

1 **Marquis Aurbach Coffing**  
Brian R. Hardy, Esq.  
2 Nevada Bar No. 10068  
10001 Park Run Drive  
3 Las Vegas, Nevada 89145  
Telephone: (702) 382-0711  
4 Facsimile: (702) 382-5816  
[bhardy@maclaw.com](mailto:bhardy@maclaw.com)

5 Jonathan O'Brien, NYB No. 5043369  
6 (Admitted Pro Hac Vice)  
Law Office of Jonathan O'Brien  
7 Telephone: (646) 308-1689  
43 W. 43rd St, Suite 002  
8 New York, NY 10036  
[Jobrien@burnsobrienlaw.com](mailto:Jobrien@burnsobrienlaw.com)

9 *Attorneys for Plaintiffs William Clark and Gabrielle Clark*

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 GABRIELLE CLARK,  
13 individually and as parent and  
guardian of WILLIAM CLARK  
14 and WILLIAM CLARK,  
individually,

15 Plaintiffs

16 v.

17 STATE PUBLIC CHARTER SCHOOL  
18 AUTHORITY, DEMOCRACY PREP  
PUBLIC SCHOOLS, DEMOCRACY PREP  
19 PUBLIC SCHOOLS, INC., DEMOCRACY  
PREP at the AGASSI CAMPUS,  
20 DEMOCRACY PREP NEVADA LLC,  
SCHOOL BOARD of Democracy Prep at  
21 the Agassi Campus, NATASHA TRIVERS  
individually and in her official capacity as  
22 Superintendent and CEO, ADAM  
JOHNSON, individually and in his official  
23 capacity as Executive Director and  
Principal, KATHRYN BASS individually  
24 and in her capacity as Teacher, JOSEPH  
MORGAN, individually and in his official  
25 capacity as Board Chair, KIMBERLY  
WALL individually and in her capacity as  
26 assistant superintendent, and John & Jane  
Does 1-20

27 Defendants.

Case Number:  
2:20-CV-02324-RFB-VCF

**PLAINTIFFS' NOTICE OF EXPERT**  
**WITNESS:**  
**ILANA REDSTONE, PHD.**

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Plaintiffs Gabrielle Clark and William Clark (“Plaintiffs”), by and through their attorneys of record, Brian R. Hardy, Esq., of the law firm of Marquis Aurbach Coffing and Jonathan O’Brien of the Law Office of Jonathan O’Brien, hereby disclose the following expert

Witness:

- 1. Ilana Redstone, Phd will render expert opinions on whether classroom environments created by defendants’ course programming and materials at issue in the above captioned matter was discriminatory towards certain races, sexes, and religions, or created a hostile environment for students of certain races, sexes, or religions.

Dated this 29<sup>th</sup> day of March, 2021.

MARQUIS AURBACH COFFING

By Jonathan O'Brien

Jonathan O’Brien, NYB No. 5043369  
(Pro Hac Vice)  
Law Office of Jonathan O’Brien  
43 W. 43rd St, Suite 002  
New York, NY 10036

Brian R. Hardy, Esq.  
Nevada Bar No. 10068  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
*Attorneys for Plaintiffs William Clark and Gabrielle Clark*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

<p>GABRIELLE CLARK, individually and as parent and guardian of WILLIAM CLARK and WILLIAM CLARK, individually,</p> <p style="text-align: center;">Plaintiffs v.</p> <p>STATE PUBLIC CHARTER SCHOOL AUTHORITY , DEMOCRACY PREP PUBLIC SCHOOLS, DEMOCRACY PREP PUBLIC SCHOOLS, INC., DEMOCRACY PREP at the AGASSI CAMPUS, DEMOCRACY PREP NEVADA LLC, SCHOOL BOARD of Democracy Prep at the Agassi Campus, NATASHA TRIVERS individually and in her official capacity as Superintendent and CEO, ADAM JOHNSON, individually and in his official capacity as Executive Director and Principal, KATHRYN BASS individually and in her capacity as Teacher, JOSEPH MORGAN, individually and in his official capacity as Board Chair, KIMBERLY WALL individually and in her capacity as assistant superintendent, and John &amp; Jane Does 1-20</p> <p style="text-align: center;">Defendants.</p>	<p>Case No.</p> <p><b>PLAINTIFFS' COMPLAINT FOR INJUNCTIVE RELIEF, DECLARATORY RELIEF, AND DAMAGES</b></p> <p style="text-align: center;"><b>(JURY TRIAL DEMANDED)</b></p>
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## EXPERT REPORT OF ILANA REDSTONE

Pursuant to Federal Rule of Civil Procedure 26(a)(2)(B), Ilana Redstone, PhD, makes the following disclosures:

### QUALIFICATIONS

- a. I am a tenured Associate Professor of sociology at the University of Illinois at Urbana-Champaign. My area of specialty is political polarization, viewpoint diversity, and communication across ideological divides.
- b. I have published 27 peer-reviewed articles in highly-regarded outlets in the fields of sociology and demography.
- c. I am the co-author of “Unassailable Ideas: How Unwritten Rules and Social Media Shape Discourse in American Higher Education,” published in the fall of 2020 by Oxford University Press.
- d. I have developed and taught courses at the University of Illinois that include the following:
  1. Social Problems
  2. The Sociology of Political Polarization: Bigots and Snowflakes
  3. Introduction to Social Statistics
  4. Intermediate Social Statistics
  5. Social Science Research Methods
- e. I have presented at multiple academic conferences and I am the founder of Diverse Perspectives Consulting. With Diverse Perspectives Consulting, I work with groups inside and outside of academia to facilitate open communication and dialog across ideological divides, in addition to fostering inclusion along a wide range of dimensions.
- f. I received a MA in Demography in 2003 and a joint PhD in sociology and demography in 2005, from the University of Pennsylvania.
- g. I am a contributing writer at Forbes.com in the area of viewpoint diversity and the creator of the video series “Beyond Bigots and Snowflakes.”

### STATEMENT OF COMPENSATION

I will be compensated at an hourly rate of \$300 for work on my expert report and any expert testimony I provide in this case. My compensation is not conditional on the outcome of the case.

### SUMMARY

In what follows, I will demonstrate that the classroom environment created by the course materials and presentations was discriminatory towards certain races, sexes, and religions, and created a hostile environment for students of certain races, sexes, or religions. The course’s content is derived from a worldview grounded in critical race theory and intersectional theory, both of which also have roots in Marxist ideology. However, as I describe below, the ideological underpinnings are not the problem. Critical race theory, intersectionality, and Marxism are all concepts that can and should be explored without creating a discriminatory or hostile environment. Ms. Bass’s course, however, offered critical race theory and intersectionality as the sole acceptable paradigm, advanced perspectives on racism and guilt that are often associated with both theories without providing any context for the controversial claims being made, and uncompromisingly demanded her pupils to identify themselves and regard one another in discriminatory and accusatory ways.

The critical race theory and intersectionality frameworks are grounded in the assumption that there is no alternative way to understand the world that is on equal moral footing. Importantly, a core component is the way they conceptualize identity, oppression, and privilege. Identity is primarily thought of as categories that include one’s race, ethnicity, gender, gender expression, etc., as opposed to, for instance,

one's interests, likes, dislikes, ambitions, or personality traits. When these identities are then categorized, as they were in the course material, as oppressive or privileged—the logical conclusion is that more guilt should be tied to more privileged identities and more victimhood should be tied to more oppressed identities. This then creates a hierarchy within the classroom that is difficult to either navigate or overcome. Identifying and examining such frameworks in the classroom is a worthwhile exercise. However, presenting such frameworks as the sole valid paradigm frames the class environment in a way that's hostile and discriminatory—because it specifically affirms as true that, for instance, only whites are racist and only men are sexist. When these frameworks are offered this way, without acknowledging the nuance of human experience—including the fact that many people, like Mr. Clark, don't think of themselves in this manner—the classroom environment becomes narrow and inherently hostile to anyone who questions the framework (in part because the framework itself couches dissent as internalized racism, sexism, or some other form of oppression). The course materials contain none of the subtlety needed for healthy or open discussions, resulting in a discriminatory and hostile classroom environment for students from certain groups and for students who simply see the world differently.

## **OPINIONS TO BE EXPRESSED AND THE REASONS AND BASES FOR THEM**

I begin by identifying the core features of critical race theory (CRT) and the concept of intersectionality. Next, I will address the inherent pedagogical difficulties arising from the act of presenting students with the paradigm associated with those concepts as the only morally legitimate paradigm (as opposed to one of many potential contenders). Finally, I will explain why the course's content was discriminatory, and how its presentation created a hostile environment for certain students based on their race, sex, religion, or other characteristics. I base the opinions expressed herein on my research and experience in the fields of sociology and diversity (including viewpoint diversity), my knowledge of the subject matter relating to these topics, the sources cited in this report, my review of the Complaint filed in this case, my review of the declarations filed in this case, as well as the curriculum used for the Sociology of Change course including, lesson plans, reading material, class slides, and assignments.

### **I. Critical Race Theory and Intersectionality**

#### **A. Social Science Theories and their Limits**

In order to understand the context of the plaintiff's case and the import of the claims, a functional understanding of the theories we're talking about is required. Before we begin, however, we need to clarify that what we're talking about are social science theories. A social science theory is a way of understanding or making sense of the world. Such a theory can be more or less useful, but in almost every case, it is considered unfalsifiable—in other words, it can neither be dispositively proven true nor false. This definitional understanding matters because one of the obligations of social science generally is to distinguish the beliefs and assumptions that underpin the theories from indisputable facts. Presenting theories (with their underlying assumptions) as a settled truth departs from this obligation. I will discuss the problems associated with presenting CRT in particular as a sole paradigm in Part II of this report.

#### **B. Critical Race Theory as a Social Science Theory**

Critical race theory (CRT) is a way of understanding the world that places race and racism at the center of our understanding of society and of how groups and individuals interact. While there are somewhat differing perspectives on the contours of CRT, most definitions share several core tenets. A primary shared belief is that racism is endemic to and an inherent part of American life. This is usually understood and taught as more than simply a need to condemn racist incidents when they occur—it calls for a broader and consistent interpretation of the world through the prism of race. By extension, according to CRT, an actual or suggested de-emphasis of race in everyday life is itself part of the problem. This de-emphasis might include questioning whether racism actually has the impacts that CRT asserts it does or it might include

asking whether or suggesting that leaning into race-conscious solutions in all aspects of society may simply not be a good solution.

Importantly, central to CRT is that no other way to understand the world is on equal moral footing. The idea that the country may not be endemically racist or the idea that leaning into race consciousness in our policies may not be the best approach are viewed as ignorant or morally questionable at best. Questioning the narrative presented by CRT is itself a manifestation of the group power dynamics that CRT follows. The assumption is that a member of a racially-privileged group who questions CRT's emphasis on race and racism does so either out of ignorance (their position of privilege allows them to go through life without focusing on race dynamics) or malice (they deny racism to maintain their privilege). A person outside a racially privileged group who questions CRT does so either out of ignorance or because she has internalized the racism of her oppressors. In this line of thinking, no space remains for the possibility that there might be principled and moral reasons to question or object to some of the ideas associated with CRT.

Importantly, it's more than just the questioning of the prism of race that's problematic according to CRT. Under CRT, colorblind racism<sup>1</sup> and an inattention to institutional (or systemic or structural) racism are also manifestations of bigotry by being forms of denial. Again, the construction of CRT is such that any effort, opinion, or question that either questions or objects to claims is viewed as itself coming from either a place of ignorance or racial animus. Even omitting reference to institutional racism can be viewed as transgressive. I can illustrate this with an example. If we think back to fall 2019—in a 2011 recorded interview (that was rediscovered in the fall of 2019), when talking about educational disparities, then-Democratic presidential candidate Pete Buttigieg said:

“The kids need to see evidence that education is going to work for them. . .There are a lot of kids, especially from the lower-income, minority neighborhoods, who literally just haven't seen it work. There isn't somebody they know personally who testifies to the value of education.”

The backlash against Buttigieg came quickly. Critics were quick to accuse him of both “race paternalism” and of out-and-out racism. Some people reacted in this manner because he is white; others felt that the accusations were warranted because that Buttigieg was denying the structural and systemic racism they see as the true cause of the problems he pointed to.

### **C. CRT's Intellectual Roots**

Where did CRT come from? A basic sense of how we got here can be useful in understanding the landscape. There's no single or concise answer to this question of where it came from (entire books have been written on this topic). But a partial explanation can provide sufficient illumination to evaluate issues associated with teaching CRT generally, with presenting CRT as a sole paradigm, or with the specific presentation in Ms. Bass's course. CRT largely comes from a place of concern over persistent differences between groups that have either not been reduced or that have grown. CRT can provide insight in how to evaluate these persistent differences (and useful criticism of where other means of evaluation fall short). However, CRT can also be reductionist and closed to other ways of understanding the world.

The second half of the 20<sup>th</sup> century saw unprecedented declines in many measures of attitudinal racism. As the figures below indicate for white respondents, rates of support for integrated schools, approval for interracial marriage, and opposition to laws against interracial marriage all went way up over the period and beliefs in racist stereotypes declined.

Figure 1.

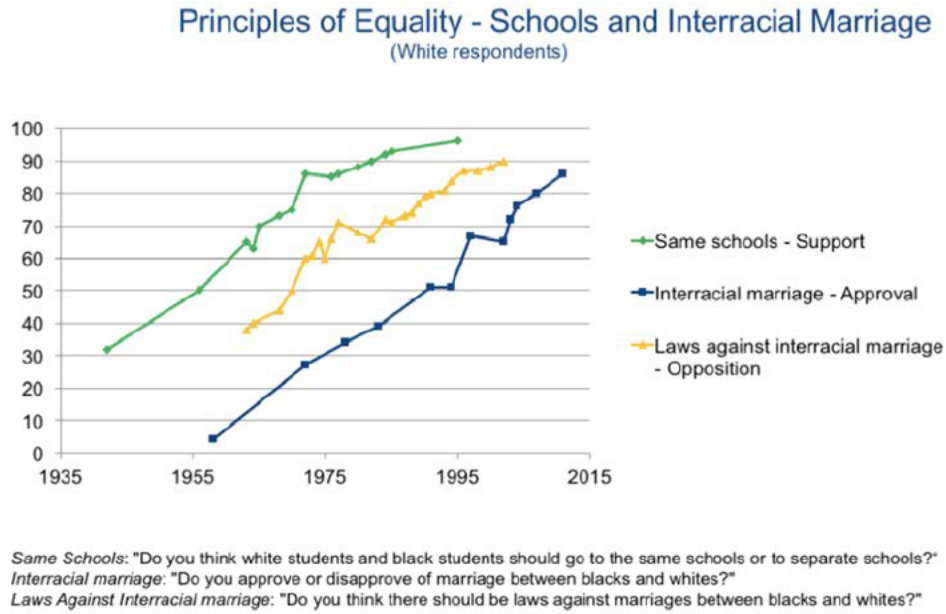
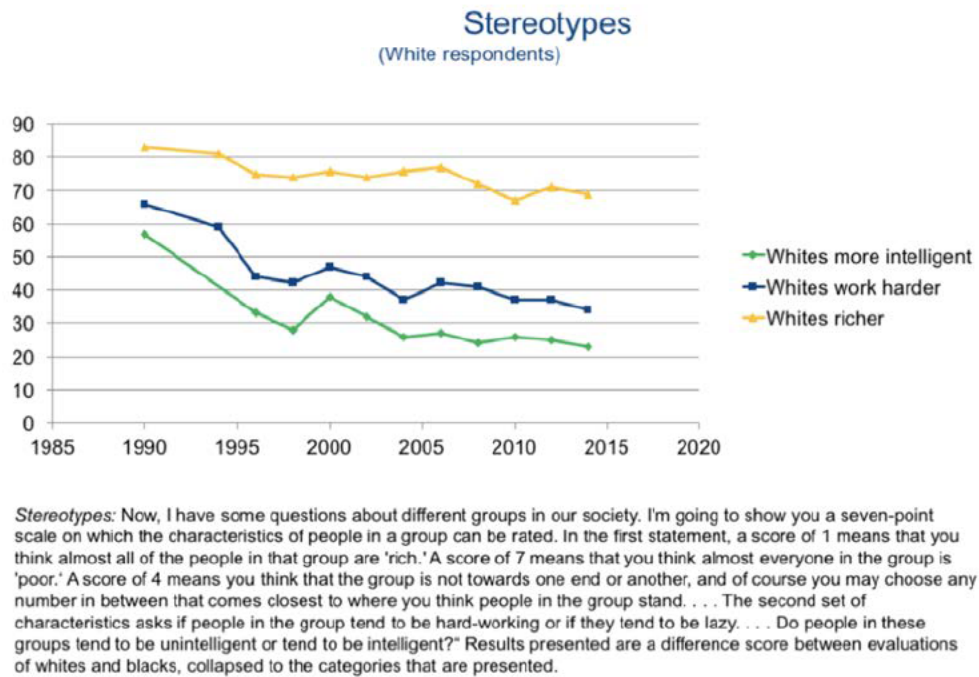


Figure 2.



Note: Both figures 1 and 2 are from <https://igpa.uillinois.edu/programs/racial-attitudes>.

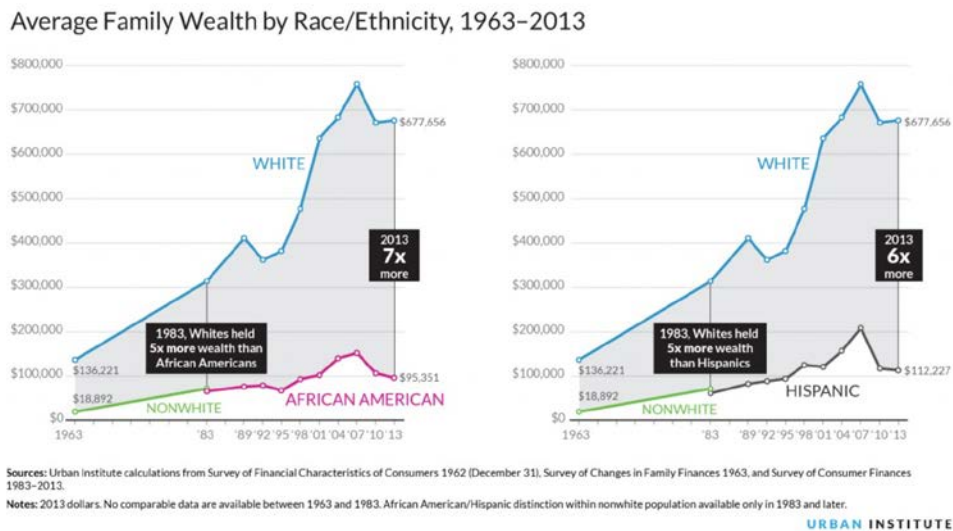


Around the same time we were seeing the remarkable—and long overdue—attitudinal improvements shown in the first two figures, many people—social scientists and others—noted that racism did not appear to be a thing of the past. So, one might wonder, how should we understand the simultaneous change in attitudes and the persistence of racism?

There are at least two possible causes of change in the figures. One is that the trends reflect a real shift in attitudes and people actually became less racist. A second is that people’s racism didn’t change (or possibly even increased), but social norms changed such that it became less acceptable to answer the old questions in a racist manner. Of course, it’s possible—perhaps even likely—that both trends were happening at the same time. And, unfortunately, we have no way of knowing for sure the relative contribution of one explanation or the other. In other words, was 60% of the reduction due to real changes in attitudes and 40% to changes in social norms (while attitudes actually remained the same)? Was it 80/20? 10/90? We simply can’t know with certainty.

Here’s where it gets even more complicated. While we’ve watched those measures move in a direction indicating a decline in racism, we have also observed the trends shown in Figures 3 and 4 below. Both figures show alarming and persistent gaps by race in wealth and educational attainment. So we’re left with a question of how we should think about the causes of these alarming trends, given the attitudinal changes shown in Figures 1 and 2.

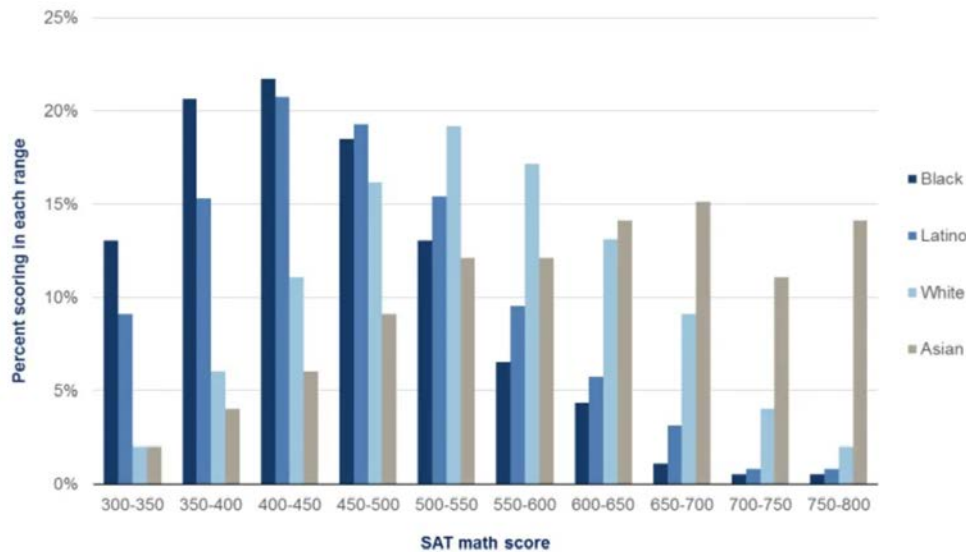
Figure 3.



Note: Figure 3 is from <https://www.pbs.org/newshour/nation/todays-racial-wealth-gap-is-wider-than-in-the-1960s>.

Figure 4.

## Race gaps in math SAT scores



Source: College Board, SAT percentile ranks for 2015 college-bound seniors.

BROOKINGS

Note: Figure 4 is from <https://www.brookings.edu/research/race-gaps-in-sat-scores-highlight-inequality-and-hinder-upward-mobility/>

Into this situation comes critical race theory and it labels the denial of the role of systemic racism and the deemphasis of race as evidence of racism. In this context, the disparities in education and wealth become a de facto indictment of the system that generated them.

The new pressure to respond in a socially desirable way to direct questions about racist attitudes posed a problem for those trying to measure racism. Because the direct measurement no longer worked as it had previously, social scientists started to think about indirect measurement through traits that can be associated with racism. They could ask these indirect questions while refraining from asking pointed attitudinal questions that people might not answer honestly. In this context, a lack of support for, for instance, affirmative action or an orientation towards a more authoritative parenting style came to be seen as stand-ins for the older, more direct measures of racism.

The thinking is that most people who are racist—in the original sense of the term—will both oppose affirmative action and also support an authoritative parenting style. That alone may be a reasonable assumption. The problem is that the measure assumes that the reverse is also true: that people who oppose affirmative action or who have a more authoritative parenting style (to use those examples) must therefore be racist. This line of thinking—that there's no principled reason someone could hold a particular position—permeates both critical race theory and intersectionality.

Well, why else, a critical race theorist might argue, would we have such persistent and, in some cases, growing disparities? The answer is again complicated. But we might start thinking about it in the following manner. Sometimes I'll ask students and other groups the following question: Do you think that *all* differences in outcomes (like the ones in Figures 3 and 4) are due to structural causes (i.e., institutional/systemic/structural racism)?

I'll note that I've never once had someone respond that, yes, they think the differences are 100% due to structural causes. Given that, I ask them to think about what other factors might contribute to the differential patterns we observe. They invariably come up with a few items like study habits, ambition, financial literacy, etc. Then I ask, if there are multiple factors on your list of causes of educational and

wealth disparities, what does it mean if we only talk about one of them? The question is part of the analytic skill of considering alternative explanations, an essential component of social science research and one that should have been embedded throughout the course on “Sociology of Change.” The question is also designed to help students do what every social scientist should do: identify the beliefs and assumptions underpinning theories and distinguish them from facts.

#### **D. CRT and Intersectionality**

In this second section, I’ll outline some of the ideological positions that underpin both CRT and intersectionality, both of which are referenced in the “Sociology of Change” class. Sociology has three major theoretical frameworks: structural functionalism, symbolic interactionism, and conflict theory. Critical race theory and intersectionality share an intellectual ancestor in conflict theory—the one of the three theories that has come to dominate the discipline. Conflict theory, as defined by one sociology textbook, is the view that “Society is characterized by pervasive inequality based on social class, race, gender, and other factors. Far-reaching social change is needed to reduce or eliminate social inequality and to create an egalitarian society.”<sup>ii</sup> Conflict theory itself has ideological ties to Marxism. Again, this linkage should in no way disqualify it from being taught or discussed—it does, however, serve as a reminder of the importance of explicitly recognizing that it’s just one of multiple ways someone might understand the world.

With regards to its ideological ties, as described by sociological theorist Randall Collins, conflict theory “emerged as an effort to produce a nonideological version of Marxism.” Collins continued, highlighting the similarities between the two, “I do want to stress, however, that conflict theory has quite a lot in common with Marxism, and that it willingly incorporates whatever explanatory discoveries Marxism makes.”<sup>iii</sup> (Collins, p. 69).

In sociology and related disciplines, conflict theory morphed into its more recognizable contemporary variations that include race-conflict theory, gender-conflict theory, and intersectional theory<sup>iv</sup>—where the theories differ along the lines of which groups are battling for resources. While there are multiple possible ways to describe how these theories (in this case CRT and intersectionality) hang together, one can be traced to the rubric of standpoint theories, popularized by Nancy Hartsock in 1983.<sup>v</sup> According to philosopher and standpoint theorist Sandra Harding—writing in 2009—standpoint theory “was initially formulated as a methodology intended to explain how effective feminist research had been, and should be, organized, first in sociology and then in political philosophy and biology.” She continued to state that it “is widely used in research projects focused on race, class, sexuality, and studies in postcolonial research, though in these contexts the logic is only occasionally labeled as being in the standpoint tradition.” Tying multiple theories together at once, Harding wrote, “Standpoint work must always be ‘intersectional,’ in the phrase of the critical race theorists.”<sup>vi</sup> (Harding, p. 194)

“Power” is a defining concept in Harding’s 2009 work, with the term showing up repeatedly, including in the following excerpt, “standpoint projects directly challenge the way research disciplines’ activities tend to be complicit with social power.”<sup>vii</sup> (Harding, p. 197) Further, turning to the motivations of standpoint theory, Harding wrote (quoting Dorothy Smith), “. . . standpoint projects do not start off from the conceptual frameworks of research disciplines, which have become servants to the dominant social institutions’ material as well as ‘conceptual practices of power. . .’ Rather they start off from the daily lives of oppressed, exploited, or dominated groups.”<sup>viii</sup> (Harding, p. 194-195)

Several of these terms (*exploited*, *oppressed*, and *power*) are hallmarks of Marxist thought. Further highlighting the ideological ties to Marxism, in the edited book *Theorizing Anti-Racism: Linkages in Marxism and Critical Race Theories*, Queen’s University political studies professor (and one of the book’s editors) Abigail Bakan made the following observation about Marxism and anti-racism (the latter of which is closely tied to critical race theory):<sup>ix</sup>

There are, arguably, far more grounds for commonality than may be apparent or assumed. . . Central to this argument is recognition of a certain politics of ‘difference’ that exists in Marx’s work. . . [D]ifference can be understood. . . to refer to various forms of conflictual social relationships, that occur within the totality of capitalist society. In this sense it is implicitly integrated into the categories of human suffering identified in Marx’s work. Such ‘difference’ can be read in three forms of human suffering, or socially constructed human difference, which operate together. Exploitation is one of these conflictual social relationships but it is commonly seen to be the only one relevant to Marxist analysis; the other two are alienation and oppression.<sup>x</sup> (Bakan, p. 97-98)

Other scholars have explicitly argued that the similarities point to the importance of integration across these theories. Going back more than two decades, in 1996, economist Julie Matthaei writing in *Feminist Economics* explicitly argued:

I have argued that feminist economics must take race and class into account, since gender does not exist independently of class and race. While Marxist theory has suffered from gender- and race-blindness, it provides the most appropriate starting point for such a feminist economic analysis. The theoretical merging of Marxism, feminism, and anti-racism allows the development of a more inclusive, and more liberatory, understanding of our economy.<sup>xi</sup> (Matthaei, p. 36)

I’ll restate that the links between CRT, intersectionality, conflict theory and Marxism do not suggest that the material shouldn’t be taught. Indeed, it *should* be. These theoretical perspectives offer valuable insight into how we might understand the world and how individuals and groups relate to one another. But critical race theory and intersectionality are no more and no less than social science theories and must be understood within the limits that apply to all such theories. They can be more or less useful in understanding the world, but they can’t be proven true or false.

## **II. Pedagogical Drawbacks Associated with Presenting CRT as the Sole Legitimate Paradigm**

In a classroom setting, a good instructor will refrain from presenting any singular theory as the only morally correct way to understand the world. This assertion should not be misinterpreted as a declaration that there is no objective truth, and it is silent on whether there is a single “right” way to understand society. Rather, it stems from the recognition that human knowledge is finite and therefore any human-crafted theory about how to view the world will inevitably be incomplete. Even the best theories will fail to account for some variables.

Consequently, when presenting the theories, it is critical to distinguish between the assumptions and beliefs on which they’re based and shared facts. If a theory is presented as the sole paradigm, this distinction (between a theory’s assumptions and shared facts) disappears. This hampers the educational process by making the assumptions of the theory unquestionable and prevents the consideration of alternative interpretations of interactions, events, and trends through different theories (with different assumptions).

This drawback is magnified when the theory that is presented as the sole paradigm views all other ways of understanding the world as *morally* inferior. CRT generally regards other views precisely this way, as it characterizes attempts to explain continued disparities in race-neutral terms as covert attempts to maintain those disparities or as the result of internalized racism. This makes it extremely difficult for the student to recognize when the worldview is shaping the instruction, and interpretations of the material outside the instructor’s interpretation can become stigmatized and highly discouraged (because the student will sense that the instructor will attach moral judgment to their attempt to offer a different interpretation of the material). When a worldview is substituted for a universally-accepted truth, advocates of that view are positioned to start to see those who dissent as mistaken, sometimes even morally bereft, in their inability or

refusal to recognize the world “as it really is.” Once this certainty takes hold, the superior moral valence attached to the “truth” can be difficult to dislodge.

The pedagogical drawback of presenting as truth a paradigm that views other theories as morally inferior is further compounded when the presented paradigm defines its view of the world in terms of identity, oppression, and privilege based on race. These features are not chosen and cannot be changed by the student. Some students will be part of the “oppressor” group and others will be part of the “oppressed” group. The opinions of the “oppressors” in the classroom will almost certainly be discounted for the same reasons as the views of the paradigm-questioners described in the preceding paragraph, except this time the only reason will be the student’s identity. Even an “oppressor” student that whole-heartedly embraces CRT will face some difficulty, since the theory will suggest that their embrace is driven by self-interest, just as CRT interprets the change in attitudinal racism as opportunistic rather than principled. See *supra* Part I.C. This creates conflict between students, other students, and their instructors.

Theories like CRT and intersectionality—that require an understanding of society and interactions as the result of identity groups vying for power and the desire of the dominant group to maintain its dominance—can offer value and descriptive insight. Even people who don’t otherwise subscribe to these theoretical perspectives would reasonably concede that the pattern of a powerful group oppressing the powerless is indeed part of our collective history. In fact, often, disagreements lie in one’s sense of the extent to which this description fits our current society, the efficacy of the solutions proposed, the goals of prescriptive policies (what “success” would look like), and how to weight the associated costs and unintended consequences of those policies.

These points should be open to a broad discussion that does not come with derogatory labels or social penalties—an approach that becomes impossible when a theory like CRT is presented as the only morally valid paradigm.

### **III. Assessment of the “Sociology of Change” Course**

The “Sociology of Change” course presents CRT as the sole morally viable paradigm, implicating all of the risks discussed in Part II. In addition, the course contains no nuanced exploration or criticism of CRT (or intersectionality) nor does it offer any opportunities to evaluate the group power dynamics that it describes. Rather, the course curriculum compelled students to accept “identities” that forced them into a “privileged/oppressive” binary and defined terms in a way that imputed moral guilt and encouraged moral judgment. Consequently, the course’s content was discriminatory on the basis of race, sex, religion, and other characteristics and created a hostile environment for students possessing those characteristics (and students questioning the paradigm). The course’s overarching paradigm, the identities it labels students with, and the moral status it attaches to those identities connect to the practical expectations the course communicates to students as well.

#### **A. The Course Presented CRT as the Sole Paradigm**

The curriculum used in the course “Sociology of Change” is deeply intertwined with critical race theory, intersectionality, and their joint intellectual ancestor: conflict theory. As stated above, critical race theory asserts that race and racism are always tied together. Moreover, the embedded idea is that race will *always* be about the dominance of one over the other. In my opinion and experience, when these theoretical frameworks are adopted and presented as the only correct paradigm, as they were in the course, alternative explanations for negative interactions between members of different racial groups and/or for disparities between groups are generally viewed with a degree of disdain. My opinion is that the course materials convey this disdain.

Intersectionality, also referenced in the relevant course material, focuses on how individuals and groups experience a compounded level of privilege or oppression based on the extent to which they can or

cannot claim marginalized identities. While race is clearly an important component, intersectionality also considers gender, sexual orientation, gender identity, religion, ability status, and other dimensions along which oppression is understood to occur.

More generally, both theoretical perspectives (CRT and intersectionality) provide a way of understanding the world that places a narrow set of identity categories front and center in our understanding of human interactions while asserting that alternative viewpoints are morally questionable at best. My opinion, based on my review of the materials and experience, is that the course communicates that alternative viewpoints about inequality (those not focused on the “privileged/oppressive” binary) and identity are morally inferior.

To be sure, treating members of historically marginalized groups with dignity and respect should be one of our highest priorities. And it is also the case that there is work to be done in terms of how we treat one another. But the course materials miss the opportunity to acknowledge that reality and at the same time critically engage with different perspectives that might reasonable be brought to bear in explaining, for instance, inequality.

Some will argue that leaning into race-consciousness and our identity groups is exactly the approach we need to move society forward. Yet, there are two problems with this position. The first is that, at any given moment, the best path forward should be open to debate and discussion, something the course prevented. The second is that, there is no consensus, including among minority groups, on the degree of the emergency we’re at right now in terms of the status of marginalized groups in this country.

A critical race theorist might see that latter statement and question the morals of the person uttering it. “Of course *this is an emergency*,” a person might argue. And it might be. But, for most people who view the world that way (that racism is endemic and ever-present), multiple choices have been made either consciously or subconsciously. One is that racism has been decoupled from intent. As the materials state, “Some people in the dominant group are not consciously oppressive . . . Does that make it okay? NO!”<sup>xii</sup> In this manner, the utterance of statements such as “Where are you from?” or “I think the most qualified person should get the job” become examples of racism because of their potential to marginalize in the first case and their denial of systemic racism in the second.

Another, as mentioned earlier, is that the disparities between groups are seen as themselves evidence of the prevalence of racism. This latter point is seen in the course’s slides which state, “When 1 out of every 4 black young men is currently in jail, on parole, or on probation...+ That’s institutionalized racism.”<sup>xiii</sup> In this view, the fact of the disparity closes off open discussion of the factors that might contribute to it—one of which is almost certainly racism, but it is an open question whether it should be the only factor worthy of discussion. Consider the perspective of Brown University economist Glenn Loury on incarceration rates, “[P]risons are full of people who have broken the law, who have hurt other people, who have violated the basic rules of civility. Prison is not a conspiracy to confine black people.”<sup>xiv</sup> One can dislike Loury’s comments, but they require serious engagement. To label them as racist or ignorant—as one likely would within the CRT framework, where Loury would be someone denying the reality of racism’s power today—is both dismissive and, ultimately, discriminatory. This may be precisely the kind of serious engagement Mr. Clark sought and couldn’t find. On the contrary, according to the allegations in the complaint, Ms. Bass shut down student dialogue when Mr. Clark and other students objected to the course’s reductive labeling, especially the material explaining that “people of color CANNOT be racist.”<sup>xv</sup> See *infra* Part III.C for additional discussion of this material.

Asserting the importance of institutional racism above all other factors that contribute to inequality is an argument one might make. But it is not “true” any more than any social science theory is definitively true. As I’ve described here, it rests on a set of ideologically-based assumptions that not everyone shares and that are nearly impossible to empirically test. Especially in the classroom, the assumptions, arguments, and their implications should be discussed, criticized, and placed in context. The course failed in this regard.

## B. The Course Presented and Applied CRT Without Nuance

The “Sociology of Change” curriculum teaches two central lessons. The first is that the most important way to think about who you are is through the identity groups that you belong to. Identity along these lines is most often conceptualized through categories including race, ethnicity, gender, gender identity, gender expression, sexual orientation, and religion. Students are not taught to think about who they are based on their interests, their likes, dislikes, or what they want to do in life, as none of the latter are considered as important as the identity categories.

Second, the curriculum teaches that these identities can be cleanly divided into oppressive or privileged. And they are taught that categorizing their identities and those of their classmates in this manner is critical to understand their own oppression and privilege. They are told that this is the path to unlearning “internalized beliefs, attitudes, + behaviors that stem from oppression.”<sup>xvi</sup>

Yet, this position rests on multiple assumptions and is presented without any nuance (or invitation to question or consider). The idea that being white is equated with being an oppressor and being a member of a minority group is equated with being an oppressed victim is based in the ideological assumptions outlined above. See *supra* Part II. The ideas that students (a) fit neatly into these categories or (b) have experiences or personality traits consistent with what the theory would predict based on their group membership are additional assumptions. And, again, they are not assumptions that everyone shares, nor are they based in any objective truth. But the course material does not allow students to explore any of these nuances. Rather, identities are categorized into eight groupings and each possible identity is associated with “privilege,” “oppressive” or “both.”<sup>xvii</sup>

This is clearly observed in the activity in which students are asked to “write down your own individual identity.” The categories provided are:

- Race/ethnicity/nationality
- Gender
- Socioeconomic status
- Sexual orientation
- Disabilities
- Religion
- Age
- Language

Notably missing from the list are things like:

- Likes
- Dislikes
- Aspirations
- Personality traits

More generally, one could imagine a non-critical race theory or intersectionality-based exercise that asked something like:

Please free write for three minutes on how you think about who you are. Those adjectives might include your identity (e.g., ...) or they may include other aspects of your personality or interests.

Such an activity might be followed by a lively discussion about the meaning of differences and similarities in people’s self-concepts.

Again, the problem with the course's approach isn't based in an argument that the identity groupings laid out don't matter: they do. The problem is the assumption in the written course materials that this perspective reflects an underlying truth about society and that there is no way to challenge it or disagree that stands on equal moral footing. Although some reasonably-minded people find CRTs focus on racism and power an overly simplistic way to think about who we are and society more generally, this is not explored. And, perversely, the course materials and presentation of CRT as the sole theory *increase* the student's moral inferiority the *more* the student may try to question the paradigm. See *supra* Part II.

In addition to the other causes for concern that I've outlined, the version of CRT and intersectionality presented in the particular course materials flatten the richness of the human experience. Indeed, this flattening is reflected in the course's content and it may be part of what Mr. Clark found so distressing. Mr. Clark's identities and experience do not conform to the course's reductive labels: Mr. Clark's deceased father was white and his mother is black.<sup>xviii</sup> According to the complaint, Mr. Clark's mother is temporarily disabled and unemployed and their family lives in transitional housing.<sup>xix</sup> But Mr. Clark, with green eyes and blondish hair, is looked at as white by his classmates, and is the only one so regarded.<sup>xx</sup> Mr. Clark's situation is complex and his personal identities are more nuanced than the "privileged/oppressive" binary can comprehend. Consequently, Mr. Clark explains that he "could not bring himself to accept or affirm [the class's] labels, which he conscientiously believed were calumny against his self-identity and his family."<sup>xxi</sup>

### **C. The Course Materials Defined Terms to Assign Moral Guilt and Encourage Moral Judgment**

Based on my review of the assignments given in the Sociology of Change course and the class more generally, multiple groups of students would be made to feel *less than* in the course. First and foremost, students who provided identities that were then associated with privilege, were made to feel singled out and to feel guilty and inferior. The course material makes this explicit when Ms. Bass writes her own identities on the slide and attaches the terms "privilege" and "oppressive" to them.<sup>xxii</sup> This creates a hierarchy within the classroom in terms of how students should treat, think, and interact with one another.

The course materials assert a definition of racism in which racism can only be present when it is accompanied by power—leading to the slide stating: racism is "prejudice + power." Under that definition, one can conclude that, as noted in the course material, that "REVERSE RACISM IS NOT REAL" and "people of color CANNOT be racist."<sup>xxiii</sup> However, this is not a universally accepted definition of racism, nor is it one that makes sense. Consider the following thought experiment: If a racist (and powerful) person loses his or her power, does he or she cease to be racist? In other words, a person can be racist with power or racist without power. The power may afford them more opportunities to act on their racism, but it doesn't alter the nature of the underlying racist motivation. Or, consider another example: there is plenty of anti-black racism in Latin America committed by Latin Americans, who are themselves often considered to be people of color. It would defy logic to assert that such behavior isn't an example of racism.

The hierarchy the course endorses through CRT creates a set of moral norms built on questionable assumptions. In the course materials' framework, norms are established so that people with more privilege are automatically viewed as suspect—not because of anything they themselves have done, but because of the moral valence that is now tied to those groups (e.g., white=bad). Moreover, the material the course presented is consistent with a broader set of norms that assert that if a student, for instance, thinks that intent should matter, or that institutional racism may not play the singular role it's described to play, or that identity should be thought of in a different manner, then the student is part of the problem and is exhibiting resistance to learning the lessons that have been put forth.

Further, once the materials establish a hierarchy in the class based on oppression, it is my opinion that those with more "privilege" identities would feel that they have more "unlearning" to do than those with fewer "oppressed" categories. A student with the identity "person of color" would not have to "unlearn" racist behavior since they cannot be racist at all. Meanwhile a white student will have to engage in an attempt to "unlearn" such behavior. An additional group made to feel diminished and silenced would be students who



simply do not wish to have their self-concept described in these terms at all—those who see the world differently. These students would have their identities invalidated because they would be told that they had merely “internalize[d] the ideology of inferiority.”<sup>xxiv</sup>

The moral hierarchy presented in the course builds on CRT’s concept of “colorblind racism,” see *supra* Part I.B. CRT’s observation, that racism and race-based inequalities can be perpetuated by attempts to be “colorblind” rather than race-conscious in evaluating institutions and potential institutional change, is not inherently wrong to teach in the classroom. Presented as the sole paradigm, however, it renders even classic statements by Martin Luther King Jr., like “I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character,”<sup>xxv</sup> as racist themselves. As a general matter, students should be able to discuss the relative merits of “colorblind” approaches without being cast in a hierarchy that characterizes their preference for that approach as racist and oppressive. In particular, the moral hierarchy the course established was especially hostile to the Clarks, as Mrs. Clark raised William Clark to share King’s vision of racial unity through integration and judgment of people as individuals rather than members of identity groups.<sup>xxvi</sup>

As I stated earlier, the problem isn’t the fact that these ideas or theories are taught. The problem is the manner in which they’re brought into the classroom and that they’re not contextualized as but one of multiple morally valid ways to understand the world.

In the classroom, the power dynamic is relevant. Ms. Bass, a teacher, is presenting a perspective on charged sociopolitical issues and the materials make clear that there was one morally correct way to understand the world. Instead of presenting the students with a range of possible perspectives that might reasonably be brought to bear on questions that touch topics including race, racism, identity, and fairness, Ms. Bass’s materials made it clear that there was one that was endorsed by her and bore the official titles: critical race theory and intersectionality. This is not a learning environment that supports different perspectives, teaches critical thinking, or promotes truly open conversations. The specific material does the opposite, imposing discriminatory moral standards on students and discriminatory “unlearning” expectations on students depending on their identities.

The power dynamic impacts the entire course curriculum. Students were instructed to label themselves with particular identities and to attach different moral expectations and qualities to those identities based on a reductionistic “privileged/oppressive” binary. Many of the readings were focused on combating the “institutional oppression” associated with particular identities.<sup>xxvii</sup> And all of this was done with the imprimatur of the instructor. In my opinion, based on my experience, the course creates a hostile environment for some students, especially white, male, heterosexual, cisgendered, or monotheistic students (but potentially any student who pushes back against the paradigm in general).

#### **D. Additional Observations**

##### *1. Remarks on Defense Response*

The Defendant’s response to the complaint bears the hallmarks of a position people take where they believe themselves to be open-minded and value a diversity of opinions. Unfortunately, the reality can be quite different. This is apparent when Principal Adam Johnson wrote in an email to Mr. Clark that:

[O]ur scholars’ **ability to understand others’ point of view** and evolve their thinking is a critical skill to develop, and we hope that by scholars in the Sociology of Change course continuing to engage with one another on a variety of topics where scholars may have varying opinions, our scholars will be able to better engage in this discourse as they build coalitions in their communities. [emphasis added]

Yet, as described throughout this report, the “Sociology of Change” course stands in direct contrast with Johnson’s stated goal. Other class slides stated:

“Every voice is heard and appreciated” and class is a “Learning environment—we cannot get better if we do not learn and have difficult conversations!

The fact that these sentiments were aired by Johnson and Bass are more than swamped by the reality of the way the course materials were crafted. As described in this report, the conceptualization of the material stands in direct opposition to the idea that others’ points of view are valued. The certainty of a singular morally valid way to understand the world, particularly on issues of race, racism, and identity, is built into the theoretical perspectives on offer. A sense that identity is not always best captured with this narrow set of categories, the idea that identity categories can’t be cleanly divided into oppressive and privileged, the belief that institutional racism doesn’t do a full job of explaining inequality today—these are all sentiments held by a wide swath of people of reasonable minds. Yet, they are incompatible with the “Sociology of Change” course as expressed in the written course materials.

More generally, the perception of open-mindedness in the presence of certain beliefs, such as those underpinning CRT and intersectionality, can lead some to a distorted perception of open discussion. As I wrote in my co-authored book, *Unassailable Ideas*:

It is possible to have a robust debate within the confines of the three core beliefs we have articulated and to as a result *think* that the discussion has been truly open, while in reality it may only have been open within the very limited aperture permitted by the beliefs.<sup>xxviii</sup>

In the case of the book, two of the three beliefs my co-author and I describe are (1) that identity should primarily be conceptualized along the same axes defined by Ms. Bass, and (2) that all differences in group outcomes are entirely due to discrimination. In other words, the quote from the book applies to Mr. Clark’s case as well. Put differently, Ms. Bass’ and Mr. Johnson’s declarations of open-mindedness as a value appear to only exist within the narrow confines of the worldview represented in the “Sociology of Change” class.

Moreover, while I have no reason to doubt Ms. Bass’ sincerity in her exclamation that “[W]e cannot get better if we do not learn and have difficult conversations” was heartfelt, she almost certainly has a particular set of “difficult conversations” in mind—those that talk about recognizing our privilege and our oppression. It’s a straightforward conclusion from the course material that difficult conversations about, for instance, the role of intent in how we think about racism and sexism or about individual versus collective identity would not be the types of “difficult” conversations she had in mind. The Complaint supports this observation by recounting how these “difficult” conversations were shut down when they questioned the course’s assertion regarding reverse racism.<sup>xxix</sup>

The course materials create and then reinforce a way of understanding the world within a particular theoretical framework. Declaring a willingness to be open-minded within that singular framework and narrow aperture is not open-mindedness by any meaningful definition.

## 2. *Remarks on Comments by Ms. Bass*

In the course “Sociology of Change,” Ms. Bass asked students to reflect upon their identities, including their sexual orientation. I am an educator with more than 15 years of experience in the classroom and, importantly, with students even older—and therefore likely more mature—than those in Ms. Bass’ classroom.

Based on my experience, it is my opinion that asking students to disclose their sexual orientation is highly inappropriate. That is true among the college-aged students I teach and even more so among high school seniors. Furthermore, when asking this highly inappropriate question, it's unacceptable that Ms. Bass would state in writing "This list is private! Please be honest, no one else will see this,"<sup>xxx</sup> if, as alleged in the complaint, it was immediately available to dozens of people who work at the school.<sup>xxxi</sup>

Other categories that the course required students to apply to themselves were applied without acknowledging that students may not fit neatly within them. For example, according to the complaint Mr. Clark appears white because of his green eyes and blondish hair and is regarded as white by his classmates, but his mother is black and his father was white.<sup>xxxii</sup> It is also my opinion that attaching a "privileged/oppressive" label to those identities after requiring students to publicly label themselves is discriminatory.

## Conclusions

Based on my research, review of the class materials, and educational experience I conclude the following with a reasonable degree of certainty:

1. The class materials appear to teach critical race theory as both morally superior and factual, rather than as a theory.
2. The class materials appear to apply critical race theory's labels of privileged or oppressed to students based on their race and sex, among other factors.
3. The privileged and oppressor labels create a hierarchy that, in this context, labels certain members of certain groups as being guilty of their oppressor nature.
4. The class materials, consistent with critical race theory, appear to rely on race and sex (among other identity) based labels to teach students about social change and how to engage in social change against oppressors based on, for instance, race and/or sex.
5. In my opinion, class material that assigns students to positions in a hierarchy is itself inappropriate. Material that does so in a way that bases those positions on immutable identities rather than students' individual personalities and behaviors is unacceptable and discriminatory.

Dated:

March 29, 2021.



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Prof. Ilana Redstone, Ph.D.

**EXHIBIT 1**  
Curriculum Vitae

**Ilana Redstone**

Contact Information:

University of Illinois at Urbana-Champaign  
Department of Sociology, MC-454  
702 South Wright Street, 3020 Lincoln Hall  
Urbana, IL 61801

Email: [redstone@illinois.edu](mailto:redstone@illinois.edu)  
<http://www.diverseperspectivesconsulting.com>

Employment:

Associate Professor, University of Illinois at Urbana-Champaign, Department of Sociology  
August 2013-present

Assistant Professor, University of Illinois at Urbana-Champaign, Department of Sociology, August  
2006-August 2013

Visiting Assistant Professor, University of Illinois at Urbana-Champaign,  
Department of Sociology, August 2005-August 2006

Education:

University of Pennsylvania, Ph.D. Demography and Sociology, August 2005  
Dissertation: Three Studies of Immigrant Labor Market Assimilation in the United States  
Thesis Committee: Douglas S. Massey (chair), Herbert Smith, Paul Allison

Princeton University, Exchange Scholar Program, September 2003-June 2005

University of Pennsylvania  
M.A., Demography, May 2003

University of New Hampshire  
B.A., Spanish, May 1994

Books:

Redstone, Ilana and John Villasenor. 2020. *Unassailable Ideas: How Unwritten Rules and Social Media Shape Discourse in American Higher Education*. Oxford University Press.

Journal articles:

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#### Work in Progress:

Chu, Yuan-Ning, Hyo-Won Shin, Matthew Winters, Cara Wong, and Ilana Redstone Akresh. "Immigrant Incorporation in Comparative Perspective." 2019. Received \$50,000 over two years from the Center for East Asian and Pacific Studies, UIUC.

#### Professional Service:

Faculty Fellow, Heterodox Academy (September 2018-present)

The Sociological Quarterly, Associate Editor (2017-present)

Advances in Medical Sociology, Editorial Board, Special Issue (2017)

Editorial Board, *Journal of Health and Social Behavior* (2015-2018)

Ad-Hoc Reviewer, National Science Foundation, 2014.

Invited Panelist for CAS (Center for Advanced Study) Forum on Critical Issues: Immigration, University of Illinois at Urbana-Champaign, January 2006

Ad-Hoc Journal Reviewer (2004-present), American Sociological Review, American Journal of Sociology, Feminist Economics, The Sociological Quarterly, International Migration Review, Journal of Health and Social Behavior, Demography, International Migration, British Journal of Sociology, Sociology of Education, Social Forces, Bulletin of Economic Research, Social Science Research, Journal of International Migration and Integration, Population Research and Policy Review, Social Science Quarterly, Sociological Perspectives, Ecology of Food and Nutrition, Social Science and Medicine, Social Problems, Health Affairs, Ethnic and Racial Studies, Demographic Research, International Journal of Migration and Border Studies, Social Currents

Other:

Contributing Writer, Forbes.com (June 2020-present), page linked [here](#).

Additional public-facing writing available [here](#).

Teaching:

University of Illinois at Urbana-Champaign

Introduction to Social Statistics (undergraduate), Fall 2005, Spring 2006, Fall 2006, Spring 2007, Fall 2008, Spring 2009, Fall 2010, Spring 2011, Spring 2015, Spring 2017, Spring 2018, Fall 2018, Fall 2019, Fall 2020

Population Trends and Patterns (undergraduate), Spring 2007, Spring 2009, Spring 2012

Immigrant Incorporation in the U.S. (undergraduate), Fall 2008, Fall 2011

Immigration in the United States (graduate), Fall 2010

Intermediate Social Statistics (undergraduate and graduate combined), Fall 2011, Spring 2012, Fall 2013, Spring 2014, Fall 2014, Fall 2016, Spring 2017, Fall 2018

Social Problems (undergraduate), Spring 2014, Fall 2014, Spring 2015, Fall 2016, Spring 2018, Spring 2019, Fall 2019, Fall 2020

Bigots and Snowflakes: Living in a World Where Everyone Else is Wrong (undergraduate), Spring 2019, Spring 2020, Spring 2021

Social Science Research Methods (undergraduate), Spring 2020, Spring 2021

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- <sup>xviii</sup> Complaint, ¶ 2.
- <sup>xix</sup> Complaint ¶¶ 8–9.
- <sup>xx</sup> Complaint, ¶ 39.
- <sup>xxi</sup> Complaint, ¶ 31.
- <sup>xxii</sup> Doc. Bates No. DEMPREP\_00000580.
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xxix Complaint ¶¶ 16, 41 (alleging that Ms. Bass shut down discussion of whether reverse racism exists).

xxx Doc. Bates No. DEMPREP\_00000577.

xxxi See Complaint, ¶ 36.

xxxii Complaint ¶¶ 38-39.