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## **“This Has Never Really Been About Books”: A Latcrit Case Study of Intellectual Freedom**

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**“THIS HAS NEVER REALLY BEEN ABOUT BOOKS”:  
A LATCRIT CASE STUDY OF INTELLECTUAL FREEDOM**

by

Adriana McCleer

A Dissertation Submitted in  
Partial Fulfillment of the  
Requirements for the Degree of

Doctor of Philosophy  
in Information Studies

at

The University of Wisconsin - Milwaukee

August 2019

## ABSTRACT

### “THIS HAS NEVER REALLY BEEN ABOUT BOOKS”: A LATCRIT CASE STUDY OF INTELLECTUAL FREEDOM

by

Adriana McCleer

The University of Wisconsin-Milwaukee, 2019  
Under the Supervision of Professor Joyce M. Latham, Ph.D.

This dissertation critically examines historical and contemporary traditions and practices at an intersection of Library and Information Studies (LIS) and K-12 education to identify barriers and limitations to intellectual freedom related to race and ethnicity. It presents a qualitative case study, first documenting the Tucson Unified School District (TUSD) Mexican American Studies (MAS) program, a public K-12 ethnic studies program in Tucson, Arizona between 1998 and 2012. Next, it details actions that led to the dismantling of the program, including Arizona officials designing and passing two laws that put financial pressure on the district to end the MAS program in 2012. Finally, it explains the local, state, and national LIS communities' engagement with the program and their responses to the district removing books from classrooms and ending the MAS program through 2014. Research data includes interviews of MAS teachers, students, Tucson community members, and LIS professionals; and historical and contemporary documents related to the case (e.g., news items, press releases, legal documents, statements and resolutions). Latinx Critical Race (LatCrit) theory, a theoretical framework that reveals embedded and normalized discrimination based on Latinx identity and experiences (e.g., race, ethnicity, language, nationality, citizenship), was applied through document analysis. This dissertation reveals limitations of the LIS concept of intellectual freedom and related professional practices, specifically related to race and ethnicity.

*Keywords:* Intellectual Freedom, Tucson, Mexican American Studies, Ethnic Studies, Multicultural Studies, LatCrit, Critical Race Theory, Race, Ethnicity, Social Justice

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## **Chapter 1.0: Introduction**

The Tucson Unified School District (TUSD) created a Mexican American Studies (MAS) program to address disparities in education specifically limiting Latinx and Mexican American students in Tucson, Arizona. The TUSD MAS program began in 1998 and ran through 2012. MAS taught historic and contemporary Mexican American contributions through board-approved K-12 curriculum that aligned with state education standards. This program was a response to parent and community demands for equitable education for racialized students. Two families represented respectively by the Mexican American Legal Defense and Educational Fund (MALDEF) and the National Association for the Advancement of Colored People (NAACP) filed individual lawsuits against the district for discriminatory segregation. They subsequently combined their cases in one joint lawsuit against the district in 1975 to address the educational disparities impacting racialized students. The District Court determined TUSD was implementing *de jure* discriminatory segregation and issued a desegregation order in 1978 (López, 2016). This was a decade after educators began actively integrating ethnic content into public school curriculum through multicultural education and ethnic studies (Banks, 1989). Throughout the 1970s-1990s, Tucson students, parents, and community members continually protested inequities in education for Mexican American students and demanded district action. They advocated for ethnic studies as a direct strategy to improve education for Mexican American students.

The 2000s fostered a statewide political climate of anti-Mexican legislation, with Republican lawmakers proposing dozens of bills that targeted Mexican Americans. In 2006, labor organizer and activist Dolores Huerta asserted “Republicans hate Latinos” in a speech at a TUSD high school (Huerta, 2006, 14:43), which spurred action from Republican state

Superintendent of Public Instruction Tom Horne. Horne scrutinized the MAS program and called for the termination of the program based on his philosophical critiques, personal observations of students, and written materials used in the program (Cambium Learning, Inc. and National Academic Educational Partners [Cambium], 2011). Between 2006 and 2012, Arizona elected officials, TUSD administrators, and Tucson community members worked to eliminate this program based on Horne’s claims. These efforts included the creation of two laws that would effectively force the district to end the program, as they faced potential loss of state funding if they did not comply.

The Tucson Library and Information Science (LIS) community (including school, public, academic, special libraries, and the University of Arizona School of Information Resources & Library Science) was not formally engaged with the TUSD MAS program. Various Latinx librarians, TUSD school librarians, and the professional association REFORMA-Tucson Chapter were connected with TUSD MAS before 2006. Their connections allowed them to support and advocate for MAS as state and local parties scrutinized the program. In 2012, the national LIS community learned TUSD officials had removed MAS books from classrooms. The LIS community responded by addressing this as a censorship case. LIS practitioners, organizations, and intellectual freedom advocates responded to the “MAS case” of censorship by maintaining or adding MAS books to library collections, offering programs that addressed issues within the case, and producing public documents of support. In 2017, LIS professionals celebrated a victory in that the U.S. District Court of Arizona found the two laws that led to the MAS case were rooted in racial animus. While the former MAS curriculum would not necessarily be illegal in Arizona any longer, the district had already completely dismantled the program: they fired teachers, moved staff to other schools, and

replaced the curriculum with broadly focused culturally relevant teaching strategies and Mexican American Student Services. It would not be possible to simply reinstate the program. Even if it were possible, doing so would not remedy the chilling effect of the scrutiny and hostile educational environment imposed on Mexican American students and teachers.

Latinx Critical Race (LatCrit) theoretical analysis of the MAS case reveals racialized domination, subordination, and oppression of Mexican American students by predominantly white Anglo elected officials, school administrators, and community members. This research uses LatCrit to expose limitations of the concept and advocacy for intellectual freedom for Mexican Americans. These limitations may be extended to other racialized groups as well. While LIS critical scholarship has increased over the past 20 years, the intellectual freedom frameworks for responding to cases are still limited by “color-blindness.” They do not include nuanced distinctions for addressing racialized intellectual freedom cases, particularly related to characteristics of Latinx identity and experiences, e.g., ethnicity, language, nationality, citizenship. This research reveals the institutional and systemic racism creating these limitations on LIS intellectual freedom concepts and practices.

This research explores the historical and contemporary traditions and practices in LIS to explain the current limitations on intellectual freedom for Mexican Americans in the United States. A LatCrit theoretical view of the history of public education in Tucson, Arizona illustrates the racialized historical, social, and political context and influences on the MAS case. This situates the case within a context of systemic racism that created barriers to intellectual freedom. Viewing the MAS case as a racialized intellectual freedom case illuminates nuances of the limitations of intellectual freedom in LIS. The case illustrates how LIS relies primarily on a legal framework for engaging and responding to intellectual freedom cases, and what

limitations this presents. LIS scholarship has a theoretical foundation for expanding intellectual freedom as a human right and cultural right. Even so, this case shows how the field has not yet developed policies or practices for librarians or professional associations to advocate and advance these theories to support intellectual freedom within racialized cases.

This research outlines *who* conceptualized the MAS dismantling as an intellectual freedom issue within LIS and *how* they did so. Librarians are engaged in their communities and positioned to advance professional values for intellectual freedom. They rely on professional associations' policies and practices for direction. National organizations are positioned to develop and model strategies and equip librarians to advance professional values for intellectual freedom. This case presentation of interview and document data illustrates how LIS professionals conceptualized the TUSD MAS dismantling within LIS frameworks of legal rights, with limited acknowledgement of broader frameworks.

### ***1.1 Research questions***

This dissertation research addresses the following questions.

- Do historical and contemporary traditions and practices in LIS and K-12 education limit intellectual freedom for Mexican Americans in the United States?
- Did any LIS professionals, institutions, or organizations conceptualize the MAS dismantling as an intellectual freedom issue? If so, what parties did this and how?

### ***1.2 Key terms and definitions***

This dissertation research includes the following key terms and definitions, listed in alphabetical order:



- *Censorship*: Action or effort resulting in barriers or limitations to intellectual freedom.
- *Critical race theory (CRT)*: Academic theory and methodology used to identify and address subtle, latent racism and discrimination in legal, social, societal, and institutional structures, systems, behavior, and knowledge.
- *Ethnicity*: A social construct, or concept developed by people and society, that categorizes people based on shared language, culture, and nationality, among other characteristics. This system of categorization is related to, but distinct from race.
- *Information access*: The barrier-free availability of data, information, knowledge, thoughts, and ideas; when people are permitted, enabled, and empowered to obtain information, ideas, and knowledge they desire or need.
- *Intellectual freedom*: The right to free thought and beliefs; to effectively seek, access, and share information; and the right to gain, create, and disseminate knowledge.
- *Latinx/Latinxs*: Broad classification for people in the United States directly hailing from or with ancestry from Spanish-speaking or Portuguese-speaking countries in the Western Hemisphere. The U.S. government and subsequently other entities use the term, “Hispanic,” although some Latinxs reject that term. The terms “Latina” and “Latino” have distinctly gendered meanings. The Spanish language term “Latina” represents females, “Latino” represents males, and the masculine-gendered plural term “Latinos” represents collective females and males. The common English use regardless of gender is “Latino,” yet these terms represent a binary distinction that prioritizes the masculine. The use of the “@” in Latin@ or Latin@s represents male and female genders without prioritizing one or being bound by the limitations of English or Spanish language. This research incorporates the “x”

in Latinx and Latinxs (plural) to reject binary gender norms and include all genders when speaking generally about Latinx communities.

- *Latinx critical race (LatCrit) theory*: Academic theory and methodology used to identify and address subtle, latent racism and discrimination in legal, social, societal, and institutional structures, systems, behavior, and knowledge specific to Latinx experiences. LatCrit is a branch of CRT that expands concepts of racism beyond black and white experiences to address Latinx issues including, but not limited to ethnicity, language, citizenship, and nationality.
- *Mexican American Studies*: The academic discipline exploring and analyzing history, art, literature, or any other cultural element of United States citizens and/or residents of Mexican descent or heritage.
- *Race*: A social construct that hierarchically distinguishes and categorizes people according to a complicated system based on biology and physical features. The system is not empirically rooted in biology; rather, people have changed its parameters over time to serve economic and political interests, incorporating nationality, ethnicity, and other characteristics. People use race to distinguish those who are white from those who are not, with subcategories that classify distinct groups of non-white people. While race constructs and oppressive systems of racism have historical and current impact on peoples around the world, this research specifically focuses on race as it has functioned in the United States.
- *Racialized people*: Phrase used to collectively name African American, Black, Hispanic, Latinx, Asian, and Native American, American Indian,<sup>1</sup> and Alaska Native peoples in the

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<sup>1</sup> The term “American Indian” will be used to refer to American Indian, Indigenous, Native American peoples if not speaking about a specific tribal group. Exceptions include references to other information sources (e.g., Census

United States. This term is used over “people of color” to pointedly address the racial definitions socially placed *on* these distinct groups and individuals.

- *Racism*: Individual acts, concerted efforts, or structural systems, not limited to overt or subtle, that oppress, discriminate, or devalue individuals or groups based on non-white race or ethnicity.
- *Social justice*: Full participation and equitable distribution of social benefits for all people in society.
- *Society*: A collective grouping of people bound by a particular time, geography, or affiliation. This dissertation is focused on the United States population as a heterogeneous grouping of people that have shared socio-politically defined and designated geography.
- *Whiteness*: Characteristic of someone classified as white Anglo (i.e., non-Hispanic/Latinx) through social construction of racial hierarchy, rather than an individual choice. The definition has changed over time and has been used to dominate, control, and prioritize people.
- *White Privilege*: A racist system that provides unearned advantages and benefits to people who look, seem, act and/or identify as white. White people do not have to be conscious or consenting of this privilege to benefit from it. It is an inheritance from the way society has constructed and continued to use the concept of whiteness.

### ***1.3 Research design***

This dissertation is a case study that reveals limitations of the LIS conceptualization of intellectual freedom and practices for engaging and responding to racialized intellectual freedom cases, by exploring TUSD’s MAS program and the LIS response to the dismantling of

the program. A case study is the holistic, empirical, and interpretive analysis and description of an issue, unit, or system through one or multiple cases bounded definitively, e.g., by setting, context, space, and time (Creswell, 2007; Hancock & Algozzine, 2006; Ragin, 1992; Stake 1995). This dissertation details the TUSD MAS program; efforts to dismantle that program between 2006 and 2012; and local, state, and national LIS professional community responses as interpretations of a racialized intellectual freedom case. This case is situated within the historical, social, and political context of LIS and education to draw connections and reveal patterns of information access barriers over time. This dissertation details historical traditions and contemporary practices within Tucson and Arizona libraries, educational institutions, legal policies, and LIS professional practices that have created barriers limiting intellectual freedom for racialized people, specifically Mexican Americans. Data collection included interviews with MAS teachers and students, Tucson community members, librarians, and LIS intellectual freedom advocates. Interviews were transcribed and the transcriptions were considered “documents” within this research. Data was reviewed using document analysis and qualitative coding methods. Constant comparative methods were used to triangulate data and establish consistency (Fram, 2013). LatCrit as a theoretical lens illuminated embedded racism and discrimination in intellectual freedom legal frameworks, policies, and practices limiting access to information. This research was designed to expose the limitations of the concept and applications of intellectual freedom within LIS that impact racialized people, specifically Mexican Americans.

As a qualitative researcher, I acknowledge my own subjectivity (Stake, 1995). This research is biased, given on my professional and personal experiences related to the case. I am a Mexican American Latina who lived and worked as a Pima County Public Librarian in Tucson,

Arizona. I was a 2007 graduate of the University of Arizona School of Information Resources and Library Science Knowledge River program. Between 2006 and 2011, I was a member of the Arizona Library Association (AzLA); and between 2007 and 2011, I worked with teachers and students of the MAS program to collaboratively present programs for the public library and in the Tucson community. I was a member and officer of the REFORMA-Tucson chapter from 2007-2011. I attended TUSD board meetings where students, teachers, and community members spoke out in support of the MAS program. While these points contribute to researcher bias, my subjectivity and experiential knowledge was an asset in this research, strengthening my understanding of the contacts, events, and case. (Delgado Bernal & Villalpando, 2010; Pérez Huber, 2009). My subjective perspective informed this dissertation's questions, design, implementation, and analysis.

#### ***1.4 Dissertation structure***

This introductory chapter provides a guide to this dissertation research: outlining the research questions, key terms, and the background of Tucson, Arizona public education and the TUSD MAS program as a foundation for subsequent chapters. The second chapter reviews literature on topics of race and racism in the United States, intellectual freedom, social justice, CRT, and LatCrit to illustrate the historical, social, and political context for the case and to outline the conceptual and theoretical foundations for this dissertation. It also includes a review of contemporary research published on the MAS program. The third chapter presents the research process, detailing the study design and research methods. It also includes details of CRT and LatCrit as theoretical frameworks used to analyze research data. The fourth chapter outlines the findings of the research study, highlighting interview and document data and

analyses. The fifth chapter is original analysis and discussion of what emerged throughout the research process. The final chapter highlights the significant results that will advance understanding and further research in the areas of intellectual freedom and LIS.

## ***1.5 Background***

### ***1.5.1 Tucson, Arizona***

Our ranch homes and fields, our chapels and corrals may have been bulldozed by progress or renovated into spas and guest ranches that never whisper our ancestors' names or retrace their footsteps with respect and gratitude. The story of our beautiful and resilient heritage will never be silenced, however, as long as we remember to run our fingers through the nourishing and nurturing soil of our history and sing the names and the stories of our *antepasados*, ancestors, to the generations to come as if they were a litany.

- (Preciado Martin, 2004, p. xxiii).

The people of the land that is today called Tucson, Arizona have inhabited that land *at least* as far back as 10,000 B.C., when Paleoindian and Archaic peoples were hunters and gatherers who settled along the Santa Cruz River. The Hohokam peoples inhabited the land between 200 and 1450 A.D. The Pima and Tohono O'odham tribes are descendants of the Hohokam and have maintained their presence in Arizona (City of Tucson, 2013). Around 1540, the Spanish-led Coronado Expedition went through Arizona to find the Seven Cities of Cibola, or the Seven Cities of Gold (City of Tucson, 2013; Mendelsohn, 1927). The Spanish government founded Tucson in 1775 and Regular Spanish Army Lt. Colonel Hugo O'Conor

established the Tucson Presidio in August 1775 (Mendelsohn, 1927). Troops and families moved north from the Spanish presidio, Tubac, in October 1776 to occupy the Tucson fort. Eventually the fort was expanded to about 11 acres to establish the land that is now downtown Tucson, Arizona.

The city of Tucson is located approximately 70 miles from the Nogales point in the current United States/Mexico national border in the southeast region of the state of Arizona. The city that is today Tucson is situated on Tohono O'odham and Pascua Yaqui tribal lands. It maintains a dynamic interplay of language and culture. The prominent languages are a conglomeration of English, Spanish, Indigenous, and *mezclas* (mixing and blending). Similarly, city culture and traditions include American, Mexican, Indigenous, and *mezclas*. In 2011, the population of the city of Tucson was nearly 526,000; 40.6% of the city's population self-identified as a person of Hispanic or Latino origin (U.S. Census Bureau, 2011). Tucson is home to various Native and Indigenous peoples and Hispanic/Latinx peoples. The Hispanic/Latinx population is predominantly Mexican (91.4%),<sup>2</sup> self-identifying as Mexicana/o/x, Chicana/o/x, Mexican, and/or Mexican American.

The documented history of white Anglo<sup>3</sup> oppression of Mexican-origin people in the U.S. is rooted in government control. In 1846, United States President James Polk ordered military invasion on Mexico after the Mexican government turned down his offer to purchase New Mexico and California. The Mexican American War (1846-1848) resulted in the U.S. taking control over what is today the American Southwest: California, Arizona, New Mexico, Colorado, and Texas (Rendón, 1971; San Miguel, 2003). The war ended in 1848 with the Treaty of Guadalupe Hidalgo, requiring Mexico to “sell” the land now known as Arizona, New

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<sup>2</sup> Of the 214,957 Hispanic persons in the city of Tucson, Arizona, 196,369 identified their nationality as Mexican (U.S. Census Bureau, 2011).

<sup>3</sup> White Anglo or Anglos refers to people who are white, but not Latinx/Hispanic.

Mexico, California, and parts of Colorado, Nevada, and Utah. The Treaty served as a land transfer document and promised protections for Mexican natives living on the land that is today's American Southwest. According to the Treaty, all people of Mexican origin were guaranteed rights of U.S. citizens, yet this "guarantee" was not realized (Bowman, 2001). The Treaty named Mexican Americans "white," which, in theory would allow access to benefits of whiteness, but actually limited options for raising claims of racial discrimination. Mexican Americans were white by law, but racialized by society (Bowman, 2001; Donato & Hanson, 2012; Godfrey, 2008).

Government control of Mexicans and Mexican Americans has, historically, been particularly related to *economic* control. Mexicans and Mexican Americans have served as a population of laborers in the U.S., utilized and manipulated for economic development as needed. When resources (e.g., jobs and social services) were scarce, Mexicans were blamed and forcibly ousted. In the late 1800s to early 1900s, Mexicans worked the railways to create the transportation infrastructure of the southwest. In 1920, Southern Pacific Railroad was the largest single employer of Tucson Mexicans (Sheridan, 2016). During World War I, Mexican men were recruited to immigrate to the United States to serve as laborers, factory employees, and field workers (Nilsen, Ferry, & Evans, 1985), filling slots vacated by U.S. soldiers at war overseas. These Mexican laborers resettled in the U.S. with their families, and some women and children also worked as laborers. As the economy faced a downturn during the Great Depression, these workers were "encouraged" and sometimes forced to return to Mexico. From 1942-1964, the Mexican Farm Labor Program Agreement, known as the "Bracero Program," was the first effort to control migrant employment along the border. It was created to address the possible labor shortage due to low wages for agricultural jobs during World War II (Délano,



2011). After it ended in 1964 over concerns of labor exploitation and decreased farm worker wages, Mexicans continued to come to the U.S. “Between 1965 and 1976, the U.S. admitted around 60,000 to 70,000 Mexican immigrants each year” (Délano, 2011, pp. 104-105).

Arizona has a history of statewide anti-Latinx, anti-Mexican, and anti-immigrant policies and practices. The 1980s-2000s brought continued efforts to control Mexicans’ border migration. The Immigration Reform and Control Act of 1986 increased the Immigration and Naturalization Service budget by 50 percent. In 1992, the U.S. tripled the number of Border Patrol officers, initiating various “operations” to crack down on border crossers (Sheridan, 2012). In the 2000s, elected officials and those running for office focused time, staff, and funds on targeting and controlling Latinxs, with the Arizona legislature introducing nearly 70 bills targeting immigrants between 2004 and 2009 (O’Leary, 2009).

In 2000, Proposition 203, English Language Education for Children in Public Schools, mandated that all public instruction be offered in English, eliminating bilingual programs (Arizona Secretary of State, 2000). In 2005, Maricopa County Sheriff Joe Arpaio made stopping illegal immigration a law enforcement priority. In 2007, the legislature passed Republican Senator Russell Pearce’s House Bill 2779, which made working in Arizona without documentation of citizenship a felony offense. Sheriff Arpaio’s deputies visited neighborhoods and gathering places to target Latinx workers and employment-seekers; they conducted raids to “round up” those without documentation. On April 23, 2010, Arizona Governor Jan Brewer signed Senate Bill 1070, the “Support Our Law Enforcement and Safe Neighborhoods Act,” into law. Combined with House Bill 2162, it increased penalties and added state requirements regarding enforcement of immigration laws. Law enforcement officers were subsequently permitted to request documentation any time there is “reasonable suspicion” someone is in the

United States without legal documentation. The law impacted Latinxs and Mexican Americans, who were most commonly stopped and questioned about documentation. That same year, the Arizona Department of Education also instructed school districts to remove teachers with “heavy accents” from classes where students were learning English (Jordan, 2010). The overall impact was an increasingly hostile environment for Latinxs in the state of Arizona, regardless of citizenship status, language proficiency, or education levels.

### ***1.5.2 Tucson Latinx librarianship***

Tucson, Arizona is a national hub for the scholarly and professional development of Latinx librarians. In 1971, librarian and professor Arnulfo Trejo founded today’s REFORMA: The National Association to Promote Library & Information Services to Latinos and the Spanish Speaking. This organization was inspired by Chicana authors and activists conducting outreach to Spanish speakers in the U.S. in the late 1960s (Dawson, 1990). The association now consists of 20 chapters, including the Tucson chapter.<sup>4</sup>

The University of Arizona (UA) sponsored two graduate programs designed to increase Latinx and Spanish-speaking representation in the LIS field. Trejo developed an accredited program called the Graduate Library Institute for Spanish-Speaking Americans (GLISSA) in 1975, which successfully graduated 104 Latinx librarians (Dawson, 1990). In 2001, the Knowledge River program was designed by Patricia Tarin and Carla Stoffle to support “Hispanic and Native American” students through the Master’s in Library Science graduate program at UA School of Information Resources & Library Science (SIRLS) (Montiel-Overall & Littletree, 2010). It now has a broader focus to reflect the diversity of Arizona and national

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<sup>4</sup> The REFORMA-Tucson chapter was active through 2012. The last officer term was 2015-2016, and the chapter is currently inactive.

communities in libraries, information environments and cultural heritage institutions (University of Arizona, n.d.).

### ***1.5.3 Tucson public schools***

Government control of Mexicans and Mexican Americans has also historically included *educational* control. The U.S. education system has a broad history of racial discrimination toward American Indians, African Americans, and students perceived as non-white, and/or non-English speakers (Brown & Au, 2014). This discrimination still persists. This section focuses specifically on the historical continuity of racialized oppression and discrimination toward people of Mexican origin in general and Mexican American students in particular (Arias, 1986).

Schooling was one form of colonization in the American Southwest. In the early 1500s, the Spanish instituted formal and informal education throughout the region to replace native Indigenous peoples' cultural knowledge and language with Spanish values, norms, and language (San Miguel, 2003). By the early 1800s, education was used to ensure the transfer of social and cultural values and to teach Spanish children how to survive and thrive within the Spanish-Mexican conflicts of independence. By the mid-19<sup>th</sup> century, schools were “instruments of cultural conformity” used to teach reading, writing, arithmetic, and in some cases religion (San Miguel, 2003). The intention of religious sponsorship was to spread faith principles and grow their respective communities (San Miguel & Valencia, 1998). The Catholic Church sponsored schools before and after the Mexican American War ended in 1848. Protestant denominations and government officials established schools after 1848.

In the 1850s and 1860s, Mexican and white Anglo community members had relatively amicable and cooperative relationships in that they had struggled in settling land together. As

more Anglos moved into the area from the east, the segregation and racial prejudices increased (Grey, 2014). Southwestern Anglos, suspicious of the influence of Spanish-language instruction and Catholicism, viewed it as not really “American” in character and set about “Americanizing” the public schools. “The public school needed to be transformed into an essentially American institution before it could successfully embark on its historic task of transforming the ethnic identities of those perceived to be foreigners” (San Miguel & Valencia, 1998, p. 360). Public schools removed Mexican cultural elements of religion and history from the curriculum. By the end of the 19<sup>th</sup> century they also removed most Mexican American and Catholic officials from southwest schools (San Miguel & Valencia, 1998, p. 361-362). New courses reflected the Anglo-American experience and Anglocentric curriculum. “[History] books, which began to appear a decade after the Mexican American War, contained only disparaging comments about the Mexican presence in the Southwest” (San Miguel & Valencia, 1998, p. 363).

Tucson was “a pioneer in the educational movement, having established the first free public school in the Territory” (Carter, 1937, p. 5). Public schooling in Tucson began with ten citizens in November 1867. They successfully petitioned the Pima County Board of Supervisors to establish a public school (Brousseau, 1993). Supervisors established School District No. 1 Pima County and appointed a school committee. The first cohort of students, 55 “Mexican boys,” began in January 1868 and continued for six months before the school ran out of funds and had to close. John A. Spring, the second teacher hired, taught classes in students’ native language Spanish, repeating the lessons in English (Brousseau, 1993) because “...to teach them arithmetic and geography in English before they could understand a single word of that language would have been an utter loss of time” (Spring, 1898, as cited in Carter, 1937, p. 10). Over the next several years, there were no public schools; private schools started by citizens and

religious groups had limited success (Brousseau, 1993). In 1871,<sup>5</sup> the next public school opened in Tucson for males ages 6-21. All students' primary language was Spanish. In 1872, local newspaper *Arizona Weekly Citizen* documented the school's hopeful efforts to harmonize Mexican and American culture, stating that distinct native languages limit understanding amongst students and that free public school can improve this issue (Local matters, 1872, as cited in Brousseau, 1993). One of the main motivations for offering public school between the 1870s and late 1920s was to prepare students for local, state, and national citizenship, produce "better" workers, and improve morality (Grey, 2014). School environments were still sites of control, where politicians, administrators, and educators sought to shape local citizens. Nationally, Americanization programs sought to assimilate residents through education (O'Brien, 1961). In Tucson, while school officials and teachers may have hoped to influence students with Anglo or Protestant values of citizenship, Tucson families were actively widening what it meant to be American through diversity in religion, work and leisure habits, and aspirations (Grey, 2014).

Between the 1870s and 1900s across what is today the American Southwest, segregated schools were established to educate Mexican American students, since the education of children was increasingly important in U.S. society (San Miguel & Valencia, 1998). Underfunded "Mexican schools" were established in Texas and California in the 1930s (Rangel & Alcalá, 1972; San Miguel, 1986). Early public schools in the Southwest facilitated a process of "Americanization" by using Spanish in instruction, including Mexican cultural heritage in the curriculum, and involving Mexican American community members in the schools (San Miguel

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<sup>5</sup> Sources vary on whether the school was opened in 1871 or 1872, as a letter from General Safford and an item in the *Arizona Citizen* refer to the year 1872, while Arizona education historian S. P. McCrea believed that date "...to be an error and gives the date of the opening of the second public school in Tucson as March 1871" (Carter, 1937, p. 7).

& Valencia, 1998). These accommodations were decided by local governments. Public schools, unlike those established by religious groups, were controlled by community members. In many parts of the Southwest, these were mostly Mexican Americans and Catholic Church officials. These groups therefore assumed important governance, administrative, and instructional positions in the schools and made decisions favoring Spanish as the language of instruction and Catholic materials, including the Bible, in the curriculum (San Miguel & Valencia, 1998, p. 360).

National and local practices were similar in terms of sanctioned and de facto segregation and desegregation. The 1896 *Plessy v. Ferguson* ruling that railway companies must provide equal, but separate accommodations for white and “colored races” was used to support the establishment of “separate, but equal” segregated schools for black and white students (*Plessy v. Ferguson*, 1896, p. 544). In reality, the schools were not equal. Those with predominantly racialized students received lower funding and served as practice sites for new teachers to develop skills before moving to white schools. Southwestern schools for Mexican American youth were inferior, unmaintained facilities supplied with limited instructional resources (Arias, 1986; Rangel & Alcala, 1972). Tucson schools were built in neighborhoods where children lived, and the district did not invest in maintenance or renovation for buildings serving predominantly minority populations, particularly as Anglos moved into Tucson and increased their economic contributions (Grey, 2014).

Segregation of Mexican American students was widespread throughout the American Southwest (Donato & Hanson, 2012). In Tucson, Mexican American students were segregated at alarming rates, more as a practice than a legal sanction (Echeverría, 2014). Neighborhood boundaries and funding for schools spurred the de facto segregation. Nevertheless, this was

supported by an Arizona Territorial Legislature law established in 1899, allowing segregation of African American students in public schools; and, in 1900, a state law mandating educational segregation (Grey, 2014).

Legal educational reform did not improve the segregated and unequal offerings Latinx students faced in schools (Arias, 1986). The 1930 case of *Independent School District v. Salvatierra*, determined it was illegal to segregate Mexican American students for any other reason than educational purposes, mainly related to language (Rangel & Alcala, 1972; San Miguel & Valencia, 1998). In 1931, the case of *Alvarez v. Board of Trustees of the Lemon Grove School District* was the first successful desegregation case, specifically addressing Mexican Americans in Lemon Grove, California (California Legislative Information, 2016). This case ruled the Mexican students as Caucasian, which meant they were not segregated from white students. The 1946 *Méndez v. Westminster* case was another ruling on segregation in schools and signaled the end of de jure segregation in schools in California (Bowman, 2001; González, 1990). The school districts appealed the case to the U.S. Court of Appeals for the Ninth Circuit; the Court of Appeals affirmed Judge McCormick's ruling. In 1951, Arizona schools moved toward official desegregation after a mandate from Arizona State Legislature. It was becoming more difficult to maintain the costs of separate schools (Nilsen, Ferry, & Evans, 1985). Robert Morrow, the district superintendent, received national recognition after he "successfully integrated" Tucson schools in 1951-1952.

*Brown v. Board of Education* is a better-known 1954 landmark court case that overturned *Plessy v. Ferguson* and legally affirmed that school segregation deprives racialized students of equal educational opportunities and their Fourteenth Amendment rights of equal protection under the law (*Brown v. Board of Education of Topeka*, 1954). When the Supreme

Court ordered that school desegregation begin in 1955, many thought this had already been solved because American Indian students were recruited to schools in order to increase funds the district would receive from the Federal government for their enrollment.

Despite federal mandates ordering for the desegregation of schools, multiple instances of segregation based on race and ethnicity were the result of both blatant non-compliance and the lengthy process of local and federal enforcement. School districts in the Southwest, for example, paired African American students with Mexican American students in order to maintain segregating white Anglo students in their own schools, since Mexican Americans were in some cases considered part of the white race (San Miguel & Valencia, 1998). It wasn't until 15 years later that the court case of *Cisneros v. Corpus Christi Independent School District* (1970) ruled that *Brown v. Board of Education* should protect Mexican Americans as an "ethnically identifiable minority group" (San Miguel & Valencia, 1998).

Tucson public school practices mirrored national trends of using various strategies for "Americanization." Examples of additive Americanization included using cultural traditions and language as resources to bridge or improve educational processes, from the first public school classes in Spanish to the district sponsoring the creation of bilingual and multicultural resources (San Miguel & Valencia, 1998). In other instances, subtractive Americanization (San Miguel & Valencia, 1998) was employed when cultural elements were overtly or implicitly noted as deficiencies to be addressed through subtractive and remedial practices. In public education, teachers addressed non-English language proficiency as a deficiency and sought to "remedy" language skills through education. When Tucson public schools were initially designed in 1867, the Board of Trustees made decisions about methods of instruction. At least one board member urged teachers to immediately speak English only to students (Spring, 1898, as cited in Carter,



1937). Not all teachers employed this practice, as some thought it inefficient. Some teachers provided two lessons, teaching once in Spanish and a second time in English to move students toward English-language proficiency. School boards sought to Americanize native, non-English speaking students by banning Spanish from classrooms across what is today the American Southwest (Gonzalez, 1986). In Tucson, students were forbidden to use Spanish in the classroom and on the playground and were physically punished for non-compliance (Knight, 1986 as cited in Brousseau, 1993).

Tucson has been a site of conflict for conservative and progressive approaches to education. While some teachers inflicted oppressive conditions on students, other teachers advanced innovative programs. In fact, Tucson has been called the “cradle of bilingual education,” starting one of the earliest bilingual programs in the country (Bustamante, 1998b, p. 2). Maria Urquides, a Mexican American teacher who began teaching in the 1940s, was called “the mother of bilingual education” as she was instrumental in advancing federal legislation to fund bilingual programs (Brousseau, 1993). In 1970, District No. 1 started a bilingual education program that six years later had almost 3,500 students enrolled (Brousseau, 1993). Students were placed through registration forms, an examination, and parental approval (Samuelson, 1998). Additionally, bilingual and multicultural resources were available in libraries and classrooms (Brousseau, 1993).

Another innovative Tucson program was the 1959 Pueblo High School “Spanish for the Spanish-speaking” program, with an emphasis on both language and Spanish and Mexican cultural heritage to develop a positive identity in students (National Education Association [NEA], 1966). Most of the teachers spoke Spanish and were of Mexican ancestry. The program pursued two purposes: one to ease the transition for Mexican American students to Anglo

culture, and two, to foster pride in Spanish language and Mexican culture as a distinct asset. Spanish language and Mexican culture could be used as bridges to learning English and becoming bilingual and bicultural (NEA, 1996). Students petitioned its continuation and more Spanish and Mexican literature was incorporated into the program. It was still running in 1966 including “eight first-year classes, three second-year classes, two in the third year and one in the fourth year... Equal if not even greater emphasis is given to helping the student develop a more positive self-concept through the study of his rich Spanish and Mexican cultural heritage” (NEA, 1966, p. 22).

In the late 1960s, the civil rights movement impacted Arizona education. Mexican American students formed groups to advance social justice in their education. University of Arizona students formed the Mexican American Student Organization (MASO) in 1967. Arizona State University students formed their own MASO group, which in conjunction with the Phoenix Chicanos por La Causa, “...would serve as the heart of the regional Chicano movement for the next several years” (Meeks, 2007, p. 191). Students formed additional activist student groups including Mexican American Students’ Association (MASA), Mexican American Youth Association (MAYA), United Mexican American Students (UMAS), Movimiento Estudiantil Chicano de Aztlán (MEChA), Brown Berets, Alma, and La Junta (Gómez & Chilcott, 1973). In 1968, Chicano high school and college students protested by walking out of school, i.e., walkouts, that became known as “The Chicano Blowouts” in Los Angeles (Gómez-Quñones & Vásquez, 2014). In 1969, Tucson community organizers led school walkouts demanding the creation of Chicano studies (Romero & Arce, 2011).

In the 1970s, Tucson District No. 1 began offering more bilingual and bicultural resources for educators. In 1971, TUSD had two bilingual programs in the Tucson District No.

1 spanning from preschool through second grade. They were successful in that children were able to use their native languages and English, working with peers of their own age to build confidence (Tucson Public Schools, 1971). The Tucson Unified School District No. 1 had a Bilingual Multicultural Resource Center inside of Davis Elementary School, and in the summer of 1977 published a “Multicultural Resource Booklet.” The booklet was a cooperative community project that included suggestions for books, records, recipes, and community resource people related to Papago (Tohono O'odham) culture, Mexican culture, and bilingual education. The book list included Spanish, English, and bilingual texts of legends, folk tales, stories, and histories of Mexico and Mexicans in the U.S. The Resource Center made all materials in the booklet available for use in the Center, with some of the materials available for checkout.

While the district made positive strides toward bridging culture, language, and education, it was also tracking racialized students, which had a negative impact on their K-12 and higher education opportunities. “Tracking” is individually or systematically placing students into courses and programs based on perceived capabilities, which reinforces inequalities for racialized students (Ochoa, 2013). A specific TUSD academic tracking practice designed to help students based on their “learning ability” lasted until the 1970s. It disproportionately tracked Latinx, American Indian, and African American students into remedial programs based on assumed learning disabilities, presumed limited mental capacity, and expectations for post-high school activity. The district fostered “mentally deficient” labeling of students through their enrollment and programming practices. The district labeled students as “retarded” when they were over 14 years old and in 1<sup>st</sup> through 4<sup>th</sup> grade and later when they were simply older than their peers in their assigned school grade (Brousseau, 1993).

The district enrolled monolingual Spanish speakers to a “1C program,” where students would spend their first year of school completely focused on learning English. The second year they would enter first grade and be a year older than their peers (Brousseau, 1993; Galindo, 2011). Students fell behind their peers, increasingly dropping out of school and missing out on opportunities for higher education (Brousseau, 1993). While these programs were purportedly designed to help students advance at a realistic pace, they were often self-fulfilling prophecies that created increasing limitations for Spanish-speaking students. Former students reflected on their 1C experiences and described teachers’ treatment as oppressive and hostile (Brousseau, 1993; Galindo, 2011).

As previously noted, parents of Mexican American and African American students took legal action in 1974, after years of such discriminatory practices and failed attempts to remedy these issues. In separate lawsuits, they addressed the educational disparities and unsafe conditions for racialized students in TUSD schools. Their lawsuits, combined in *Fisher-Mendoza v. TUSD* (1977-1978), found that the district had a history of segregation and discrimination, and had failed to remedy these issues (Thomas, 2011). In 1978, the district was ordered to create a desegregation plan and gather community input and feedback on the plan. The approved district plan included modifications of policies, training, student testing and discipline, faculty assignments, and closure of three old inner-city, predominantly minority student schools (López, 2016; Thomas, 2011). The desegregation plan spurred uniform disciplinary standards and cultural sensitivity training for teachers and counselors. Additionally, the district created programs such as the Standard English as a Second Dialect (SESD)<sup>6</sup> for

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<sup>6</sup> SESD was used to replace “nonstandard English” with “standard English.” Nonstandard English was defined as English language having “...interference from Spanish and those which do not stem from interference from another language but rather from a culturally inherited pattern of English speech” (Politzer & Bartley, 1970, p. 31). In this case, African American English was seen as the nonstandard English.

African American students and a Black Studies program with courses in Black history and culture (Gómez & Jiménez-Silva, 2012). Unfortunately, little else changed (Romero & Arce, 2011).

In the early 1980s, parents of Mexican American and Native American students filed a civil lawsuit regarding “the poor state of facilities serving minority neighborhoods, the lack of rigorous programs for minority students, and the unsystematic approach to addressing the needs of English language learners (ELLs)” (Gómez & Jiménez-Silva, 2012, p. 18). Rather than go through a court case, the district established an agreement called the Alvarez-Jasso Consent Decree and the Office of Civil Rights (OCR) improved procedures for English as a Second Language (ESL) programs and employed a staff development program for anyone working with English language learners.

Arizona educators teaching between 1960 and 1985 shared their memories and reflections of the educational disparities based on cultural and linguistic distinctions. These included observations of segregation, disparate education for non-native English speakers, and negative assumptions about connections between culture and commitment to intellectual pursuits (Nilsen, Ferry, & Evans, 1985). The following twenty years brought important advancements in Mexican American education, including increased representation and graduation in higher education, bilingual education, Mexican American and Chicana Studies programs, and increased scholarship of Mexican American educational issues. Nevertheless, there are still many obstacles that limit Mexican Americans from achieving educational equality in the United States (San Miguel & Valencia, 1998).

#### ***1.5.4 Multicultural education and ethnic studies***

Education is not politically or racially neutral, as documented in the varying agendas throughout the history of Mexican American schooling. What is commonly understood as “traditional” and “mainstream” curriculum is more accurately defined as “whitestream” schooling (Urrieta & Machado-Casas, 2013). Whitestream schooling is the curriculum material, pedagogy, and ideology based on white supremacy and the history of white Anglo-American domination (Urrieta & Machado-Casas, 2013). Whether administrators or educators employ whitestream schooling passively or actively, it is a tool for destroying or removing minority and Indigenous culture in the U.S. (Urrieta & Machado-Casas, 2013). Alternatives to whitestream schooling include multicultural education, ethnic studies, specific racial and ethnic studies, and global studies.

Multicultural education comes from the idea that students of all backgrounds deserve educational equality (Banks, 1989). It is an effort to reform education to ensure that all students equally have the opportunity to learn (Kim, 2011). Multicultural education is multifaceted, addressing minority group rights to cultural relevance and representation; used as a means to developing children’s autonomy; and designed to foster civil tolerance and acceptance, awareness of difference, and respect (Levinson, 2010).

Education scholar James Banks traced multicultural education *roots* as far back as African American historian George Washington Williams’ 1882 push for content integration, incorporating various cultures and perspectives in teaching (Banks, 1993). The early 1960s approach of integrating specific elements from racialized groups (Banks, 2013) has led to deeper recognition of the cultural assets students bring to the classroom (Ladson-Billings, 2011; Solórzano & Yosso, 2002). The phases did not evolve sharply from one specific time frame to another.

“Multiethnic education” became multicultural education when scholars and educators incorporated other marginalized identities beyond race and ethnicity, such as class, gender, and sexuality (Banks, 2013). Multicultural education incorporates texts that reflect the diversity of American culture, including perspectives beyond the canon of White, European, male-authored works. The “contributions approach” focuses on heroes and holidays and does not change mainstream curriculum structure or goals; the “additive approach” incorporates content, concepts, themes and perspectives while also not changing mainstream curriculum structure or goals; the “transformation approach” designs a curriculum to incorporate the perspectives of ethnic groups to inform the concepts, issues, and themes; and the “social action approach” involves students in education and action to address social issues (Banks, 1989, p. 192).

Critiques of multicultural education have come from “critical multiculturalism,” “critical race theory,” and “anti-racism” (Kim, 2011). Critical multiculturalists note the potential for multicultural education to overlook the complicated, deep issues of racism by instead engaging in shallow celebrations of different cultures (Kim, 2011). Critical race theorists critique the limitations of multiculturalism, in that it does not allow for radical educational or social change (Kim, 2011). Finally, anti-racism advocates critique multicultural education for adding ethnic and racial cultural elements without addressing or dismantling racism in schools or society (Kim, 2011).

Ethnic studies includes the core elements of multicultural studies *and* includes “the study of race—a broad and mutable category in and of itself—and power. It is an intellectual project with roots in and connections to social movements and the quest for social justice” (Ramírez, 2013, pp. 1059-1060). Ethnic studies was born out of the Civil Rights movement, specifically out of the Third World Liberation Front strike at San Francisco State University in

1968 (Ramírez, 2013). Ethnic studies include actively anti-racist and decolonizing curriculum and content, which work to reverse the oppressive conditions inflicted upon racialized students.

Ethnic studies instruction requires a broad view of the historic to contemporary realities of the United States. Educational standards are typically written from a white, Eurocentric stance with minimal attention and essentialist treatment related to racialized experiences and social contributions (Pérez Huber, Johnson, & Kohli, 2006). Ethnic studies curriculum developers and educators look outside of white, mainstream literature for resources to teach history and current topics that are inclusive of racialized people and experiences.

“Counterstories” are narratives that are outside of and sometimes challenge dominant narratives, specifically white, Eurocentric, and Anglocentric stories. They challenge dominant narratives around education and experience (Delgado, 1989; Delgado & Stefancic, 2012). Counterstories in the classroom allow educators to present a range of perspectives that reflect the diversity of their students’ experiences and introduce them to other experiences. Stories, in general, are powerful tools for empowerment and education for racialized and white students alike (Delgado & Stefancic, 2012; Sleeter, 2011). “...[S]tories describing the reality of black and brown lives can help readers to bridge the gap between their worlds and those of others. Engaging stories can help us understand what life is like for others...” (Delgado & Stefancic, 2012, pp. 47-48). Ethnic studies educators may use various pedagogical strategies, including critical pedagogy.

Critical pedagogy is inspired by the work of Brazilian educator Paulo Freire, author of *Pedagogy of the Oppressed* (1970). This text is based on an educational philosophy which critiqued the “banking” model used in education, asserting that students are not empty vessels into which teachers pour or “deposit” knowledge; rather, students are active participants in their own learning process (Freire, 1970). Students’ engagement and contributions add to the



classroom environment and to their classmates' learning. Critical educators use *Pedagogy of the Oppressed* to explore themes of education, class, power, individual development, and development of critical thinking skills, as Freire described the relationship of the oppressor and the oppressed as a model restrictive and destructive to *all* involved parties (Freire, 1970). Parents are valuable contributors in multicultural and ethnic studies education, particularly by sharing their understanding of their own children with teachers to inform classroom strategies (Banks, 1989). Beyond critical pedagogy, culturally relevant pedagogy (Ladson-Billings, 1995) and culturally responsive pedagogy (Gay, 2000) are utilized within ethnic studies programs.

#### ***1.5.5 The journey to Mexican American Studies (MAS)***

Tucson Unified School District began developing its Mexican American Studies program in the late 1990s to address community concerns about racial and ethnic disparities in academic achievement. In 1998, the University of Arizona Mexican American Studies & Research Center published a report on Minority Student Achievement and Workforce Success in Arizona, referring to the 1990 U.S. Census data that approximately 48% of Hispanic and Native American students in Arizona were dropping out of high school and less than 5% were attaining a bachelor's degree. The report called for educational policy changes, including K-12 dropout prevention programs for the "at-risk minority population" (p. 17). Dropout rates for Hispanic students in Tucson Unified School District were 8.33% in the 1996-1997 school year, higher than any other racial or ethnic group (Bustamante, 1998a). This issue was a concern for the Tucson community.

Local citizens advocated and organized for meaningful changes to address these disparities. In 1996, a local 30-member<sup>7</sup> activist group called Coalition of Neighbors for Mexican American Studies (CONMAS)<sup>8</sup> gathered 400 resident signatures on a petition calling for a Mexican American Studies educational program (Bustamante, 1997). The TUSD board voted against any changes to their curriculum in two December 1996 board meetings (Bustamante, 1997). In 1997, Rosalie Lopez, mother of a sixth-grade TUSD student, and her attorney filed a lawsuit against the district to document discrimination against Hispanic students and advocate for a Mexican American Studies program (Peckham, 1997). TUSD board president Joel Ireland immediately committed the district to exploring steps to start a Mexican American Studies program and reporting recommendations in 1998 (Bustamante, 1997). The TUSD School Board and District Superintendent, George F. Garcia, established a committee of teachers, administrators, parents, academics, and community members to conduct a programmatic review of the Bilingual Education and Hispanic Studies Department in order to provide recommendations to the Superintendent and School Board for improved student achievement via multicultural education, bilingual education, and second language acquisition (TUSD Bilingual Education, 1998). The committee held three public hearings in high school cafeterias so community members could share thoughts and ideas. Each location was filled to capacity. Community input informed the recommendations presented in the 1998 report, “Nuestro Futuro: A Blueprint for the Future.” It recommended institutionalizing Mexican American Studies as a department under the Assistant Superintendent for Curriculum &

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<sup>7</sup> CONMAS was led by Lorraine Lee, Gustavo Chavez, Martin Sean Arce (former MAS director), Rosalie Lopez, Anna Maria Chavez, Essence Arce, J.J. Rico, Leanne Hernandez, Tomas Martinez, Edgar Reyes, Patrick McKenna, and Salo Escamilla, working with organizers from the 1969 Tucson school walkouts (Romero & Arce, 2011).

<sup>8</sup> The acronym “CONMAS” was reported as “Coalition of Neighbors for Mexican American Studies” (Bustamante, 1997; Lopez, 1997) as well as “Communities and Neighborhoods for Mexican American Studies” (Romero & Arce, 2011).

Instruction, developing and implementing a K-12 ethnic studies curriculum, and offering teacher training (TUSD Bilingual Education, 1998; TUSD, 2012a).

Within six months of the Lopez lawsuit, the TUSD school board commissioned the Intercultural Development Research Association (IDRA) out of San Antonio, TX to conduct an external audit of the existing TUSD Bilingual Education and Hispanic Studies Department for compliance, operations, instruction, and fiscal matters (IDRA, 1998). The audit reported that Hispanic Studies integrated Latinx experiences and contributions in the classroom and provided support to “at-risk” Latinx students, although they were not able to formally assess the impact of the program on Latinx students or a wider audience. This was because there was no clearly defined program at that time. Auditors reported that many stakeholders expressed the need for a “Hispanic studies program,” yet lacked focus or sense of purpose (IDRA, 1998, p. iii). The report lauded the commitment of school leaders to create a department of Hispanic Studies to respond to an Office for Civil Rights concern for “equitable instruction for *all* students and to an expressed community concern” (IDRA, 1998, p. 200). The IDRA recommended the district design a structured Hispanic Studies program, clarify goals that include Hispanic contributions in a core curriculum open to all district students, and distinguish the Hispanic studies program from the bilingual education programs in identity and budget (IDRA, 1998).

Denver Public Schools developed a Hispanic Studies program in 1997 that was influential on the initial implementation of the MAS program (Samuelson, 1999). Project director Loyola Martinez and Metropolitan State College of Denver professor Luis Torres,<sup>9</sup> visited Tucson in 1999 to share and gain ideas from TUSD. Martinez was developing a culturally relevant program with support for teachers and students (Samuelson, 1999). Denver

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<sup>9</sup> Torres was the principal investigator at Metropolitan State College of Denver in partnership with Denver Public Schools for the “Goals 2000 Partnerships for Educating Colorado Students” grant that funded the establishment of El Alma de la Raza Curriculum and Teacher Development Project. The grant was awarded in July 1996.

educators developed instructional units that would allow teachers to infuse “cultural and historical contributions of Latinos and other predominant ethnicities represented in the student population” (Denver Public Schools, n.d., para. 2). The units were designed for language arts, social studies, history, art, and music courses for early childhood education (ECE) through 12<sup>th</sup> grade. These units aligned with a standards-based framework provided by the Mid-Continental Regional Educational Laboratory in Denver.<sup>10</sup>

The TUSD Bilingual Education/Hispanic Studies and Second Language Acquisition Review Committee submitted a detailed report to the school board in March 1998, presenting 15 recommendations to strengthen the bilingual education program, establish a Mexican American Studies department, and add a multicultural focus to the K-12 curriculum. The first recommendation was to use the title, “Mexican American Studies” based on “the statements provided at the public hearings, the review of literature, and [a presentation by the Hispanic Studies Subcommittee]” (TUSD Bilingual Education, 1998, p. 13). The second recommendation is separating Mexican American Studies from the TUSD Bilingual Education Department (TUSD Bilingual Education, 1998, p. 13). The following recommendations prioritized academics as the primary focus; provided curriculum details for K-12 ethnic studies class offerings and sequencing; advocated for teacher training for Mexican American Studies; and promoted multicultural education that goes beyond race and ethnicity, student support services, a curriculum writer, and oversight committees. There was a call for broad responsibility and accountability – that the TUSD Professional Development Department would train every teacher in multicultural education within 5 years, all TUSD departments would be invested in the academic success of the students, schools’ compliance with TUSD educational plans and

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<sup>10</sup> The program still exists in 2019 as an ECE-12 multicultural curriculum that allows teachers to check out Alma curriculum kits containing a teacher’s guide, books for students, support materials, media, visuals, and instruments (Denver Public Schools, n.d.).

procedures,<sup>11</sup> plus systematic monitoring by the Bilingual Department and Department of Equity Development. Finally, the group recommended that the superintendent produce quarterly reports on the progress of a multicultural education policy, promote the programs' positive impact on Tucson's "international economic growth" and be fully accountable for related policies and plans (TUSD Bilingual Education, 1998).

In July 1998, the TUSD school board approved \$206,000 for the Hispanic Studies program that would incorporate "Hispanic history and culture" into the mainstream curriculum and provide intervention support for Hispanic students beginning the following fall (Samuelson, 1999). A 3-phase, 5-year plan<sup>12</sup> outlined detailed steps for developing and implementing a Hispanic Studies program (TUSD, 2004). In 2002, the school board unanimously voted to increase the annual budget to \$500,000 for Hispanic Studies (TUSD No. 1, 2002).

### ***1.5.6 Tucson Unified School District (TUSD) MAS***

Hispanic Studies evolved in name in 2004, when the TUSD School Board voted unanimously to change the department name to "Raza/Mexican-American Studies" (TUSD No. 1, 2004). In 2008, the name was changed to Mexican American Studies (Romero, 2014). The latter name change was an effort to "appear less subversive in nature and more rhetorically similar to other [TUSD] Ethnic Studies programs (e.g., Native American Studies, Pan-Asian Studies, African American Studies)" (Swenson, 2010, pp. 36-37).

The TUSD MAS program included various approaches to ethnic content integration: the contributions approach, additive approach, transformation approach, and social action approach

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<sup>11</sup> "TUSD Manual Comprehensive Plan for Bilingual Education and the TUSD Compliance Procedures, TUSD CORE Curriculum, and ACTION 2000 School MAP" was a specific plan used for bilingual education in 1998 (TUSD Bilingual Education/Hispanic Studies and Second Language Acquisition Review Committee [TUSD Bilingual Education], 1998, p. 17).

<sup>12</sup> See Appendix A: 5 year plan (TUSD, 2004).

(Banks, 1989). MAS used a transformation approach to ethnic studies and empowerment of Latinx students, rejection of Eurocentric curriculum, and centering of “Mexican American historical, cultural, and racial/political experience as the axis from which to teach and learn” (Swenson, 2010, p. 33). These details were outlined in the MAS mission,<sup>13</sup> vision, and goals.<sup>14</sup>

The Tucson Unified School District consisted of 122 schools and programs serving nearly 53,000 students (Cambium, 2011). The district mission was to work with parents and the community to engage pre-K through 12<sup>th</sup> grade students in rigorous, comprehensive education. The district expressed their commitment to inclusion and non-discrimination in all activities (TUSD, 2005). TUSD students had one of the widest selections for school choice in the state of Arizona, which include magnet and gifted programs, innovative instruction, and non-traditional facilities (Cambium, 2011).

By 2010, the TUSD’s MAS program was an ethnic studies curriculum that was implemented in 11 schools, three elementary, two middle, and six high schools. At the elementary school level, teachers integrated a Mexican American perspective into traditional lesson plans, through co-teaching or teachers learning from a model and infusing culturally relevant pedagogy and curriculum (NG, personal communication, November 12, 2017), modeling, enrichment, or inviting a guest teacher (TUSD, 2010a). At the middle school level, MAS classes were offered as electives (e.g., Literature, Chicano Studies, Independent Study). At the high school level, MAS classes were Latino Literature, American History/Mexican American Perspectives, American Government/Social Justice Education Project, and Chicana/o Art, and would satisfy graduation requirements, rather than just serving as elective credits (Cambium, 2011; Office of Administrative Hearings, 2011). Augustine Romero was hired in

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<sup>13</sup> See Appendix B: Mexican American Studies - About Us (TUSD, 2010b).

<sup>14</sup> See Appendix C: Mexican American Studies Department Vision and Goals (Cambium, 2011).

2002 to address the academic achievement gap for Latinx students in the district (Romero, 2013). In 2010, Director Martin (Sean) Arce<sup>15</sup> led the program and MAS had three curriculum specialists,<sup>16</sup> two project specialists, two community education coordinators, and one administrative secretary (TUSD, 2011a).

The MAS "...transformative curriculum [brought] content about Chicanos/Latinos and their cultural groups from the margin to the center of the curriculum" and was focused on cultural relevance, cultural competence, social justice emphasis, "state alignment (honor alignment in most cases)," and academic rigor (TUSD, 2010c). The program's approach to academic success was through student support (prevention and intervention) and curriculum content integration. Student support was implemented through the MAS model creating "critical consciousness" and "academic identity" (TUSD, 2010a). The MAS program staff followed standard protocol to establish their curriculum, align with state standards, and received board approval as it evolved. "Teachers and MASD curriculum specialists created lessons where learning experiences were aligned with the state standards and incorporated targeted performance objectives within multidisciplinary units for real life applications" (Cambium, 2011, p. 19).

Augustine Romero, Lorenzo Lopez Jr.,<sup>17</sup> Julio Cammarota,<sup>18</sup> and their students co-created the Critical Compassionate Intellectualism (CCI) Model of Transformative Education. This model is grounded in critical race theory, merging components of participatory action

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<sup>15</sup>As previously stated, Arce had been involved in the grassroots efforts with CONMAS, which led to the creation of Hispanic Studies and has been credited as a co-founder of the Hispanic Studies program, working as a curriculum specialist and instructor since the beginning of the program.

<sup>16</sup>MAS curriculum specialists created lessons for the program (Cambium, 2011).

<sup>17</sup>Lorenzo Lopez Jr. was an educator who had gone to high school at the location chosen for SJEP and was recommended as a SJEP teacher collaborator for his ability to connect with students (Romero, 2014).

<sup>18</sup>Julio Cammarota was at the time an associate professor in the University of Arizona Bureau of Applied Research in Anthropology and the Mexican American Studies and Research Center and is now a professor of teaching, learning, and sociocultural studies in the University of Arizona Department of Education.

research, cultural responsiveness, authentic caring, and critical pedagogy. CCI was created from student voices, experiences, and suggestions for educational equity (Romero & Arce, 2011).

The Social Justice Education Project (SJEP) was a ten-year initiative that began with approval from Rebecca Montano, Deputy Superintendent of TUSD, in the early summer of 2002 (Romero, 2014). In 2003, Julio Cammarota collaborated with teachers at La Cholla High School to start SJEP. The program combined social science with state standards for history and U.S. government and was incorporated into an already-established social science curriculum, “U.S. History through a Chicano Perspective” (Cammarota, 2007). The first SJEP cohort was 17 Latinx students of Mexican and Puerto Rican descent. The program engaged students in youth participatory action research, where students conducted qualitative research related to their own educational or personal experiences and proposed action to solve issues (Cammarota, 2007).

MAS curriculum specialists and teachers selected texts for the MAS program, which included historical accounts, nonfiction and fiction works, personal accounts, and presented stories that challenge the dominant narratives of the Mexican American experience most commonly seen in history books and popular culture.<sup>19</sup> The MAS program incorporated culturally diverse knowledge in class content and teaching practices. These included Mayan maize-based and Mexican concepts,<sup>20</sup> Paulo Freire’s (2000) concept of conscientização, and critical consciousness of the world (Acosta, 2014a; Acosta & Mir, 2012; Rodriguez, 2012). University of Arizona Mexican American Studies professor Roberto “Cintli” Rodriguez collaborated with MAS educators and described how interest in Indigenous knowledge, such as

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<sup>19</sup> The Cambium report (2011) lists details of MAS teaching materials.

<sup>20</sup> In Lak Ech (“You are my other Me”), Panche Be (“to seek the root of the truth”), Nahui Ollin (“Four Movements”) of Tezcatlipoca (“self-reflection”), Quetzalcoatl (“precious and beautiful knowledge”), Huitzilopochtli (“the will to act”), and Xipe Totec (“transformation”).



In Lak Ech, Panche Be, the Aztec calendar, and Nahuatl (Aztec), Maya and Inca (Quechua) languages has grown and will continue to grow (Rodriguez, 2012).

MAS instructors shared their knowledge with each other and sought out other scholars and practitioners for professional development through formal and informal efforts. The MAS program leaders organized an annual Summer Institute for educators to learn about “Chicana/o studies-based lessons and units to implement at all grade levels” (TUSD, 2010a). The two- to four-day institutes were offered annually beginning in 1999, and in the later years were organized in collaboration with the University of Arizona College of Education and called Annual Institute for Transformative Education. Additionally, “Using a Latino Critical Race Theory framework, [TUSD MAS’s] professional development program promotes practices that educators can implement to enhance the academic identity and achievement of all students, with an emphasis on Latino students in particular and students of color in general” (TUSD, 2010a). MAS educators employed a team approach in professional development meetings throughout the year. “Each meeting addressed topics through a Chicana/o historical, cultural, and literary perspective” (TUSD, 2010a).

Together the MAS teachers implemented critical pedagogy inspired by the work of Brazilian educator Paulo Freire. MAS students were engaged in the learning process as active participants and valuable contributors to their own and their peers’ educational experiences. MAS teachers used the Freirian model in the classroom to cultivate opportunities for students to engage, reflect, and discuss controversial topics. This practice demonstrated value for students’ experiential knowledge and critical thoughts related to the ideas and texts presented in the classroom. MAS incorporated an intentional approach to student-teacher interaction based on

Angela Valenzuela’s concept of “authentic caring,” which “occurs when teachers connect with students’ full humanity” (Valenzuela, 1999, as cited in TUSD, 2010e).

The MAS program was intentional about parent-community involvement and provided opportunities for parents to understand and engage in their children’s education. The program held Ce-Ollin Parent Encuentros to showcase students’ presentations on social justice, social transformation, and educational justice particularly for parents to attend, with efforts to engage parents from diverse ethnic backgrounds (TUSD, 2010a). Additionally, through Academic Reflections/Reflecciones del Proceso Académico, students and parents meet quarterly with MAS and SJEP staff to discuss their educational experience (TUSD, 2010d). Students were engaged with the community beyond the classroom. Students had social and enrichment interactions, like a cookout with author Stella Pope Duarte (SR, personal communication, October 27, 2017). Students in the SJEP program also had opportunities to share their knowledge with their community at Pima County Public Library branches and the Tucson Festival of Books.

The Hispanic Studies program, which later became MAS, was designed to address racial and ethnic disparities in academic success among Hispanic students. By 2011, education scholars and state-sanctioned auditors determined that the program had been successful at advancing academic achievement for MAS students (Cabrera, Milem, & Marx 2012; Cabrera, Milem, Jaquette, & Marx, 2014; Cambium, 2011). Participating students were predominantly Hispanic/Latinx, yet students of diverse backgrounds participated in and benefited from the program. Of the 1,343 middle and high school students in the TUSD MAS Department Programs “[t]he ethnic breakdown of the population involves over 90% Hispanic, followed by 5% White/Anglo, 2% Native American, 1.5% African American, and just under 0.50% for both Asian American and Multi-Racial ethnicities” (Cambium, 2011, p. 6).

A state-sanctioned, independent audit of the MAS program, conducted by Cambium Learning Inc. & National Academic Educational Partners, found that students in the MAS program graduated at higher rates and were more likely to pass state subject tests than those not in the program. The Cambium audit (2011) reported that MAS students graduated at higher rates than those not in the program and that student achievement was in part a result of the engagement, self-reflection, and newfound interest in schooling instilled in students in the program. As stated, this data was true for students of all backgrounds participating in the MAS courses, not just Mexican American students. Students also gained skills beyond academic achievement, e.g., voice, agency, and critical thinking skills. Through SJEP, students learned “self-advocacy” and began to see themselves as “knowledgeable, intellectual, capable, and empowered,” which countered feelings developed in past educational experiences lacking multicultural perspectives (Cammarota, 2007, p. 90).

### ***1.5.7 Scrutiny of TUSD MAS***

One incident marked the beginning of state scrutiny of the MAS program. Dolores Huerta, Chicana labor organizer and cofounder of the United Farm Workers Union with César Chávez, was a guest speaker for an optional program intended to inspire students at Tucson High Magnet School on April 3, 2006. She spoke with the students and during her speech stated, “Republicans hate Latinos” (Huerta, 2006, 14:43). This statement led to state concern and scrutiny. Following this incident, on April 20, 2006, TUSD Superintendent Roger Pfeuffer and Tucson High Principal Abel Morado spoke at a bipartisan legislative committee, the House Select Committee on Government Operations Performance and Waste, to discuss Huerta’s speech (Arizona House of Representatives, 2006). Phoenix legislators discussed political speech

in schools, with Republicans pushing for more state oversight and accountability and Democrats insisting this should be handled on a local school board level (Scarpinato, 2006).

Republican Arizona Superintendent of Public Instruction Tom Horne learned of Dolores Huerta's statement and reacted by sending a Latina Republican representative from his office to speak to students at Tucson High Magnet School on May 12, 2006. In her address to the students, Margaret Garcia Dugan shared that Huerta's statement was not true. She identified herself as Latina and stated that, like many other "Latinos," she had been welcomed into the Republican Party (Dugan, 2006, para. 3). Students were asked to submit their questions for Dugan before the event. A former MAS teacher shared that Huerta's visit was an open dialogue, while Dugan's visit limited student engagement, which made them feel censored (NG, personal communication, November 12, 2017). In protest, students placed tape over their mouths and revealed t-shirts that said, "you can silence my voice but never my spirit," stood up in unison and turned their backs to Dugan, raising one fist in front of them. More than 200 students walked out during Dugan's speech. This series of incidents spurred Horne's critiques and scrutiny of the MAS program.

Horne was the Arizona Superintendent of Public Instruction from 2003-2011, and in 2010 was elected to the position of Arizona Attorney General. He consistently communicated his foundational philosophy and motivations behind his opposition to TUSD MAS and interest in dismantling the program. On June 11, 2007, Tom Horne wrote an open letter to the citizens of Tucson on behalf of the Arizona Department of Education. In this letter, Horne detailed various reasons the TUSD Ethnic Studies Program (MAS) should be "terminated" and urged the citizens of Tucson to act immediately to eliminate the program (Horne, 2007). Horne presented the message that offering a program or course designed primarily for students of a particular

ethnic group is racist and segregationist. He asserted how the program contradicts his fundamental philosophy that “. . . people are individuals, not exemplars of racial groups. What is important about people is what they know, what they can do, their ability to appreciate beauty, their character, and not what race into which they are born” (Horne, 2007, p. 1). This statement reveals his color-blind and meritocratic worldview, that race does not exist as a social determinant of success and if people work hard enough they will be successful, regardless of race. Horne cited Martin Luther King, Jr.’s “I Have a Dream” speech and his personal experience marching on Washington in 1963 as the foundational inspiration for this belief, and stated that ethnic studies teaches the opposite of King’s message (Horne, 2007). This statement is selectively cherry-picking and strategically co-opting King’s message without acknowledging the larger context of King’s work to achieve civil rights for racialized people.

Interviews, official statements, and press releases in opposition to the continuation of the MAS program contained the exact same messages that were initially presented in Horne’s 2007 letter. Some text is word-for-word identical as long as three years later in Horne’s final statement as Arizona Superintendent of Public Instruction, declaring that the MAS program was in violation of A.R.S. § 15-112 (Horne, 2010). The points outlined in Horne’s initial open letter laid the foundation for subsequent analyses and critiques of TUSD MAS.

Horne (2007) claimed that there was overwhelming evidence that TUSD ethnic studies taught “ethnic chauvinism” and presented various passages from lessons and texts used in the program to prove this. He presented the historical textbook, *The Mexican American Heritage* by Carlos M. Jimenez, to highlight several passages pulled from the chapter, “The Loss of Aztlán.” He quoted the text, “Apparently the U.S. is having as little success in keeping the Mexicans out of Aztlán as Mexico had when they tried to keep the North Americans out of Texas in 1830”

(Jimenez, 1994, p. 107, as cited in Horne, 2007, p. 3; 2010, p. 7), and analyzed the text stating, “In other words, books paid for by American taxpayers used in American public schools are gloating over the difficulty we are having in controlling the border” (Horne, 2007, p. 3; 2010, p. 8). Horne’s concern demonstrated a nationalist view of border politics that included an “us versus them” sentiment toward Mexico and would not consider any utility of the text. In an ethnic studies course, the Jimenez statement, for example, may serve as a tool for critical discussion about what border politics exist in contemporary compared with historical times. It is also possible that other content within the text would be used in the courses, rather than the cited text.

Horne presented textbooks, poetry, and song lyrics that “students are being taught” which contain accounts stating that Mexico was obtained by the United States dishonestly and violently, express ideas about historical and continued colonization of Mexican and Mexican American peoples, and conceptualize critical race theory, Whiteness, and White privilege. Horne’s summarizing analysis confirmed, “All of these kinds of racist propaganda are fed to young and impressionable students, who swallow them whole...The education they are receiving, to deal with disagreements in an uncivil manner, will be dysfunctional for them as adults” (Horne, 2010, p. 9). Horne’s interpretation of the pedagogy of the program did not align with what MAS promoted, the Freirian model of empowering engagement of students in their own learning. His claims also demonstrated a fundamental concern with the basic elements of ethnic studies that introduce counterstories of varied racial, national, and cultural perspectives and are actively anti-racist and decolonizing.

Horne’s successor as Superintendent of Public Instruction, Republican John Huppenthal, continued to build on Horne’s message. Huppenthal’s 2011 press release expressed a value for

individualism. His evidence for the claim that the program advocates ethnic solidarity rather than treating students as individuals was that “Reviewed Mexican American Studies Program materials repeatedly emphasize the importance of building Latino nationalism and unity versus identifying students as individuals” (Arizona Department of Education, 2011a, p. 1).

Huppenthal stated he does not have a “simplistic view of our historical narrative” and that history must reflect a range of viewpoints, explaining that he wanted to ensure students “aren’t being indoctrinated” because “It’s not just in America, it’s all the way back through history. And what we want to do is create a society in which everybody is working for a better tomorrow, not working to get even” (Huppenthal, 2012, para. 28). He referred to the MAS treatment of controversial subjects as indoctrination of students “...into a Paulo Freirean-Marxian kind of style of thinking about racial attitudes” (Huppenthal, 2012, para. 65).

Huppenthal evaluated the program as a “political philosophy under the disguise of Mexican-American studies” (Huppenthal, 2012, para.14). Huppenthal referred to the texts as essentially problematic because of the authors’ political affiliations.

Some non-MAS teachers were critical and unsupportive of the TUSD MAS program, teachers, and students. A January 2011 report from Horne stated, “[John] Ward is one of several teachers cited as witnesses in Attorney General Tom Horne's findings... Ward is the only teacher who didn't comment anonymously” (Grado, 2011). One former MAS teacher shared,

I had colleagues that I’d taught with for 20 years who said, ‘Yeah, I thought you were doing something wrong.’ ‘You know, I was really against those classes,’ or ‘Why are you suing the state when you know we could lose all this money?’ ‘Why are you insisting you want to keep teaching these classes?’ It was really tough and so our community did become divided. (SR, personal communication, October 27, 2017)

Friends and family members of students and teachers questioned the program. One student shared that family would ask about what the program was really teaching, “There was a questioning of the program just because, you know, you are searching for something, you’re questioning the status quo and that’s dangerous” (LS, personal communication, November 3, 2017). One former TUSD teacher shared that her friend from Phoenix was staying informed through Phoenix news media and asked her to explain what was going on Tucson. The teacher, shared, “It’s like you’re guilty because they had to pass a law against your classes. You must’ve been doing something wrong” (SR, personal communication, October 27, 2017).

Although TUSD Ethnic Studies consisted of multiple departments, MAS was the only program that was consistently scrutinized for its curriculum materials. Community members singled out the TUSD MAS program and submitted Freedom of Information Act (FOIA) requests to review MAS curriculum and materials. Norma Gonzalez, former MAS curriculum specialist, was aware of several FOIA processes of producing material and participated in at least one meeting with community members who had submitted a FOIA request.

The critiques of the program were expressed through overt accusations documented in news articles, interviews, legal documents, and press releases as well as through passive, suggestive language. The ultimate elimination of the MAS program and removal of course content, curriculum, and pedagogy was based on the claims that the program segregated students by ethnicity, promoted ethnic chauvinism, taught students they are oppressed, and indoctrinated students to radical, political activism.

### ***1.5.8 Legal battles around TUSD MAS***



Between 2008 and 2010, Republican legislators crafted and proposed three consecutive Senate bills to eliminate the TUSD MAS program on the grounds it would “denigrate American values and the teachings of Western civilization,” segregate students according to ethnicity, and advocate for ethnic solidarity (Arizona State Legislature, 2008, 2009a).

Senator Pearce introduced Senate Bill 1108, the original “anti-ethnic studies bill,” as an amendment to a homeland security bill. “Introduced in April 2008, the amendment sought to effectively eliminate ethnic studies and ethnic-related student groups from state-funded educational institutions in Arizona at all levels...Proponents of the bill argued that the ethnic studies programs espoused anti-Western teachings and anti-American values” (O’Leary and Romero, 2011, p. 12).

Senate Bill 1069 was introduced by Arizona Republican Senator Jonathan Paton in June 2009. The bill stated, “public school pupils should be taught to treat and value each other as individuals and not based on ethnic background” (Arizona State Legislature, 2009b, p. 1). Its “prohibited courses and classes” text stated that no school district or charter school courses should be “designed primarily for pupils of a particular ethnic group” or “advocate ethnic solidarity instead of the treatment of pupils as individuals” (Arizona State Legislature, 2009b, p. 1). Horne drafted the bill to give the Superintendent (himself at the time) the authority to enforce the bill (González v. Douglas, 2017). Neither Senate Bill 1108 (2008) nor Senate Bill 1069 (2009) passed, although both influenced the third bill in content and language.

Horne and Huppenthal spearheaded the development of House Bill 2281 to eliminate the MAS program. On April 29, 2010, the Arizona House of Representatives passed the ban on ethnic studies programs in Arizona by a vote of 32 - 26. The vote was nearly divided by party affiliation. Thirty-two “yes” votes were from Republican representatives. Twenty-five “no”

votes were from Democratic representatives; one Republican voted “no” (Arizona State Legislature, 2010). On May 11, 2010, Governor Jan Brewer signed the bill into two laws, Arizona Revised Statutes (A.R.S.) §§ 15-111 and 15-112 (Arizona State Legislature, 2012a; 2012b).<sup>21</sup> A.R.S. § 15-112 states that no school or district shall include any courses or classes that “[p]romote the overthrow of the United States government...[p]romote resentment toward a race or class of people...[a]re designed primarily for pupils of a particular ethnic group...[or a]dvocate ethnic solidarity instead of the treatment of pupils as individuals” (2012b). The law states that if the state Superintendent of Public Instruction or Board of Education determines a district or school is in violation of this law, the school will receive a notice and have 60 days to comply. The Department of Education may withhold up to ten percent of its state aid for non-compliance (Arizona State Legislature, 2012b).

The law took effect on January 1, 2011, Huppenthal’s first day as Superintendent of Public Instruction. The TUSD school board passed a “Resolution to Implement Ethnic Studies in Tucson Unified School District in Accordance with All Applicable Laws” on December 30, 2010 recognizing that MAS benefitted students and affirming it was implemented in accordance with the pending laws (TUSD No. 1, 2010). Huppenthal ordered an “impartial, unbiased” audit of the program by an independent education firm, Cambium Learning Inc. (Arizona Department of Education, 2011b). In May 2011, Cambium, in collaboration with National Academic Educational Partnership, issued a 120-page report that found the MAS program was “designed to improve student achievement,” “student achievement has occurred and is closing the achievement gap,” and “no observable evidence was present to suggest that Arizona Revised Statutes 15-112(A) is in violation of the law within any observed classroom in the Tucson Unified School District.” (Cambium, 2011, p. 68). Upon receiving this report, Huppenthal

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<sup>21</sup> See Appendix D: A.R.S. §§ 15-111 and 15-112.

pursued his own investigation and review of MAS classroom materials and instructional content, concluding that the MAS program was not in compliance with A.R.S. § 15-112 (Arizona Department of Education, 2011a). TUSD then appealed Superintendent Huppenthal's "notice of violation" and requested an administrative legal hearing to determine whether TUSD was acting in violation of the law (TUSD, 2011b).

The administrative hearing that effectively led to the end of the MAS program was held in December 2011. Sandra Stotsky, University of Arkansas professor of education reform, served as the Arizona Department of Education witness and stated that she was not aware of any program or curriculum that proved academic or empirical effectiveness based on Freire's pedagogy in K-12 education (Office of Administrative Hearings, 2011). Stotsky claimed the MAS program was lacking balance and "opined that the MAS materials she reviewed identified Latinos as the oppressed and 'Whites' as the oppressor, and were designed to arouse emotion in the Latinos" (Office of Administrative Hearings, 2011, p. 19). This statement reveals concern with the foundational aspects of ethnic studies, addressing racialized oppression and injustice, which has the potential to arouse emotion in anyone. Judge Kowal stated MAS teaching was "biased, political" and "emotionally charged, which "promotes social or political activism against the white people, promotes racial resentment, and advocates ethnic solidarity, instead of treating pupils as individuals" (Office of Administrative Hearings, 2011, p. 35). Judge Kowal ruled the program in violation of A.R.S. § 15-112, declaring specifically that at least one course or class promoted resentment toward a race or class of people, that it was designed primarily for pupils of a particular ethnic group, and that it advocated ethnic solidarity rather than treatment of pupils as individuals (Arizona Attorney General, 2011). This was the ruling that effectively led the district to end the MAS program, as it previously existed. Rather than risk losing up to

ten percent of state funding, the district suspended courses and removed teaching materials from the classrooms following this ruling.

Teachers, students, and parents worked together to take legal action against the Superintendent(s) of Public Instruction. In October 2010, ten teachers and the director of the MAS program<sup>22</sup> filed a lawsuit against Huppenthal in the U.S. District Court of Arizona (Tucson) over the constitutionality of A.R.S. §§ 15-111 and 15-112 (*Acosta v. Huppenthal*, 2010). Over the next five years, the plaintiffs changed as students graduated from high school, and teachers, outside of their role as parents of students, did not have standing in the cases. In March 2013, Judge A. Wallace Tashima of the U.S. District Court of Arizona presided over the case of *Acosta & Dominguez v. Huppenthal*<sup>23</sup> (Arizona Attorney General, 2013). He ruled that while Huppenthal appeared to misunderstand the purpose and value of ethnic studies courses and demonstrated “evidence suggesting an insensitivity to the challenges faced by minority communities in the United States,” the law is not unconstitutional, with one exception (Arizona Attorney General, 2013, p. 2). Tashima found that as A.R.S. § 15-112(A)(3) (“[a]re designed primarily for pupils of a particular ethnic group”), it is facially overbroad and “likely would chill the teaching of legitimate ethnic studies courses” (Arizona Attorney General, 2013, p. 18). He ruled the statute does not limit students’ First Amendment rights to speak freely, although it does restrict students’ right to receive information “because it limits the scope of curricular material” (Arizona Attorney General, 2013, p. 9). In November 2013, students and parents<sup>24</sup> filed an appeal with the United States Court of Appeals for the Ninth Circuit. This appeal focus

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<sup>22</sup> The plaintiffs were Curtis Acosta, Sean Arce, Maya Arce, Maria Federico Brummer, Dolores Carrion, Alexandro Escamilla, Jose Gonzalez, Norma Gonzalez, Lorenzo Lopez, Jr., Korina Eliza Lopez, Rene F. Martinez, Sara “Sally” Rusk, and Yolanda Sotelo (*Acosta v. Huppenthal*, 2010).

<sup>23</sup> The plaintiffs were Curtis Acosta, et al. representing the teachers and Nicholas Dominguez, et al. representing the students (Arizona Attorney General, 2013).

<sup>24</sup> The plaintiffs were Maya Arce, Sean Arce, Korina Eliza Lopez, Lorenzo Lopez, Jr., Margarita Elena Dominguez, and Nicolas Adrian Dominguez (*Arce v. Huppenthal*, 2013).

on the statutes' discrimination against ethnic minorities, with specific reference to the enforcement based on animus towards Mexican Americans as a "politically unpopular group" (*Arce v. Huppenthal*, 2013, p. 1). The plaintiffs invited Freedom to Read Foundation (FTRF) to contribute an amicus brief, which was filed a week later (FTRF, 2013). By 2015, Diane Douglas was the new Superintendent of Public Instruction and became the defendant in the case. In January 2015, in the U.S. Court of Appeals for the Ninth Circuit, after hearing oral arguments on *Arce v. Douglas*<sup>25</sup> stated "there were genuine issues of fact regarding whether the enactment and/or enforcement of § 15-112 was motivated at least in part by a discriminatory intent" and in July 2015 moved the case back to the district court to rule on the plaintiffs' First Amendment viewpoint discrimination claim (*Arce v. Douglas*, 2015). The 2017 U.S. District Court case of Tucson students and parents<sup>26</sup> vs. Superintendent Douglas, alleged "that plaintiff's First and Fourteenth Amendment rights were violated by the enactment and enforcement of Arizona Revised Statutes ("A.R.S.") §§ 15-111 and 15-112 to eliminate Tucson Unified School District's Mexican-American Studies program" (*González v. Douglas*, 2017, p. 1). Judge Tashima ruled that "racial animus motivated the enforcement of A.R.S. § 15-112 against the MAS program," specifically "anti-Mexican-American attitudes" (*González v. Douglas*, 2017, p. 32-39). In 2018, the TUSD board addressed options on the "Re-Integration of Mexican American Studies Back into Tucson Unified School District" and rather than voting on that topic, a substitute motion was made to task the "Culturally Relevant Curriculum directors to do what is necessary to close the achievement gap in TUSD, by way of ethnic studies if necessary" (TUSD No. 1, 2018, p. 5). These court cases and decisions present a legal context for this case study of the dismantling of the MAS program and LIS response to the MAS case.

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<sup>25</sup> The plaintiffs were Maya Arce and Sean Arce (*Arce v. Douglas*, 2015).

<sup>26</sup> The plaintiffs were Noah González, Jesus González, Manuel Barcelo, and Julian Barcelo (*González v. Douglas*, 2017).

## **Chapter 2.0: Literature Review**

The literature review provides a conceptual and theoretical foundation for this study by outlining the racialized history of the United States as the context for the TUSD MAS case. This review details how LIS scholars and practitioners address race and racism. It summarizes intellectual freedom as a professional concept: the ways scholars have expanded the concept in theory and the functional limitations of the concept within LIS. Social justice, critical race theory, and Latinx critical race theory provide foundations for theoretical exploration of intellectual freedom. Finally, the literature review regarding the MAS case provides details to contextualize my research findings.

### ***2.1 Race and racism in the United States***

Race is a social construct that hierarchically distinguishes white people from racialized people who are not considered white, and distinctly organizes those who are not white into groups (Haney-López, 1996, 2000; Omi & Winant, 1994). These race classifications are not essential, fixed characteristics or features, but are subject to change based on societal norms and values. The classifications are used socially and formally in legal, institutional, and political practices, e.g., demographic record keeping, social services, and education. This systematic classification serves the interests of white, Eurocentric people, identities, traditions, norms, and knowledge as it advances white power and oppression of racialized people (Bell, 1992; Gotanda, 1996; McIntosh, 1988; Morrison, 1992). People use this classification system to define themselves and others by perceived essential characteristics. These definitions, in turn, are incorporated back into the dynamic classification system. Conceptions of race can also

become more embedded and fixed as they evolve (Ladson-Billings, 2011). Race conceptions refer to physical features or culture, and increasingly use more abstract categories that define race in the U.S. These categories include complex, inconsistent combinations of characteristics, e.g., skin tone, nationality, speech patterns, fashion choices, residential neighborhoods, and names. Over time, racial systems have grown in complexity regarding ethnicity, nationality, socioeconomic class, and gender (Omi & Winant, 1994). Racial systems also include socially and legally constructed race and ethnicity terms and definitions.

There is no universal definition used to classify Latinx peoples, which is indicative of its arbitrary, dynamic, and evolving social construction. Latinx is an ethnic (not racial) descriptor and noun for individuals in the U.S. with nationalities or ancestries from Spanish or Portuguese speaking countries in the Western Hemisphere (Trucios-Haynes, 2001; Valdes, 1997). The term “Latinx” is complex; it oversimplifies, yet does not seek to generalize a diverse group of people in reductive or essential terms (Valdes, 1997).

Latinxs have been grouped by indeterminate racial characteristics through court cases and government classification (Trucios-Haynes, 2001). The Treaty of Guadalupe granted Mexicans U.S. citizenship, but did not outright name Mexicans as white; it was the Naturalization Act of 1790 that named citizenship as a right for “free white persons” that by default determined Mexicans as white (Godfrey, 2008). An 1897 federal district court case in Texas (*In re Rodríguez*, 1897) contributed to the indeterminate Latinx legal racial classification (Trucios-Haynes, 2001). In this case, the Mexican-born Texan, Ricardo Rodríguez was legally considered white and was granted citizenship and the right to vote. This case demonstrated how U.S. race categories are developed through legal and political measures (Godfrey, 2008).

The U.S. government introduced the term “Hispanic,” and this label has been rejected by some Latinxs as a term related to Spanish colonizers and forced into public discourse (Trucios-Haynes, 2001). The indeterminate racial group status allows discrimination against Latinxs to go unnoticed, because it is not based on *race*. This complexity perpetuates white privilege and racial hierarchies, and limits coalition building among racialized communities (Trucios-Haynes, 2001). It serves as a potential barrier for the longstanding value of LatCrit theory and the development of coalitions with other groups (Chang and Gotanda, 2007). There is an overall lack of theory associated with the complex relationships between ethnicity and race within Latinx studies (Chang and Gotanda, 2007). There is potential for establishing equal protection and antidiscrimination laws that protect Latinxs, by further developing the general definition of race in a way that includes the Latinx experience, particularly addressing how it is positioned as invisible within the black/white paradigm (Trucios-Haynes, 2001).

### ***2.1.1 Racialized subordination and domination***

The dynamic and embedded nature of race in U.S. culture, society, and politics has led to problems with naming and explaining the oppressive racism that is concealed in typical, normalized functions of U.S. society. The term “racism” broadly refers to racialized and ethnicized discrimination and oppression. The combination of subordination, domination, and privilege preserves racism in cultural, social, and political systems of power. Wildman and Davis (1997) detail how discussions of racism predominantly focus on disadvantage and discrimination (i.e., subordination and domination), which masks systems of privilege. First, people use language of “racism” on an individual level. For example, by calling someone “racist” there is an individual focus that does not acknowledge the cultural, social, and legal context that fostered such behavior. This focus addresses people’s individual racist behavior



rather than addressing the design and function of racist systems and structures. Second, the language of racism suggests that race is made up of two seemingly equal, neutral, and parallel parts of black and white. This language omits other non-white cultural, racial, and ethnic groups as well as the disparities among white groups and various racialized groups. Scholarly and practical focuses on embedded forms of racism within the cultural, social, and political systems of power that preserve the power of racism facilitate specific naming and dismantling of racism (Wildman & Davis, 1997). Whiteness and white privilege are examples of cultural, social, and political systems that preserve the power of racism.

### ***2.1.2 Whiteness and white privilege***

White identity is not natural or fixed, but has been legally and socially constructed in the United States (Davis, 1996; Haney López, 1996, 2000). There is no essential definition or criteria that determines someone's "whiteness." Whiteness is established by what it is *not*, most commonly as the opposite of black identity (Davis, 1996). This concept of whiteness has been socially developed and utilized to establish white power, dominance, and privilege. White privilege is a normalized racist societal system. White privilege uses a race classification system to allocate unearned advantages and benefits to those who look, seem, and act white. Peggy McIntosh (1988) conceptualized white privilege by outlining a number of social, political, and economic benefits that white people carry in an "invisible knapsack" everywhere they go. They do not have to be conscious or consenting of this privilege to benefit from it. It is an inheritance from the way society has constructed and continued to use the concept of whiteness. One benefit of white privilege is that white people are not expected to deal with issues of race or racism, which can lead to avoidance and neglect. Large institutions, such as educational

institutions and libraries, can foster “White Institutional Presence” which is the collective incorporation of white values, norms, and practices (Gusa, 2010). Professional fields that are made up of predominantly white scholars, educators, administrators, and staff advance white privilege within the knowledge, systems, structures, policies, and practices they create and employ.

The LIS profession is predominantly white, with 88% of public, academic, and school librarians identifying as white in 2009-2010 (American Library Association [ALA], 2012c). LIS literature addressing whiteness between 2006-2016 generally “underscored that (1) whiteness is a default—yet unspoken—phenomenon and that (2) whiteness is not a biological reality but rather a social and ideological construct” (Espinal, Sutherland, & Roh, 2018, p. 149). Todd Honma pointedly asked, “Why is the [LIS] field so glaringly white yet no one wants to talk about whiteness and white privilege?” (2005, p. 1). In 2001, Isabel Espinal called on the profession to recognize and identify whiteness in LIS in order to address the destructive impact it has on librarians and the whole profession (Espinal, 2001).

Historical and contemporary scholarship acknowledging whiteness within LIS reveal racialized subordination and dominance. Most library historians failed to acknowledge whiteness and the oppressive power of whiteness within historical library narratives (Honma, 2005). Scholarship of public library collections during the 1900s demonstrates a professional foundation of whiteness in libraries (Hand, 2012). The historical foundations of whiteness and white privilege persist as influential in the contemporary values, norms, and practices in LIS. If left unaddressed, the racialized dominance and subordination is continually reproduced within the field (Honma, 2005; Pawley, 2006; Peterson, 1996; Hudson, 2017).

### ***2.1.3 Race and racism in Library and Information Science (LIS)***

LIS professional knowledge, philosophies, policies, and practices have contributed to and perpetuated a cultural, social, and political legacy of subordination and dominance based on race and ethnicity. This section presents conceptual and practical foundations of LIS that continue to maintain or advance racism in the field.

LIS scholars' critical examinations of public library history reveal racist traditions of subordination and dominance of racialized people (Honma, 2005; Pawley, 2006). Subordination is the hierarchical system of organizing people based on their race, ethnicity, or nationality. Subordination is mobilized in oppressive acts of white dominance over racialized people. This dominance can be intentionally overt, or it can be embedded in professional language and practices. Overt examples include segregation in LIS practice and professional operations (Battles, 2008; Fultz, 2006; Jones, 2004; Malone, 2000; Patterson, 2006). Embedded examples include the ways libraries' foundational principles are rooted in "white ethnic assimilation and meritocratic advancement," which failed to recognize discrimination based on race (Honma, 2005, p. 5), plus the sociopolitical context of practices.

Branch public libraries were established in the 1880s and 1890s to serve urban areas, provide popular materials, and to provide services to special populations, like immigrant communities, non-native English speakers, and in some cases to African Americans in the U.S. north (Jones, 2004). In the U.S. south, public libraries became more common in the early twentieth century (Cresswell, 1996). Public libraries as government agencies engaged with immigrants in their "Americanization," which included English language instruction and preparation and instruction for citizenship (P. Jones, 1999; Latham, 2013). Other examples of historical public library services for immigrants include maintenance of foreign language

collections, outreach to schools teaching immigrant students, library staff training, and cultural celebrations (P. Jones, 1999).

LIS professionals have historically negotiated tensions between conservative and progressive approaches to practice. While historically public librarians were conservative in prioritizing cultural subtraction and conversion to whiteness, some progressive librarians supported cultural preservation of immigrant communities (Latham, 2013). Librarians practiced racialized subordination and dominance through Americanization efforts that sought to “improve” individuals through linguistic and cultural assimilation to whiteness. Public librarians provided services to immigrant communities and non-native English speakers in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries (Pokorny, 2003). Historical perspectives on library services to immigrant communities are presented from “progressive” or “revisionist” viewpoints (P. Jones, 1999). For example, progressive viewpoints document [white] librarians working with immigrants as “motivated by egalitarian principles and the ideal of public education” (P. Jones, 1999, p. 195). Revisionist viewpoints document [white] librarians working with immigrants as “motivated by authoritarian principles and the ideal of social control by an intellectual elite” (P. Jones, 1999, p. 195).

Americanization programs specifically moved *Anglo European* ethnic populations into whiteness. Certain racialized segments of the population were excluded from such efforts, i.e., American Indians, Chicanxs, African Americans, and Asian Americans (Honma, 2005; Jones, 2004). While progressive librarians made efforts toward inclusion, a specific look at race, ethnicity, and whiteness shows that efforts did not benefit all individuals. Some public libraries excluded African American patrons outright, while others offered segregated services motivated

by Jim Crow laws (Cresswell, 1996). African Americans protested at city libraries during the civil rights movement and by 1964 libraries were legally desegregated (Cresswell, 1996).

Librarians' contemporary professional philosophies, terminology, and practice reflect continued racialized subordination and dominance. The library profession has developed a professional practice vocabulary that reveals the underlying assumptions about libraries as savior institutions (Haider & Bawden, 2006, 2007) and librarianship as a vocation (Ettarh, 2018). Librarians have rooted professional values for *service* in philosophies of *mission* and *ministry*, which has resulted in practices that necessarily placed librarians and patrons in power relationships of "the helpers" and "the helped" (Haider & Bawden, 2006, 2007).

Librarians' organization of information is a western model that traditionally does not adequately represent or support Indigenous knowledge (Littletree & Metoyer, 2015) and libraries in general have not traditionally supported Indigenous knowledge and learning (Brown, 2017). Catalogers are limited by the biases in the controlled vocabulary terminology of subject heading lists and rigidly structured classifications. Mainstream standards minimize the value of those outside of the mainstream. Information is forced into pigeonholes designed to reflect mainstream values, identities, and experiences, e.g, the term "poor" is used rather than humanizing with "poor people" (Olson & Schlegl, 2001), or placing people first by stating "people experiencing poverty." The professional values and classification vocabulary impact library service and practice. Librarians have opportunities to identify and apply Indigenous, Latinx, Eastern, and additional frameworks that acknowledge and respect communities' information practices without commodifying people or appropriating cultural elements.

Librarians describe their "services to" specific populations, which is a linguistic construct that divides librarianship into "the (knowing) service providers and (unknowing)

recipients” (Pawley, 2006, p. 160). This is supported in a professional reliance on a deficit-based approach that situates communities as lacking and “information poor,” based on Western conceptions of information wealth (Haider & Bawden, 2006, 2007; Hudson, 2012). The digital divide reflects inequalities of information access and resources. Scholars have distinguished a divide between the “information rich” or “information-wealthy” and the “information poor” (Butcher, 2009; Gell, 1979) based on technological infrastructure and access to data. Both Butcher (2009) and Gell (1979) related wealth of information to the accumulation or holding of power. This perspective establishes a binary oppositional relationship between those considered information rich and information poor. By naming those who are information rich as *powerful*, this implies that those who are information poor are *powerless*. This supports the service discourse that presents racialized communities and individuals as deficient and needy. LIS vocabulary rooted in “an imperial ideology that defined people of color as inferior” has created a legacy that maintains the underlying approach to library services to deficient communities of color that are in need of remediation (Pawley, 2006, p. 159).

Librarians practice racialized subordination and dominance by centering and prioritizing white Anglocentric knowledge and information in library collections. Since the early years of public librarianship in the U.S., librarians have built collections that meet the needs of their community *and* the demands of their funding sources and governing boards. Public libraries’ history of services were initially designed to satisfy the information needs of *librarians*, as they assumed that the user populations would have the same interests and information needs as them; or through education and reading, those populations would *eventually* come to share the librarians’ interests and needs (Evans, 1976).

We are dealing with a small crowd of people whom we call "our public." Who are the public? Why, you and I, and my family, and others just like us. They want just the same things that we do, and to be accommodated in just the same way that we do. The public is no indefinite, intangible somebody. It is just "we." (Countryman, 1920, as cited in Evans, 1976; LaFlamme, 2007)

This manner of thought and assumption would ultimately harm libraries and their communities. "They" almost certainly do not want just the same things that 'we' do, and libraries that miss this point are destined to be, at best, out of touch, and at worst, complicit in the invisibility of anything or anyone outside the dominant culture" (LaFlamme, 2007, p. 55).

Librarians employed social control efforts in the late 1800s to develop collections of the "best books" to positively influence the mindset and behavior of their patrons (Wiegand, 1999). Library leaders and librarians were "WASP" (white, anglo-saxon, protestant), middle-class men, and later, women who looked to publishers and reviewers to select the best books for their constituents (Wiegand, 1999). Librarians have continually added and maintained racist materials within public library collections (Burke, 2010; Bussert, 2012). Library collections still support the social power and influence of whiteness and white supremacy (Wickham & Sweeney, 2018). Contemporary LIS promotes diversity in collections through its collection development and intellectual freedom policies, although diverse collections and multicultural collections do not solve the problems of systemically racist collection development, classification/cataloging, or other information access issues.

Librarians practice racialized subordination and dominance by neglecting strategic anti-racist efforts in the centering and prioritizing of multiculturalism and diversity within the field.

LIS guiding documents, like the American Library Association<sup>27</sup> (ALA) Library Bill of Rights,<sup>28</sup> have prioritized and continue to prioritize diversity and multiculturalism as a value with the effort to include many voices, perspectives across professional roles, library practices, and library collections (ALA, 1996).

During the 1980s and 1990s, “multiculturalism” became a preferred term for LIS, rather than addressing issues of whiteness, race, or racialized oppression (Pawley, 2006). In the 2000s, “diversity” is the term frequently used to address issues related to race, ethnicity, or racialized oppression (Hudson, 2017). ALA named “diversity” as one of its key action areas since 1997 and in 1999 established its Office for Diversity (ALA, n.d.). Increasingly, LIS training sessions and workshops are centered on diversity, cultural competence, and inclusion (Hudson, 2017). Critical librarians and scholars, David J. Hudson and Gina Schlesselman-Tarango critiqued liberal racial politics within LIS that point to self-work, self-improvement as institutional and individual strategies to address racism, that people can learn or un-learn racism, which does not acknowledge or address systemic racism or white supremacy (2016). The individualist approach encouraging self-work through education, training, cultural exposure, policy change, etc. is not addressing the social, political, or historical context of the profession (Hudson & Schlessman-Tarango, 2016). An additional approach to include *more* racial, ethnic, and cultural representation does nothing to address or dismantle systemic racism. “The presence or absence of racial heterogeneity...is not per se a measure of racial justice” (Hudson, 2017, p. 13).

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<sup>27</sup> American Library Association is a professional association that was founded in 1876 “to provide leadership for the development, promotion and improvement of library and information services and the profession of librarianship in order to enhance learning and ensure access to information for all” (ALA, n.d.). ALA continues this mission today and has significant influence in LIS education, professional development, policies, and procedures (McCook, 2002).

<sup>28</sup> See Appendix E: ALA Library Bill of Rights.



LIS scholars and practitioners have opportunities to identify and dismantle systemic and institutional barriers in library philosophies, practices, and policies rooted in racist legacies of subordination and dominance. Librarians must question the traditional assumptions of the profession, commit to the recognition of various points of view, and reflectively question individual perceptions and assumptions (Hussey, 2010). By acknowledging whiteness and race, LIS scholars and practitioners increase professional capacity to identify and dismantle racism and racialized oppression.

## ***2.2 Intellectual freedom***

Intellectual freedom is not a natural, fixed concept, but a social construct that over time legal, education, and LIS scholars have constructed for theoretical and practical purposes. LIS, education, and other fields theorized, conceptualized, and applied policies and practices in libraries, schools, universities, and other institutions in the United States that defined and shaped intellectual freedom over time as a necessary element for intellectual and societal progress. These frameworks define intellectual freedom as a human and cultural right to free thought and beliefs; the right to effectively seek, access, and share information; and the right to gain, create, and disseminate knowledge. This freedom rejects censorship and suppression of privacy and confidentiality. This section includes the broader conceptual foundations of intellectual freedom, LIS operations of intellectual freedom, and the limitations of intellectual freedom as a functional concept within the field.

### ***2.2.1 Foundations of intellectual freedom***

Any record of human culture establishing social codes, practices, permissions, and protections of thought, inquiry, and speech contains some foundational concept of intellectual freedom (Alfino, 2014). From ancient Greece to the founding of the United States government, theoretical concepts, legal policies, and social practices have led to modern-day values, policies, and practices for intellectual freedom as “the absence of constraint” and the “positive liberty to develop capabilities for deliberation and choice” (Alfino, 2014, p. 34). Ancient Greek plays and writings included the concept of *parrhesia*, or “frank speech” as a citizen’s right to speak in public and *isegoria* as citizens’ rights to address an assembly (Alfino, 2014, p. 15). John Locke’s *Letter Concerning Toleration* (1784) and Thomas Jefferson’s *Bill for Establishing Religious Freedom* (2003) and *First Inaugural Address* (1920) are bridges between past and current arguments of intellectual freedom that separate civil government from religion and affirming speech and conscience as “part of a process of engaging and combating error” (Alfino, 2014, pp. 18-19). Legal scholar, Akhil Reed Amar analyzed the political context of the development of the Bill of Rights and First Amendment. The Bill of Rights was developed among two contending traditions, the Federalist tradition and the states’-rights tradition (Amar, 1998). The Federalists envisioned a strong national government that would serve to protect the country and individuals from the potentially abusive local governments of the states, which would potentially limit individual and minority rights (Amar, 1998). The state’s-rights traditionalists believed in protecting the country and individuals from the potentially abusive federal government that was not representative of its entire body, as a state government could be. The state government could protect vulnerable minority groups whose values, beliefs, and lives differed from the dominant social majorities that tended to hold power in national

government. The original Bill of Rights reflected the tension between these two traditions and resulted in a compromise that sought to balance both state and federal interests (Amar, 1998).

While the First Amendment outlines a range of distinct rights and freedoms, regarding religion, speech, press, assembly, and petition, the context of its development reveals more about its meaning. The original “First Amendment” was concerned with the size of Congress while the original “Second Amendment” (eventually adopted in 1992 as the Twenty-seventh Amendment) was concerned with Congressional salary. Placed within the context of these two original Constitutional Amendments, what eventually became the First Amendment presents a value for free speech and free press as a significant factor in a working democracy (Amar, 1998). What eventually became the First Amendment was ratified in 1791, and was originally developed as a citizen protection against *Congress* limiting speech. It stated,

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. (U.S. Const. amend. I)

The First Amendment is protection for citizens, to ensure individuals and groups, *and the government*, is not limiting speech.

James Madison, John Stuart Mill, and John Dewey also presented ideas that greatly influenced today’s concepts of intellectual freedom. James Madison’s Federalist Papers: No. 10 (1787) argued that many factions and diversity in the nation would require people to work together to find “solutions that would respect the rights of minorities” (Bill of Rights Institute, n.d., para. 2). John Stuart Mill’s 1859 theory on civil liberties laid the foundation for future discussions of free speech and intellectual freedom. Mill took a libertarian position that societal

and governmental involvement should be minimal. Mill's framework for liberty and a free society supported independent thought on all subjects, free from comment or critique; the freedom to make choices based on individual interest; adults' rights to freely assemble; and ultimate responsibility to resist harm to others and accountability for resulting consequences (Mill, 1859). John Dewey, an early twentieth-century educational philosopher, continued to influence intellectual freedom. Involved in the progressive movement, Dewey saw individuality as important to participatory democracy and believed in "intellectual individualism," the right and responsibility to gain knowledge and possess beliefs regardless of authoritative source (Rabban, 1998, p. 219). Dewey expanded First Amendment concepts by promoting progressive education to nurture students' reflection and critical thinking to develop an open mind and grow intellectually and socially (Rabban, 1998). Dewey argued that attempts to suppress an unpopular idea only dignified the idea and if it were left alone, it would fade away (Dewey essay, as cited by Rabban, 1998). Dewey promoted diversity and criticism of existing ideas as necessary to achieve social progression to a just society. Of course, all of these developments were situated in the progressive era in which racial divisions were established by formal and legal determinations. While Dewey spoke out against racial prejudices, the sociopolitical context of the times would ultimately limit the reach of his theories and practices from supporting racialized populations (Vaughan, 2018).

Madison, Mill, and Dewey's ideas were influential in future conceptualizations of intellectual freedom in LIS. The forms of actions and responsibilities supported by Mill's framework for liberty and free society are carried through to LIS's intellectual freedom principles. Dewey's support for unpopular thought was foundational for libraries in their efforts to support all forms of thought. While the most prominent historical framework in

contemporary LIS contexts are the legal frameworks rooted in the First Amendment of the U.S. Constitution, academic freedom was originally developed in 1915 without reference to the First Amendment as a professional right (American Association of University Professors [AAUP], 1915).

Academic freedom and freedom of speech are operations of intellectual freedom in education. The American Association of University Professors (AAUP) prominently protected academic freedom in higher education through advocacy and development of standards, reports, and policies. The “1915 Declaration of Principles on Academic Freedom and Academic Tenure” stated that academic freedom specific to educators included “freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extramural utterance and action” (AAUP, 1915, p. 292). Their widely endorsed later position, the “1940 Statement of Principles on Academic Freedom and Tenure,” outlined teaching, research, and academic tenure as avenues for educators to exercise academic freedom. The AAUP advocated academic freedom as a First Amendment right and a means to support the common good, which “depends on the free search for truth and its free expression” (AAUP, 1990, p. 3). The Association of College and Research Libraries and AAUP’s “Joint Statement on Faculty Status of College and University Librarians” (ALA, 2012a) was endorsed in 1972 and has been revised through 2012. This statement outlined the importance of academic librarians and libraries in ensuring intellectual freedom for students, faculty, and the entire university. Such freedoms also apply to K-12 education environments.

Court case rulings have established legal precedents to ensure freedom of speech in K-12 schools. Intellectual freedom is interpreted, debated, and applied through the federal system, in national and state legislation and litigation (B. Jones, 1999). The legal definition of

intellectual freedom remains as originally conceptualized by the framers of the Constitution, yet, it is used broadly and generally, leaving current day Supreme Court Justices with the ability to interpret and apply as desired (Lewis, 2007). The case of student protest in *Tinker v. Des Moines Independent Community School District* affirmed students' and teachers' constitutional rights to free speech and expression in schools (1969). Supreme Court rulings of *West Virginia State Board of Education v. Barnette* (1943), *Island Trees Union Free School District Board of Education v. Pico* (1982), and *Hazelwood School District v. Kuhlmeier* (1988) established legal precedents for the limitations of school boards' authority over ideas and information shared in schools, specifically regarding school libraries and student speech. These rulings outline legal boundaries for administrators and boards that support access to information and freedom of expression in public school environments. Beyond the realm of education, intellectual freedom has also been conceptualized in library and information science.

### ***2.2.2 Operations of intellectual freedom in LIS***

Librarians have significantly developed intellectual freedom as its foundational professional philosophy since the early years of the profession (Knox, 2014). A definitive value for intellectual freedom was established in the 1930s, when the Depression, the New Deal, and labor movements enhanced the need for political and social engagement to maintain library support. Political turmoil from Nazi regime activity in Europe and sedition threats in the U.S. solidified LIS interest in maintaining freedom of ideas (Geller, 1984; Von Merveldt, 2007). In response to such threats, a resistant shift moved the focus from *censorship* and *neutrality* to a focus on *freedom* (Geller, 1984). Chicago and Des Moines public librarians developed intellectual freedom policies as early as 1936 (Geller, 1984; Latham, 2009). ALA subsequently

adopted both the ALA Code of Ethics<sup>29</sup> and the Library Bill of Rights in 1939 (ALA 1996; ALA, 2008). Before this point, the Library Bill of Rights addressed “unbiased book selection, a balanced collection, and open meeting rooms” (ALA OIF, 2015, p. 9). ALA was not speaking out consistently in support of intellectual freedom at this point, and many articles conversely seemed to support censorship at this time (ALA OIF, 2015).

The ALA Code of Ethics and Library Bill of Rights established broad principles to serve as a professional ethical *framework* for librarians’ decision-making, rather than functioning as prescriptive rules. They have each been revised in response to developing issues (Geller, 1984; Robbins, 1996; Samek, 2001), such as censorship, equitable access, library users’ rights to privacy and confidentiality, librarians’ resistance to advancing private interests at the expense of library users, librarians’ role in prioritizing professional duties over personal beliefs, and the responsibility to provide access to current and historical information on all points of view, despite any partisan or doctrinal disapproval (ALA, 2013). Today ALA affirms a broad definition of intellectual freedom:

[T]he right of every individual to both seek and receive information from all points of view and all formats without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question, cause or movement may be explored. Privacy is a necessary condition for true intellectual freedom. (ALA OIF, 2015, p. 251)

This definition has not remained fixed over time and influential LIS groups, e.g., ALA Council, Intellectual Freedom Committee (IFC), Committee on Professional Ethics (COPE), and Office for Intellectual Freedom (OIF), continue to promote principles that support a “favorable climate” for intellectual freedom (ALA OIF, 2015). There are 28 interpretations of the Library

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<sup>29</sup> See Appendix F: ALA Code of Ethics.

Bill of Rights that address the applications and practices around the profession’s principles. In 2017, ALA Council adopted the “Equity, Diversity, Inclusion” interpretation to the Library Bill of Rights that stated, “The American Library Association affirms that equity, diversity, and inclusion are central to the promotion and practice of intellectual freedom” (ALA, 2017, para. 1).

Since the 1930s, various organizations have utilized First Amendment frameworks to support intellectual freedom, “freedom to read,” “freedom of inquiry,” and “freedom of access” (Robbins, 1996). In 1953, the ALA and the American Book Publishers Council (now the Association of American Publishers) created the Freedom to Read Statement<sup>30</sup> (ALA, 2004), affirming First Amendment rights. The ALA IFC is a committee of the ALA Council formed to safeguard intellectual freedom rights for library patrons, libraries, and library staff, framed with the First Amendment and the ALA Library Bill of Rights (ALA OIF, 2015).

In 1965 the IFC recommended to ALA’s Executive Board the establishment of the OIF, and in 1967, the OIF opened to focus on policy development (Samek, 2001). This office has developed its current commitment to promote intellectual freedom and support librarians engaged in information challenges (e.g., complaints, challenges, censorship, or surveillance of access, content, or expression). The ALA OIF has partnered with organizations such as American Booksellers Association and Association of American Publishers since 1982 to promote “Banned Books Week,” an annual event to promote intellectual freedom and denounce book banning and book challenges (Knox & Oltmann, 2018; Long, 2006).

In the nineteenth century, early librarians served as paternalistic gatekeepers who discerned “good” and “bad” literature to uplift society and maintain social and moral order (Garrison, 1979; Geller, 1984; Jenkins, 1996). By the early 1900s, Melvil Dewey promoted

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<sup>30</sup> See Appendix G: The Freedom to Read Statement.



library service through “neutral” service (Wiegand, 1999; Samek, 2001). Although intellectual freedom was not articulated as a collective professional value at that point, some librarians were committed to protecting patrons’ rights “to know.” Some librarians rallied around institutional autonomy to reject external censorship during the Progressive Era and against community censorship in the 1920s (Geller, 1984). Some librarians who sought to defend access to information were limited by the profession’s commitment to neutral practice and deference to library boards (Geller, 1984; Robbins, 1996; Samek, 2001). Others, like Abram Korman of Chicago Public Library in the 1930s, were activist in challenging traditional practices in support of intellectual freedom on behalf of their communities’ interests (Latham, 2009).

The ALA Social Responsibilities Round Table denounced ALA’s claim of neutrality in the 1960s (Samek, 1996). LIS scholars and organizations describe the profession as objective and neutral in facilitating intellectual freedom, yet it is and has always been laden with social, legal, and/or professional values and norms. Library professionals have long employed their individual and cultural biases, for example, in designing, updating, and implementing traditional systems of classification and processes for organizing information (Olson, 2002). The LIS attempt to employ a “universal language,” that may be used by *all*, leads to access barriers and exclusion of marginalized community members and those outside of the mainstream (Olson, 2002).

Censorship within LIS has included various definitions and applications to reach what is employed by LIS today, any action or effort that leads to barriers or limitations to access to information or intellectual freedom. While the ALA expressed theoretical principles for free speech and improving access through the Library Bill of Rights, there was no accompanying plan to put theory into practice. Nationwide attempts to censor John Steinbeck’s April 1939

publication of *The Grapes of Wrath* spurred a turning point that led to ALA's developing position on censorship (Krug & Morgan, 2010). This was certainly not the first banned or challenged book in the U.S., but it was one that engaged a noticeably public discourse after the creation of the Library Bill of Rights, with its attention to intellectual freedom. Eleven years later, Bartlesville, Oklahoma public librarian Ruth Brown was accused of providing access to subversive material because of her involvement in racial equity efforts and dismissed from her position. ALA responded to Ruth Brown's dismissal by providing information, an on-site investigation of the case and national publicity of the case, yet they did not save her position (Robbins, 2000). ALA used their new policies to focus on the censorship of specific materials rather than become involved with the social issue related to racial integration; they masked the issue (Robbins, 2000). The ALA had not developed confidence in librarians that they would receive support for enforcing the Library Bill of Rights and its values against censorship.

On one hand, the Library Bill of Rights instructed librarians to embrace all points of view and to combat censorship. On the other hand, ALA provided little support to those librarians who opposed the suppression of alternative materials. In practice, then, ALA disseminated a subtext that offset the formal message of the Library Bill of Rights. The subtext reinforced the preservation of the status quo. (Samek, 2011, p. 9)

These cases called attention to the need for practical plans to connect with the ideological principles (Geller, 1984; Samek, 2001). In the 1960s and 1970s, activist librarians pushed for ALA to take a strong stance to defend its values and to protect librarians legally and financially should they stand against censorship. ALA worked with the Freedom to Read Foundation to align with a legal defense for intellectual freedom (Asato, 2011).

The FTRF was established in 1969 as an ALA-affiliated nonprofit organization. The FTRF's mission is to foster libraries as institutions that fulfill every individual's First Amendment freedoms and uses the Library Bill of Rights to establish legal precedents beyond library policies (ALA OIF, 2015). ALA OIF stated, "U.S. law and regulation ultimately guide the policies and activities of intellectual freedom and libraries because censorship so often is a violation of the First Amendment and treated as a legal matter" (ALA OIF, 2015, p. 10).

The profession still negotiates tensions about defining censorship (Knox & Oltmann, 2018). While the direct acts of censorship are damaging in the restriction of access to information, there are also residual effects of these acts. There is a "shadow of fear" that follows censorship and may lead people to self-censor in accessing, reading, writing, and sharing ideas in order to avoid punishment, controversy, or scrutiny (Robbins, 1996). In school-related censorship, this shadow of fear, also called a "chilling effect" affects students and teachers by limiting their potential intellectual growth, identity development, self-expression, and access to information (Noll, 1994).

A proactive approach to intellectual freedom centers information access as a significant element necessary to achieve intellectual freedom (Mathiesen, 2009). Librarians facilitate access to information through community assessment, engagement, and rejection of deficit-thinking, while acknowledging the expertise and knowledge that exists within communities. As early as 1880, there was documentation of librarians' awareness of the distinct needs of communities (Evans 1976; Worcester and Westbrook 2004). Mary Cutler was recognized as the first librarian to publish about the importance of engaging with communities to inform library service, conceptualizing what would later be named community analysis; she encouraged

librarians to learn about their community, as this was not the professional norm for the times (Dent-Goodman, 2011; Sarling and Van Tassel, 1999).

The LIS field has shifted from a “passive level of service” in the 1940s, which focused on selecting and organizing materials, to an “assertive level of service” by the 1980s, that focused on the community and serving people’s needs and interests (Greer and Hale, 1982, p. 359). The increased importance of community analysis during the 1980s’ financial recession was a means for libraries to maintain and increase community support (Sarling and Van Tassel, 1999). In the 1990s, community analysis was used to assess and respond to information needs related to technology. There was also a greater interest in serving culturally diverse communities at this time. Community engagement counters neutrality for librarianship (Latham, 2009).

Community engagement supports an asset-based approach to assessment and engagement, which fosters collaborations and partnerships. This approach rejects the deficit-based model which views communities as lacking and “information poor” (Haider & Bawden, 2006, 2007; Hudson, 2012). Rather, this approach acknowledges the abundance of knowledge, resources, and networks within the community as community cultural wealth (Yosso, 2005). Asset-based community engagement counters neutrality and improves information access. Nevertheless, the focus on *access* can lead to a passive approach rather than proactive work that intervenes and promotes library services (Muddiman et al., 2001). A proactive approach can be used for facilitating access to support intellectual freedom, in addition to responding to intellectual freedom challenges. Both within and beyond the LIS professional boundaries, international organizations and scholars have conceptualized intellectual freedom as a human right.

### ***2.2.3 Intellectual freedom as a human right***

International human rights and Indigenous rights instruments and philosophical theories expand the socially constructed concept of intellectual freedom within and beyond legal, education, and LIS frameworks. The United Nations (UN) Universal Declaration of Human Rights (2013) outlined the basic human right to freedom of thought, conscience, and religion as well as the right to freedom of opinion and expression without interference. UN Declaration of Rights of Indigenous Peoples (2007) guarantees Indigenous peoples' rights to maintain, control, develop, and practice cultural heritage, knowledge, tradition and customs, religion, language, nationality and to be free from all forms of violence and discrimination. The UN Convention on the Rights of the Child offers protection for minority and Indigenous children's rights "...in community with other members of his or her group, to enjoy his or her own culture, to profess and practise [sic] his or her own religion, or to use his or her own language" (United Nations, 1989).

LIS associations and scholars have developed a foundation for human rights to underpin professional principles and practices around intellectual freedom and access to information (Gorham, Taylor, & Jaeger, 2016; Jaeger, Taylor, & Gorham, 2015; Mathiesen, 2009, 2016; McCook & Phenix, 2007; Samek, 2007). The International Federation of Library Associations and Institutions (IFLA) defended and promoted intellectual freedom as a core responsibility of the global LIS profession (2013). IFLA combined the UN definition of intellectual freedom with American Library Association policies for intellectual freedom and freedom of expression (B. Jones, 1999). Lor and Britz (2007) outlined the concept of *freedom of information*, or the right to access information without interference, as a basic human right necessary for the

development of a knowledge society. They argue that a knowledge society is an extension of an information society that values human capital and knowledge creation. Freedom to access information as a human right includes a fostering of capabilities to actually *utilize* the information, or a “means to achieve” (Britz, Hoffman, Ponelis, Zimmer, & Lor, 2013). The *functions* of seeking, receiving, and imparting information (Lor & Britz, 2007) are distinct from the *capabilities*, which serve as the freedom to effectively *be able* to do so (Sen, 1993; 1999, as cited in Britz et al., 2013). Access to information is a human right and a welfare right, which places a duty on others to provide access (Mathiesen, 2009). This duty is expressed as a professional LIS obligation to uphold the freedom of speech.

The UN Universal Declaration of Human Rights (2013) provides a framework for LIS to employ cultural rights as a professional value and practice (Edwards & Edwards, 2010). The Universal Declaration of Human Rights (2013) details cultural rights as necessarily entwined with other human rights. Implementation of human rights would necessarily depend on social justice systems, while social justice systems must build on human rights for relevance (Jaeger, Taylor & Gorham, 2015). Libraries can support both human rights and social justice systems (Jaeger, Taylor & Gorham, 2015). Information ethics and justice scholar Kay Mathiesen provided recommendations for aligning human rights with cultural diversity by exploring professional ethics with an international framework, using non-western philosophies, and by exploring diverse cultural approaches to issues of privacy, intellectual freedom, and access to information (Mathiesen, 2016). LIS scholars have presented frameworks for human rights beyond legal frameworks; however, they are not employed within LIS policies and practices for intellectual freedom.

#### ***2.2.4 Limitations of intellectual freedom***

Intellectual freedom in LIS is multidimensional as a result of its social construction and its operationalization by a range of institutions. The concept of intellectual freedom, as it has been constructed within the profession, i.e., the right to free thought and beliefs; the right to effectively seek, access, and share information; and the right to gain and create knowledge, is limited in that it does not acknowledge normalized racism or any other discrimination that operates in purportedly neutral frameworks, policies, and practices around intellectual freedom.

The social and historical context of the development of the First Amendment was not one of equality for all people. For example, legal scholar Catharine A. MacKinnon provided a feminist critique of the First Amendment:

“...the social preconditions, the presumptions, that underlie the First Amendment do not apply to women. The First Amendment essentially presumes some level of social equality among people and hence essentially equal social access to the means of expression. In a context of inequality between the sexes, we cannot presume that that is accurate.” (MacKinnon, 1987, p. 129)

Similarly, the First Amendment was not designed to support the rights of racialized people.

Black feminist poet, Audre Lorde critiqued white feminism for its omission of women marginalized by age, (lack of) wealth, sexual orientation, and race and stated,

For the master's tools will never dismantle the master's house. They may allow us temporarily to beat him at his own game, but they will never enable us to bring about genuine change. And this fact is only threatening to those women who still define the master's house as their only source of support. (Lorde, 1983, p. 99)

If LIS uses a legal framework that was not designed to serve racialized people, it may not be effective in addressing racialized intellectual freedom cases.

The LIS profession has struggled to negotiate intellectual freedom with race, ethnicity, and specifically racism. In the 1950s, ALA did not engage in the racial political controversy around the Bartlesville Public Library dismissing librarian Ruth Brown for her race equity work (Robbins, 2000). In 1977, ALA's IFC produced and screened a film about the First Amendment called "The Speaker." The film used an example of allowing a speaker presenting on a genetic theory of racial inferiority, which divided the profession into groups of First Amendment supporters and racial justice supporters (Preer, 2008). In 1986, ALA's OIF decided against endorsing the South African book boycott to remain consistent with value for free flow of information (Preer, 2008). In 2018, ALA was criticized for racial and cultural insensitivity in the creation and dissemination of a Banned Books Week marketing item (Knox & Oltmann, 2018).

ALA has addressed diversity issues, but has not realized functional strategies for addressing or dismantling racism related to intellectual freedom. In 2016, ALA reported, "OIF data shows that attempts to remove books with diverse content are higher than ever before" (ALA, 2016, para. 2). There was no stated strategy to address these censorship attempts; rather, ALA presented an effort to increase access to more diverse literature: ALA's OIF and ALA Office for Diversity, Literacy, and Outreach Services founded a platform to improve libraries' access to diverse content from small independent publishers and authors (ALA, 2016). The 2017 "Equity, Diversity, Inclusion" interpretation to the Library Bill of Rights (ALA, 2017) addresses diversity of origin, age, background, and views, but does not explicitly address race and ethnicity. The definitions for these terms are,



“Origin” encompasses all of the characteristics of individuals that are inherent in the circumstances of their birth. “Age” encompasses all of the characteristics of individuals that are inherent in their levels of development and maturity. “Background” encompasses all of the characteristics of individuals that are a result of their life experiences. “Views” encompass all of the opinions and beliefs held and expressed by individuals. (ALA, 2017, section V).

The LIS profession does not address race and ethnicity related to intellectual freedom explicitly. It does not have functional platforms, practices, or tools for negotiating professional values for social justice around race and ethnicity and intellectual freedom. The LIS intellectual freedom frameworks do not address white supremacy, normalized racism as an embedded, routine part of U.S. society and politics, or any other racialized discrimination that occurs as a result of purportedly unbiased and neutral policies and practices.

### ***2.3 Social justice***

A just society is one that enables all people to fully contribute and benefit in society. In the U.S., social justice does not occur naturally, but must be created or restored by the people within its society. The dominant members of a society generally have the most powerful voice and influence in the nature or state of the society. If movement toward social justice does not benefit dominant members of society, they may not have sustained motivation to create or restore a just society.

#### ***2.3.1 Foundations of social justice***

Scholars from a variety of disciplines, i.e., nursing, public health, medicine, philosophy, law, psychology, sociology, social work, geography, economics, religion, and LIS define and conceptualize social justice (Buettner-Schmidt & Lobo, 2011). Social justice includes fairness, equitable resources and processes, just systems and institutions, equity in human rights and development, and well-being (Buettner-Schmidt & Lobo, 2011). Scholars promote social justice from varying perspectives, highlighting values based on rights (Britz, 2008; Rawls, 1973) and needs (Alexander, 2008; Vincent, 2012).

Britz (2008) developed a moral framework based on social justice that would ensure equitable treatment of marginalized and excluded people within the global information society through the acknowledgement of cultural diversity, human dignity, freedom, and social inclusion. Britz (2008) used John Rawls' theory of justice, liberty principle and difference principle, to develop three core principles of justice. The first is that "all people, irrespective of who they are or where they live in this global Information Society, must be treated equitably and be judged according to the same norms" (Britz, 2008, p. 1175). He explained that justice results in respect for humanity and prioritizing the well-being of humans. The second principle is that "everyone should get what they deserve—be it good or bad" (Britz, 2008, p. 1175). Since societal contexts and individual people differ, Britz (2008) referred to Amartya Sen's (1993; 1999) capability approach to determine what people are capable of, based on opportunities and individual capacity. The third principle acknowledges that all people have equal value; yet, there may still be norms that drive social and economic inequalities. Scholars supported social justice in libraries using a needs-based rationale that direct resources toward those who have the least in material and opportunity, with an emphasis on community partnership, engagement, and co-production of services (Vincent, 2012) because of libraries' ethical, civic, and social

responsibility (Alexander, 2008). LIS scholars, educators, and practitioners have employed social justice strategies in the profession.

### **2.3.2. Social justice in LIS**

LIS professionals and scholars are in positions to challenge power structures, facilitate social influence and change, provide just services, and advance access to information and intellectual freedom. While the guiding documents of the ALA<sup>31</sup> do not explicitly name social justice as a value, their primary principles of access to information, information equity, confidentiality, intellectual freedom, and rights for all people *can* embody and foster social justice for all (McCook, 2001b). In 1969, the Social Responsibilities Round Table (SRRT) became a division within the American Library Association that would engage in social issues. Some librarians saw it clearly aligned with their professional values, while others either did not support those professional values or did not want to engage in social and political issues that would result in controversy (Buschman, Rosenzweig, & Harger, 1994). While the creation of SRRT institutionalized the profession's commitment to social issues, this was not a new professional conflict. Librarians have wrestled with tensions among the profession, for example around the concept of neutrality (Latham, 2009; Lua & Higgins, 2013; Samek, 2001; Stoffle & Tarin, 1994). The SRRT was complemented by the Progressive Librarians Guild (PLG), which took on a more political stance on social responsibility (Kagan, 2015).

In practice, libraries and librarians provide equitable library and information services that foster collaboration and empowerment for all community members and advance social justice. Librarians serve, support, and engage with diverse populations to address distinct needs

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<sup>31</sup> American Library Association guiding documents include the Library Bill of Rights (American Library Association, 1996), Code of Ethics (American Library Association, 2008), and Freedom to Read Statement (American Library Association, 2004).

and interests (Beiriger & Jackson, 2007). Librarians offer support and connections to other people, information, and community engagement for people who have experienced marginalization (Vincent, 2012). Public libraries share power with community members through co-creation of mission statements that guide library decisions (Crawford Barniskis, 2016). Community assessment and engagement allows libraries to get to know their communities as partners for future initiatives and advances cultural awareness (Keller, 1996; McCleer, 2013; Mehra, Albright, & Rioux, 2006). McCook (2001a) highlighted community-based librarianship that includes proactive advocacy and community partnership. An example is Agada's (1999) case study approach to investigate the information needs and interests of an urban, poor African American community. By working with community organizations, Agada (1999) identified gatekeepers that provided access to research participants. This research illustrated the importance of library collaboration with community organizations, beyond conducting demographic research, to provide joint services to resolve community issues. This increases the capacity of all involved agencies, ultimately resulting in benefits for the community.

Some librarians strive to provide services to *all* community members, but oftentimes those efforts fall short of truly meeting the needs of marginalized groups because of the lack of engagement with those communities (Beiriger & Jackson, 2007; DeFaveri, 2005; Gieskes, 2009; Holt, 2006; McCleer, 2013; Muddiman et al., 2001). For example, while people experiencing poverty have access to traditional and mainstream library services, there is little attention to determining the distinct needs and interests of this population (Holt, 2006). Even when librarians make efforts, LIS assumptions about special populations are not always accurate (Chatman, 1991). Traditional library services and access to information can provide a

superficial or passive accessibility for “all” people which occurs when collections, services, and programs are primarily designed for a mainstream population with the argument that they are open for all to enjoy, whether there is relevance, need, or interest (Muddiman et al., 2001). An additional barrier to realizing social justice in LIS practice is a lack of engagement with racialized subordination and domination. LIS ethnic caucuses of ALA have taken stances and action on issues specifically related to social justice. Overall, the LIS engagement with social justice is limited to the margins of the field and does not employ consistent strategies of engaging with racism or actively advancing anti-racism to dismantle systemic and institutional racism.

#### ***2.4 Critical race theory***

Legal scholars, professionals, and activists, including Derrick Bell, Alan David Freeman, and Richard Delgado, developed critical race theory in the 1970s to address subtle forms of racism that emerged after the civil rights era and within critical legal studies (Crenshaw, Gotanda, Peller, & Thomas, 1995). Bell asserted that racism was going to be a long-term, or permanent, part of the United States. He sought to dismantle latent racism embedded within critical legal studies, civil rights law, and antidiscrimination law and scholarship (Bell, 1992; Ladson-Billings, 2011). Freeman (1995) described a near impossibility for black Americans to realize justice based on the limitations of antidiscrimination law. While critical legal scholarship was valued among critical race theorists, the critique was that it overlooked the less obvious, systematic issues and assumptions regarding race and racism (Tate, 1997) and did not reflect the lived experiences of those who suffered at the hand of institutional racism (Yosso, 2005). Delgado (1989) introduced *story* and *voice* in legal practice, research, and

analysis as a method of documenting and understanding lived experiences of racism and discrimination.

Critical race theory is used to uncover racism and discrimination embedded in “normal” and seemingly neutral legal, social, societal, and institutional structures, systems, behavior, and knowledge. It situates issues of race and racism in a broader context to acknowledge and connect the individual experiences, issues, and common occurrences rooted in (mis)conceptions about race and identify the macrolevel patterns and structures of racism (Delgado & Stefancic, 2012).

Education scholars, Gloria Ladson-Billings and William F. Tate, expanded critical race theory in the early 1990s (Ladson-Billings, 2011; Tate, 1997). They drew parallels among society in general, the legal field, and the field of education to address educational inequities that could not be fully understood without the inclusion of race. For example, the field of education has a history of explaining academic achievement gaps with explanations of biological and cultural deficiencies (Ladson-Billings, 2011; Solórzano & Yosso, 2002). The inclusion of race in this issue broadens the explanations to include racialized social and political influences. Tate drew on critical race theory to promote the increased use of *voice* in education scholarship and in examining educational policy and research (1997).

Critical race theory provides analytical tools to reveal the power structures that marginalize and oppress communities based on race, gender, and class (Creswell, 2007). These analytical tools are used to validate and connect theories and realities of lived experiences (Solórzano & Yosso, 2001). Solórzano and Yosso (2001) presented an intellectual genealogy of critical race theory that illustrated linear relationships among related disciplines, yet they also acknowledged the many overlaps and connections that diminish defined hierarchical structures.

### **2.4.1 Branches of critical race theory**

Critical legal scholars initially had a strong emphasis on addressing civil rights legislation and other legal issues related to *black and white* groups and individuals. The same followed when critical race theory was developed out of critical legal studies. The initial theories and concepts neglected to address racialized people who identified, beyond black and white, with nationality, ethnicity, gender, class, sexuality, immigrant status, language, and indigeneity, among other affiliations. The initial critical race theory developments established a black/white binary, which presented legal issues in terms of black experiences and interests in opposition or relationship to white experiences and interests. This discourse limits understanding of the various ways racialized people experience, respond, and resist racism and other oppression (Yosso, 2005).

Women and racialized people with intersectional identities challenged and expanded the initial critical race theory scholarship by developing additional branches of the original discipline. These branches focus on specific cultural issues distinct to race, ethnicity, gender, and sexuality. For example, American Indian scholars have further connected Indigenous peoples' rights, sovereignty, and land issues to the broader critical race theory concepts. Additional branches include AsianCrit, WhiteCrit, FemCrit, LatCrit, QueerCrit, and TribalCrit (Ladson-Billings, 2011; Solórzano & Yosso, 2001). These branches are not mutually exclusive nor do they represent contention in scholarship or affiliation (Yosso, 2005). LatCrit studies is open to all scholars particularly interested in issues related to Latinxs (Valdes, 1997).

### **2.4.2 Latinx critical race (LatCrit) theory**

Latinx critical race theory, also called LatCrit theory, has expanded the explorations of institutional systems of oppression beyond the black/white paradigm. These explorations acknowledge and analyze the many dimensions of Latinx experiences that include, but are not limited to, issues of immigration, citizenship, language, bilingual education, and discrimination based on skin color, or nationality (Delgado & Stefancic, 2012; Johnson, 2011; Trucios-Haynes, 2001). A group of Latinx legal scholars formally named “LatCrit” theory at a colloquium on Latinxs and critical race theory during the 1996 Hispanic National Bar Association’s annual meeting in Puerto Rico (Valdes, 1997). The following year, Francisco Valdes described the LatCrit theoretical development as an opportunity, open to scholars for investigation. Valdes presented a preliminary explanation of LatCrit theory as “the emerging field of legal scholarship that examines critically the social and legal positioning of Latinas/os, especially Latinas/os within the United States, to help rectify the shortcomings of existing social and legal conditions” (1997, p. 3). Twenty years after the development of LatCrit, it is still applied to current issues to explain the nuanced subordination and domination of Latinx people and other racialized peoples (Bender, 2016).

LatCrit theory focuses attention on the diversity and complexities of Latinx communities and can assist with the development of theories around Latinx identification and naming of racial and ethnic discrimination. As a tool to address socio-legal issues affecting Latinxs, LatCrit theory relies on four levels of operation. First, the production of critical knowledge advances understanding of the relationship between Latinxs and the law through historical and present day analyses of society and law as a starting point for further action (Valdes, 1997). Second, the advancement of substantive transformation prioritizes praxis as fundamental to LatCrit theory and is the practical movement of creating change to improve the lives of Latinxs.



Next, the connection of social, political, and economic struggle(s) recognizes the interconnected nature of oppression. LatCrit theory is not exclusively in service to Latinxs, but serves as a bridge to dismantle all forms of oppression (Valdes, 1997). Finally, the cultivation of scholarly community and coalition nurtures the connected network of intellectuals with interest and commitment to improving the law and society to eliminate oppression (Valdes, 1997).

Concepts, such as color-blindness and counterstorytelling, have been adopted by LatCrit theorists and expanded from critical race theory. Color-blindness is the systematic form of racial and ethnic discrimination that privileges Western, Eurocentric, white perspectives as normal and neutral. It is often expressed by someone saying, “I don’t see race,” “Race doesn’t matter,” or “We now live in a post-racial society.” A person who has or takes on a color-blind stance presumes all people are the same and should be treated the same, because race does not matter (Neville & Lilly, 2000). Education scholar Sheri A. Castro Atwater (2008) found that teachers rely on color-blindness as a philosophy in their relational, pedagogical, and curriculum decisions because of perceived advantages or to prevent conflict or appearance of prejudice. By turning a blind eye to race, teachers and society in general are also *unable to see* racism and racial injustices. LatCrit theory expands color-blindness beyond the black/white paradigm to include the invisibility of ethnicity, nationality, citizenship, and language. A color-blind perspective addresses only the most obvious and visible forms of discrimination, but does not address institutional or systemic oppression. Color-blindness does not acknowledge the historical legacy of white social and political dominance. This legacy of dominance, or hegemony, is perpetuated through the development and maintenance of color-blind policy and discriminatory local and federal governance. Racism becomes embedded in thought processes

and social structures and remains a part of the normalized, neutral ways society functions, keeping racialized communities in subordinate positions (Delgado & Stefancic, 2012).

Atwater outlined a historical context for color-blindness that cited its roots to the 1896 case of *Plessy v. Ferguson*, when Justice John Marshall Harlan stated in his dissent,

The white race deems itself to be the dominant race in this country...But in view of the constitution, in the eyes of the law, there is in this country no superior, dominant, ruling class of citizens. Our constitution is color-blind, and neither knows nor tolerates classes among citizens (*Plessy v. Ferguson*, 1896, as cited in Atwater, 2008, p. 246).

Legal scholars considered color-blindness to be a progressive approach to racism and bigotry, to promote equal treatment regardless of race and color (Atwater, 2008). LatCrit theory reveals the ways legal policy is complicit in ongoing oppression by not pointedly “seeing” race or addressing racism (Bender, 2016). It also uses empowerment and voice as tools to name and dismantle the power of subordination and domination.

Empowerment and voice are realized through access to, creation, and sharing of counternarratives, or counterstories. Counterstories are writings and speech that challenge the validity of accepted truths, particularly those maintained by dominant communities (Delgado, 1989; Delgado & Stefancic, 2012). Information that has previously been accepted as truth is critically questioned and challenged through discovery and creation of counterstories. Counterstories challenge “majoritarian,” “monovocal,” “master,” or “standard” stories or narratives that have been developed over time from a legacy of white privilege and are routinely accepted as natural stories of everyday, normal life (Solórzano & Yosso, 2002). Counterstories are developed as first-person accounts, recounts of another’s narrative, or composite stories combining various narratives that may include a social, political, and historical contextual

placement (Solórzano & Yosso, 2002). Counterstorytelling, a form of speech, is used as a method for sharing the stories of those in the margins, giving voice to those who have been traditionally and systematically silenced. It is used as a tool for analyzing and challenging stories of those in power and whose story is considered normal and neutral in the dominant discourse.

Pérez Huber (2009) detailed the way LatCrit theory utilizes *testimonio*, which emerged out of Latin American Studies as a form of documenting and narrating personal experiences of injustice and oppression. Through her research and collaborations with her research participants, Pérez Huber expanded the definition of *testimonio* to “a verbal journey of a witness who speaks to reveal the racial, classed, gendered, and nativist injustices they have suffered as a means of healing, empowerment, and advocacy for a more humane present and future” (2009, p. 644). LatCrit theory, like CRT, has been applied as a theoretical and methodological framework in a variety of disciplines.

### ***2.4.3 Applications of LatCrit theory***

LatCrit theory has been utilized by scholars in the fields of law, ethnic studies, social studies, and prominently in education. In the legal field, LatCrit theory has been used to explore immigrant identity and legal protection within the U.S. for immigrants (Garcia, 2003). Ethnic studies and social studies have examined the way racist perspectives operate destructively within and among Latinx communities. They have explored how Latinxs have internalized and replicated Eurocentric biases, for example demonstrating a stronger emphasis or preference toward their European ancestry rather than their Latin or Indigenous roots, as a way to benefit from white privilege (Valdes, 1997).

Within the education field, scholars have used LatCrit to explore issues of pedagogy (Pacheco, 2012), higher education (Solórzano & Yosso, 2001; Villalpando, 2003), bilingual education (Davila & Aviles de Bradley, 2010), educational inequities (Delgado Bernal, Burciaga, & Carmona, 2012), student criminalization (Portillos, González, & Peguero, 2012), youth resistance (Solórzano & Delgado Bernal, 2001), and how students experienced race, racialization, and racism (Irizarry & Antrop-González, 2013). The power of narrative, or *testimonio*, has been used by LatCrit scholars to name oppression that students have encountered and responded to in schools (Delgado Bernal, Burciaga, & Carmona, 2012). Latinx youth develop skills and knowledge through everyday resistance in their lives, which can be leveraged as resources within the classroom (Pacheco, 2012). Latinx education scholars developed theories, such as “funds of knowledge” (Moll, Amanti, Neff, & González, 1992) and “community cultural wealth” (Yosso, 2005). These theories recognize Latinx students’ cultural and experiential knowledge and assets, and expand exclusive concepts of “capital” in the name of empowerment and social justice.

LatCrit theory and the use of *testimonio* validate and prioritize “the experiential knowledge of People of Color, recognize the power of collective memory and knowledge, and are guided by the larger goals of transformation and empowerment for Communities of Color” (Pérez Huber, 2010, p. 83). *Testimonio* has been used to detail the stories of Latinxs and students without documentation who have navigated and succeeded in higher education (Muñoz & Maldonado, 2011; Pérez Huber, 2010). Daniels (2011) described opportunities for applying LatCrit theory (along with CRT and TribalCrit theory) to education within the social studies domain, with reference to issues of language, immigration, and citizenship.

LatCrit theory has also been used to analyze the professional issues of education. Irizarry and Donaldson (2011) used LatCrit theory to highlight the distinctions between white and Latinx teachers' experiences through the recruitment process to the field of education. Pérez Huber (2010) extended LatCrit theory to develop a conceptual framework focused on the intersections of racism and nativism. This theory explored how historic racial oppression of racialized immigrants has influenced the current issues and experiences of Latinx immigrants and influenced the establishment of a "native" American identity (distinct from American Indian identity) to establish superiority based on who and what is "American." While there have been many developments in the applications of critical race theory and LatCrit theory in education, there are still myriad opportunities for continued application (Ladson-Billings, 2011). There are opportunities for application within the field of LIS as well.

#### ***2.4.4 Critical race theory in LIS***

There has been a "critical community" in LIS for decades, formalized and made visible through associations (Samek, 2007). The PLG has published *Progressive Librarian: A Journal for Critical Studies and Progressive Politics in Librarianship* since 1990. After Samek's 2007 publication of *Librarianship and human rights: A twenty-first century guide*, cataloging activist librarian Sanford Berman recommended a new Library of Congress subject heading, "critical librarianship," to apply to this book (Samek, 2016). Scholarship and discourse became more accessible to practitioners through online platforms such as critlib.org and the Twitter chats using hashtag #critlib in 2014 (Mallon, 2016). Twitter chats using #critlib have centered on topics such as health literacy; organizational culture; publishing, whiteness, and inequities, including "Black Lives Matter"; and responding to ALA on issues of hate speech in meeting

rooms (CritLib, 2018). Since 2006, Library Juice Press has been publishing books that examine LIS topics from a critical perspective, e.g. a text situating LIS ethics related to information literacy in a social context (Lua & Higgins, 2013), a theoretical and practical guide to social justice pedagogy in LIS education (Cooke & Sweeney, 2017), and a text situating reference librarianship history and practice in a social justice context and genealogy (Adler, Beilin, & Tewell, 2018). The *Journal of Critical Library and Information Studies* (JCLIS) launched in 2017 to publish “innovative research that queries and critiques current and prevailing paradigms in library and information studies” (JCLIS, n.d.).

Since the mid-90s, LIS scholars have engaged in critical scholarship to illuminate the racialized subordination and the ubiquitous prevalence and oppressive nature of whiteness within the LIS field (Honma, 2005; Lipsitz, 2008; Peterson, 1996; Pawley, 2006). In 1996, Lorna Peterson called for a multi-tiered approach to proving LIS is serious about the study of race and racism in the profession. She stated that a change in the scholarship to increase numbers of race and racism studies would subsequently give race studies respect as a scholarly domain with integrity and authority, rather than dismissing the work as just people sharing personal experiences (Peterson, 1996). LIS scholarship using critical theories has increased over the past 20 years, while the scholarship using CRT has moved more slowly.

Publication efforts that call for and organize CRT publications support the increased visibility of these works. The inaugural issue of JCLIS contained two articles explicitly exploring race and anti-racism in LIS (Adler, 2017; Hudson, 2017). Library Juice Press started a series on critical race studies and multiculturalism in LIS in 2017 that includes *Teaching for Justice: Implementing Social Justice in the LIS Classroom* (Cooke & Sweeney, 2017); *Topographies of Whiteness: Mapping Whiteness in Library and Information Science*

(Schlesselman-Tarango, 2017); *Pushing the Margins: Women of Color and Intersectionality in LIS* (Chou & Pho, 2018); and two forthcoming books, *Borders and Belonging: Critical Examinations of Library Approaches toward Immigrants* (Ndumu, in press); and *Everywhere and Nowhere: Understanding Diaspora in the Library* (Moreno, in press). While some studies have used broad critical theories to explore race and racism, some are pointedly utilizing CRT research methods and theoretical frameworks to understand racialized bias and oppression in librarianship.

Tracie D. Hall (2012) stated the need for continued use of CRT to connect the micro-level, individual experiences of racism with the macro-level, structural, and institutional forms of racism that function within LIS (2012). CRT frameworks allow scholars to acknowledge less overt, latent injustice based on race and ethnicity, and identify transformative solutions to these problems. The applications of CRT in the education and the legal fields offer tools to analyze information policies and practices to reveal underlying racist assumptions. For example, Espinal (2001) critiqued libraries' use of circulation statistics as a measuring tool for library use, as circulation numbers are culturally and socially relative, not a universal or a neutral measure. This is one example of a standard, normal procedure in libraries that can be understood more deeply using lenses that incorporate cultural and social norms.

CRT has been used in LIS to explore broad topics, such as a critical race analysis on information inequality worldwide (Hudson, 2016) to specific sites of exploration, such as a “critical race information theory” for archival work within the field of Information Studies (Dunbar, 2008). Also related to archives, Bowers, Crowe and Keeran used CRT and feminist theory to critique archives collections for the lack of American Indian voices (2017). LIS education has been a site for critical race scholarship to push the boundaries of accepted norms

at the point of training and preparation for professional practice. For example, scholars seek to enrich LIS curricula by engaging with race and racism (Gibson, Hughes-Hassell, & Threats, 2018) and by using critical pedagogies to incorporate “alternate narratives” in LIS curricula (Cooke, 2016). In knowledge organization, CRT was used for a broad review of knowledge organization and representation to suggest antiracist alternatives to racist findings (Martínez-Ávila, Ferreira, and Magro, 2015) and to specifically analyze library classification schemes (Furner, 2007). Safiya Noble (2012) used CRT to detail the social constructions of gender and race within LIS, in technology, and within Google’s search engine. Noble interrogates “neutrality” and reveals values based on race, gender, class, and politics (2012). Scholars have investigated academic libraries using CRT to address the experiences of racialized students in the academic library and how that related to their academic success (Elteto, Jackson, and Lim, 2008). Other scholars took an institutional approach to studying racism and whiteness within the space, staff, and services of academic libraries and provide recommendations for enacting social justice with antiracist values and practices (Brook, Ellenwood, and Lazzaro, 2015).

LIS scholarship using CRT is mainly focused on literature. Several scholars have used a CRT lens within the field of LIS to examine racial, ethnic, and cultural representation and portrayal in picture book award nominees (Kurz, 2012a), board books (Hughes-Hassell & Cox, 2010), and transitional reader books (Hughes-Hassell, Barkley, & Koehler, 2009). With a different angle on literature, Hughes-Hassell (2013) outlined counterstorytelling as a tool for challenging majoritarian stories and empowering racialized teens. Mabbott (2017) presents African American children’s librarian Charlemae Rollins’ advocacy for positive depictions of African Americans in children’s books in 1932. Mabbott (2017) used CRT as a lens with which



to view the 2014 We Need Diverse Books (WNDB) campaign and presented a call to action for the campaign to become sustainable and permanent.

LIS scholarship using the finer concepts developed out of CRT is limited. As previously stated, the CRT concept of “funds of knowledge” is used in education scholarship to discuss students’ cultural knowledge and experience as knowledge (Moll, Amanti, Neff, & González, 1992). LIS scholars used the concept to discuss cultural competence in LIS (Montiel-Overall, Nuñez & Reyes-Escudero, 2016) and information literacy (Folk, 2018).

LatCrit theory and the theoretical and conceptual branches that have emerged from LatCrit theory are minimally used within LIS literature. In their guidebook to cultural competence, Montiel-Overall, Nuñez & Reyes-Escudero (2016) refer to LatCrit as a tool for revealing racialized barriers. They outlined three elements of cultural competence in Latinx librarianship: that it is asset-based, utilizing authentic caring (Valenzuela, 1999), and acknowledging social inequities that CRT and LatCrit illuminate as discriminatory barriers for Latinx communities (Montiel-Overall, Nuñez & Reyes-Escudero, 2016). In her doctoral dissertation, Robin Fogle Kurz (2012b) utilized CRT and LatCrit lenses to explore a public library’s collection of materials. These lenses reveal the normalization of racism, nativism, and xenophobia in U.S. society and institutions and advance arguments for social justice. The limited application of LatCrit theory in LIS presents a significant research gap that limits the field’s engagement with Latinx issues.

## ***2.5 TUSD MAS***

The following literature provides context for the racialized nature of the MAS case and the censorship of the curriculum, content, and pedagogical assets of the program. Journal

articles documenting the battle against the MAS program were published as early as 2009 (Romero & Arce, 2009; Simpson, 2009). A legal perspective argued that House Bill 2281 would not apply to the Mexican American Studies program because the Superintendent of Public Instruction would have to actually be in the classroom to see *how* materials and curriculum were being presented (Lundholm, 2011). Another perspective from the legal community used Derrick Bell's interest-convergence thesis to outline how it may benefit the MAS program, for its supporters to frame the program in the ways it is beneficial to *all* TUSD students, rather than specifically to Mexican American students (Terry, 2013).

Acosta (2013) contextualized the dismantling, detailing the connections between the elimination of the Mexican American Studies program and the national movement criminalizing and demonizing Chicanx and Latinx youth. This movement was enacted through racial profiling in Arizona, banning undocumented students from universities in Georgia, and lack of humane immigration policies, which results in the dehumanization, denial of human and civil rights, and organized incarceration of Chicanx and Latinx youth (Acosta, 2013). Scholars outlined the racialized nature of neoliberal and neoconservative education reform in the United States and specifically in Arizona (Banks, 2012; Fernández & Hammer, 2012, Gilborn, 2013; Wanberg, 2013).

Richard A. Orozco (2011) conducted document and content analysis to explore Tom Horne's open letter and ARS 15-111 and 15-112 within the theoretical framework of critical race theory to outline the assumptions within these two texts that position whiteness as property in Arizona schools and collectively normalize whiteness as the status quo. The ideological focus was on "Protestant work ethic and the European mobility model" that values individualism, does not *see* race, and asserts that all people start out with the same opportunities, so those who

work hard enough will be successful, disregarding the social and political barriers for some individuals and communities (Cammarota, 2014; Orozco, 2011). In a critical discourse analysis of the socio-political situation, Orozco (2012) described Horne's discursive success in rallying legislators to pass House Bill 2281 into laws, ARS 15-111 and 15-112. He included Horne's attempts in his open letter to demonstrate MAS as foreign, un-American, and inherently bad by using terms that reflect derogatory national discourse around Mexican Americans (Orozco, 2012). He asserted that Horne's success in rallying legislators was realized by the intertextuality, or the repeating and quoting of Horne's message, in the legislative committee hearings. During the committee hearing votes, the legislators asserted their perspectives that echoed the statements made by Tom Horne and House Bill 2281 collaborators (Orozco, 2012).

In a critical discourse study of Tom Horne's campaign against MAS, Michael W. Simpson stated, "By asserting 'We are not racists' and 'We are not a racist society', the dominant group has exercised a strategy of defense against charges of racism and constructed and maintained the dominant white consensus" (2009, p. 24). In this case, the language typically used to name discrimination and social injustice has been co-opted by the program challengers and reversed to call the program racist and segregationist because the legislators and the law "do not see race." These notions of color-blindness further an agenda of exclusive American nationalism and veil the concerted censorship of books and curricula that act as counter-hegemonies and challenge traditional pedagogies (Orozco, 2011). The color-blind ideology privileges a Eurocentric American perspective as neutral and continues to marginalize perspectives, literature, pedagogy, and curricula that challenge its neutral, normal, and "unseen" hegemony.

Wanberg (2013) detailed how this colorblindness enacts a racial neoliberalism that does not discourage institutional racism. While political rhetoric circulated in Tucson calling the curriculum anti-American, teachers and students spoke out about their positive life-changing experiences within the MAS program (Acosta & Mir, 2012). University of Arizona faculty and students documented the events of the dismantling in various forms of media (Cabrera, Meza, & Rodriguez, 2011). The lived experiences and counternarratives of the MAS students illustrate the positive impact of the MAS program, particularly as they compare MAS to the racism they experienced throughout their other educational experiences. These stories contradict colorblind notions that mainstream schooling supports racialized students and that TUSD MAS was harmful for students.

## ***2.6 Research Gap***

This research presents a case study to show how the LIS field has conceptualized and implemented intellectual freedom. It enriches the LIS body of literature by using LatCrit theory to examine a racialized intellectual freedom case and reveal the limitations of intellectual freedom within the field. This dissertation has the potential to benefit LIS scholarship and practice by expanding understanding of the conceptual and applied functions of intellectual freedom.

Various perspectives on the creation and evolution of the TUSD MAS program, the dismantling of this program, and the resulting impacts have been published in press releases, blogs, news media, and scholarly journals. Analyses span fields of education, law, and political science. In the field of LIS, one scholarly analysis was published in 2017 regarding the MAS opposition strategies for censoring school texts and curriculum. This analysis focused on both

indoctrination claims and strategies within the case (Knox, 2017). The use of LatCrit theory benefits LIS research methods, as there has been limited application to other areas of the field. Finally, this work has the potential to benefit LIS practice by revealing limitations of frameworks and practices used to address racialized intellectual freedom cases.

## **Chapter 3.0: Methodology**

### ***3.1 Study design***

This dissertation is a qualitative case study focused on the TUSD MAS program, the dismantling of the MAS program, and local, state, and national LIS professional community responses to the 2006-2012 challenges and dismantling of the MAS program. This case is situated in the historical, social, and political context of LIS and K-12 education to present connections and patterns of barriers to intellectual freedom for racialized people, specifically Mexican Americans in the United States. The historical traditions and contemporary practices in Tucson, Arizona libraries, educational institutions, legal policies, and professional practices have created barriers limiting access to information and intellectual freedom, specifically for Mexican Americans. The primary purpose of this dissertation is to reveal the limitations of intellectual freedom for Mexican Americans in LIS. This dissertation seeks to articulate the historical and contemporary traditions and norms in LIS and K-12 education limiting intellectual freedom for Mexican Americans in the United States and outline how and by whom the MAS dismantling was conceptualized as an intellectual freedom issue within LIS.

### ***3.2 LatCrit theoretical framework***

LatCrit theory, with its foundation in critical race theory, was used to inform methodological research design and provide a framework for research analysis. Critical race theory is a theoretical tool to develop knowledge using the narratives of racialized people who have long been silenced, marginalized, and disempowered. There are five foundational elements of critical race theory and methodology that are employed in the field of education (Solórzano and Yosso, 2002). The first is *the intercentricity of race and racism with other forms of subordination*, which acknowledges race and racism as centrally connected to other forms of oppression. Second, *the challenge to dominant ideology* rejects claims that educational institutions are objective, merit-based, color-blind or race neutral, and provide equal opportunity for all (Yosso, 2005). Third is *the commitment to social justice* and the commitment to theories, research, and teaching that transform and liberate in the spirit of changing oppressive systems. Next, *the centrality of experiential knowledge* acknowledges the value of the lived experiences of racialized people by placing value on such knowledge in cultural and ethnic studies and working with racialized people. Finally, *the transdisciplinary perspective* (Solórzano & Yosso, 2002; Yosso, 2005) is the continued fusion of theory and scholarship from critical legal studies, women's studies, ethnic studies, Marxism and neo-Marxism, cultural nationalist paradigms, internal colonial models, and beyond (Delgado & Stefancic, 2012; Solórzano & Yosso, 2001).

The epistemic stance of this research is one that values lived experiences and *testimonio* as valid and valuable contributions toward understanding. This case study design prioritized a range of voices to inform understanding of the case and includes interviews to gather *testimonio* and *counterstories* as data. The case situated these lived experiences within a broad historical, political, and social context. LatCrit theory facilitates the recognition and acknowledgement of embedded, normalized racism, oppression, and injustice in LIS and education systems and

structures, specifically related to Latinx experiences. The theoretical framework provides a lens for gaining increasingly deeper perspective as data is collected and as an iterative process to continue exploring data. Qualitative research using LatCrit theory facilitates a view of the subtle, embedded functions and power of racism and racialization that goes beyond surface-level details.

LatCrit theory expands a view of this particular intellectual freedom case to include the historical, political, and social context as significant, influential, and intertwined with the case. In addition to a broad view, it uncovers layers of racialized bias, nuances, and assumptions. This dissertation is a critical theoretical approach to understanding the limitations of intellectual freedom for Mexican Americans in the U.S. and how the LIS community conceptualized the MAS dismantling as an intellectual freedom issue. This case is not designed to document empirical evidence that can be generalized across all intellectual freedom cases or experiences of Mexican Americans.

### ***3.3 Qualitative case study approach***

Qualitative case study research enables the in-depth understanding of complex situations, interrelationships, and meaning (Hancock & Algozzine, 2006; Stake, 1995; Yin, 2009). The comprehensive approach to case study reveals the relationships and makes connections among TUSD's MAS creation, implementation, and dismantling of the MAS program and the broader historical, social, and political context. The program and its dismantling is a complex issue that involves elements of education, law, ethnic studies, and information science. Intellectual freedom specific to Latinx communities, and specifically the MAS case itself, has had limited examination and explanation within the field of LIS. Analysis

of the historical, social, and political context of the program further complicates the case, which makes qualitative research methods most appropriate for this case. The purpose of this case study approach is not focused on pinpointing essential truths about the case, but on understanding the nuances and complexities of racialized intellectual freedom cases and testing theory applied to the LIS responses (Creswell, 2007; Patton, 2002; Westbrook, 2010).

This dissertation is “value-laden” and not purportedly neutral or unbiased. Qualitative researchers have moved from a traditional form of qualitative research that was distanced and purportedly objective toward acknowledgement of the researchers’ presence and impact on the research process (Creswell, 2007). For example, researchers conducting qualitative field study incorporate their own experiences as observers and participants in the study setting or situation with the epistemological premise that this leads to more accurate understanding of research subjects (Lofland, Lofland, Snow, & Anderson, 2006). My professional perspective is embedded among the perspectives of librarians, educators, students, and community members.

A “case” is a bounded system that is best analyzed as an object instead of a process (Stake, 1995). The case in this dissertation is a collection of three parts, all of which together make up the overall case. One part of the case is the TUSD Mexican American Studies program, as it existed from its inception in 1998 through 2006. A second part of the case is bound by a particular event, the dismantling of the program, beginning in 2006 and ending with the suspension of the program in 2012. A third part of the case is the engagement and responses of the LIS professional community to the dismantling between 2006 and 2014.

### ***3.4 Conceptual foundation for the case study***



The primary concepts in this dissertation include intellectual freedom, race and racism, and social justice. The literature review detailed the background of these concepts and served as the conceptual foundation for the case study. These interpretations contribute to the testing of theory in this case (Yin, 2009). The literature review illustrated the research gap and the need to further explore issues of race and racism in LIS as well as applications of CRT and LatCrit in LIS. This dissertation details an application of LatCrit theory to the case to articulate how it expands the concept and functions of intellectual freedom.

### ***3.5 Procedures***

There were two stages to my dissertation research process. The first stage was inductive in my open approach to collecting data to construct a general understanding of the case and the key elements that comprised the case. The second stage was deductive in my focused analysis of the case with the theoretical framework, LatCrit theory.

### ***3.6 Data collection***

Data collection for this case study involved a variety of data sources used to create an in-depth picture of the case (Hancock & Algozinne, 2006; Creswell, 2007) and present a case for theoretical analysis. While most often case studies are the collection, examination, and qualitative analysis of disparate, unstructured data (Hammersley & Gomm, 2000), the following paragraphs outline the details of data collection and analysis.

Historical research of the land that is now Tucson, Arizona facilitated the illustration of the contextual backdrop for the case. This research examined the geography, politics, legal policy, libraries, and educational institutions of Tucson, Arizona through collection, review,

comparison, and notation of online and print documents, news media, and government and community websites. The following details were explored for Arizona, Pima County, and the city of Tucson: geography, establishment of the state, county, and city, voting trends, formal and informal politics, news media, Indigenous peoples, settlement, demographics, educational environments and politics. This research was conducted online and in Tucson, Arizona using the Arizona Historical Society Library and Archives collections of books, maps, manuscripts, photographs, and ephemera; and the University of Arizona's Arizona & Southwest Collection and Borderlands Collection. Additional research was conducted using Pima County Public Library's special collections of government documents; "Tucson through time" vertical file; "Librarian Files" containing local knowledge and references for frequently asked and unique reference questions; Pima County Oral History Project containing interviews with longtime residents of Pima County, Sonoran Heritage – A Learning Library Program documenting history and culture of the Sonoran Desert of Arizona and Mexico; and the Cele Peterson Arizona Collection focused on the history, culture, politics, economy, peoples, languages, geography, and natural history of Arizona, southern Arizona, Pima County, and Tucson.

Each part of the case (i.e., MAS program, MAS dismantling, and LIS responses) that collectively makes up the larger case required specific and sometimes overlapping data collection. The following details are the items collected, reviewed, compared, and documented for Tucson Unified School District and specifically for the MAS program: establishment of schools and school district, growth of schools and school district, mission, vision, strategic plans, funding, board structure, board members, board politics, district staff, student demographics, curriculum and curricular tracks, performance measurements, partnerships, community engagement, school libraries, school librarians, and intellectual freedom policies

and practices. This research was conducted in Tucson, Arizona using the Arizona Historical Society Library and Archives collections of books, pamphlets, and ephemera; Pima County Public Library's Tucson vertical files "Tucson through time," "English only," "Schools-TUSD-2000" and "Schools-TUSD-Ethnic studies," and the University of Arizona's Special Collections files on Tucson public schools. It was also conducted online using the TUSD website. Popular and scholarly articles were obtained using databases accessible through University of WI-Milwaukee Libraries and Google Scholar using search terms, "ethnic studies," "Mexican American studies," "Raza studies," "Tucson," and "Tucson Unified School District." Additional resources were identified through citation analysis.

Data collection for the dismantling of the MAS program was the identification, review, comparison, and documentation of online and print documents, news media, government and community websites, and individual interviews. Popular and scholarly articles were obtained using databases accessible through University of WI-Milwaukee Libraries and Google Scholar using search terms, "ethnic studies," "Mexican American studies," "Raza studies," "Tucson," and "Tucson Unified School District." This research was conducted online using the TUSD website and in Tucson, Arizona using the Pima County Public Library's Tucson vertical files "Schools-TUSD-2000" and "Schools-TUSD-Ethnic studies," an uncataloged, two-box collection of TUSD MAS student class projects, artwork, screen-printed t-shirts and protest signs, and photographs donated to University of Arizona Libraries by Curtis Acosta, and a personal collection of TUSD MAS news articles gathered by University of Arizona Special Collections associate librarian, Bob Diaz. Additional resources were identified through citation analysis. News media were collected using archives of the *Arizona Daily Star*, *Tucson Citizen* (discontinued May 16, 2009), and the Phoenix newspaper, *The Arizona Republic*. Online

searches provided access to publications from mainstream news sources as well as posts to blogs, YouTube, Facebook, Twitter, and other social media sites. These resources were also used to document artistic creations such as literature, poetry, music, paintings, and plays as illustrative contributions to this part of the case. The collection and iterative analysis of items presenting documentation, reports, lived experiences, reactions, and responses to the dismantling continued throughout the duration of the research process.

Data collection for the local, state, and national LIS professional communities' responses to the dismantling of the program was conducted through accessing, reviewing, comparing, and documenting online and print documents, news media, videos, local, state, and national organization websites, press releases, official statements, local, state, and national LIS webinars and conference programs and proceedings, and individual interviews. This research limited the national LIS community to those specifically engaged in intellectual freedom support, advocacy, and scholarship on a national level. Popular and scholarly articles were obtained using information science databases accessible through University of WI-Milwaukee Libraries and Google Scholar using search terms, "ethnic studies," "Mexican American Studies," "Raza Studies," "Tucson," and "Tucson Unified School District." Additional resources were identified through citation analysis. This collection and iterative analysis of items continued throughout the duration of the research process.

### ***3.6.1 Institutional Review Board***

The data collection for this dissertation included interaction with human participants, which required review for potential harm and possible risk to participants (Creswell, 2007). There were no anticipated risks to participants' involvement in the research study. There were

no tangible benefits to research participants beyond the opportunity to contribute to furthering knowledge in the areas of intellectual freedom, ethnic studies, and LIS. This research protocol was granted Exempt Status under Category 2 as governed by 45 CFR 46.101(b) by the University of Wisconsin-Milwaukee Institutional Review Board on March 24, 2015.

### **3.6.2 Interviews**

Interviews provided the richest data for the study. Interview participants were purposefully selected based on their affiliation to the three parts of the case (i.e., MAS program, MAS dismantling, and LIS responses), as their knowledge and experience provided important insight around the research questions. The background research of the various parts of the case informed the selection of 26 individuals that would respectively present a unique perspective within the case (Fletcher & Plakoyiannaki, 2010). Personal and professional connections were leveraged to gain access to some interview participants, while others were connections made through a snowball method of gaining access. Ultimately, 15 interviews were conducted based on the researcher and participants' scheduling (in Tucson, by phone, and online) and willingness to participate. Interviews were conducted with three former MAS teachers, two MAS alumni, two Tucson community members (one UA professor and one community center director), three Tucson LIS professionals (one UA librarian, one California public librarian who studied LIS at UA SOIS in the Knowledge River program, and one Pima County Public librarian who was formerly a TUSD school librarian), one Phoenix community member and community center director, two national MAS supporters and authors, and two national LIS intellectual freedom advocates.<sup>32</sup> In some cases, the original proposed interviewees were replaced with others who may have had similar positioning around the case elements. For

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<sup>32</sup> See Appendix J: Interview details.

example, attempts to interview Arizona state LIS professionals were not successful, so an interview with a Phoenix community member provided more detail on what was happening in the state capital at the time of the MAS case.

Interview data were critical for understanding the lived experiences of those involved in the case. The interview process allowed stakeholders to speak for themselves, limiting invisibility, erasure, or reinforced hierarchies of oppression of racialized stakeholders (Alcoff, 1991). Semi-structured face-to-face, telephone, and Skype interviews supported guided conversations more than rigid question and answer sessions in this case study (Yin, 2009). The interviews were not bound by a linear pattern of question, but interview question prompts facilitated a natural flow of conversation. I allowed conversations to move as naturally as possible and referred to questions as conversation tapered off or led toward a specific question. I used the interviews as opportunities to practice “openness” by asking participants more questions to validate *and* reveal more questions (Lather, 1991). I recognize I was in a position of power to document others’ personal narratives within a research study and share it via publication (Alcoff, 1991). Rather than use this power to claim a voice of sole authority, these community narratives are used to illuminate the important elements of this case.

The interviews were conducted in English, although some interviews included “Spanglish” and Spanish phrases. The face-to-face interviews took place in locations chosen by the participants. Interviews were audio recorded and field notes were documented in a data collection log,<sup>33</sup> which was used to create post-interview summaries, methodological notes, and analytical memos to preserve initial thoughts on the data collection. Post-interview summaries reflected my interpretation of the interview and highlighted the points that stood out as interesting or related to other data. Methodological notes allowed me to reflect on the interview

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<sup>33</sup> See Appendix H: Data collection log.

questions, the setting, the presence of the audio recorder, the rapport with the participants, as well as any other observations or modifications for future interviews. Analytical memos captured the immediate processing of the situation and allowed me to document initial thoughts, reflections, and analyses.

The interview questions<sup>34</sup> were open-ended to reveal and confirm the factual details of the dismantling of the MAS program as well as the participants' opinions about the events (Yin, 2009). When possible, I avoided LIS professional jargon and chose broad language and terms for the interview questions to facilitate a shared understanding with the interview participants (Fontana & Frey, 1994). Interviews with Tucson MAS teachers and students informed the format of the introduction narrative of the MAS program. In some cases, the interviews contained *testimonios* that depicted experiences, observations, and awareness of racialization, oppression, and injustice, as well as counterstories, or narratives that contradicted mainstream ideas around education, LIS, culture, and society (Pérez Huber, 2009). I prioritized the experiential knowledge of research participants by seeking narratives that illustrated their lived experiences and personal and professional perspectives on the three parts of the case, the MAS program, MAS dismantling, and LIS engagement and responses. These narratives were validated as “appropriate forms of data” in this study (Delgado Bernal, 2002).

### ***3.6.3 Document selection***

Many documents, articles, news items, press releases, and interviews were reviewed and cited within this case study, while specific documents were selected for closer reading, coding, and analysis. Five LIS national organization documents, resolutions and statements, were selected because they were official responses to the MAS case that were created by and for LIS

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<sup>34</sup> See Appendix I: Interview questions.

professionals across the nation. Two Tucson local (chapter of a national) organization documents were selected as responses to the MAS that were created by and for LIS professionals in Tucson, Arizona, and across the U.S. A legal document, an amicus brief, was selected to provide an example of LIS national organizations’ legal strategy to respond to the MAS case. Finally, five interviews with Tucson and national LIS professionals were selected to provide rich detail to complement the official documents.

**Table 1. Selected documents and categories**

<b>DOCUMENTS</b>	<b>CATEGORY</b>
American Indian Library Association statement	LIS organization document
American Library Association resolution	LIS organization document
National Coalition Against Censorship and American Booksellers Foundation for Free Expression statement	LIS organization document
Progressive Librarians Guild statement	LIS organization document
REFORMA resolution	LIS organization document
REFORMA-Tucson Roundtable website	LIS organization document
REFORMA-Tucson Roundtable article	LIS organization document
Brief of Freedom to Read Foundation, ALA, et al. as Amici Curiae	Legal document
Interviews with national intellectual freedom advocate (#1)	Interview documents
Interview with national intellectual freedom advocate (#2)	Interview documents
Interview with Tucson LIS professional (#1)	Interview documents
Interview with Tucson LIS professional (#2)	Interview documents
Interview with Tucson LIS professional (#3)	Interview documents

**3.7 Coding and analysis**



The data analysis process included defining and mapping concepts, organizing associations, seeking explanations, and developing ideas, theories and strategies (Ritchie & Spencer, 2002). Document analysis was the method used to understand explicit and hidden values within a series of texts to build this case study (Simons, 2014). All collected data items were saved as documents; items not originally in document format were transcribed and descriptive notes were included in text format. For example, the interviews were originally documented in audio recordings and transcribed to document format. I maintained full responsibility for transcriptions of all 15 interviews, as this process allowed me to engage more fully with interview data. I employed an iterative process of making methodological and analytical memos related to each document.

The coding process consisted of numerous stages and evolving lists of codes. The first coding cycle was a reflective process of developing analytical memos and analyzing quotations broadly, explaining what the data revealed in the first stages. The secondary coding cycle focused on concepts defined in the literature review: intellectual freedom, race and ethnicity, and social justice. The third coding cycle was open and exploratory to allow for the illumination of other concepts within the data (Stake, 1995). As a result, 87 terms emerged from the open, exploratory coding process.<sup>35</sup> I hand-coded print copies of the documents in these three stages. The codes were organized into families of 11 codes and 32 sub-codes using an inductive approach to establishing patterns from the analytic observations. A coding dictionary<sup>36</sup> hosted the working definitions of codes, as they changed throughout the course of the study. As I coded and re-read interviews and documents, I added additional codes and refined some codes and repeated the coding process.

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<sup>35</sup> See Appendix K: Terms from third coding cycle.

<sup>36</sup> See Appendix L: Coding dictionary.

A constant comparative technique was used to compare interview data to literature and other data during the coding process, as I related the coded data to relevant literature to document explanations and additional questions (Fram, 2013). I triangulated a variety of sources obtained through literature review, historical research, data collection, and interviews to confirm and validate the details of the case and minimize misrepresentation and/or misunderstanding (Creswell, 2007; Stake, 1995). The coded data was evaluated for recurring themes, conflicting perspectives, and comparison among various perspectives. These recursive, iterative processes ended when I had gained enough understanding about the smaller parts of the case: the MAS program, the dismantling of the program, and LIS responses to the dismantling, and could comprehensively detail the one complete case.

The next step was the deductive analysis of the case to understand how intellectual freedom is limited specifically for Mexican Americans, utilizing LatCrit theory to understand the concept and applications of intellectual freedom for Mexican Americans. The field of LIS internally formed professional discourse that describes, defines, and constructs the field, including conceptual definitions and applications of intellectual freedom. In order to validate and prioritize the experiential knowledge of Latinxs and other racialized people, LatCrit theory was used to analyze the concept and functions of intellectual freedom and information access within the MAS case, by focusing on the nuanced instances of injustice in intellectual freedom based on race, ethnicity, language, class, and citizenship (Pérez Huber, 2010). By emphasizing the participants' experiential knowledge, I allowed the participants' counterstories, narratives and *testimonios* to elucidate new knowledge about intellectual freedom (Delgado Bernal, 2002). I used a LatCrit theoretical lens to analyze the data collected in the case study, specifically

identifying the embedded and normalized instances of racism, oppression, and injustice within the MAS program, program and resulting barriers to intellectual freedom.

### ***3.8 Design limitations***

Many of the basic characteristics that *define* qualitative research have also been criticized, such as the reliance on subjectivity and on human judgment, summary, and interpretation. Critiques claim that qualitative research is not a valid scientific method; it lacks reliability; and is not generalizable (Brinkmann, 2013; Stake, 1995). As previously noted, in this dissertation, researcher and participant subjectivity and experiential knowledge are recognized as benefits to the case study rather than limitations (Delgado Bernal & Villalpando, 2010; Pérez Huber, 2009). While the reliability was not scientifically determined, data quality was checked through constant comparative and triangulation methods, as I collected information from multiple sources to confirm and validate information and ask more questions (Creswell, 2007; Lather, 1991). Since qualitative research investigates the complex interrelationships of a case, the results of such investigation often produce new questions and problems more than solutions to former problems (Stake, 1995). This critique is perceived as a benefit in the iterative approach to this case study, as the goal is to drill down to deeper understanding with further questions and exploration.

## **Chapter 4.0: Research Findings**

The following research findings address the TUSD MAS case<sup>37</sup> illustrate how Tucson, Arizona, and national librarians, LIS institutions, and LIS organizations engaged with TUSD

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<sup>37</sup> The phrase “MAS case” is used to refer to the creation of A.R.S. §§ 15-111 and 15-112, TUSD suspending the MAS program and removing MAS books from classrooms.

MAS and responded to the MAS case. The chapter situates the MAS case within historical context to acknowledge how persistent racialization and systemic racism has impacted intellectual freedom for Mexican American students for centuries. Next, this chapter details local librarian, institution, and organization engagement and response to the MAS case; examples of disengagement and limited response; and national responses to the MAS case.

#### ***4.1 Tucson's traditions and practices limiting intellectual freedom***

##### ***4.1.1 Racialized education in Tucson***

The historic to contemporary public education practices in Tucson show a pattern of racial and ethnic discrimination, from overt colonization and segregation of Indigenous youth to latent bias and mainstream prioritization of European, western knowledge and pedagogy. Indigenous and Mexican American culture, language, narratives, literature, pedagogy, and curriculum have been excluded, rejected, and criminalized. Tucson schools are sites of longstanding cultural formation and standardization that utilize Anglocentric textbooks, curriculum, and pedagogy as vehicles for cultural influence.

The history of suspicion and scrutiny of public education not being “American” enough began with concerns about the mere presence of Mexican Americans in classrooms (San Miguel & Valencia, 1998) and continued through the dismantling of the MAS program. This was compounded during the MAS programs’ operation over a course of history when the broader U.S. society, politics, and media criminalized Latinx and Mexican American youth in general. This climate bolstered predominantly white politicians’, school officials’, and community members’ continued suspicion and scrutiny of the Mexican American teachers and students.

While the MAS program was in effect, elected officials, TUSD teachers, and community members scrutinized the program and communicated suspicion and concern through FOIA requests, which created a hostile educational environment for teachers and students in the MAS program (AR, personal communication, November 15, 2017; LS, personal communication, November 3, 2017; NG, personal communication, November 12, 2017). Former MAS curriculum specialist, Norma Gonzalez, shared her *testimonio* from the FOIA requests,

There were some very persistent, older European Americans groups that would constantly request to review our material...it was just outright discriminatory because we were one department for Ethnic Studies and we were the only ones ever scrutinized, ever. To the point where I would share with my director, I would say, "This just doesn't make sense. Why would we allow people to scrutinize us, discriminate against us, but not...Why aren't they scrutinizing any other departments?" So, his response was always, "If we don't allow them, then they're going to think we're hiding something." (NG, personal communication, November 12, 2017)

Such surveillance and scrutiny had a chilling effect on students and teachers, which effectively limited their intellectual freedom. Gonzalez also reported censorship of students' voices at Tucson Magnet High School during Margaret Dugan's visit:

The Dolores Huerta incident was another episode of that scrutiny. [Students' protesting] was a response to the censorship that Tom Horne and his people were imposing on our students because when Dolores Huerta went to Tucson High, it was an open dialogue and it was open to anyone that wanted to come. They were able to ask questions of the speaker, unlike when Margaret Dugan came. The questions were pre-written. We couldn't ask them there...Tom Horne and Margaret could determine which questions

they were going to respond to. So the students felt that it was very unfair and a type of censorship and they weren't going to stand for that. (NG, personal communication, November 12, 2017)

A former student reflected on his experience in the MAS program and shared *testimonio* on how TUSD administrators created barriers for students interested and involved in the MAS program. He was eager to learn more about MAS and, in his attempts to take more MAS classes in 2003, school administration prevented him from taking a Chicano Literature class, even as an elective. He stated,

I always remember the administration my senior year. I would go and hang out with, in the Chicano Literature class, which I wasn't allowed to take, as even an elective. I had an elective and they wouldn't let me take it as an elective because they knew my passion and that I was questioning things. So even at an administrative level, they didn't allow me to...I wanted to take a literature class for an elective and I wasn't allowed for some reason. But that was just because they saw the growing the department was doing. (LS, personal communication, November 3, 2017)

The historical timeline of Tucson public education through the dismantling of the TUSD MAS program case reveals a long building toward the eventual censorship of Mexican American Studies. This censorship case started at the colonization of Indigenous peoples on the land that is today Tucson, continued with the inception of Tucson public schools and civil rights injustices, and persisted through the 2000s with the dismantling of the program. The censorship case was a result of elected officials' and school administrators' continued control of Mexican and Mexican American students and limitations on Mexican American students' intellectual freedom.

Students' intellectual freedom rights are diminished by the omission of and organized removal of ethnic studies material, although intellectual freedom limitations go beyond *exclusion*. The persistent racialized suspicion, critique, scrutiny, and control contributed to an oppressive educational environment that limited students and teachers from effectively seeking, accessing, and sharing information and gaining, creating, and disseminating knowledge.

#### ***4.1.2 Systemic racism in Tucson***

Social, political, and educational systems and structures rooted in White superiority perpetuated control and educational limitations on Mexican Americans. Since the beginning of Tucson public schooling, local education interests clashed with outside interests. In the beginning years of public education, this was due to Spanish colonization and Anglos from the east imposing their ideas about education. In contemporary times, local grassroots initiatives clashed with state efforts to control local Mexican American education. The structural relationship of state funds distributed to local education was ultimately a barrier to TUSD maintaining local control of their ethnic studies curriculum.

White supremacy was advanced by longstanding systemic racist policies and practices, rather than *isolated* actions perpetrated by a handful of individuals (e.g., Horne, Huppenthal, Stegeman) who were misguided in their thinking. U.S. social structures have continuously prioritized white knowledge narratives and practices as supreme, through education and LIS policies and practices. Any other epistemologies or pedagogies are presented as invalid and dangerous, particularly because they challenge the power and operations of white supremacy. Discussions of colonization, critical race theory, whiteness, and white privilege are not essentially dangerous or anti-American; rather, they are opportunities to process the narratives

that run counter to the oppressive state of past and current society. A former MAS teacher who is white Anglo, reflected on the lack of support from TUSD administrators when the program was scrutinized: “You had a lot of people in power who felt challenged. Their white privilege was challenged...even if they were liberal or considered themselves to have been supporters...It was disappointing” (SR, personal communication, October 27, 2017).

The dismantling of the MAS program was ruled as discriminatory based on race (*González v. Douglas*, 2017) and it can appear that there were only two individuals, Horne and Huppenthal, who were employing their personal bias to independently inflict racism on MAS. While their individual racism surely contributed to their actions, Horne and Huppenthal were two among numerous agents of white supremacy that advanced longstanding notions of white superiority and Mexican American (brown) inferiority related to culture, literature, and knowledge. The individual racist actions and lack of professional proficiency in addressing racialized oppression are also factors that advance white supremacy.

#### ***4.2 Latinx librarians engaged with Tucson community and TUSD MAS***

The Tucson Chapter of REFORMA had a local focus on the national association’s purpose, to promote library and information services to Latinxs and the Spanish Speaking. This chapter was led by five rotating officers representing public, school, academic, and special libraries, the School of Information Science at University of Arizona, and any LIS-related entity. REFORMA-Tucson organized stand-alone and collaborative programming for LIS professional development and for the general public. One example of programming was the 2010 LiSLaS Conference focused on Library Services for Latinxs and the Spanish-speaking. The goal of the conference was to highlight effective programs that attract, reach out to and



work with Latinx and Spanish-speaking patrons in area library communities. Additionally the group actively promoted LIS services to Latinxs and the Spanish speaking at community events in collaboration with area libraries. REFORMA-Tucson was a collaborative partner throughout the history of Pima County Public Library (PCPL)'s "Nuestras Raíces" programming, beginning in 2004.

PCPL has committees specifically attentive to Spanish Services and Mexican American authors, arts, and culture programming through the Nuestras Raíces series. These committees are comprised of predominantly Latinx and Spanish-speaking library staff that meet regularly to plan and implement services and programs. Mexican American librarians Helen Gutierrez and Ana Sanchez attended Denise Chavez's *Border Book Festival* in Mesilla, New Mexico in 2003 and were inspired to bring a similar festival to Tucson. The Nuestras Raíces series showcased Mexican American contributions in literature, arts, and culture. The series began in 2004 with an annual event on Jácome Plaza in front of the Joel D. Valdez Main Library and in 2010 moved to the Tucson Festival of Books at the University of Arizona. Additional programming throughout the year was held at area libraries and in the community with the same focus on Mexican American authors, arts, and culture. The events included collaborations with TUSD's MAS and SJEP.

Latinx librarians actively engaged with TUSD MAS and responded to the case. GLISSA and KR alumni, current Knowledge River scholars, REFORMA-Tucson members, and PCPL Nuestras Raíces organizers were the local LIS professionals who engaged with MAS (AR, personal communication, November 15, 2017; BD, personal communication, March 28, 2015; JW, personal communication, November 24, 2017). Mexican American TUSD school librarian Obdulia Gonzalez was a contributor to the committee that created the TUSD Comprehensive

Plan for Bilingual Education in the late 1990s. She was also an active REFORMA-Tucson member who shared the perspective of school librarians in chapter meetings. Elizabeth Soltero was a Mexican American REFORMA-Tucson member and public librarian who sat on the TUSD MAS Community Advisory Board. This allowed her to facilitate library connections with MAS and SJEP, e.g., programming, MAS updates. The Nuestras Raíces committee partnered with TUSD’s MAS program and SJEP by creating a platform to showcase the talent of the MAS and SJEP students in library programs. Examples of these programs include a Graffiti Art Workshop that introduced the history of graffiti and used techniques to create original art with youth; the live creation of a mural at the Tucson Festival of Books; and poetry slams with student presenters.

### ***4.3 MAS case events 2006-2010***

#### ***4.3.1 Arizona Library Association (AzLA) released distanced message***

The MAS program scrutiny became public in 2006 after Huerta’s and Garcia Dugan’s visits to Tucson High Magnet School and became more visible statewide in April 2010 with the creation of A.R.S. §§ 15-111 and 15-112. Even so, the state library association Arizona Library Association (AzLA)<sup>38</sup> did not address the MAS case in any substantive way. The June 2010 issue of the organization newsletter included a message from President Cynthia Landrum, regarding the association’s political engagement. President Landrum did not name the issues specifically, but referred to “recent passed legislation.” Presumably, this referred to the state laws enacted in April 2010, Senate Bill 1070, House Bill 2162, and/or House Bill 2281.

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<sup>38</sup> AzLA began in 1926 and has maintained its mission, “to promote library service and librarianship in libraries of all types in the state of Arizona.” (AzLA, 2018). It has over 1,000 members from across the state, four divisions (colleges & universities, public libraries, teacher-librarian, and special library), fourteen committees, and nine special interest groups.

President Landrum's message noted librarians' correspondence that included personal feelings about the issues and possible implications for libraries; *however*, the association was required to follow a protocol that did not involve taking a position on legislation. President Landrum expressed a narrow limitation on the field, specifically as it relates to intellectual freedom. Since the political issue at hand didn't directly impact libraries, legal consultation would be necessary. She suggested the appropriate response would be a resolution approved by legal counsel and sent to ALA Council (Landrum, 2010). AzLA never produced a resolution related to Senate Bill 1070, House Bill 2162, or House Bill 2281.

#### ***4.3.2 REFORMA-Tucson Chapter: First organization to address MAS case***

REFORMA-Tucson Chapter was the first LIS organization to engage in public dialogue and action to address the TUSD MAS case. At an August 2010 REFORMA-Tucson chapter meeting, Elizabeth Soltero shared her involvement with the Committee to Save Ethnic Studies formed to fight House Bill 2281. Soltero expressed her interest in keeping REFORMA-Tucson informed of the committee's activities and discussed the possibility of including this issue in an upcoming town hall program to highlight House Bill 2281 as a form of censorship (REFORMA-Tucson Chapter, 2010). Soltero's community engagement with TUSD and MAS *before* the case allowed her to communicate the situation and serve as a connector to engage REFORMA-Tucson. Mexican American academic librarian and REFORMA-Tucson member, Bob Diaz, noted how the LIS community didn't pay attention to MAS until House Bill 2281 passed in 2010, and how it was REFORMA-Tucson that led the way (BD, personal communication, March 28, 2015). No other Tucson or Arizona LIS organizations or institutions initiated public statements or actions at that time.

#### ***4.4 MAS case events 2011-2012***

##### ***4.4.1 TUSD removes teaching materials from classrooms***

A.R.S. §§ 15-111 and 15-112 went into effect on the first day of January 2011, and as detailed in chapter one, Administrative Law Judge Kowal ruled the program in violation of A.R.S. § 15-112 in December 2011 (Arizona Attorney General, 2011). On January 10, 2012, to avoid losing district funding, the TUSD board resolved that “All MAS courses and teaching activities, regardless of the budget line from which they are funded, shall be suspended immediately” (TUSD No. 1, 2012, p. 8). Two days later, the district sent MAS teachers a memo specifically requiring the removal of seven books from the classroom,

*Critical Race Theory* by Richard Delgado

*500 Years of Chicano History in Pictures* edited by Elizabeth Martinez

*Message to [AZTLÁN]* by Rodolfo [“Corky”] Gonzales

*Chicano! The History of the Mexican Civil Rights Movement* by Arturo Rosales

*Occupied America: A History of Chicanos* by Rodolfo Acuña

*Pedagogy of the Oppressed* by Paulo Freire

*Rethinking Columbus: The Next 500 Years* by Bill Bigelow. (TUSD, 2012b, para. 3)

These books were used in the MAS high school courses, and were just a starting point for the district. TUSD officials facilitated an organized removal of teaching materials including curriculum plans, lesson plans, and books used in the courses from classrooms and put them into storage. The district communication director, Cara Rene, issued a press release on the TUSD website on January 17, 2012 that stated:

Each book has been boxed and stored as part of the process of suspending the classes. The books listed ... were cited in the ruling that found the classes out of compliance with state law... **Every one of the books listed above is still available to students through several school libraries.** Many of the schools where Mexican American Studies classes were taught have the books available in their libraries. Also, all students throughout the district may reserve the books through the library system. (TUSD, 2012b, para. 4, emphasis original)

Abel Morado, then-principal of Tucson High Magnet School stated that the district had a directive to comply with the law and, "...Part of that directive is communicating with teachers, students and parents, and collecting materials. We regret that in one instance materials were collected during class time" (TUSD, 2012b). There was no legal directive that requires books to be removed from the classrooms.

#### ***4.4.2 TUSD librarians maintain books in school libraries***

TUSD school librarians relied on their LIS professional training and professional resources to engage with distinct intellectual freedom challenges that impacted their specific libraries as a result of the MAS case. They actively supported intellectual freedom for teachers and students within school libraries across the district. Amy Rusk was a TUSD librarian for 24 years, and was well known for her support of MAS students throughout the program, providing 1:1 assistance (LS, personal communication, November 3, 2017) and advocating for students and their access to library materials (JW, personal communication, November 24, 2017). Rusk and her librarian colleague, Christy Friske-Daniels, provided professional support for library staff through their leadership of a district Intellectual Freedom Committee (IFC). For over eight

years as IFC co-chairs, they convened ad-hoc committees to address intellectual freedom challenges as needed.

TUSD libraries were limited in professional staffing, with 72 out of 84 TUSD libraries run by non-degreed library assistants (AR, personal communication, November 15, 2017). Rusk and Fiske-Daniels used their experience in addressing intellectual freedom challenges to train library staff and community members during their tenure as IFC co-chairs, and beyond their employment with TUSD. They presented a session on defending the right to read at the 2016 TUSD Institute for Culturally Responsive Education that was focused on the history of intellectual freedom and legal procedures around book challenges. Rusk and Fiske-Daniels' experience and expertise was critical in supporting TUSD library staff across the district as they held a strong stance to maintain MAS books in their school library collections.

Rusk and Fiske-Daniels were prepared in their implementation of routine procedures for handling the intellectual freedom challenge district-wide. Superintendent Horne, TUSD Board member Mark Stegeman, community members, and TUSD principals asked library staff to remove specific titles and entire lists of MAS books from the school *library* shelves. One community member, Laura Leighton, went to TUSD schools and presented librarians and principals with photocopies of pages of books “under question” and the list of books TUSD removed from MAS classrooms. Leighton and others successfully influenced principals to instruct librarians to take the books out of the library (AR, personal communication, November 15, 2017). Rusk and Fiske-Daniels reported the MAS issue to ALA’s Office for Intellectual Freedom and turned to their collection development policy<sup>39</sup> to support their decision to oppose their principals and maintain MAS titles in the library collections. The policy, originally developed over 20 years prior and last reviewed in 2006. It listed that people can challenge one

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<sup>39</sup> See Appendix M: TUSD Library Materials Selection and Adoption Regulation (2006).

book at a time, but may not submit a whole list for reconsideration. Library staff expressed concern and called on Rusk and Friske-Daniels, who remained firm and wrote a formal letter to principals. The library staff ensured the MAS books were available in their libraries, despite the removal of books from classrooms and curriculum (TUSD, 2012b) and the requests for library removal. Rusk shared, “We felt pretty confident in taking a stand for intellectual freedom even if it was against what our principal wanted to do or even the school board” (AR, personal communication, November 15, 2017). Students were checking out the MAS books, the school librarians were promoting the books, and the library functioned as the “intellectual freedom center” (AR, personal communication, November 15, 2017). In fact, in addition to maintaining the books in the collections, library staff ultimately added more MAS books to their school library collections.

The TUSD school librarians and library staff demonstrated their professional competency and commitment to maintaining students’ access to MAS materials. Rusk and Friske-Daniels’s familiarity with the foundational legal statutes supporting their school library collection development policies allowed them to stand strong against school principals when they asked library staff to take books off of the shelf. Rusk referred to “the law” multiple times in her description of her interactions with principals and school library staff (AR, personal communication, November 15, 2017). TUSD librarians were successful in keeping materials in their library collections because they used LIS frameworks to create policies in advance to protect their collections from such attempts at censorship. At the same time, LIS frameworks limited their ability to functionally support or advocate MAS students’ intellectual freedom outside of their school libraries.

#### ***4.4.3 LIS advocacy limited by professional domain and authority***

School librarians were not consistent in establishing professional authority or domain over intellectual freedom beyond library walls. School librarians distinguished between intellectual freedom in libraries and classrooms, in that they had control over what happens in their library as their professional domain but no control over what happens in the classroom. Rusk expressed the limits of librarians' protection of books falling at the doors of the library and how curriculum is not protected to ensure students' free choice of books (AR, personal communication, November 15, 2017). Public librarian Jacqueline Welsh, who formerly worked with Rusk, also noted distinctions between LIS "information environments" and the classroom as an education domain. She expressed how the efforts to dismantle the program were countered by LIS professionals "with a vengeance" in information environments, as the LIS professionals got creative in keeping and supplementing materials to maintain learning and information sharing about MAS (JW, personal communication, November 24, 2017).

The TUSD librarians leveraged the power gained from maintaining the MAS books in their library collections in an attempt to expand their professional domain and influence. To advocate for intellectual freedom outside of the school library, they suggested librarians write a policy for curriculum, similar to the library's collection development policy (AR, personal communication, November 15, 2017). The administrators ultimately never pursued this idea. The school librarians were intellectual freedom advocates and resources, but expressed their limitations set by professional domains, professional precedents, and legal statutes.

Although the removed books were still available in school libraries, the removal of books from the classrooms and curriculum had a chilling effect on the students and teachers. At



the 2012 Tucson Festival of Books, students were interviewed to share their perspectives on the dismantling of the program and removal of books from the classroom. One student stated,

I was actually inside a classroom while they came in and started taking out the books. It was very discouraging to see adults come in and take out the books in the middle of a classroom when students were learning. It was very heartbreaking to see something like that happen. (Norrell, 2012)

Teachers were expected to determine which books are “allowed” for classroom use. Former MAS teacher, Sally Rusk, shared that teachers were told they would be monitored by the Department of Education (SR, personal communication, October 27, 2017). Former MAS teacher Curtis Acosta shared in a January 28, 2012 blog post that anything from the MAS perspective is illegal and that the district leadership had presented contradictory instruction about whether teachers were able to teach about race and sensitive topics, and how teachers “...must be balanced and cannot reflect MAS perspectives, although this has yet to be defined” (Acosta, 2012, p. 2). A student involved with the United Non-discriminatory Individuals Demanding Our Studies (UNIDOS)<sup>40</sup> coalition described the larger scope of the actions. “There have been horrendous, shameful abuses on our culture and our community,” said UNIDOS member Gabriel M. Schivone. “This has never really been about books. It’s the entire curriculum that was targeted, criminalized and outlawed” (Huicochea, 2013b). A broad look at the MAS case shows that Mexican American knowledge in general was targeted, criminalized, and finally outlawed.

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<sup>40</sup> UNIDOS is a “youth coalition of students from local Tucson high schools, alumni and community members, demanding our educational human rights. UNIDOS was created in response to H.B. 2281, the ban on Ethnic Studies throughout the state of Arizona, and the growing attacks on our education. UNIDOS seeks to protect and expand Ethnic Studies and promote the values and diversity, justice and equity in our education” (UNIDOS Tucson, n.d.).

#### ***4.4.4 Tucson and national LIS engagement and responses***

There was a distinction between *engagement* with TUSD MAS and *response* to the MAS case. LIS engagement was facilitated by proximity to the MAS program, e.g., the TUSD school librarians were directly impacted with school principals' efforts to remove MAS books from their library collections. LIS engagement was also facilitated by intention. The REFORMA-Tucson chapter was specifically focused on library services to Latinx and Spanish speaking peoples, so their engagement began *before* the censorship occurred, with librarians like Elizabeth Soltero and Obdulia Gonzalez actively supporting TUSD MAS in their professional roles and community involvement. Many local librarians never engaged or limited their engagement with the MAS case as it became more nationally recognized and local politics ensued. The complexities of the case went beyond the removal of books from classrooms, and were situated within a nuanced local political and social context (BD, personal communication, March 28, 2015). The Tucson MAS community of staff, students, and supporters fractured as a result of increasing strain from legal battles<sup>41</sup>, a sexual assault perpetrated by the director of the MAS documentary "Precious Knowledge," some teachers' uncertainty and loss of employment, and other teachers' opportunities for employment. For librarians who were not engaged professionally or socially in TUSD and MAS networks, it was confusing to know what was going on with the MAS case, and how to initiate or maintain support (BD, personal communication, March 28, 2015). The national LIS community was even further removed.

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<sup>41</sup> In 2011, Tucson High Magnet School teacher John Ward filed a one million dollar lawsuit against MAS teachers Sean Arce and José Gonzalez with the claim that the two made false statements about Ward that were damaging to his professional reputation. The lawsuit was dismissed in February 2013, with the agreement that all parties would pay their own legal fees and no damages would be awarded (Huicochea, 2013a).

While Latinx Pima County Public librarians engaged with the MAS case via REFORMA-Tucson, PCPL<sup>42</sup> did not directly engage in the MAS case or issue any public statement related to the case. In fact, community members questioned PCPL's lack of engagement in the TUSD MAS case. Prominent Tucson Latina writers Mari Herreras and Andrea Hernandez Holm listed public libraries and librarians as parties that have neglected Mexican American Studies and have not been part of addressing the TUSD "crisis." Herreras stated how poets, community members, and librarians have seriously neglected to stand up for MAS, and have hidden behind acronyms and institutions (Herreras, 2012). Hernandez Holm specifically called out Tucson school districts and public libraries that had not engaged in the TUSD case and suspected it was because they are not affiliated with TUSD or being Mexican American (Hernandez Holm, 2012). PCPL responded to the case by supporting broad community access to materials. Jacqueline Welsh, also a former PCPL graduate assistant, described how the PCPL was able to supplement materials for the TUSD community by making them available in public libraries (JW, personal communication, November 24, 2017). The PCPL collection development office manager, Richard DiRusso, shared that his office purchased additional copies of the MAS books to ensure the community had access to them (R. DiRusso, personal communication, October 31, 2017).

National attention and response to the dismantling of the TUSD MAS program began when TUSD officials removed MAS books and materials from district classrooms in January 2012. National news outlets covered this issue after "Salon.com" published Jeff Biggers's January 13, 2012 article, "Who's afraid of 'The Tempest'?": Arizona's ban on ethnic studies proscribes Mexican American history, local authors, even Shakespeare" (2012). ALA's OIF

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<sup>42</sup> PCPL serves the city of Tucson and surrounding communities within the county through 26 library locations and online services and approximately 500 staff members. The library system has been under Pima County's administrative and fiscal oversight since 2006 (PCPL, n.d.).

first learned of the issue through staff scanning the news (BJ, personal communication, October 26, 2017). LIS organizations responded with statements and resolution documents to address the MAS case.

#### ***4.4.5 National LIS responses: Statements and resolutions***

LIS national organizations created statements and resolutions to address the ending of TUSD MAS and the removal of books from TUSD classrooms.<sup>43</sup> Ten days after TUSD officials removed the books from district classrooms, ALA members and leadership convened at the ALA Midwinter Conference (January 20-24, 2012) in Dallas, Texas. That week, CNN media contacted Barbara Jones, then Director of ALA’s OIF. Jones shared that the national publicity was a motivator for action (BJ, personal communication, October 26, 2017). The following organizations responded to the MAS case with statements and resolutions, PLG, ALA, Freedom to Read Foundation (an affiliate of ALA) as part of a collective of organizations led by National Coalition Against Censorship (NCAC) and American Booksellers Foundation for Free Expression (ABFFE),<sup>44</sup> American Indian Library Association (AILA), and REFORMA National.

**Table 2. LIS national organization documents<sup>45</sup>**

<b>Document publication date</b>	<b>Organization name</b>	<b>Document type</b>	<b>Document name</b>
January 21,	Progressive	Statement	PLG Statement on Censorship and the Tucson

<sup>43</sup> A variety of organizations and professional associations spoke out against the book removal and/or the elimination of the MAS program (American Educational Research Association, 2012; Modern Language Association, 2012; National Council of Teachers of English, 2012).

<sup>44</sup> See Table 2. LIS national organization documents

<sup>45</sup> These statements and resolutions are referred to as “documents” throughout the following section. Full document texts are included in the appendices.

2012	Librarians Guild		Unified School District
January 24, 2012	American Library Association	Resolution	Resolution Opposing Restriction of Access to Materials and Open Inquiry in Ethnic and Cultural Studies Programs in Arizona
January 30, 2012	National Coalition Against Censorship and American Booksellers Foundation for Free Expression	Statement	Joint Statement in Opposition to Book Censorship in the Tucson Unified School District
January 31, 2012	American Indian Library Association	Statement	American Indian Library Association Statement on Ethnic Studies Programs in Arizona
February 23, 2012	REFORMA National	Resolution	REFORMA Resolution in Support of the Students of the Outlawed Mexican American Studies Program in the Tucson Unified School District

#### ***4.4.5.1 Progressive Librarians Guild (PLG) statement***

The Progressive Librarians Guild was the first LIS organization to publish a statement about the TUSD MAS program on January 21, 2012. The document was titled, “PLG Statement on Censorship and the Tucson Unified School District” and the motivation was based on LIS professional ethics: “Recent media reports regarding the mass removal of books from classrooms in [TUSD] demand a response from librarians, charged by our professional ethics to oppose censorship and restriction on information” (PLG, 2012, p.1). PLG was the most direct in calling attention to specific actions and specific actors responsible for those actions. PLG makes an ethical argument to “oppose censorship and restriction on information” (2012, p. 1) and stated, “In the face of absurd, draconian laws, the only ethical position to take is one of complete opposition. Today's capitulation to A.R.S. §15-112 will be tomorrow's capitulation to

the next absurd, racist law enacted by the Arizona legislature. The law should be abolished” (2012, pp. 2-3). PLG listed three reasons why the school officials’ behavior was “extreme and censorious” despite the availability of the books in the school libraries. The first reason was that the new laws and the TUSD board did not require the removal of books for compliance. The second was that the removal of books has a chilling effect on the whole TUSD community and restricts teachers’ freedom of speech. Finally, they affirmed that TUSD suspending MAS courses was “itself an act of censorship and a violation of academic freedom” (2012, p. 2). PLG took a broad view of who was responsible for the elimination of the MAS program and removal of books, stating, “The Progressive Librarians Guild opposes the actions of all officials in the State of Arizona responsible for the passage, enforcement, and/or compliance with A.R.S. §15-112” (2012, p. 4).

#### ***4.4.5.2 American Library Association (ALA) resolution***

REFORMA National and AILA members approached the ALA IFC with interest in drafting a resolution in support of the TUSD MAS program. After the IFC meeting on Saturday, January 21, 2012, a small group met to draft the text of a resolution. Sandy Littletree, then-President of AILA shared, “While we all knew in our hearts the main message when [sic] wanted to send via this resolution, we grappled with the many reasons why we felt the [actions] in Tucson, Arizona were wrong, and how to present this in a manner that would be surely accepted by ALA Council” (Littletree, 2012). The group requested input from Debbie Reese, a Nambe Pueblo Indian scholar, book editor, and blogger, who had been writing and posting about the issues on her blog, “American Indians in Children’s Literature.” The group worked on the resolution throughout the afternoon and weekend, via meetings and email exchanges

(Littletree, 2012). Barbara Jones thought it was the IFC that called upon REFORMA National to collaborate on the resolution, and expressed shock that

...nobody in ALA ever asked REFORMA [National] before to be involved in writing a resolution... it really to me was this glaring gap in ALA's inclusivity...It's not that people in IFC didn't want Latinos to be included...Isn't this interesting that there's nobody opposed to it, but it just never had happened? (BJ, personal communication, October 26, 2017)

Jones noted, "I was really interested in...what we learned about ALA and how it worked and didn't work, as much as I was about what was going on in Tucson," as it made her reflect on the need for inclusion. "We can't just sit around and wait for certain things to happen. We've got to be activists" (BJ, personal communication, October 26, 2017).

The ALA IFC stated it was "necessary that ALA respond with a unified voice to recent news reports highlighting the removal of educational materials in connection with the elimination of Mexican American Studies classes in the Tucson (AZ) Unified School District" (ALA Council, 2012b, p. 4). As noted, the IFC worked collaboratively with REFORMA National and AILA to craft the document that would be revised and adopted as the ALA resolution *and* received endorsement "in principle" from ALA Committee on Diversity, ALA Committee on Legislation, American Association of School Librarians, AILA, Asian Pacific American Librarians Association, Black Caucus of the American Library Association, Intellectual Freedom Round Table, REFORMA National, and SRRT (ALA Council, 2012b, p. 7). The ALA OIF additionally reported support for this resolution from Chinese American Library Association and the Young Adult Library Services Association (Perez, 2012). The IFC submitted a resolution "...reflecting the input of numerous ALA constituencies, affirming

current ALA policy, emphasizing the value of school libraries, and reiterating our professional commitment to intellectual freedom” (ALA Council, 2012b, p. 4).

The ALA Council adopted the resolution on January 24, 2012, “[f]ollowing some debate and several amendments” (ALA Council, 2012a). The originally proposed resolution title was changed from directly naming TUSD MAS to a broader ethnic studies focus. ALA Councilor Al Kagan reported to the SRRT newsletter the reason for this change was to protect all ethnic studies programs in Arizona endangered by A.R.S. § 15-112 (Kagan, 2012). The resolution text stated that ALA condemned the “suppression of open inquiry and free expression caused by closure of ethnic and cultural studies programs on the basis of partisan or doctrinal disapproval” and the “restriction of access to educational materials associated with ethnic and cultural studies programs” (ALA Council, 2012c, p. 7). It also advocated for the passing of House Bill 2654, “An Act Repealing Sections 15-111 and 15-112, Arizona Revised Statutes; Relating to School Curriculum.” (ALA Council, 2012c, p. 7). A change to the text in the adopted resolution is the original proposal called TUSD’s actions “confiscation” and that word was removed. Finally, the original proposal suggested the document be sent to specific parties, such as TUSD, Arizona Superintendent of Public Instruction, Arizona elected officials and the U.S. Secretary of Education (ALA Council, 2012b, p. 7). These details were not listed in the revised Council Document #19.1 (ALA Council, 2012c), the ALA Council 2012 Midwinter meeting minutes (2012a), or the January 31, 2012 ALA press release announcing the resolution (ALA, 2012b). The ALA press release gave a summary of the resolution, but did not list the full text or a link to the full text (ALA, 2012b). On the other hand, the ALA OIF “Intellectual Freedom Blog” post announcing the resolution gave full details, including the text of the adopted resolution, a list of



supporters, and they re-added the list of suggested recipients (Perez, 2012). This resolution was not consistently presented to ALA members or the general public.

#### ***4.4.5.3 Joint statement***

The FTRF was one of twenty-five undersigned organizations<sup>46</sup> on the “Joint Statement” coordinated by NCAC & ABFFE. The NCAC & ABFFE statement was the only LIS national organization document to address the First Amendment, referring to it three times to explain its grounding “...on the fundamental rule that government officials, including public school administrators, may not suppress ‘an idea simply because society finds the idea itself offensive or disagreeable’” (Texas v. Johnson, 1989, as cited in NCAC & ABFFE, 2012). The document cited Justice Louis Brandeis to support the point that “Book-banning and thought control are antithetical to American law, tradition and values” (NCAC & ABFFE, 2012, p. 2). Finally, the document stated, “The First Amendment right to read, speak and think freely applies to all, regardless of race, ethnicity, sex, religion, or national origin” (NCAC & ABFFE, 2012, p. 2).

#### ***4.4.5.4 American Indian Library Association (AILA) statement***

On Friday, January 20, 2012, AILA held an Executive Board meeting at ALA Midwinter and “voted to support any resolution that may come out of the midwinter meetings, and had voted to issue [its] own statement regardless of the outcome of the ALA Council meetings” (Littletree, 2012). AILA drew connections to the indigeneity of the Mexican American students and the American Indian student population in the MAS program. They highlighted broader contexts including the U.S. federal government’s actions toward American

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<sup>46</sup> See Appendix S: Joint Statement in Opposition to Book Censorship in the Tucson Unified School District (NCAC & ABFFE, 2012) for the full list of undersigned organizations.

Indians and the UN Declaration of Rights of Indigenous Peoples, stating "...that Arizona state law is in violation of these rights" (AILA, 2012, p. 2). AILA's statement was the only one of the documents to address the impact on families (beyond students, teachers, and librarians), stating, "We write this statement in support of all students, educators, and families who have been negatively affected by this action" (AILA, 2012, p. 1). This is significant given the ethnic studies and MAS programs' pointed inclusion of students' families in the educational experience. AILA also made normative statements, stating,

All students, regardless of their background, have the right to learn about the history of their own people, as well as the history of the land and peoples where they are currently living. In Tucson, this should include the history and literature of Mexican American people as well as the Tohono O'odham and Pascua Yaqui peoples. The targeting of one ethnic group is an attack on all ethnic groups, and the elimination of a curriculum and books that encourage students to consider the perspectives of those who are often silenced should be a concern to all humanity. (2012, p. 1)

AILA documented their involvement and support of ALA's resolution and urged "...other national associations to also take a stand on this issue, particularly other national and international groups with a focus on Indigenous, tribal, Native American, and American Indian communities" (2012, p. 3).

#### ***4.4.5.5 REFORMA National resolution***

The REFORMA National Association distributed a press release on February 23, 2012 to announce "REFORMA's Resolution regarding TUSD" or "REFORMA Resolution in Support of the Students of the Outlawed Mexican American Studies Program in the Tucson

Unified School District” and the Spanish version, “Resolución de REFORMA respecto a TUSD” or “Resolución de REFORMA en apoyo de los estudiantes del programa prohibido de estudios México Americanos (*Mexican American Studies MAS*) en el Tucson Unified School District (*TUSD*)” (REFORMA, 2012b, emphasis original).<sup>47</sup> The resolution highlighted how the dismantling of the TUSD MAS program was “a violation of the core principles of intellectual freedom and equity of access” (REFORMA, 2012a, p. 1). It condemned the dismantling, plus the removal of classroom textbooks and affirmed that “exclusion of and/or restriction of access to the multiple viewpoints, experiences, and histories expressed in books fosters antagonism, isolation, and withdrawal from a pluralistic and inclusive society” (REFORMA, 2012a, pp. 1-2). The resolution was a call to action, encouraging REFORMA individual and institutional members to create book displays, educational programs, and resources in support of the MAS program students. REFORMA National committed to creating toolkits to directly assist MAS students, but there was no report on whether those were created or their impact on students. The document ended with affirmation and support for ALA, AILA, and PLG’s documents; other groups’ actions, including REFORMA-Tucson Chapter’s planning the 2012 Latino Literacy Roundtable and creating and disseminating an “Outlawed and Threatened Book List”; and the TUSD students’ protests against “the dismantling of the MAS program” (REFORMA, 2012a, p. 2). The REFORMA-Tucson chapter also developed a statement in support of ethnic studies.

#### ***4.4.6 Tucson and national LIS responses: Statement, programming, award***

##### ***4.4.6.1 REFORMA-Tucson statement and programming***

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<sup>47</sup> These two resolutions, English and Spanish, are dated February 28, 2012, so it is possible they were updated after the press release was sent on February 23, 2012. This review focuses on the text of the English resolution.

REFORMA-Tucson Chapter was the only *local* LIS entity to issue a public statement of support. They actively sought out ways to support MAS and in February 2012, the chapter began to work on a statement<sup>48</sup> in support of ethnic studies (Curé, 2012). REFORMA-Tucson endorsed REFORMA National, AILA, PLG, and ALA's resolutions and statements, and called on other national groups to engage in the dialogue of censorship, freedom of information, and equal access (Montiel-Overall et al., 2012). The local chapter looked to national efforts as models to support intellectual freedom locally. REFORMA-Tucson was the first Tucson LIS association to address the racialized focus of the MAS case in their promotion of the Latino Literacy Roundtable program. They directly stated that Latino titles were targeted and removed from classrooms. They named TUSD responsible for advancing a regime of censorship (Montiel-Overall et al., 2012). While they acknowledged the racialized targeting, there was no stated strategy to dismantle that targeting or subsequent action to follow up on that concern.

#### ***4.4.6.2 University of Arizona and REFORMA-Tucson programming***

Local LIS professionals organized efforts to create awareness and education of the MAS case and related content, through their professional roles in libraries and volunteer involvement with REFORMA-Tucson. In March 2012, REFORMA-Tucson and the UA School of Information Resources & Library Science hosted a Latino Literacy Roundtable focused on Children's and Young Adult Literature adjacent in timing to the Tucson Festival of Books. Additional sponsors included UA Libraries and UA Mexican American Studies Department. The planning and organization for this event began in December 2011. When books were removed from TUSD classrooms the following month, there was a "heightened interest" in

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<sup>48</sup> While the REFORMA-Tucson statement was "made public in April 2012" (Curé, 2012), the document was not accessible through online searches and multiple attempts to review this document were unsuccessful.

discussing the TUSD MAS program and specifically addressing the removal of books (Montiel-Overall et al., 2012). The roundtable included two posters:<sup>49</sup> one provided an overview of seven books removed from the TUSD MAS curriculum, and the other presented information about the role of Pima County libraries in providing access to literature removed from TUSD MAS classrooms.

#### ***4.4.6.3 Community-led discussion at Pima County Public Library***

PCPL's Joel D. Valdez Main Library was the venue for a community-led MAS Book Discussion Club from May-August 2012. Community member, Marissa Juarez, started the program to create a space for youth to discuss and engage with the books that were removed from the TUSD classrooms. Adults were welcome to attend to learn how the literature is valuable to youth, although the primary audience was teens. About 20 people attended the first discussion, including "UA grad students, a librarian, a former TUSD student, a TUSD kindergarten teacher, community members and a woman running for a seat on the district's governing board" (Echavarri, 2012). Whether or not youth attended the subsequent discussions, this effort engaged a broad audience around the MAS case and introduced them to the texts used in the MAS program. The Main Library staff facilitated Juarez's use of the space accommodations for the programs, but was not an official partner in offering the discussions (K. Prechtel, personal communication, October 30, 2017). The lack of partnership or endorsement was a missed opportunity for the library to have engaged or fostered dialogue on challenged books, censorship, particularly related to a local case as it was happening.

#### ***4.4.6.4 MAS at ALA Conference***

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<sup>49</sup> I attempted to gain access to copies of these posters for review in this research, but was not successful.

The June 2012 ALA annual conference in Anaheim, California included two intellectual freedom programs that addressed the TUSD MAS case. “Ethnic Studies Under Fire: The Role of Publishers, Librarians, Teachers and Activists” was sponsored by ALA IFC, Association of American Publishers, and REFORMA and featured author Carmen Tafolla, REFORMA leader Oralia Garza de Cortes, el Librotraficante<sup>50</sup> Tony Diaz, and (myself) public librarian Adriana McCleer (Maycock, 2012). The second program, “From Tinker to Tucson” was sponsored by the Intellectual Freedom Round Table and featured John Tinker from the *Tinker v. Des Moines* Supreme Court case (ALA Council, 2012d).

#### ***4.4.6.5 Tucson Banned Books Week***

UA LIS practitioners and scholars responded to the MAS case in fall 2012 with programming. REFORMA-Tucson collaborated with the UA to celebrate Banned Books Week in October 2012. They co-sponsored a panel discussion at the UA Main Library, including librarian Bob Diaz, two UA School of Information Resources & Library Science faculty, Kay Mathiesen (information ethics and human rights scholar) and Patricia Montiel-Overall (education and cultural competency scholar), and a UA Mexican American Studies faculty member, Roberto “Cintli” Rodriguez (Diaz, 2012). A second program was a platform for Indigenous scholar Robert A. Williams, Jr. to discuss his book, *Savage Anxieties: The Invention of Western Civilization*. A third program included authors Sandra Cisneros, Manuel Muñoz, and Helena María Viramontes speaking about recent publications and addressing the intersections of community, literature, and culture. During this Banned Books Week, UA librarians Erica

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<sup>50</sup> The Librotraficante movement was created by Nuestra Palabra, a Houston writers’ collective, to bring challenged books into the Tucson community. The name Librotraficante translates to English as “book trafficker” to create a subversive statement about the laws that led the district to remove textbooks and teaching materials from classrooms.

DeFrain and Cindy Elliott coordinated a UA Main Library exhibition on Tucson censorship, which highlighted 100 banned or contested books, including classic literature, children's books, best-selling novels, most challenged titles, and Mexican American literature (Special Collections at the University of Arizona Libraries, 2012). UNIDOS wrote a guest column for the Arizona Wildcat newspaper in response to these efforts, stating that public forums with homogenous [white] audiences that discuss book-banning and cultural repression have limited impact on the affected [brown] communities (UNIDOS, 2012). They referred to two and a half years of silence on the issues across the UA campus and stated, "Concrete action and youth inclusion is necessary" (UNIDOS, 2012). While local LIS institutions responded to the MAS case, by facilitating access to materials and increasing awareness about MAS, this was not effective for restoring intellectual freedom for the MAS community.

#### ***4.4.6.6 MAS at Joint Conference of Librarians of Color***

Additional national responses worked to increase awareness about the case among LIS professionals. In September 2012, the ALA OIF coordinated a panel program for the Joint Conference of Librarians of Color (JCLC) conference in Kansas City entitled, "Learning from Tucson: Coping with Censorship Challenges to Authors of Color." The speakers included ALA OIF director Jones, Stockton (Missouri) High School librarian Kim Jasper detailing her experience through the banning of Sherman Alexie's *The Absolutely True Diary of a Part-Time Indian* in the school's curriculum and library, and myself, Adriana McCleer, sharing my research on the details of the TUSD MAS case. Additionally at the JCLC, REFORMA and FTRF co-sponsored an event called "50 for Freedom of Speech Kansas City," which was held in coordination with other national Librotraficante events to support freedom of speech and

intellectual freedom, particularly for MAS and ethnic studies. I, Adriana McCleer, was the lead organizer for this JCLC event. The program was a read-out of the books removed from the TUSD MAS classrooms. I worked with a Kansas City Latino Writers Collective to arrange speakers and invite a local audience, as this event was open to the public. The group coordinated school displays leading up to the event. Additional speakers included REFORMA National members Oralia Garza de Cortés, Loida García-Febo, Ghada Elturk, Roberto Delgadillo, and Denice Adkins. Volunteers included REFORMA-Tucson Chapter members, Jacqueline Welsh, Monique Becerril Rodriguez, and Kristen Curé. There were over 150 people attendees from local college students and professors, families with children in strollers, local writers, and JCLC conference attendees. The reach went beyond the in-person audience via Twitter using hashtag #50FOSKC. A December 2012 FTRF newsletter report from Director Jones, stated that “[The 50 for Freedom of Speech program] was a sobering reminder that while we have won certain civil liberties struggles, we must remain vigilant and prepared to engage in new ones” (Jones, 2012, p. 2)

#### ***4.4.6.7 AzLA’s limited coverage of the MAS case***

AzLA demonstrated nominal attention to the MAS case in the years surrounding the creation of A.R.S. 15-111 and 15-112 and the end of the MAS program, 2010-2013. A Tucson Mexican American librarian reported out on the national MAS case programming in the September/October 2012 AzLA state association newsletter. This was the only item that addressed the MAS case in newsletter issues between 2010 and 2013.<sup>51</sup> Pima County Public

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<sup>51</sup> At least eight newsletter issues between 2010 and 2013 were not accessible on the Arizona Library Association (AzLA) Newsletter Archive or through correspondence with AzLA leadership in November 2017. According to the 2018 AzLA Web & Social Networking Chair, a lot of digital content was lost from association records when they moved to a new content management system in 2013 (A. Leonard, personal communication, November 6, 2017).



librarian Paula Maez wrote a summary of her ALA annual conference experience as a recipient of travel support from the Arizona State Library, Archives and Public Records' Continuing Education Scholarship. She wrote about the relevance of intellectual freedom and First Amendment rights issues for LIS professionals and chose to attend conference programs on the topic because of the MAS case in Tucson (Maez, 2012). AzLA annual conference programs between 2010 and 2013 did not include any scheduled programming addressing the TUSD MAS dismantling. In 2011, the AzLA annual conference programs and posters addressing Latinx issues were presented by representatives of Tucson and Yuma libraries and universities, and there was a noticeable absence of Phoenix or statewide library institutions presenting on Latinx issues. In 2012, the annual conference included Latinx-related topics, but nothing addressing TUSD MAS. AzLA demonstrated a lack of care and attention by not overtly addressing the MAS case in a timely manner.

#### ***4.4.6.8 Pima County Public Library's Nuestras Raíces programs***

The PCPL Nuestras Raíces program series, focused on Mexican American authors, arts, and culture, provided platforms for the Tucson community to learn about the MAS case and related issues. At the 2013 Tucson Festival of Books, PCPL organized a panel presentation centered on the book *¡Ban This! The BSP Anthology of Xican@ Literature*, a collection of Latinx short stories and poetry, some specifically addressing the MAS case. The program included editor Santino J. Rivera and contributors Luis Alberto Urrea, Andrea Serrano, Lizz Huerta, and Gustavo Arellano. The 2014 Tucson Festival of Books once again included Santino J. Rivera, and added Julio Cammarota and Augustine Romero speaking about their involvement with MAS and 2014 book, *Raza Studies: The Public Option for Educational Revolution*. In

2016, LIS intellectual freedom scholar Emily J. M. Knox spoke on a panel about “Libraries and Public Access to Books,” and discussed her research on the MAS case. These programs responded to the case with opportunities for community engagement and discussion.

#### ***4.5 MAS case events 2013-2014***

##### ***4.5.1 Downs Intellectual Freedom Award for Librotraficante***

Since 1969, the faculty of the Graduate School of Library and Information Science (GSLIS) at the University of Illinois at Urbana-Champaign has selected an annual recipient for the Robert B. Downs Intellectual Freedom Award to an individual or group that has advanced the cause of intellectual freedom (Illinois School of Information Sciences, 2013). The 2012 Robert B. Downs Intellectual Freedom Award recognized Librotraficante “for its efforts to oppose the censorship of ethnic and cultural studies materials in Arizona” (Illinois School of Information Sciences, 2013). Tony Diaz, “El Librotraficante,” accepted the award on behalf of his fellow co-founders and the entire movement during the ALA Midwinter Meeting in Seattle, Washington on January 26, 2013.

##### ***4.5.2 Freedom to Read Foundation issues amicus brief***

On November 25, 2013, the FTRF, ALA, and several other library, education, and free speech organizations filed an *amicus* brief with the Ninth Circuit Court of Appeals for the case of *Arce v. Huppenthal*, a lawsuit challenging the constitutionality of A.R.S. § 15-112(A). The student plaintiffs extended an invitation to the FTRF to file an amicus brief. According to FTRF, “The brief argues that the statute, which led to the disbanding of Tucson’s Mexican American Studies (MAS) program, violates Arizona students’ First Amendment rights to

receive information and is unconstitutionally overbroad” (2013, p. 1). The other groups that supported and signed this brief were the American Booksellers Foundation for Free Expression, Asian/Pacific American Librarians Association, Black Caucus of the American Library Association, Comic Book Legal Defense Fund, National Association for Ethnic Studies, National Coalition Against Censorship, National Council of Teachers of English and REFORMA National. Barbara Jones shared how numerous groups wanted to sign on, and were reaching out to ALA OIF to sign on (BJ, personal communication, October 26, 2017). The amicus brief stated, “This banning of books and courses from the classroom – both by direct application and by chilling effect – violates the First Amendment rights of students” (Brief of Freedom to Read Foundation et al., 2013, p. 4) and that “Arizona Revised Statute § 15-112 violates the First Amendment” (2013, p. 31).

In her role as FTRF director, Jones stated that all students have a right to a curriculum based on educational merit, not political motivation (FTRF, 2013). The brief stated that the First Amendment protect students’ rights to information in the classroom and that A.R.S. § 15-112 threatened these rights, and targeted the TUSD MAS program for partisan and political reasons (Brief of Freedom to Read Foundation et al., 2013). The brief noted, “There is strong evidence that the statute itself was motivated by political animus toward the MAS program specifically and toward Mexicans and Mexican-Americans more generally” (Brief of Freedom to Read Foundation et al., 2013, p. 11). Jones shared that the attorneys at FTRF knew the legal case was a good case and did not worry about the timeline of the case or whether justice would prevail. She was used to these processes taking long and both Teresa Chmara, General Counsel of the FTRF and Deborah Caldwell-Stone, Deputy Director of ALA’s OIF, thought it was a good case.

Jones expressed confidence that the case would turn out fine sooner or late (BJ, personal communication, October 26, 2017).

#### ***4.5.3 AzLA reports on MAS case***

AzLA did not act on the MAS case until 2013 and did not report out until 2014. In the January/February 2014 issue of the AzLA Newsletter, the Message from the President, Ann Boles, reported that early in 2013, the AzLA Executive Board had passed a resolution supporting the ALA's opposition to the TUSD MAS case (Boles, 2014). To clarify, AzLA did not pass a resolution expressing *their* opposition to the MAS case, but supporting *ALA's* opposition to the case. This demonstrated a lack of support, or at least a distanced support, for the MAS case. President Boles announced to membership that the FTRF had filed an amicus brief, and "Because of an email glitch, the AzLA Board did not learn about the filing in time to join in, but we will probably have a chance to show our support in some way at a later date" (Boles, 2014, p. 2). Her message ends with the inclusion of the FTRF press release about its amicus brief<sup>52</sup> (Boles, 2014). This distanced reporting and diverted support compounded the association's bias against the MAS case.

Overall, AzLA's 2010 and 2014 public statements were vague, non-committal, and never resulted in substantive action. The organization never communicated attempts to break through supposed barriers to taking a position or providing support. When they shared detailed information about TUSD MAS with their membership, also announcing their resolution, it was one year after their own resolution was passed and two years after the resolution they were supporting and the ending of TUSD MAS. AzLA leadership cited a glitch that prevented them from joining the FTRF amicus and stated "...we will probably have a chance to show our

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<sup>52</sup> Additional details regarding the Freedom to Read Foundation's amicus brief are presented further in this chapter.

support in some way at a later date” (Boles, 2014, p. 2). The phrasing of this statement (i.e., “probably,” “in some way,” “at a later date”) did not commit AzLA to taking any action, and no further action was taken. The examples of AzLA’s omission, invisibility, distance, lack of support or even acknowledgement of the MAS case illustrate an example of systemic, structural racism within LIS against this Mexican American case.

#### ***4.6 MAS case as an intellectual freedom issue***

LIS national responses framed the MAS case as an intellectual freedom issue with focus on TUSD suspending MAS classes and removing books from classrooms. The LIS documents referred to LIS policies such as ALA Policy Manual and the Freedom to Read Statement. They included LIS concepts, values, and principles such as intellectual freedom, censorship, freedom of information, and access to describe issues with the suspension of classes and the removal of MAS books from classrooms. Only two of the five national organization documents specifically use the terms “intellectual freedom” (NCAC & ABFFE, 2012; REFORMA, 2012a). Other documents refer to “freedom to read” and “free expression” (ALA Council, 2012c), “freedom of speech” and “academic freedom” (PLG, 2012). The documents detailed the actions that led to the ending of the MAS program and removal of MAS books from classrooms.

**Table 3. LIS national organization documents named parties responsible for MAS case**

<b>Organization</b>	<b>Responsible party</b>	<b>Action</b>
PLG	TUSD Board	Resolving to suspend MAS classes
PLG	TUSD officials	Removing books from classroom
PLG	TUSD	Complied with [unnamed] order to suspend program
ALA	TUSD	Eliminating the MAS program [because they had to]
REFORMA	[No party named]	Dismantling of the program
AILA	[No party named]	Banning curriculum in Tucson;

		Banning of Mexican American ethnic studies; Prohibition of MAS curriculum
AILA	[No party named]	Censoring Native voices
AILA	[No party named]	Discouragement of students learning their own histories
NCAC & ABFFE	[No party named]	The books' fate and that of the program remain in limbo

Two of the LIS national organization documents were specific in naming parties responsible for the case in general.<sup>53</sup> PLG and ALA named specific parties responsible for ending the program. PLG asserted that the TUSD Board and TUSD officials were responsible for resolving to suspend MAS classes; and while the Board resolution did not address removing books, district officials removed and stored the books (PLG, 2012). PLG stated that TUSD complied with an order to suspend the program (PLG, 2012). Even so, it is not clear whether PLG is pointing to the *TUSD Board's* order to suspend the program, or *another party's* order to suspend the program. ALA also focused attention on TUSD as responsible for eliminating the MAS program, although they qualified TUSD's actions by stating that they *had to eliminate* the program and remove the books (ALA Council, 2012c). The original IFC-proposed resolution placed even more responsibility on Tucson by stating they *had eliminated* the program, rather than emphasizing their *requirement* to eliminate it.

The other documents' references to the ending of the MAS program included passive statements that did not state specifically who or what was responsible for dismantling the program (REFORMA, 2012a); banning curriculum, banning Mexican American ethnic studies, prohibition of MAS curriculum, censoring Native voices, and discouragement of students learning their own histories (AILA, 2012). The NCAC & ABFFE document does not focus

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<sup>53</sup> See Table 3. LIS national organization documents name parties responsible for actions

attention on TUSD ending the program, except for noting that the fate of the books and program remain in limbo (NCAC & ABFFE, 2012, p. 1). Most of the details within the LIS national organization documents focused on the books and classroom materials.

#### ***4.6.1 Censorship and limited access to information***

LIS professionals described incidents in the MAS case as censorship and limitations on access to information. Barbara Jones articulated how this case was of great interest to her because it covered a number of intellectual freedom issues, including banning books, removing books, and limiting curriculum (BJ, personal communication, October 26, 2017). She also described this case as “easy” compared with other tough cases handled by ALA. She noted this was because there are resolutions to racialized intellectual freedom cases that the liberal LIS profession doesn’t approve of (BJ, personal communication, October 26, 2017). Knox noted how this case interested her because it was so clearly a censorship case, not just a challenge (EK, personal communication, October 30, 2017). Most of the national organization documents specifically referred to “censorship” in Tucson (REFORMA, 2012a; PLG, 2012; AILA, 2012; and NCAC & ABFFE, 2012). PLG addressed “censorious behavior” and the ALA resolution only used the term “censor” in text quoted from the Freedom to Read statement (ALA Council, 2012c).

ALA referred to “limited access,” “restricted access,” “equal access,” and “suppression of open inquiry and free expression” (ALA Council, 2012c). PLG (2012) detailed the “banning” of books and courses, AILA (2012) highlighted the “banning” of curriculum, ethnic studies, and MAS, and NCAC & ABFFE (2012) discussed “book-banning” and “thought control.” The LIS

discourse around the MAS case used terminology to describe the censorship and limitations on access to information.

**Table 4. LIS national organization documents named parties responsible for censorship**

Organization	Responsible party	Action
NCAC & ABFFE	School officials	Censorious behavior
NCAC & ABFFE	[No party named]	Books boxed up and put in storage
NCAC & ABFFE	[No party named]	Removal of books
AILA	[No party named]	Removal of books
PLG	[No party named]	Removal of books; Removal of materials
REFORMA	[No party named]	Books have been removed from classrooms
REFORMA	[No party named]	Confiscation and removal of these materials from classrooms
REFORMA	TUSD school libraries	<i>Did not</i> contain all of the removed titles, making this literature inaccessible to all TUSD students

Some documents were specific about which parties were responsible for censorship; while others did not list who or what was responsible for action.<sup>54</sup> NCAC & ABFFE named specific parties responsible for removing books from classrooms. NCAC & ABFFE listed *school officials* as actors (NCAC & ABFFE, 2012). It is not clear to which “school officials” NCAC & ABFFE were referring. PLG also pointed to actions taken by *school officials* as “censorious behavior” (PLG, 2012, p. 98). The documents’ references to TUSD removing books, textbooks, and materials from classrooms included passive phrases and statements that did not state exactly who or what prompted this removal. PLG, AILA, and NCAC & ABFFE all

<sup>54</sup> See Table 4. LIS national organization documents name parties responsible for censorship.



used the general phrase, “removal of books or materials,” detached from any responsible party. REFORMA stated, “these books have been removed from classrooms” and added the term “confiscation,” referring to this action as, “the confiscation and removal of these materials from classrooms,” but did not name any party responsible for this action. As previously stated, the resolution the IFC originally proposed to ALA Council also included the term “confiscation” (ALA Council, 2012b), but it was removed from the final adopted version (ALA Council, 2012c). The NCAC & ABFFE statement gave more details beyond the removal and restriction, stating that the books were “boxed up and put in storage” (NCAC & ABFFE, 2012, p. 1). REFORMA’s only statement listing a party responsible for a specific action was the claim that the TUSD school libraries “[did] not contain all of the removed titles, making this literature inaccessible to all TUSD students...” (2012, p. 1). PLG quoted a TUSD statement issued on January 17, 2012 claiming at least one copy of each removed title is available in TUSD school libraries, and their own “...check of the online catalog verified that at least one copy of each title is, indeed, available” (2012, p. 2).

#### ***4.6.1.1 Violation of intellectual freedom rights***

LIS professionals generally described the actions within traditional LIS frameworks of intellectual freedom *rights*. LIS national organization documents referred to the First Amendment (Brief of Freedom to Read Foundation et al., 2013; NCAC & ABFFE, 2012), freedom to read (ALA Council, 2012c), freedom of speech (PLG, 2012), and students’ rights (AILA, 2012; REFORMA, 2012a). The amicus brief addressed how banning books and courses violated students’ First Amendment rights (Brief of Freedom to Read Foundation et al., 2013).

AILA went beyond traditional LIS frameworks to highlight students' broader rights under the UN Declaration of Rights of Indigenous Peoples (AILA, 2012).

#### ***4.6.1.2 Chilling effect***

LIS professionals emphasized the chilling effect the A.R.S. laws and removal of books had on students and teachers. PLG and the FTRF in their amicus brief, addressed the potential for A.R.S. §§ 15-111 and 15-112 and removal of books to have a chilling effect on teachers. The PLG document noted, "The act of removing books from a classroom during a class session clearly has a chilling effect on students and the entire educational community. Further, removal of materials from classrooms impinges on teacher freedom of speech" (PLG, 2012, p. 98). The amicus brief stated that A.R.S. § 15-112 has a chilling effect on teachers and presents uncertainty about what materials they are permitted to use to teach about racism, revolution, imperialism, and oppression, among other topics (Brief of Freedom to Read Foundation et al., 2013). The amicus brief used examples of well-known American literature, works, and writers, to illustrate how the statute 15-112 is overbroad, naming examples including works by Henry David Thoreau, George Orwell, Joseph Conrad, Anne Frank, Maya Angelou, Amy Tan, Malcolm X, Chinua Achebe, Martin Luther King, Jr., stating that these forbidding books like these limit teachers' options for teaching without fear of violating the law (Brief of Freedom to Read Foundation et al., 2013, p. 28).

#### ***4.6.2 Inconsistent articulation of motivations behind MAS case***

Knox stated that the MAS was complicated, based on her view that the case started in the 1970s and not in 2000s (EK, personal communication, October 30, 2017). The

inconsistencies in the LIS articulation of *who* was responsible for the MAS case and *why* the case occurred demonstrated the complexities of the case. These complexities were not addressed explicitly in the LIS response to the case. LIS organizations did not present a clear or consistent message to their memberships, citing both broad and specific motivations for the MAS case.

#### ***4.6.2.1 Political factors***

LIS professionals named politics as a motivator behind the MAS case actions, including partisan divisions, ideological differences, and economic politics. Librarian Bob Diaz spoke broadly about the history of economic politics as they intersect with race and power. Without naming specific examples in the MAS case, he explained the ongoing exploitation of black and brown people as cheap labor in the U.S. and how this case is a direct strategy to keep brown people ignorant, lest they overthrow the national power structures (BD, personal communication, March 28, 2015). Barbara Jones also spoke generally about the case and its connection to McCarthyism; she noted that this effort was clearly advanced by politicians, but did not list specific names or their motivations (BJ, personal communication, October 26, 2017).

Some LIS national organization documents broadly referred to politics, while others were more specific in naming politicians and their roles in the MAS case. The NCAC & ABFFE spoke in general of the political and ideological situation that impacted students' education. They asserted, "[Students'] education has already suffered from this political and ideological donnybrook, which has caused massive disruption in their classes and will wreak more havoc as teachers struggle to fill the educational vacuum that has been created" (2012, p. 2), but did not name specific actors responsible for creating or maintaining this "donnybrook."

The FTRF amicus brief noted the “partisan and political reasons” behind the creation of A.R.S. § 15-112 and referred to specific details of the MAS case (Brief of Freedom to Read Foundation et al., 2013). The brief cites the history of Dolores Huerta’s visit to Tucson High Magnet School and Horne’s responses, plus the political context of debate over Mexican immigration. FTRF stated, “Superintendents Horne and Huppenthal – whose findings have required the elimination of the MAS program both vigorously pursued the legislation while announcing their political opposition to the MAS program” (Brief of Freedom to Read Foundation et al., 2013, p. 12-13). The ALA IFC resolution originally proposed to ALA Council stated that the resolution should be sent to political decision-makers including TUSD, Arizona Department of Education Superintendent of Public Instruction, each member of the state legislature, the governor, a U.S. congressman, and the U.S. Secretary of Education. They did not offer any explanation or reason for sharing with these parties, and ultimately, ALA Council did not include this text in the adopted resolution anyway.

PLG’s statement is the most specific in detailing the political influences on TUSD’s decisions and actions, stating, “Progressive Librarians Guild believes a challenge should be issued regarding not only the onerous situation, but the politics underlying the decision to cut District’s Mexican American Studies program (MAS) program” (PLG, 2012, p. 97). PLG explained how A.R.S. § 15-112 was passed immediately after the racist anti-immigration law and was developed out of racialized sentiment from Arizona legislators. PLG named Judge Kowal as an actor advancing this racialized sentiment in his ruling that TUSD was in violation of the law. Finally, PLG affirmed their opposition toward the actions of all Arizona officials responsible for designing, implementing, and complying with A.R.S. § 15-112 (PLG, 2012).

#### 4.6.2.2 *Legal motivations*

The LIS national organization documents referred to the laws impacting MAS case actions, including two that went into effect on January 1, 2011, A.R.S. §§ 15-111 and 15-112. PLG's statement was the only document to refer to the *creation* of A.R.S. §15-112 as an influence on TUSD's decisions and actions. Their explanation of the political and racialized motivations also addressed the state laws (PLG, 2012).

ALA referred to the *impact* of the laws on TUSD's decisions and actions and advocated for the passing of Arizona House Bill 2654 to repeal A.R.S. §§ 15-111 and 15-112 (ALA Council, 2012c). AILA did not name A.R.S. §§ 15-111 or 15-112 directly, but stated that Arizona state law violates the UN Declaration of Rights of Indigenous Peoples (AILA, 2012). Again, PLG named Judge Kowal responsible for ruling MAS in violation of A.R.S. § 15-112 (PLG, 2012).

There were individuals that played a role in the legislative actions that led to TUSD's decision and actions that were not mentioned in the documents. While PLG presented details about the creation of this law, they did not name former Arizona Governor Jan Brewer, although she was responsible for signing House Bill 2281 into law to become A.R.S. § 15-111 and 15-112. They did not list the Republican legislators that voted to pass House Bill 2281. They did not list the consecutive Superintendents of Public Instruction, Horne and Huppenthal, who created political platforms around ending the MAS program. The Freedom to Read et al. amicus brief was the only document to specifically name Superintendent Horne, as responsible for crafting House Bill 2281 (2013). Only one document referred to Superintendent Huppenthal. NCAC & ABFFE stated that Huppenthal determined that the program violated state law (2012). REFORMA's resolution did not refer to the state laws, politics, or politicians at all.

#### **4.6.2.3 Funding**

LIS statements referred to the loss of funding that TUSD risked if they maintained the MAS program. Superintendent Huppenthal accused TUSD of being in violation of A.R.S. § 15-112, and their failure to comply within sixty days would have risked a loss of up to ten percent of their state funding. PLG was forthright in addressing the role of funding in the MAS case and the decision TUSD had to make. They stated that Judge Kowal placed TUSD in a difficult position, having to decide between suspending MAS or losing funding for the whole district (PLG, 2012). PLG asserted that TUSD made a sacrifice for funding, but that did not change the fact that this sacrifice was "extreme" and "ensorious" (PLG, 2012). PLG was not explicit in stating what entity or individual(s) would have withdrawn funds from the program. Both PLG and FTRF addressed funding as a factor in TUSD's decision-making process and actions.

The FTRF amicus brief stated how Horne had strategically designed the law to use funding as a tool for intimidation and compliance (Brief of Freedom to Read Foundation et al., 2013). They stated that it was unlikely that any school would risk funding in this situation.

#### **4.6.2.4 Race, ethnicity, culture**

LIS professionals noted issues of racialized discrimination that led to the MAS dismantling, but were not clear or consistent in describing the racialized nature of the case. Director Barbara Jones reflected on the removal of books, and acknowledged there was something about *Mexican American Studies* that influenced people in Arizona, but did not explain why (BJ, personal communication, October 26, 2017). Knox saw it telling that out of the four TUSD ethnic studies programs, the case specifically targeted the Mexican American

Studies program (EK, personal communication, October 30, 2017). Librarian Bob Diaz provided context on the systemic racism and ethnic discrimination that bolstered the MAS case. He discussed how the MAS courses advanced education for racialized students and moved Mexican Americans into positions of power that would create competition for scarce jobs and resources, stating, “They want us [Mexican Americans] to do those menial jobs. And they let just enough of us in to do them” (BD, personal communication, March 28, 2015). In promotion for the Latino Literacy Roundtable, REFORMA-Tucson called the MAS case the “criminalization of culture” (Latino Literacy Roundtable, 2012). Overall, there was no clarity or consistency in the LIS acknowledgement that race and ethnicity were factors in the actions of creating legislation, removing books, or ending classes. There was no clear or consistent articulation of the ways systemic *and* individual racism informed MAS case actions. Some LIS responses broadly addressed racialization, some were not specifically connected to action, and others included references that were not clearly articulated.

The MAS case was the impetus for ALA OIF to address intersections of intellectual freedom and race/ethnicity. Barbara Jones shared how in her role as director of ALA OIF and FTRF, ALA worked toward inclusion of Latinx REFORMA National members as a strategy to address the tug-of-war between intellectual freedom and social justice. She recognized that aside from el Librotraficante Tony Diaz, there were no Latinxs helping ALA with the MAS case (BJ, personal communication, October 26, 2017). After Tucson, ALA OIF started addressing the issue that many banned books were narratives by people of color. They hadn’t noticed that before, so their staff conducted a study on past racialized intellectual freedom challenges. Jones shared, “I think more and more intellectual freedom is not just about the First Amendment” (BJ, personal communication, October 26, 2017).

PLG referred to race as a factor in the political process of government officials and lawmakers creating and implementing A.R.S. § 15-112. PLG situated their arguments alongside the observation that A.R.S. § 15-112 followed the “state’s anti-immigration law.” They did not name Senate Bill 1070 Support Our Law Enforcement and Safe Neighborhoods Act, explain what the law was, or detail the connections among the laws. REFORMA-Tucson named Senate Bill 1070 as “divisive legislation...that serves to single out our communities and expose the most vulnerable members of our community to increased prejudice and repression” (Latino Literacy Roundtable, 2012), but did not specifically refer to House Bill 2281 or A.R.S. §§ 15-111 or 15-112. The most specific statement was PLG noting that Judge Kowal promoted the “climate of racist sentiment among lawmakers in the State of Arizona” (PLG, 2012, p. 98) in his ruling against MAS, but did not provide explanation.

Other LIS responses specifically addressed the role of “culture” in the MAS case. AILA refers to the federal government’s history of policy-based limitations on cultural exploration, study, and intellectual freedom, stating how American Indians have been denied their cultural knowledge, history, and language in western schools imposed on their communities through colonialism (AILA, 2012). AILA also declared the basis of their statement as support for culturally based curriculum that includes libraries as institutions that make cultural knowledge available to their communities (AILA, 2012). Some LIS documents focused on culture versus race. Culture (similar to “diversity” and “multiculturalism”) is more palatable than a focus on white supremacy, racial domination, ethnic subordination, oppression, or even race and ethnicity. LIS professionals may also be uncertain about Latinx peoples who are not, by Census definition, racially distinct from white Americans.



Generally, the LIS responses were not explicit in naming *Mexican Americans* as racially/ethnically targeted. They did not state that *Mexican Americans* were directly impacted by elected officials creating and implementing restrictive laws, or TUSD removing books and ending the MAS program. While all the documents explicitly name the Mexican American Studies program, they are broad and general with reference to “TUSD students,” “MAS students,” and “students of the MAS program” (REFORMA, 2012a), “students in the TUSD MAS Program” (ALA Council, 2012c), and all documents generally referring to “students” (AILA, 2012; ALA Council, 2012c; NCAC & ABFFE, 2012; PLG, 2012; REFORMA, 2012a).

AILA’s statement advocated for all students’ rights to learn about their history, including the history of Mexican American people. They stated, “The banning of the Mexican American ethnic studies curriculum is in effect denying the students the opportunity to learn about their cultural values and identities as Indigenous peoples” (AILA, 2012, p. 2). AILA explicitly stated that American Indian students were impacted by TUSD’s removal of books and ending of MAS (AILA, 2012). The reader may *assume* that the Mexican American community was targeted and that it is Mexican American students that are denied “the opportunity to learn about their cultural values and identities as Indigenous peoples” (AILA, 2012, p. 2) based on the context of the document, but it is not explicitly stated. Additionally, the responsible party or parties for such action is not stated.

#### **4.6.3 *Right to culture beyond intellectual freedom***

LIS professionals described rights that went beyond intellectual freedom, including a right to culture. Librarian Bob Diaz expressed concerns with the dismantling of TUSD MAS, starting with traditional LIS intellectual freedom concepts and referring to something beyond

those concepts. He first referred to the MAS case as a First Amendment issue and said that it is necessary for our country to embrace multiculturalism over homogeny (BD, personal communication, March 28, 2015). As noted in the previous section, AILA also went beyond LIS intellectual freedom frameworks by affirming all students' rights to learn about their own culture, history, and land. They bolstered these rights using the UN Declaration of Rights of Indigenous Peoples (AILA, 2012).

#### ***4.6.4 Supplementing classroom content***

TUSD and PCPL libraries were focused on maintaining and adding MAS books to their library collections, which was a positive offering, making materials available to teachers, students, and community members. As one LIS professional noted, librarians and libraries play a role in “supplementing” classroom content, in the case of MAS providing materials that were removed from the classrooms. Additionally, librarians have a responsibility to actively promote and share the material, engage people with the collection through programming and additional efforts. PCPL and UA took an additional step of facilitating awareness and access to the materials, by offering programming that engaged community members in dialogue and interaction with the MAS content. Community examples are the Tucson community member starting a book club at the PCPL Main Library and REFORMA-Tucson’s Latino Literacy Roundtable, which actively created space to engage with MAS ideas and content, promoted banned authors and additional Latinx authors.

Access to MAS materials can contribute to and support intellectual freedom if paired with additional efforts to facilitate awareness and access to the materials. Librarian Jacqueline Welsh detailed how intellectual freedom went beyond simple access or availability of materials.

In the fall of 2011, Montiel-Overall taught the UA KR Program's introductory course, "The Information Environment for Latino and American Indian Communities." Welsh, then a KR scholar, shared how she and her KR peer (Latinx and American Indian) colleagues discussed the role of neutrality, with her KR peers advocating for proactive approaches to connecting library patrons with materials, and non-KR peers asking why if it is on the shelf there would be a need for programming (JW, personal communication, November 24, 2017). The KR students were advocating for more than representation; that if MAS content wasn't promoted or actively shared, they would be silenced narratives (JW, personal communication, November 24, 2017). Now a public librarian, Welsh described the importance of actively promoting collections, actively engaging community with collections and noted her practice of asking herself how she can think beyond representation (JW, personal communication, November 24, 2017).

The national approach was generally simplistic and addressed surface-level issues of this case, with limited attention to the structural and systemic inequities of intellectual freedom. On the surface, books were removed and courses were ended. Like some local LIS professionals, national efforts advanced a binary strategy for inclusion, calling for the inclusion or replacement of MAS books and restoration of the MAS program. With this narrow approach, the profession has a limited view of the case and does not engage with macro-level issues of historical and contemporary white superiority, colonialism, racialization, and oppression. A deeper-level engagement recognizes the elements of racialized literature and curriculum removed and ethnic studies courses ended. Theoretically, if the MAS materials were returned to classrooms and classes were reinstated, the LIS intellectual freedom case would be resolved and the field would move on from this case, never addressing the racialized limitations of intellectual freedom.

These racialized limitations are specific to the MAS case and more general in the social and political context and history of TUSD MAS.

## **Chapter 5.0: Analysis and discussion of research findings**

### ***5.1 Systemic racism limits intellectual freedom in LIS***

Institutional and systemic racism limit intellectual freedom in general. CRT and LatCrit expose the racialized elements in seemingly neutral structures, systems, and practices. The frameworks acknowledge a broader context for the LIS profession and intellectual freedom as a professional concept. LatCrit reveals unseen racial structures and systems and builds on CRT concepts to address nuanced racialization and discrimination around Latinx experiences. LatCrit provides the framework to address elements related to Latinidad, i.e., ethnicity, nationality, citizenship, language, immigration, bilingual education, Indigeneity, and skin color.

Intellectual freedom has not evolved or functioned in isolation from the broader operations of racism within the U.S. White supremacy and a history of racism are embedded elements of U.S. society that influence the concepts, policies, and practices of intellectual freedom. Overt racist discrimination and oppression and racially hostile environments of suspicion and scrutiny limit intellectual freedom by creating a chilling effect in the ideas and material people access, discuss, and share.

Institutional and systemic racism also limit the way the LIS profession defines and advocates for intellectual freedom. Intellectual freedom is a socially constructed concept that LIS professionals, institutions, and associations have shaped to function as a professional concept and value. Intellectual freedom in LIS is limited by the lack of acknowledgement and proactive elimination of racialized actions, treatment, discrimination, barriers, or limitations,

both overt and latent. Purportedly neutral LIS practices are not neutral, but skewed by the historical, social, and political dynamics that prioritize Anglo whiteness. LatCrit reveals how the bias for whiteness expands to include bias against Indigeneity, non-Western, Mexican-origin, and Mexican American knowledge. Current LIS intellectual freedom frameworks and tools do not address the normative centering of white, Western knowledge, information, and materials within the profession. Library and information institutions, organizations, and environments are predominantly biased in design and implementation by and for white Anglo people. White practitioners, administrators, and scholars predominantly lead the profession, and their implicit and explicit biases inform a broader bias in intellectual freedom policy and practice. The field of LIS has not yet functionally addressed these issues. The concept, policies, and practices are not fixed, as they exist today. There is an opportunity to continue developing them to be more functional for the LIS profession.

Current LIS intellectual freedom frameworks do not acknowledge Anglocentric whiteness or racialization in policy and practice. In the MAS case, knowledge that diverged from the traditional white Anglo canon in MAS was perceived as different, and therefore, dangerous. This dimension of the case warranted nuanced consideration, engagement, and response. The LIS community focused the MAS intellectual freedom issue on TUSD's suspension of MAS classes and removal of books from classrooms and did not address the historical colonization, persistent racialization, and direct racism that contributed to the case by limiting Mexican Americans' intellectual freedom for centuries.

White privilege in LIS afforded white Anglo librarians the option to overlook or not engage with issues of racialized oppression. Librarians' engagement and response to MAS case was optional; for example, there was no requirement for AzLA to respond to the case. There

was no consequence for AzLA’s neglect of this issue. Adding MAS books to a library collection was optional. White Anglo librarians placing books on their library shelves was an act of neutrality, fulfilling professional obligations to make the book available. Going beyond maintenance and inclusion, to actively make the items visible and challenge the status quo, personal affiliation, and comfort was also optional. Colonizing policies and practices have resulted in continued prioritization of white knowledge and perspective over brown knowledge.

The MAS case raised the unaddressed issue of the racially exclusive makeup of the ALA intellectual freedom committees, lacking diverse racial and ethnic representation. Additionally, it was not common practice for those committees to collaborate with ethnic affiliates or the ALA Office of Diversity to address intellectual freedom issues.<sup>55</sup> Consulting and collaborating with ethnic affiliate organizations and racialized librarians to address racialized censorship strengthens engagement and responses. Simply not being overtly racist or exclusionary doesn’t mean an organization is inclusive. While ALA was not necessarily creating overt barriers to inclusion, they were not actively eliminating barriers to ALA’s inclusion of racialized librarians.

## ***5.2 LIS engagement and response in racialized censorship cases is limited***

### ***5.2.1 Color-blind engagement and response has limited impact***

LIS does not respond to intellectual freedom cases with nuanced emphasis or focus on race or ethnicity. Color-blindness, the notion that race does not matter or even exist as a notable factor, limits the way LIS defines intellectual freedom and responds to intellectual freedom cases. The color-blind approach veils race- and ethnicity-based historical, social, and political influences. Overtly racist and discriminatory environments and practices limit intellectual

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<sup>55</sup> By 2017, ALA OIF had consulted with the ALA ethnic affiliates to develop a diversity, equity, and inclusion interpretation to the Library Bill of Rights.

freedom by creating a chilling effect. At the same time, color-blind environments and practices are limiting by not addressing barriers or restrictions for racialized people to access information and materials. The injustices in the MAS case cannot be fully understood or adequately addressed without the inclusion and centering of race, ethnicity, culture, specifically the Mexican American experience. Failure to address the racial and ethnic elements of the MAS case exemplifies the color-blind limitations of intellectual freedom practices within LIS.

In addition to recognizing and acknowledging race, LIS should prioritize active engagement with issues of race and ethnicity to advance intellectual freedom. Using a lens that proactively *sees* race and ethnicity enhances understanding of LIS practices and in this case, intellectual freedom issues. For instance, as a result of the MAS case, ALA OIF realized that race and ethnicity are major factors in intellectual freedom challenges. A LatCrit lens would additionally make visible the factors of ethnicity, citizenship, language, and nationality on intellectual freedom.

A color-blind approach does not actively address race or ethnicity in policy design or implementation. If LIS prioritized race and ethnicity, the field may see other issues or opportunities to go beyond *acknowledging* race and racism. This may include proactively dismantling racism through anti-racist efforts. LIS professionals, associations, and policy maintain the ongoing dilemma of negotiating professional values and practices for intellectual freedom with social justice to allow both to co-exist. The LIS professional associations are not currently able to guide professionals or institutions in responding to racialized intellectual freedom issues.

### ***5.2.2 Additive strategies of inclusion has limited impact***

In multicultural education, the “additive approach” is adding content, concepts, themes and perspectives while also not changing mainstream curriculum structure or goals, distinct from the “social action approach” that engages students in addressing social issues through their education (Banks, 1989). These approaches relate to the way LIS has established a binary relationship between *exclusion* and *inclusion* of materials within intellectual freedom policy and practice. This exclusion vs. inclusion view of intellectual freedom creates limited options for engaging and responding to intellectual freedom cases. Librarians employ “additive strategies of inclusion” of working to include or restore inclusion of materials, particularly if specific material has been challenged or censored. In the MAS case, the additive strategies of inclusion included maintaining MAS books in library collections, adding MAS books to library collections, creating awareness of the books, and providing education around MAS issues. An additive approach doesn’t challenge racialized social structures, systems, policies, or practices that limit intellectual freedom. The strategies were to add *more* information rather than address the issues that limited access to information and intellectual freedom in the first place. This approach did not challenge the colonization of Indigenous and Mexican American people in Arizona, the history of educational disparities for Mexican American students, and political oppression of Mexican Americans as several of the factors that led to the MAS case and persisted beyond the case.

### ***5.2.3 Viewing intellectual freedom cases as racialized cases***

Viewing the MAS case as a racialized intellectual freedom case pushes the strategies beyond *inclusion* to strategies that acknowledge and dismantle systemic racialized barriers to intellectual freedom. Viewing the MAS case as a racialized intellectual freedom case addresses



the institutional and systemic oppression in Mexican Americans' education and the historical legacy of white social and political control over Mexicans and Mexican Americans in the U.S. as major factors limiting intellectual freedom. It illuminates nuanced discrimination rooted in nationalism, which presents barriers of intellectual freedom specifically for Mexican Americans. The claim that "public schooling was not American enough" persisted over the course of Tucson public education simply because Mexican Americans were in the classroom. ALA OIF realized a pattern of race-based censorship after looking at the banned books list with a race lens. There is an opportunity to review historic censorship cases specifically focused on discrimination rooted in nationalist ideals and specific views of what is and is not "American."

LIS associations were not clear in naming parties or motivations behind the broad or specific elements of the MAS case. They also had inconsistent articulation of motivations behind the case. In a case of censorship, LIS professionals routinely address a specific individual, institution, or party responsible for limiting access to materials, which is a relatively direct approach to respond to the issue. A major challenge of systemic racism limiting intellectual freedom is the challenge in naming a specific actor or party responsible for creating barriers. Politics, laws, funding, and racial structures were several of the interconnected elements that supported systemic racism that led to MAS case actions, which makes it difficult to name specifically, address consistently, and more importantly dismantle.

This case study illustrated how LIS professionals are not equipped to engage wholly with this racialized intellectual freedom case, as LIS policies and practices lack a focus on race, ethnicity, culture and racialized oppression that limit intellectual freedom. Viewing the MAS case as a racialized intellectual freedom case calls attention to the broader picture and deeper understanding of racial and ethnic discrimination that limits intellectual freedom for Mexican

Americans. The *testimonio* of Mexican American students, teachers, writers, community members, and LIS professionals becomes significant to such understanding. The firsthand storytelling and narrative of their experiences related to limitations on intellectual freedom provides further understanding for the profession. For example, while the LIS professionals were celebrating Banned Books Week with panel presentations and displays to create awareness of the MAS case, the UNIDOS member shared that the events did not have any impact on the Latinx youth community. Additionally, while LIS professionals were focused on the books removed from classrooms, another UNIDOS member shared that he was more concerned with the abuses on the culture of the Mexican American community. *Testimonio* of lived experiences can reveal what is important within an intellectual freedom case, particularly from those directly impacted by the case.

### ***5.3 LIS engagement and response limited by legal framework***

LIS policies and practices define intellectual freedom within the field and serve as a foundation for professionally supporting intellectual freedom as a Constitutional right granted by the First Amendment. This is the basis of a legal framework LIS used to develop policies and practices to support intellectual freedom. This framework is generally color-blind, in that it does not address historical, economic, and systemic barriers that limit the realization of legal freedoms and rights for racialized people. Historical and current federal and local legislation are disproportionately unfavorable to racialized people. For example, drug enforcement, immigration, education, and in this case ethnic studies, laws have historically disfavored racialized people. While LIS scholarship offers a foundation for expanding intellectual freedom as a human right and cultural right, the field has not yet expanded professional policies or

practices for front-line librarians or LIS associations to advocate and advance these philosophies in practice.

The LIS response to the MAS case illustrated the limitations of LIS policies and practical strategies for advancing intellectual freedom. Overall, LIS professionals conceptualized the MAS dismantling within traditional LIS frameworks of legal rights, with limited acknowledgement of broader frameworks. The school librarians cited LIS policies and referred to state statutes, employed routine professional procedures for responding to an intellectual freedom case, and relied on national organizations as models for responding.

LIS reliance on legal frameworks for ensuring intellectual freedom limits the scope of its impact, particularly in advocacy for intellectual freedom beyond traditional institutional or professional domains. Librarians were not empowered or equipped to advocate for students' intellectual freedom outside the walls of libraries, demonstrated by a school librarian acknowledging the limits of their professional domain within school library walls and AzLA stating that legislation didn't directly impact libraries. LIS national organizations moving beyond legal frameworks in policy and practice expands opportunities for practitioners to advance and advocate intellectual freedom outside of their institutional walls.

LIS professionals referred to rights that went “beyond intellectual freedom” – a right to culture, something beyond additive strategies of inclusion, a melding of intellectual freedom, social responsibility, and social justice. These rights expand beyond national or state laws. Nevertheless, they did not have the professional resources to advance these rights. In the MAS case, using a legal framework to ensure intellectual freedom for MAS students was limited in its impact. Even with Tashima's ruling on *González v. Douglas* (2017), decidedly noting that A.R.S. § 15-112 was developed with racial animus, there is no engagement with or remedying

of the longstanding issues that fostered and maintained a hostile educational environment for Mexican American educators and students. Tucson school, public, and academic librarians and LIS scholars were informed and connected in their community, which put them in the best positions to engage with case stakeholders and enact professional values and advocacy for intellectual freedom. Even so, the librarians were not equipped to professionally engage or respond beyond legal frameworks because they didn't have functional policies, practices, or examples of how to do so. REFORMA-Tucson was engaged in the MAS case early, and one of their initial focal points was stopping the advancement of House Bill 2281. That engagement was significant as an effort to stop racially charged legislation against MAS, albeit limited to a legal strategy.

## **Chapter 6.0: Conclusion**

Historical and contemporary traditions and practices in LIS and K-12 education limited intellectual freedom for Mexican Americans in the United States. Contemporary Tucson public education is situated within a historical, social, and political context that produced and maintained racialized educational environments that were continuously hostile and oppressive to Mexican American students, from the educational colonization of Indigenous and Mexican American youth to the scrutiny and dismantling of TUSD MAS. These conditions inflicted a chilling effect on the pursuit, creation, and sharing of ideas and knowledge, effectively limiting Mexican American youth's intellectual freedom.

The MAS case was an intellectual freedom issue, conceptualized by school, public, and academic librarians, LIS scholars, national advocates for intellectual freedom, and professional associations. Local LIS professionals engaged with TUSD MAS before and during the

intellectual freedom case. The Tucson Latinx librarians' community engagement was an asset that positioned them to take action and advocate for intellectual freedom. The Tucson school librarians' professional competence and confidence ensured student access to MAS materials via school and public libraries. School, public, and academic librarians used additive strategies of inclusion to keep and add MAS materials to library collections, plan programming for education, and create awareness around the MAS issues. The local chapter of REFORMA developed a public statement in support of MAS. There was limited engagement with the racialized elements of the case and close alignment with the LIS legal frameworks, which limited librarians' attempts to professionally advocate for intellectual freedom outside of their libraries. Librarians were not consistent in claiming authority around intellectual freedom outside of library contexts or articulating the racialized nuances of the intellectual freedom case. The AzLA was disengaged from the MAS case, which demonstrated how response to intellectual freedom cases is optional for professionals and associations.

National LIS professionals, scholars, and associations detailed the intellectual freedom violations through official statements and resolutions, legal documents, in conference programs, and through a national award. They conceptualized the case as a violation of students' First Amendment rights. AILA emphasized the limitation on Indigeneity of students and expanded intellectual freedom frameworks by noting that the state laws violated UN Declaration of Rights of Indigenous Peoples. There was not a consistent message around who or what was responsible for the actions in the MAS case or the racialized nature of the case. This limited the potential impact of the public statements and resolutions. The national LIS efforts also advocated for additive strategies of inclusion, with the goal of restoring the MAS program and replacing MAS books to the classroom.

### ***6.1 Contribution to the field***

My research presents a case study of TUSD's MAS program and the LIS response to the dismantling of the program, which illuminates the limitations of the LIS concept of intellectual freedom and practices for engaging and responding to racialized intellectual freedom cases. National LIS scholars and organizations have the power to prepare and equip frontline librarians for intellectual freedom cases through their public statements, active engagement and response to intellectual freedom issues, and direct communication with association members and practitioners at large. Frontline librarians are positioned in their communities to directly engage in intellectual freedom cases, and are most effective if they can rely on national policies and practices for support. The LIS profession has the opportunity to focus on proactive approaches to facilitating access and intellectual freedom in addition to reactive approaches to responding to threats to information access and intellectual freedom. This case addresses the LIS field's limitations in articulating, responding to, and actively dismantling the impacts of institutional and systemic racism upon intellectual freedom.

The LIS field's ability to articulate the nuances of racialized intellectual freedom cases is limited by 1) color-blindness in LIS policy, and 2) the invisibility of racial, ethnic, citizenship, nationalist, and linguistic discrimination. My research highlighted the historical contexts that impacted and limited TUSD's MAS and students' intellectual freedom. It poses an opportunity to explore the historical context as a significant dimension of other racialized intellectual freedom cases. I placed value on the *testimonio* of lived experiences of Mexican American and other racialized students, teachers, writers, librarians, and community members to detail the nuances of the case. This lens applied to other racialized intellectual freedom cases may expand and deepen understanding and improve future LIS policy and practice.

The LIS field's ability to engage and respond to the impacts of institutional and systemic racism upon intellectual freedom is limited. The LIS profession does not have functional policies or practices to articulate issues of racism within intellectual freedom. The LIS profession does not have functional approaches to engaging and responding to racialized intellectual freedom cases. My research revealed limitations of the binary positioning of exclusion and inclusion when responding to material challenges and censorship cases as well as the limitations of additive strategies of inclusion. In the MAS case, simply maintaining materials in libraries, or even in the classroom, would not address the root issues that led to the content and materials challenges in the first place. Finally, the LIS field's ability to *dismantle* institutional and systemic racism within intellectual freedom is limited. Anti-racist strategies are not utilized broadly within the field. The LIS profession does not have functional or proactive strategies for specifically dismantling racism related to intellectual freedom.

The LIS legal framework does not enable effective action or advocacy in advancing intellectual freedom. This case emphasizes the need for recognizing, acknowledging, and proactively dismantling the racialized elements of intellectual freedom cases to effectively impact the case.

The limitations discovered in my case study research provide opportunities for further research, action, and advocacy within the field to expand how LIS understands, teaches, advocates, and supports intellectual freedom. Action on these opportunities will contribute to developing a more robust concept of intellectual freedom that serves not only Mexican American and Latinx people, but benefits all racialized people.

## ***6.2 Limitations of the study***

This study is limited by not having more documents and interview data, from key people engaged in the TUSD MAS case and intellectual freedom networks. This research would benefit from additional interviews with additional (Latinx) Tucson LIS professionals and Arizona LIS professionals outside of Tucson. I was not able to reach representatives from AzLA or REFORMA-Phoenix (Central Arizona) chapter, although I was in touch with AzLA members. Interviews were not conducted with program opponents and they were not contacted for request to interview. The primary program opponents, Tom Horne and John Huppenthal, were notably precise in repeating the same reasons verbatim for their efforts to dismantle the program. Interviews, press releases, speeches, and other first-hand documentation of their perspective are used to gather their perspectives. I was not able to secure interviews with former MAS teachers, Sean Arce or Jose Gonzalez; and although an interview was not secured, I was in communication with Curtis Acosta on multiple occasions. He saw an early presentation of my research at a conference and provided me with feedback and was willing to provide an interview, but ultimately was not available. An additional limitation is that the interview questions ask people to think back seven to thirteen years to reflect on happenings, so there may be details that they are not able to easily remember.

Coding, and document analysis of additional LIS policy documents would expose deeper layers of the case for exploration. Elements of racism, racialization, and oppression are hidden, buried, and not easily or quickly visible or discovered. Despite these limitations, this research addresses a research gap within LIS, a view of a racialized intellectual freedom case using the theoretical lens of LatCrit theory.

### ***6.3 Future research***



Future research will include review of more policy documents. First, Arizona policy documents specifically targeting Mexican Americans would provide more detail on the political context and legislative limitations on Mexican American people during the years of the MAS program, 1998 and 2012. Second, LIS policy documents and policy development details would enhance the description of the professional context that developed the intellectual freedom concepts and practices.

Future research will prioritize Latinx Tucson librarians and community members' *testimonios* to further understand the racialized nuances of the MAS case. Explanation of their firsthand motivations and limitations of engagement and response to the MAS case will inform the LIS approach to supporting frontline librarians. Clarification of librarians' engagement and response would explain whether librarians were acting on personal time, volunteer time with a professional organization, and/or in their professional LIS capacities.

Finally, future research will explore past intellectual freedom issues in Tucson and Arizona, to compare the LIS engagement and responses to the MAS case with that of other cases. The same would be valuable for examining national engagement and response to cases around the country, examining both racialized intellectual freedom cases and non-racialized intellectual freedom cases.

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## **Appendix A:**

### **5 year plan**

#### **Phase I**

**January 1999 through August 1999**

##### **Plan and Implementation**

- Establish educational partnerships with Denver Public Schools, The Metropolitan State College of Denver, University of Arizona, Pima Community College, and Tucson area Charter Schools
- Establish a Hispanic Studies Curriculum Advisory Committee to review the Alma Project's curriculum units through the Hispanic Studies Curriculum Review Committee
- Sponsor a Hispanic Studies Teacher Training Institute
- Acquire Hispanic Studies materials and resources
- Advocate for Hispanic students' needs

#### **Phase II**

**August 1999 through July 2000**

##### **Plan and Implementation**

- Implement the Hispanic Studies Unit Review Committee's approved Alma Curriculum units for use in TUSD
- Work with schools to integrate Hispanic Studies in the K-12 curriculum
- Develop and staff the Student Support Service component
- Expand the Teacher Training Institute
- Continue to nurture educational partnerships through collaborative activities with national, state and local agencies
- Acquire Hispanic Studies materials and resources

#### **Phase III**

**August 2000 through July 2003**

##### **Plan and Implementation**

- Develop Hispanic Studies curriculum units to support the CORE curriculum
- Work with schools to integrate Hispanic Studies in the K-12 curriculum
- Continue to develop and staff the Student Support Service component
- Expand the Teacher Training Institute
- Acquire Hispanic Studies materials and resources
- Continue to nurture educational partnerships through collaborative activities with national, state and local agencies
- Incorporate technology to deliver the Hispanic Studies curriculum on the TUSD Intranet
- Dialogue with the University of Arizona, Arizona State University, Northern Arizona University, and Pima Community College to promote teacher training coordination
- Research trends in the Hispanic Studies by attending national and state conferences (TUSD, 2004).

## **Appendix B:**

### **Mexican American Studies – About Us**

#### **Our Mission**

It is the mission of the Mexican American Studies Department to create within its community the comprehensive knowledge base, critical thinking skills, and critical consciousness necessary for the creation of effective leaders in a world that is becoming increasingly complex and diverse. Furthermore, it is our intent to promote the understanding and appreciation of cultural similarities and differences that exist within our communities. Lastly, the department seeks to advance the understanding and interests of Raza populations within TUSD, the United States, and the world in general.

#### **Our Work - *Critically Compassionate Intellectualism***

The work of the department is geared towards and linked directly to academic achievement. The Mexican American Studies model is one of Critically Compassionate Intellectualism. Critically Compassionate Intellectualism combines curriculum (using counter-hegemonic content), pedagogy, and student-teacher interaction (authentic caring) as a model for increased academic achievement for Latino students.

#### **Our Strategies**

Working with students, parents, community members, and teachers, our programs implement a comprehensive approach to promote student academic achievement. We are active in the following areas:

- Student Support - Prevention and Intervention
- Curriculum Content Integration - A Transformative Approach
- Professional Development - A Latino Critical Race Theoretical Framework
- Parent/Community Involvement - Continuing Education (TUSD, 2010b).

## **Appendix C:**

### **Mexican American Studies Department Vision and Goals**

#### **Vision**

- The Mexican American Studies department is dedicated to the empowerment and strengthening our community of learners.
- Students will attain an understanding and appreciation of historic and contemporary Mexican American contributions.
- Students will be prepared for dynamic, confident leadership in the 21<sup>st</sup> Century.

#### **Goals**

The department is firmly committed to the following with an academic focus:

- Advocating for and providing culturally relevant curriculum for grades K-12.
- Advocating for and providing curriculum that is centered within the pursuit of social justice.
- Advocating for and providing curriculum that is centered within the Mexican American/Chicano cultural and historical experience.
- Working towards the invoking of a critical consciousness within each and every student.
- Providing and promoting teacher education that is centered within Critical Pedagogy, Latino Critical Race Pedagogy, and Authentic Caring.
- Promoting and advocating for social and educational transformation.
- Promoting and advocating for the demonstration of respect, understanding, appreciation, inclusion, and love at every level of service. (Cambium, 2011).



## Appendix D:

### Arizona Revised Statutes §§ 15-111 and 15-112

#### 15-111. Declaration of policy

The legislature finds and declares that public school pupils should be taught to treat and value each other as individuals and not be taught to resent or hate other races or classes of people.

#### 15-112. Prohibited courses and classes; enforcement

A. A school district or charter school in this state shall not include in its program of instruction any courses or classes that include any of the following:

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

B. If the state board of education or the superintendent of public instruction determines that a school district or charter school is in violation of subsection A, the state board of education or the superintendent of public instruction shall notify the school district or charter school that it is in violation of subsection A. If the state board of education or the superintendent of public instruction determines that the school district or charter school has failed to comply with subsection A within sixty days after a notice has been issued pursuant to this subsection, the state board of education or the superintendent of public instruction may direct the department of education to withhold up to ten per cent of the monthly apportionment of state aid that would otherwise be due the school district or charter school. The department of education shall adjust the school district or charter school's apportionment accordingly. When the state board of education or the superintendent of public instruction determines that the school district or charter school is in compliance with subsection A, the department of education shall restore the full amount of state aid payments to the school district or charter school.

C. The department of education shall pay for all expenses of a hearing conducted pursuant to this section.

D. Actions taken under this section are subject to appeal pursuant to title 41, chapter 6, article 10.

E. This section shall not be construed to restrict or prohibit:

1. Courses or classes for Native American pupils that are required to comply with federal law.
2. The grouping of pupils according to academic performance, including capability in the English language, that may result in a disparate impact by ethnicity.
3. Courses or classes that include the history of any ethnic group and that are open to all students, unless the course or class violates subsection A.
4. Courses or classes that include the discussion of controversial aspects of history.

F. Nothing in this section shall be construed to restrict or prohibit the instruction of the holocaust, any other instance of genocide, or the historical oppression of a particular group of people based on ethnicity, race, or class.

## APPENDIX E:

### ALA Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019.

Inclusion of "age" reaffirmed January 23, 1996.

Although the Articles of the *Library Bill of Rights* are unambiguous statements of basic principles that should govern the service of all libraries, questions do arise concerning application of these principles to specific library practices. See the documents designated by the Intellectual Freedom Committee as Interpretations of the Library Bill of Rights.

## **Appendix F:**

### **ALA Code of Ethics**

As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees and library staffs.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

1. We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.
2. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.
3. We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.
4. We respect intellectual property rights and advocate balance between the interests of information users and rights holders.
5. We treat co-workers and other colleagues with respect, fairness, and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.
6. We do not advance private interests at the expense of library users, colleagues, or our employing institutions.
7. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.
8. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.

Adopted at the 1939 Midwinter Meeting by the ALA Council; amended June 30, 1981; June 28, 1995; and January 22, 2008.

## APPENDIX G:

### The Freedom to Read Statement

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that

publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.



We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

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This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

*A Joint Statement by:*

American Library Association  
Association of American Publishers

*Subsequently endorsed by:*

American Booksellers for Free Expression  
The Association of American University Presses  
The Children's Book Council  
Freedom to Read Foundation  
National Association of College Stores  
National Coalition Against Censorship  
National Council of Teachers of English  
The Thomas Jefferson Center for the Protection of Free Expression

**Appendix H:**  
**Data collection log**

Date & Time of Data Collection:

Site of Data Collection:

People Encountered:

Type of Data Collection Activity: Interview

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DATA

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SUMMARY/HIGHLIGHTS

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ANALYTIC COMMENTS

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METHODOLOGICAL COMMENTS

## **Appendix I:**

### **Interview questions**

#### **Tucson community questions:**

- Please tell me about yourself. (Prompts: Where are you from? How long have you been active in your work/community involvement/activism/art? What was your motivation for getting involved in your work/community involvement/activism/art?)
- Please tell me about your connection to the Tucson Unified School District (TUSD) Mexican American Studies (MAS) program.
- Can you explain what happened with the TUSD MAS program ever since you became involved with it?
- How and why did this occur?
- What resistance, challenges, critiques did they experience before the Dolores Huerta / Tom Horne incident?,
- Why the name changed from Mexican American Studies to Raza Studies? When did these changes occur?
- Who were the key people involved in this? How were you involved?
- How did this affect the students? Teachers? Tucson community?
- What were the responses/reactions?
- (Why) Is this issue important to you?
- What were the successes and the challenges in this?
- Who else do you suggest I speak with to learn more about the MAS program?

#### **LIS professionals' interview questions:**

- How and what did you hear about the ending of the TUSD MAS program? How did you stay informed?
- What was interesting or unique about this case?
- How did you/your institution/your organization respond to the MAS dismantling?
- Why was this your course of action?
- What was the intended outcome? What was the actual outcome?
- Did you or your organization receive criticism and/or accolades for your response?
- Was there anything else LIS professionals could have done?
- Who actually responded/acted? What individuals?
- Were there others that should have responded/acted?
- Who else do you suggest I speak with to learn more about responses to the MAS program?

**Appendix J:**  
**Interview details**

<b>Number of interviewees</b>	<b>Affiliation</b>	<b>Interviewees</b>
Three	Former MAS teachers	<ul style="list-style-type: none"> <li>▪ Former MAS Curriculum Specialist, Norma Gonzalez (NG)</li> <li>▪ Former MAS Teacher at Pueblo Magnet High School, Sally Rusk (SR)</li> <li>▪ Former MAS Teacher at Pueblo Magnet High School, Yolanda Sotelo</li> </ul>
Two	MAS alumni	<ul style="list-style-type: none"> <li>▪ Former MAS student and MAS student teacher, Alexei Marquez</li> <li>▪ Former MAS student, Luke Salcido (LS)</li> </ul>
Two	Tucson community members	<ul style="list-style-type: none"> <li>▪ University of Arizona Department of Mexican American Studies Assistant Professor Roberto (Cintli) Rodriguez</li> <li>▪ Director of the John Valenzuela Youth Center Gloria Hamelitz</li> </ul>
Three	Tucson LIS professionals	<ul style="list-style-type: none"> <li>▪ University of Arizona Special Collections Associate Librarian Joseph (Bob) Diaz (BD)</li> <li>▪ University of Arizona Knowledge River Scholar and Pima County Public Library Graduate Assistant (August 2011 – May 2012), Jacqueline Welsh (JW)</li> <li>▪ Former MAS Latino Literature Teacher and TUSD Librarian, current Pima County Public librarian Amy Rusk (AW)</li> </ul>
One	Arizona MAS supporter	<ul style="list-style-type: none"> <li>▪ Carlos Garcia, former Tucson resident, Phoenix Puente</li> </ul>
Two	National MAS supporters	<ul style="list-style-type: none"> <li>▪ Author and Activist Tony Diaz, “El Librotraficante”</li> <li>▪ Author and Publisher of <i>Ban This!</i>, Santino J. Rivera</li> </ul>
Two	National intellectual freedom advocates	<ul style="list-style-type: none"> <li>▪ American Library Association Office for Intellectual Freedom and Freedom to Read Foundation Former Director Barbara Jones (BJ)</li> <li>▪ Intellectual freedom scholar and associate professor Emily J. M. Knox (EK)</li> </ul>

## Appendix K:

### Terms from third coding cycle

(free) expression	draconian	multicultural
academic freedom	educator	object(ionable)
access	eliminat(e/ion)	oppos(e/ition)
action	equal	outlawed
advocate	equity	partisan
affected	ethic(s)	politic(s/al)
affirm	ethnic (groups)	principle
all students	ethnic (studies)	prohibit(ing/ion)
attack	families	protect
ban(ning)	First Amendment	rac(e/ism)
book(s) [not textbooks]	free(ly)	remov(e/al)
border	freedom of speech	remove access
cancel	freedom to read	restriction
cancelship	fund	rich
challenge	histor(y/ies)	right
concern	identit(y/ies)	student(s)
condemn	ideolog(y/ical)	support
confiscat(ed/ion)	inaccessible	suppression
contemporary	Indigenous	suspend(ed)
controversial	inquir(y)	system(s/atic)
curriculum	intellectual	target(ing)
democracy	intellectual freedom	teacher
deserve	label	text
destructive	land	textbooks
disapproval	librar(y/ies) [not librarian]	titles
discourage(ment)	librarian	urge
dismantl(e/ing)	limit access	violat(ed/ion)
diverse	literature	
diversity	material(s)	
doctrin(al )	Mexican American	

**Appendix L:  
Coding dictionary**

<b>Codes and sub-codes</b>	<b>Definition</b>
<b>Action</b>	Something negative toward TUSD MAS
• Action – book removal	Books removed from TUSD classrooms
• Action – ending the program	The TUSD MAS program ending
• Action – involvement with laws	Related to House Bill 2281 and A.R.S. § 15-111 and 15-112
• Action – passive language	Description of action was not clearly attributed to an actor/party
• Action – active language	Description of action was clearly attributed to an actor/party
<b>Beyond Intellectual Freedom</b>	An action is wrong for reasons beyond IF
<b>Content</b>	Related to specific materials, curriculum, books
• Content – MAS issues	LIS professionals have issues with the MAS content
• Content – List of MAS books	LIS addressing the list of seven books removed from classes
• Content – Validity	Expressing validity of materials
• Content – Non-MAS materials	Reference to non-MAS materials
<b>Domain</b>	Reference to LIS profession (or libraries) as distinct from education profession (or classrooms)
<b>History</b>	Reference to historical context of TUSD MAS
<b>Impact</b>	Impact of actions
• Impact – negative impact(s)	The impact of an action was negative
• Impact – chilling effect	The impact of an action had a chilling effect
<b>Intellectual freedom (IF)</b>	Related to intellectual freedom
• IF – First Amendment	Reference to First Amendment
• IF – freedom of speech	Reference to freedom of speech
• IF – censorship	Reference to censorship
○ IF – censorship – book removal	The removal of books was censorship
○ IF – censorship – ending MAS	The ending of MAS was censorship
○ IF – censorship – if/then	Argument that if x is banned, then y would also be banned
<b>Librarians</b>	Specific naming of librarians involved in TUSD MAS
• Librarians – Latinx librarians	Latinx librarians involved in TUSD MAS

• Librarians – Tucson	Tucson librarians involved in TUSD MAS
• Librarians – TUSD	TUSD librarians involved in TUSD MAS
<b>LIS Involvement</b>	Action taken by LIS related to TUSD MAS
<b>Motivation</b>	The reason(s) behind an action
• Motivation – politics	An action was motivated by politics
• Motivation – funding	An action was motivated by funding
• Motivation – state laws	An action was motivated by state law(s)
• Motivation – race/ethnicity	An action was motivated by race/ethnicity
<b>Responsibility</b>	Someone or something was responsible for an action
• Responsibility – TUSD	TUSD was responsible for an action
• Responsibility – A.R.S. §15-112	A.R.S. §§ 15-111 and 15-112 were responsible for an action
• Responsibility – HB 2281	House Bill 2281 was responsible for an action
• Responsibility – Brewer	Jan Brewer was responsible for an action
• Responsibility – Huppenthal	John Huppenthal was responsible for an action
• Responsibility – Horne	Tom Horne was responsible for an action
• Responsibility – other	Something outside of TUSD, laws, Brewer, Huppenthal, and Horne was responsible for an action
• Responsibility – Pre-Horne	Something before Horne’s involvement was responsible for an action

## APPENDIX M:

### TUSD Library Materials Section and Adoption Regulation

Article I. Library Materials Selection and Adoption Regulation

Article II. Section I: Instructional Program

Article III. Regulation Title: Library Materials Selection and Adoption

Regulation Code: IJL-R

Lead Department: Academic Excellence

#### **Criteria for Selection**

The following applies to all materials, including print, non-print, and electronic resources:

- Library materials shall support and be consistent with the District's educational goals, state standards, and the objectives of individual school sites' various courses.
- Library materials shall meet high standards of quality in factual content, artistic and literary value, and presentation.
- Library materials shall be appropriate for the subject area and for the age, language(s), emotional development, ability level, learning styles, and social development of students.
- Library materials will meet the instructional needs of the faculty and the individual inquiry interests of the students; materials should be relevant and up-to-date.
- Authority of the author, organization, publisher/producer, should be a consideration in the selection of materials.
- Library materials should appear with a favorable designation in one or more of the recognized editorial reviewing tools (Library Professional Review Source). When possible, direct examination of materials is advisable to ensure that criteria are met.
- Library materials should be evaluated for cost effectiveness in terms of accessibility, amount of use, and durability. Accessibility may include, but is not limited to, inter-library loans.
- Physical format and appearance should be suitable for library material's intended use.
- Library materials shall be selected to help students gain an awareness of diversity within our own society as well as the world at large, and, whenever possible, authors and illustrators of diverse backgrounds will be represented.
- The decision to select library materials on issues deemed controversial should be guided by consideration of collection diversity and representation of alternative points of view and relevance to curriculum.



## **Requesting an addition to the collection**

- Faculty may request additional materials to be added to the collection for their instructional needs by submitting a request to the teacher/librarian and/or principal. ([IJL - E1 Library Materials & Adoption Exhibit 1](#) - in PDF)
- Students and Parents may request additional materials to be added to the collection by submitting a request to the teacher/librarian and/or principal. ([IJL - E2 Library Materials & Adoption Exhibit 2](#) - in PDF)

To request a specific library material to be removed from the collection, refer to Policy # IJG - Intellectual Freedom.

## **Gifts**

Gift materials should be judged by the criteria listed in the preceding section and should be accepted or rejected on the basis of those criteria. The school library welcomes gifts of books and other materials provided that:

- They meet the same standards of selection as those applied to school library purchases.
- They can be integrated into the school library collection.
- The school library may offer the gift to another library or institution if it is useful but not needed in the school library.
- The school library may dispose of the gift at the discretion of the professional library staff.

## **De-selection**

Weeding (de-selection) is an essential element of collection development that ensures the library's materials are relevant, accurate, and useful. Collections must change over time to reflect changes in the curriculum. Weeding is a continual evaluation of resources intended to remove items from the library collection that are no longer useful.

Books removed from a school's library collection must be disposition in accordance with District procedures.

Reviewed: June 30, 2006 (Friday Report)

Legal Ref: [A.R.S 15-362 Libraries; powers and duties](#)  
[15-721 Common schools; course of study; textbooks](#)  
[15-722 High schools; course of study; textbooks](#)

Cross Ref: [IJK - Library Programs](#); IJG - Intellectual Freedom; [ADF - Intercultural Proficiency](#) (TUSD, 2006).

## APPENDIX N:

### **Resolution Opposing Restriction of Access to Materials and Open Inquiry in Ethnic and Cultural Studies Programs in Arizona**

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

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

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

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

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

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

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

Whereas, HB 2654 has been introduced in The State of Arizona House of Representatives, “An Act Repealing Sections 15-111 and 15-112, Arizona Revised Statutes; Relating to School Curriculum;” now, therefore, be it

Resolved, That the American Library Association (ALA):

1. Condemns the suppression of open inquiry and free expression caused by closure of ethnic and cultural studies programs on the basis of partisan or doctrinal disapproval.
2. Condemns the restriction of access to educational materials associated with ethnic and cultural studies programs.

3. Urges the Arizona legislature to pass HB 2654, “An Act Repealing Sections 15-111 and 15-112, Arizona Revised Statutes; Relating to School Curriculum.”

Adopted by the Council of the American Library Association  
Keith Michael Fiels  
ALA Executive Director and Secretary of the ALA Council  
Tuesday, January 24, 2012  
In Dallas, Texas (ALA Council, 2012a).

## APPENDIX O:

### **Resolution in support of intellectual freedom in Tucson Unified School District Mexican American Studies program**

- WHEREAS, the policy of the American Library Association supports “equal access to information for all persons and recognizes the ongoing need to increase awareness of and responsiveness to the diversity of the communities we serve” (ALA Policy Manual, Section 60); and
- WHEREAS, “the freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label “controversial” views, to distribute lists of “objectionable” books or authors, and to purge libraries.” (Freedom to Read Statement, adopted June 25, 1953; last revised June 30, 2004); and
- WHEREAS, “no society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say” (Freedom to Read Statement, adopted June 25, 1953; last revised June 30, 2004); and
- WHEREAS, the Tucson Unified School District (TUSD), in compliance with The State of Arizona Revised Statutes Sections 15-111 and 15-112, has eliminated its Mexican American Studies (MAS) Program, resulting in the subsequent removal of textbooks and books on the MAS Program Reading List; and
- WHEREAS, textbooks and reading list titles written by nationally and internationally renowned authors and scholars that reflect this country's rich diverse heritage can no longer be taught or assigned by teachers in the suspended MAS Program; and
- WHEREAS, students in the TUSD MAS Program develop critical thinking skills through the study of literature written by ALA award winning authors; and students have demonstrated proven academic success, graduating from high school at the rate of 90% and entering college at a rate of 80%; and
- WHEREAS, educators rely on the collection development expertise of school librarians and access to a diverse collection to respond effectively to the individual learning needs of their students; and
- WHEREAS, HB 2654 has been introduced in The State of Arizona House of Representatives, “An Act Repealing Sections 15-111 and 15-112, Arizona Revised Statutes; Relating to School Curriculum;” now, therefore, be it

RESOLVED that the American Library Association:

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

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

Moved by the Intellectual Freedom Committee.

Endorsed in principle by:

ALA Committee on Diversity

ALA Committee on Legislation

American Association of School Librarians

American Indian Library Association

Asian Pacific American Librarians Association

Black Caucus of the American Library Association

Intellectual Freedom Round Table

Reforma: The National Association to Promote Library & Information Services to Latinos and the Spanish Speaking

Social Responsibilities Round Table (ALA Council, 2012c)

## APPENDIX P:

### **REFORMA Resolution in Support of the Students of the Outlawed Mexican American Studies Program in the Tucson Unified School District**

REFORMA, the National Association to Promote Library and Information Services to Latinos and the Spanish-speaking, an affiliate of the American Library Association, with nineteen local and regional chapters and at-large members from all parts of the United States, views the dismantling of the Tucson Unified School District (TUSD) Mexican American Studies (MAS) program as a violation of the core principles of intellectual freedom and equity of access.

REFORMA advocates for and affirms students' right to have access to accurate and meaningful information that will enhance their critical inquiry skills and understanding of an inclusionary society that honors and respects all of its component members. We support student access to diverse literature that lends to inquiry, conversation, and critical thinking – all strengths that we value in the continued building of our democracy.

WHEREAS the 2010 Census found that Arizona's Hispanic/Latino population accounted for 29.6% of the state's total population,<sup>1</sup> and Tucson's Hispanic/Latino population accounted for 41.6% of the city's total population<sup>2</sup>, with both the state and the city having larger Hispanic/Latino populations than the national average; and

WHEREAS Dr. Arnulfo Trejo, educated in TUSD schools and the University of Arizona and later serving on the faculty of the University of Arizona's Graduate Library School, in 1971 founded REFORMA and provided its driving force; and

WHEREAS reading list titles associated with the MAS program consist of works written by nationally and internationally renowned, award-winning authors, including but not limited to Sherman Alexie, James Baldwin, Ana Castillo, Sandra Cisneros, Francisco Jimenez, Matt de la Peña, Carmen Tafolla, and Luis Alberto Urrea, whose stories reflect this country's rich and diverse heritage; and

WHEREAS these books have been removed from classrooms related to the MAS program, and the TUSD school libraries do not contain all of the removed titles, making this literature inaccessible to all TUSD students;<sup>3</sup> and

WHEREAS REFORMA views teachers as brothers and sisters in the same mission of fostering the love of reading and education by promoting books, literacy, and critical thinking; and

WHEREAS REFORMA is outraged by the confiscation and removal of these materials from classrooms and asserts that their lack of availability in all school libraries creates de facto

censorship;

NOW THEREFORE BE IT RESOLVED that REFORMA, the National Association to Promote Library and Information Services to Latinos and the Spanish-speaking:

1. Condemns the dismantling of the MAS program at TUSD and the removal of textbooks from the classrooms;
2. Affirms that exclusion of and/or restriction of access to the multiple viewpoints, experiences, and histories expressed in books fosters antagonism, isolation, and withdrawal from a pluralistic and inclusive society,
3. Encourages all REFORMA members and member libraries to take local action by creating book displays of the confiscated materials, creating educational programs about the value and meaning of intellectual freedom and censorship, and creating resources in support of the students of the MAS program to further their pursuit of learning; and
4. Commits to developing resource tools and action kits in support of the MAS students' right to pursue their intellectual, informational, and recreational needs; and be it further

RESOLVED that REFORMA (The National Association to Promote Library and Information Services to Latinos and the Spanish-speaking):

1. Unanimously supports the excellent service delivery and specific actions taken by our REFORMA-Tucson Chapter, such as the planning of a 2012 Latino Literacy Roundtable, and their compilation and dissemination of the Outlawed and Threatened Book List entitled "THE CHILLING EFFECTS: A Mexican-American Studies Challenged and Outlawed Reading List;"
2. Unanimously affirms the January 2012 American Library Association, Office of Intellectual Freedom Resolution OPPOSING RESTRICTION OF ACCESS TO MATERIALS AND OPEN INQUIRY IN ARIZONA ETHNIC AND CULTURAL STUDIES PROGRAM,<sup>4</sup> the January 2012 American Indian Library Association STATEMENT ON ETHNIC STUDIES PROGRAMS IN ARIZONA,<sup>5</sup> and the January 2012 Progressive Librarians Guild STATEMENT ON CENSORSHIP AND THE TUCSON UNIFIED SCHOOL DISTRICT;<sup>6</sup> and
3. Unanimously applauds the TUSD students who protested the dismantling of the MAS program and affirmed the changes the MAS program made in their lives, and the teachers and parents who spoke out against the program's dissolution: MAS Students Speak Out About Their Classes and Books Being Banned in Tucson <http://youtu.be/-OUSbELFpX8> and TUSD-MAS Historical Trauma and Sadness <http://youtu.be/k4g4Mv3RpUo> (REFORMA, 2012a).

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<sup>1</sup> United States Census Bureau, 2010 Census Interactive Population Search: Arizona. Accessed from <http://2010.census.gov/2010census/popmap/ipmtext.php?f1=04> on February 11, 2012.

<sup>2</sup> United States Census Bureau, State and County Quick Facts: Arizona, January 17, 2012. Accessed from <http://quickfacts.census.gov/qfd/states/04000.html> on February 11, 2012.

<sup>3</sup> Alexis Huicochea, "TUSD Rejects Reports of Book Ban," Arizona Daily Star, January 18, 2012. Accessed from [http://azstarnet.com/news/local/education/precollegiate/tusd-rejects-reports-of-book-ban/article\\_d2790b34-9618-5eed-80f2-80628edc88f4.html](http://azstarnet.com/news/local/education/precollegiate/tusd-rejects-reports-of-book-ban/article_d2790b34-9618-5eed-80f2-80628edc88f4.html) on February 12, 2012.

<sup>4</sup> OIF Blog, "Resolution Opposing Restriction of Access to Materials and Open Inquiry in Ethnic and Cultural Studies Programs in Arizona," January 24, 2012. Accessed from <http://www.oif.ala.org/oif/?p=3157> on February 12, 2012.

<sup>5</sup> American Indian Library Association, Statement on Ethnic Studies Programs in Arizona, February 2, 2012. Accessed from [http://www.ailanet.org/other/AILA\\_AZ\\_StatementCORRECTED.pdf](http://www.ailanet.org/other/AILA_AZ_StatementCORRECTED.pdf) on February 12, 2012.

<sup>6</sup> Progressive Librarians Guild, PLG Statement on Censorship and the Tucson Unified School District, January 21, 2012. Accessed from <http://libr.org/plg/tusd.php> on February 12, 2012.



## **APPENDIX Q:**

### **AILA Statement on Ethnic Studies Programs in Arizona**

The American Indian Library Association (AILA) wishes to publicly express its strong disapproval of the elimination of the Tucson Unified School District (TUSD) Mexican American Studies classes and removal of books associated with the program due to the State of Arizona Revised Statutes Sections 15-111 and 15-112. We write this statement in support of all students, educators, and families who have been negatively affected by this action.

All students have the right to develop critical thinking skills through a challenging curriculum. All students, regardless of their background, have the right to learn about the history of their own people, as well as the history of the land and peoples where they are currently living. In Tucson, this should include the history and literature of Mexican American people as well as the Tohono O'odham and Pascua Yaqui peoples. The targeting of one ethnic group is an attack on all ethnic groups, and the elimination of a curriculum and books that encourage students to consider the perspectives of those who are often silenced should be a concern to all humanity.

The teaching of Mexican American studies cannot be separated from the teaching of the history of the Indigenous peoples who inhabited this land long before the arrival of Europeans. Indigenous communities have been artificially bisected by the US-Mexico border. People from these communities may speak Spanish, English, as well as their Indigenous languages. Their histories, their stories, and discussion of their contemporary issues have a place in our classrooms and libraries. The curriculum that has been banned in Tucson includes works written by highly acclaimed authors and Tucson residents Ofelia Zepeda (Tohono O'odham) and Leslie Marmon Silko (Laguna Pueblo), in addition to a number of other Native American authors. The censorship of Native voices due to the prohibition of the Mexican American Studies curriculum is part of what prompts the American Indian Library Association to take a stand on this issue.

The systematic banning of ethnic studies and the discouragement of students learning about their own histories is reminiscent of the US federal government's educational philosophy towards American Indians. As Native Americans, we have witnessed the destructive policies of the federal government in which Indian children were denied knowledge of their own cultures, histories, and languages through the abhorrent practices of the boarding schools and, later,

through western educational systems. Because of this history, many Native Americans continue to struggle to maintain the knowledge of our elders and ancestors.

We have rights under the United Nations Declaration of Rights of Indigenous Peoples, and we assert that Arizona state law is in violation of these rights. Under Article 8, the UN Declaration says, “States shall provide effective mechanisms for prevention of, and redress for:

(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; . . .

(d) Any form of forced assimilation or integration;

(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.”

The banning of the Mexican American ethnic studies curriculum is in effect denying the students the opportunity to learn about their cultural values and identities as Indigenous peoples.

The American Indian Library Association supports the January 2012 American Library Association Resolution that\*

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

The American Indian Library Association worked alongside a number of ALA committees, offices, and affiliates to draft the above mentioned resolution, including the ALA Office for Intellectual Freedom, ALA Committee on Diversity, ALA Committee on Legislation, American Association of School Librarians, Asian Pacific American Librarians Association, Black Caucus of the American Library Association, Chinese American Library Association, Intellectual Freedom Round Table, REFORMA: The National Association to Promote Library & Information Services to Latinos and the Spanish Speaking, Social Responsibilities Round Table, and the Young Adult Library Services Association. **We urge other national associations to also take a stand on this issue, particularly other national and international groups with a focus on Indigenous, tribal, Native American, and American Indian communities.**

While the issue in Tucson, Arizona may seem to be limited to the Mexican-American population, we recognize that Tucson, and the surrounding area, is home to several Indigenous groups, including the Tohono O'odham and Pascua Yaqui, and many students in this school district identify as Native American. According to TUSD enrollment statistics, 4% of students in the district are Native American, with most students identified as Tohono O'odham, Yaqui, and Navajo. Additionally, according to the independent audit of the disbanded Mexican American Studies program, conducted by Cambium Learning, Inc., 2% of the students who were enrolled in the program are Native American.

As a membership action group, AILA's focus is on the library-related needs of American Indians and Alaska Natives, including the improvement of library, cultural, and information services in schools and public and research libraries. As librarians and educators, and members of the American Indian Library Association, we write this statement in support of culturally based curriculum that includes libraries as institutions that can freely disseminate information about cultures, languages, and values to the community.

American Indian Library Association, January 31, 2012

Contact: Sandy Littletree, 2011-2012 AILA President, [Sandy505@email.arizona.edu](mailto:Sandy505@email.arizona.edu)

References:

Cambium Learning, Inc. "Curriculum Audit of the Mexican American Studies Department Tucson Unified School District," 2 May 2011. <http://www.scribd.com/doc/58025928/TUSD-ethnic-studies-audit>

"Resolution Opposing Restriction of Access to Materials and Open Inquiry in Ethnic and Cultural Studies Programs in Arizona," Approved by ALA Council III, 24 January 2012. <http://www.oif.ala.org/oif/?p=3157>

Tucson Unified School District. "Native American Studies," 5 Dec 2011. <http://www.tusd1.org/contents/depart/native/aboutus.asp>

UN Permanent Forum on Indigenous Issues. "United Nations Declaration of Rights of Indigenous Peoples," 13 September 2007. <http://www.un.org/esa/socdev/unpfii/en/declaration.html> (AILA, 2012).

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\*This is a corrected copy of the AILA statement.<sup>56</sup>

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<sup>56</sup> I was not able to identify what correction was made and was not able to locate any other version.

## APPENDIX R:

### PLG Statement on Censorship and the Tucson Unified School District

Recent media reports regarding the mass removal of books from classrooms in the Tucson Unified School District (TUSD) demand a response from librarians, charged by our professional ethics to oppose censorship and restriction on information.

After reviewing publicly available materials documenting the process leading up to this TUSD action, the Progressive Librarians Guild believes a challenge should be issued regarding not only the onerous situation, but the politics underlying the decision to cut District's Mexican American Studies program (MAS) program.

At issue is the supposed violation by TUSD of Arizona state law prohibiting classes in public or charter schools from instructions 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

A.R.S. §15-112

The books in question include the following titles used in conjunction with courses taught throughout the TUSD as part of the District's MAS program:

- *Critical Race Theory* by Richard Delgado
- *500 Years of Chicano History in Pictures* edited by Elizabeth Martinez
- *Message to AZTLAN* by Rodolfo Corky Gonzales
- *Chicano! The History of the Mexican Civil Rights Movement* by Arturo Rosales
- *Occupied America: A History of Chicanos* by Rodolfo Acuna
- *Pedagogy of the Oppressed* by Paulo Freire
- *Rethinking Columbus: The Next 500 Years* by Bill Bigelow

On December 27, 2011, Lewis D. Kowal, Administrative Law Judge, ruled in favor of Arizona's Department of Education Superintendent's allegation that MAS courses violated the law, and on January 10, 2012, the Board of TUSD passed a resolution requiring the immediate suspension

of MAS classes. Had TUSD not suspended the program state funds would have been withdrawn from the District.

The Board's resolution did not address the removal of books from classrooms, yet TUSD officials removed and stored books even while one class was in session. News of this mass removal of books from schools traveled, and TUSD found itself confronted with accusations that it had "banned books" from the schools.

On January 17, 2012, the District issued a statement saying, Tucson Unified School District has not banned any books as has been widely and incorrectly reported. The press release described the removal as simply a move of the books to storage and further noted that all of the titles removed from classrooms were available to students through TUSD school libraries. A check of the online catalog verified that at least one copy of each title is, indeed, available.

The fact that these titles are available through the school libraries has minimal bearing, however, on the extreme and censorious behavior of school officials in at least three respects:

- Neither A.R.S. §15-112 nor the TUSD Board resolution requires the removal of books in order to set the District into compliance with the law.
- The act of removing books from a classroom during a class session clearly has a chilling effect on students and the entire educational community. Further, removal of materials from classrooms impinges on teacher freedom of speech.
- TUSD can quibble over whether or not it banned any books, but it certainly cannot state that it did not ban all the courses being taught through the MAS program. Compliance with the order to suspend the program is in itself an act of censorship and a violation of academic freedom.

Regarding the political aspects of this situation, A.R.S. §15-112 was signed into law in the spring of 2010 on the heels of the state's anti-immigration law, considered by many to be racist and neocolonial. The law is currently being reviewed by the U.S. Supreme Court. PLG considers A.R.S. §15-112 to have arisen from a climate of racist sentiment among lawmakers in the State of Arizona. This sentiment has been promoted by Judge Kowal in his siding with Department of Education expert witnesses against TUSD and MAS, which placed TUSD "between a rock and a hard place" -- either suspend MAS or lose state funding for the entire school district. Given the budgetary problems facing school districts across the nation, TUSD's decision to sacrifice MAS over funding is understandable, but unacceptable.

TUSD is aware its MAS program did not teach "racial resentment" but *historical literacy*. It is also aware there is absolutely nothing in the MAS curriculum that affronts civic values or clashes with classes that teach "ethnic solidarity." In the face of absurd, draconian laws, the only ethical position to take is one of complete opposition. Today's capitulation to A.R.S. §15-112 will be tomorrow's capitulation to the next absurd, racist law enacted by the Arizona legislature. The law should be abolished.

The Progressive Librarians Guild opposes the actions of all officials in the State of Arizona responsible for the passage, enforcement, and/or compliance with A.R.S. §15-112.

Progressive Librarians Guild, Coordinating Committee (PLG-CC)  
January 21, 2012

### **Bibliography**

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*In the Matter of the Hearing of an Appeal by the Tucson Unified School District*, No. 1, No. 11F-002-ADE, December 27, 2011 [[link](#)].

Librarians and Human Rights [blog]. Background on Tucson School District Actions. January 20, 2012 [[link](#)].

Mackey, Robert. Arizona Law Curbs Ethnic Studies Classes *New York Times*, May 13, 2010 [[link](#)].

Rene, Cara. *Reports of TUSD Book Ban Completely False and Misleading*. Tucson Unified School District, January 17, 2012 [[link](#)].

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Save Ethnic Studies.org, n.d. [[invalid link](#)].

Tucson Unified School District No. 1 Governing Board Special Meeting. *Resolution to Implement Ethnic Studies in Tucson Unified School District in Accordance with All Applicable Laws*. December 30, 2010 [[invalid link](#)].

Tucson Unified School District. *Resolution on Mexican-American Studies*. January 10, 2012 [[link](#)]. (PLG, 2012).

## **APPENDIX S:**

### **Joint Statement in Opposition to Book Censorship in the Tucson Unified School District**

January 30, 2012

The undersigned organizations are committed to protecting free speech and intellectual freedom. We write to express our deep concern about the removal of books used in the Mexican-American Studies Program in the Tucson Unified School District. This occurred in response to a determination by Arizona Superintendent of Public Instruction John Huppenthal that the program “contained content promoting resentment toward a race or class of people” and that “materials repeatedly reference white people as being ‘oppressors....’ in violation of state law.” The books have been boxed up and put in storage; their fate and that of the program remain in limbo.

The First Amendment is grounded on the fundamental rule that government officials, including public school administrators, may not suppress “an idea simply because society finds the idea itself offensive or disagreeable.” School officials have a great deal of authority and discretion to determine the curriculum, the subject of courses, and even methods of instruction. They are restrained only by the constitutional obligation to base their decisions on sound educational grounds, and not on ideology or political or other personal beliefs. Thus, school officials are free to debate the merits of any educational program, but that debate does not justify the wholesale removal of books, especially when the avowed purpose is to suppress unwelcome information and viewpoints.

School officials have insisted that the books haven’t been banned because they are still available in school libraries. It is irrelevant that the books are available in the library – or at the local

bookstore. School officials have removed materials from the curriculum, effectively banning them from certain classes, solely because of their content and the messages they contain. The effort to “prescribe what shall be orthodox in politics, nationalism, [or] religion”<sup>57</sup> is the essence of censorship, whether the impact results in removal of all the books in a classroom, seven books, or only one.

Students deserve an education that provides exposure to a wide range of topics and perspectives, including those that are controversial. Their education has already suffered from this political and ideological donnybrook, which has caused massive disruption in their classes and will wreak more havoc as teachers struggle to fill the educational vacuum that has been created.

Book-banning and thought control are antithetical to American law, tradition and values. In Justice Louis Brandeis’s famous words, the First Amendment is founded on the belief:

that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that, without free speech and assembly, discussion would be futile; ... that it is hazardous to discourage thought, hope and imagination .... Believing in the power of reason as applied through public discussion, [the Framers] eschewed silence coerced by law .... Recognizing the occasional tyrannies of governing majorities, they amended the Constitution so that free speech and assembly should be guaranteed.

The First Amendment right to read, speak and think freely applies to all, regardless of race, ethnicity, sex, religion, or national origin. We strongly urge Arizona school officials to take this

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<sup>57</sup> [AM Note, 12/4/18: Quoted text refers to *West Virginia State Board of Education v. Barnette* (1943)]



commitment seriously and to return all books to classrooms and remove all restrictions on ideas that can be addressed in class.

American Association of University Professors  
American Booksellers Foundation for Free Expression  
American Civil Liberties Union (ACLU) of Arizona  
Antigone Books  
Association of American Publishers  
Association of American University Presses  
Atlanta's Music & Books  
Authors Guild  
Center for Expansion of Language and Thinking  
Changing Hands Bookstore  
Comic Book Legal Defense Fund  
Freedom to Read Foundation, an affiliate of the American Library Association  
International Reading Association  
Mountains and Plains Independent Booksellers Association  
National Coalition Against Censorship  
National Council for the Social Studies  
National Council of Teachers of English  
National Youth Rights Association  
PEN American Center  
PEN Center USA  
People For the American Way  
Reach Out and Read  
Reading is Fundamental, Inc.  
Society of Children's Book Writers and Illustrators  
Spark Teacher Education Institute  
Student Press Law Center  
TESOL International Association<sup>58</sup> (NCAC & ABFFE, 2012).

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<sup>58</sup> This list is abbreviated, as the original text listed a contact person, their title, a physical address, telephone number and email address.

## CURRICULUM VITAE

**Adriana McCleer**

### Education

**Ph.D.**, University of Wisconsin-Milwaukee, August 2019

Major: Information Studies

Dissertation Title: "This has never really been about books": A LatCrit case study of intellectual freedom

**M.A.**, University of Arizona, May 2007

Major: Library & Information Science

**B.A.**, Edgewood College, December 2004

Major: Spanish

### Research Experience

#### Peer-Reviewed Publications

Bennett-Kapusniak, R., Glover, J., **McCleer, A.**, Thiele, J., & Wolfram, D. (2016). Planning LIS doctoral education around a focused theme: A report on the B2A program. *Journal of Education for Library and Information Science*, 57(1), 69-78.

Bennett-Kapusniak, R., & **McCleer, A.** (2015). Love in the digital library: Racial heterogeneity in e-books. *Journal of Popular Romance Studies*, (5.1), 1-21.

Zimmer, M., & **McCleer, A.** (2014). The 2009 West Bend Community Memorial Library controversy: Understanding the challenge, the reactions, and the aftermath. *Library Trends*, 62(4), 721-729.

**McCleer, A.** (2013). Knowing communities: A review of community assessment literature. *Public Library Quarterly*, 32(3), 263-274.

#### Professional Publications

García-Febo, L., & **McCleer, A.** (2017). Together we are better: International collaboration supporting information access in the Dominican Republic. In C. Constantinou, M. Miller, & K. Schlesinger (Eds.), *International Librarianship: Developing Professional, Intercultural, and Educational Leadership*. Albany, NY: SUNY Press.

**McCleer, A.** (2013). Librotráfico named Downs Award recipient. *Freedom to Read Foundation Newsletter*, 38(1), 5-7.

**McCleer, A.** (2012, July 2). Just service to Latinos and Spanish-speakers. *REFORMA Online Newsletter*. <http://www.reforma.org/newsletter>

### **Project Assistantships**

University of Wisconsin-Milwaukee School of Information Studies

- Assistant to Nadine Kozak, Ph.D. (2013)
- Assistant to Laretta Henderson, Ph.D. (2012)
- Assistant to Joyce M. Latham, Ph.D. (2011-2014)
- Assistant to Michael Zimmer, Ph.D. (2011-2012)

### **Teaching Experience**

#### **Course Instruction**

Information Technology Ethics (Spring 2015) University of Wisconsin-Milwaukee

Introduction to Information Science & Technology (Fall 2014)  
University of Wisconsin-Milwaukee

#### **Teaching Assistantships**

Introduction to Information Science & Technology (Spring 2014), University of Wisconsin-Milwaukee, Instructor: Michael Zimmer, Ph.D.

Introduction to Information Science & Technology (Fall 2013),  
University of Wisconsin-Milwaukee, Instructor: Nadine Kozak, Ph.D.

#### **Guest Lectures**

“Asset-based approaches to community assessment”  
Library Services and Resources for Adults (Fall 2012)  
University of Wisconsin-Milwaukee, Instructor: Joyce M. Latham, Ph.D.

“Ethnic studies: Tucson to Milwaukee”  
Comparative Ethnic Studies Program (Fall 2012)  
University of Wisconsin-Milwaukee, Director: Rachel Ida Buff, Ph.D.

“Asset-based community development”  
Library Services and Resources for Adults (Fall 2011)  
University of Wisconsin-Milwaukee, Instructor: Joyce M. Latham, Ph.D.

### **Field Experience**

Community Partnerships Supervisor (2015-present)  
Appleton Public Library, Appleton, Wisconsin

Librarian II, Youth Services Supervisor (2010-2011)  
Pima County Public Library, Tucson, Arizona

Librarian I, Adult & Reference Services (2008-2010)  
Pima County Public Library, Tucson, Arizona

Substitute Librarian (2007-2008)  
Pima County Public Library, Tucson, Arizona

Wellness Education (WE) Search High School Mentor, Project Assistant (2007)  
University of Arizona School of Information Resources & Library Science

Municipal Intern, Adult Services & Youth Services (2006-2007)  
Pima County Public Library, Tucson, Arizona

Neighborhood Librarian/AmeriCorps Volunteer (2005-2006)  
The Stardust House, South Ranch II Community, Phoenix, Arizona

## **Professional Presentations**

### **Lectures**

**McCleer, A.** (2014, April). *Fighting for intellectual and cultural freedom: Current battles for Mexican American studies in K-12 classrooms*. Presented in the University of Wisconsin-Milwaukee Latin American, Caribbean, and U.S. Latino Studies (LACUSL) Speaker Series, Milwaukee, Wisconsin

**McCleer, A.** (2013, April). *Education in the Dominican Republic: International scholarship*. Doctoral Student Organization Brown Bag, Presented at University of Wisconsin-Milwaukee School of Information Studies, Milwaukee, Wisconsin.

**McCleer, A.** (2012, October). *Censorship of Mexican American studies: An exploratory case study*. Presented at University of Wisconsin-Milwaukee School of Information Studies, Milwaukee, Wisconsin.

**McCleer, A.** (2012, April). *Color blindness & censorship: The dismantling of Tucson Unified School District's Mexican American Studies program*. Presented at the "Real Faces of Latin America and Latino/a Worlds" Third Annual La Crosse Area Latina/o Collaborative Workshop on Teaching, Service and Research, La Crosse, Wisconsin.

### **Conference Presentations**

**McCleer, A.** (2017, April). *A community partnerships framework in action*. Presented at the Wisconsin Association of Public Libraries Annual Conference, Stevens Point, Wisconsin.

Wolfram, D., Bennett-Kapusniak, R., Glover, J., **McCleer, A.**, & Thiele, J. (2015, January). *Planning LIS doctoral education around a focused theme: The B2A approach*. Presented at the Association for Library and Information Science Education Conference, Chicago, Illinois.

**McCleer, A.**, & Bennett-Kapusniak, R. (2014, November). *Love in the WPLC Digital Library: Searching for diversity in the e-romance collection*. Presented at the Wisconsin Library Association Conference, Wisconsin Dells, Wisconsin.

Latham, J., Joo, S., **McCleer, A.**, Park, H., & Barniskis, S. (2014, October). *The Public Library Research Collaboratory: Creating digital space for the intersection of practitioners, scholars, and educators*. Presented at the Library Research Seminar VI hosted jointly by the University of Illinois Graduate School of Library and Information Science, the University Library, and the Library Research Roundtable of the American Library Association, Champaign, Illinois.

**McCleer, A.**, Thiele, J., Bennett-Kapusniak, R., & Barniskis, S. (2014, June). *Leveraging national data to advocate locally*. Presented at the American Library Association Conference, Las Vegas, Nevada.

Bennett-Kapusniak, R., & **McCleer, A.** (2014, June). *Love in the digital library: A search for racial heterogeneity in e-books*. Presented at the International Association for the Study of Popular Romance Conference, Thessaloniki, Greece.

**McCleer, A.** (2014, May). *¡Viva Ethnic Studies!: Intellectual freedom in your classroom*. Presented at the Anti-racist, Anti-bias Teaching Conference, Franklin, Wisconsin.

Jones, B., & **McCleer, A.** (2014, March). *Don't track me: Libraries engage youth and privacy*. Presented at SXSWedu Conference, Austin, Texas.

Bennett-Kapusniak, R., Crawford Barniskis, S., **McCleer, A.**, & Thiele, J. (2013, October). *The traditional, the digital, and you: Discussing the Pew Reports and what they mean in Wisconsin*. Presented at the Wisconsin Library Association Conference, Green Bay, Wisconsin.

**McCleer, A.**, García-Febo, L., Thomas, M., & Antrop-González, R. (2013, July). *Together we are better: International collaborations supporting information access*. Presented at the American Library Association Annual Conference, Chicago, Illinois.

Gomez, K., Avelo, L., Bue, R., Demske, N., & **McCleer, A.** (2013, May). *Challenges and solutions to creating diverse collections and programming*. Presented at the Wisconsin Public Library Association Conference, Lake Geneva, Wisconsin.

Diaz, T., Garza de Cortés, O., Tafolla, C., **McCleer, A.**, & Milligan, B. (2013, April). *Books under fire: Censoring and banning Latino books*. Presented at the Texas Library Association Conference, Fort Worth, Texas.

García-Febo, L., Antrop-González, R., Thomas, M., & **McCleer, A.** (2013, February). *Educación en la República Dominicana: Acceso a la información como instrumento de cambio*. Presented at the Universidad Autónoma de Santo Domingo Recinto Santiago, Santiago, Dominican Republic.

**McCleer, A.**, & Bue, R. (2012, October). *The ABCDs of building relationships with refugee and immigrant communities*. Presented at the Wisconsin Library Association Conference, La Crosse, Wisconsin.

Jones, B., Jasper, K., & **McCleer, A.** (2012, September). *Learning from Tucson: Coping with censorship challenges to authors of color*. Presented at the Joint Conference of Librarians of Color Conference, Kansas City, Missouri.

Wolfram, D., Glover, J., Kapusniak, R., **McCleer, A.**, & Thiele, J. (2012, September). *Overcoming barriers to information access: Privacy education for immigrant populations*. Presented at the Joint Conference of Librarians of Color Conference, Kansas City, Missouri.

**McCleer, A.**, Tafolla, C., Garza de Cortes, O., & Diaz, T. (2012, June). *Ethnic studies under fire: The role of publishers, librarians, teachers, and activists*. Presented at the American Library Association Annual Conference, Anaheim, California.

**McCleer, A.**, Gignac, D., Alcorta, M., & Soltero, E. (2011, September). *Nuestras Raíces: Enriching lives and building community*. Presented at the REFORMA National Conference, Denver, Colorado.

### **Poster Presentations**

Bennett-Kapusniak, R., Crawford Barniskis, S., Latham, J. M., **McCleer, A.**, & Thiele, J. (2014, January). *Converging knowledge: Networking the gap between public librarians and researchers*. Poster presented at the Association for Library and Information Science Education Conference, Philadelphia, Pennsylvania.

**McCleer, A.** (2012, May). *Uncovering the information needs & interests of refugee communities: A qualitative study*. Poster presented at the Qualitative Research Poster Session, University of Wisconsin-Milwaukee, Milwaukee, Wisconsin.

**McCleer, A.** (2012, April). *The dismantling of Tucson Unified School District's Mexican American studies program: A case study and critical analysis*. Poster presented at the Student Research Poster Day, University of Wisconsin-Milwaukee School of Information Studies, Milwaukee, Wisconsin.

## **Service Experience**

### **University of Wisconsin-Milwaukee School of Information Studies**

#### Doctoral Student Organization

Executive Committee Member (2011-2015)

Chief Editor of Ph.D. Student Newsletter (2012, 2013)

President (2012)

Editor of Ph.D. Student Newsletter (2011-2013)

#### Public Library Leadership Concentration

“The Traditional, the Digital and You: Discussing the Pew Report” event and presentation at Wisconsin Association of Public Libraries, Lake Geneva, WI  
Assistant Coordinator and Speaker (May 2013)

#### Alternative Spring Break, Santiago Rodríguez, Dominican Republic

“Education in the Dominican Republic: Information Access as an Instrument of Change” Alternative Spring Break

Program Leader (March 2013)

#### "Out of the Attic and Into the Stacks" Feminism in LIS Unconference

Assistant Coordinator (March 2012)

#### Faculty Council

Ph.D. Student Representative (2012)

#### Doctoral Program Committee

Ph.D. Student Representative (2012)

#### Diversity and Equity Committee

Ph.D. Student Representative (2011-2013)

### **Local and National**

#### Imagine Fox Cities Leadership Team

Member (2019-present)

#### Lawrence University Diversity & Inclusion Advisory Board

Member (2017-present)

#### Celebrate Diversity Fox Cities Board

Member (2016-2018)

Secretary (2017-2018)

Library Research Seminar VI, "The Engaged Librarian: Libraries Partnering with Campus and Community," hosted jointly by the University of Illinois Graduate School of Library and Information Science, the University Library, and the Library Research Roundtable of the American Library Association  
Conference Proposal Reviewer (June 2014)

American Library Association, Diversity Research Grant Advisory Committee  
Member (2012-2014)

Reference and User Services Association Reference Services Section Library Services to the Spanish Speaking Committee  
Member (2012-2014)

REFORMA National Association  
Legislative Committee, Member (2012-2014)  
National Newsletter, Editor (2008-2012)  
Tucson Chapter Secretary (2010-2011)  
Tucson Chapter Treasurer (2008-2010)  
Tucson Chapter Acting President (2007-2008)  
Tucson Chapter Vice President (2007-2008)

Dr. Filiberto & Carmen Murguía Campus, Milwaukee, WI, 50 for Freedom of Speech Milwaukee: Banned Book Event  
Organizer (September 2012)

Joint Conference of Librarians of Color, Kansas City, MO  
Scholarships and Awards Committee, Member (September 2012)  
50 for Freedom of Speech Kansas City: Banned Book Event, Organizer  
(September 2012)

### **International**

“Educación en la República Dominicana: Acceso a la información como instrumento de cambio/Education in the Dominican Republic: Information Access as an Instrument of Change” Conference, Universidad Autónoma de Santo Domingo Recinto Santiago, Santiago, Dominican Republic,  
Planning Committee Member (February 2013)

### **Honors and Awards**

Future 15 Award (2018), Pulse Young Professionals Network, a program of the Fox Cities Chamber of Commerce and the Fox Cities Regional Partnership

Doctoral Student to ALISE Grant (2014), Association for Library and Information Science Education



Doctoral Research Award Grant Opportunity (2013, 2015), University of Wisconsin-Milwaukee School of Information Studies

Ph.D. Student Research Award (2012), Student Research Poster Day, “The Dismantling of Tucson Unified School District’s Mexican American Studies Program: A Case Study and Critical Analysis.” University of Wisconsin – Milwaukee School of Information Studies

Latino Nonprofit Leadership Program Scholarship (2012), University of Wisconsin-Milwaukee Roberto Hernández Center

B2A Fellowship (2011-2015), Funded by the Laura Bush 21st Century Librarian Program, Institute of Museum and Library Services and implemented through University of Wisconsin-Milwaukee School of Information Studies

Emerging Leader Award (2009), Arizona Library Association

Knowledge River Scholarship (2006-2007), University of Arizona School of Information Resources and Library Science

### **Professional Affiliations**

Wisconsin Library Association (2011-present)

Association for Library and Information Science Education (2013-2016)

Reference and User Services Association (2008-2015)

Public Library Association (2008-2016)

American Library Association (2007-2015)

REFORMA National Association (2006-2015)

Arizona Library Association (2006-2011)