

See discussions, stats, and author profiles for this publication at: <https://www.researchgate.net/publication/382647579>

A Critical Policy Analysis of Book Bans in U.S. Public Higher Education as Marginalization of Intellectual Freedom

Conference Paper · August 2024

CITATIONS

0

READS

23

2 authors:



Robin Throne

Stanley Manne Children's Research Institute

94 PUBLICATIONS 342 CITATIONS

SEE PROFILE



Tricia Stewart

Western Connecticut State University

19 PUBLICATIONS 97 CITATIONS

SEE PROFILE

A Critical Policy Analysis of Book Bans in U.S. Public Higher Education as Marginalization of Intellectual Freedom

Robin Throne, PhD, University of the Cumberland

Tricia J. Stewart, PhD, Western Connecticut State University

6th Freedom and Authenticity International Interdisciplinary Conference,
University of Gdansk, Poland [Virtual]. August 22-23, 2024.

Abstract

This conference paper presents the results of a critical public higher education policy analysis of book banning, censorship, and silencing of specific voices—usually those of marginalized voices and those who fight for the oppressed. United States public higher education seeks to provide an environment for intellectual freedom that allows college students to be exposed to new ideas and divergent perspectives that foster an intellectual life. Ideally, college students should encounter academic opportunities in higher education that enrich students' growth and worldviews. Yet, current trends in some U.S. states call for eliminating diversity, equity, and inclusion initiatives. This includes attempts to stop “Woke” and critical race theory efforts across several U.S. states. This paper examines these conservative ideological criticisms in the context of intellectual suppression, voice dispossession, and silencing, thereby promoting socially reproduced intellectual suppression in American higher education through book repression, limitations of book selections, and outright bans. U.S. higher education policy solutions are considered within a social justice framework to maintain academic integrity, First Amendment rights, and the intellectual freedom tenets expected as part of higher learning.

Citation

Throne, R., & Stewart, T. (2024, August). *A critical policy analysis of book bans in U.S. public higher education as marginalization of intellectual freedom* [Conference paper]. 6th Freedom and Authenticity International Interdisciplinary Conference, University of Gdansk, Poland [Virtual]. August 22-23, 2024.

We champion and defend the freedom to speak, the freedom to publish, and the freedom to read, as promised by the First Amendment of the Constitution of the United States. (para. 3)

~American Library Association, Statement on Book Censorship

INTRODUCTION

The American Library Association (ALA, 2023) reported a record-setting 1269 demands to censor books or other resources in 2022¹, with the most-often challenged book reported in 2022, the award-winning *Gender Queer: A Memoir* by Maia Kobabe. Kobabe's book explores LGBTQ+ gender identity from adolescence to adulthood in an autobiographical graphic novel format and was also reported as the number one most-challenged book in 2021. Likewise, Pen America² (2023), a not-for-profit group that "works to ensure that people everywhere have the freedom to create literature, to convey information and ideas, to express their views, and the access the views, ideas, and literature of others," reported a marked escalation in book bans and censorship for the 2022-23 P12 academic year despite 70% of parents of school-aged students reporting they were against book bans and censorship. While many of these reports and much of the scholarly literature have focused on book bans across P12 education levels and public libraries, less research has focused on higher education book banning policy. While book banning is not a new phenomenon, consistently, book challenges have recently come from local, state, and legislative officials who have control over public policy (Pen America, 2022). Similarly, First Amendment censorship cases, specifically those argued before the U.S. Supreme Court, have also arisen primarily from concerns stemming from P12 education and public libraries (Kim, 2022).

The objective of this policy analysis was to examine public higher education policy to better understand the current trends of the intellectual suppression of books and other resources from select marginalized voices. However, it can be challenging to differentiate book banning and censorship specific to higher education due to its attachment to other social and political attacks on higher education diversity, equity, and inclusion (DEI) initiatives, critical race theory (CRT), anti-woke implications, and other political and ideological assaults that are prevalent in higher education (Benjamin, 2023; Glass & Miller, 2023; Hovious et al., 2023). According to Dollinger (2021), book censorship can also be shrouded via the anonymous peer review process used across academic scholarship; therefore, Dollinger called for academic presses to protect intellectual freedom and distinguish scientific review from content censorship. Similarly, Welton et al. (2023) noted that partisan-driven anti-CRT political agendas often lead to book banning and "whitewashed curriculum opposed by the majority of Americans" (p. 9). Several researchers have also noted how it is often smaller groups of individuals who have influenced book restrictions, limitations, or bans and harmed the intellectual freedom of the public at large (Hovious et al., 2023) and whereby in some U.S. jurisdictions, defiance of this censorship and/or book banning has led to the criminalization of those who defend intellectual freedom (Jaeger et al., 2023).

Thus, U.S. state-specific policies were analyzed for socially reproduced conservative ideological criticisms in the context of intellectual suppression, voice dispossession, and silencing within higher education and specific to higher education policy respective to book repression, selection, and outright bans. Policy recommendations are offered in the conclusion and founded within a social justice framework poised to maintain academic integrity, First Amendment rights, intellectual freedom, civil rights, and human rights expected as tenets of higher learning within a free democratic society.

¹ The American Library Association maintains a detailed United States map to track all book ban demands and reports an annual snap shot. See <https://www.ala.org/advocacy/bbooks/by-the-numbers>

² Pen America maintains a detailed Index of School Book Bans. See <https://pen.org/index-of-school-book-bans-2022/>

VOICE DISPOSSESSION AS INTELLECTUAL SUPPRESSION OF RACE, GENDER, AND SEXUAL ORIENTATION

In past work, the authors have defined voice dispossession as

“...the filtered, silencing, or reduced vocality of opinions, ideas, and innovation among specific groups due to oppressive hierarchies, gendered obstacles or barriers, or other sociocultural power domains. Fear or threat of consequences may also impede the vocality of individuals amid these imbalanced power dynamics or hierarchical structures, which can result in decreased well-being, unfair or imbalanced dialogue, and repressed creativity or self-expression” (Stewart et al., 2022)

This definition distinguished voice dispossession as a component of the targeted intellectual suppression of book banning and book censorship. It was consequently used to assess this construct within this critical policy examination of book banning/censorship in public higher education.

Thus, book challenges, banning, and other forms of censorship are intentional, targeted forms of voice dispossession calculated to squelch or block specific ideas, experiences, and voices, or as Hovious et al. (2023) noted, these restrictions typically come from individuals who “deliberately seek to limit freedom of speech, thought and expression” (p. 2). The authors also stressed the public harms that result from these forms of voice dispossession:

“When [book] censorship takes away patrons’ rights to read freely, the consequence may be a narrow presentation of perspectives that preclude representation of the diverse community being served. Not only is this a violation of First Amendment rights, it harms individuals’ development toward becoming information-literate citizens who are able to participate fully in a civilized society. To mitigate the harms of censorship, it is vitally important for libraries to adopt strong selection policies with explicitly stated due process measures” (Hovious et al., 2023, p. 3).

The precedent-setting 1982 Supreme Court case, *Board of Education, Island Trees Union Free School District v. Pico*, argued that removing books from school libraries violated students’ First Amendment rights. Definitively, *Pico* stated, “...local school boards may not remove books from library shelves simply because they dislike the ideas contained in those books and seek by their removal ‘to prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion’” (p. 872). However, this legal precedent has not impeded state and local efforts to continue the intellectual suppression and ongoing book censorship. School libraries and public libraries are both experiencing unprecedented levels of book bans, with protests being disproportionately linked to gender identity and LGBTQ+ book topics. Lewis et al. (2022) offered this legal analysis 40 years after *Pico* and the First Amendment implications of book repression versus book selection as a school choice:

“For instance, in *Island Trees Union v. Pico*, 457 U.S. 853 (1982), the U.S. Supreme Court found that school boards violate freedom of speech rights when removing previously approved books from their libraries simply to suppress ideas with which they do not agree. Still, the Court reiterated school boards’ discretion in choosing which books to adopt in the first place. Five years after *Pico*, the Court weighed in on curricular debates again in *Edwards v. Aguillard*, 482 U.S. 578 (1987), overturning a state law that prohibited educators from teaching evolution, unless they also taught creationism. In its rationale, the Court again reaffirmed the importance of educator discretion to teach and educate future citizens. In short, while courts have noted the limitations on public schools

regarding curricular choices, the courts have consistently recognized the discretionary powers schools have in deciding what and how to teach students” (p. 15).

Currently, the emphasis on P12 school boards using their discretion in this manner is especially important given the organization of groups like Moms for Liberty. These groups pose as grassroots movements but are actually well-funded, political organizations meant to limit students’ exposure to books that conservatives have found unacceptable, primarily those dealing with gender identity and LGBTQ+ lived experiences. This is a shift from the earlier findings of race-based books as the most challenged category. Despite the past clarity of U.S. Supreme Court First Amendment decisions, the authors concluded that “repressive legalism,” such as in the criminalization of the use of books that address race and racism, remains the unfortunate outcome of the politicization of these issues amid contemporary culture wars (Lewis et al., 2022, p. 18).

A Framework of Democracy, Social Justice, and Intellectual Freedom

Targeted book banning and censorship lie at the intersection of a framework comprised of the intellectual freedoms expected within a democracy as a free society. This framework is further enhanced by social justice, which aims to use critical inquiry to “intentionally engage the political discourse to advance the public good, social justice, power structures, or critical consciousness within a socially just democratic society” (Throne, 2020, p. 173). As Jaeger et al. (2023) noted, censorship is an act of social control driven by a group fueled by power, privilege, and fear. These social actions may be used to criminalize those who defend democratic principles, including free speech, for all expected within a free society (Jaeger et al., 2023; Throne, 2020). Thus, the framework used for this examination of public higher education book-banning policy relies on the principles found within social justice research and critical inquiry with intentionality to deconstruct the hierarchies of hegemonic power that leads those to censor and criminalize defenders of intellectual freedom. Book banning policy was examined within this social justice lens to view any policy that censors books that represent the voices of marginalized groups, including people of color, LGBTQ+ individuals, women, and activists who engage with social change and inequities.

BOOK CENSORSHIP PRECEDENTS IN PUBLIC HIGHER EDUCATION POLICY

As noted, the sharp reverberation of book censorship as a component of a rising culture of marginalization that has included the elimination of higher education race-conscious admissions with the Supreme Court striking down affirmative action with Students for Fair Admissions, anti-DEI actions in public institutions, and other politicized cultural shifts affecting higher education makes it challenging to parse out public higher education book-banning policy from other forms of voice dispossession. The reality is that ongoing cultural divisions are being amplified in American life at unprecedented rates. For example, Lewis et al. (2022) noted that the current sociopolitical climate and the sheer amount of litigation across these challenges make it even more essential to consider specific aspects of education law in this regard. Due to the implications of higher education policy that stem from active legislative outcomes for P12 education and public libraries, this analysis was explicit and focused on only established higher education policy.

Organizations such as Every Library have created legislative tracking systems, such as the one offered for the 2023-2024 academic year that was utilized within this study³. These tracking systems allow for a holistic national view of repressive actions for not only book banning but also repression and voice dispossession of targeted voices and the suppression of intellectual freedom across public higher education (in addition to P12 and public libraries). While this system allows a state legislative perspective, it must be noted that an oppressive action for higher education occurred during the Trump

³ Every Library. (2023). Legislation of concern in 2023. <https://www.everylibrary.org/billtracking2023>

Administration with an Executive Order (EO) in September 2020 that sought to ban racial sensitivity training across federal agencies and contractors. Following this EO, the U.S. Office of Management and Budget (OMB, 2020) required all federal agencies to identify all agency spending and contracts related to Critical Race Theory, white privilege, “or any other training or propaganda effort that teaches or suggests either (1) that the United States is an inherently racist or evil country or (2) that any race or ethnicity is inherently racist or evil...” and “to identify all available avenues within the law to cancel any such contracts and/or to divert Federal dollars away from these un-American propaganda training sessions.” While the EO 13950 was rescinded on President Biden’s first day in office in January 2021, its mere existence caused a great deal of damage in a short amount of time.

When initially enacted, the 2020 EO 13950 was swiftly disavowed by union, organizational, and public higher education leadership, which was merely symbolic given the power of what they were contesting. However, despite the overturning of the EO in 2021, Miller et al. (2023) noted how the EO resulted in lasting idea repression, which in turn has affected public higher education policy. For instance, by December 2022, eight states had passed legislation that banned or limited CRT in postsecondary institutions, including Idaho, Oklahoma, Iowa, New Hampshire, South Dakota, Mississippi, Tennessee, and Florida. Further, Montana and Arkansas expanded their legislation to include other actions to limit CRT (Miller et al., 2023). Although explicit and direct book-banning policies within the broader bans of CRT and related concepts such as intersectionality may not have been apparent, these limitations have affected higher education policy for faculty teaching and scholarship, curriculum, and other legal implications. Many within and outside of higher education were concerned about the assaults on the mission and overall purpose of higher education. In a statement from the American Association of University Professors (2021), these concerns were articulated:

“When politicians mandate the academic content that faculty can and cannot teach or the scholarly areas they can or cannot research or study, they prevent colleges and universities from fulfilling their missions. Such actions also severely violate both academic freedom, the cornerstone of American higher education, and the faculty’s primary role in institutional decision-making. The lasting results—which should be unacceptable to politicians across the ideological spectrum—are the impoverishment of student education and the diminution of the purpose of American higher education in a free society” (n.p.).

Similarly, Benjamin (2023) stressed the anti-CRT attacks as political interference and suppression of intellectual freedom were especially damaging for Florida public higher education within House Bill 999 “by silencing faculty members and students across the ideological spectrum and purging whole fields of study from public universities. The bill would eviscerate academic freedom, tenure, shared governance, and institutional autonomy by placing control of core curricula and institutional mission statements entirely in the hands of political appointees” (n.p.). In 2023, Florida Governor DeSantis signed a companion bill to defund Diversity, Equity, and Inclusion initiatives in public higher education institutions.

Koss and Paciga (2023) reported that these regional aspects of book censorship continue to damage intellectual freedom and found that the politically conservative majority in states often informed book banning intentions and policy. This is further accelerated via social media and partisan news channel pundits who may fuel state policy suppression and voice dispossession of marginalized groups; however, these same channels of social media can also be used to empower local educators who feel unsafe in voicing concerns over book banning—and through social media sites offering a platform for book supporters to speak back (Koss & Paciga, 2023). They stated that “regardless of political ideologies associated with red and blue states, the principles of intellectual freedom, critical thinking, and diversity

in education should guide decision-making” (p. 782). Likewise, Njambi and O’Brien (2023) highlighted how state legislation through idea suppression is impeding civil rights gains and social justice goals, which remain under threat of ongoing suppression. Fortunately, college students remain engaged in efforts to refute the supposition of white supremacy and offer hope to curb the self-destruction of public higher education as a “political minefield” as “students appear eager to learn how to rethink white supremacy as the norm that shapes American society” (Njambi & O’Brien, 2023, p. 13).

Book Repression, Selection, and Outright Bans

The authors analyzed recent actions across the three states, Florida, Texas, and Utah, reported by Pen America (2022), that have resulted in prevalent legislation tangential to book banning as voice dispossession. These actions have been most related to people of color and LGBTQ+ individuals, as “30% of the unique titles banned are books about race, racism, or feature characters of color. Meanwhile, 26% of unique titles banned have LGBTQ+ characters or themes” (Pen America, 2022).

Florida

Attention to Florida’s anti-DEI legislation and Stop Woke Act have received much mainstream attention as well as scholarly analyses. Following the passage of legislation in Florida, the Florida Department of Education amended regulation Section 6A-1.094124, Required Instruction Planning and Reporting for K20 schools that restricts the use of

“...theories that distort historical events and are inconsistent with State Board approved standards include the denial or minimization of the Holocaust, and the teaching of Critical Race Theory, meaning the theory that racism is not merely the product of prejudice, but that racism is embedded in American society and its legal systems in order to uphold the supremacy of white persons. Instruction may not utilize material from the 1619 Project and may not define American history as something other than the creation of a new nation based largely on universal principles stated in the Declaration of Independence. Instruction must include the U.S. Constitution, the Bill of Rights and subsequent amendments” (Fla. Admin. Code R. 6A-1.094124).

However, for Florida public higher education, Hutchens and Miller (2023) explained the “Stop Woke Act,” signed by Governor Ronald DeSantis in May 2022 and enacted in July 2022, has faced legal injunction to implementation by many groups. As of Fall 2023, the Act remains blocked for public higher education as litigation remains ongoing to protect higher education academic freedom⁴ (AAUP, 2023). Many authors and researchers have stressed how and why the Florida legislation has telegraphed anti-literacy and anti-Black history as well as created an unsafe environment in the state for educators and information literacy professionals (Russell-Brown, in press). For instance, Governor DeSantis has replaced six Board of Trustees at Florida’s historically progressive university, the New College of Florida, with conservative trustees who are changing school policies and eliminating faculty. In this way, executive-level decisions of leadership continue to control messaging and voices within higher education in Florida.

Texas

The Texas “Restricting Explicit and Adult-Designated Educational Resources Act,” known as the READER Act, was signed by Governor Gregory Abbott in June 2023. This act required the Texas State Library and Archives Commission to establish mandatory material standards that the State Board of Education will then approve. While the Texas Education Agency does not oversee postsecondary

⁴ Russell-Brown’s (in press) legal analysis provides the linkages between the Florida Act and its implications for book banning policy. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4573301

education, the Act “defines sexually explicit and sexually relevant material; requires vendors to assign ratings to material they (the vendor) identify as sexually explicit or sexually relevant; gives TEA the authority to review ratings and require changes as they determine appropriate” (Woodland, 2023). The 5th U.S. Circuit Court of Appeals blocked a prior U.S. District Court ruling that blocked the Act and allowed for the Act to be in effect as of September 1, 2023, while the Court considers the case⁵ (Schwartz, 2023). According to a study by Pen America (2022), between July and December 2022, Texas P12 school districts had the highest number of book bans of any state at 438 over the six-month period. Florida was second, with 357 books banned over the same period. While the Texas anti-tenure and anti-DEI legislation⁶ enacted in 2023 does go into effect in 2023 for higher education, the READER Act does not appear to require postsecondary institutions to ban books.

Utah

Utah’s Sensitive Materials in Schools Act took effect in May 2022 and left the decisions on which books to remove from K12 school district libraries to the individual school districts (Pen America, 2022; Pendharkar, 2023). However, the Act prohibits “prohibits certain sensitive instructional materials in public schools” (State of Utah Attorney General, 2022), and further guidance from the state’s Attorney General in June 2022 to direct school districts “to immediately remove books from school libraries that are categorically defined as pornography under state statute” (State of Utah Attorney General, 2022, p. 2). Thus far, several award-winning books have been removed from Utah's K12 school libraries and have included Toni Morrison’s *The Bluest Eye* and *The Handmaid’s Tale* by Margaret Atwood, among the more than 100 books banned since the latter half of 2022 (Pen America, 2022). Like Florida and Texas, the Utah Act holds jurisdiction over K12 and P20 school libraries, but separate agencies oversee postsecondary higher education.

CONCLUSION AND RECOMMENDATIONS

Intentional and targeted voice dispossession through the intellectually intrusive vehicle of book banning continues to surge across the United States. Miller et al. (2023) noted that the “weaponization of free speech” has primarily come from groups from the political right who have attempted to “cast restrictions on free speech and, at times, academic freedom,” which has been primarily resisted by the political left (p. 106). However, “infringements from academic freedom can come from the “right” or the “left” of the political and social continuum, and recognition of this state of affairs is one way to help courts craft First Amendment standards that are broadly protective of academic freedom rights” (Miller et al., 2023, p. 106). The authors recommended continued policy resistance to anti-CRT legislation and the right to curb this unfortunate weaponization of policy that can be devastating to intellectual freedoms expected within higher education (Miller et al., 2023).

In addition, Koss and Paciga (2023) recommended state or higher education-initiated civic and media literacy programs “to help educate stakeholders at all levels of the model of ecological systems theory to critically examine how news media can circulate and impact their own experiences of curricular freedom” (p. 783). Other researchers have also called for higher education to lead information efforts to deal with

⁵ The Texas Library Association maintains a tracking of the READER Act as oral arguments are scheduled for November 2023. <https://txla.org/advocacy/hb-900-vendor-ratings-for-school-library-materials/hb-900-implementation/>

⁶ The Texas Conference of the American Association of University Professors issued statements against the anti-tenure and anti-DEI legislation in May 2023. (1) <https://aauputaustin.files.wordpress.com/2023/05/texas-aaup-press-release-legislature-passes-sb-18-1.pdf> (2) <https://aauputaustin.files.wordpress.com/2023/05/texas-aaup-press-release-legislature-passes-sb-17.pdf>

intellectual suppression of the academic freedoms expected within higher education, which manifests in many forms, including book banning.

Similarly, Njambi and O'Brien (2023) recommended that university educators recognize the increasing numbers of college-age students who identify as white but reject white supremacy along with its nationalist variants. Optimistically, this should be seen as a forward-looking trend; this direction appears to curb the political right's responses and, in turn, may offer hope for future equities through informed citizenship over partisan intellectual suppression (Njambi & O'Brien, 2023). Further, Lewis et al. (2022) recommended that P12 and postsecondary academic leaders involved with curricular changes must remain critically neutral and actively ensure anti-racist, systemic change, and remain resistant to intellectual suppression as "anti-CRT legislation runs counter to educational research on the importance of belonging in the curriculum" (p. 22).

Finally, the authors recommend continued examination of higher education policy into the 2024 U.S. presidential election and the ongoing monitoring of state and local policy for book banning as a vehicle of voice dispossession. The authors concur with the organizational statements from the AAUP (2021), American Library Association (2021), and Pen America (2023) that explain and defy local and state authorities who target specific book removal and repression based on race, sexuality, gender, and the respective histories from library and school shelves as a form of intolerance, suppression, censorship, and voice dispossession, as marginalization efforts which must not be tolerated in a free society.

REFERENCES

- American Association of University Professors. (2023). *Pernell v. Lamb*, No. 22-13992 (11th Cir. 2023). <https://www.aaup.org/brief/pernell-v-lamb-no-22-13992-11th-cir-2023>
- American Association of University Professors. (2021). *Statement on legislation restricting teaching about race*. <https://www.aaup.org/news/statement-legislation-restricting-teaching-about-race>
- American Library Association. (2023). *Banned books*. <https://www.ala.org/advocacy/bbooks>
- American Library Association (2021). ALA statement on book censorship. <http://www.ala.org/advocacy/statement-regarding-censorship>
- Benjamin, K. (2023). Higher education under assault in Florida. *Academic Libraries and Academic Librarians*, 109(1).
- Board of Education, Island Trees Union Free School District v. Pico, 457 U.S. 853 (1982).
- Dollinger, M. (2021). Forbidden words: Academic freedom, censorship, and university presses. *AAUP Journal of Academic Freedom*, 12.
- Florida Administrative Code. (2023). 6A-1.094124 Required Instruction Planning and Reporting. <https://casetext.com/regulation/florida-administrative-code/department-6-department-of-education/division-6a-state-board-of-education/chapter-6a-1-finance-and-administration/section-6a-1094124-required-instruction-planning-and-reporting>
- Glass, T. S., & Miller, E. T. (2023). 7. Racial equity detours+ in higher education: How Critical Race Theory is undermined by teacher education nice. *Philosophy and Theory in Higher Education*, 5(1), 139-156.
- Hovious, A., Dow, M., & Smith, A. (2023). Censorship as information behavior. Mid-Year Conference of the Association for Information Science & Technology, April 11-13, 2023. [Virtual].
- Hutchens, N. H., & Miller, V. (2023). Florida's Stop WOKE Act: A wake-up call for faculty academic freedom. *Journal of College and University Law*, 48(1).
- Jaeger, P. T. & Jennings-Roche, A. & Taylor, N. G. & Gorham, U. & Hodge, O. & Kettlich, K., (2023) The urge to censor: Raw power, social control, and the criminalization of librarianship, *The Political Librarian*, 6(1), 1-20.
- Kim, R. (2022). Under the Law: Banning books: Unlawful censorship, or within a school's discretion? *Phi Delta Kappan*, 103(7), 62-64.
- Kobabe, M. (2019). *Gender queer: A memoir*. Oni Press.
- Koss, M.D. & Paciga, K.A. (2023). Curricular freedom in the contemporary sociopolitical context of the United States. *International Journal on Social and Education Sciences*, 5(4), 760-786. <https://doi.org/10.46328/ijonses.594> div
- Lewis, M. M., Muñoz, R., & Miller, V. (2022). The politicization of education law and the implications for re-envisioning the law school curriculum for racial justice. *Rutgers Race & the Law Review*, 24(1), 2-24.
- Miller, V., Fernandez, F., & Hutchens, N. H. (2023). The race to ban race: Legal and critical arguments against state legislation to ban critical race theory in higher education. *Missouri Law Review*, 88(1), 61-106.
- Njambi, W. N., & O'Brien, W. E. (2023). Teaching about White Supremacy and privilege after the Capitol Insurrection. *Journal of Geography in Higher Education*, 1-15.

- Pen America. (2023, April). *Banned in the USA: State laws supercharge book suppression in schools*. <https://pen.org/report/banned-in-the-usa-state-laws-supercharge-book-suppression-in-schools/>
- Pen America. (2022, April). *Banned in the USA: Rising school book bans threaten free expression and students' First Amendment rights*. <https://pen.org/banned-in-the-usa/>
- Pendharkar, E. (2023, May 19). State laws are behind many book bans, even indirectly, report finds. *Education Weekly*. <https://www.edweek.org/teaching-learning/state-laws-are-behind-many-book-bans-even-indirectly-report-finds/2023/05>
- Russell-Brown, K. (in press). The multitudinous racial harms caused by Florida's Stop Woke and Anti-DEI legislation. *Fordham Urban Law Journal*. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4573301
- Schwartz, J. (2023, October 11). Book bans in Texas spread as new state law takes effect. *The Texas Tribune and ProPublica*. <https://www.texastribune.org/2023/10/11/texas-library-book-bans/>
- State of Utah Attorney General. (2022, June 1). Official memorandum-Laws surrounding school libraries. <https://attorneygeneral.utah.gov/wp-content/uploads/2022/06/2022-06-01-Official-Memo-Re-Laws-Surrounding-School-Libraries.pdf>
- Stewart, T. J., Throne, R., & Evans, L. A. (2022). Voice dispossession and attributional accommodation for career persistence: A systematic review of gender parity in US higher education leadership. In *Policy and practice challenges for equality in education* (pp. 39-54). IGI Global.
- Throne, R. (2020). Dispossession of land cultures: Women and property tenure among Lowcountry heirs in the Gullah Geechee Corridor. In U. Onyebadi (Ed.), *Multidisciplinary issues surrounding African Diasporas* (pp. 152-174). IGI Global.
- U.S. Office of Management and Budget. (2020). Ending employee trainings that use divisive propaganda to undermine the principle of fair and equal treatment for all. <https://www.whitehouse.gov/wp-content/uploads/2020/09/M-20-37.pdf>
- Welton, A., Diem, S., & Lent, S. (2023). Let's face it, the racial politics are always there: A critical race approach to policy implementation in the wake of anti-CRT rhetoric. *Education Policy Analysis Archives*, 31.
- Woodland, W. (2023). 88th Legislative Session wrap-up. *Texas Library Journal*, 99(2), 53.

Authors

Robin Throne, PhD, maintains an active social justice research agenda for doctoral scholar agency, voice dispossession among women and indigenous cultures, and Belmont Justice implications for human research protections (HRP). She is a qualitative methodologist for the University of the Cumberland and serves as an HRP professional for Stanley Manne Children's Research Institute.

Tricia J. Stewart, PhD, is a Professor in the Doctor of Education in Instructional Leadership Program at Western Connecticut State University. She holds a Doctor of Philosophy in Educational Policy and Theory from the University of Rochester, New York. She has extensive experience teaching diverse populations in doctoral education programs since 2009.