

# The Passage of HB 2281: Another Battle in the U.S. Culture War

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The U.S. has made a career out of condemning other nations for restricting the rights of and using propaganda against their own people while touting its own constructed history of liberty and rights for those living in the U.S. Though there are objectively more freedoms allowed to those in the U.S. in comparison with some other nations, the reality of U.S. social stratification is at odds with the image that has been consciously perpetuated and maintained for both its own residents and those outside of the country through such propaganda machines as the Creel Commission, the U.S. Information Agency and, in more recent history, the Office of Strategic Influence, not to mention the Media Giants. As often as the U.S. government invests in propaganda, it seems that it just as often resorts to policing methods to ensure that the U.S.'s national identity as the ultimate symbol for freedom and democracy is preserved. Throughout the latter part of the 20th century, a series of culture wars was waged in the U.S., mainly in academia by conservative forces, in an attempt to squelch any progressivism in academia that might dangerously seep into the rest of society. At the dawn of the 21st Century, this need for reinforcing the constructed ideals of the U.S. became more urgent as worldwide sympathy garnered from the terrorist attacks of 9/11 quickly dissipated with the U.S.'s impatient launch of the War on Terror. While globalization and transnationalism have to some extent worn down walls of cultural intolerance worldwide, U.S. governing powers continued to (re)create and reinforce the binary of the U.S. versus the rest of the world, even relegating some of

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its own into the category of outsiders. Especially in light of the recent passage of the racist and xenophobic HB 2281, is it possible that we are on the cusp or in the midst of another culture war? Are beaten-back and re-won victories in challenging universalism, white supremacy, and U.S. chauvinism in academia now in danger of once again being silenced, erased, or reconstructed as anti-American?

As my politics are already insinuated, I explicitly acknowledge my decidedly lack of objectivity on this issue, since I do perceive conservative proponents for academia – at least as I understand their motivations and vested interests in the U.S. – as being in opposition to the purpose of education that I value most, that of encouraging inquiry and critical thinking. Though there are conservative individuals and organizations that are undeservedly lumped into my generalized monolith of conservative forces, my concern is with the role of state power in normalizing and rewarding elitism, racism, and/or blind patriotism.

In his 1986 book, *Culture Wars: School and Society in the Conservative Restoration 1969-1984*, Ira Shor breaks down what he sees as the “three major periods of ... attack” against progressive victories in education (Apple xi) after those in the 1920s and 1950s (Shor 16): “the war for ‘careerism’” in the first half of the 1970s, “the war on ‘illiteracy’” in the latter half of the 1970s leading into the early 1980s, and “the war for ‘excellence’ and against ‘mediocrity’” in the early 1980s (vii). He perceives these wars as being waged through “[t]eaching ‘the right words’ and displacing the wrong words,” with conservatives “gradually [regaining] the initiative by repressing opposition and by promoting a new vocabulary” (11), having their words being “accepted as the only right ones, the universal language all of us should speak” (10). The enticement for such a call to arms was the proliferating radicalism of the 1960s, especially on college campuses, exacerbated by the exposure of the active role educational institutions played in contributing to the Vietnam conflict as well as societal inequalities (10-11).

In direct response to the protest culture and counterculture of the 1960s, the “first” conservative restoration had such champions as the President of the American Federation of Teachers. He and others, “disturbed at the cultural relativism encouraged by the protest period,” advocated for the return of the core curriculum, where “a universal course of study [would embody] a singular dominant culture ... [with the] core of knowledge [emanating] from the center of authority outward to the periphery[,] ... based in Standard English, a traditional reading list, and cleansed versions of history (the ‘American Heritage’)” (13). In the mid-’70s, the conservative restoration wielded censorship powers at an unofficial capacity with school-bombings, shootings, and book bannings and burnings (Pincus in Shor 21-22). This coincided with the cutting of funding and other support for programs for

women and people of color (Shor 7).

At the start of the 1980s, some conservative forces equated cultural relativism with a descent into depravity, "[encouraging] dissent and non-traditional values. [To them, i]nstead of monogamy, heterosexuality, religious faith, patriotism and obedience, school breeds opposition politics and alternate life-styles" (21-22). Repeatedly, anything deemed outside the confines of (white, middle-class, "traditional") dominant culture was (is) constructed as countering what is appropriate for "real" Americans, and academia was identified as the hotbed for anti-American sentiments and attitudes. The early 1980s was also the time when pro-business/pro-corporate ideology was on public relations overdrive, seeping further into academia as "a number of corporations endowed business institutes and chairs at various universities" (15). No uproar over that "invasion," as maximizing profits is not considered anti-American, and so the university became more and more corporatized.

Allan Bloom, in his highly influential 1987 book, *The Closing of the American Mind: How Higher Education Has Failed Democracy and Impoverished the Souls of Today's Students*, is dismissive of any curriculum not stemming from the "dominant majority" (31): "Practically all that young Americans have today is an insubstantial awareness that there are many cultures, accompanied by the saccharine moral drawn from that awareness: We should all get along ... The point is to force students to recognize that there are other ways of thinking and that Western ways are not better" (35, 36). Gerald Graff pinpoints the culture war as crystallizing in 1988, following the publication of Bloom's book, with a speculation mentioned in Christopher Clausen's "It Is Not Elitist to Place Major Literature at the Center of the English Curriculum": "I would bet that *The Color Purple* is taught in more English courses today than all of Shakespeare's plays combined" (qtd. in Graff 20-21). The already heated crusade against "the vanishing classics" now had (flimsy, though reconstituted as) concrete evidence for how dire the situation was (18), and so this "evidence" was echoed in all manifestations of this conservative restoration, despite proof to the contrary that there has not been a "dumping [of] the classics" as alarmists repeatedly claimed (24). Since then, it has been the general consensus that the Canon Wars were "won" by the multiculturalists, but apparently the Canon Wars was just one battle in a Culture War that continues to resurface throughout the decades.

Throughout the 1990s, there may not have been many who took seriously Pat Buchanan's self-declared culture wars (including those in his own party), but his basis for these "wars" on religion and morality likely contributed, along with the election of President George W. Bush in 2000, to the growing influence of the Religious Right at the start of the new millennium. Then 9/11 happened, and false

dichotomies became set as the norm, codified by President Bush over a week after the terrorist attacks on New York and Washington D.C. when he declared to the nation, "Either you are with us, or you are with the terrorists."

Two months following 9/11 and one month following the U.S. and U.K. invasion of Afghanistan, the American Council of Trustees and Alumni, a conservative nonprofit organization formed by Lynne Cheney and Joseph Lieberman that claims to be "committed to academic freedom, excellence, and accountability at America's colleges and universities" (ACTA "Mission"), released a report called "Defending Civilization: How Our Universities Are Failing America and What Can Be Done About It." This report accused many academic institutions and personnel of anti-Americanism and essentially has a blacklist as its appendix. Throughout the report, glittering generalities abound, such as quotes from Senate leaders ("What happened ... was not simply an attack against America. It was a crime against democracy, and decency. It was a crime against humanity") and the NYC Mayor ("This was not just an attack on the City of New York or on the United States of America. It was an attack on the very idea of a free, inclusive, and civil society") as well as within the narrative of the report itself:

Rarely did professors publicly mention heroism, rarely did they discuss the difference between good and evil, the nature of Western political order or the virtue of a free society. (3)

It has become commonplace to suggest that Western civilization is the primary source of the world's ills – even though it gave us the ideals of democracy, human rights, individual liberty, and mutual tolerance. (5)

There are also mentions of "the great heritage of human civilization," "the unique contributions of American and Western civilization" (6), "the great ideas and central values of our civilization" and "our legacy of freedom and democracy" (8). This is not a long report – the Appendix begins on page 9. So, on practically every page of this short report is the message that the U.S. is civilization, which is embodied by all the inspiring myths that have been associated with it. Similar to Shor's assessment of the conservative force's objectives during the culture wars of the '70s and 80s, ACTA also attempted to implement the "right" words for everyone to get used to reading and hearing as sounding "normal." Before and after "Operation Enduring Freedom" was launched, there was widespread protest worldwide, and so it was important and necessary for the U.S. to be construed as The Good Guys, and we cannot easily do so if academics in our own nation are being vocally critical of U.S. foreign policies and chauvinism. The opening of the report presented as positive reactions to 9/11 "Americans across the country [responding] with anger, patriotism, and

support of military intervention. The polls have been nearly unanimous – 92% in favor of military force even if casualties occur – and citizens have rallied behind the President wholeheartedly” (1). This card-stacking of “objective” statistics was necessary in constructing the renegade academics as a nearly insignificant percentage of a population that was sufficiently loyal, though this minority was exceedingly problematic due to its influence on our “children”: “Even as many institutions enhanced security and many students exhibited American flags, professors across the country sponsored teach-ins that typically ranged from moral equivocation to explicit condemnation of America” (1). Academics failed in our duty to reinforce binaries and give credence to generalizations. In examining false binaries as they play out in the World Literature classroom, Sarah Lawall writes that:

[t]he way we frame the terms of the West-rest opposition, or try to evade them, becomes a large part of what we teach – part of the ‘hidden curriculum’ in our classrooms ... [With] world literature ... [questions on the meanings behind the West and the Rest binary] directly engages contemporary beliefs not just about what is right and true, or aesthetically or culturally valuable, but also about the authoritative or correct way of viewing the world. (17)

The ACTA report appears keen on dictating this “correct way.” The attempt to frame the polarization as Academia vs. The Rest of the Nation (the “mainstream public,” as the report references) is faulty, though, in that the quotes listed under “Public Response” (meaning that of the “mainstream public”) are only of those who are government officials (President Bush, Senate Majority Leader Daschle, Senate Minority Leader Lott, Mayor Giuliani). As a disclaimer, the beginning of the Appendix states:

Let us be clear. This is not an argument for limiting free speech on college campuses. The robust exchange of ideas is essential to a free society. But academic freedom does not mean freedom from criticism. If some faculty are inclined to criticize America, it seems only reasonable to insist that colleges and universities transmit our history and heritage to the next generation so that students can decide for themselves. (9)

This “insistence” on “[transmitting] our history and heritage” is fascinating, in that certainly ACTA means only a particular version of history and heritage. In the years that followed the release of the report, there surfaced endless examples of institutional and structural attempts to censure and/or silence anything deemed remotely anti-American (e.g.: Bill Maher’s Politically Incorrect show, Manhattanville

College basketball player Toni Smith, the Dixie Chicks, Ward Churchill), accurate or not, which, when possible, was likewise associated with terrorism, as we see with the passage of the USA PATRIOT Act, the round-ups, detentions and deportations of Muslim, Arab and South Asian immigrants, etc.. The need to assert U.S. superiority and/or moral authority extended beyond our nation's borders, exacerbating our relations with other nations, even those that are considered "friendly." The U.S. interpreted any criticism or lack of support for its policies and decision-making as being anti-American, as was clear in the "Freedom Fries" absurdity.

Another one of the many contradictions of the U.S. is its insistence on being perceived as welcoming of and a safe haven for immigrants, yet select immigrant populations – historically and today – are labeled and treated as non-Americans, as perpetual foreigners, as illegals. As an immigrant nation, the U.S. has an eternal "immigration issue," but 9/11 and the War on Terror expanded what is publically acceptable in its discriminatory treatment of particular immigrants. Although there were outcries against the Transportation Security Administration's new airport security measures in 2010, the general public initially welcomed the heightened security at airports in the immediate years post-9/11, having had their fears successfully exploited by the Department of Homeland Security. The No-Fly Lists, Special Registrations, neighborhood and workplace round-ups, ID checks, along with the Minuteman Project were tolerated by the general public, despite activist attempts to expose their detrimental effects and consequences. This acceptance of repression as a necessity bred with a history of anti-immigration, the now waning influence of the Religious Right and the amplified din of the Tea Party's racism and xenophobia is the atmosphere in which HB 2281 came into fruition.

Although it only applies to Arizona school districts and charter schools, HB 2281, signed into law by Governor Jan Brewer in May 2010, sets an unsettling precedent for providing government institutions with more power to punitively maintain white supremacy and privilege and U.S. chauvinism. The amended House Bill states that "[t]he legislature finds and declares that public school pupils should be taught to treat and value each other as individuals and not be taught to resent or hate other races or classes of people." This of course well represents U.S. ideals of individualism and racial harmony. However, it is through couching the words of this Bill in civil rights language that hides its racist intentions:

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

1. Promote the overthrow of the United States government.
2. Promote resentment toward a race or class of people.
3. Are designed primarily for pupils of a particular ethnic group.

4. Advocate ethnic solidarity instead of the treatment of pupils as individuals. (Arizona State Senate)

Here – among other problematic issues – the invisibility of whiteness is at work. How much of American or European history is not “designed primarily for pupils of a particular ethnic group”? Looking back at ACTA’s call for “[transmitting] our history and heritage,” can we say for sure whose history and heritage they are identifying as “ours”? Would that history be that of those Americans whose ancestors are from Mexico (or even what was originally part of Mexico)? Or Africa? In 2007, then Arizona Superintendent of Public Instruction Tom Horne, who eventually helped to pen HB 2281, included this anecdote in his rationale for why he was advocating for the termination of the Tucson Unified School District Ethnic Studies Program:

When I began speaking out publicly against ethnic studies, one of the ethnic studies teachers had his students write me letters. One of these letters states: “All that the English classes teach is mainly about some dead white people.” I believe schools should teach the students to judge literature by its content and not by the race or gender of the author.

This colorblind ideology functions as a red herring for the very real issue of curricula privileging white perspectives and experiences. For students of color, accepting the “dominant culture” (that is, white American middle-class culture) as the “universal” perspective, that which is an “invisible” race and constructed to be perceived as not “[promoting] resentment toward a race or class of people” compels a realization that one is not a member of the dominant culture. Henry Louis Gates has written on the rhetoric of liberal education (that which uses the “master discourse”) that:

if you buy into that rhetoric – if you accept its terms and presuppositions about cultural geneticism .... Then you will say: Yes, I am Other, and if the aim of education is to reinforce an individual’s rightful cultural legacy, then I don’t belong here – I am a guest at someone else’s banquet. (109-110)

The condoning of exclusion seems antithetic to U.S. ideals and myths of individual opportunity, yet this is what the law is implicitly promoting. About the law’s banning of any programs that “[a]dvocate ethnic solidarity instead of the treatment of pupils as individuals,” a professor of Human Rights Law and Policy at the University of Arizona who is also the United Nation’s Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples condemns such wording as a:

false dichotomy ... We are not talking about people who are seditious or want to undermine the United States. Quite the opposite. Many of the people who are associated with these ethnic studies programs are very loyal Americans [and these programs promote] a vision of America that includes them, rather than excludes them. (Anaya qtd. in Garrett)

Once again, as we saw in the culture wars of the '70s and '80s, there is a framing of that which is not considered a part of and that is not focusing on and celebrating white, middle-class dominant culture as being in opposition to it – that is, anti-American, to the extent that insurgency is identified as an objective for a high school curriculum. Among former Superintendent Horne's many statements that advocate for an ideology of colorblindness and a reinforcement of the U.S. cultural myth of individual opportunity, he wrote that:

On the TUSD website, it says the basic text for this program is "the pedagogy of oppression." Most of these students' parents and grandparents came to this country, legally, because this is the land of opportunity. They trust the public schools with their children. Those students should be taught that this is the land of opportunity, and that if they work hard they can achieve their goals. They should not be taught that they are oppressed.

Racism and xenophobia do not exist, this is America, "land of opportunity," freedom, civilization – all the "right words" to "displace" such "wrong words" (Shor 11) as "oppression," which "should not be taught." Justifications for the culture wars of the previous century are echoed by the justifications for HB 2281.

This bill did not quietly pass into law. Not only was there opposition to HB 2281 within Arizona, most passionately by the students and faculty that were a part of the program, there were condemnations and protests across the nation and from around the world, including the virtually borderless internet. Even the United Nations felt compelled to step in, conscious of the human rights accountability, releasing a statement on May 10, 2010 in which its independent experts assert that:

such law and attitude are at odds with the State's responsibility to respect the right of everyone to have access to his or her own cultural and linguistic heritage and to participate in cultural life. Everyone has the right to seek and develop cultural knowledge and to know and understand his or her own culture and that of others through education and information. (Office of the High Commissioner for Human Rights)



The U.S. does not hold a good record of acceding to U.N. demands and criticisms, but one would think that in the interest of maintaining the national myth of equality and individualism, there would have been some pressure from federal authority for the Arizona legislature to take pause. One of the members of the U.N.'s panel of independent experts on human rights, "described international reactions [to Arizona's SB 1070 and HB 2281] as 'very negative.'" He related his experience: "In the last couple of weeks I've visited Mexico and Spain ... Immediately upon learning I'm from Arizona people ask me about these laws with disbelief this can actually be happening" (qtd. in Garrett). It was after an outpouring of protests – including the U.N.'s condemnation – that Brewer signed HB 2281 into law. Apparently international opinion is of little value, as has been clear throughout a decade of mostly indifference to worldwide criticism of U.S. aggression and use of torture. But, this particular law is explicitly only affecting K-12 schools within the Tucson Unified School District. What is at stake here? Why the unhindered clearance for legislation? If there is a culture war at hand, why is it so important for HB 2281 to become law?

Many have speculated that HB 2281 was specifically targeting the Mexican-American Studies program of the Tucson Unified School District, though from January 2011 all public and charter K-12 schools within the TUSD have been affected. After its earlier unsuccessful manifestations as Senate bills in 2008 and 2009, HB 2281 was able to garner political clout after the passage of SB 1070. Amid sustained protests after HB 2281 was signed into law, Arizona Superintendent of Public Instruction John Huppenthal, who played an active role in the passage of HB 2281 as a state senator, called for an independent audit of the program. This audit concluded that the TUSD ethnic studies program did not violate any laws and, on top of that, through it "student achievement has occurred and is closing the achievement gap" (Cambium Learning 68). Huppenthal's response? Withholding the findings until weeks after he received it, claiming that the teachers "flipped the pedagogy" when the auditors were present, and denouncing the audit ("Tucson Teachers"). In December 2011, Superintendent Huppenthal threatened to withhold state funding from the TUSD if the Mexican American Studies program was not eliminated, claiming that it violated HB 2281 (Huicochea). In fear of losing funding, the school district in January 2012 took students' self-selected classes from them. Maria Federico Brummer, one of the teachers at Tucson High School and Palo Verde High School, explained that "the program is entirely shut down. We're not allowed to teach anything from the Mexican-American perspective" ("Tucson Teachers"). Soon after the program was eradicated, books that were part of the curriculum were confiscated (Morales). Similar to the book bannings of the conservative restoration of the 1970s, how could this not be considered a culture war? Sean

Arce, the TUSD Director of Mexican American Studies, offers this as an explanation for why there is such an active and powerful battle waged against an education program that was leading to success in education (a 93% graduation rate): "We represent a demographic threat to the state of Arizona ... because our program was effective in engaging Chicano youth, we are under attack" ("Tucson Teachers").

Beyond the Arizona high schools on which it had a direct impact, HB 2281 also set some norms for what is now not appropriate in academia. Even those explicitly opposed to the motivations and consequences of the law became ensnared in the political climate it has set. The Faculty Senate of Arizona State University released a resolution position statement in September 2010 condemning HB 2281: "The Arizona state legislature's implicit opposition to ethnic studies as a viable educational enrichment of the curriculum as a means to a more nuanced and complex understanding of the world is not only disturbing and distasteful but sends the wrong message to Arizona and its students" (qtd. in Blue). However, soon after, the university suspended its ethnic studies program, "supposedly ... due to 'lack of interest,'" though one faculty member indicated that "[she] and others cannot help but wonder if the overall climate doesn't have something to do with it" (Anonymous). The fact that there was a sudden eradication of an ethnic studies program within an institution that does not even fall under the purview of this particular law, especially after its Faculty Senate passed a very public statement against the law and even endorsed a national Ethnic Studies Week (Pallack) should set off some alarms regarding the potential fallout of this law. Some may question the credibility of Arizona's House of Representatives in general (they did, after all, vote through a "birther bill" [AP]) and dismiss the national influence and effectiveness of its state legislation, but consider that over two dozen states had considered legislation similar to SB 1070 (ImmigrationWorks USA), which amassed much more publicity and controversy.

Similar to the crisis of the 1960s, 9/11 and the subsequent War on Terror function as catalysts to jumpstart another culture war or, rather, wage another battle in the trajectory of war that stretches back throughout a history of social stratification based on white supremacy and national chauvinism. Could whistleblowing instruments such as Wikileaks instigate the same sort of distrust toward authority that precipitated the conservative restoration in 1969, when "[a]uthoritative knowledge and traditional education lost their credibility in the advance of radical revelations" (Shor 11)? Have the Arab Spring-inspired Occupy movements across the nation that awakened many to the institutional and structural oppressions that have led to the privileging of only a few set off enough alarms among the Powers that Be? Or, is the new conservative restoration already

gaining steam, with the growing cultural and political power of the Tea Party that has likely contributed to the passage of such racist and nationally chauvinistic legislation as HB 2281? What is next in academia to be deemed anti-American? If “[t]he State Commission of Education in Texas banned five standard dictionaries from the public schools in 1976 because they included the definition of certain objectionable words” (Pincus qtd. in Shor 21-22) and only a few years ago the Texas Board of Education proposed changes to the social studies textbooks that would include “[t]he slave trade [being] renamed the ‘Atlantic triangular trade,’ American ‘imperialism’ [being] changed to ‘expansionism,’ and all references to ‘capitalism’ [being] replaced with ‘free enterprise’” (Paulson), should we be worried? Or should we wait for the next bewildering attack on academia that we never would have imagined happening before deciding that we are in indeed in the midst of another culture war?

Follow the movement in support of the students, faculty and communities fighting for the TUSD’s Mexican American Studies program at <http://saveethnicstudies.org/>

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