

**COMMENTARY -- AN ANTI-AMERICAN BAN ON CRITIQUE: A CRITICAL POLICY COMMENTARY**

By

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*"I love America more than any other country in this world, and, exactly for this reason, I insist on the right to criticize her perpetually." (Baldwin, 1955, p. 9)*

We are a group of educational leaders who are doctoral candidates and faculty members in the [Educational Leadership for Social Justice EdD program at California State University, East Bay](#). Our work centers around 1) creating shared knowledge about inequities and how they are reproduced by institutional systems, such as education, and 2) finding ways to address these systemic issues to create a more equal, healthy society. This work is informed by multiple critical perspectives, such as critical pedagogy (Freire, 1970; hooks, 1994), critical race theory (CRT) (Ladson-Billings & Tate, 1995), and Black feminisms (Collins, 2002; Crenshaw, 1989). These perspectives, while varying somewhat, offer a common thread guided by the understanding that the world operates via power relations that privilege some groups while subordinating others; but these relationships, and the oppressions that result, are masked by the dominant culture's insistence on painting reality with a brush of neutrality and a failure to engage with our history in a way that helps us understand and act on its repercussions on humanity.

As a diverse group of educators dedicated to the ideals of equality and democracy, we have become increasingly concerned by the Trump administration's legitimizing of white supremacy, which culminated in a white-supremacist led insurrection on the Capitol on January 6, 2021. It was out of this concern that we wrote the following critical policy commentary regarding Donald Trump's executive order, ["Combating Race and Sex Stereotyping,"](#) a crowning action in a long-waged war against critical social perspectives, in general, and critical race theory, in particular. Issued by the president on September 22, 2020, the executive order alleges that, through workplace anti-racism education, a "destructive ideology" is being imposed that threatens the founding vision of the U.S. The executive order charges anti-racism educational efforts that draw on critical race

and gender perspectives with “anti-American race and sex stereotyping and scapegoating” (Exec. Order No. 13950, 2020, p. 60683). The document names specific examples of “offensive” educational content, including white and male privilege, the systemic nature of racism and sexism, and our nation’s history of race relations. To prevent this “malign ideology” from sowing division, the executive order bans anti-racism education in federal workplaces. It also prohibits any organizations or programs receiving federal funding from engaging in activities grounded in anti-racist principles and potentially threatens diversity and social justice education efforts taking place in our schools for teachers, students, or community stakeholders.

This executive order purports to protect the values of our democracy and the intentions of the founding fathers. Yet in practice, this federal action amounts to a sanction on critique, which infringes on the first amendment and denies knowledge to the U.S. citizenry—an egregious violation of those very foundational American values that the executive order claims to protect. It also plays into the spread of misinformation that has proliferated in the “fake news” era and serves as the kind of racist dog whistle that has emboldened white supremacists like those who stormed the Capitol on January 6<sup>th</sup> of 2021. We dedicate the balance of this commentary to pushing back on the assumptions and assertions of this executive order with the following arguments.

### **The Essential Role of Critique in Healthy Democracy**

The critique of the British monarchy and its oppressive practices paved the way to create our current government. In the executive memo, the president invokes images of the Civil Rights Movement to point out historic heroism in the fight for equality: the Montgomery Bus Boycott, marches from Selma to Montgomery, the speeches of Martin Luther King, Jr. All of these occurred in critique of a system that gave disproportionate power and authority to white, propertied men, while denying People of Color basic human rights. The great minds of every generation have engaged in critique of our systems in light of our evolving society and have moved us forward as a nation. Today, [every ballot we cast](#) contributes to the common and necessary conversation of critique of our republic. Critique, then, is not only necessary for growth as a nation—it is quintessentially American and patriotic. In banning antiracism education efforts, this executive order takes aim at our most basic, precious liberty: the ability to critique our governing systems for the betterment of the republic.

### **Grappling with Our Inheritance of Racism**

The executive order alleges that anti-racism education efforts stereotype and scapegoat white people, white males in particular, by labeling them as oppressors who are inherently racist and sexist. This misconstrues a key idea of these initiatives: anti-racism efforts do not seek to indict individual white people or white men; they ask us to acknowledge historical fact and reckon with it. From 1619 until 1864, white slave owners brutally and inhumanely utilized millions of African “dark skinned” people as unpaid labor in the United States, which helped build the American economy (Roediger, 2010). Although in 1865, former president Abraham Lincoln signed the Emancipation Proclamation, [he simultaneously declared his opposition to the social and political equality of white and black races](#). For the next century, Black U.S. citizens experienced the denial of access to the same rights as white people through legal means such as [Jim Crow](#) laws. Even after the Civil Rights Movement, People of Color continued to be subject to racist policies and practices, such as [red-lining](#) and New York’s infamous [“Stop and Frisk.”](#) In the late spring and summer of 2020, the nation watched the National Guard and local police departments use violence, tear gas, and arrests to subdue [largely peaceful Black Lives Matter Protests](#) with impunity. These

actions [stand in stark contrast to the January 2021 insurrection](#), when, despite pleas from local officials, the government declined to provide more minimal police presence, and media documented police opening gates for the insurgents, taking selfies with them, and peacefully escorting them out of the US Capitol.

However, Black citizens are not the only group who have been subjected to multifaceted historic and current oppressions. Indigenous populations have endured physical and cultural violence from the U.S. government for centuries, including their systematic “removal” as a part of the U.S. campaign of “Manifest Destiny” and the erasure of their languages through Native American boarding schools (Dunbar-Ortiz, 2014). Latinx populations have also endured similar historical conditions. During the Jim Crow era, Mexican children in California were also forced to attend segregated schools, and new accounts documenting Latinx lynchings have begun to surface (Martinez, 2018).

The executive order identifies the idea that we are “responsi[ble] for actions committed in the past by other members of the same race or sex” as a “divisive concept” (Exec. Order No. 13950, 2020, p. 60685). Acknowledging our history of racism, sexism, and classism in America is not an indictment of white individuals, nor does it blame them personally for the transgressions of their ancestors. However, it does require that we *reckon* with these well-documented transgressions because they do not exist in isolation from today’s massive disparities between white people and People of Color. This history of oppression has long-term [economic](#), [political](#), and [wellness](#) impacts. From the cumulative impacts of racism/ethno-racism, multiple Communities of Color report experiencing massive trauma, including Latinx immigrants (Chavez-Dueñas et al., 2019), Black populations (DeGruy, 2017) and Native Americans (Ehlers et al., 2013). We must grapple with our inheritance of this history and its current impact, one that we all must acknowledge, confront, and address. We are not responsible for the past, but we must develop a collective consciousness about—and a collective responsibility for—the present and future.

### **Moving Beyond Black/White Thinking**

The executive order condemns anti-racism education efforts for labeling rational, linear thinking as characteristics associated with white males. However, the reality is that “rational humanism,” a binary logic born out of the European Enlightenment (in other words, created by white men), *is* harmful because it doesn’t fully account for our complex realities. Take, for example, the executive memo’s issue with antiracist curriculum that identifies the ideas of meritocracy and color-blindness as harmful ways of thinking that perpetuate inequity. [Meritocracy](#)—the concept that if a person just works hard, they will achieve success—assumes that individuals have complete agency and does not take history or context into account (two characteristics of rational thought). The world does not work that way: people do not simply *choose* to work hard and be successful, or not (McNamee & Miller, 2009). As an illustration, merely consider the enormous number of citizens [who are currently unemployed and facing eviction as of the writing of this commentary](#). The logic of meritocracy does not hold up in the face of the reality that, despite working very hard, millions of workers lost their jobs when the coronavirus pandemic shut down many industries last spring.

The logic of color-blindness is similarly reductive: saying “I don’t see color” means that we are not acknowledging that those with Black and Brown skin have very different historical and current experiences than white people, nor how those different experiences have created enormous inequities (Gallagher, 2003). In fact, some current scholars (Annamma, Jackson, & Morrison, 2017) term this type of thinking “color-evasive” because it allows us to avoid having to address

issues of race. Taking up the pandemic's economic impact again, these job losses were not color-blind or color-evasive: even a cursory glance shows that [Black](#), [Latinx](#), and [female](#) populations were more heavily hit. Yet, understanding why our marginalized groups have been disproportionately impacted during the COVID-19 crisis requires that we acknowledge that they may face very different realities than white, male, middle class and affluent communities. Moreover, the understanding that a multitude of causes—including historical oppressions and the ways that capitalism and racism/ethnocracy are intertwined—must factor into our analysis.

The black and white type of thinking underlying meritocracy and color-blindness also enables zero-sum narratives that offer false dichotomies, such as the executive order's allegation that critiquing U.S. race relations or history is "anti-American." As James Baldwin made clear in his earlier quote, it is absolutely possible to offer a critique of our country and love it at the same time—if we are more complex thinkers. However, our country is replete with these zero-sum, "either/or" ideologies, which also cause harm. For instance, a major challenge facing school systems is the education of multilingual learners, who have comprised one of the nation's fastest growing groups over the last few decades (Lucas et al., 2018). The approach to educating our multilingual learners has been a dualistic one: English is valuable, and the home language(s) students bring into the classroom are not. As a result, teaching centers on English only, and teachers often bring a deficit perspective that the multilingual learner is lacking or needs to be fixed because they speak a language other than English. An "English only" approach not only contradicts current research about language learning (García et al., 2017), but it also sends a message to students that their language, which is tightly bound up with culture and identity, is inferior (Villegas & Lucas, 2011), and often results in subtractive bilingualism (Menken & Kleyn, 2010).

The world is not dualistic, nor is it neutral—it is interconnected, multifaceted, and [suffused with power relations that matter](#). These power relations, which are informed by historic events as well as current legal and social systems, shape economic realities, knowledge, and institutions—every facet of American life (this is what we mean by "[systemic racism](#);" Feagin, 2013). Because it ignores differential power relations, the type of individualistic thinking that underlines the assertions in the executive order perpetuates and expands inequities. If we cannot admit that power imbalances and inequities exist, if we cannot move beyond thinking about racism as individual acts done by bad people rather than emerging from collective activity of multiple systems, we cannot address inequities at their roots—and so we will continue to live in a society where our espoused democratic ideals contradict our daily realities.

### **Critical Race Theory (CRT): Tool for Critique**

In the executive order, the grounding perspectives of anti-racism education, such as critical race theory (Delgado & Stancic, 2017; Ladson-Billings & Tate, 1995), are described as "destructive" and "malign ideologies" seeking to "inculcate" federal workers with long-debunked racial myths (Exec. Order No. 13950, 2020, p. 60685). However, these theoretical lenses are not a means of indoctrination—they are tools for analysis and critique. As an analytical tool, CRT asks us to examine the central role race plays in the educational, economic, political, and social outcomes of all Americans—enabling us, for example, to understand inequities such as racial and gendered wage gaps and disparate educational outcomes (Ladson-Billings, 2006). If all individuals should have equal opportunities, then the use of CRT allows us to examine and understand whether this is true in practice.

Further, by considering the “funds of knowledge” People of Color have garnered through their experiences as real and legitimate (González et al., 2006), we are able to include more voices in our analysis, which helps to construct a richer picture of the world. Stories told by Black and Latinx students have, for example, helped us better understand how teachers can make their practices more culturally responsive (DeNicolo et al., 2015; Kohli & Solórzano, 2012). Through examining the knowledge of Students of Color, we have also identified multiple types of “[community wealth](#)” (Yosso, 2005), or resources they bring that teachers can tap into for increased academic success. By legitimizing and valuing their knowledge, as well as providing analytic tools, CRT empowers multiple silenced, excluded, and disenfranchised groups—People of Color, poor whites, women, etc.—to interrogate systemic oppression and explore critical and innovative solutions that address the residual impacts and debt of a racialized and stratified America.

The anti-racism educational opportunities prohibited by the executive order teach how to use CRT to analyze our history and current reality, and have been informed by the stories and experiences of People of Color. As such, this ban amounts to a silencing of diverse voices as well as a denial of important lived knowledge we can use to address long-standing societal inequities. If we seek true equality in our democracy, we need tools to find out how social oppressions work and learn from the stories of those who have experienced them. Without the tools of theoretical lenses like CRT, we are only able to examine our world through one dominant (white, male) lens. Just as we would want our doctors to have the most expansive and effective set of tools available to keep us healthy, we need a similarly expansive and effective set of theoretical tools that offer the ability to analyze our social conditions from multiple perspectives and angles.

### **Implications for PreK-12 Schools and Beyond**

This executive order, which fundamentally misunderstands and mischaracterizes critical race and gender theories, seeks to preserve whiteness and maleness at the expense of the progress we have made to make visible the ways that schooling tends to reproduce existing social inequities and the critical work it takes to disrupt those patterns. As such, it has multiple implications for PreK-12 schools and beyond. For one, the implementation of this executive order will perpetuate the silencing of Communities of Color and the amplification of the Eurocentrism that shapes curricula and teaching practices across all disciplines in public schools. Instead of a collective broadening that legitimizes multiple knowledges and ways of knowing/being, it is likely that the curriculum and core texts will be examined for anything considered “divisive” according to the guidelines of the executive order, which will further narrow the curriculum. Textbook writers will likely censor any “controversial” language that might call out racism for fear of limiting their sales, and textbook adoption committees, boards of education, and others could use the executive order to further limit the perspectives and voices of Groups of Color and veil the history of racism in the US. In social studies, for example, this means accounts of American history will be further filtered, which will perpetuate false narratives that will deprive both Students of Color and white students a rich, complex portrait of this nation’s history. These accounts will exclude ethnic contributions and sacrifices of ethnic groups that have contributed to building the United States and capitalism (e.g., African-Americans’ labor exploitation in cotton, sugar, tobacco, and other industries; and Chinese labor exploitation in the building of our railroads). Equally important, students will be denied the opportunity to think critically (Muhammad, 2020) about the past in ways that center the roles race and power have played, and continue to play, within society.

Further, recent gains in equity work that school districts and institutions of higher education are making—for example, adding explicitly anti-racist language and perspectives to their vision

and mission statements, programming goals (e.g., in LCAPs-Local Control Accountability Plan in CA), professional development efforts, job descriptions, and curricula—may be hindered or reversed. Administrators’ and educators’ ability to infuse an anti-racist agenda in their schools, which many are already reluctant to do, would likely be further stifled by fear that families, community members, or other accountability structures might use the executive order to launch complaints. Any public naming of this work will likely cease for fear of financial retaliation and pressure from agencies tied to federal funding. Additionally, federal funding for special programs that benefit Latinx and Black/Latino students (i.e., services that aim to improve specific groups’ educational access, provide academic advising and interventions, etc.) could be in danger if improvement for these racial groups is named as a goal. Any training, whether directly associated with programs that identify racial groups or that merely aims to positively impact Students of Color, could be eliminated for being “divisive.”

### **A Call to Action**

Actions taken by the right to stifle anti-racist education, such as this executive order, constitute attacks on our basic rights as Americans and the healthy operation of our democracy. If we cannot understand our history, if we cannot analyze how our current systems are operating, if we cannot admit we have massive inequalities, if we cannot actively seek to address those inequalities, if we cannot listen to the people experiencing those inequalities—we cannot have true equality for each of our citizens, and we cannot have justice for all.

Further, this executive order must be understood in the context of our current political moment, as part of an agenda that has emboldened domestic terrorists and incited them to attack the Capitol on January 6<sup>th</sup>, 2021 to prevent Congress from approving the electoral college votes of the people. This attempt to overthrow democratic proceedings and silence the voices of the American people clearly demonstrated what the slogan “make American great again” really means—a reversal of the little progress we have made as a country toward anti-racism. This act of insurrection makes it even more important to elevate the tenets of CRT and use them not only to examine our nation’s historical and social reckonings with racism, dominance, white supremacy, and oppression, but also to co-construct creative and critical solutions that can help us understand the foundational elements that allowed for the attempted coup witnessed on Capitol Hill and prevent it from happening again.

Although we hope that by the time this commentary reaches print, President Biden will have acted to null this executive order, it is likely that the enormous amount of work involved in addressing other immediate crises we are facing, like the pandemic, may take precedence. Therefore, we not only emphasize the importance of doing so as soon as possible, but also call on the Biden administration to move beyond mere reversal and to adopt a larger anti-racist agenda that affirms critical race theory as an important tool in understanding and addressing systemic racism.

Finally, we also urge readers of this commentary to take the time to learn about the [critical perspectives](#) that inform the anti-racism educational efforts attacked by the Trump administration and other conservative coalitions, and the tools these perspectives offer to analyze and critique our current conditions. We also invite you to get to know other anti-racism initiatives and programs that draw on these important perspectives, such as the [1619 Project](#), which also came under intense attack by the Trump administration. Other critical education resources include the [Zinn Education Project](#), [Being Black at School](#), [Abolitionist Teaching Network](#), the [Othering and Belonging Institute](#), and the [Center for Racial Justice in Education](#). These critical perspectives and resources

are key for collaboratively confronting our past, grappling with our present, and building a truly equitable future for our nation.

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