



FOUNDATION
AGAINST
INTOLERANCE
& RACISM

June 23, 2023

Sherri Blasing, Principal
Mankato West High School
Mankato Area Public Schools

Sent via email

Dear Ms. Blasing:

I am an attorney at the Foundation Against Intolerance & Racism (FAIR), a nonpartisan organization dedicated to advancing civil rights and liberties rooted in our common humanity. We have more than 80 chapters and tens of thousands of members nationwide, including in Minnesota. Our website, fairforall.org, can give you a fuller sense of our identity and activities.

We write in response to an [incident report](#) regarding Mankato West High School ("Mankato West") that was submitted to FAIR through our anonymous reporting site, fairtransparency.org. According to that report, a 10th grade English class was presented a lesson titled "Overt and Covert Racism in the United States," which included several slides, one of which featured the following graphic:



This pyramid graphic contains several examples of concepts and phrases that represent either “overt white supremacy” or “covert white supremacy.” Notable examples of “white supremacy” contained within the pyramid, all of which are completely devoid of any context, are:

- Calling the police on Black people
- White Silence
- Colorblindness
- The belief that “we are post-racial”
- The phrase “Make America Great Again”
- Use of the phrase “you are so articulate”
- Cultural appropriation
- “But we’re all one big human family” / “There’s only one human race”

One of the lesson’s presentation slides defines “overt racism” as a “deliberate and intentional prejudice or discriminative actions directed towards someone from a different race.” The slide below cites the concept of “denying racism exists” as an example of “overt racism;” the phrasing of this slide is ironic in that it goes on to explain that racism denial is “overt racism” because it “is saying that the experiences a person of color has with discrimination and prejudice are not true.”

Example of Overt Racism → Denying Racism Exists

Denying Racism Exists: If someone denies that racism exists that is **overt racism** because he/she is saying that the experiences a person of color has with discrimination and prejudice are not true. Also, this belief ignores racist historical events such as slavery and Jim Crow Laws and current events like the on-going racial profiling & police brutality that disproportionately affects African Americans.

Reflection Question: How would you respond to someone who said that racism doesn't exist in America?

What counter-argument would you provide?

This particular example suggests that “overt racism” is only perpetrated against “people of color,” presumably only by white people; if a student were to challenge this example by saying that “people of color” can also perpetrate racism denial against white people, they would, according to the very definition presented to them, be engaging in the denial of racism. Whether this framework is meant to chill students’ speech is irrelevant- that is the most likely result.

In total, the pyramid graphic, together with the slides that follow it, convey a clear message that racism is only perpetrated against “people of color,” that certain widely-held thoughts and beliefs are examples of racist “white supremacy,” and that a particular well-recognized political slogan is an established example of “white supremacy.” The constitutional and civil rights implications of teaching this material to public school children are vast, and are further compounded by the questions that were asked of students in

follow-up to the presentation. We do not have copies of those questions, but if they are framed such that students are compelled to agree with the assertions made in the presentation, we would have additional First Amendment free speech concerns, specifically.

As an advocate for pro-human antiracism, FAIR respects educators who undertake efforts to engender positive change and greater fairness. There can be no question of past and present injustices committed in this nation. However, instruction that attempts to remedy prejudice should not itself further prejudice or disregard the civil rights and individuality of others. The Equal Protection clause of the Fourteenth Amendment prohibits state entities (including public schools) from treating individuals differently or stereotyping them because of their skin color. *Shelley v. Kraemer*, 334 U.S. 1, 22 (1948); *Shaw v. Hunt*, 517 U.S. 899, 908 (1996). “Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.” *Rice v. Cayetano*, 528 U.S. 495, 517 (2000) (citing *Hirabayashi v. United States*, 320 U.S. 81, 100 (1943)). Such distinctions and stereotypes are presumptively invalid and will be upheld only upon extraordinary justification. Similarly, Title VI of the Civil Rights Act (which is derived from Equal Protection) prohibits federally funded programs from discriminating or creating hostile environments based on skin color. 42 U.S.C. § 2000d, d-4a(2); *Tolbert v. Queens College*, 242 F.3d 58, 69-70 (2d Cir. 2001).

We believe the instructional materials taught to the 10th grade English class at Mankato West promotes racial essentialism and division. It ties racism to “white” skin, claiming only those with “white” skin are capable of racist acts. Ascribing personal traits based on skin color, as these materials do, is the very definition of racial essentialism: the idea that physical appearance indicates “more profound characteristics (whether positively or negatively construed) of personality, inclinations, ‘culture,’ heritage, cognitive abilities or ‘natural talents’ that are taken to be shared by all members of a racially defined group.” Anna Stubblefield, *Racial Identity & Non-Essentialism About Race*, Vol. 21 No. 3 (Florida State Univ. 1995). Additionally, by claiming racism is inherent in certain innocuous phrases and statements,, the materials encourage students to see and assume racism even where it is not present. Those messages divide and harm students of all skin colors and ethnicities, creating a sense of shame or guilt in some and hopelessness or resentment in others.

The potential negative consequences are even more concerning given that the teacher reportedly provided the students with no perspectives differing from those contained in the materials. Instead of being presented as one opinion among many to consider (which would be a legitimate educational exercise), the viewpoints set forth in the materials appear to have been taught as the truth. Parents and caregivers rely on schools to deliver instruction that is balanced, appropriate, and unifying rather than divisive while still respecting students’ and teachers’ diverse cultural backgrounds. Staff and students will then have the tools they need to develop a cultural conscience of respect without making race, gender, and ethnicity the focal point of interactions. We urge Mankato West to reconsider teaching these materials to students without a good faith presentation of contending perspectives.

Additionally, and depending on the phrasing of the questions the students were required to answer in response to the presentation, the First Amendment is likely also implicated here. Compelling students to

ascribe to a set of assertions made by a teacher about what does or does not constitute racism is unconstitutional. *Hurley v. Irish-American Gay, Lesbian, & Bisexual Grp.*, 515 U.S. 557, 573 (1995); *Wooley v. Maynard*, 430 U.S. 705, 714 (1977) (“A system which secures the right to proselytize religious, political, and ideological causes must also guarantee the concomitant right to decline to foster such concepts.”). Many individuals would disagree with the content set forth in the presentation, which they are free to do of course, as much if not all of the content is opinion-based, rather than factual. Mandating the affirmance of such ideas would violate the rights of students who reject them.

We would like to give Mankato West an opportunity to respond. Please let us know within the next five business days if you intend to do so.

Very truly yours,

A handwritten signature in black ink, appearing to read "LO'Neill". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Leigh Ann O'Neill

Managing Director of Legal Advocacy

Foundation Against Intolerance & Racism

Cc: Paul Peterson, Ed.D, Superintendent, Mankato Area Public Schools