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Arizona as Testing Ground for School Censorship

Abstract

As censorship in the United States focuses on critical race theory and arguments about the ways history is taught in our schools, this essay examines Arizona's 2010 law HB 2281. Passed in a politically charged context, HB 2281 was widely seen to target for elimination a Mexican American studies program in Tucson's public schools. This essay locates this legislation as a precursor to today's bills, laws, and guidelines being proposed and passed by local and state governments, as well as school districts across the country. The essay argues that Arizona's law was more a reflection of the noisy political discourse from the time and disregarded both the need for and success of the Mexican American studies program in Tucson Unified School District. Indeed, research has more than demonstrated that the culturally relevant pedagogy used in Tucson produced academic success by multiple measurements. Despite this, the political discourse of the moment ruled the day, the law was passed, and the Mexican American studies program ceased to exist in the form that it was conceived. Lastly, this essay couches this discussion in political terminology from the past and argues for the need of a new definition that will help us look to the future.

Keywords: Culturally relevant pedagogy, Arizona, HB 2281, Mexican American studies, censorship, critical race theory, politics

This essay will tell a story. It is a story from Arizona in 2010, but it will sound familiar. This familiarity is because the current debates about critical race theory are echoes of the story that I am about to tell. This is not a coincidence. The past events that I will relate, it could be argued, were practice, a test run, and a proving ground for the things that are happening now. To be able to talk about and understand this story from the recent past,

it is necessary to use terminology from a bit further in the past. The notion of "fascism" is well known. However, it is so familiar that it has grown to be charged with emotion and connotations that do not necessarily help us delineate and relate the story that needs to be told.

For this story to make sense, I am going to have to distance the term from its historical context and point to a more up-to-date definition. To do that I am not going to just make up a definition, but I am going to rely on recent writing. In recent months the Yale philosopher Jason Stanley employed the term "fascism" to talk about a movement, a transnational political current that he sees making inroads and making its presence felt in political discourse in places like the United States, in Mexico, in the United Kingdom, in France, in Hungary, and in Russia.

In fascism's historical formulation, the world witnessed a people develop a cult of personality around a man who promised that a socially constructed idea like a race would grow, thanks to its perfection, to dominate the world. However, Stanley argues, in the modern version it is not the domination of a supreme race that is sought, but instead the rallying cry focuses on the defense of traditional values such as family, masculine strength, the rule of the powerful, and religion's central place in society. In the Unites States' political discourse, the people who argue for these values are often said to be conservative. However, to argue that conservatism's aim is to *conserve* is a bit of a misnomer. The goal, it could be argued, is not to keep things how they are, but instead push a vision of the United States that would be different from the one where we currently live. In that sense, they are not conservatives, but instead hope to be revolutionaries. The revolution that they seek to lead, Stanley argues, is a modern form of fascism.

This modern fascism is different from the image of Germans marching across Europe. Instead of a place where a particular race or ethnicity dominates, this is fascism where like-minded leaders from various countries and cultures find common ground in conventional views of how a society should function. Stanley describes it as being "about traditionalist, ethnic nationalists dominating each of their countries with a strong, powerful, masculine leader. It's about protecting supposedly traditional values against democracy, decadence, etc." (Stanley, 2022). In simple terms, for Stanley, "[t]he global far-right fascist movement presents itself as the defender of traditional values" (2022). This vision of political platforms around the world uniting in the name of old-fashioned views about women, minorities, and religion should give us pause

and should invite us to think deeply about what is at stake as well as Arizona's legislation as an early example of its influence on classroom pedagogy.

Book 8 of *Plato's Republic* contains a conversation between Socrates and Plato that both celebrates democracy's advantages while also warning us about the path to its downfall. Democracy is posited as an attractive option in that it presents the best chance for diversity and cohabitation of people from different backgrounds and varying hopes. The text describes this city in metaphorical terms: "this is the most beautiful of polities as a garment of many colors, embroidered with all kinds of hues, so this, decked and diversified with every type of character, would appear the most beautiful" (Plato, n.d.).

This desirable result is the product of freedom, or in the words of the text, a city "chock-full of liberty and freedom of speech" (Plato, n.d.). However, this freedom suffers from a risk like alternative forms of government where overindulgence in advantage was argued to force demise. Socrates contends that too much freedom is democracy's danger. Specifically, he warns that in a democracy it is "inevitable that in such a state the spirit of liberty should go to all lengths" (Plato, n.d.). This unbridled spirit of liberty takes the form of public and private accusations where one points to another and claims that they are an enemy to freedom. The other then answers that no, their accuser is the enemy because he follows the laws and therefore is a slave and not a lover of freedom. These crossed accusations are possible because freedom of speech is the rule and therefore truth is relegated to a secondary role.

With the loss of truth, then, the door is opened to the one who speaks loudest or who most vigorously exercises his freedom of speech in such a way that it silences others. This, the text warns us, is the weakness of freedom and the path to tyranny: "And so the probable outcome of too much freedom is only too much slavery in the individual and the state" (Plato, n.d.). In other words, freedom of speech brings us to a point where the importance of facts wanes because they are drowned by the person who speaks loudest. This ancient description of both democracy's beautiful potential and the simultaneous warning about how its greatest danger hides within one of its sacred ideas bring me—finally—to the story that I intend to tell.

The terminology of "institutional" or "systemic" racism dates to Stokely Carmichael and Charles V. Hamilton's 1967 book *Black Power: The Politics of Liberation*. As of June 2021, US Republican lawmakers in five states had passed bills and in another 17 states had introduced legislation aimed to prohibit the teaching of concepts like racial equity, White privilege, and arguments that

contend that "racism remains central to much of American life and its legal system" (Adams et al., 2021).

These pervasive efforts to make illegal the teaching that discrimination is systemic did not appear suddenly. Over the 54 years between Carmichael and Hamilton's book and today, US lawmakers have challenged multiple times how sexuality, gender, and racism are taught. While it could be argued that today's version is especially focused on African Americans and their place in US society, an earlier test ground for today's censored teaching took place in the early 2010s in Arizona, where lawmakers focused on Hispanic people and the teaching of Hispanic culture in public schools.

Hispanic culture and the Spanish language have long suffered oppression in the United States, but the law passed in Arizona took a new form that was not the "Mexicans not welcome" or "English spoken here" of the past, and instead, HB 2281 was expressly created to eliminate a "Mexican American studies" program in Tucson public schools. In many senses, it can be argued that the language in today's laws resonates with that which was used in Arizona. Indeed, as one author put it when comparing Arizona's experience with today's debate, "the language and the politics have clear echoes" (Stephenson, 2021). As the United States enters a newly energized period of censorship, one that repeats and amplifies the techniques and language used in Arizona, it is important to look to this earlier experience to ask what lessons can be learned to prepare for today.

The Mexican American studies program in the Tucson Unified School District was created to address a problem: the high dropout rate among Latino public school students in Arizona. A 2001 study showed that the state had a generalized challenge in regard to students not reaching graduation: "Arizona has a significant dropout problem with an estimated overall attrition rate of 33 percent" (Cortez et al., 2002). In analyzing the data from a demographic perspective, the same study found that "Arizona's minority pupils dropped out at higher rates than White pupils" (Cortez et al., 2002). Focusing on Hispanic students, they showed that nearly half left school: "Attrition for Hispanic students ranged from 44 percent in the class of 1999 to 42.7 percent in the class of 2000" (Cortez et al., 2002). Considering the loss of nearly one in two Latino students, it should be unsurprising that educators were willing to try something different. Among these difficult statistics, the Mexican American studies program began in 1998.

In simple terms, the curriculum that was created centered around the Mexican American experience in the literature and history that was taught. In the dry and rather ambiguous language of the state's official audit, strong teaching of varied viewpoints and intercultural exchange were emphasized: "Tucson Unified School District's Mexican American Studies Department programs are designed to improve student achievement based on … valuable unit and lesson design, engaging instructional practices, and collective inquiry strategies through values of diversity and intercultural proficiency" (Cappellucci et al., 2011). More specifically, the faculty in Tucson focused on what some academics have called culturally relevant pedagogy.

This approach to teaching aims to center students' cultural realities, thus teaching differently to different groups of students. Curtis Acosta, one of the professors who created the literature portion of Tucson's curriculum, has emphasized the student-centered teaching philosophy: "The mission for our Mexican American/Raza Studies Department has been to empower students by addressing the educational and academic needs of [the] Chicana/o community throughout Tucson" (Acosta, 2013). To create this empowerment, the program created materials and even physical spaces that echoed this student-centered approach: "[W]e eventually developed academic spaces, specific classrooms and classes centered on the Chicana/o experience" (Acosta, 2013). Indeed, Acosta described an educational environment that eschewed the typical classroom where his students felt marginalized and replaced it with one where they were comfortable and even felt at home by "transforming a school space, which may resemble a primarily negative place for our students, into an academic space that resembles their home, their culture, and their identity" (Acosta, 2013). This centering of the students' cultural realities described by Acosta aligned with the practices of culturally relevant pedagogy. This pedagogy, when studied in San Francisco, was shown to be effective, or in the words of researchers who analyzed the results, "Taken at face value, these findings provide a compelling confirmation of an extensive literature that has emphasized the capacity of [culturally relevant pedagogy] to unlock the education potential of historically marginalize students" (Dee & Penner, 2016). So, did this pedagogy that had worked in San Francisco produce successful results in Arizona?

Created in an environment of challenging numbers, the program sought to make a change. Or, put differently, it "was founded with the aim of revers-

ing some disturbing academic trends for Chicano students in Tucson" (Fong, 2014). The answer to the question of whether this curriculum was successful is that yes, it did indeed appear to work well. Regarding standardized tests, students participating in the program were "64 percent more likely to pass" in 2010 and, "in the 2008 cohort were 118 percent more likely to pass" (Cabrera et al., 2012, p. 5). Another metric often employed to gauge student success is graduation rates. These were also shown to improve with students in the program "51 percent more likely to graduate from high school" in 2009 and "108 percent more likely" in 2008 (Cabrera et al., 2012, p. 6). In other words, this study showed significant improvement in standardized test scores and graduation rates for students participating in the Mexican American studies program. A National Education Association report that collectively analyzed several studies on the subject in 2020 confirmed these successes, summarizing the numbers by stating that

> [t]hey found that although students in [Mexican American studies] courses entered, on the average, with lower 9th- and 10th-grade GPA and achievement test scores than control students, by 12th grade they attained "significantly higher [standardized test] passing and graduation rates than their non-[Mexican American studies] peers." (Sleeter & Zavala, 2020, p. 8)

It can be argued that these numbers show clear and large improvement by two important metrics. Indeed, as the National Education Association emphasized in their 2020 report, the Mexican American studies program "improved the achievement of mainly Mexican American students significantly more than the traditional curriculum and the more courses students took, the stronger the impact on their achievement" (Sleeter & Zavala, 2020, p. 8). Stated succinctly, a program created in 1998 to confront a situation where close to half of Hispanic students were not finishing school, was, in a decade, showing enormous gains in measurements of student success, particularly among Hispanic students. Yes, Tucson's Mexican American studies program was a success.

The program's successes were known, but nevertheless HB 2281 was passed in 2010 targeting it and embroiling Tucson's Mexican American studies in years of court cases. How did this happen? Most versions of the history of HB 2281 point to the legislation being born with a speech given by Dolores Huerta in April 2006. Huerta was speaking to students at one of the district's schools. She stated that "Republicans hate Latinos" and encouraged students

to support the reelection of Congressman Raúl Grijalva (Fischer, 2006). Republican Jonathan Paton objected particularly to a recording of the speech being stored on the district's website, calling it "blatant electioneering" and possibly illegal use of school resources (Fischer, 2006).

It did not take long for editorial columnist Doug MacEachern to intensify the rhetoric with statements that described what the program's curriculum and teaching were doing to students in provocative words: "They [the teachers in the program] were turning them into Marxist foot soldiers" (Stephenson, 2021). State Senator Russell Pearce echoed the editorial language on the Senate floor, criticizing the program's teaching by characterizing it as treason: "History is one thing. Misinformation, hateful speech, sedition is not appropriate with my tax dollars" (Zirin, 2010).

Instead of specifying aspects of the curriculum considered Marxist indoctrination or disloyal to the United States, this inflated language was aimed at the entire Mexican American studies program. This is reflected in the law's final language and bullet points that

Prohibits a school district or charter school from including in its program of instruction any courses or classes that:

- Promote the overthrow of the United States government.
- Promote resentment toward a race or class of people.
- Are designed primarily for pupils of a particular ethnic group.
- Advocate ethnic solidarity instead of the treatment of pupils as individuals. (HB 2281—492R—House Bill Summary, 2010).

This language from the legislation did not point to what specific content from the Mexican American studies program was seen as objectionable. Its more general language of prohibition also included language that stipulated that a single person, the superintendent of public instruction, is the one who determines whether a particular district complies. In other words, the law empowered a single individual with the ability to judge a curriculum's content and to determine if a program should be closed. Ignoring the fact that the Mexican American studies program had measurable positive outcomes regarding standardized test scores and graduation rates, HB 2281's language was written without pointing to specific content and reflected the inflated political rhetoric being aimed at the program.

HB 2281 was a bill focused on education. However, instead of being aimed at measurable student success outcomes, it reflected the political climate in

which it was created. One of the authors of a study that demonstrated the Mexican American studies program's academic successes recognized that empirical data might not have sway in the face of such a charged political environment: "The work may not 'matter' to policy actors who are influenced by ideological commitments, political agendas, or special interest group membership" (Cabrera et al., 2014, p. 1110). He was correct and despite the fact that HB 2281 does not explicitly name Tucson's Mexican American studies or address the political climate, the legislation was written with the goal of closing the program: "The Arizona legislature passed HB 2281, which eliminated Tucson Unified School District's Mexican American Studies program, arguing the curriculum was too political" (Cabrera et al., 2014, p. 1084). Teachers, parents, administrators, and students defended the program's curriculum and pointed to its successes. Furthermore, they also argued that it was not in violation of the newly approved legislation: "School district officials and teachers in the program vigorously denied being in violation of any of the language of the law" (Acosta, 2013). Nevertheless, the law went forward, and the program ceased to exist in the form that it had been created. In 2017, a judge declared not only that the law banning the program was unconstitutional, but that it had been motivated by racism. Even with this decision, the modern-day version of Mexican American studies in Tucson avoids some of the curriculum's more controversial aspects.

So, that was the story that I wanted to tell. What I would like to emphasize is that this was not a place where discourse was based in logic and reason, where participants used dialog and disagreement to move closer to truth. The simple truth was that the Mexican American studies program worked. Culturally relevant pedagogy produced students who were far more academically successful than those who were educated in the traditional curriculum. This was the truth. However, instead of centering this truth and perhaps debating ways to improve the program, the creation of HB 2281 was a discourse about power. Just as Plato had predicted, it was a space where the winner was determined by whoever exercised their speech loudest and most politically advantageously.

It was a debate about how people in Arizona talk about the past and how that conversation about history influences both their discussion of political power and—serving as a model—today's similar and wider discourse about how we teach US history across the country. This is true throughout the United States, including the five states where laws have been passed and the 17 where legislation has been introduced that prohibits the teaching of con-

cepts like racial equity and White privilege. Among those states is the one that hosted the conference where this essay was originally given, North Carolina. Although eventually vetoed by the governor, House Bill 324 was passed by the legislature, limiting how teachers can discuss race in the classroom. For the Yale philosopher whose ideas I described at the start, laws like these are some of the many steps that he sees where one of democracy's fundamental aspects —freedom of speech—is used against democracy and in favor of a modern version of fascism.

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