in a way that will challenge our students to think critically about their own beliefs and perspectives. For most parents across the U.S. exposure to a diverse set of people and beliefs is a major attribute, not a risk.

Why should our teaching professionals question their own expertise to cater to the most conservative voices in the community? LGBTQIA+ people are our family, our friends, our neighbors, our educators, and have been a part of our community since the beginning of time. Laws like Florida's, officially named Parental Rights in Education, seek to erase their existence for our youngest of children who, by nature, are already more open to learning about diversity and accepting one another despite their differences, and definitely deny parents like me a safe learning environment for my children.

Thank you.

Mr. RASKIN. Thank you, Ms. Cousins, for your excellent testimony.

Dr. Snyder, we come to you for five minutes.

**STATEMENT OF TIMOTHY SNYDER, RICHARD C. LEVIN
PROFESSOR OF HISTORY, YALE UNIVERSITY**

Mr. SNYDER. Thank you very much, Mr. Chairman. I am very glad to be here as a historian who has studied the worst aspects of totalitarianism, which include violations of free speech, as a proud product of Ohio public schools. I am also very glad to be here with the students and the teachers who make my own career as a university historian possible. I am glad to be here with my fellow parents.

I have been asked to make general remarks about the significance of free speech in history. I will do that and then draw from another contemporary example.

The purpose of free speech in history, as has been discussed for more than 2,000 years, is to allow contestation. The purpose of free speech as, for example, the Greek playwright, Euripides, instructed us, is to create situations that are uncomfortable for power. Free speech allows much else, but that is its central purpose.

The purpose of history in free speech is to allow all of us to see the errors of those in power. History is not a source of comfort. It is not a source of political homogeneity. History is a source of self-correction, which is why history works together so well with democracy. So in these fundamental ways, democracy requires history and free speech, and in particular, it requires free speech about history.

Representative Mace, I quite agree with your point that history involves the good, the bad, and the ugly. As Ms. Ramani quite importantly reminded us, we do not know what the good and the bad and the ugly are unless we allow unrestrained and continued research and instruction.

I am historian of Eastern Europe, and so the contemporary example which is very much on my mind is the example of Russia, which is another country where the idea that divisive concepts should be kept out of political discourse has held sway. Indeed, it is a country where this idea has gone much further and, therefore, it is a country from which, unfortunately, we can learn.

In Russia, the divisive concepts are things like the famine in Ukraine of the 1930's, or the 1939 Molotov-Ribbentrop Pact, in which the Soviet Union was, in fact, an ally of Nazi Germany, as the war began.

In Russia, these things are subject to official taboos as well as memory laws. So, a memory law is something in which people are punished for saying the wrong thing about the history of their country. Memory laws are a widespread international phenomenon, a phenomenon which the United States has been joining, unfortunately, these last few months and years.

What we see from the Russian example is that memory laws make democracy impossible because they prevent reflection about basic issues of public interest. What we see in Russia, as well, is that memory laws make war much easier because they prevent the kind of reflection about one's own past that would be necessary. And so, therefore, Russia can launch an invasion on Ukraine making very much the same kinds of arguments that Soviet leaders made back in 1939. Russia can steal Ukrainian foodstuffs, threatening a famine, very much as like happened in 1933, but no one is able to make these points because the history is not known, and even if it were known it would be illegal to discuss it.

Once Russia invaded Ukraine, teachers in Russia were instructed to avoid divisive concepts which might lead the children to discuss the war, and of course, there as here, what a divisive concept in practice might be is going to be determined by government officials in practice. Not surprisingly, when the war began there was also a purge of textbooks in Russia, which is now ongo-

ing, the purpose of which is to remove all mentions of Ukraine and the city of Kyiv from Russian schools.

So, in conclusion, very briefly, I would like to echo what Mr. Carver said about courage. Freedom of speech requires a certain amount of courage. Confronting history requires a certain amount of courage. One of the purposes of history education is to inculcate that moral virtue of courage to accustom students to an environment where they can be challenged and where they can also challenge those in power.

I make comparisons and I invoke history because we, as a country, are only exceptional insofar as we make ourselves so. When we confront memory laws ourselves, we are making a choice between what is courageous and what is cowardly.

Thank you very much.

Mr. RASKIN. Thank you very much for that superb testimony.

We will now go to questioning and I am going to invite—oh, OK. All right. So Congressman Mace and I are going to excuse ourselves to go vote. Representative Norton, who is still disenfranchised as the delegate for the District of Columbia, will stay and chair the proceeding for us, and she can begin with her questioning, and we will come back as quickly as possible. Thanks.

Ms. NORTON.[Presiding.] All right. I am going to indicate the first question.

I would like to preface my questions by noting that if Republicans take the House in the next Congress we could see them abusing Congress' undemocratic power over the District of Columbia to try to ban books and regulate the curriculum in D.C. public schools. This is not mere speculation. A Republican on this committee has introduced a bill this Congress that would regulate the teaching of race and gender in D.C. schools. This is one of the many reasons D.C. needs Statehood to prevent such meddling in local D.C. affairs.

I now turn to my questions.

Most of the classroom censorship bills being passed across the country seem to be intentionally vague. Teachers do not know what they can and cannot say anymore, and have to try to do their jobs in constant fear of being fired, fined, or having angry parents turn on them.

To give you one example, a school district in Texas was so confused by the wording of a recent Texas law that they informed teachers that they needed to provide students opposing perspectives about the Holocaust.

Ms. Nossel, what effect do intentionally vague laws such as these have on the individuals they are intended to regulate, in this case students and teachers?

Ms. NOSSEL. Thank you very much. The Supreme Court's jurisprudence on the First Amendment is very clear that restrictions on free speech must be narrowly tailored, and that is out of a recognition that when there is a law interfering with free speech, and the scope of such a law under the First Amendment is allowed in very limited circumstances, but even where there may be a compelling government reason for such a prohibition, it must be narrowly tailored because it casts what courts have recognized as a chilling effect. It affects not just the speech specifically delineated but any-

thing that might be seen as close to a line, because people recognize that who interprets the scope of the law, the terminology in the law, may vary. It could be a judge who sees things your way. It could be a school administrator who looks at things very different.

And so, where you have these vaguely worded prohibitions, things like “scapegoating,” “race,” and “gender,” or vague terms like “divisive concepts” or “gender identity,” the risk for teachers is that all sorts of things that they may put forward could fall under that ambit if it is being interpreted broadly. And so, they have to be very cautious. We have seen, just in the last few days, teachers who are afraid to talk about what happened in Buffalo for fear that they may run afoul of a prohibition on discussions of race or racial supremacy in the classroom, which are now banned by law in some states.

And so, there is a wide, chilling effect that is descending on our schools where all sorts of subject matter suddenly are put off limits. Teachers are intimidated. They are forced to be cautious. Administrators are telling them not to take any risks, to not discuss these topics at all for fear of running afoul of these laws. Thank you.

Ms. NORTON. These types of censorship laws bear an alarming similarity to those found in authoritarian regimes. Professor Snyder, as a historian and expert on the development of authoritarian states, does the enactment of a censorship and anti-LGBT laws sweeping the country concern you?

Mr. SNYDER. Yes. Thank you very much for that fundamental question. It concerns me very much as a historian for two different reasons. The first is that if we simply look at historical cases of authoritarianism or totalitarianism, we cannot help but be struck by the fact that the banning of books and the attempt to limit classroom discussion to some kind of homogenized set of topics is a hallmark of the early stages of the end of democracy. That is simply a fundamental part of the historical record. Authoritarians and totalitarians are aware that in order to master the present and the future they first have to master the past.

And that leads me to the second way that I am concerned as a historian. As a historian, I understand that the process of democracy involves reflection about the past, such that we can make decisions about the present, which then affect the future. In other words, democracy itself requires us to have a broad and rich sense of time, which is full of factuality, full of interpretations, full of different viewpoints. When we shrink the past with censorship, with fear, with intimidation, we are also shrinking the possibility for discussions in the present and also thereby narrowing the possibilities for the future.

So, in that way there is nothing more undemocratic than to limit the possibility of discussion about the past, because it’s precisely discussions about the past that allow us to see different viewpoints, to correct our own mistakes, and to make better policy. Without the possibility of historical knowledge that kind of discussion and self-correction is impossible, and, of course, discussion and self-correction is what democracy is all about. Thank you.

Ms. NORTON. Thank you, Professor Snyder.

I call on Mr. Donalds of Florida next.

Mr. DONALDS. Thank you, Madam Chair. Madam Chair, real quick, for the record I would like to introduce an article by CNN from April 22, 2022, titled “Florida Releases Four Examples from Math Textbooks It Rejected for Public Schools.” I would like to enter that into the record. And I would also like to enter into the record a screenshot of one of the bar graphs from the math book that was rejected by the State Board of Education in Florida.

Ms. NORTON. So ordered.

Mr. DONALDS. Thank you.

Witnesses, actually what you are getting is handouts of the stuff, the items that I just placed into the record. First thing, witnesses, I would like to draw your attention to is the large bar graph that is being placed in front of you. This bar graph is actually from one of the math textbooks that was going to be for Florida adoption. The bar graph that is slated basically states here, it shows the differences among age groups on the implicit association test that measures levels of racial prejudice. Higher scores indicate stronger biases. This is a measuring of racial prejudice by age.

This is an example of a math—this is math, now—this is an example of a bar graph being used in a math textbook that was slated for adoption in the state of Florida. The State Board of Education, under the law that was passed by the legislature dealing with critical race theory in curriculum—in classroom materials, excuse me, that actually rejected those materials being in classrooms. This is one of the examples that the State Board of Education actually cited for why this math book was rejected.

There is another one. In the article set that you see the image at the beginning of the CNN article is, “What me? Racist?” More than two million people have tested their racial prejudice using the online version of the implicit association test. Most groups’ average scores all between slight and moderate bias, but the difference among groups by age and by political identifications are intriguing.

This was in a math textbook that was actually solicited to the state of Florida to be adopted by Florida public schools. So, if we are going to talk about curriculum and what should be adopted should we not actually get to the facts and talk specifically about what is in textbooks?

So my question for all the panelists, and everybody can go one at a time, should material like this be in a mathematics textbook that would go before students, who might be taking math lessons somewhere in middle school, fifth grade, or even ninth grade? Should this bar graph, talking about implicit bias or racial bias, be included in a mathematics textbook, not just in the state of Florida but in any state in the union?

Panelists, what is your answer? Not all at once, you all. Come on. Who is going first?

Mr. WHITFIELD. I do not mind going first. Thank you for the question—

Mr. DONALDS. Sure.

Mr. WHITFIELD [continuing]. and I look forward to hearing the responses from the rest of the panel.

You have given us a little bar graph here. This is out of a textbook?

Mr. DONALDS. This is out of a textbook. This is an example of what Florida released about why they did not adopt a math textbook.

Mr. WHITFIELD. Yes. So do we agree that racial prejudice exists?

Mr. DONALDS. Dr. Whitfield, the question is should this be in a mathematics textbook?

Mr. WHITFIELD. Is there math in this textbook? Is disseminating a bar graph part of a student learning math?

Mr. DONALDS. Dr. Whitfield, we are talking about—should—

Mr. WHITFIELD. It so happens—

Mr. DONALDS [continuing]. we be talking about implicit bias in a mathematics textbook—

Mr. WHITFIELD [continuing]. sir—

Mr. DONALDS [continuing]. or should we be talking about actual math skills?

Mr. WHITFIELD. I would daresay they are learning math skills. It just so happens that, again, this may be something that certain people view as uncomfortable. But racial prejudice is a real thing, and I daresay our students get that. They understand that. So, to say that just because something says something about bias or racial prejudice, as the professor has said, like we can't just remove that because we are trying to talk about something that can make some people feel uncomfortable. And I daresay if people feel uncomfortable, oftentimes there is a reason for that, and maybe that is what is needed to move forward.

Mr. DONALDS. Dr. Whitfield, I have got go to some of the other people because I have 28 seconds left. That is how congressional hearings work. I would love to have this extended conversation.

Mr. WHITFIELD. Absolutely.

Mr. DONALDS. Ms. Nossel?

Ms. NOSSEL. I saw this graph and I found it surprising, and frankly, inappropriate for a math textbook. I thought there was a risk that this was going to stoke division, detract from the lesson. You know, whether the entire panoply of math books, you know, should have been rejected for this one chart I think is a different question. Could this chart have been modified or changed? I think that is what we should focus on. Were the processes followed? Were educators consulted?

But, you know, I understand what you are saying. I think, you know, we are all concerned about a polarized environment. We are concerned about how to keep our kids focused on learning and achievement. And something that risks detracting from that I do not think belongs there.

Mr. DONALDS. Well, I mean, look. I know I am out of time, Madam Chair. I appreciate the indulgence because we are over. The last thing I will say is I, for one, you know, I have young sons. My 14-year-old is sitting behind me now. I have got a 10-year-old son. I do not want children having their attention distracted from actual learning. If we are going to talk about history, let's talk about history. But if we are going to bring in subjective material into the classroom, that is the problem that has some parents upset in the United States, and that is the concern that we need to think about. That is not a free speech issue, because students are a captive audience. They do not get to leave. Adults, we can walk out

any time we want to. The kids cannot. That is why this is such an important discussion to be had.

Madam Chair, thank you so much for the indulgence. I yield back.

Ms. NORTON. The gentleman yields back.

I want to declare a brief recess at this time while we wait for members to come back from voting, so that we can have more questions for our panel.

The committee stands in recess.

[Recess.]

Mr. RASKIN. All right. Thank you for your patience and your indulgence, everybody. Welcome to our lives on Capitol Hill, and thank you for waiting for us.

Let's see. I would actually invite the ranking member, if she would like to go now, if you want to take your five minutes for questioning?

OK. Well, I will go first then. And I do not know if Professor Snyder is still out there. I am very curious about what you said about memory laws as being a hallmark of authoritarian regimes attempting to rewrite the past, which I suppose is one of George Orwell's insights in 1984. How do you connect what has been going on with these laws, against teaching critical race theory, to the memory laws that are taking place in Europe today, and did take place in Europe in the 1930's?

Mr. SNYDER. OK. Thank you. I am still here and glad to be here.

It is really a very simple connection to make. As I was trying to stress in my earlier remarks, history is inherently discomfoting. History is inherently divisive. If you read a good history book it is always going to leave you slightly unsettled. It is going to leave you not where you thought you were going to be. And this is very important to the possibility of democracy, precisely because good history books and good history teachers leave people unsettled and then bring them to a new place. They enable the kinds of conversations which allow us to recognize one another as citizens, to learn from one another, and to make good policy, which heads toward the future.

The way to prevent that sort of thing, as dictators and aspiring dictators know, is to fasten on the subject in history which is hardest to handle and put it entirely off limits. If you are able to do that, in a general way, then you end up with a citizenry which falls back onto its own assumptions about who is innocent and who is guilty. You end up with a citizenry that is unable to talk to one another, which makes it, of course, much easier for you to rule, and also you end up with a citizenry which is much easier to polarize, when necessary, because they just do not have the practice of recognizing that history is complicated and that those complications in history mean that other people have other points of view.

So, the things that I have said are grasped by authoritarians and aspiring authoritarians who just apply it in the negative way.

In Russia, as I think I might have said, the divisive issues have to do with Stalinism. They have to do with the Stalinist terror of the 1930's, the famine in Ukraine, the mass killings of 1937, 1938. They also have to do with Stalin's choice to become a de facto ally with Hitler in 1939.

These are the single most divisive issues for an aspiring dictator like Putin, or a real dictator like Putin, because, of course, remember, the word “divisive” is ultimately going to be defined by the government itself, not by the people. The way that Putin presents these laws is to say that these kinds of things are uncomfortable for Russians. Therefore, it is the government’s responsibility to get out in front and censor and make sure the correct view is put across.

During the extreme situation of the Russian invasion of Ukraine we see just how far this can go with there being essentially no independent media, no possible discussion of any of these issues. But the central commonality in all these memory law situations is that you find the issue which people would really have to understand to be a democracy, put that off limits.

In the United States that issue is obviously the Civil War, the history of racism, the history of reconstruction, the history of voter suppression. That is the issue, the issue of relations between Black people and white people, the issue of full citizenry. That is the issue which makes it easier or harder for Americans to understand one another. That is the issue which a lot of folks find it difficult to confront. So it is the issue—

Mr. RASKIN. Well, and I appreciate—

Mr. Snyder—and therefore the one that has to be central.

Mr. RASKIN [continuing]. I appreciate that very much, and it is a perfect entry point for me to go back to Dr. Whitfield. If you would describe, if you don’t mind, some of your personal experience and how your contract ended up being terminated, because I think it was about something related to what Professor Snyder just said. It dealt with this discussion of race. Is that right?

Mr. WHITFIELD. Well, thank you, Chairman Raskin. So essentially my contract was not terminated. There is a settlement agreement between the district and myself, and so I am prevented from discussing events pertaining to what happened with the district. But what initiated against me was much larger than that.

It was a group of people, a small group of people, that were not parents of my students, that were not—a large number of them, not community members, that raised concerns that I sent out a letter in the wake of George Floyd’s murder. They raised concerns that we created a diversity advisory committee. They raised concerns that I would even mention the word “systemic racism,” because as the gentleman who alleged that I am promoting critical race theory said at the July 26 board meeting, I am promoting the conspiracy of critical race theory because of my views and, you know, what I had to say in that letter.

Mr. RASKIN. I see. OK. Well, I will be interested to follow what happens with your case.

Let me just ask one final question and I will turn it over to you, Ms. Mace. Ms. Nossel, so we have talked about the dangers of this great white replacement theory, that the Buffalo mass murderer was jacked up on when he went on his killing spree. What is the best approach to dealing with something like the white replacement theory? Is it to try to censor it and say people cannot mention it, or is it to talk about it and to educate people about what is in there and refute its claims? I mean, what is your sense of that?

Ms. NOSSEL. No, I absolutely do not think it should be censored. I think it has got to be dealt with in a sensitive way, depending on the age of the students, you know, what the setting is. Is this a history class where it can be explored and examined? You know, we have heard people talk today about the teachers who helped them make sense of all this, and for me that was essential, making sense of horrible chapters in our own history, in international history, understanding motivations, recognizing dangerous, bigoted ties and what their manifestations may be, the different faces that they show.

And so, you know, the idea that we are cabining off discussions of race or even racial superiority, you know, whatever the motivation is that is counterproductive. We need, in our schools, for kids to be able to explore these things, talk about them, recognize them when they see them, to be able to persuade others and engage in these very difficult topics. So, censorship is not the answer.

Mr. RASKIN. That means a striking irony, of course, that critical race theory is being banned all over the country by these states but white replacement theory is not being banned. But in any event, neither of them should be banned. It is within the realm of ideas and that means it is within the realm of debate, discussion, inquiry, and empiricism, factual evidence, which ultimately is going to be the antidote to lies. So, I appreciate that.

Ms. MACE, you are now recognized for your five minutes, liberally speaking.

Ms. MACE. Thank you, Chairman Raskin, and I want to thank the witnesses for their testimony today. We appreciate your time and effort in sharing your stories of courage, especially to the students who were here today. You guys are remarkable.

This issue is really personal to me. I am a single working mom, like Ms. Gentles, and COVID-19 really hurt my kids. Virtual school really decimated our household with regards to learning. So I have a few questions today, Mr. Carver, and I will start with you.

Since the start of COVID do you know what the percent of increase in mental health issues has been with our students nationwide?

Mr. CARVER. I am not aware of specific numbers but I know that mental health issues are a problem across the board.

Ms. MACE. About 37 percent of students admitted that they had an increase in mental health issues. Forty-four percent said that they are persistently sad, had feelings of sadness and hopelessness.

Mr. Carver, do you know, roughly, the percentage increase in suicides from COVID-19 when kids were out of school mostly?

Mr. CARVER. I do not. I do know the percentage of suicides for trans students and LGBTQ students, which are very high.

Ms. MACE. What was the percentage of that?

Mr. CARVER. Seventy-five percent of LGBTQ students say that they are consistently miserable throughout the day.

Ms. MACE. So the rate of suicides during COVID-19 increased 22 percent the summer of 2020 over 2019, and the winter of 2020 it was a huge increase of 39 percent, on average. Do you know the percent increase in online bullying during COVID-19?

Mr. CARVER. Not off the top of my head.

Ms. MACE. Seventy percent, a 70 percent increase, which coincides with the rate of suicide, as you mentioned earlier. Do you know the percent of decrease with regards to reading levels during COVID-19, when a lot of kids were home? Do you how bad it was, how bad it decreased?

Mr. CARVER. I am a teacher so I am aware of the losses we have had and the work that we have had to do to make up for it.

Ms. MACE. About 30 percent. And then the decreases in learning math, particularly for those students who were in virtual school, was down 50 percent during COVID-19.

My next question, Mr. Carver, do you believe that learning pronouns or learning to read is more important to kids in school?

Mr. CARVER. Pronouns are a part of reading.

Ms. MACE. Which one is more important, pronouns or learning to read?

Mr. CARVER. Reading is more important.

Ms. MACE. I was just curious. Do you believe that students should be suspended from school if they do not use the correct pronouns when they are in school?

Mr. CARVER. I need more context for a given situation.

Ms. MACE. Some students recently, I think it was last week, were suspended from school, middle school students, for not using the correct pronouns.

Should teachers' unions decide, in your opinion, whether schools should close, or should it be up to states and school boards?

Mr. CARVER. I think they should have a voice, but I do not think they should or do decide.

Ms. MACE. So teachers' unions, actually, during COVID-19 directed and guided the CDC on school closures rather than giving that grace to states and to school boards. They were trying to twist the arms of the CDC to make those decisions for parents, for teachers, for school boards, et cetera.

Do you believe that parents have First Amendment rights? I guess, Ms. Nossel, you mentioned First Amendment in your comments earlier. Do you believe that parents have a right to the First Amendment?

Ms. NOSSEL. All Americans have a right to the First Amendment.

Ms. MACE. So do you believe it OK if parents show up to school board meetings to have their voices heard, especially when they disagree with school boards?

Ms. NOSSEL. Absolutely. People have a right to have their say. If they are making threats or they are harassing people that is something different. But expressing your opinion vociferously, absolutely.

Ms. MACE. I wholeheartedly agree. I was reading a story, it was last year where a parent showed up at a Loudoun County school board meeting because his daughter was sexually assaulted at school, and that father was arrested. I tell this story often. When I was 16, I was raped by a classmate of mine in high school, and when I was 17, shortly thereafter, I dropped out of school, because oftentimes women who are raped are victimized and re-victimized when they come forward. In this case it was a parent, and we want to make sure that we protect the rights of all parents to have a say in kids' schools.

I want to thank you all for your time this afternoon, and I yield back.

Mr. RASKIN. Thank you. The gentlelady yields back.

And I yield now to Ms. Wasserman Schultz for her five minutes of questioning.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Chairman.

Mr. Chairman, I have some questions for my fellow Floridian, Ms. Cousins, but I would be remiss if I did not use this opportunity to engage with Professor Snyder, who I understand is participating virtually.

Professor Snyder, my office loves your book on tyranny, and I firmly believe that it has succinctly and effectively helped veer America away from its recent turn toward authoritarianism. So thank you for that.

But I want to tap into that talent for concision and ask you some very quick yes-or-no questions, and then get your larger take on my home state of Florida.

Do oppressive governments censor unpleasant history in their schools?

Mr. SNYDER. Yes.

Ms. WASSERMAN SCHULTZ. Do tyrannical governments muzzle teachers from telling the truth?

Mr. SNYDER. Yes.

Ms. WASSERMAN SCHULTZ. Do authoritarian leaders regularly demonize the free press?

Mr. SNYDER. Yes.

Ms. WASSERMAN SCHULTZ. Do tyrants criminalize protesters?

Mr. SNYDER. Yes.

Ms. WASSERMAN SCHULTZ. Do despots make it harder to vote?

Mr. SNYDER. Yes.

Ms. WASSERMAN SCHULTZ. Do they abandon facts, science, and reason?

Mr. SNYDER. Yes.

Ms. WASSERMAN SCHULTZ. Do autocrats target marginalized communities like gays or communities of color?

Mr. SNYDER. Very much so.

Ms. WASSERMAN SCHULTZ. Thank you.

Governor Ron DeSantis, the Governor of my home state, deploys every one of these authoritarian tools in Florida. Some are now law. One of them became law just this week. Yet these are the same oppressive tactics that thousands of my constituents fled from in Venezuela, Cuba, and Nicaragua. That is why they came to Florida. And now Governor DeSantis is bringing a brand of authoritarianism to Florida that Putin, Maduro, or Castro would applaud.

Mr. Snyder, should residents in Florida be resisting this rising authoritarianism of Governor DeSantis, and are we seeing the creeping anticipatory obedience that you talk about toward his repressive policies that you warned about?

Mr. SNYDER. So, No. 1, I think you are very right to make these comparisons, and Cubans of an older generation can actually remember school policies from their homeland which are similar to the ones that are being implemented in Florida now.

No. 2, I think you are also quite right to talk about anticipatory obedience. It is very important not to see changes like this as normal and then to allow them to come creeping in so that they become the new normal.

And No. 3, should people be resisting, absolutely. I mean, the way that democracies are overcome in the 21st century is generally from within, and it is generally by clever leaders who find ways around the rules and find ways to use minority positions which polarize in order to move—

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. Snyder—toward the top. Thanks.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Snyder. It is not enough to just describe Ron DeSantis as a culture warrior. We should call him what he is, a tyrant who is using his position and power to install repressive and hateful policies in Florida.

I want to turn next to Ms. Cousins, because as a Floridian you can give a first-hand account of how these policies impact children and families. Despite conservatives' assertions that anti-LGBTQ+ laws like Florida's Don't Say Gay Act are meant to protect younger students, the truth is they directly harm those students.

For example, these laws would prevent children with same-sex parents or LGBTQ+ siblings from being able to discuss their families in school, and it would also require teachers to out LGBTQ+ students to their parents without the student's permission if the parent requests the information, and allows parents to sue schools should they fail to do so.

Ms. Cousins, you are a Florida parent and you have a non-binary child in middle school as well as two younger elementary school students. How will your children be directly impacted by the Don't Say Gay law?

Ms. COUSINS. So my two youngest are rising first-and third-graders, so the way that this is going to impact us is if they should be discussing the makeup of our family or their older sibling whilst in the classroom, some kid over here goes home and says, "Hey, guess what? So-and-So's sibling identifies this way." If the parent does like the makeup of our family, they are now fully within the rights of the law to go and sue the school, and not only sue the school but the school will now be responsible for paying for that lawsuit, and that is money that we desperately know in Florida could be better spent on teacher salaries and student funding itself.

Ms. WASSERMAN SCHULTZ. Can I zero in with you on that, because you have clearly been supportive of your non-binary child. I want to ask you specifically about forcing teachers to out their LGBTQ+ students to their parents. I mean, schools are supposed to be safe havens, and they very often are for these kids. You have clearly been supportive of your child, but how do you think outing students to their parents could affect them?

Ms. COUSINS. It is going to be devastating. It is going to lead to higher rates of depression and definitely higher rates of suicide. You cannot out a fragile child like that without them being ready for it. And the reason that they can be safe in school is because they do not come from supportive families. You know, my child has several friends in school that are trans. They can only live their trans self while they are in school because their families are not

supportive. And I fear so much for kids that come from families like that.

Ms. WASSERMAN SCHULTZ. Thank you. This is not about enhancing parental authorities. It is a direct attack on the LGBTQ+ community that will adversely affect the health and well-being of thousands of Florida students. And from one mom to another I thank you for being supportive of your child. That is so important.

Ms. COUSINS. Thank you.

Ms. WASSERMAN SCHULTZ. I yield back. Thank you.

Mr. RASKIN. All right. I think we are going to give the other members a few more minutes just to get back. I think there is a press conference going on about Buffalo. In the meantime I am going to take another round of questions and invite Ms. Mace, if she wants to, to take another round.

I am also struck by the way in which the autocrats and authoritarians feel it necessary to attack the LGBTQ community. All over the world we see that with Orbán in Hungary. We see it with Putin in Russia. We see it with Duterte in the Philippines. Of course, the homicidal Crown Prince of Saudi Arabia, and on and on.

I wonder why that has become such a hallmark of the authoritarian regimes around the world? You know, I thought I would get thoughts from anybody who wanted to, but perhaps, Professor Snyder, we could start with you.

Mr. SNYDER. Yes. Thank you for the question. So, No. 1, just to make a very simple observation, there is a lot of copying going on right now. So, it is not a coincidence when different right-wing regime around the world use these tools. There is a great deal of copying, and in particular, there is also a fair amount of contact between the American far right and the Russian regime on the issue of gays.

No. 2, far right-wing regimes tend to identify children as an anxious place, and so they use the rhetoric of the exploitation of children as a way to seem to be on the right side of families. This is a way of destabilizing other conversations in a polarizing society and preventing actual democratic conversations of what policies should be like.

Mr. RASKIN. Very good. Yes, Mr. Carver, I will come to you, and then Ms. Gentles, I will come to you.

Mr. CARVER. I think it also plays on absolute primal fears. I am a teacher. I worry about my students. I worry about their safety. When kids are trying to commit suicide, we are the ones calling the police. We are the ones literally showing up at their houses to prevent them. We are the ones making sure that they get access to counseling. We are the ones fighting for it.

I am very proud of the unions in Kentucky for fighting very hard when our students were threatened with the loss of mental health access in schools.

I can understand and even sympathize with parents who, if they are told by extreme right-wing advocates, "Your students are in danger," that they might feel worried. And we are in a time period in which lots of people feel stressed. So, I think advancing that narrative that their kids are in danger is an easy way to win people over at a most primal level that does not require them really to ask

more questions other than how can I help my kid or protect my child.

Mr. RASKIN. I appreciate that. Ms. Gentles.

Ms. GENTLES. Yes. So, it was just mentioned that there is a lot of copying going on, and so I just wanted to mention that there is a lot of copying going on among middle school girls, in particular, right now. There is a bit of social contagion happening, where girls who feel like they don't fit in, girls who might have lagging social skills, girls with underlying issues—anxiety, depression, ADHD, often autism spectrum—they find relief in an identity, like a transgender identity, non-binary, gender fluid. This is something that is happening very much in my community. I know of many girls who have embraced this identity when they hit puberty, when they hit middle school age.

And so parents are seeing that happening. They are seeing the social contagion. They are seeing this spread among middle school girls. And they are wondering what is happening, and they are asking questions.

So I would say we just need to be mindful of the fact that—I spoke with a child psychiatrist recently who said in the first 15 years of his practice he had never seen a trans-identified child, but now most, many of his clients, the kids he works with, are embracing this identity.

So I think it is appropriate for parents and for caring community leaders to probe, question, look at what is going on, and then ask why schools are creating these gender support plans, where these middle school girls come to the teachers, to the schools, say they want a new name, a new identity, and new pronouns, and then the school develops a plan to then hide it from parents. Why are they doing that, particularly when these are kids who have underlying issues. They have anxiety, depression, ADHD, autism spectrum. And as we have been hearing repeatedly, they might be more inclined to consider suicide, particularly when it is told to them, over and over and over, “You are more likely to commit suicide.”

Those gender support plans are dangerous and they are cutting parents out of a really important conversation.

Mr. RASKIN. Thank you for that. Ms. Cousins, did you want to opine, either on my original question or on that point that Ms. Gentles just made?

Ms. COUSINS. So my child knew that it was completely safe to come out to me first, so we never had an issue in school with having to create specific plans for them. And my wish is that every child came from a safe family like my own, where they are free to be themselves, they will not be judged, and they can live their authentic lives.

You know, if the child does not feel safe to come out at home but they do feel safe with a particular teacher or guidance counselor in their school, then absolutely, it is important for the child to be able to confide in that safe adult. Because there are far too many trans and non-binary children lately who their families are not supportive and they will go home, they will be beaten, they will be bullied, they will not be accepted. And that is what is leading to the higher rates of depression, in my opinion.

Mr. RASKIN. So Mr. Carver, it seems like it is a complicated time to be a teacher these days, you know, with the rise in mental and emotional health problems. The Surgeon General has declared it a nationwide emergency. COVID-19 has been a nightmare for young people. It has been profoundly isolating and demoralizing. As Ms. Mace said, it has meant a setback in terms of kids learning, you know, almost across the board.

And, you know, what is the best spirit within which a school can try to address all of these different problems in a meaningful and supportive way without ever imposing some kind of bar of political and ideological correctness of any perspective on families and on kids?

Mr. CARVER. For me, inclusion is the one word that matters. I know that students, for example, who come from families that try to change their gender identity, who disagree with them, are 300 percent more likely to attempt suicide.

If a student, for example, comes into my classroom and says, "I am a Democrat," "I am a Republican," "I am trans," whatever, it is not my job to say, "Well, here is what you should be" or "Let's put you on a path to be something else." My job is to say, "Great. You are welcome here. You are always welcome here." And I think if we politicize inclusion and say welcoming a student, making sure that this student feels safe, making sure that this student feels heard, if we somehow suggest that this in itself is a political act then it becomes impossible to make every single child feel safe.

Mr. RASKIN. OK. I am going to turn to Ms. Mace. Thank you very much for that, Mr. Carver. And Ms. Mace, and then I think we are going to close it out.

Ms. MACE. All right. Thank you, Mr. Chairman. I just had a few more questions for Ms. Gentles this afternoon.

In your opinion, is it school closures or is it classroom content that has hurt students the most over the last two years?

Ms. GENTLES. Well to be clear, students entered into the COVID era in a bad position. They were already possessing weak math and reading skills, and those have only gotten worse because of school closures. Obviously, a child cannot learn how to read—a kindergartener, a first-grader cannot learn how to read on Zoom, and that has really impacted their ability to read, and that has really impacted their future. The school closures have had a huge impact.

Ms. MACE. And then who do you believe is responsible, at the end of the day, for school closures that happened all across the country?

Ms. GENTLES. Well, I think it is part of the popular narrative to put the blame straight on Randi Weingarten, who is the head of the American Federation for Teachers, and I worry about that a little bit. She is absolutely a driving force, and the teachers' unions are a driving force in school closures, but there are a lot of people with responsibilities. The local leaders, the school boards, the superintendents had the responsibility to step up and recognize that children were not doing well with their mental health and with their academic achievement and that schools needed to be open.

Ms. MACE. And then in your opinion, interventions now, what can we do now? What evidence-based interventions can we be advo-

cating for, that Congress should be addressing learning loss and getting students back up? There are millions of kids that are going to be lost and we are not going to be able to get them back to where they need to be. But what, in your opinion, are some of the interventions that we should or could be doing now to make the environment better for learning for students who have been so negatively impacted by COVID-19 and being out of school?

Ms. GENTLES. Well, I think that is where the good news is. I mean, this hearing has been grim in a lot of ways. The school closures have been dreadful, and clearly there is a mental health crisis as well as an academic crisis in our country.

But the good news is that student-centered interventions like high-dosage tutoring, where you have small groups or one-on-one interacting with a tutor, a teacher, who is really focused on that student's individual needs and getting them caught up, that is a proven strategy to help students. And states and districts have \$190 billion to spend, of Federal supplemental funding, on top of what they have already, and they are having a lot of trouble spending it. So go ahead and spend it on high-dosage tutoring.

A state like Tennessee is doing that. They have a statewide tutoring corps, and I would love to see that happening in more states and districts.

The problem is that some of the districts are having trouble with their contracting. The Wall Street Journal reported this week that the LA school district has not spent a penny of its ARP funding. That was the biggest amount of funding that was pushed out from Washington. Not one penny of ARP funding that they have received, and some of that was contracting issues. They had promised to do a tutoring program and they have not even lined up the contracts yet.

Ms. MACE. Wow. Thank you. And I yield back.

Mr. RASKIN. All right. Well, I think that no other members have made it back in time. I understand that Mr. Donalds, while we were gone noted some examples of the reasoning behind banning of textbooks in Florida, and I just want to add a little context to some of the documents he introduced in the record.

A full 41 percent of Florida math textbooks were banned because they contained critical race theory, which is surprising, but only 3 of 125 textbook reviewers had actually found poor alignment with even the critical race theory guidelines. One of the reviewers was a college sophomore at Hillsdale College, a conservative university in Michigan. Another was a member of Moms For Liberty, which has been driving the book bans across America.

So I want to introduce an article from the *Tampa Bay Times*, "Florida Rejected Dozens of Math Textbooks But Only 3 Reviewers Found CRT Violations." I also want to introduce an article from *The New York Times*, "A Look Inside the Textbooks that Florida Rejected." The book that was referenced was an 11th-grade pre-calculus elective textbook that is not the core curriculum.

Mr. RASKIN. Let's see. With that I want to thank all of our witnesses for the day, for really superb testimony—Ms. Caldon, Ms. Mengel, Ms. Ramani, Ms. Nossel, Dr. Whitfield, Mr. Carver, Ms. Gentles, Ms. Cousins, and Professor Tim Snyder from Yale. I want to thank all of you for really tremendous participation.

All of the members will have five days within which to revise and edit their remarks and also to seek further questions of the members. So if there are other questions that are advanced I will forward them to you, and please get them back to us as soon as you can.

And with that I want to thank you again for your excellent participation, and our hearing is now adjourned, and I bid you a good weekend.

[Whereupon, at 12:42 p.m., the subcommittee was adjourned.]

