

**TRANSCRIPT OF JULY 27, 2021  
ORANGE COUNTY BOARD OF EDUCATION SPECIAL MEETING**

<https://soundcloud.com/user-8727Thirty075/oc-special-board-meeting-7721>

**[PRESIDENT BARKE STRIKES THE GAVEL TO SIGNAL THE BEGINNING OF THE  
SPECIAL BOARD MEETING]**

**BARKE:** Welcome everybody. We appreciate everybody coming out tonight. We know you're all busy. We're very excited tonight to give you some great information. I would, let's see. How do I want to start? I'm going to start by making some announcements and introducing some special guests that are here. We have Melissa Salinas from the Lowell School District - Trustee. We have Pastor Brian Hawkins sitting over here. He's a councilman for San Jacinto. I think Scott Voigts was in the house. He's the mayor of Lake Forest. Okay, all right. Do you want to do a roll call?

**BOYD:** Trustee Sparks?

**SPARKS:** Here.

**BOYD:** Trustee Gomez?

**GOMEZ:** Present

**BOYD:** Trustee Shaw?

**SHAW:** Here.

**BOYD:** Vice President Williams?

**WILLIAMS:** I am here.

**BOYD:** President Barke?

**BARKE:** Here.

**WILLIAMS:** I'll make the motion honorary President. In lieu of the late decision by one of our experts not to be here tonight, the Executive Committee and the committee of this forum here today - I'd like to make the motion for our adopted parliamentary procedure to have an added expert, Dr. Wenyan Wu who is seated to replace the previous expert who is not here. I do that in reconsideration of our May 5<sup>th</sup> 2021, Resolution. Our other experts who are seated, would be included in that resolution.

**BARKE:** Excellent. Thank you.

**WILLIAMS:** I need a second.

**SPARKS:** Second.

**BARKE:** All those in favor?

**GOMEZ:** Discussion, please?

**BARKE:** Please.

**GOMEZ:** The expert that I had invited did withdraw. When she withdrew, I specifically asked that she not be replaced. I do have a statement that I would like to read from her if I may do so at this point? This is from Theresa Montaña. I dedicated a good portion of my personal professional life to the development and implementation of ethnic studies in every level of education from kindergarten through university level courses. Ethnic studies for me is not simply a course requirement, a legislative bill, or an opportunity for public speaking. It is my field of expertise. Upon receiving the invitation from the Orange County Board of Education to speak with a diverse panel of ethnic studies experts on critical questions facing school districts engaged in the implementation of ethnic studies in one of the most critical regions of the state, I accepted the invitation. Imagine my horror when I was instead facing a group of non-experts and anti-ethnic studies panelists. Not a single person-

**AUDIENCE:** [The audience began to interrupt and they are encouraged to keep composure.]

**GOMEZ:** Excuse me, I have the floor. Not a single person on this panel is a dedicated expert in, nor in my judgment, thoroughly knowledgeable about ethnic studies curriculum. In fact, my research reveals that all the panelists are vehemently opposed to ethnic studies and have made their positions on the topic clear. I'm always open to speaking with those who hold multiple perspectives on the topic. I'm not averse to speaking with those experts whose ideas or definition of ethnic studies differ than mine. The key is if I am speaking with those who are knowledgeable and genuinely interested in reaching consensus on how best to implement a solid ethnic studies program. Because this panel is not composed of experts, nor are their points of view diverse, this panel will not effectively inform the community or build meaningful dialogue about ethnic studies. Therefore, I must regretfully decline the invitation to speak at your event on July 27th.

**BARKE:** Well, thank you for those comments. I apologize to our experts, because we do believe that you are experts. I look forward to this academic discussion.

**GOMEZ:** I don't think that you need to apologize for someone's personal opinion.

**BARKE:** Well, I have people here who I believe have been slandered, so I just want to extend my personal apologies. Thank you for coming.

**SPARKS:** I would like to add to that discussion. As a fellow academic, who's taught in a cultural and intergroup communication for more than 25 years. I would expect Dr. Montañó to stand behind the merits of her positions instead of hiding behind the Democratic Party press release, refusing to engage in a public discussion and an exchange of ideas in a live dialogue before the public. The public deserves to hear all sides of an issue.

**BARKE:** All right. We better keep moving; otherwise, the night is going to get away from us. I apologize, too. We have three other very special guests from the California School Board Association. We appreciate them taking time out of their evening to travel here. They are - I'm sorry, Justin Massey, Raquel Maden, and Michael Enzuna. Thank you so much. We appreciate that.

**SPARKS:** I would like to make a motion to move to question.

**WILLIAMS:** To adopt the Agenda.

**SPARKS:** To adopt the Agenda.

**BARKE:** So moved. All those in favor?

**SPARKS, WILLIAMS, BARKE, SHAW:** Aye.

**BARKE:** All those opposed?

**GOMEZ:** Oppose.

**BARKE:** Okay. It is 4-1. We will now move to public comment.

**WILLIAMS:** Okay. First up, I am going to name two people. First one that we'll be talking will be Mr. Henry Abraham. On deck will be Mr. James George. Henry Abraham, you will be first up. You come to the microphone. You can take off your mask, and speak directly into it. Mr. James George.

**BARKE:** It's Henny.

**WILLIAMS:** That's a penny?

**BARKE:** Henny, Henny.

**SPARKS:** It's a penny.

**WILLIAMS:** Oh, Henny.

**SPARKS:** Henny.

**BARKE:** Henny.

**SPARKS:** Henny – h. Henny.

**WILLIAMS:** Okay. These are not my glasses.

**SPARKS:** They are my travel glasses, but I have a backup plan. We need to do the invocation and Pledge of Allegiance.

**WILLIAMS:** Oh, okay. That's after. Actually, we have public comments before invocation and pledge.

**SPARKS:** Okay.

**BARKE:** Please begin.

**ABRAHAM:** Thank you so much. Thank you for allowing me to speak. It is a privilege to do so. First thing I wanted to say, did you know that California was ranked 37 in this nation for Pre-K and 12th grade education. We need to focus back on educating our kids on the fundamentals of education - 37th is not a place to be. Secondly, what makes me an expert to speak on this topic - Critical Race Theory? I was born and raised in Iran. I moved here when I was 14. I am a minority. I'm an immigrant, and I'm married to a White man. I don't know what my kids are going to be told when they walk into school as my six-year-old is about to enter first grade. Is he white privilege because he's half White, or is he a victim because he's half Persian and a minority. It doesn't work like that. I don't know why we are trying to teach racism, because all we know is racism is not a God given trade. It's a learned behavior, so stop talking about it. You know what, as an immigrant, who is more qualified than a lot of people right now on this panel, who was raised in a country where freedom was not an option, who was told that she had to cover her hair and she has no future.

My parents brought me here, because this country grants every single American regardless of their color, that privilege. I am female. I am a minority. I'm running for public office. I was privileged through our public school to go to Cal State Fullerton with a full scholarship. I had that privilege to check a box that granted me that scholarship.

**SPARKS:** Thirty seconds.

**ABRAHAM:** Thank you. My husband graduated with honors at the age of 16 - did not, because he was White. Where is the outrage on that? He gets called names on a daily basis, because he's

blonde hair, blue eyed. Where is the outrage on that? We are Americans. We're all Americans. Racism is taught. Please stop teaching it. Thank you so much.

**WILLIAMS:** After Mr. George will be Steven Flanagan, so if you can come up to the side here and be ready to talk.

**GEORGE:** Good evening. Members of the Board, thank you for the opportunity to speak. Briefly, my sons went to the Los Al School District. I'm very familiar with it. I've seen the education decline drastically over the last few years. The issue behind Ethnic Studies, Critical Race Theory, and social justice being combined into this - is the fact that, basically you're moving along a premise. A false premise, that the United States and all the systems in the United States and all of its institutions are racist. Then, if you a part of one ethnic group, you are forever a victim and have no opportunity. If you're in another group, like myself, I'm evidently a white supremacy and a racist. It is my daily job to, every day, put down Black people in the United States and Brown people in the United States, which is really a shock to me - I never knew that. That's what I'm seeing. That's the stuff that I've seen in the course materials.

Why if you're teaching ethnic studies and trying to instruct people about how other ethnicities are and what cultures they have, why would you want to give a study that says, why I'm a racist to your children? You've got young children learning these things. All it is is divisive. You're putting people against each other. One class is always a victim. One class is always oppressors. That does not help anybody get educated. I appreciate the opportunity to speak. People, we really need to look and see what's going on here. This is not good for our children. Thank you.

**BARKE:** Thank you.

**WILLIAMS:** Mr. Steven Flanagan, and after Mr. Flanagan, on deck will be Mr. Jacob Charlot.

**FLANAGAN:** My name is Steven Flanagan. I'm obviously a White male, but I'm also autistic. I want you to speak out for the autistic community in regard to this Ethnic Studies, because we are often misunderstood. Although there is a wide spectrum of autism, the attributes are similar. We have difficulty interacting in social situations. We have to work harder to know what is socially appropriate. They say the goal of ethnic studies is to increase understanding so there'll be more kindness. However, by stereotyping people by the color of their skin, I think it will do just the opposite. Kids who have autism will interpret Critical Race Theory as White people - bad, Brown and Black people - good. I don't think good or bad should be based on somebody's skin color. Good or bad should be based on a person's morals, character, actions, and values.

However, maybe schools are using Critical Race Theory as a way to change society's morals and values. We understand each other more by being together, which the pandemic prevented. Segregation was fought in the '60s, but it feels like they're trying to bring it back with Critical Race Theory. As a man with autism, I've experienced a lot of progress through the decades for people with special needs concerning inclusion and medical breakthroughs, that have greatly improved my life.

**SPARKS:** Thirty seconds.

**FLANAGAN:** I've also witnessed huge progress in voice relations since America had our first Black president. I hope we'll keep going forward as a country instead of backwards with Critical Race Theory. Thank you.

**BARKE:** Thank you.

**WILLIAMS:** Jacob Charlot you are up. Then, after Jacob is Brenda Lebsack.

**CHARLOT:** Thank you ladies and gentlemen for letting me speak here. I just want to say greetings. My name is Jacobs Charlot. I'm a military veteran, lay minister, graduated psychology and forensics. I'm a heterosexual man, but I have a few friends who do not classify themselves as a particular gender or sexual orientation based on their life experiences. I hope the panel will address chapter three, page six, of Ethnic Studies Model Curriculum. It states, genders and sexual orientations are ever expanding and ever changing. This document has 10 different identities along with an elongated antonym, LGBTQQIAA+. As a Black American, I would like to know if this document is equating ever-changing genders and ever-expanding sexualities to skin color. If so, then parents of skin colors should be very offended.

It appears to me that these extreme ideologies are very cleverly being slipped under the gender of race. This is a Trojan horse that assaults most family values. Now, the civil rights movement should not be equated to sexual revolution, and public schools should not be used to train and empower sexual activists. Of course, all students should be respected and diversity should be celebrated. However, open-ended gender identities is indoctrination.

As one who studied forensic science where blood samples of criminal suspects are analyzed, only two sex options are identified. Either XY, which is male, or XX - female.

**SPARKS:** Thirty seconds.

**CHARLOT:** The sex chromosomes referred to as X and Y and their combination determines the person's sex. Typically, human females have two X chromosomes while males possess an XY pairing. Now, whether a person has an XX or XY chromosome is determined when a sperm fertilizes an egg. Open-ended genders are psychological perceptions that do not align with physical reality or science. Comparing skin color to these imaginary genders and new sexual identities is a slap in the face of Black Americans. By the way, I do have a family that is very diverse, hence the fact of why I'm saying this.

**SPARKS:** Time.

**CHARLOT:** Thank you.

**WILLIAMS:** Thank you, Jacob. Up next is Brenda Lebsack. After Brenda is Araceli Justiniani.

**LEBSACK:** Good evening. My name is Brenda Lebsack. I am a public-school teacher in Santa Ana Unified School District and a former school board member from Orange Unified School District. I asked a question in the chat box during the July 21 virtual event, hosted by the Orange County Department of Education about ethnic studies, but it was not addressed. My question was - there have been four drafts of the Ethnic Studies Model Curriculum. In chapter three, page six, bottom of the page, it states that LGBTQQIAA+ is an ever changing, ever expanding spectrum of identities. Whereas, more identities may fall under this umbrella in the future. As a parent and educator, I requested the California Department of Education, in writing and more than once, to please include a statement that exempts pedophilia or (MAP) minor-attracted persons from this expanse of future identities. The California Department of Education refused to do so. This is alarming.

This paragraph in the Ethnic Studies Model Curriculum is opening a Pandora box for the exploitation of minors. Although this framework is optional for school districts, shouldn't the California Department of Education's refusal to exempt pedophilia or MAP - minor-attracted persons as a possible future identity automatically ban this document for use in public education?

**SPARKS:** Thirty seconds.

**LEBSACK:** I hope this issue will be addressed, because all races and all parents want to know the answer. Thank you.

**WILLIAMS:** Thank you, Brenda. Araceli, you are the speaker now. After Araceli, will be Linda Rowlson.

**JUSTINIANI:** Thank you so much. I really appreciate your time. I am an immigrant from Mexico. I have worked in the school districts to help immigrant parents, because it is a challenging experience to live in a new culture. The California Department of Education has completely ignored the voice of immigrant parents. Let me tell you why. During the community input process of the health framework in the Ethnic Studies Model Curriculum, the CDE denied access of the documents to immigrants by only providing the document in English. Many non-English speaking parents requested the document in their mother tongue, but the CDE said they could not provide equitable access for us. Therefore, 30% of the parents in the state of California were discriminated against by the California Department of Education. It is hypocritical and ironic that they say, ethnic studies provides a more inclusive school environment, when they excluded all non-English speaking parents.

The health framework and ethnic studies have something in common. They both normalize unlimited gender choices and remove all boundaries on sexuality. They call these other genders, marginalized and oppressed. They say genders and sexual identities are always changing, evolving, and expanding. They excluded immigrant parents, because they know these teachings assault our cultural and moral values. They say our culture is important.

**BARKE:** Thirty seconds.

**JUSTINIANI:** But anything having to do with morality - the parents have no say. Ethnic studies is a smoke screen to bring in radical gender and sexuality teachings to tell our children there is no boundaries. If kids do not go along with it, they will be labeled racist. Why this emphasis in sexualizing our children and all these gender teaching as part of ethnic studies? Also, why are the parents been excluded and ignored? Thank you so much for your time.

**BARKE:** Thank you.

**WILLIAMS:** Very good, thank you. Linda, you are up. After, Linda will be Pamela Okoturoh.

**ROWLSON:** Good evening. Thank you for giving us this opportunity to speak. Obviously, I didn't dress for the occasion. I'm just a concerned parent who felt the need to just be here and learn a little bit more. I'm not quite prepared, but I was just going to speak from the heart. First of all, somebody had mentioned - how do we start the meeting? Just a suggestion for next week, a Pledge of Allegiance would have been kind of a way to bring us all together.

Another thing, I'm trying to stay on top of all of these things. I'm not even going to go into the sexuality - into the sexualization of children, all that jazz. I'm here to talk about the CRT, perhaps implementating into our children. From what I understood, what is it our press secretary, had mentioned it was going to stay in colleges. But what I'm finding out, is it's trickling down a little bit lower. That's why I'm here, because I have two children. I'm here to represent all of us parents that are concerned that it's going to cause more division. It's just complicating children with, I think, a harmful mindset.

I take pride in raising my children to be tolerant of all people. I'm part of our Children's Needs Taskforce. I'm a future para-educator. I was a playground supervisor. I'm of mixed race. My children are of mixed race. We have Korean in our family. We have African-American in our family. We're just such a wide blend. That's our future. To even like down this alley is a joke to me.

**SPARKS:** Thirty seconds.

**ROWLSON:** I just don't get it. Did we miss the memo? We're all equal. I don't understand. I feel like we're dredging old dirt. It's going to make this a lot harder to sort of unwrap everything as the kids really understand that this was all just some political agenda. We're supposed to be teaching one love, kindness on an everyday basis. Not in a class. I don't have a problem with this being a college - oops. I think my two minutes might be up, but-

**SPARKS:** Time.

**ROWLSON:** I think we should be teaching conflict and resolution more than any kind of ethnic study, because that's something you learn from your friends. It's just meeting people. That's something you learn on the streets or in the playground. It's up to us parents to teach our children, you know, that kindness is everywhere.

**SPARKS:** Time.

**ROWLSON:** I'm just here to learn more. I hope that you're not teaching the youth something too complicated that they can grasp. Thank you.

**BARKE:** Thank you.

**WILLIAMS:** By the way, you're going to love the invocation, the Pledge of Allegiance in about 10 minutes here. We will have that. Pamela Okoturoh, please, correct me. I am sorry that I destroyed-

**OKOTUROH:** You did that very well. Thank you, sir.

**WILLIAMS:** Did I?

**OKOTUROH:** Yes, you did. You nailed it.

**WILLIAMS:** I'm a product of phonemic awareness that they used to teach.

**OKOTUROH:** Well, good evening. My name is Pam. I was racially assigned at birth as an African-American, but on the weekdays, I identify as White and on the weekends Hispanic. I am racially fluid. Now this may sound funny, but all it does is it reflects what this misguided logic in this curriculum does. In chapter three, page six of the Ethnic Studies Model Curriculum states, that identities for gender and sexuality are fluid and expanding. As a Black mother, I resent multifaceted gender identities and sexual preferences compared with skin color. They are emotionally blackmailing our children. They use words like empathy, anti-racism, and inclusion while showing kids the new pride flag that just added the colors black and brown.

If our kids reject this LGBTQQIAA+, I hope I got them all, indoctrination, they'll be called a racist no matter what their skin color or race. They're hijacking the civil rights movement. I take that personally. It's no accident Martin Luther King was left out and important historical figures among people of color. Why was he left out? MLK was a Christian minister who valued biblical principles.

**BARKE:** Thirty seconds.

**OKOTUROH:** Instead of honoring MLK, who was one of the most courageous civil rights leaders, this indoctrination project demeans him as passive and docile. Why? Because the state is training up political zealots to fight for their sexual and gender identities, which are explored at school without parental knowledge. Angry, clenched, rainbow fists are now the symbol of ethnic studies. The goal is power, not justice. Fighting racism as a facade. They want a society with no moral boundaries while calling it freedom and liberty for all.

**SPARKS:** Time.

**OKOTUROH:** Thank you for your time.

**BARKE:** Thank you.

**WILLIAMS:** Boy Pam, that's going to be really hard to beat. Okay. Jenny Hernandez, you are our speaker now and on deck is Harry Dobashi.

**HERNANDEZ:** Hello, good evening. My name is Jenny Hernandez, and I'm an immigrant from El Salvador. I have two children. I'm against this ethnic studies, because it calls our nation racist. America saved my life and the life of my family. El Salvador was ruled by guerilla warfare corruption. My mother knew the only safety was America. Through her prayers and many miracles, we escaped and fled to America. Here in America, we found refuge. We were educated, found employment, and we could worship God without fear. We could provide for our families and live in peace.

It breaks my heart when Olympians disrespect the American flag by kneeling rather than standing during the National Anthem. These athletes have never lived in a country where their properties were taken away by force; where they are separated from their parents and placed in the hands of abusers; where they must beg in order to eat. These athletes are fools. This curriculum teaches our kids to be fools. It teaches them to hate the very country that has blessed immigrants from around the world. I do not want America to become like many other nations filled with violence.

**BARKE:** Thirty seconds.

**HERNANDEZ:** I do not want our future generation to shake their fist at God. It creates a divided nation with no morals and common sense. Ethnic studies does not promote kindness or empathy. It promotes hatred and rebellion. [Spoken in Spanish] May God bless America, because America has blessed the entire world.

**BARKE:** Thank you.

**WILLIAMS:** We have Harry Dobashi, who is speaking now. On deck, is Linda Padilla Smyth.

**SPARKS:** Smyth.

**DOBASHI:** Good evening. My name is Harry Dobashi. I am a Japanese father. I believe Ethnic Studies and Critical Race Theory promotes racism and hate. It focuses on our country's defeats rather than our victories. Immigrants from oppressed countries risked their lives to come here, because there are opportunities with hard work and determination. Just a second.

I witnessed our segregated past. A sign in a Kentucky Fried Chicken restaurant in the South, in 1965, was in card boarded black letters - No blacks allowed. I looked around and thought, well maybe I could eat there. Today, there are no such signs handwritten or otherwise. We have changed immensely. We have gotten better. Today, anyone of any race can be successful in America with hard work and determination. I'm living proof of that. Today, when we talk about athletes, we do not care about skin color. We care about their abilities. The Greek basketball player has a name many of us cannot pronounce or spell. He recently led the Milwaukee Bucks basketball team to the National Basketball Association Championship. The first championship for Milwaukee in 50 years. His name is Janice Adetokumbo - most valuable player. That was a few weeks ago.

**SPARKS:** Thirty seconds.

**DOBASHI:** Most valuable player now – you. Ability and character matters, invisible characteristics. Every person has awesome talents or abilities. You have to discover and develop yours. That's everybody's first job.

**WILLIAMS:** Wow.

**DOBASHI:** I recently adopted a cat. People ask, what color is it? They don't ask whether its furry or playful? I said, it's yellow.

**SPARKS:** Time.

**DOBASHI:** Outside colors is how we treat animals, but not how we should treat humans.

**WILLIAMS:** Let him know that's it.

**SPARKS:** Time.

**DOBASHI:** It is the inside that counts with humans, but ethnic studies focuses on secondary characteristics, which will make our kids superficial and stereotype people by skin color. We need to see ourselves as one race - the human race.

**BARKE:** Thank you.

**PADILLA:** Thank you, honorable Board of Education for allowing us to come and speak. My name is Linda Padilla Smyth. As a parent of two biracial girls, I am Mexican and their father is White. I'm concerned with the new Ethnic Studies and Critical Race Theory being imposed on us by Sacramento. I do not want my girls being taught that they're one-half Mexican - that they're victims; nor because they're one-half White, that they're racist. By separating the racist, you are in fact, teaching division and confusion to our children. This is racism.

I do not want my children to hate either side of their heritage. Sacramento has taken it upon themselves to indoctrinate our children into areas that are sensitive and require deep thought and care. I'm so concerned. I pulled my children out of public education for a more moderate approach to teaching on gender, sexuality, and race issues.

Further, the public schools in our district didn't allow for in-person education, which proved to be detrimental to my girls' psychological health and wellbeing. More focus needs to go on how to help our children come out of this pandemic. The dollars allocated to this should be allocated to the services helping our children catch up in education that they missed. It should be spent for psychological services for students who have suffered during this pandemic and other programs that are direct nexus to helping our generation move forward after losing one and a half years of instruction.

I know you can't change what the money has been allocated for; however, I require the Board to listen. You can encourage public comment and review for all the districts. Although this is a workshop, I feel it's my civic duty to express my views as a Hispanic woman who's fought for equality on all levels. Further, I believe that this curriculum must be disseminated to the masses for public review and comment.

**BARKE:** Thirty seconds.

**PADILLA:** I urge the Board to encourage public review and comment for all the districts and impose penalty for those who don't. Please let our parents have a voice. Thank you.

**WILLIAMS:** Up next, is Pastor Brian Howlans and on deck is Mr. Barbie George?

**BARKE:** Mrs.

**WILLIAMS:** Oh, Mrs. Barbie George. Okay.

**HOWLANS:** It's Pastor Brian Howlans.

**WILLIAMS:** Okay.

**HOWLANS:** A couple of months ago, my daughter she's nine years old. She said, dad, why aren't you angry at the police? Why aren't you mad? Why aren't you out there, you know, joining Black Lives Matter? You have a legitimate reason. They was introducing systemic racism. They were saying that my color would be my setback, so I decided to run for office to prove them wrong. Right.

I think the word you mentioned, you said expertise, right, expertise. I need you to explain to the crowd how an ex-felon ran for office in California and got elected. Why Sheriff Chad Bianco called and asked me to do his invocation? How I became a bridge between law enforcement and the community. I grew up around gangs. I grew up, you know, in the inner city. I grew up around welfare. Yeah, I'm that ex-felon. I spent 10 years in prison. My second term - I was given six years for having a rental car three days late. Go look it up. It happened right here in Orange County.

I have no anger – none whatsoever. I could easily be a Black Lives Matter leader. I can do what the Democrats do. I can use racism as a hustle. I can continue to- I can. I can, because it is. It's a hustle. It's a hustle. They're constantly creating this narrative. Then, I'm running for congress against, you know, one of the democratic incumbent Raul Ruiz. They know who I am, because I'm busy in my streets. I've read through Critical Race Theory. I read through the racism that's hidden inside ethnic studies.

**BARKE:** Thirty seconds:

**HOWLANS:** I see the division that it's causing. The Bible tells me how good and pleasant it is for those to dwell together in unity. I'm going tell you something, what General Yamamoto said, it's the reason why we won the battle in Midway. The Patriots woke up. They got up out they bed, and that's what's starting to happen. You're going to start to see a lot of people who love this country. It bothers me when I see people burning the American flag - can't say the National

Anthem. It bothers me when the President of the United States can't even say how much he loves America. That bothers me.

This country has so many opportunities. Matter of fact, it's so free. We're free to sit up here and be here discussing. I do have one question, because I've been to 27 board meetings across California. I keep going to all of them. I love going there. I have- I do, I do. I do.

**SPARKS:** Time.

**HOWLANS:** I got kids in school. This is serious for me. I'm serious. I'm one of them real fathers - like involved, but I do have a question. I noticed how there's nobody here that supports it, but the politicians. Them are the only ones. All I keep hearing is the people, which elected the politicians, if the politicians are speaking and the people aren't here, then who are they speaking for? That's the question I really would like to have answered. God bless you guys.

**WILLIAMS:** Barbie, that's a tough one to follow. Wow.

**GEORGE:** I will do my best. Good evening everyone. My name is Barbie George, and I am the mother of five children - all by C-section. I have the scars to prove it. As the mother of five children, as a woman who was born on the island of Puerto Rico, as the wife of an African-American man. I would like to say this - my children are not oppressed. Anyone who feels comfortable with a school or a teacher saying that, I feel very sorry for you.

On 9/11, I lived in the New York Tri-State area. My husband was on a subway right under the towers. I thank God every day that he is alive. On that day, my best friend worked as an executive of the New York Waterway. She is Guyanese-Indian. She worked with a police officer who was Italian American, and they rescued hundreds of people on that day. Let's fast forward to today. They are married. They have three beautiful children, and race had nothing to do with it.

I want to share a photo of my two daughters. One has curly textured hair. The other one has straight hair - one is not oppressing the other.

**SPARKS:** Thirty seconds.

**GEORGE:** I have two boys. Everyone thinks they're twins. Except, one has curly hair and one has straight. Is that the next thing we're going to vilify? In this country, it's about we the people. I'm asking we the people to not be silent any longer.

**SPARKS:** Time.

**GEORGE:** August 5th, 2019, I went into Cedars-Sinai Hospital. I was having a brain tumor removed. I asked God, please give me an opportunity to make this world a better place. That's why I'm here tonight. I will say something. I received blood products on that day, and never did I ask what color was the donor? Why is that, because we are one people.

**SPARKS:** Time.

**GEORGE:** Divisiveness does not belong in this country.

**WILLIAMS:** I don't know how it can get any better than this. Ms. George, that was very moving. Next up is Liz BrazeLow, BroedLow, Okay. On deck is Kathy Johnson.

**BROEDLOW:** Thank you for opening this up to us. I appreciate that. I appreciate your time. I'm a grandmother. I'm a Patriot. I'm a Christian. I felt that it was my duty to be here tonight. I do not speak, so bear with me. Critical Race Theory is telling children that they're irredeemably bad. That their nation is built on a lie, and that, some of them are worth more than others depending on the color of their skin. Critical Race Theory harms everyone. It's not just the White kids who are categorized as oppressors, but children of color, who like every child, deserve a civil, harmonious society where our immutable characteristics compliment, not divide one another. That's the real aim of Critical Race Theory and the reason we can't allow it to seep further into our school curriculum.

What's more, the proposed rule appears to be in direct violation with the Civil Rights Act, which clearly states - no person in the United States shall on the ground of race, color, or national origin be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. When we teach history, we're teaching our children who they are and where they come from. When we teach them civics, we teach them who they can become. If we allow Critical Race Theory to corrupt this, we will teach them the soul crushing lesson. That they're nothing more than the color of their skin, and that's all they'll ever be. Thank you.

**WILLIAMS:** Thank you, Liz. Kathy Johnson, and after Kathy will be Don Brown.

**JOHNSON:** I have three questions for our panelists. Please expand on the difference between Critical Ethnic Studies, which is based on oppression and racial division and Constructive Ethnic Studies? Examination of racial and bigotry, whether their cause is while inspiring students with role models of color who have overcome obstacles, which of these two models would be included in this fourth draft of the curriculum? I'd also like to know how superficial focus on racial diversity, discourages academic independence and assaults principles of free expression? How does that data relate to Critical Race Theory and ethnic studies curriculum? Last, the third question is - in the draft, there was a list of 154 influential people of color that made no, or minimal mention of Dr. Martin Luther King, John Lewis, Justice Thurgood Marshall. But it did

include, violent revolutionaries and that capitalism was classified as a form of power and oppression.

Why is it that people who did positive things were initially excluded from the curriculum, and is that still the case? If you want education equality, you must stop the group think. It is about the individual student and what are their talents and aptitudes. Orange County Department of Education has been a leader in the Career Technical Education pathway development. This is the foundation for student success and excellence.

**SPARKS:** Thirty seconds.

**JOHNSON:** I have seen individual students rise to their highest potential. Self-motivation will take them into a bright future, not being taught, they are perpetual victims or oppressors. I have been an executive of a nonprofit organization of educational support services for 19 years. I have seen the successes here in the county, and I'm very saddened by seeing the direction that things are going.

**WILLIAMS:** After Mr. Don Brown will be Catherine DeCeglie.

**BROWN:** Hi, I'm Don Brown. I'm pretty much on a journey right now. The journey started about two years ago, when my daughter started saying things that just didn't make sense. It was like - I got to figure this out. What's going on? I started down this journey, and all of a sudden, it's led me into coming here. I think one of the things we got to see is that we have a lot of people that should be uniting. There's no reason for there not to be a uniting. Instead, they're being taught things that are like - her comment to me was, like, dad, you know, you got this white privilege and you got this. I'm like - I don't even understand that. Yet, it was focused on me. I'm like - I gotta figure this out. I apologize for my emotion here.

I'm going down the path right now and saying- I saw a sign outside and it said - truth matters about history and so forth. I'm like - yeah, it does. Truth really does matter. Why is it that we'd say that? We are not lying. We are telling the truth, right, in school? Why do we need Critical Race Theory that has nothing to do with anything other than creating this separation between us? We should be uniting as one. We should be powerful as one. We died together.

I mean, we don't go to battlefields and say, what color are you? You can't stand next to me. We go on a battlefield and we say, you're my color. You're red when we all see it come out. We're going to fight together. We're going to hold each other together. We're going to be powerful.

**BROWN:** This is separating that.

**SPARKS:** Thirty seconds.

**BROWN:** I don't think it's right. It's hurt me. It's hurt my family. I think we need to get this thing stopped. It needs to stop at the root so it never spreads again.

**WILLIAMS:** Thank you, Don. After Catherine, will be Kelly Felton.

**DECEGLIE:** Sorry, I'm a chemist. I know too much. Good evening, my name's Catherine DeCeglie. I'm a taxpayer, international business owner, and I have two children in Huntington Beach School District. I'm disgusted that a few weeks ago, our local school board meeting lied to every parent in the room and to the parents who pay their salaries and fundraise for our schools - that CRT is not being taught in our school or even being considered to expand into this once great school district. Using the term equity, is literally stomping on the legacy of MLK.

This is a racist, divisive, vial, and evil ideology that has infested our great country. What are you going to teach the child whose biracial in our community - mommy's an oppressor and daddy's a victim? What do you think that will do to our children's confidence and their drive to succeed? Maybe that's the objective? You don't want our Black, Brown, and biracial students to succeed. You want to kick the White students in the teeth for something that they have no control over.

I want every single member of this board to actually learn the language that is embedded into the CRT curriculum, and learn what you're thinking about supporting. Equity literally means redistribution. If you care about skin color, you're the racist. It's a bigoted idea. It goes against everything that we have been taught as Americans.

**SPARKS:** Thirty seconds.

**DECEGLIE:** There's no opinion in history. History is fact. Facts should be taught. When ethnic studies professors say: we need to teach the good, the bad, and the ugly. Why don't we teach about how the US recovered from the ugly? Teach the Constitution, the Bill of Rights, the Civil Rights Bill, Martin Luther King. I implore all of you to reconsider and do not pass this racist and divisive curriculum. Thank you.

**WILLIAMS:** After Kelly, is Harriette Reid.

**FELTON:** Hi everybody. I came to talk tonight about the ethnic studies. I listened to the colloquium from last week. I listened to all the speakers. Some of them are my peers. I'm a professor at Cal Baptist University and some other local schools. I really enjoy teaching college, because it opens up the minds of my students. They get to see how the world works, but K-12 is a special, special group of people.

Our community, our children that are in school have to be united. What makes children united? Give them extracurricular activities, give them clubs and partnerships, and friendships, and nourish them at home among their groups of friends, family, and culture. When they go into college, they're going to have a worldview, and a great sense of self, and they can share with others their own background and where they're coming from. This is designed for college. This is not designed for children.

Our universities have given us, all of us with a college education, from local schools in Orange County - go Panthers. We encourage them to take ethnic studies and to teach others about their ethnicities and their backgrounds. It brings us all together as Americans. We can appreciate this. Having extracurricular activities and activities for the children to do as a unit, as a school, as a league, as family units, but giving them a way to work their brains - a special part of their brain with music, and art, and sports, and family time. They can share that with others and be united. Instead of Ethnic Studies, we should offer classes like civics, how to vote, how to be a citizen in this country.

**SPARKS:** Thirty seconds.

**FELTON:** Let's throw back some home economics, some culinary, some more trade classes. Dr. Franklin, at the colloquium, said that his high school students in Tustin specifically, won't be taking ethnic studies because they're too busy taking college prep classes. What is this class left for then? Is it left for special education? Is it left for kids that maybe won't be going to college? That's not fair. We need to be equally distributing our COVID relief money to helping children in their extracurricular activities, nurturing their abilities -

**SPARKS:** Time.

**FELTON:** - to relate to each other and be Americans.

**WILLIAMS:** Thank you, Kelly. Up is Harriette Reid. After that, will be Bob Gast. Our last speaker tonight will be Katie Taylor. Harriette, good evening.

**REID:** Hello. Thank you for allowing me to speak today. There are so many different ways you could go on this. My head is spinning. I really would have appreciated hearing from Ms. Montaña. I'm so unhappy that she was unable to come. Particularly because, I've never heard anyone actually be able to defend Critical Race Theory. I was so looking forward to it. Generally, when we have people speaking against the Critical Race Theory, it just sums up call it name calling and that type of thing. I really wanted to hear her very expert opinion. Apparently, I guess, we aren't worthy of it. We aren't, I guess we aren't expert enough, yes.

Beyond that, I have to bring in the common-sense portion of this. I just can't imagine how we got where we are in needing this ethnic studies course. A) you could begin by improving the

textbooks that are given to students in science, and history, and other subjects. If you want to include those cultures, that would be an excellent place to include them when you're actually talking about those subjects.

The other common-sense area that doesn't make sense to me. One of the portions of this ethnic studies course, they want to turn your children into activists. I just can start really imagining, some of the causes that they're going to be encouraging these kids to join. It won't be a pro-life rally. I can assure you on that.

**SPARKS:** Thirty seconds.

**REID:** It really is very disappointing that she wasn't able to come. I hope she maybe can come to the next one. We would really welcome her with open arms to hear whatever it is that is so expert about her opinion that she thinks that we can't handle it. Thank you so much.

**WILLIAMS:** Okay, Bob Gast and then, Katie Taylor. Katie will be the last public speaker. Then, we will go on with item one and two in our Agenda.

**GAST:** Good evening. Thank you for allowing me to make a few comments. I'm going to take a little different approach. I want to bring to your attention the Austin Knudsen, Montana's Attorney General's recent legal ruling, which highlights how the teaching of CRT, ethnic studies and diversity equity and inclusion programs violate federal law. Specifically, laws of the Equal Protection Clause on the Fourteenth Amendment of the US Constitution and Title VI of the Civil Rights Act of 1964. Committing racial discrimination in the name of ending racial discrimination is both illogical and illegal. It goes against the obsessional principles of which our nation was founded.

How can we tolerate schools, other government entities, or employers implementing CRT and anti-racist programs in a way that threatens individuals differently on the basis of their race or that creates a racially hostile environment? Are we not placing our school board in danger of anti-discrimination laws? See if your budget allows for it. Thank you.

**WILLIAMS:** Okay. Our last speaker is, Katie. Then, we have invocation and Pledge of Allegiance.

**TAYLOR:** Okay. Thank you. I so appreciate the opportunity to be here. I want to share with everybody here. Make no mistake, Critical Race Theory, ethnic studies - the goal of those programs are to replace parents. The government will tell your children what to think about themselves and other people. That is the goal - pure and simple. I want to share with you. Recently, I attended the Carlsbad School Board Meeting. I have kids in the Carlsbad school system. I've also been very involved in finding out what's going on with Carlsbad and Oceanside

districts. Don't let any school board tell you they're not going to be teaching Critical Race Theory. It took me four months to get the documents that Carlsbad's going to teach.

Last week's Carlsbad school board meeting, they tried to shut off the public comment like we're doing right now. The people got so riled up. They were booing them, heckling them to the point the board took a break and came back - okay, we are going to let you talk. They had threatened to have the police clear the room.

You guys, this is a fight. This is a fight for our children. This is a fight for our communities. This is a fight to save our state and our country. Make no mistake. They are out there to tear it down and rip it apart. I will be happy to provide anybody here that wants it, the ethnic studies programs from Carlsbad and Oceanside so you can see what they're going to be teaching. We're not going to accept it. Thank you.

**BARKE:** I want to thank everybody for their very interesting public comment this evening. I think it's been most informative and entertaining. We are going to proceed now, quickly, to our invocation with our favorite Bishop Gail Oliver.

**OLIVER:** Hello. Good evening, everyone. I'm just going to ask - give the Board a big round of applause real quick. I thank God for this Board. Amen. The panel - give them a big hand right quick. All those who spoke - give them a big hand real quick. Amen. All of those who love God - give God a big hand. Amen. I'm so fired up. I want to preach, but let me pray real quick. Amen.

Some men asked Jesus to teach us how to pray. All those who are believers if you join me in prayer, amen? Our father, which art in Heaven, hallowed be thy name, thy kingdom come. Thy will be done, here on Earth as it is in Heaven. Give us this day our daily bread. Forgive us of our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For thine is the kingdom, the power, and the glory forever and ever. In the mighty name of Jesus, amen. Let everybody shout amen. Amen.

We pray, amen, for a revival asking God to pour out his spirit. The enemy is trying to take Jesus out. How many know we need Jesus in? In the name of Jesus, we pray, Lord that you bless us. Pour out your spirit on us, Father. Help us to stand on the word of God - the truth, Lord God. It is the truth that sets us free. It's impossible to please you without faith. We pray that everybody's faith will be stirred up in you tonight, Lord. Every gift be stirred up, Lord God. Bless your children, Lord God. We thank you for your love, mercy, and your grace. Because we belong to you J O Y - Jesus owns you, amen. We're too blessed to be stressed. Give God a good hand - a clap of praise.

**BARKE:** Thank you so much, Bishop Oliver. You never disappoint us. Next, I'd like to invite Ron Flores up to lead us in the Pledge of Allegiance.

**WILLIAMS:** You may stand if you would like in our pledge. You got it, sir.

**FLORES:** I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all. Yeah.

**WILLIAMS:** Want me to make the motion? I make the motion for item one - approval of our expert panelists.

**SPARKS:** Second.

**BARKE:** All those in favor?

**SPARKS, WILLIAMS, BARKE, SHAW:** Aye.

**BARKE:** All those opposed?

**GOMEZ:** Opposed.

**WILLIAMS:** Okay. I'd like to make a motion for item number two - suspending Board Policy 100-17 regarding public presentations with PowerPoint at these meetings.

**SPARKS:** Second.

**BARKE:** All those in favor?

**GOMEZ:** Could we have a discussion? What are we trying to do here by this motion?

**WILLIAMS:** Good question. So one of our experts may present a PowerPoint presentation, we have in our Board policy that they should be turned in beforehand. Unfortunately, because of the time that he was not aware of the limit that was set, that's why we're voting on this.

**GOMEZ:** He wasn't aware of the limit - meaning what?

**WILLIAMS:** As you know, the Brown Act requires the posting by Friday of last week. He was told the day before, so we will have it. It will be part of the public record. We're just waiving, Beckie, the Board policy for this meeting.

**GOMEZ:** I don't know which panelist it is. When we invited the panelists, we did not include that information?

**WILLIAMS:** Sometimes information is not known. The complexity of arranging and orchestrating this event, Beckie is very challenging.

**GOMEZ:** I'm just asking if he was notified, he or she, I don't know who it was.

**WILLIAMS:** Beckie, your question really is interesting. No, he wasn't notified until he asked me last week - can I give a PowerPoint presentation? It really is not a big issue.

**GOMEZ:** Well, I think it is when we suspend Board policy.

**WILLIAMS:** Call for the question.

**BARKE:** May we vote on it? Any further discussion? Okay, all those in favor?

**SPARKS, WILLIAMS, BARKE, SHAW:** Aye.

**BARKE:** All those opposed?

**GOMEZ:** Oppose.

**BARKE:** Okay. Passes 4-1. Okay. I now, thank you for your patience. I will now turn over the forum to our moderator Joe Collins. Thank you, Joe.

**COLLINS:** Good evening, my name is Joe Collins. I am a US Navy veteran, a former congressional candidate. I sit on the board of a few international development companies. I am the moderator for this evening's event. Being a US Navy veteran means I am pro-law enforcement, and I will hope you guys are, too. That was the setup. The reason why is because, unfortunately, if you make a public disturbance, I will have to suspend the Board to recess. Then, have our Sheriff's Department in the back remove you from this forum. I think that we have to remember that this is not a debate. This is a forum. The Orange County Board of Education is a board that does not get enough appreciation. No matter what decision they make is in concurrence with the California laws within their legal ramifications. Of course, you know, adhering to public opinion on the decisions that they make concerning education within Orange County. We should give them the respect as well as the panelists here who had to take a lot of criticism and fly from whatever destination of the United States they come from to be here, to speak with you guys about set issue.

Now, aside from our own personal opinions on CRT and ethnic studies within the schools. Tonight, I have no opinion. I wish that you will suspend your opinions, and let's listen to our panelists give their expertise on Critical Race Theories and Ethnic Studies in Orange County.

Now, what I'm going to do is I'm going to give you a format of the rest of tonight's events. I'm going to be introducing every single board member. I'm going to give you their backgrounds so you can know where they came from. I would ask that you give them the respect as well as the respect of the board member who for what reason could not make it.

We're going to have the opening remarks. Each board member are going to get 12 minutes to say what they have to say about their concerns when it comes to Critical Race Theory and ethnic studies in education. After that, the Board will have an opportunity to ask questions to the panelists. We're going to have our closing remarks. That's going to consist of 12 minutes from each panelist to further conclude their efforts on Critical Race Theory and ethnic studies within the school system.

Then, I'm going to turn it back over to the Board of Trustees. They will have their closing remarks and allow the public, if we have time, to further voice their concerns on how they feel about Critical Race Theory. With all that being said, I'm going to introduce our first panelist - Mr. Myers.

Mr. Myers is an adjunct faculty member at Biola University with a Master in Arts of Science and Religion, a program teaching on Darwinism, evolution and design. He serves importantly as a board member of the Discovery Institute, a Seattle based think tank, that promotes thoughtful analysis on local, regional, national and international issues. He's a regular contributor to the Discovery Institute's scholarship mission. The Institute is home to an interdisciplinary community of scholars and policy advocates dedicated to the reinvigoration of traditional Western principles and institutions of the worldview from which they issued. Discovery Institute has a special concern for the role that science and technology play in our culture and how they can advance free markets, illuminate public policy.

Our second panelist is Mrs. Shufutinsky. Did I say that right? Dr. Shufutinsky, excuse me. Dr. Shufutinsky is a social worker, writer, researcher and advocate. She holds a Doctorate in Education from the University of San Francisco in International and Multicultural Education from the University of Southern California. A Master's in International Relations from the University of San Diego and a Master's in Criminal Justice Administration, a Bachelor's in History and Political Studies from the Chaminade University of Honolulu. Congratulations, that's wonderful. I'm impressed.

Dr. Shufutinsky works towards advancing the rights of victims and survivors of domestic violence and sexual assault through practice, education, and research. Currently, her focus is on advocating for developing intercultural and academic opportunities to enhance liberal democratic ideals.

Our third panelist is Dr. Schwarzschild. Dr. Schwarzschild is Professor of Law at the University of San Diego. He served in the Department of Justice in Washington, D.C. during the Carter administration. He has practiced law as an English barrister in London and is an accredited journalist for the United Nations, and has been for five years, and has had White House press credentials during the Nixon administration. He joined USD School of Law faculty in 1982 and has been a visiting professor at the Hebrew University in Jerusalem, the Sorbonne in Paris, and the University of California in San Diego. Congratulations, that's wonderful.

He has been appointed a member of the California State Advisory Committee to the United States Civil Rights Commission since 2015. He is a member of the Editorial Board of *Law and Philosophy: An International Journal for Jurisprudence and Legal Philosophy*. He has published extensively on constitutional law, jurisprudence, law and religion and civil rights. He received his BA and J.D. from Columbia University. He is a resident of San Diego.

Our fourth panelist is Dr. Sander. Dr. Sander is an economist and the Dukeminier Distinguished Professor of Law at UCLA. He has taught since 1989. His scholarship usually examines the intersection of law and policy through a social science lens. Dr. Sander teaches courses in property, quantitative methods, urban housing, and policy analysis. Dr. Sander received his BA from Harvard and Ph.D. in Economics from Northwestern University and a J.D. in Northwestern University also. He is an author of hundreds of scholarly reviews and articles. His published books are lengthy and announced, but includes the topic of affirmative action and integration, fair housing. In 1995, he published the first comparative evaluation of academic support programs using legal education.

Dr. Sander has been working on questions of social economic inequalities for nearly half of his career and worked on the election effort and subsequent transition team of Harold Washington, Chicago's first Black mayor. He is a dedicated father, husband, and married to astrophysicist, Fiona Harrison. They reside in Los Angeles County. That's amazing.

Our final panelist is Dr. Wenyuan Wu. She's the Executive Director of the Californians for Equal Rights Foundation, a nonpartisan, nonprofit organization dedicated to the cause of equal rights. Dr. Wu previously served as the Executive Director on No on 16 campaign. Prior to that, she was the Director of Administration at the Asian American Coalition of Education. She holds a Ph.D. in International Studies from the University of Miami, has authored a book on Chinese Oil Enterprise in Latin America: Corporate Social Responsibility. As an accomplished writer, she has published on the CalMatters - Orange County Register, OilPrice, and many other outlets.

Our panelists, we thank you guys for being here. As I stated before, each panelist will get 12 minutes to talk about their theories and ideologies on Critical Race Theory. We'll start from our left, which is your right. We'll work our way over. Dr. Myers, you have the floor for 12 minutes.

**MYERS:** Is this mic working? They're not? They are? Can you hear me? Okay, thank you. I'm going to talk about Critical Race Theory. I think it's very important for people to know what Critical Race Theory actually is. I'll try to sum this up within 10 to 12 minutes.

**BARKE:** Can everyone hear? I think you need to be closer to the mic, maybe.

**MYERS:** Closer to the mic? Then, I will put the mic like that. How about that? Okay, great. Critical Race Theory has its roots in Critical Legal Theory, which has its roots in Critical Theory. I'll start with Critical Theory and work my way historically to Critical Race Theory or CRT. CRT has been in academia for decades, but it's only recently come to the forefront since it is now making its way into the public consciousness primarily due to advocacy that CRT be taught in K-12. Suddenly, parents are acutely aware something is amiss, and I think finally understand why many of their children have left college with a disdain for America in our capitalist system.

Critical Theory itself is based on the early 20th century thought of neo-Marxist Antonio Gramsci - founder of the Italian Communist Party. Dissatisfied with the progress of communism based on the unrealized predictions of 19th century, social revolutionists Karl Marx and Friedrich Engels. Gramsci believed that workers were not revolting in overthrowing the bourgeoisie or the ruling middle and upper-class, because they bought into the belief system of the ruling class, which focused on the family, nation state, the capitalist system, and God. Thus, disbar on the revolution, Gramsci argued that societal norms and institutions needed to be torn down. Gramsci's primary legacy is one of arguing that human history has always been divided into two basic groups - the oppressor and the oppressed. Power according to Gramsci, was exercised by the privileged groups or classes, either through domination, force, or coercion. He called this hegemony. Where the ideological supremacy of the system of values supports the interest of the dominant group. The subordinate groups are influenced to internalize the values of the privileged groups, thus consenting to their own marginalization.

According to Gramsci and what he describes as absolute historicism, there are no absolute moral standards universally true for all human beings outside of any given historical context. All morality is entirely socially constructed. Thus, morals, values, truths, and human nature itself, aren't objectively true, but products of distinct historical periods. What was needed now, was a new system of values that would overthrow the Bourgeoisie Regime and empower the subordinate groups. This is where we begin to see the notion of group-based morality - where the idea is that what is moral is what serves the interests of the oppressed or marginalized ethnic, racial and gender groups.

In 1935, Max Horkheimer and other scholars from the Institute for Social Research in Frankfurt, Germany known commonly as the Frankfurt School, left Nazi Germany to escape the Third Reich. Eventually landing in New York, where they set up shop at Columbia University, Teachers College. Modeled on the Moscow-based Mark Singles Institute and strongly influenced by Gramsci, they were one of the first examples of what we would today call - Western Marxist schools of thought. In 1937, they published their Manifesto written by Max Horkheimer, which made a relentless attack, specifically and only on Western institutions and values. They argued

that the traditional theory of the West had an irrational commitment to knowledge. Seeing truth as empirical and universal; whereas, Critical Theory held the view that man could not be objective and that there are no universal truths. While in the United States, they developed the same view of the American worker that Gramsci had felt in his home country of Italy, believing Americans were a slave to the same ideology.

While most of the Frankfurt scholars returned to Germany after defeat of the Nazis, Horkheimer's assistant, Herbert Marcuse stayed behind and became one of the leading spokesmen of Critical Theory. During the massive upheavals of the 1960s and early 1970s caused by the riots and violence associated with the civil rights era and the anti-Vietnam movement, Mark Hughes discovered a category of people whose grievances could be leveraged to further Critical Theory - racial minorities. These were the people he saw who were outcasts and outsiders exploited and persecuted by a system of oppression. It is at this point, Critical Legal Theory or Critical Legal Studies takes over.

Critical Legal Theory came about in the early 1970s and is largely contained within the United States. Critical legal theory argues that, with respect to social issues, the law has inherent social biases; and thus, the law supports the interests of those who create the law. A power dynamic that has historically favored the privileged; and thus, disadvantage the historically underprivileged.

As with Critical Theory, Critical Legal Theory was designed as an instrument to overthrow society from a legal perspective. The law according to Critical Legal Theory scholars, is the cultural hegemony as described by Gramsci, codified in statutes and defended by the judiciary to support the powerful. Critical Legal Theory aims to transform the existing societal structures through a critique of the injustices within the system based on a racist, capitalist patriarchy, since the founding of America attacking the notion that law and institutions can be neutral as they necessarily mask relationships of power and control. What they're saying is that - even though our laws are seemingly neutral, they actually are masking power and control by the hegemony of White males.

The goal is to replace the system piece by piece with a better, more just system through the liberation of the marginalized and oppressed. Critical Legal Theory specifically attacks as enemies, bourgeois culture, which includes God, individual liberty, conventional morality, the family, the concept of manhood and womanhood, and the nation state. Its new revolutionary base would be rooted in people of color, labor, ecological groups, women, and homosexuals.

From Critical Legal Theory, it is a short step to Critical Race Theory. CRT sees everything through the prism of race. CRT has the following features, and don't let anyone tell you that this is not what CRT is, because this is what it is. This is what the people who write about CRT does. Its proponents - this is what they say. It promotes Marxist categories of oppressors and the oppressed. The struggle is between those who seek to maintain oppressive hierarchies and those who want to overthrow them. It argues that language itself does not accord to objective reality, but is simply used as an instrument of power. It argues that racism advances the interests of

White-elites materially and working-class-Whites psychically. It chooses race consciousness over the enlightenment view of colorblindness as a societal norm. Since all Whites benefit from an unearned advantage, race consciousness remedies and rectifies this inherent injustice. It critiques the civil rights movement and the liberal ideology it promotes. The view is civil rights laws are limited to isolated, discriminatory acts by individuals or businesses. When in fact, discrimination continues to be both pervasive and systemic. It rejects the principle of equal opportunity since it is a myth. They believe it is a myth and rejects conceptions of merit since it is those who are in power - White males that determine what is equal or what has merit. It promotes equality of results instead of equality of opportunity.

In short, CRT argues that America's legal, economic and political systems are inextricably racist. It is no longer an academic exercise, but it is a philosophy with real life consequences. CRT is not in accord with the ideals of traditional civil rights and is directly opposed to the concept and vision of Dr. Martin Luther King. In fact, Dr. Wyatt Tee Walker, one of Dr. King's closest friends and advisers, has completely rejected and spoken out against CRT.

Dr. Wyatt was the executive director of the Southern Christian Leadership Conference during this critical civil rights years of 1960-64. He was chief of staff to Dr. King, who compiled and gave the name to Dr. King's famous, The Letter from Birmingham Jail. In 2015, Dr. Walker coauthored an essay with Steve Klinsky about education and race reform. Here's an excerpt: "Today, too many remedies such as Critical Race Theory, the increasingly fashionable post-Marxist/postmodernist approach to analyze a society as institutional group power structures rather than on a spiritual or one-to-one human level - are taking us in the wrong direction: separating even elementary school children into explicit racial groups, and emphasizing differences instead of similarities. The answer is to teach ourselves to comprehend each person, not as a symbol of a group, but as a unique and special individual within a common context of shared humanity."

Steve Klinsky who worked with Dr. Wyatt on the education reform movement, notes in a recent article, that Dr. Walker had a fundamental respect for people without regard to ethnic group, religion, or color of skin. These views are based on the enlightenment values of classical liberalism with its notions of equal opportunity, individual liberty over group rights, and colorblindness as reflected in our Declaration of Independence and Constitution. This applies to all people regardless of ethnicity, race, or gender. Whereas, Marxist views assigned value to group identity or economic blocks. Dr. Wyatt believed human to human reactions are superior to block interactions. In other words, we deal with people as individuals, not as members of groups.

Klinsky notes in his article salient questions asked by Dr. Walker, such as - how can two people bind together in friendship if they are members of power blocks that are presumed to be inherently opposed? How can a person prove his innocence if he is branded as inevitably a part of a guilty group? Why should an individual strive to succeed by individual merit if group dynamics are presuming to be overwhelming and inescapable? How can we ever find peace among the races and religions if we won't look to each other person by person, based on actual facts and actual intentions? Klinsky further notes, that the saddest thing is otherwise well-

intentioned people are trying to achieve Dr. King's dream by deploying CRT, which is antithetical to his dream. We should be judged by the content of our own individual character, not by inescapable genetic links to Marxist style power groups. Therefore, CRT should not be confused with the civil rights movement.

Now, let's look for a moment at the state of education in California for Black students. I can hardly believe we are sitting here having a conversation about CRT when California is failing miserably in its basic function to adequately educate Black students.

**COLLINS:** One minute.

**MYERS:** These are statistics from Cal Matters. Black students significantly trail White and Asian-American students in meeting the state's reading and math standards. In 2019, 21% of Black students were proficient in math compared to 54% of White students and 74% of Asian students; 33% of Black students were proficient in English compared to 65% of White students and 77% of Asian students. Black students trail significantly in graduation rates. From 2018 to 2019, Black students graduated at a rate of 77% while White students graduated at a rate of 84% and Asian students graduated at a rate of 94%. That might not seem so bad, but here's the next statistic. Black students trail even further with respect to post-secondary school preparedness - 24% of Black students were prepared for college compared to 54% of White students and 74% of Asian students. High paying STEM jobs - out of reach for 76% of Black students in California.

**COLLINS:** Time.

**MYERS:** Okay. Thank you.

**WILLIAMS:** You get a closing statement there, Walter.

**MYERS:** Closing, okay, one paragraph. With a failure to adequately teach Black students and prepare them for high paying careers, I don't see any way in which CRT is going to spur Black students onto greater achievement. If in their classes they're told they continue to be oppressed and cannot succeed because America is inextricably racist; then, it would only stand the reason they will be even less motivated to work towards success. Also, to tell Black students their identity is bound up in their race and not in their individual character. What message does that send to them psychologically? CRT is not teaching about worldviews, which is appropriate; but it's inculcating a particular political and social worldview, which is not appropriate as that is the domain of the parents.

The real tragedy that needs to be solved in California education is the lack of school choice and competition in education. If California continues to resist school choice and continues to operate a bureaucratic, uncompetitive, one size fits all, union dominated system, Black children will continue to suffer academically.

**COLLINS:** Thank you. Dr. Shufutinsky, you have 12 minutes.

**SHUFUTINSKY:** Thank you. Can you hear me? All right. There's been a lot of discourse around the proper approaches to ethnic studies and the appropriateness of Critical Race Theory in K-12 education. Because these issues have become politically polarizing, I'm going to use my time to talk to you as a parent, an academic, and a social worker about what makes sense for California and America's students.

There are various ways to go about teaching ethnic studies. A constructive approach can build understanding, awareness, and empathy while countering racism. During the debates surrounding the Ethnic Studies Model Curriculum, someone forgot the students. As a social worker, my focus is to always center those community members who I'm working with and for. How we design and implement curricula should not be about the political and ideological opinions of the adults; but instead, the best interest of the students. Providing historically inaccurate lessons or politically motivated teacher trainings, does not consider the impact these disagreements have on the very children whose futures are dependent on what, how, and why they learn. Incorporating a constructive ethnic studies approach into curricula is one important step that can address the diversity that makes up our great nation.

Constructive ethnic studies centers students, diversifies materials, and delves into complicated inter community relationships. Now, there are those who argue that this method is not the real ethnic studies. Mostly, they take that stance because it is not their method of ethnic studies. I would like to point out that the, all or nothing, us versus them approach to teaching, tends to lean towards authoritarianism and is not compatible with liberal democratic education. We have seen this type of education in schools in authoritarian societies where students learn rhetoric that aligns with specific political ideology. Some would say that this is not learning, but instead is propagandizing.

Let me tell you a little bit more about constructive Ethnic Studies. First of all, it's inclusive. It does not present one ideology above all others and claim to be cannon. Diversity of thought is encouraged with a wide range of political perspectives represented in learning materials. The experiences from ethnic groups that have been historically left out of curricula are centered, without the denigration of other groups. Students are encouraged to be curious, ask questions, and present their ideas without fear that their points of view are in contrast with that of their teacher. In short - education not indoctrination.

The differences between a critical approach and a constructive one can be exemplified by the difference between rote memorization versus analytical thinking or sight word reading versus phonetic reading. Those who are taught to read via sight words, memorize what specific words look like. Then, they're able to regurgitate them. Phonetic readers are taught to sound words out, making it possible for them to read words that they've never seen before. The constructive

approach resembles the phonetic one where students are given the tools to think for themselves without being indoctrinated into a specific ideology.

The politicization of education is harming students. Learning outcomes have not improved, and schools are not becoming the bastions of knowledge they should be. Constructive ethnic studies does not put students in the middle of a left wing versus right wing tug of war. Instead, it openly embraces historical realities - the good, the bad and the ugly while providing opportunity for conversation, debate, and learning. Racism and discrimination are addressed in the constructive approach to ethnic studies. However, students are not held responsible for the sins of their foremothers and forefathers. Constructive ethnic studies does not limit students' identity to victim or oppressor, but makes space for students to be empowered in their individual and communal agency and explore the intersections of identity.

Under the critical liberatory approach, a teacher can tell students what their identity is, and how they're either privileged or oppressed by that identity, and how they should feel about it. In sharp contrast, under the constructive approach, a teacher presents historically accurate and culturally relevant facts and makes space for students to explore their questions, feelings, and individual and communal agency regarding those facts - disempowerment versus empowerment.

I'm a mother to four children, the wife of a retired Naval officer, a social worker, a Black American, a woman, a religious minority. I could go on and on listing the many things that make up my identity. All important parts of what makes me, me. To reduce my identity to one thing is not only inaccurate, it's insulting. We should not be encouraging such reductionist thinking in the classroom where students are minimized into neat little identity boxes that have been decided for them by others. Identity is multifaceted and Critical Race Theory does not allow space for that complexity. Imagine the worst thing that you've done, or the worst thing that was done to you. Not only the worst thing that you've done or that has been done to you, but the worst thing that someone who shares the same identity as you has done, or had done to them. Now, imagine that that thing is going to be your sole identity. You're going to wear it like a badge of honor or dishonor. A sort of scarlet letter for all to see and judge you by. That is the narrow lens that CRT uses.

I'm asking everyone in the room to look around you. Look at the people sitting beside you. What's the first thing you notice about them? It might be there - it might be that. It depends who you're sitting next to. It may be their gender. It could be their ethnicity or their perceived ethnicity, what they are wearing. Whatever you notice first is not the totality of their identity. It may be a part of it, but it's not all of it. While Critical Race Theory can be used as one way to examine the world, it's not the only way. Those that claim that it is are using exclusionary tactics to push specific outcomes. I respect ethnic studies professionals for what they bring to the table in education. However, they hold no more weight than that of other educators, historians, cultural anthropologists, school board members, parents, social workers, and of course, students.

When it comes to educating our children, the more input, the more inclusive the circle of those involved are - the better for the students. The idea that only ethnic studies professionals can teach

ethnic studies is an exclusionary argument that negates the experiences and expertise of many. Teaching through a critical lens, is not the same thing as teaching history. There's been a lot of debate about this specific issue with one side claiming that those who are against this theoretical lens - are trying to cover up history. Another side claiming that those who are pushing this theoretical lens - are trying to change history. History and experiences of ethnically marginalized groups can be, and has been, taught without this divisive frame that a critical lens uses. Upholding one solution as the only way to problem solve is minimizing complex issues and setting our children up for failure. It's limiting what they learn, how they learn, and why they learn. Instead of wasting time and money on debating whether our children should have access to an inclusive set of curricula that includes ethnic studies, we should be encouraging students to embrace curiosity and providing learning environments that are inclusive. Constructive ethnic studies is a methodology that demonstrates that there's not only one way to teach, nor one way to learn. Let's not forget the students.

**BARKE:** Thank you.

**COLLINS:** Thank you. Dr. Schwarzschild, you have 12 minutes.

**SCHWARZSCHILD:** Thank you. I'm grateful for the opportunity to be here and to speak with you this evening. The educational and curricular phenomenon known as Critical Race Theory or quite misleadingly as anti-racism, has its origins in the universities and university law schools as Dr. Myers suggested. In the writings of radical academics whose central claims were that America's institutions including constitutional government, separation of powers, and the Bill of Rights, are camouflages for racial oppression and for the oppression of others selected identity groups. For several decades, these claims circulated somewhat obscurely in the campus world. They attained traction there, in part, because they seem to justify the growth of racial and other group preferences in admissions, in faculty hiring, and in the proliferating campus diversity bureaucracies.

Over the past decade or so, these ideas have emerged into the off-campus world very much including K-12 public education. One, although by no means the only source of this, is an initiative by the New York Times known as the 1619 Project. Promoting and funding school lessons and curricula based on the idea that racism was central to America from the very outset. That the American Revolution was only fought in order to ensure that slavery would continue, and that practically everything that followed, prominently including the career and presidency of Abraham Lincoln, was and is irredeemably racist to the core. Although the claims of the 1619 Project have been thoroughly refuted and rejected by eminent historians from across the ideological spectrum including scholars whose entire careers were on the liberal or radical left. The 1619 Project and related teaching plans along the same lines have been introduced in various school systems across the country. It's very important to recognize that in many classrooms, in fact in most classrooms where these curricular are enforced, these ideas are not presented as one point of view, contested by other and very different ideas, facts and interpretations with pupils being taught to think independently, and to develop skills of critical thinking and evaluation of

evidence. On the contrary, there is now widespread evidence that these curricula center on psychological techniques to train pupils that their race determines nearly everything about them.

Pupils are separated by race for privilege walks and other classroom exercises. Inculcating the idea that White pupils are privileged oppressors, and that non-White pupils are victims of pervasive oppression. These lessons advance the claim that any counter evidence, or reasoned criticism, are themselves racist and a discredited defense of whiteness. Students who venture to object to being deemed privileged and to being held personally responsible for white racism, are ridiculed for their white fragility, and in effect, are compelled to voice agreement to their racial guilt. Quite apart from the moral or educational validity of any of this, these classroom techniques raise very serious, potential legal questions and liabilities for public school systems that indulge in them. The Constitution itself is held by the Supreme Court of the United States to forbid schools to coerce children to express agreement or adherence to any sentiment in violation of their conscience.

This goes back to a 1943 Supreme Court case, *West Virginia v. Barnette* - decided quite impressively in the midst of the Second World War involving Jehovah's Witness children who were expelled from school for refusing to salute the flag. The court held that it violates the First Amendment freedom of speech to coerce pupils to salute the flag or to express any particular conviction or orthodoxy. As Justice Jackson, later the chief us prosecutor at Nuremberg put it, "if there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances, which permit an exception, they do not now occur to us."

School systems whose classrooms divide pupil by race or inculcate the idea of racial guilt may face statutory liability as well. Time is short, so I will try to go into the legal ramifications and the legal liabilities in a little bit more detail in the 12 minutes that I understand I have - that all of us will have at the end. There are at least three major federal statutes, Title VI of the Civil Rights Act of 1964, which protects students from being treated differently or harassed or subjected to a hostile environment based on their race, color or national origin. This is a law which is enforceable by private citizens suing in court and financial monetary damages are available for violations. Title IX of the Education Amendments Act of 1972, likewise prohibits the same kind of discrimination, hostile environment based on sex. If the idea is being inculcated, that one sex, just as one racial group, is inherently wicked, or oppressive, or oppressed. Here too, there's a private right of action with potential monetary damages against school boards, school districts and other governmental or other responsible defendants.

Finally, Title VII of the Civil Rights Act of 1964, prohibits the same sort of harassment of teachers, which teachers across the country have been subjected to in aid of Critical Race Theory and ethnic studies. There is potential for legal liability in short under these federal laws, among others, and under state laws as well when public schools adopt racist and racially abusive classroom techniques and curricula. More broadly, greater equality of opportunity for all in America depends crucially on the quality of public education. On student's opportunity to acquire the verbal and mathematical skills, the discipline and the accurate knowledge essential

for citizenship and success in a free and prosperous society. Yet there is widespread educational failure in public schools with troubling gaps, which have been referred to quite accurately by race and social class. To give one example, in the San Diego Unified School District, which spends millions of dollars on so-called anti-racism trainings, speeches, and diversity audits. Only 37% of San Diego's fourth graders were scored proficient in reading and only 42% in math according to standardized tests in 2019. Black and Latino students there perform substantially worse even than these rather sad overall averages.

Anti-racist, so-called, anti-racist curricula, scarcely promise any improvement on these scores. On the contrary, prominent proponents of critical race schooling, denounce achievement-based teaching, grading, and testing as reinforcing white supremacy. The Smithsonian's National Museum of African-American History and Culture notoriously defined hard work, objectivity, politeness, and delayed gratification as racist hallmarks of White culture. There are lots of other examples of this. A professor of education at the University of Illinois says, on many levels mathematics itself operates as whiteness. A professor of math education at Brooklyn College tweets, that two plus two equals four equation reeks of white supremacist patriarchy. These might seem extreme expressions, but unfortunately, they are not uncharacteristic of much that is said and written by leading proponents, and rank and file practitioners of Critical Race Theory.

On a personal note, as a law professor, I try to see all sides of public and legal issues. In my teaching and writing, to present the best case for each contesting view in every dispute. Critical Race Theory as actually practiced in many classrooms in California and across the country, seems to me to defy any hope of defending or justifying it. It's mix of half-truths and sheer falsehoods, it's stereotyping and scapegoating of entire races of people, it's relentlessly divisive setting of one group against another, it's visceral hostility to reason debate, freedom of thought, and freedom of expression, and its well-documented tendency to proceed by stealth, all evoke the practices of authoritarian and even totalitarian regimes.

My own family had personal experience of some of the totalitarian regimes in 20th century Europe. Some of the tropes and techniques of ethnic studies and Critical Race Theory as now practiced in many US classrooms, bear chilling parallels in the techniques of ideological indoctrination in the school rooms of those totalitarian regimes. Critical Race Theory as actually adopted in K-12 classrooms has been tellingly described as the kind of curriculum that might be imposed on a defeated country by a conquering power determined to divide and demoralize the defeated population.

I urge the Board, at the very least, to ascertain as fully and accurately as possible, what is being taught and inculcated, and in what ways, in the county's public-school systems. To ensure that parents and citizens have a full opportunity to be informed about the education or possible miseducation being provided in Orange County. Thank you.

**COLLINS:** Thank you. Dr. Sander, you have 12 minutes.

**SANDER:** Thank you, Mr. Collins. Good evening, everyone. I've already very much enjoyed this hearing. Both hearing from my fellow panelists and from the experts in the audience who gave testimony beforehand. I've learned a lot and found this very valuable. I am both an expert and not an expert on tonight's topics. I don't consider myself to be an expert on the pedagogy of ethnic studies or an expert on K-12 education. Why was I invited? I think, because I do a lot of research on issues of racial inequality. I have devoted a lot of my life to empirical study of these issues and other social issues. I come from UCLA, which is a hot house of ethnic studies and Critical Race Theory. I can provide some perspectives, I think, that may compliment the really interesting information that we've already heard.

I am committed to trying to address issues of racial inequality. I consider myself to be liberal on most social issues. I'm a former president of the Fair Housing Congress at Southern California, which at the time, was the largest civil rights organization in Southern California. I've spent many years trying to understand the problem of housing segregation. I currently serve as vice-president of something called the Inclusivity Institute, which is dedicated towards trying to increase the stock of affordable housing and addressing problems of segregation. I'm very sympathetic to some of the goals articulated by proponents of ethnic studies and Critical Race Theory; but I come down in a very different place, because of my concerns about the way those doctrines and fields have unfolded.

Where did ethnic studies come from? I think in the 1950s and 1960s, we did have a legitimate problem in the United States of severe under-representation of racial minorities in higher education. Some of that was because of disparities in K-12 education. Some of it was due to discrimination by educational institutions, but it was a real phenomenon. In the 1960s, through civil rights measures and other activism, we really tried to do something about it as a nation. By 1970 and in the early '70s, it was clear to many on campuses that those efforts were not producing rapid change. There was gradual change, but things were not changing overnight. Many activists argue, that to jumpstart efforts at diversity, it was important for colleges to develop separate departments or programs in ethnic studies. This happened at UCLA as an example. It happened in a lot of institutions of higher education. UCLA over the years, created an American Indian Studies Center, an Asian American Studies Center, the Bunche Center for African American Studies and the Chicano Studies Research Center.

In principle, these were helping to redress a real disparity and what academics focused on. The problem was that when you created a special program that focused on a particular ethnicity, you define that ethnicity as essentially an academic discipline. If you define it as a discipline, then you were automatically narrowing the range of answers that people could come up with as they explored that discipline. You also dramatically narrowed the diversity of viewpoints, and experiences, and expertise's that we're likely to arrive with faculty who joined those programs. You tended to develop programs that were very much echo chambers. They tended to be very ideologically homogeneous and produce things that were variations on a theme, but within a relatively constricted theme. As Mr. Myers very eloquently described, Critical Race Theory had its origins in Critical Theory and Critical Legal Studies and developed in, I think, from the late 1970s and was flowering pretty much by the 1990s.

My own law school created the first separate program in Critical Race Studies in the year 2000. Critical Race Studies had- well, let me put it this way. There was a forum at UCLA Law School yesterday, that was about Critical Race Theory. It had three speakers and about 500 people attending over the internet. I think the purpose of the program was to try to diffuse the sort of controversy that we're talking about tonight. The speakers were adherents of Critical Race Theory. They were presenting a picture of it very different from what we've heard this evening. In their view, Critical Race Theory is a methodology, not a specific doctrine. It's a methodology about trying to uncover the sort of engines of inequality, if you will, that operate within institutions. I think in many ways, that's an important enterprise. For example, if they were trying to understand some of the differences in educational outcomes in K-12 that we've talked about tonight. They would say, well, you know, if you explore the system, you can see something that divided central cities from suburbs. This worked to undermine the ability of central city school districts to have as much funding as suburban districts. That was accentuated by the reliance of property taxes to finance school funding. The critical race perspective would, sort of, look at these underlying mechanisms as ways of fostering inequality and outcomes. I think, you know, I think those are important insights to study. They have validity when they're empirically accurate. What undermines this process, what tends to discredit Critical Race Theory is the unwillingness to embrace uncomfortable facts. I've recently been doing research on K-12 education with a team of other scholars. What we have found from data from the National Center for Education Statistics is that, in a majority of metropolitan areas, there's now, when you include federal funding, higher per capita funding for the average Black student and the average White student in a majority of metropolitan areas. The differences are not very large. The federal funding has helped overall, I think, increase equality of funding across racial groups. Nonetheless, it's no longer empirically accurate to say that there is a systemic funding disparity. Much less to say that our educational funding system is systemically racist. It's the unwillingness of the proponents to recognize and take account of facts like that, that I think really undermines Critical Race Theory. To a degree, the larger enterprise of ethnic studies, both of these fields with Critical Race Theory much more guilty of this I think than ethnic studies generally; but both fields have this problem of being ideological bubbles of having very little viewpoint diversity within their programs, creating their own echo chambers, their own sets of facts that they repeat to one another, that then, make new sets of facts just completely unwelcome.

Let me give you one more example of this from my own work. About 15 years ago, I published an article on affirmative action in law schools. The article was really the first to document the extent of racial preferences used in law schools. Again, it's an important part of history to realize that before, say 1970, there were many institutions that were racially discriminated in ways that limited Black and Hispanic attendance at schools including legal education. But since 1970, which is now 50 years ago, those policies have largely reversed themselves and most law schools have preferences for underrepresented minorities. In many cases, those preferences are very large. My research looked at what the effects of those preferences were on educational outcomes. I found a lot of evidence for what I call the mismatch effect, which is that if you receive a very large preference into an academically selective program, that can put you at a significant disadvantage in terms of your competition in those programs. I mean, you'll be at some initial disadvantage simply because your credentials are lower than those of your classmates. I found it

an extra disadvantage that caused people to withdraw academically, because they were sufficiently far behind that they would sort of give up on competition.

Consequently, if you got a preference into a very elite school, you would have a lower chance of passing the bar exam, than if you went to a less elite school where your credentials were similar to those of your classmates. Well, this argument is certainly contestable, has been contested. I think the evidence for it is pretty strong; but the point I want to make is that folks who are a part of the Critical Race Theory's approach, don't see this as an opportunity to examine a hidden mechanism.

**COLLINS:** One minute.

**SANDER:** Similar to what I talked about earlier with school finance. They see it as simply something that has to be ignored, indeed, that has to be suppressed. There's a complete unwillingness by folks in this discipline to seek out additional facts. There has been an effort by folks in the discipline to suppress facts, to try to make sure that information is not released, which could shed further light on the extent of mismatch or operation mismatch. There's an effort to punish people who argue or want to debate these views. I'm trying to give you a concrete example of what I see is a tendency towards ideological conformity and suppression of viewpoints. Hostility to facts, that don't fit a preconceived narrative. I think these are the reasons why Critical Race Studies, and to some extent, ethnic studies more generally have an inherent flaw that is fundamentally anti-educational and anti-the purposes of what we have in K-12 education. Thank you.

**COLLINS:** Thank you. Dr. Wu, you have 12 minutes also.

**WU:** Good evening. Can you hear me? Good evening. How are we doing? Thank you for having me today. Just a little background about my organization's efforts regarding ethnic studies. Since late last year, my group has actively monitored state level administrative and legislative developments pertinent to ethnic studies, and worked with our partner groups to educate the public on this topic through informational seminars and research guided advocacy. We have submitted policy recommendations, position letters, and joint statements to both the State Legislature and the State Department of Education calling for an ethnic studies paradigm without any political or ideological interference. We also work with parents and community groups to analyze actual district and school curriculum and policies related to ethnic studies and Critical Race Theory in real time. Most recently, we provided the parents in Carlsbad Unified School District with a unit by unit analysis of its ethnic studies curriculum.

Ms. Katie Taylor, who was the last public speaker at today's board meeting, was a concerned parent who first came to me with a request to help them analyze their curriculum. In this context, I want to spend my time addressing two big questions. Number one, why are existing versions of ethnic studies especially the Liberated Ethnic Studies Model Curriculum are faithful digression from the original purpose of ethnic studies? Number two, what should we expect from a good

ethnic studies course or courses? On March 18<sup>th</sup>, this year, the State Board of Education adopted its final and fourth draft of Ethnic Studies Model Curriculum. This version is still very much rooted in the diversity of ideology of Critical Race Theory with, and I quote, “critique empire-building in history and its relationship to white supremacy, racism, and other forms of power and oppression,” unquote, as one of its guiding values. In total, all four drafts of the state level models triggered a landslide outcry of opposition.

The final version contains CRT buzzwords such as: four ‘I’s of oppression, transformative resistance, racial healing, counter versus dominant narrative, and [inaudible]. A glaring example of racial grievance being the central theme of this Ethnic Studies Model Curriculum is the Asian American Studies sample lessons. The paradigm introduces the model minority myth lesson. This newly added lesson in the last draft, defines model minority as a stereotype used to pit Asian Americans against other communities of color. This particular narrative, talks about the media’s portrayal of Asian Americans success in pursuing the American dream as a controlling tool to legitimize systemic oppression and racism against Asians. In other words, the model minority myth is a politicized narrative that treats hard work emphasized on education, family values, and today's sacrifice for tomorrow's gains, as vehicles of oppression and control by an inherent racist structure of white supremacy. Oddly, these values are quintessential American values.

Have racist stereotypes existed to hamper our society’s progress? Absolutely, but the model minority hypothesis is being weaponized by ideologues to justify a bigger political agenda. In this case, Critical Ethnic Studies. The flawed logic lies in conflating objective observations on Asian Americans general documented defiance of the victim hood narrative with this amorphous claim of systemic racism. It is deceptive and demeaning. The CRT version of model minority is also incredibly hypocritical. Supporters of racial preferences condemn the model minority myth when it serves their agenda to highlight oppression over progress, but they don't hesitate to stereotype high achieving Asian American applicants as - unimpressive, nerdy, lacking in leadership, and uniformly good at math when it comes to perpetuate a systemic anti- Asian [inaudible] in selective education. For example, Harvard's personal rating system in its undergraduate admissions.

The Ethnic Studies Model in California also discusses the Hmong people from Southeast Asia with focuses on victim hood and toxic patriarchy. The sample lesson makes no mentioning of this fact. That Hmong immigrants who came to the US in the 1970s and 1980s as political refugees, have achieved miraculous improvements in standards of living and socioeconomic success. In 1990, only 20% of the Hmong were employed, compared to 56% by 2010. Over this same time period, the median household income of the Hmong people immigrants grew from just 47% of the national average to 92%. The percentage of the Hmong receiving public assistance fell from 67% to 12%.

All of these impressive accomplishments were done in a matter of 20 years. Instead of celebrating these positive transformations, the Ethnic Studies Model Curriculum emphasizes oppression and struggles. These problems reflect the fundamental divisiveness of Critical Race

Theory, which puts Asian Americans in a zero-sum game. We can condemn the system of power and privilege along with other so-called people of color always shall be banished from the victim group as white adjacent. The end goal here is to pit people against each other as if our group identities and our super fluid characteristics such as skin color, national origin, or ethnicity, trump our common destiny as Americans.

Ironically, all 20 original authors and members of the Model Curriculum Advisory Committee including Dr. Montaña, whom we missed this evening, signed on an open letter on February 3rd, 2021, to request that their names be removed from the final Ethnic Studies Model Curriculum. In the letter, they urge the California Department of Education and I quote, “not to give in to the pressures and influences of white supremacists, right wing conservatives, Alliance for Constructive Ethnic Studies, Educators for Excellence in Ethnic Studies, and not Ethnic Studies University Academics and Organizations,” unquote. My co-panelists have sufficiently addressed these untrue accusations and debunked this assertion that only specialists of a particular brand of ethnic studies gear the exclusive club privilege to participate in the public decision-making process.

The intent of these authors really is to promote the first draft of Ethnic Studies Model Curriculum, which was firmly rejected by the state and Governor Newsom. In practice, these educator activists are aggressively pushing for Liberated Ethnic Studies. The reincarnation of the state rejected first draft Ethnic Studies Model Curriculum. Dr. Theresa Montaña, who unfortunately could not join us this evening, is the co-founder and contact person of the consulting group Liberated Ethnic Studies Model Curriculum Institute. According to the institute's official website, White privilege is a central concept to be dismantled in order to advance Liberated Ethnic Studies and community activists' scholarship. On the same website, CRT is defined as a tool for, and I quote, “research and pedagogy for exposing, analyzing, and challenging the majoritarian stories of racial privilege and to shatter complacency, challenge the dominant discourse on race and further the struggle for racial reform,” unquote.

Notably, the Liberated Ethnic Studies Model Curriculum Institute is affiliated with Ethnic Studies Now Coalition - an activist group backed by Union del Barrio with a mission to promote Ethnic Studies as a form of liberation, their words not mine, and the pedagogy of transformational resistance throughout California. Their mothership Union del Barrio has been the catalyst for California's sweeping ethnic studies reform by campaigning for educator activists, such as Jose Lara for school boards and positions within the California Department of Education and lobbying the state legislature to mandate ethnic studies. I have to mention that Union del Barrio is a self-described and I quote, “independent political organization working towards political revolution and the fundamental liberation of all raza from Chile to Alaska,” unquote. Both the Ethnic Studies Model Curriculum and Liberated Ethnic Studies, share commonalities, such as their ideological nature, cause for political activism and social justice in the fundamental influence of CRT.

What should we expect from a good ethnic studies curriculum? To start, ethnics studies should promote mutual understanding and respect among students of different ethnic backgrounds. It

should inspire meaningful efforts to build bridges and increase appreciation for different cultures and ethnicities in our diverse country. If it is taught as a literature class, which we have seen in places such as Poway Unified School District in San Diego. Ethnic studies should introduce logic, higher thinking, and contextual understanding. It should also emphasize objectivity, civil discourse, and independent thinking. In addition to encouraging multicultural perspectives, the materials should also help improve students' verbal and writing skills, cultural competencies and college preparedness.

In terms of ethnic studies in history lessons, there are several alternatives to the 1619 version of Black history. For example, the alternative rating guide for the 1619 Project by my friends, J.D. Richmond and W.F. Twyman Jr. to self-identified classical liberal scholars, recognizes the groundswell of conversation created by the 1619 Project, but also see the danger in overemphasizing oppression in the grievance and drowning [inaudible] voices of resilience, strength, and true heroism.

**COLLINS:** One minute.

**WU:** We also have a 1776 Unites Curriculum from the Woodson Center. This is a collection of Black history lessons covering the time period from the early 18th century to the contemporary era. The lessons focus on both tragedies of racism in the heights of human resilience, through teaching key historical events, such as the American Revolution, Civil War, the race massacre in Tulsa and Jim Crow. It offers authentic, inspiring stories from American history that show what is best, in our national character and what our freedom makes possible even in the most difficult circumstances.

In summary, ethnic studies if and went down right, promote robust dialogue and discussions, and add a further dimension to the nuance and complexity of the building of America. Thank you.

**COLLINS:** Thank you to our panelists. That was extremely beautiful. Our audience, I would like to thank you for respecting the panelists as well. If you have to use the bathroom, you can go out this back door. Make a left, and the bathroom is all the way down the hall to the right side if you have to use it. Now, we're going to have our board members get an opportunity to ask our panelists questions. Each board member will get six minutes, and we will start with Board Member Sparks.

**SPARKS:** Thank you. Can you hear me? Yes. Okay. My first question is, actually mostly directed to Dr. Schwarzschild. You talked about the legal liability issues around CRT and ethnic studies. Since the government really has no right to brainwash students with controversial etiologies against their parents will, I'm wondering what your legal opinion is on the following - any parent who objects to the material, being taught to their child in public school, getting an automatic fund to put into an educational savings account to be used for school of choice: charter, private, or another government school, and or save the leftover money for college to empower them to pick another school of their choice, essentially. I'm wondering, you know,

what your legal opinion would be on that kind of thing. If there is legal liability around CRT and going against the parents will?

**SCHWARZSCHILD:** I think there would be. It's an interesting question. I think if a school board or a responsible legislature were to provide that kind of opportunity, that it would clearly be lawful. As to liability for CRT inspired or ethnic studies inculcated discrimination, I think there is liability. I think both constitutional liability that I tried to describe briefly from that Supreme Court decision back in the 1940s. Constitutional violations and forcing kids to confess views that violate their conscience and violate the consciences of their families. That's precisely what the Supreme Court said violates the First Amendment. There's a statute known as Section 1983 that makes violations of the Constitution actionable. A parent or a family has access to the courts, including the federal courts, to sue for compensation including monetary compensation for violations of the Constitution.

In addition to the constitutional liability, there are the statutory liabilities under Title VI, Title VIII, Title VII for students being harassed or put into a hostile environment on the basis of their race, on the basis of their national origin. Under Title VIII, on the basis of their sex. Where teachers are concerned, under Title VII, and other school employees who are being subjected to this in their role as employees. Under all of those statutory schemes, there is also monetary liabilities so that the school boards and district boards, and others responsible for this kind of indoctrination. This kind of hostile environment are open to lawsuits. The lawsuits around the country have already begun and seem to be having some success. I think it's a legitimate concern for authorities responsible for tax money to consider what the potential liabilities are including monetary liability for the people responsible.

**SPARKS:** Thank you for your very thoughtful answer. Thanks to all the panelists for your amazing presentations.

**WILLIAMS:** Okay. I'm going to jump on the same thing to you, Brandy. Thank you for being here. I appreciate your thoughts. Your clarity on the issues is certainly sincerely appreciated. A lot of what we have seen or I have seen, is school board members that have no idea what they're adopting. They have no idea what's in an Ethnic Study Curriculum. There's the Liberated Study that you've talked about so eloquently. Then, there's the Constructive Version of Ethnic Studies. For parents and school board members, how do they discern what is in the curriculum or not? What makes one illegal? What makes it legal?

**SHUFUTINSKY:** I'm not going to speak as legal or illegal, cause I'm not an attorney. But, it really depends. One of the issues I think that we can, as a community come together on, is figure out what's actually being adopted. What guard rails should the state government put in place to make sure that the curriculum that's being adopted and taught isn't violating Ed Code or violating Federal law or Constitutional law. Right now, the Senate in California is going to be voting on whether to mandate Ethnic Studies Model Curriculum as a graduation requirement. A lot of questions actually have come up about that. What is it they're mandating if there isn't an actual curriculum? Each district can adopt its own. That's where the issue- and what guard rails are in

place to make sure that what's actually, you know, my colleagues up here have mentioned is already happening. Certain districts are already committing to adopting essentially the same model curriculum that was rejected by the state, that first draft.

I think that it's up to every community member, every voter, every taxpayer to actually demand that we know what guard rails are in place to make sure that what's being taught to our children, and also what educators are having to go through, and what our tax dollars are paying for - for their teacher training to see what's coming out of all of that funding. It's going to developing the curriculum. It's going to training the teachers.

**WILLIAMS:** Great. Thank you for the response. I have a couple minutes left, right?

**COLLINS:** Yes.

**WILLIAMS:** Okay. I'm going to go to Walter. Along that same theme, you saw the colloquium that was there last week that I think may have helped with understanding a little bit about ethnic studies, but there was something missing in that colloquium. You saw it, correct?

**MYERS:** No, I didn't. I didn't see the colloquium. I think there was another.

**WILLIAMS:** Did you, Brandy?

**MYERS:** I think she saw the colloquium, yeah.

**WILLIAMS:** I thought that the people who were there, they were part of making of this ethnic curriculum. At the state level, there are advocates for it. They had a one-sided perspective, which was to advance it, but they didn't tell us the whole truth. I think there was something that was missing. What do you think was missing by the edgeocrats who were talking to us and trying to give their talking points?

**SHUFUTINSKY:** I think that what was missing was specifics. When there's a curriculum developed, you need to see lesson plans, learning materials. What was missing was everything - the details.

**BARKE:** Thank you. Some of my questions have already been asked. I thank all of you so much. Each and every one of your speeches was better than the next. I appreciate that. I'm going to throw this out. Whoever feels are in the best position - I'm always looking for how to help parents. A lot of parents and community members reach out to me. What would I suggest that they do with their concerns about ethnic studies? Anybody want to volunteer to answer that question?

**SCHWARZSCHILD:** I'll give a quick volunteer. The crucial thing is to know what's actually going on. There've been several iterations of the ethnic studies program in California. The first one was rejected even by the New York Times, and by the Los Angeles Times, and by Governor Newsom. Sort of everybody acknowledged that this was a racist and false program. It is still being pushed, it turns out, under essentially exactly the same as that original iteration now under the title of Liberation Ethnic Studies. I think the first thing parents should do is find out whether that's being foisted on their children. The problem is that the second, third, and fourth iterations, and I think California is now at the fourth iteration, is not very different from the first iteration. Very minor tweaks have been made. The first iteration was overtly antisemitic. The fourth iteration, if you look at it with care, is pretty overtly antisemitic. The differences are minimal. What I would urge this Board to do, and parents and families to do, is not to let things go and remain unaware of what their children are being offered. I think that's the first step towards a responsible response.

**BARKE:** Thank you very much. I think I have a couple minutes left. Dr. Wu, you mentioned that you had looked at the curriculum for, I believe it was Carlsbad, for somebody in the audience. Is that something that you would be willing to do for other community members and parents if they reached out to you? Would that be something?

**WU:** Absolutely. Absolutely. I would do it in a very timely manner. Even though that the fourth draft, which we all discussed here, of the state adopted model curriculum is very bad. It is still rooted in Critical Race Theory. We need to know. We need to be alerted that the first version, which is now coined as Liberated Ethnic Studies, is circling around in individual school districts. As of earlier this year in March I believe, at least 20 school districts in California have adopted resolutions to teach Liberated Ethnic Studies. Most recently, Hayward Unified School District published an ethnic studies policy that specifically caused for its teachers to embrace Liberated Ethnic Studies and Critical Race Theory.

Parents need to really delve into board meeting documents. Look into their children's learning materials. This is not just limited to high schools. We know that the State Legislature is considering a bill that's going to mandate ethnic studies as a high school graduation requirement for both traditional public schools and charter schools. That's coming our way. That's coming down the pipeline. The actual issue - problem. The bigger issue is ethnic studies being infused as a pedagogy, as a teaching style. What we're seeing in San Diego Unified for example, the school board president openly admitted on a TV interview, that they don't have a curriculum for ethnic studies. But they're infusing ethnic studies as teaching principles in disciplines like math, so we need to pay attention. Always, they have parents, and community members, and taxpayers have a right to transparent access to class materials and district policies of their concerns. At the end of the day, they can always file public records requests to these individual school districts and find out more. My group is here to help.

**BARKE:** Thank you so much. I appreciate that.

**WU:** No problem.

**SHAW:** Well, I just want to thank our panel and all of our guests here this evening who were so inspiring in all your comments. I've just really enjoyed this discussion. As we've been talking, I just wanted to begin by thanking God that I live in a country whose founding document reads, "all men are created equal." Isn't that great?

The two questions I've kind of been mulling in my mind, you know, we kind of see a challenge in our public-school system here in Orange County. A lot of our school districts are struggling with the issue of declining enrollment - fewer students year after year. Of course, Orange County is a very expensive place to live and raise a family. Younger families are maybe leaving Orange County. They can't afford it. I'm just so concerned about our districts that are struggling with declining enrollment. Of course, that means fewer dollars are coming towards them. What I'm concerned with is if there's a curriculum that's very offensive to some parents, and we're hearing that earlier. Obviously, they're offended by some of these things. What I'm concerned with is they start sending their kids to private school. They're going to basically somehow withdraw from the public-school system. I don't know if any of our panelists want to take a stab at this. Do you have any thoughts about the role, you know, espousing curriculum in the public-school system that could be, you know, chasing away students and parents? I don't know if you've seen any data to substantiate that or have any thoughts on that? I'll just throw that out there to any of you if you have any. Brandy.

**SHUFUTINSKY:** I just want to say regarding that. If there's an alternative curriculum that isn't as divisive, my one question would just be - why not adopt that one?

**SHAW:** Yeah. Well, thank you.

**SANDER:** A fair amount of research over the last 20 years has identified patterns in the United States of people increasingly self-segregating into - we could call like-minded communities. That is thought to be one of the reasons why America has become more politically polarized over the last 20 years. I think that if you have a general ethnic studies mandate, that's almost a perfect vehicle for amplifying that process. You'll end up with very different curricula in different school districts. That will be another incentive for people to either pull out of the public-school system or to locate into a district that's ideologically comfortable for them. That's not a good way to bring the United States together.

**SHAW:** If I might too? If I have any time left? One thing I do feel very strongly about as well. If I can share a personal experience? When I turned 19, I went off to do missionary service for my church. I was sent off to be a Spanish speaking missionary. My younger brother, he ended up on some little island in the South Pacific. He learned their language. I learned Spanish. My uncle went to Korea. My cousin went to the Philippines. My brother-in-law went to Argentina. I could go on, but I feel so strongly about the idea of learning a new language. To me, if you really want

to identify with and understand another culture, another country, another way of doing things, where I think we maybe fall down in our country is teaching our young people a new language.

I don't know if you had any thoughts on that? I feel like maybe in Europe, you know, everyone knows a bunch of languages I think. That's been my experience. Wouldn't that be a better way to teach cultural understanding to our young people in a way that has utility. Now that they speak a new language, they can communicate with people. It's something to put on a resume. It's something that's useful. I just feel like that is maybe a better way for us to go, rather than just teaching all this other stuff. Why not teach young people a new language? Now that's an actual skill that has utility. I don't know if anyone had any thoughts on that. That was something I've been thinking a lot about in my mind as we've been talking about this stuff.

**WU:** I learned English as my second language from fifth grade and on. It took me many years to reach a level of proficiency. I think it would be great for our public education system to encourage foreign language classes - that's ideal. The problem, the reality, the cruel reality here is that about half of our students, grades 3-8 in California cannot read English proficiently. I think before we can move on to this higher ideal of a foreign language acquisition, we really need to save our public education from a critical race to the bottom. In the end, everyone loses.

**SHAW:** Great comment yes. Thank you.

**GOMEZ:** Thank you. I would just like to ask the panelists if any of you in your training - there's a lot of doctorates and masters and law degrees here. If any of you had the opportunity to work on any K-12 curriculum?

**SHUFUTINSKY:** Yes.

**GOMEZ:** Okay. What was the specialty that you worked on?

**SHUFUTINSKY:** Montessori.

**GOMEZ:** Okay. Did any of you have an opportunity to teach either social studies or anything like ethnic studies in your training?

**SHUFUTINSKY:** Yes.

**GOMEZ:** Okay. What was that?

**SHUFUTINSKY:** Middle school social studies.

**GOMEZ:** Okay. How long did you teach that?

**SHUFUTINSKY:** For two academic years when my husband was active duty in the Navy. We were stationed in the Norfolk area – Norfolk, Virginia.

**GOMEZ:** Virginia, okay. Great.

**SANDER:** I teach, it's a law school course. It's not a K-12 course, but I've been teaching courses on racial issues at UCLA for over 20 years.

**GOMEZ:** Okay. One of your specialties was, I believe, in urban housing?

**SANDER:** That's correct.

**GOMEZ:** Okay. When you teach those courses, do you teach the concepts of things like red lining and what happened to folks who were not able to live on property in certain parts?

**SANDER:** Yes, I do. I'm actually going to talk about that in some of my closing comments, but I'd be happy to.

**GOMEZ:** Yeah. If you could, if you could elaborate on that a little?

**SANDER:** I wrote a book called "Moving Towards Integration," which was published by Harvard University Press three years ago. It's an attempt to try to understand how housing segregation and fair housing have evolved in the United States over the last 100 years. I think it poses a great contrast to the "Color of Law," which is a well-known book by Richard Rothstein. That really, I think, is not necessarily a doctrinaire Critical Race Theory text, but very similar in its characteristics to Critical Race Theory proponents. The contrast in how we approach things is very striking. Let me just read a short excerpt. Rothstein says, "racial segregation in housing was not merely a project of southerners in the former slave-holding Confederacy. It was a nationwide project of the federal government in the 20th century, designed and implemented by its most liberal leaders. Our system of official segregation was not the result of a single law that can sign African-Americans to designated neighborhoods; rather scores of racially explicit laws, regulations, and government practices combined to create a nationwide system of urban ghettos, surrounded by white suburbs." That sort of exemplifies the kind of one-dimensional thinking that I was trying to describe in my earlier testimony.

Here's a paragraph from my book that's talking about a slightly different topic.

**GOMEZ:** I'm sorry to interrupt you, but maybe you could do that. I got one more question, and I don't want to lose all my time. Maybe you could address that in your next 12 minutes?

**SANDERS:** Yeah, sure. That would be fine.

**GOMEZ:** I would appreciate that. Okay. Dr. Shufutinsky, you mentioned that you taught that in middle school social studies. You also talked about constructive ethnic studies and talking about that there was an opportunity for dialogue and for questions. How did you see that play out? What did you see were the benefits or the detriments when you?

**SHUFUTINSKY:** The benefits and detriments of dialogue?

**GOMEZ:** Well, yeah. That's what you're saying in ethnic studies.

**SHUFUTINSKY:** The benefits of dialogue is for learning. It's rooted in learning and understanding. Having students feel comfortable and have the space to ask questions that they were curious about without judgment.

**GOMEZ:** Okay. When they learn about different concepts, it creates a dialogue and it creates an understanding.

**SHUFUTINSKY:** It can create a dialogue and understanding. It depends on the environment that it's being done in.

**GOMEZ:** Okay. Could you describe a positive environment that would create that?

**SHUFUTINSKY:** Yes. I haven't actually mentioned it yet, but I am a very liberal Democrat. None of my students, just like none of my clients as a social worker know that. A positive environment is taking the politicization out of knowledge. I would never work with an individual client and have them know my political leanings. I view education the same. If students know the political leanings of their educators, something's being done wrong.

**GOMEZ:** Right. Thank you for that. I think that is really an important point to make, so thank you. I think that probably expires my time.

**COLLINS:** Thank you for the questions. I do have one question if that's okay? All right. Then, after the question, we'll take a five-minute break. Then, we'll meet back here. We'll have the panelists conclude with their 12-minute closing. Then, I'll turn it back over to the Board of Trustees. Now, this question is for Dr. Myers. The way you describe Critical Race Theory in conjunction with Critical Legal Theory, is it safe to assume, because like Ms. Gomez mentioned, there was laws from the 1960s and 1940s and so on that discriminated against people of color in the United States. Is it safe to assume in your opinion or okay to say, and I want to ask why after, that the teaching of Critical Race Theory in the United States further blinds the public from the fact that we've had lawmakers who have sat in office in the House of Representatives whether

state or federal, who have failed to go back to the books and look at laws that may not be what the United States need or the people of the United States need right now, or fail to pass meaningful legislation that would improve the quality of life for all Americans in America?

**MYERS:** What Critical Legal Theory basically said is that, it's systemic in that laws that were purportedly neutral were actually not neutral. Okay. From that perspective, they were saying, it didn't really matter what the law was, because the law was going to benefit White males even if it was completely neutral. Now, when that's talking about laws, you're talking about laws at the level of the federal level or laws at the state or local level. Of course, there are laws at the state and local level that were discriminatory. Their driving thing was to say that, look from a legal perspective, what we want to do is take those people who are oppressed and turn the law upside down so that it's not actually neutral. It actually advocates for the powerless - the ones who are being discriminated against. It's not to actually make the law neutral. It's to make the law instead of favoring White males, it would now favor women, LGBTQ or racial minorities. That was the point of it. That's to me, the danger of it.

If you look at the CRT scholars, the CRT scholars say, we owe a debt of gratitude because it is actually based on Critical Legal Studies. They will say themselves in their books like Delgado and Stefancic that their basis is Critical Legal Theory. Critical Legal Theory was never designed to basically equalize things. It was designed to basically turn it on its head or have a revolution in law so to speak. I think with respect to laws, I think, Beckie, I'm sorry, Trustee Gomez had said about laws such as red lining.

Now, I lived in Atlanta in the '90s. There were certain, I would say, banks that were accused of red lining. I do believe there was some red lining going on, but I think that over time that when you're saying teaching CRT now, in terms of a lot of those things have been exposed. Laws have changed or people were punished. In the case of CNS Bank - it was punished for red lining in the Southwest part of Atlanta. I think what CRT does is that its project to Dr. Sanders point, it doesn't take into account what actually is today, and what is going on now, and how things are progressing. It's continuing to look back into the '60s and the '50s and things that were happening long ago that are just simply not happening now.

Now, do we still have a ways to go? Absolutely. We have a ways to go. We're not a society where you can say racism no longer exists, but I think that any theory should factor in the progression of things over time. As opposed to continually looking back and using what was back 50, 60, 100, 200 years ago as the basis for your theory. That's where I think Critical Race Theory, and of course, Critical Legal Theory, which it inherited from, I think is very much backward looking in terms of looking at where are we now and what do we need to do to progress and move forward.

**COLLINS:** Thank you. We'll now take a five-minute break, and we'll come back. We'll allow our panelists their 12-minute closing. Then, I'll hand it back over to the Board of Trustees. Thank you.

**[A five minutes recess is utilized.]**

**WILLIAMS:** If our panelists can take their seats, we are going to go ahead and start with closing statements? Dr. Wu will need to come to the table. You are going to start us out. Dr. Wu, where are you, Dr. Wu?

**BARKE:** Dr. Wu, please return to your seat. I will go get her.

**COLLINS:** All right. Again, I want to thank you guys for your patience and for your respect towards the board members and the panelists. Due to time constraints, we do have to limit the closing remarks time. It'll be eight minutes. Eight minutes per each person. Dr. Wu, we'll go ahead and start with you.

**WU:** Okay, thank you. I didn't realize it's me. California is ground zero for the ethnic studies movement and a hot battleground for the propagation of Critical Race Theory mainstream life. In media, the battle is often categorized as a left versus right partisan issue. As if ordinary folks questioning the hegemonic narratives of anti-racism and the Liberated Ethnic Studies are secret agents of an outright cabal conspiring to kidnap the nation and our kids from learning history. This is of course, a gross misrepresentation and the typical gas lighting motte-and-bailey fallacy.

Earlier this month, my group - Californians for Equal Rights Foundation, led a joint initiative uniting 27 partner organizations in an open letter to the California State Legislature in opposition to AB 101 - the ethnic studies state mandated bill. This letter presents a bipartisan and broad-based alliance against Critical and Liberated Ethnic Studies. Our partners include the National Association of Scholars, prominent Asian-American organizations, Free Black Thought a Black civil rights group, [inaudible] Initiative, an influential Jewish American organization, and rising national grassroots organizations such as Parents Defending Education and Moms for Liberty. The alliance also encompasses many California-based grassroots groups such as Educators for Quality and Equality, Alliance to Protect Children, Protect Our Kids, Concerned Parents of California and notably, the Latino American Political Association.

Many of our partner groups also signed on our earliest statement against CRT coming from vastly different racial, ethnic and political backgrounds. Our growing coalition is united by our common values and shared identity as Americans. We are also committed to promoting values of equal rights, equal citizenship, individual merit, and liberty against the divisive invasion of Critical Race Theory. Curricula design and implementation, classroom management, and pedagogical practices should not be locker room talk reserved for bureaucrats, administrators, principals, and educator activists. Parents, grandparents, community members, and taxpayers have a right for prior consultation and informed consent.

This need for stakeholder engagement is especially heightened when our public education system is failing our kids in particular students from underprivileged backgrounds. California's public K-12 education system ranked number 38 in our nation last time I checked. Only five in 10 students, grades 3-8 can read proficiency and only 4 in 10 can do math proficiency. The pandemic induced school closures have exacerbated these learning losses and gaps. One study by

Stanford researchers found that just in the early stages of the pandemic, children lost an average of 116 days of reading time and 215 days of math work. It is time that ordinary people stand up and demand a public education system to meet the expectations of our communities in the 21st century global society.

Most importantly, our children deserve a decent and competent education that is focused more on education than indoctrination. But it is very true that parents, citizens, and taxpayers are decentralized agents in a rather centralized policymaking process. To overcome various collective action problems, we need to organize efficiently, build strategic allies, and better inform the public. Events like this special public meeting are crucial as a transparent answer to growing public interest surrounding the two topics. We're facing a well-funded and well-organized battlefront of ideologues, activists, corporate elites, political establishment and unions. Some of them are true believers, but the majority are snake oil salesmen.

It is important to recognize that however, we are on the right side of history and truth. That the majority of Americans reject political indoctrination and Critical Race Theory in K-12 classrooms. This has been validated by public opinion polls conducted by agencies across the political spectrum. It is up to the public, given the information presented here, to discern between misinformation and knowledge. Randi Weingarten, the president of the American Federation of Teachers, recently said in an ATF conference that also featured anti-racism guru, Dr. Ibram X. Kendi, that and I quote, "Critical Race Theory is not taught in elementary schools or high schools. Three weeks prior to that conference another ATF leader appeared on Good Morning America to explain that CRT would and I quote, "give our students the opportunity to understand the full breadth and depth of the American society," unquote. Now in this kind of backpedaling, doublespeak misinformation that obscures, conflates, and confuses. The public deserves better.

If I may, I would like to end with a call to action to our parents and community members. Please talk to your friends, family, and neighbors especially those from different political persuasions. Have candid conversations with them about these important topics. After all, we're not so different. Please also actively engage in local policy-making and local governance. Education is still essentially a local matter. You can participate in school board meetings, analyze and scrutinize certain policies and curriculum. You can write to teachers and school administrators, join local PTA's, request transparent access to what your children are learning in their classrooms, and demand accountability for educational achievement. If your local school boards or other authorities decide to expand precious public resources to indoctrinate rather than educate, you can always throw them out and run for these positions yourself. Recently, in South Lake, Texas, a county that overwhelmingly voted Biden last year. Seventy percent of the electorate voted for four anti CRT candidates including two school board positions. We can replicate that success. If your child is subjected to CRT based ethnic studies teaching and feel targeted or harassed, you can make a case of unlawful, illegal, and unconstitutional racial discrimination against the responsible authorities. You can file a civil rights complaint. You can challenge these practices in the court of law. At the end of the day, the public should be in the driver's seat. Thank you.

**BARKE:** Thank you,

**COLLINS:** Dr. Sander, you have eight minutes.

**SANDER:** Thank you. Let me just start by sort of finishing the answer that I was giving to Trustee Gomez before. I apologize if this is talking too much within my own wheelhouse, but I think it's helpful to try to make concrete some of the abstract concepts that we're talking about. As I was saying, "The Color of Law," by Richard Rothstein is a great example of what I think is a disturbing trend of not only making history one dimensional, but sort of, making it so ideological as to crowd out other perspectives. To sort of imply that perspectives that aren't that one dimensional are racist.

The very cover of this book, "The Color of Law" where the title comes is from maps that were generated in the 1930s by the Home Owner's Loan Corporation, which was an agency first created by the Hoover administration and expanded by the Roosevelt administration during the New Deal to try to provide relief to households whose mortgages were underwater during the Great Depression. These maps are where the idea of redlining comes from, because HOLC would examine census tracts within cities and would color different tracts based on what they thought of as the riskiness of the loans.

In Rothstein's view, and this has become standard doctrine for Critical Race Theory folks. These are sort of the smoking gun of government racism. You can see the red districts. But when you carefully analyze the data of what the Home Owner Loan Corporation actually did, they were using all sorts of characteristics to try and figure out underwriting. They included race in their analysis, but only to the extent that there were racial differences in foreclosure rates. What they found was that race was a fairly minor predictor of whether loans were in trouble or not. The Home Owners' Loan Corporation actually extended credit in many cities to more African-American households than White households. Not every city, but considering that they were operating in the 1930s, they were a surprisingly progressive institution.

The point is that it's a multi-dimensional story. Even in the pre-civil rights era, things are multi-dimensional - they're complex. As I say, this tendency to get rid of all those extra dimensions and just boil everything down to race. Part of my concern with ethnic studies is that by sort of highlighting that dimension, they create a premise that really feeds into this mentality and this approach. I'm really interested in learning more about the sorts of curriculums that Dr. Shufutinsky has discussed, because that may be our only hope if ethnic studies mandates actually ended up passing. I want to point out that the intrinsic bias of that approach is to make these complex problems one dimensional. Almost any social problem that you look at in our immediate discussions over the last five or six years has become much more simplified, much less complexified. We've dumbed down the discussion, because we've made it about this one-dimensional issue of racial disparities. If you look at police violence or K-12 outcomes, test score differences, any issue you name - there's a much stronger tendency now to just put it in terms of stark racial differences as opposed to the many things that actually go into all these social problems.

Let me just close with three general points that I think are relevant to the dynamics of this phenomenon. This process that we're engaged in. If we think about the educational effects of ethnic studies, social scientists in the 20th century established many times that through experimental observation - that if you want to reduce inter-group conflict, if you want to increase unity within groups and promote more solidarity, you focus on commonalities rather than differences. It's true that, you know, history needs to do a better job and has done a better job over the last half century of incorporating different narratives. But ethnic studies, intrinsically sort of cuts against the grain of trying to make education unified. Traditionally, that's been a fundamental goal of public education in the United States is to help create a unified citizenry.

Secondly, ethnic studies tends to undermine free discourse. This is something that we may only be starting to feel in the K-12 situation, but is very much a part of life on college campuses including UCLA. Ethnic studies tends to have these doctrines that if contradicted or if complexified with real data leads to denunciations of racism. I see this in the classroom, it's a terrible tragedy. Over the last 15 years, I've seen a steady decline in the willingness of my law students. My intelligent, sophisticated [inaudible] law students to articulate, non-doctrinaire ideas in class. Even when they know that the professor is probably reasonably sympathetic and you know, so the quality of the legal education has declined.

Thirdly, there's a political effect of all this, which I alluded to before. That is that, you know, as this issue percolates through the country, it's going to increase the political polarization that we have. There's strong opposition here tonight in Orange County to this curriculum. That opposition will be interpreted by the left as proof of the need for ethnic studies. You have an endless cycle that, to me, just spins for more and more division. It doesn't come up to a good place. I see the only winners of this process as being Critical Race Theory scholars. It's a full employment guarantee for them, but I think it's a tragedy for all the rest of us.

**COLLINS:** Thank you. Dr. Schwarzschild, you have eight minutes.

**SCHWARZSCHILD:** I don't know how to compete. That's true for everybody on the panel, but also for everybody here tonight. Everybody has spoken I think from the heart and eloquently and very pertinently. I think I'd probably best be advised to not take up my eight minutes and not keep this going any longer. I'll take up a couple of minutes. Cut me off when it gets too painful. I think there are three things. I want to do the kind of law professor thing or fair thing of giving some attention to what the participant who decided not to come might've said, and what defenders of Critical Race Theory, ethnic studies have been saying around the country in defense of what they're doing. I think there are three things they say.

They say, first of all, we're not teaching Critical Race Theory. The trouble is it's just not true, which is a drawback. It is true that they're not teaching sophisticated Critical Legal Theory as it was developed by, Derrick Bell and Richard Delgado and a handful of others in the universities and law schools 40 years ago. Perfectly true that they're not teaching that. But they are teaching, and it's quite clear from the information that's come out around the country and in California, the

Kendi and Robin DiAngelo sort of a dinosaur version of Critical Race Theory. That I think is an ineffective evasion and defense on their part.

The second thing they say is more interesting, I think, which is, that there's a First Amendment academic freedom issue here. That if teachers want to teach or advance or promote Ethnic Studies, Critical Race Theory, the group of views that are associated with those phrases. They have a First Amendment academic freedom right to do that. That's an interesting claim. I don't think it's a strong one. At the university level, there is a strong value and the courts have recognized it. Going back to a case called *Sweezy*. There's an article that came out in the last few days saying, it's not easy being *Sweezy*. That's true enough. What the Supreme Court there said is that the academic freedom at the university level has First Amendment and Constitutional implications. University and college education of course, is voluntary. K-12 education is compulsory. Teachers in the public schools are really speaking for the state. They're speaking for the government. The implication of that is that there's a democratic responsibility and democratic accountability for what goes on in the classroom.

The third, I think thing that the advocates of CRT, ethnic studies say is, oh, you guys who are skeptical of it or who have reservations about it or who oppose it, you guys really want to suppress discussion of the dark chapters of American history. I hope that's not true. I think that's not true. There are plenty of dark chapters in the history of human beings who are fallen and have evil impulses as well as I hope good ones. That's certainly true in American history as it's true in the history and reality of every place else on this created planet. The question isn't whether there are dark chapters of American history - there are and they ought to be taught. They ought to be talked about, and they ought to be addressed at appropriate age levels. I think they have been with varying degrees of quality and effectiveness in the schools that we've all attended over the decades. In the case of some of us, probably too many decades. Critical Race Theory and ethnic studies it seems to me, when you look at the actual content of the curricula and the techniques - psychological techniques that go beyond academic and intellectual activity. When you look at it, it's not an addressing and a putting in of context of the darker realities of every history including American history. It is the ideological monomania of insisting that America is uniquely and irremediably and unchangingly evil.

It seems to me that that is false. It ignores the reality of what has happened invariably and completely over the last 50 years and more. It doesn't ask the kind of crucial question that people should always ask about important questions. Namely, compared to what? Compared to who? If you look around the world, would you rather be an American with the fallibilities and the drawbacks of the history and the reality of American life or would you rather be virtually anywhere else? The answer that people from around the world have given by voting with their feet has been, even in the past, and continues of course more and more to be what we know it to be. I'll almost leave it at that except to say that COVID, which has done so much damage and the response to COVID which has done so much damage around the world has had at least one effect, namely, that a lot of schooling rightly or wrongly, has been closed down over the last year. Parents have had an opportunity to see online what is going on and what is going on in the classroom.

The result of that is that there is some real activism and involvement and knowledge of things that might not have become known. Indeed, might have been covered up in the past. I think that's a healthy thing. The danger is that parents and kids will be driven away from public education. The nature of public education will rightly drive parents and kids away from public education. One has got a hope that that won't happen. In European countries, education is highly centralized. The minister of education of France in Paris, can bring you into his gold leaf covered office. This has happened to anyone who talks to these guys. He will tell you. He'll look at the clock. He or she will look at the clock and say, oh, it is 11:12. I can tell you what is happening and what is being taught in every classroom in the country at each grade level throughout the country, because it's so prescribed. It's a command and control educational policy throughout the country. It is virtue of American federalism. That isn't the way it works here.

There is local autonomy and local responsibility and local accountability for education as there is for police and for other crucial public services and public policies. That puts an ability and also a responsibility on local boards, district boards, the voters, and parents and taxpayers of each jurisdiction. I think there's good hope based on what we've seen and heard this evening. That those responsibilities and those accountabilities will be brought to bear. I come away more hopeful, I must say, after this evening than I was at the beginning of the evening.

**COLLINS:** Time. Dr. Shufutinsky, you have eight minutes.

**SHUFUTINSKY:** Thank you. I just want to end focusing on the students. I'm very happy and grateful to actually be here with you all and be here with the agency I work with - Alliance for Constructive Ethnic Studies. It's there in the name. We believe that ethnic studies should be part of curricula. How it's taught and what's taught - the details. That's important. That's where the conversation needs to be focused on. Like many Black Americans, I grew up hearing stories from my grandparents about their experiences living under Jim Crow oppression. I'm not alone in being made aware of the very real racial discrimination that victimized many from my community. I've also been blessed with the knowledge that my people have overcome countless obstacles, succeeding when improbable. That is liberatory knowledge. Knowing that I'm not a victim, but a descendant of survivors is liberation.

My grandparents left Mississippi in the 1940s, making their way to California to escape Jim Crow. They knew that in order to give their children the opportunities that education provides, they would have to leave everything and everyone they knew and head West. Part of the great migration that's saw millions of Black Americans head north of the Mason Dixon. As a World War II veteran, my grandfather was able to use his GI Bill benefits to obtain an education as a mechanic. He opened up a garage and became a business owner. Working for over four decades for himself. To imply that he was a victim insults not only his legacy, but that of countless others. Those who are pushing ideology that frames Black Americans as perpetual victims are touting the same ideology that my grandparents fought against. Ideology that is steeped in clan like prejudices - painting Black Americans as lesser than, as weaker, as unable to overcome. Institutionalizing this type of rhetoric under the guise of Liberatory Ethnic Studies denigrates

those who came before us, those who sacrificed so much for us who came afterwards. Upholding learning materials that falsely portrays the bravery that Black Americans who resisted oppression through sit-ins, marches, and boycotts as passive or docile or racial accommodationism minimizes the violence that these Americans faced.

Using a critical race lens, Liberatory Ethnic Studies distorts history, and further marginalizes the experiences of Black Americans by portraying us as monolithic as though there's only one acceptable way to be Black. Examples of this are in sections of the Liberatory Ethnic Studies curriculum covering significant figures where only radical Marxist leaders are used to demonstrate to students the acceptable types of leaders they should look up to. We can teach our children ethnic studies without making students feel as though their foremothers and forefathers did not make progress against bigotry and without framing them and their classmates as enemies. One side - the oppressor, and the other - the victim. Disempowering students is not liberatory.

I know that I'm not alone in not wanting my children learning that quote, "White middle-class cis-gender, educated, able-bodied, Christian, English speakers created and maintained this culture and order to hold power and stay in power," like what's happened in an elementary school in Cupertino. I know that I'm not alone in wanting our children to have access to the highest quality math curriculum where students are able to challenge themselves. Like what the late civil rights leader, Bob Moses implemented in the Algebra Project, which introduced marginalized students to advanced math. Critical Liberatory Ethnic Studies seeks to adopt ethnomathematics where a pathway to equitable math instruction directs teachers to quote, "identify and challenge the ways that math is used to uphold capitalist imperialist and racist views." This is not liberatory.

The stated objective of AB 2016, the bill that mandated that an ethnic studies model curriculum be developed, is to prepare California students to be global citizens with an appreciation for the contributions of multiple cultures. This is an objective that most people can support. In fact, if you listen closely to those who are advocating that a critical liberatory framework be used to implement ethnic studies, they make their curriculum sound as though it aligns the stated objective. They make it sound innocuous. However, when a critical liberatory lens is used in the classroom, students are facing discrimination and bullying centered around their perceived privilege.

Now, some will have you believe that this is fear-mongering by right-wing, white supremacist individuals and organizations, but it's already happening. Students who attend schools that have begun implementing Critical Liberatory Ethnic Studies are already being subjected to silencing, bullying, and discrimination. One example, is when a biracial high school student who was instructed to address his White dominance, because his teacher identified him as White Passing. That school is now facing a lawsuit. What can you do? You can stay involved in your children's education. Understand what they're being taught in the classroom and the school community. Connect with your children's teachers, district board members, school administrators, and superintendent. Ask them to clarify what frameworks are being used in their ethnic studies curriculum. Also encourage your children to advocate for themselves and demand the education

that they deserve - education over indoctrination. You can look at the ACESs website for upcoming events, webinars, and calls to action and just stay involved.

**COLLINS:** Thank you. Dr. Myers, you have eight minutes.

**MYERS:** I would say what we've learned is CRT is not just about studying racism in American history as Donna Brazile said in the Wall Street Journal, or as Jen Psaki, the press secretary of the United States said just last week as if we are that ignorant. If that were the case, there would be no need for it to be called CRT. It would just be called history. That history would just be taught in a history or civics course. It is specifically rooted, as we've discussed before, in Critical Legal Studies, which is rooted in Critical Theory, which is rooted in Antonio Gramsci's ideas, which is rooted in Karl Marx's ideas. You cannot separate the underlying Marxist philosophy of CRT and the history it teaches. It is a worldview. It is about power. It is about reversing who is in power, not just some discussion about racism, slavery, or American history.

It advocates for a set of political and social objectives that would fundamentally undermine our system of constitutional rights, our capitalist system, and equality under the law. Proponents such as Robin DiAngelo and Ibram X. Kendi, actually, his name is Ibram Henry Rogers, have popularized CRT and are making millions off the capitalist system teaching and talking about race. In Kendi's book, "How to be Anti-racist," he states, the only remedy to past discrimination is present discrimination, which I highly doubt will bring about any positive change in greater understanding. Instead, we must actively work to eliminate racism and all manner of discrimination in America and anywhere else we encounter discrimination in the world, because this is decidedly not the intention of CRT advocates.

Now, I want to talk a little bit about the slave trade - a little bit of history here. Yes, we had a horrific period of chattel slavery followed by Jim Crow and all sorts of racial codes in the United States that persisted well into the 1960s and '70s, but these practices ended due to the self-correcting nature of our Constitution and Declaration of Independence. It is hard for me to understand how there are those who will still argue that the country is fundamentally racist when it was Whites who opposed slavery that liberated the slaves. The slaves didn't do it themselves. We had no power. We couldn't liberate ourselves. A civil war was fought over slavery primarily by White people and slavery soon ended thereafter. Let's not forget that slavery has existed for literally thousands of years. Having been recorded as far back as 4,000 years ago. White people did not invent slavery though the United States and European colonial powers such as Britain, France, Portugal, and Spain profited heavily from it.

What is seldom discussed is the role Africans played in the slave trade, which historian Henry Louis Gates. Remember the Beer Summit with Barack Obama? Now he's hardly, I mean, he's a pretty Democrat liberal guy, but this is what he had to say. He wrote beautifully and courageously in 2010. "The role Africans played in slavery, it turns out, was a considerable one, especially for the slave-trading kingdoms of western and central Africa, these included the Akan of the kingdom of Asanti in what is now Ghana, the Fon of Dahomey (now Benin), the Mbundu of Ndongo in modern Angola and the Kongo of today's Congo amongst several others. For

centuries, Europeans in Africa kept close to the military and trading posts on the coast. Exploration of the interior, home to the bulk of Africans sold into bondage at the height of the slave trade, came only during the colonial conquests, which is why Henry Morton Stanley's pursuit of Dr. David Livingstone in 1871 made for such compelling press: he was going where no white man had gone before. How did slaves make it to these coastal forts? The historians, John Thornton and Linda Heywood of Boston University estimated that 90% of those shipped to the New World were enslaved by Africans and then sold to European traders. The sad truth is that without the complex business partnerships between African elites and European traders and commercial agents, the slave trade to the New World would have been impossible at least on the scale that occurred.”

According to Gates, it was openly acknowledged by many African-Americans prior to the Civil War that Africans were major players in the slave trade. Africans were fully aware of the harsh life they were selling their own into. They were on some of those ships. There were some of those slave traders in Africa who were on those ships going to Portugal to send their kids to private school. Thus, it is impossible to argue that Whites are, and this is the point of this, it's impossible to argue that Whites are any better or worse than Blacks. The truth is that there is good and evil in all humans, which is a shared human condition that crosses all races and ethnicities.

Now, let me tell you a little bit about the country of Nigeria. Nigeria is the seventh most populous country in the world with an estimated population of 211 million. If our system itself is systemically racist, then why did the country of Nigeria, which is a federal republic, model its own government on the United States with a president, a senate, a house of representatives and a judicial branch with a supreme court. Nigeria also has a market-driven economy. Nigeria does have its own issues, which are human issues that cannot be blamed on the system of the government. Corruption is a major problem there, but it is because of people who abuse the system, not the system itself. According to Wikipedia, ethnocentrism, tribalism, religious persecution, prebendalism where elected officials and government workers feel they have a right to a share of government revenues have plagued Nigerian politics both prior and subsequent to independence in 1960. This demonstrates that race has little bearing on how people treat each other. Majority Black countries have the same issues as majority White countries. Again, it is the human condition that we all share.

Also, consider the flow of people between America and Nigeria. Are Americans immigrating to Nigeria or are Nigerians immigrating to America? It's obvious that the immigration flow is virtually all one way. Nigerians know that they have a far better chance for success in America than in Nigeria. According to the Pew Research Center, as of 2017, there were about 348,000 Nigerian immigrants living in the US making Nigeria the top birthplace among African immigrants in the country. Now, if America is structured to specifically advantage, I'm talking about America today, not America 100 years ago. If America is structured to specifically advantage White males, then why are White males not in the top 10 earning groups?

**COLLINS:** One minute.

**MYERS:** Okay. The top 10 earning groups by median household income by Ancestry are: Indian Americans, Taiwanese Americans, Australian Americans, Filipino Americans, South African Americans, Macedonian Americans, Indonesian Americans, Pakistani Americans, Irani Americans, and Lebanese Americans. Guess where White males are - 61 and 60. Somewhere between 61 and 62. It's just a very hard case to make. That today in 2021, that our country, and even in the way, in terms of how our country was founded. It was founded on liberal principles even though we did not live up to those principles.

It was Martin Luther King, Frederick Douglas, all the abolitionists, they were saying, listen, the problem here is you are not living up to what you said we were in the Declaration of Independence and the Constitution. That is what drove us forward in the civil rights era. We need to live up to that promise. I think that CRT is to Dr. Sander's point, I think that it's mano. It looks at things solely in one parameter when this is a multi-variate problem. There are many different things. You can't sort of focus on one thing and say, oh everything is about race and drive a philosophy from that. Really what this is about is Marxism. That's the bottom line today. Anyway, I'll stop there.

**COLLINS:** Time. Tonight, has been an interesting night. I think that we've all gained something of value from listening to our panel. Again, thank you to the Board of Education. I'm elated to be here to sit with such distinguished men and women and our audience. We thank the law enforcement. You guys have a critical polarizing job, both negative and positive. We appreciate you being here. We appreciate the audience, your patience, and your respect towards our panel and towards our board. Again, God bless America. God bless you guys. Hopefully, you know, the Board still has a decision to make when it comes to adopting some type of ethnics training as well as Critical Race Theory training. If you still have a problem, and the Board has heard you. I would suggest writing a letter to your board members and expressing your concern so they can have something to take to the state of California when it's time for them to adopt some type of ethnic studies. Thank you for having me and you guys have a wonderful night.

**BARKE:** Can you hear me? I would just like to close by, again, thanking Mr. Collins for his exceptional job of moderating and keeping us pretty well on time. We're just a few minutes over. I can't thank everybody in this room enough. From our law enforcement in the back of the room, to our brilliant public who came out, some very early to make sure they could speak to us and sat here patiently through all of the speakers and all of the experts and all of our questions. The experts who I know, some traveled far and wide - appreciate so much some last minute as well. I just appreciate all of you in your own way. You contributed so much. Each of you individually and together just provided for an unbelievable evening. It exceeded our expectations, and we can't thank you enough. Thank you. Thank you to the Board.

I think Mr. Collins, when he said the Board would make a decision just not to confuse - we do not have oversight to make the decision. That is your local districts. That's where I think all of our experts encourage you to stay involved in your children's education through your local

districts - just to clarify that point. I think we have three public comments left. If we could so indulge you for that.

**WILLIAMS:** Very good. Mr. Brian Vea, you're first up. On deck will be Jesse S. You're Mr. Brian Vea?

**VEA:** Yes.

**WILLIAMS:** Very good.

**VEA:** How you doing Board of Education? I'm glad to be here today. I am here because in full disclosure, I think it's important that we know about Joe Collins. He's the moderator. I don't know if you guys all know this, but he was in Minneapolis marching with Black Lives Matter along with Major Williams. These are things that people don't know. I say this because I'm a Christian and I can repent. I'm a bad guy. I do all kinds of crazy things. I think it's very important that, you know, these things are made transparent for everybody. That we know that the Board of Super- I'm sorry, not the Board of Supervisors, but the Board of Education here, they knowingly had him come. He's not from our county. He's not here as a representative of me, but he's sitting up here as a moderator to basically make sure everything spills over.

I was listening in the overflow when this first happened. I heard him say that he was unbiased. Now, again, I can repent of my ways and everybody can, but I just want everybody to know that he was there marching with his fist raised in front of a Black Lives Matter, right before Minneapolis went up in flames. Again, these are all things that I think people should know. If you guys knew that before you had him come over here as a moderator, that's cool. If you didn't, then, I think it's again, it's for everybody to know. Thank you. If you didn't know, I'm here for those who didn't know.

**COLLINS:** Thank you.

**VEA:** I am glad you knew. Thank you very much.

**COLLINS:** Thank you for your opinion. In actuality, I was not marching with Black Lives Matter. What happened was, after George Floyd died, my campaign team and I along with Major Williams and a few other conservatives went out there to stand against police brutality. We were actually the reason why George Floyd, the people who murdered him, charges were put against them. We actually had to talk to the mayor of Woodbury. We have a documentary. We actually just won an award for the documentary. We spoke to the mayor of Woodbury. This is what we do. We talked to the mayor of Minneapolis to charge the officers with what they were supposed to be charged with for murdering George Floyd.

Now, when you are a leader people follow you regardless of who those people are. When you're a leader as myself from the inner city where police brutality is prevalent, because we have gangs in our Sheriff's Department. It's upon us as leaders to go out there and do something about it. Now, our efforts ended with Minneapolis not burning anymore and the officers being charged. We were not there when it was burning. We was there after the debauchery happened, but I appreciate your opinion. This is what leaders do. Have a good evening, sir.

**VEA:** Thank you very much. I appreciate your comments. The picture still speaks for itself.

**WILLIAMS:** Thank you, Brian. We don't need to hear any more from you. Jesse S.

**JESSE S.:** Good evening, ladies and gentlemen. You know, I can't help but think, what would Vince Lombardi would say if he was here? What the hell is going on around here with the CRT? Let's call it what it is – Marxism, communism, indoctrination. That's what it is. Just so you'll know, there's a code here - 2020 California Code Education Code - EDC, Title 2, Elementary and Secondary Education, Division 4, Instruction and Services, Part 28, General Instructional Programs, Chapter 4, Prohibited Instruction, Article 4, Advocacy or Teaching of Communism Section 51530. What is it? No teacher giving instruction at any school or on any property belonging to any agency including in public school system, shall advocate or teach communism.

**SPARKS:** Thirty seconds.

**JESSE S.:** With the intent to indoctrinate, and that's what's happening here everybody.

**SPARKS:** Time. Very good.

**JESSE S.:** Pardon me, that's it?

**WILLIAMS:** That's it, Jesse. You're just given two minutes. Our final last speaker will be Julie Norton.

**NORTON:** Good evening. I wasn't planning on speaking. I'm a stay-at-home mom. We have four children. My husband has a business here in Huntington Beach for over 33 years. I just want to invite any of you to our Huntington Beach School District which is Tuesday, August 17. We would love to have one of your representatives come and speak to our board. I've gone to many of the board meetings. The president, as you mentioned, it's up to the district. It's very confusing for parents that give time - PTA time, volunteer. I've been a volunteer for 20 years. I've been blessed to be able to stay home. I love the community. I love the community. I went to a private school, but my husband and I believed in public schooling. To learn to community and to trust the community and to trust the school system. I feel like it's failed. I feel like, quite frankly, what I'm hearing, it's brainwashing. I find it scary that we're saluting the flag, yet we're teaching our

kids Marxism. I find it confusing that here is the Board of Education, yet our districts still have a right to be able to choose for our children to be indoctrin this. I find it confusing that they're taking advantage of our children's vulnerability.

**SPARKS:** Thirty seconds.

**NORTON:** It's a privilege to teach children. It's a privilege to raise children. We're taking this privilege and we are using it to corrupt and to in doctrine and to turn them into communists for something that it's a bigger problem. It's coming down from our current administration. What are we going to do? We're doing this to our children. They're confused. My husband's White and I'm Mexican. My daughter came home and asked my husband and told him. Dad, you have White privilege.

**SPARKS:** Time.

**NORTON:** Thank you for your time. August 17th, Tuesday. Any of you invited to Huntington Beach District Board. Thank you.

**BARKE:** All right.

**WILLIAMS:** Motion for adjournment.

**BARKE:** Do I hear motion for?

**WILLIAMS:** Motion for adjournment.

**SPARKS:** Second.

**BARKE:** We are so adjourned.

**SPARKS:** Thank you all so much.