

Preamble

In recognition of Black History Month, this TMI brief examines the ramifications of attempts by anti-truth groups to remove or whitewash our nation's history and legacy of racism from K-12 public school classrooms. The Legal Defense Fund (LDF) fights tirelessly for safe, inclusive, and high-quality education, and we believe that proper education requires an honest, accurate, and comprehensive understanding of our past to create a more just and inclusive future. The current efforts to silence discussions on race and its intersections with inequalities based on sexuality and gender are not the first attempts to distort and erase U.S. history. This is a centuries old war on truth that continues to evolve. Today's attacks on truth are born out of a broader history where a small minority tries to use their power and privilege to eclipse racial justice progress. One way in which truth is attacked is through controlling the narratives told in children's history textbooks, a practice dating back to the U.S. Civil War.¹

Introduction

"There is that great proverb—that until the lions have their own historians, the history of the hunt will always glorify the hunter."

- [Chinua Achebe](#)²

Chinua Achebe's recount of an African proverb of a lion and hunter serves as a metaphor for how groups with power and privilege control historical narratives. Throughout the years, history textbooks have served as a vessel for collective [memory](#), created and sustained by groups of people who construct and reproduce their relation to the past.³ A defining feature of [collective memory](#) is its "identity-constructing function" which creates a collective identity for a group and binds them together.⁴ These memories further define how groups see themselves vis-à-vis other groups, and it also shapes the future they hope to have. Yet, collective memory can be at odds with history; these [memories](#) are merely narratives shared within a group,⁵ and narratives can be factually incorrect. Ultimately, the collective memory of a group reflects the perspective of a small group of people, usually those in power, who usher it forward as the truth.

At the end of the Civil War, history books were used to reshape the country's collective memory in ways that reframes the South's secession from the Union as "American heroes" and recasts the horrors of slavery as a positive institution for individuals who were enslaved. Allowing those with the most power to decide how the past is remembered can have dangerous implications for both politics and policy. For example, at the end of the U.S. Civil War and the beginning of Reconstruction, white supremacists used textbooks as a vessel for neo-Confederate collective memory. During this period, [neo-Confederates](#), a

¹ Fred Arthur Bailey, *The Textbooks of the "Lost Cause": Censorship and the Creation of Southern State Histories*, 75(3) Ga. Hist. Q. 507 (1991).

² Jerome Brooks, *Chinua Achebe, The Art of Fiction No. 139*, 133 Paris Rev. (1994), <https://www.theparisreview.org/interviews/1720/the-art-of-fiction-no-139-chinua-achebe>.

³ Ivars Ijabs, *Collective Memory*, in *Encyclopedia of Quality of Life and Well-Being Research* 991–93 (Alex C. Michalos ed. 2014).

⁴ Adam Brown, Nicole Kouri, & William Hurst, *Memory's Malleability: Its Role in Shaping Collective Memory and Social Identity*, 3 Frontiers Psych. (2012).

⁵ *Collective Memory*, Am. Psych. Ass'n: APA Dictionary of Psych., <https://dictionary.apa.org/collective-memory> (last visited Dec. 23, 2022).

reactionary and revisionist branch of American white nationalism,⁶ campaigned for a narrative called the [Lost Cause](#), a myth which was “a psychological response to the trauma of defeat.”⁷ The Lost Cause attempted to preserve the honor of the South by casting the Confederate defeat in the best possible light. Two of the main components of the [myth](#) of the Lost Cause are that (1) the South’s secession from the Union had little or nothing to do with the institution of slavery and (2) enslaved people benefited from slavery due to benevolent slave owners.⁸ The gross miseducation that the Lost Cause spreads is similar to today’s anti-truth movement as they both seek to take one group’s collective memory and extend it to the entire nation in an effort to maintain racial hierarchies.

Education During Reconstruction

Since the U.S. Constitution does not specify how public schools should be governed, the federal government sees itself as having a “[limited](#)” role in education policy.⁹ Thus, historically, states control many facets of education policy, including the curation and selection of textbooks. Prior to 1863, most children attending school in the [South](#) were only from families who could afford to pay for it. That left children from poor families, regardless of their race, highly unlikely to receive a formal education. Although the Reconstruction Era was relatively short-lived, it brought about changes that led to the expansion of public schools in the South for all children.¹⁰ State constitutions that were ratified during Reconstruction funded the South’s first free public school system through taxes and, in theory, allowed all young people to obtain a formal [education](#).¹¹

[Reconstruction](#) began the arduous process of achieving racial justice in the U.S., but it likewise produced intense opposition from many White Southerners who refused to adopt the vision for a more racially just nation. Some who opposed the changes did so through physical violence while others used their political power to play the long game of undoing racial progress.¹² One example of the latter was a national federation of women’s organizations that formally united shortly after Reconstruction with one common goal: memorializing the Confederacy. On September 10, 1894, the National Association of Daughters of the Confederacy, later renamed the United Daughters of the Confederacy (UDC), was founded in Nashville, Tennessee. This neo-Confederate group, mainly composed of middle- and upper-class white women throughout the South, were all bloodline descendants of someone who served in the Confederacy. Other [goals](#) of the UDC included: presenting what they considered to be the true history of the Civil War, honoring those who served in the Confederacy and died, and preserving historic

⁶ *Neo-Confederate*, S. Poverty Law Ctr., <https://www.splcenter.org/fighting-hate/extremist-files/ideology/neo-confederate> (last visited Dec. 22, 2022).

⁷ David W. Blight, *Lost Cause*, Encyclopaedia Britannica, <https://www.britannica.com/topic/Lost-Cause> (last visited Dec. 22, 2022).

⁸ *Id.*

⁹ *Laws & Guidance*, U.S. Dep’t of Educ., <https://www2.ed.gov/policy/landing.jhtml?src=ft> (last visited Dec. 21, 2022).

¹⁰ *The Quest for Education*, Smithsonian Nat’l Museum of Am. Hist. - Behring Ctr, <https://americanhistory.si.edu/brown/history/2-battleground/quest-for-education-1.html> (last visited Dec. 21, 2022).

¹¹ Rebekah Barber & Billy Corriher, *Honoring Reconstruction’s Legacy: Educating the South’s Children*, Facing South (Oct. 11, 2018), <https://www.facingsouth.org/2018/10/honoring-reconstructions-legacy-educating-souths-children>.

¹² Eric Foner, *Reconstruction*, Encyclopaedia Britannica (last visited Jan. 17, 2023), <https://www.britannica.com/event/Reconstruction-United-States-history>.

Confederate sites.¹³ In its infancy, the UDC worked tirelessly to uphold the beliefs of the [Lost Cause](#) which “became the philosophical foundation for the racial violence and terrorism employed to reverse Reconstruction.”¹⁴ To spread the influence of the Lost Cause, the [UDC](#) became heavily involved in writing, publishing, and banning history textbooks for school-aged children. Additionally, they funded scholarships for poor descendants of the Confederacy so they could obtain a college degree and later teach students about the Lost Cause.¹⁵ Most interestingly, the UDC did all of their work without women having the legal right to vote or participate in politics.

Mint Julep Textbooks

Textbooks serve as a roadmap for a class, as the arbiter of what is considered baseline knowledge of a particular subject, and a springboard for students to rigorously analyze current events and historical trends. It is difficult, if not impossible, however, for students to engage in that kind of analysis and critical thinking when the springboard they are given is distorted and inaccurate. During [Reconstruction](#), a time where the U.S. government attempted to redress the horrors of slavery by reintegrating formerly enslaved people into society,¹⁶ these textbooks undermined attempts for racial progress.

The phrase “mint julep textbooks” was coined by researchers at Georgia State University and derived from a term used by Hillel Black, a former Macmillan Publishers executive. Mint julep textbooks are Southern-style history textbooks published after the Civil War.¹⁷ Mint juleps are iced, bourbon-based cocktails that originated from the South after the Civil War and are still associated with the region. One of the earliest known mentions of this drink refers to it being healing, almost like a medicine, while still being sweet and refreshing, perfect for a summer day. Just like the drink, mint julep textbooks eased a pain of the Southern defeat in the Civil War at just the right time and put a palatable spin on the history of slavery.¹⁸ Like other vessels for neo-Confederate collective memory, these textbooks disparaged any person or event that championed racial justice and undermined an accurate retelling of history.

Although it took a village to push mint julep textbooks, one neo-Confederate woman was a central figure to the work: Mildred Lewis Rutherford, also known as “[Miss Millie](#).” Miss Millie was born into a slave-owning family and studied history and literature at a secondary school for girls. After later becoming principal of that school,¹⁹ she became an active member of UDC and became their historian general in 1911. When [addressing](#) the UDC in 1914, she said that enslaved Black people “were the

¹³ Angela Esco Elder, *United Daughters of the Confederacy*, New Ga. Encyclopedia (Feb. 8, 2022),

<https://www.georgiaencyclopedia.org/articles/history-archaeology/united-daughters-of-the-confederacy/>.

¹⁴ See Blight, *supra* note 7.

¹⁵ Karen L. Cox, *Dixie's Daughters: The United Daughters of the Confederacy and the Preservation of Confederate Culture* (John David Smith ed. 2003).

¹⁶ See Foner, *supra* note 12.

¹⁷ Chara H. Bohan, Lauren Yarnell Bradshaw, and Wade H. Morris, *The Mint Julep Consensus: An Analysis of Late 19th Century Southern and Northern Textbooks and their Impact on the History Curriculum*, 44 J. Soc. Stud. Rsch. 139 (2020).

¹⁸ David Wondrich, *The Lost African-American Bartenders Who Created the Cocktail*, Daily Beast (Jan. 29, 2021), <https://www.thedailybeast.com/t.he-lost-african-american-bartenders-who-created-the-cocktail>.

¹⁹ Anne E. Marshall, *Mildred Lewis Rutherford*, New Ga. Encyclopedia (Apr. 16, 2019), <https://www.georgiaencyclopedia.org/articles/history-archaeology/mildred-lewis-rutherford-1851-1928/>.

happiest set of people on the face of the globe, free from care or thought of food, clothes, home, or religious privileges.”²⁰

In 1919, the UDC, along with the United Confederate Veterans and the Sons of Confederate Veterans, created the Rutherford History Committee.²¹ Aptly named after Miss Millie Rutherford, the committee fortified the campaign to spread the Lost Cause narrative through textbooks.²² That [committee](#) went on to publish [A Measuring Rod to Test Text Books, and Reference Books in Schools, Colleges, and Libraries](#), a pamphlet that guided Southerners in deciding if a textbook properly promoted the Lost Cause.²³ In it, Miss Millie directed educational institutions to reject textbooks on any of the following grounds: if it “says the South fought to hold her slaves,” if it “speaks of the slaveholder of the South as cruel and unjust to his slaves,” and if it “omits to tell of the South’s heroes and their deeds when the North’s heroes and their deeds are made prominent.”²⁴ Additionally, Miss Millie prepared a [list](#) of condemned and commended books each month in *The Confederate Veteran*, the publication of the United Confederate Veterans.²⁵

[Kaye is going to create a lovely graphic based on some of the quotes above.]

Similar to today’s attempted bans of books that discuss issues of race and racism, Miss Millie’s work to strip history textbooks of the truth was successful as *A Measuring Rod* became a standard pamphlet used across the entire South for decades. In North Carolina alone, the UDC secured multiple wins regarding textbooks. In 1905, school superintendents from at least six counties told the UDC that they would not use textbooks on the UDC’s blacklist, and North Carolina’s superintendent of public instruction wrote the UDC with his support of their efforts to remove any textbooks deemed offensive to the South. Additionally, North Carolina’s governor at the time, Robert Glenn, assured the UDC that he would only appoint Lost Cause loyalists to the state’s textbook committee. Like North Carolina, many states in the South either appointed Lost Cause supporters to their state textbook commissions or regularly allowed them to recommend or ban [particular textbooks](#) at meetings.²⁶

Securing spots for Lost Cause loyalists on textbook committees was monumental as it lessened the need for groups to directly lobby committees so their voice could be heard. Instead, they were full members of committees with responsibilities such as writing reviews of textbooks and voting to approve or reject [textbooks](#).²⁷ It is in these committees where Lost Cause loyalists have historically accepted,

²⁰ Mildred Lewis Rutherford, Historian General, United Daughters of the Confederacy, *Address: Wrongs of History Righted* 16 (Nov. 13, 1914).

²¹ Fred Arthur Bailey, *Mildred Lewis Rutherford and the Patrician Cult of the Old South*, 78 *Ga. Hist. Q.* 509, 532 (1994).

²² *Id.* at 532–33.

²³ Mildred Lewis Rutherford, American Battlefield Trust,

<https://www.battlefields.org/learn/biographies/mildred-lewis-rutherford> (last visited Feb. 5, 2023).

²⁴ Mildred Lewis Rutherford, *A Measuring Rod to Test Text Books, and Reference Books in Schools, Colleges and Libraries* 5 (1920), at 5.

²⁵ *Id.*

²⁶ Greg Huffman, *Twisted Sources: How Confederate Propaganda Ended Up in the South's Schoolbooks*, Facing South (Apr. 10, 2019), <https://www.facingsouth.org/2019/04/twisted-sources-how-confederate-propaganda-ended-souths-schoolbooks>.

²⁷ *Id.*

recommended, and normalized neo-Confederate collective memory instead of recommending textbooks grounded in history. Unlike elected politicians, who are public servants and accountable to their constituents, textbook committees are typically not held to the same standard and can operate in the shadows to determine textbook narratives.

Even when neo-Confederates were not allowed in decision-making rooms, they found alternatives to have a hand in ensuring the Lost Cause narratives prevailed in textbooks. In 1897, for example, a group of Confederate veterans approached B.F. Johnson Publishing Company and asked the company, which had never published school textbooks before, to champion “the right of southern children to books.” The publisher’s president obliged²⁸ and the company published [Lee’s Primary School History of the United States](#) in the same year to meet the group’s demands. Fast forward to today and similar tactics are being used. In [Florida](#), publishing companies that produce textbooks for Florida are being told that any attempts to circumvent the state’s standards will be rejected and sent back to publishing houses for corrections until the standards are met.²⁹ These actions showcase the U.S.’s long history of essentially blacklisting books that accurately recount the lived experiences of Black people in this country.

Neo-Confederates in the post-slavery South not only built out multiple avenues to remove certain textbooks – they were also advocating for mint julep textbooks. In Tennessee, for example, William Garrett, a charter member of the United Confederate Veterans’ History Committee³⁰ authored a mint julep textbook, [History of Tennessee: Its People and Its Institutions, from the Earliest Times to the Year 1903](#),³¹ which was approved by the state.³² The book’s preface states that teachers would be “guilty of a crime against society” if they choose to instill “partisan animosity” in their students.³³ Partisan politics do not belong in textbooks, but Garrett’s advice to reject partisan beliefs, in actuality, was partisan and a denunciation of a truthful and accurate history of race relations. In the so-called nonpartisan recount of history, the textbook claimed that Africans who were brought to Jamestown in 1619 “found homes and friends, and hailed their entrance into slavery with joy.”³⁴ The [textbook](#) also claims that, before the Emancipation Proclamation, Black people in the U.S. were inherently the most docile race and only began to have a soured relationship with White Southerners when White Northerners put the thought of emancipation in their minds.³⁵ Then as now, factions of the U.S. have championed anti-truth efforts in attempts to try to justify past and present racial inequality. Former President Trump continued this

²⁸ *We Make Books For the Schools of the Whole Country*, Richmond Dispatch, Jan. 1, 1903, at 4.

²⁹ Fla. Dep’t of Educ. Press Off., *Florida Rejects Publishers’ Attempts to Indoctrinate Students*, Fla. Dep’t of Educ. (Apr. 15, 2022), <https://www.fldoe.org/newsroom/latest-news/florida-rejects-publishers-attempts-to-indoctrinate-students.stml>.

³⁰ Bailey, *supra* note 21, at 517.

³¹ William Robertson Garrett & Albert Virgil Goodpasture, *History of Tennessee, Its People and Its Institutions, from the Earliest Times to the Year 1903* 44 (1903), at 3.

³² *Id.* at 4.

³³ *Id.* at 9.

³⁴ *Id.* at 47.

³⁵ *Id.* at 247.

[attack](#) on truth through his administration's attempts to silence accurate discussions of history and critical discussions of race and racism³⁶ in [schools and workplaces](#).³⁷

Textbook Fights after *Brown*

The generation of young people who digested mint julep textbooks would later grow up to be part of the generation of segregationists who rejected the U.S. Supreme Court's decision in *Brown v. Board of Education of Topeka*, which prohibited de jure segregation in public education as a violation of the Equal Protection clause of the 14th Amendment. When that seminal ruling was issued, three decades had passed since the UDC actively advocated for textbooks that favored the Confederacy. Even though the UDC no longer approached textbook changes with the same tenacity as its earlier days, it spawned other groups that continued to [influence](#) public school textbooks.³⁸ The UDC's legacy provided segregationist citizens and elected officials of the era with a roadmap to embark on "Massive Resistance," a term used to describe the Southern states' rejection of *Brown*. As social change was sweeping the nation, segregationists opposed racial justice and racial integration. As part of this opposition, they pushed for the approval and circulation of racist textbooks during a precarious time for Black students and teachers.

Know Alabama, for example, was the only state-approved history textbook for fourth graders in the entire state of Alabama from 1955 until the 1970s.³⁹ In a 1961 edition of the book, the words "Civil War" never appear even though the war is discussed. Instead, the authors [used](#) "War Between the States" as the official name of the Civil War, a term that was also used by the UDC.⁴⁰ The textbook also goes on to speak about the Ku Klux Klan in kind terms, claiming that they were simply "loyal White men [who] saw they could not depend on the laws or the state government to protect their families" and sometimes rode on horses to distill law and order.⁴¹ It was only in 1970 that *Know Alabama* finally released an edition that acknowledged the Civil War by its proper name. That change, however, came after Black parents mobilized for change and was the topic of discussion at a U.S. Senate hearing.⁴² In that hearing, the case was made for a new era of [history textbooks](#) that reflected the many contributions of Black Americans.⁴³ Similarly, [other states](#) such as Virginia, Tennessee, and Mississippi, continued approving inaccurate textbooks throughout the 1960s⁴⁴ in spite of the civil rights movement sweeping the nation and calling for racial justice and healing.

³⁶ Fabiola Cineas, *Critical Race Theory, and Trump's War on It, Explained*, Vox (Sept. 24, 2020), <https://www.vox.com/2020/9/24/21451220/critical-race-theory-diversity-training-trump>.

³⁷ Press Release, LDF, LDF Statement on Revocation of Trump Administration's Anti-Diversity Executive Order (Jan. 20, 2021), <https://www.naacpldf.org/wp-content/uploads/Biden-Repeals-Trump-Diversity-EO-1.20.21-FINAL.pdf>.

³⁸ Cox, *supra* note 15, at 162.

³⁹ **Kenneth Reich, *Some Still Unhappy with History Book*, Tuscaloosa News, Feb. 23, 1971, at 12.**

⁴⁰ Scott Morris, *Textbook 'Know Alabama' Justified Slavery, Praised Confederacy to Schoolchildren*, Birmingham Watch (July 29, 2020), <https://birminghamwatch.org/know-alabama-justified-slavery-praised-confederacy-schoolchildren/>.

⁴¹ Reich, *supra* note 35, at 12.

⁴² Morris, *supra* note 36.

⁴³ Scott Morris, *Daughters of Confederacy Put Up Statues, Indoctrinated Generations, Historians Say*, Birmingham Watch (July 7, 2020), <https://birminghamwatch.org/daughters-confederacy-put-statues-indoctrinated-generations-historians-say/>.

⁴⁴ Huffman, *supra* note 25.

In the latter state, Melvyn Leventhal, an LDF attorney, and Frank Banks, a Black lawyer local to Jackson, Mississippi, filed a class-action lawsuit asking the court to direct a textbook committee to approve *Mississippi: Conflict and Change*. About one year prior to their filing *Loewen et al. v. Turnipseed et al.*, Mississippi's History Rating Committee rejected the textbook. Instead, the committee approved only one history textbook for all high schoolers in Mississippi, *Your Mississippi* by John Betterworth, even though they could approve as many as five textbooks. In their lawsuit, the plaintiffs [explained](#) that "'custom, policy and practice' meant that all previously adopted Mississippi history textbooks "'minimize[d], ignore[d] or denigrate[d] the role of blacks and other minorities" and discussed historical events "in a manner sympathetic to principles of racial segregation and discrimination, black inferiority and 'white supremacy.'"⁴⁵ Furthermore, the plaintiffs [asserted](#) that *Mississippi: Conflict and Change* met the committee's procedural and technical standards, and that the textbook's authors were denied the opportunity to appear before the committee to present a case for the textbook's approval.⁴⁶ Therefore, the plaintiffs [believed](#) that *Mississippi: Conflict and Change* was rejected because it dared to name white supremacy as an evil force in U.S. history and expanded upon how that was detrimental to advancing racial justice for Black people in the U.S.⁴⁷

Edited by James Loewen and Charles Sallis, *Mississippi: Conflict and Change* won a Lillian [Smith Award](#), an award that honors books who carry on Smith's legacy of explaining conditions of racial and social inequity,⁴⁸ in 1976.⁴⁹ Loewen was inspired to write the book while teaching at Tougaloo College, an HBCU, in 1968 and learning that many first-year students in his seminar were fed grave distortions about Reconstruction in grade school. School [segregation](#) between White and Black students is still high in many Mississippi counties,⁵⁰ and this was also the case in 1968, [two years](#) before the state underwent massive school desegregation.⁵¹ In 1968, Loewen taught Black students who came from majority Black schools and were taught by Black teachers, but their history textbooks were written from a white supremacist point of view. Loewen went on to sit in on history classes at high schools and read their textbooks to truly understand the gravity of the disinformation. The textbook that he read was *Your History*. Loewen wanted to correct the historical record of Mississippi's history and attempted to find historians in central Mississippi who could write an accurate textbook detailing Mississippi's history.

⁴⁵ Charles W. Eagles, *Preparing the Legal Challenge, in Civil Rights, Culture Wars: The Fight over a Mississippi Textbook* 174 (Univ. N.C. Press 2017).

⁴⁶ *Id.*

⁴⁷ *Id.* at 175.

⁴⁸ *Lillian Smith Book Awards*, Berry Coll. Mem'l Libr., <https://libguides.berry.edu/awardbooks/smith> (last visited Feb. 3, 2023).

⁴⁹ *Lillian Smith Book Awards: Award Winners*, Univ. Ga., Hargrett Rare Book & Manuscript Libr., <https://www.libs.uga.edu/hargrett/lillian-smith/winners>.

⁵⁰ See, e.g., Lena V. Groeger, Annie Waldman & David Eads, *Miseducation: Is There Racial Inequality at Your School?*, Pro Publica (Oct. 16, 2018), <https://projects.propublica.org/miseducation/> (choose "Segregation" from "Measure" section).

⁵¹ Charles C. Bolton, *The Last Stand of Massive Resistance: Mississippi Public School Integration, 1970*, 61 J. Miss. Hist. 329–50 (Winter 1999), *reprinted in* Mississippi History Now (2009), <https://mshistorynow.mdah.ms.gov/issue/the-last-stand-of-massive-resistance-1970>.

When he could not find historians to write Mississippi's history, he joined forces with Charles Sallis, who was then a professor at Millsaps College, and others to write [Mississippi: Conflict and Change](#).⁵²

At a 1976 LDF board meeting it was shared that through litigation, we hoped to prove "that *Your Mississippi* is distorted, biased, racist and full of omissions; that it degrades the role of blacks and other minorities in the history of the United States and Mississippi." Leventhal circulated Dr. Robert Moore's pamphlet, *Two History Texts: A Study in Contrast* which contrasted *Mississippi: Conflict and Change* with *Your Mississippi*.⁵³ Below is an excerpt of Moore's analysis of how the two books address race.

[Comms: Insert *Two History Texts* pictures which are found in [this folder](#). The link to the full pamphlet can be found [here](#).]

Leventhal led depositions of many parties, including seven members of the Mississippi History Rating Committee and Bettersworth. Across the board, the members of the committee generally took issue with *Mississippi: Conflict and Change* discussing race, slavery, and race riots where White people severely beat Black people. One committee member strongly believed that the book "overemphasized racial issues" and did not reflect Mississippi's true history. The textbook also discussed lynchings which members of the committee did not find to be an [appropriate topic](#)⁵⁴ even though Mississippi had the [highest number](#) of recorded lynchings in the U.S. from 1882-1968.⁵⁵ Additionally, various members took issue with *Mississippi: Conflict and Change* including photos of Black/White restroom signs and lynchings as they believed it would upset children. This concern completely ignores that Black children not too long before had lived in a world before the Civil Rights Act of 1964 where discrimination based on their race was legal and Black and White children both would have seen signs on restrooms and other public spaces. The excuses of the committee reveal a dangerous attitude of the time which is still felt today: (1) Black people's ancestors endured extreme violence at the hands of White people in the U.S. and (2) even if they did, the present is not the past, so Black people alive today should get over it. Ironically, some White neo-Confederates have proven that they would not get over the past due to their multi-generational fight to preserve physical reminders of the Confederacy. For example, it took 126 years for Mississippi's previous state flag, which featured the Confederate battle emblem, to be [removed](#).⁵⁶ After signing a bill to retire the flag, Governor Tate Reeves acknowledged that it was time "[to move on](#)."⁵⁷

[Kaye mentioned that we might be able to grab historical photos from this area to add here and highlight things in *Mississippi: Conflict and Change* like Black/White restroom signs.]

⁵² See James W. Loewen, "A Lesson from Mississippi": A Synopsis of the MS History Project, Tougaloo Coll. (Mar. 2006), <https://justice.tougaloo.edu/wp-content/uploads/2020/08/A-Lesson-From-Mississippi.pdf> (on file with History and Social Justice, Tougaloo College).

⁵³ NAACP Legal Defense & Educational Fund, Inc. Board Meeting Minutes (June, 1976) (on file with Archives Department, NAACP Legal Defense & Educational Fund, Inc.).

⁵⁴ Eagles, *supra* note 41, at 183.

⁵⁵ *History of Lynching in America*, NAACP, <https://naacp.org/find-resources/history-explained/history-lynching-america> (last visited Jan. 27, 2023).

⁵⁶ Coleman Lowndes, *The 126-year fight to change Mississippi's Confederate flag*, Vox, (Nov. 18, 2020, 4:00 PM), <https://www.vox.com/21573640/change-mississippi-confederate-flag>.

⁵⁷ Chandelis Duster & Paul LeBlanc, *Mississippi governor signs bill to retire flag with Confederate emblem*, CNN (June 30, 2020, 8:18 PM), <https://www.cnn.com/2020/06/30/politics/mississippi-state-flag-confederate-emblem-removal/index.html>.

Betterworth was the last deposition for the plaintiffs, and Leventhal hoped to show that Mississippi's Textbook Purchasing Board constantly approved [biased books](#) like Betterworth's. During the deposition, Leventhal noted that *Your Mississippi* never mentioned lynching and only had two lines about school desegregation. In response, Betterworth claimed that he was not pressured to shape his writing of history to comfort White Mississippians' prejudices, however, he did state that his editors played a large role in shaping books to fit the nation's changing attitudes, especially when it came to racial matters.⁵⁸ Whether Betterworth actively chose to write pseudo-history or his publishers whitewashed his text, it is clear that at least one party involved with *Your Mississippi* was keen on crafting a textbook that would make it through Mississippi's textbook committees and be in high school classrooms. Leventhal departed from LDF and this case in spring 1978, just about two years before a ruling came down. In 1980 a judge [ruled](#) that *Mississippi: Conflict and Change* must be on Mississippi's approved textbook list as the previous rejection was "unjustified and motivated by reasons which the defendants should have known would have racially discriminatory consequences."⁵⁹

Today's Fight and the Path Forward

Today, there are likely few schools that still actively use mint julep textbooks, but the overarching legacy of those false historical textbooks lives on. Three years ago, [The New York Times](#) published an in-depth article pointing to differences in today's textbooks across two states with historically major markets for K-12 educational content: California and Texas. Eight textbooks were analyzed, and all were published by the same company and credited the same authors. However, the textbooks in California told a vastly different story of the U.S. compared to the textbooks in Texas.⁶⁰ Similar to previous battles over textbooks, the grave differences in content show that some groups in this country are still unwilling to acknowledge history and have enough influence to insert falsities in textbooks.

[Kaye is going to insert a lovely graphic here based on screenshots article (see [this folder](#).) from the *Times* article.]

As seen in the figure above, the New York Times article presents a variety of instances where past public policies and events that deepened racial segregation and inequality are described as "personal preference" in one set of textbooks and governmental actions in another. When discussing the G.I. Bill and expansion of suburbs, for example, California's textbooks explain that the suburban dream was not something Black Americans could access due to various forms of discrimination when buying homes. Furthermore, that textbook highlights how the movement of White people from cities to suburbs between 1947 and 1951 was connected to their desire to get away from diverse neighborhoods where Black Americans resided. Texas's textbook, however, asserted that suburbs grew for various reasons without directly naming or even alluding to white flight. Instead, the textbook explains that some people preferred getting away from cities and their crime and congestion and that others felt like suburbs were relatively more affordable. Moreover, Texas' textbook glosses over the fact that many Black veterans

⁵⁸ Eagles, *supra* note 41, at 190.

⁵⁹ *Loewen v. Turnipseed*, 488 F. Supp. 1138 (N.D. Miss. 1980).

⁶⁰ Dana Goldstein, *Two States. Eight Textbooks. Two American Stories.*, N.Y. Times (Jan. 12, 2020), https://www.nytimes.com/interactive/2020/01/12/us/texas-vs-california-history-textbooks.html?unlocked_article_code=dTM8BdpiK2Qs_yqmWGLiUdJ%E2%80%A6%20/23.

could not access the potentially lifechanging benefits of the [G.I. Bill](#),⁶¹ and treats redlining and white flight as topics with no reference to race at all.

[Comms: Anne had a great idea of inserting [this video](#).⁶² Would it be possible to insert it here?]

Since the *Times* article was published, Florida has become a prominent producer of [textbooks](#).⁶³ Florida's increasing influence in publishing also came with a laundry list of demands that revealed the state's anti-truth agenda. As a result, they have [rejected](#) large swaths of textbooks for allegedly containing "prohibited topics," such as so-called "critical race theory" and social emotional learning, that they claim are attempts to indoctrinate students.⁶⁴ In another deep dive last year, the *Times* found that most the 21 textbooks rejected in 2022 by [Florida's Department of Education](#) books barely even touch upon race, and they certainly did not teach students about the complicated academic framework that is critical race theory. When race is mentioned in one rejected [pre-algebra textbook](#), it was in mini biographies of mathematicians of color.⁶⁵

Dating back to the years just following the Civil War, fringe local policymakers—some of whom are elected and others who are not—have ensured that millions of students digest "history" textbooks that are not historically accurate. At the beginning of the twentieth century, the attacks mainly came from neo-Confederates who took advantage of the South's expanding public school system as a place to promote the Lost Cause narrative in textbooks. After *Brown* and its win to secure school desegregation, many states fought the idea of desegregation and doubled down on approving racist textbooks. Racist textbooks are still being circulated today, and now there is an added layer of [false moral panic](#), an irrational fear that a hostile idea, thing, or person poses a threat to society.⁶⁶ In creating this panic, terms such as "critical race theory" have been demonized which have allowed states to ban books from schools under the guise of protecting students. In reality, they are robbing this generation of students from thoughtful books that have positively shaped the education of previous generations. Although years have passed and advocacy strategies have slightly shifted, the anti-truth playbook remains willing to sacrifice an accurate recounting of history to stall and push back against racial progress.

Education should not wage war on truth – it should welcome it. Thus, we should all be concerned how, throughout the years, powerful people and groups have targeted children with false, self-serving narratives disguised as history. The battles we are facing today regarding truth in schools are a part of a larger, ongoing war of the powerful and privileged against the underrepresented and marginalized. Although this battle may be fought by people hiding behind smoke and mirrors, the truth must prevail.

To learn more about LDF's work in defense of truth, you can visit <https://www.naacpldf.org/truth/>.

⁶¹ Erin Blakemore, *How the GI Bill's Promise Was Denied to a Million Black WWII Veterans*, Hist. (Apr. 21, 2021), <https://www.history.com/news/gi-bill-black-wwii-veterans-benefits>.

⁶² TruTV, *Adam Ruins Everything - The Disturbing History of the Suburbs*, YouTube (Oct. 13, 2017), <https://youtu.be/e68CoE70Mk8>.

⁶³ See e.g., Schmidt, *supra* note 26.

⁶⁴ Fla. Dep't of Educ. Press Off., *supra* note 28.

⁶⁵ Dana Goldstein & Stephanie Saul, *A Look Inside the Textbooks That Florida Rejected*, N.Y. Times (May 7, 2022), <https://www.nytimes.com/2022/04/22/us/florida-rejected-textbooks.html>.

⁶⁶ See Erich Goode & Nachman Ben-Yehuda, *Moral Panics: Culture, Politics, and Social Construction*, 20 Ann. Rev. Socio. 149–71 (1994).

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