

Appeal to the Beaufort County School Board

26 DEC 2022

Book Review Committee Review

Michael E Covert, Appellant

Beaufort County School Board

2900 Mink Point Boulevard

Beaufort, SC 29902

Current Books Reviewed: *“Stamped”*, *“The Lovely Bones”*

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Chair Gwodz, School Board Members, Superintendent Rodriguez;

I received a formal response from Dr. Bruder with Dr Stratos and Wendy Cartledge copied, via email at 1424 hrs on 15 DEC 2022 indicating and advising me that the Book Review Committee has made a decision on two books they were to review. Those books are individually spelled out on the cover of this Appeal. In the response, I was advised that I have seven (7) business days to file this formal appeal.

Prior to posting my appeals, I find it imperative to reiterate those requests made on 12/09/2022 as they are important, relevant and should be made part of the public record. In the vein of transparency, the full list of all members of the Review Committee(s) by Committee Grouping and their classification on the committee and whether they are an employee of the BCSD or any other School District, is vitally important to gain/maintain the public trust and your responsibility of such. As of this writing, none of those requests have been fulfilled.

I also find it imperative to make perfectly clear— my concern in this issue, and my appeal(s) have absolutely nothing to do with politics in any form. There are those bad actors out there that either have tried to make it or will try to make it political. I have not and will not do so.

While reviewing this appeal, I ask that each of you have a copy of the **Beaufort County School District Progressive Discipline Plan Student Code of Conduct** handy beside you. Throughout this handbook, keeping these books on the shelves is violating your OWN regulations set forth for student conduct. How can you enforce regulations of inappropriate materials with irreverent or inappropriate language; obscene language, gestures, writing, comments etc; the possession of pornography; using obscene language; using violence towards people; using violence towards females; etc--- when you would be glorifying it through the constant use of these materials. The irony and double standards would be deafening.

I am appealing the Review Committee results based on the following conditions, and above commentary, by book title:

“Stamped-Racism, anti-Racism & You,” by Ibram Kendi

There is a generalized list of reasons this book should not be in any grades of the public school system. Those, generally, are reverse racism propaganda, unfound and unproven historical accusations; race essentialism; reductive and biased analysis of social trends and “lionization of political figures all under the guise of anti-racism”. To simplify that, brainwashing our children with lies purported as truths and demonizing anyone who thinks or believes otherwise.

Where in the educational system; where in the Curricular guidebooks, where in the SC State Department of Education is a book like this part of education? **NOT** one place in a school system where public tax dollars is used is this appropriate. How does a student, any student, increase his

or her education and preparation for the next grade level by reading this? He or she doesn't. This book and others by its author, along with many being published under alternate methods are teaching CRT and SEL—against the law in South Carolina and Beaufort County. What this book DOES teach are Marxist social sympathies, incorrect historical facts that have **ZERO** backup documentation or context; incorrect portrayal of many historical figures and historical documentation; the forgetting or misplacement OF historical data and fact that refutes the authors' "opinions". Simply, this book is a complete lie and fabrication and knowing that the author "received" accolades for his muse, is a slap in the face of the thousands of real authors out there. If one wants to write fiction, then do so and admit it is fiction.

One of several commentaries and others' reviews of this book are included that substantiate my appeal:

Moshe Loye JUNE 2022 wrote:

"Over the past few years, a liberal orthodoxy has infected schools across our country, including the private institutions which my daughters have attended. According to its tenets, we can all be neatly categorized according to our immutable characteristics (such as skin color, ethnicity, and gender) and hierarchically organized based on the "power and privilege" these characteristics supposedly entail. In this system, there is no room for individual spirit, unique attributions, or even thoughtful dissent.

Many parents have noticed the regressive themes of this ideology in the materials and assignments that their kids bring home from school. One of the books that is most commonly encountered by parents is Ibram Kendi's *Stamped (For Kids)*, which is currently being taught in elementary and middle schools across the country, both public and private. My daughter was assigned it as part of her sixth-grade curriculum, prompting me to read it for myself".

Stamped(For Kids), opens with Kendi proclaiming that "[t]his is not a book of my opinion. This is a book about America, and about you. This book is full of truth. It's packed with the absolutely true facts of the choices people made over hundreds of years to get us to where we are today". (Kendi speaking there—laying claim that his written word is gospel, aka "brainwashing.") Unfortunately, young readers SEE this and take it for truth. Why? Because they know, no better generally under the age of 16 to comprehend that written opinion disguised as truth—is not the defined example of TRUTH) From there, young readers are provided an overtly partisan history of the world, and America in particular.

The book begins with Kendi's version of the origins of chattel slavery. The European slave trade between 1415 and 1619 is presented as the precursor to slavery in America, driven by the writings of the Portuguese chronicler Gomes Eanes de Zuara, whom Kendi identifies as the first person to connect slavery to skin color. Slavery is portrayed as a uniquely European institution, despite its rampant existence in regions elsewhere at the time including China, India, and the Middle East. Significantly, Kendi describes the American Revolutionary War as an attempt to break free of England in order to preserve slavery, even though Britain continued the practice of slavery for several decades longer than in some U.S. states. The Founding Fathers (especially Thomas Jefferson) are also depicted as avaricious and racist, without any context whatsoever.

Stamped then proceeds to Jefferson Davis' quote that inequality between the races was "stamped from the beginning," which serves both as the book's title and its fundamental portrayal of America. (the fact that a young America soundly rejected Davis' wretched vision for the nation by way of a bloody civil war is apparently lost on this thesis) President Lincoln is shown as a spineless figure only marginal in influence. "Like a rope tied to a kite, he seemed to sway in different directions depending on where the wind blew", wrote Kendi.

Simplistic analogies are interwoven throughout the book in sections called "Let's Pause". In these sections, history is presented as merely a "rope" on which people pull on one side for freedom and on the other for oppression. There are no multiple stakeholders with numerous layers, alternatives, resources, and reasonings- only binary actors making binary decisions.

Kendi proclaims that books and movies like Curious George, Aladdin, and Pocahontas have "racist ideas baked into them", though not a single example is cited. Black intellectuals like W.E.B. DuBois are presented as "assimilationists", and therefore "racists" and "cowards". In regards to DuBois, however, Kendi encourages us to "remember, also, that people aren't just one way; they can be complicated and full of contradictions." It is revealing that Kendi includes this (correct) observation in the treatment of DuBois, but not other figures in American history such as Thomas Jefferson and Abraham Lincoln.

Stamped (For Kids) hits its stride in its treatment of the 1960's Civil Rights era, where Kendi fails to **acknowledge any progress whatsoever**. For example, on the landmark legislation of the *Civil Rights Act of 1964 and the Voting Rights Act of 1965*, Kendi laments, "Who was going to make sure the laws would be followed if the law, lawmakers, and law enforcers were all racist?" Thought by no means perfect, these laws put the entire apparatus of the federal government in motion for racial equality—which most people would agree was a significant positive change.

Kendi presents the Black Panther Party as the highlight of the 1960s-1970s, explaining that all the Black Panthers wanted was "fair housing, antiracist education, an end to police brutality, and peace." Kendi fails to mention the other elements of the Black Panther's published *Ten Point Plan*, which include a racially segregated legal system, socialism, communism, and the abolition of prisons.

Kendi also extensively celebrates Angela Davis as "an antiracist who understood that freedom means freedom for all, not for one." Indeed, at the peak of her fame in the 1960s and 1970s, Angela Davis jet-setted between East Germany, Cuba, and the USSR to receive awards and praise from dictators, consistently ignoring the brutal oppression of minorities including women, Jews, and LGBTQ+ people under those regimes. She ran s the Communist Party U.S.A.'s Vice Presidential nominee in 1980 and in 1984. In 2014, she rallied to the defense of convicted murder Rasmia Odeh, who, as a member of the U.S. designated terrorist group "Popular Front For The Liberation of Palestine", helped to orchestrate a bombing which killed two Jewish students in Jerusalem in 1969. In 2019, Davis was denied the Fred Shuttlesworth Human Rights Award in Birmingham, Alabama for her series of anti Semitic statements and actions over the years. But a prepubescent child reading *Stamped (For Kids)* would only know her as an "activist, educator and influential advocate for political and social change".

The founder of Black Lives Matter (Opal Tometti, Alicia Garza, and Patrisse Cullors) are also lauded as heroes: "Like antiracist daughters of Angela Davis," Kendi gushes, "the activists of this new generation are symbols of hope, taking potential and turning it into power".

Indeed, Davis and the founders of BLM do seem to share many of the same views. For example, in 2015 Opal Tometti visited Venezuelan dictator Nicholas Maduro and praised his brutal regime; “In these last 17 years, we have witnessed the Bolivarian Revolution champion participatory democracy and construct a fair, transparent election system recognized as among the best in the world”. (again, the pubescent reader of today would have no other wonder that Maduro was one of the meanest, most dangerous murders on the planet) That same year, in an interview with SF Weekly, Alicia Garza explained, “Black Lives cant matter under capitalism. They’re like oil and water.” While on a panel at Harvard Law’s Human Rights Program in 2015, Patrisse Cullors explained that “...unless we step up boldly and courageously to end the imperialist project that’s called Israel, we’re doomed.” A self-proclaimed “trained Marxist,” Cullors stepped down from BLM squandering tens of millions of dollars in donations. As investigative journalists were trying to figure out where the money went, Patrisse Cullors was on a real estate buying binge, personally purchasing four high-end homes for \$3.2 million in the U.S. alone, and doling out almost \$1 million each to her brother and to her child’s father for alleged services rendered, all while BLM itself spent over \$12 million on swanky mansions in California and Toronto with donated funds.

Yet, despite all of this (and much more), *Stamped (For Kids)* concludes with a lea to its impressionable young audience of potential activists to “keep talking about race.” And to model themselves on “people like Angela Davis, and Patrisse Cullors”. The biases for *Stamped (For Kids)* and the figures that it celebrates are crystal clear: Heaping praise upon the authoritarian police states of Brezhnev, Castro, Honecker, and Maduro, yet finding unbearable racial oppression within Pocahontas and Curious George. Selectively judging figures from centuries ago according to the sensibilities of today. Continually dividing people based on innate differences, rather than seeking to unite people based on our common humanity. Preaching the virtues of Marxism and denigrating capitalism, while using the free market to become famously wealthy.

The teachers and administrators who subscribe to Kendi’s perspective will tell parents that forcing kids to read *Stamped (For Kids)* is merely to “foster their capacity for “difficult conversations”. The difficulty, however, is not in having the conversations per se—but in the expectation that we all must unthinkingly adopt Kendiism wholesale. They ask parents to accept it despite our knowing in our core that is wrong to judge people based on skin color, despite our knowing that people are complex, not one dimensional, despite many of us coming from mixed background, making us difficult to classify according to group identity; despite many of us being in an interracial marriage, or having adopted children of a different race; despite knowing that societies which have hyper-focused on immutable differences have always imploded into violence of the worst kind. Despite the myriad blaring red alerts going off in our consciences as we read books like *Stamped (For Kids)*, we’re expected to swallow it anyway. Worse, we’re expected to stand idly by as our kids and are commanded to swallow it, too.

We absolutely must teach the ugly side of history, an understanding of which is necessary for a functioning democracy. To truly learn from the past, students need to learn factual history, warts and all. But despite Kendi’s claims to the contrary, *Stamped (For Kids)* is a political manifesto, not a factual history book. Parents must have the courage to stand up tall, and respectfully ask questions that can expose this regressive ideology for what it truly is. True, you cannot convert the partisans—but you can still reach the teachers, students, and administrators who are willing

to think for themselves. There are some who simply haven't considered the radical and inevitable conclusions of Kendiism—but asking the right questions can help provide the clarity.”

Quite possibly, the best example of the damage and dangers of books such as this were best “penned” by Mr. Eric Schmitt, Attorney General of Missouri, who wrote to the Honorable Miguel Cardona, Secretary of the Department of Education of the Federal Government on 19 MAY 2021.---

“In reference to:” Proposed Priorities- American history and Civics Education, 86 Reg. 20,348” that the proposed priorities under consideration by the US Department of Education “will unlawfully and unconstitutionally fund initiatives that promote racial discrimination, instead of providing civics lessons that enable students of all races and backgrounds to effectively participate in their government as part of the Constitution’s “We The People”. It is particularly disheartening to see the Department explicitly endorse so called “any-racist” ideas in Proposed Priority 1. These ideas are nothing new, and they directly contradict the Secretary’s statutory authorization “to carry out an American history and civics education... by educating students about the history and principles of the constitution of the United States, including the Bill of Rights”, and to improve “the quality of the teaching of American history, civics, and government in elementary schools and secondary schools, including the teaching of traditional American history”, 20 U.S.C. 6661(a)”

“This statute reflects Congress’s insight that the United States of America is unique, as the first nation in the history to be founded on ideals of liberty and equality under law. Ronald Reagan often quoted Puritan leader John Winthrop, who stated of America in 1630; “We must consider that we be as a city upon a hill. The eyes of all people are upon us”. America’s founding ideals have served as a “city upon a hill” to people and governments all over the world, inspiring freedom, justice, and equality under the law. Yet the Department’s proposal would give no weight to the greatest ideals in American history, expressed in the Declaration of Independence, the Constitution, the Bill of Rights, the Gettysburg Address, the Emancipation Proclamation, Lincoln’s Second Inaugural Address, the Fourteenth Amendment, Martin Luther King, Jr “I have a dream” speech, and other great foundation documents of American history”.

Eloquently, Mr. Schmitt stated, “Our constitution guarantees equal protection top every person under the law without regard to race, and it requires all “government actor[s] subject to the Constitution [to] justify any *racial classification* subjecting that personal to unequal treatment under the strictest of judicial scrutiny. (*Gratz v Bollinger*, 539 U.S. 244,270 (2003) Justice Harlan’s dissent in *Plessy v Ferguson* famously stated that our Constitution is “color-blind”. (*Plessy v Ferguson*, 163 U.S. 337,559 (1896) (Harlan, J dissenting)) Yet Proposed Priority 1 states that “schools across the country are working to incorporate antiracist practices into teaching and learning” and cites with approval Ibram Kendi—Professor Kendi **OPENLY** derides the opposition that “[o]ur Constitution is color blind”, stating that [t]he language of color blindness...is a mask to hide racism’. It is not plausible to characterize Professor Kendi’s teachings—which attack the very foundations of the Constitution and the Bill of Rights—“as educating students about the history and principles of the Constitution of the United States including the Bill of Rights”, or improving the “quality of the teaching of American history, civics, and government in elementary schools and secondary schools, including the teaching of traditional American history”. 20 U.S.C. 6661[a]

Quite the contrary—and this is subtly important—“Professor Kendi’s doctrines contradict the Department’s statutory obligation and the US Constitution. According to Professor Kendi, an antiracist is “[o]ne who is supporting an antiracist policy through their actions or expressing antiracist idea”, and a racist is “[o]ne who is supporting a racist policy through their actions or inaction or expressing a racist idea”. Under his framework, “there is no neutrality in the racism struggle”, because [t] he claim of “not racist” neutrality is the mask of racism’.

Kendi’s absolutist view in *Stamped (For Kids)* and “*How to be an AntiRacist*” carries the water for the overt racial disparages and discrimination. “The only remedy to racist discrimination is antiracist discrimination”. **(((Re-read that last line....yes, Kendi believes the only way to combat discrimination IS WITH discrimination)))** He contends that “if racial discrimination is defined as treating, considering, or making a distinction in favor or against an individual based on that person’s race, then racial discrimination is not inherently racist”. For him, the key question is whether the discrimination is discrimination and present discrimination must be remedied with future discrimination. He points that the most threatening racist movement is—the regular American’s drive for a “race neutral” society.”

In my research for this appeal, I was fortunate to re-visit some novels I had previously read and was introduced to a select few new ones. Many quotable were discovered and headlining those was a quote from Dr. Ben Carson in the foreword of “*Black Eye for America*” by Dr Carol Swain and Dr. Christopher Schorr, where he wrote, “The misguided ideology of Critical Race Theory is corrupting our institutions., dividing Americans by race, and pitting them against one another based on that arbitrary characteristic.” “For Critical Race Theory, the only characteristic that matters is a person’s race.” “Any differences between racial groups are exclusively the result of racism, as opposed to any other factor”. This is one of many base points for this appeal--- Kendi uses racial divisions and racial diversions, dressed up in a costume, to cover his points of his racist absolutism. It is hypocrisy of the highest degree.

At the beginning of the book “*Black Eye for America*”, Dr. Schorr uses his “Thank you” page as this in its entirety: “To Ibram X. Kendi, whose work provides so much fodder for this book”, while Dr. Carol Swain succinctly writes, “ To my past, present and future students who deserve a better world than the one we are creating through humanism and to the Americans who decried what has happened to America”. What is only missing from the two Authors’ writings from the outset is the question, “Who in the hell does Kendi think he is to try to re-write History and to subliminally transcribe into the minds of American youth the absolutism and Kendiism is gospel?”

In the book “*Black Eye for America*”, Dr. Swain listed terms and concepts for parents and community members to look for; to observe; to be prepared to bring up to those in authority the following that have factually been found to violated the Constitution and Bill of Rights previously written about in the appeal. They are, but not limited to:

Critical Race Theory (CRT)

Action Civics

Social Emotional Learning (SEL)

Diversity, Equity and Inclusion (DEI)

Culturally responsive teaching

Abolitionist teaching

Anti-racism

Anti-bias training

Anti-blackness

Obtuse meritocracy

Centering or de-centering

Collective guilt

Colorism

Conscious and unconscious bias

Critical ethnic studies

Critical pedagogy

Critical self-awareness

Critical self-reflection

Cultural appropriation/ misappropriation

Cultural awareness

Cultural competence

Cultural proficiency

Cultural relevance

Cultural responsiveness

Culturally responsive practices

De-Centering whiteness

Deconstruct knowledges

Diversity focused

Diversity training

Dominant discourses

Educational justice
Equitable
Equity
Examine “systems”
Free radical therapy
Free radical self/collective care
Hegemony
Identity deconstruction
Implicit/Explicit bias
Inclusivity education
Institutional bias
Institutional oppression
Internalized racial superiority
Internalized racism
Internalized white supremacy
Interrupting racism
Intersection
Intersectionality
Intersectional identities
Intersectional studies
Land acknowledgement
Marginalized identities
Marginalized/ Minoritized/ Under-represented communities
Microaggressions
Multiculturalism
Neo-segregation
Normativity

Oppressor v oppressed
Patriarchy
Protect vulnerable identities
Race essentialism
Racial healing
Racialized identity
Racial justice
Racial prejudice
Racial sensitivity training
Racial supremacy
Reflective exercises
Representation and inclusion
Restorative justice
Restorative practices
Social justice
Spirit murdering
Structural bias
Structural inequity
Structural racism
Systemic bias
Systemic oppression
Systemic racism
Systems of power and oppression
Unconscious bias
White fragility
White privilege
White social capital

Whiteness

Woke

None of these terms, phrases, etc., should be allowed inside the public school system and contrary to that, would be/ should be on direct violation of the South Carolina Department of Education standards and the General Assembly with regards to the teaching of CRT and its subsidiaries in the SC Public School system. Whereas, School Boards that **DO ALLOW** either the subjects aforementioned, or the phrases above to be utilized in the instructional curriculum, should be held to highest extent of the law possible. That same dichotomy should apply to teachers, District Supervisors, Librarians, etc that have willingly signed off and approved the use therein, or have willfully ignored them.

There are several court cases that complete the notion that Kendi's doctrines and principles are at odds with **AT LEAST** two core constitutional principles: (1) the Equal Protection clause and (2) the First Amendment. Under the Equal Protection clause, "racial classifications are simply to pernicious to permit any but the most exact connection between justification and classification". *Parents Involved in Cmty. Sch v Seattle Sch. District No. 1*, 551 U.S. 701, 720 (2007) "Distinctions between citizens solely because of their ancestry are by their very nature odious to free people, and therefore are contrary to our traditions and hence constitutionally suspect." (*Fischer v Univ. of Texas @ Austin*, 570 U.S. 297,309 (2013) This applies to even so-called "benign" racial discrimination—if such a thing exists—because "[n]othing in the Constitution supports the notion that individuals may be asked to suffer otherwise impermissible burdens in order to enhance the societal standing of their ethnic groups". (*Regents of the Univ. of California v Bakke*, 438 U.S. 265 (1978). Kendi's explicit call to remedy discrimination with more discrimination violates those fundamental principles."

On the second principle, and this is VERY important to the discussion here, "teaching school children Kendi's view that mere inaction brands one a "racist" violates the core First Amendment principles. The First Amendment reflects a "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open." (*Snyder v Phillips*, 562 U.S. 443, 452 (2011) By preaching Professor Kendi's divisive doctrine on "anti-racism" and branding anyone who disagrees with Prof. Kendi as a "racist" public schoolteachers would purport to "prescribe what shall be orthodox in politics...or other matters of opinion" to their student(s), in violation of the First Amendment".

AG Schmitt continued, in his letter, by making a blanket statement that is the oft-forgotten reality that "school children are not all courageous, self-reliant [adults], with confidence in the power of free and fearless reasoning.: "Racist" is a dirty epithet, not to be bandied about lightly, or applied to innocent free children." (*Ramos v Louisiana*, 140 S.Ct. 1390, 1495 (2020) "The anti-racist framework that Prof. Kendi champions creates a simplistic, zero-sum framework for complex issues of national importance, and teaching it will likely indoctrinate school children into its divisive views, leading to an "us v them" mentality. Even for children, our Constitution

guards the individual's right to speak his own mind and does not permit "public authorities to compel him to utter what is not on his mind".

I ask you to think DEEPLY about that, INTENTLY. Continuing to provide such material as all the Kendi authored materials is providing the brain washing indoctrination materials that is creating MORE problems...not addressing any. Would a school board member, ANY school board member, in their right mind **PURPOSEFULLY and KNOWINGLY** contribute to the indoctrination of all children? **THIS** is the question you need to think about.

I am appealing the Review Committee results based on the following conditions, by book title:

"The Lovely Bones", by Alice Sebold

There is a generalized list of reasons this book should not be in any grades below high school and only then possibly allowed only in the case of college credit classes of English where critical thinking skills are enumerated as would be in university freshman setting, in the library and able to be checked out with parental signature. Included are: vulgarity, alternative sexualities; sexual activities including sexual assault; sexual nudity; violence; alcohol use; and suicide commentary.

Where in the educational system; where in the Curricular guidebooks, where in the SC State Department of Education is a book like this part of education? Rape, sex, alcohol use, sexual assaults etc are all part of the familial responsibility and accountability in raising children. **NOT** one place in a school system where public tax dollars is used is this appropriate. How does a student, any student, increase his or her education and preparation for the next grade level by reading this? The basis of this book is the dystopian totalitarian setting of a puritanical theocracy and extreme abortion views. The book does not offer conflicting sides or positions, rather is worded deep in translation to affect the minds of the readers, especially the very young, that abortion is an absolute positive idea; a right etc. and that is not shared equally across this Nation.

However, having furthermore consultation with legal experts in SC Constitutional Law; a public school district; school district employees and school board trustees may, in fact, be guilty of the following by allowing a book such as "*The Lovely Bones*" to be in classroom instruction and/or in the library with unfettered access of:

16-15-305 Disseminating; procuring; or promoting obscenity unlawful; definitions; penalties; obscene material designated contraband.

16-15-335 Permitting minor to engage in any act constitution violation of this article prohibited; penalties.

- A) “In *Osbourne v Ohio*, 04-18-1990, 110 S.Ct. 1691, 495 U.S. 103, 109 L.Ed. 2 98- State was permitted under First Amendment to ban possession and viewing of child pornography because state did not rely on paternalistic interest in regulating person’s mind but sought to serve compelling state interest in protecting victims of child pornography, and it was reasonable for state to conclude that such proscriptions were necessary to decrease production of child pornography; statute as construed by state Supreme Court to include elements of scienter and lewd exhibition was not constitutionally overbroad, and state Supreme Court properly applied its narrowed construction of statute to accused’s conduct; but it was necessary to remand the case for new trial to insure that conviction stemmed from finding that prosecution had proved each elements of the offense.”

16-15-355 Disseminating obscene material to minor twelve years of age or younger prohibited; penalties.

16-15-375 Definitions applicable to Sections 16-15-385 through 16-15-425

- A) “South Carolina statute imposing criminal liability for dissemination of materials harmful to minors over internet was narrowly tailored to serve the State’s compelling interest in protecting minors from sexually explicit materials, as required to strict scrutiny under First Amendment , despite state’s claims that verification and labeling were effective means of achieving state’s ends; age verification would deter lawful users from accessing speech they were entitled to receive, age verification system would pose significant costs for internet speakers who had to segregate harmful and non-harmful material, equally effective and less restrictive alternatives, such as user-based blocking and filtering software, were available, and statute did nothing to curtail the flow of sexually-explicit materials from abroad.” {*Southeast Bookseller’s v McMaster*, 2005, 371 F.Supp.2d 773

16-15-385 Disseminating harmful material to minors and exhibiting harmful performance to minor defined; defenses; penalties.

- A) ATTORNEYS GENERAL OPINIONS: “Public libraries and public-school libraries fall in the same category as college libraries with respect to the law dealing with distributing offensive or harmful material to minors. This section would be constitutionally valid means to prohibit the distribution of harmful material to a minor.” *SC Op. Atty. Gen.* (June 22, 1998) 1998 WL 746008

16-15-405 Second degree sexual exploitation of a minor defined; presumptions; defenses; penalties.

- (A) “An individual commits the offense of second-degree sexual exploitation of a minor if, knowing the character or content of the material, he:
2. distributes, transports, exhibits, receives, sells, purchases, exchanges or solicits material that contains a visual representation of a minor engaged in sexual activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose of sexual stimulation.

(B) In a prosecution pursuant to this section, the trier of fact may infer that a participant in sexual activity or a state of sexually explicit nudity depicted in material as a minor through its title, text, visual representations, or otherwise, is a minor.”

16-15-410 Third degree sexual exploitation of a minor defined; penalties; exception.

(A) “An individual commits the offense of third-degree sexual exploitation of a minor if, knowing the character or content of the material, he possesses material that contains a visual representation of a minor engaging in sexual activity or appearing in a state sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation.

(B) In a prosecution pursuant to this section, the trier of fact may infer that a participant in sexual activity or a state of sexually explicit nudity depicted as a minor through its title, text, visual representation, or otherwise, is a minor”.

16-15-415 Promoting prostitution of a minor defined; defenses; penalties.

(A) “An individual commits the offense of promoting prostitution of a minor if he knowingly:
(2) supervises, supports, advises, or promotes the prostitution of or by a minor.”

16-15-435 Circuit solicitor to request search and arrest warrants for violations of Sections 16-15-305 through 16-15-325; hearing on obscenity issue.

(B) “Following the seizure of allegedly obscene property pursuant to a warrant requested by the Solicitor and issued by a neutral and detached magistrate based on supporting affidavits, any interested party may request and the court having appropriate jurisdiction must promptly conduct an adversarial hearing for the purpose of obtaining a judicial determination, based on a preponderance of the evidence, of the obscenity issue.”

b.1 There are several court cases and case law that specifically speak to this concern:

- A) *UNITED STATES, et al, v AMERICAN LIBRARY ASSOCIATION* [on appeal from the US District Court for the Eastern District of Pennsylvania]”A library’s needed to exercise judgment in making collection decisions depends on its traditional role in identifying suitable and worthwhile material; it is no less entitled to play that role when it collects material from the internet than when it collects material from any other source. Most libraries already exclude pornography from their print collections because they deem it inappropriate for inclusion.” The Court sided with the Appellant such materials are not
- B) *Stanley v Georgia 1969*; some of the advocates of allowing pornographic material in schools will cite this case. However, in *Stanly*, the Court ruled that having pornographic material was okay, as long as it was in your own home.
- C) *State of Wisconsin v Redinger 2016*; where as the Court ruled against the Petitioner (Redinger) that he did not have a First amendment right to view pornographic material in a public library. Redinger claimed *Stanley* and *Reno v ACLU*, were two cases that provided him to prevail. The court ruled that neither *Stanley* nor *Reno* established a First amendment right to view pornography in a public library or in any other public place.

D) *Reno v ACLU 1996*; the Court invalidated two provisions of a federal law known as the Communications and Decency Act.

There is also more Federal District court opinions and ruling on this subject and even as of AUG 2022, *C.K-W. v Wentzville R-IV School District* was heard in the Federal Eastern District Court in Missouri. In August of 2022, Judge Matthew Schelp ruled: “Plaintiffs allege that the removal of books from the District’s libraries is “part of a targeted campaign” by two private groups “to remove particular ideas and viewpoints about race and sexuality from school libraries,” and that the District’s “failure to use established, regular, and facially unbiased procedures for the removal of books” and its “policy of removing materials immediately upon challenge demonstrates the [materials] have been removed on an arbitrary basis and not in a viewpoint-neutral manner,” Plaintiff’s assert that the District removed the books “with the intent and purpose of preventing all students from accessing” them, and they allege the “Decisive factor” in the decision to remove the books was a “dislike of the ideas or opinions contained in the books by policymakers, school officials, community members or a combination of those.” They contend the policies themselves and the removal of the books at issue violate the First amendment rights of students by restricting their access to ideas and information for an improper purpose. Plaintiffs sought to enjoin the Defendant (Wentzville School District R-IV) from allowing its policy that allows parents, guardians and students to initiate challenges to library materials and require the District to restore access to any books it has removed from school libraries during that school year.”

The last sentence of that paragraph is the most damning. The Plaintiffs, in layman’s terms, were not only seeking to have the books put back on the shelves, but also making it law that parents, guardians or students had **NO RIGHT** to challenge anything thereof or therein with cause to the decision!!

Schelp also said, “Plaintiffs rely heavily on the plurality opinion of Justice Brennan in *Board of Ed. V Pico*, a case sharply divided the Supreme Court and that produced seven opinions, none of which garnered a majority. Justice Brennan’s plurality opinion, a “lavish expansion going beyond any prior holding under the First amendment, expresse[d] its view that a school board’s decision concerning what books are to be the school library is subject to federal court review.” Justice Brennan’s plurality opinion in *Pico*, however, is not binding [precisely because it wasn’t a majority opinion- ed.]” Shelp continued- “It is not clear what would be binding from *Pico* in this case. See *Griswold v Driscoll* (1st Cir. 2010) (Souter, J.) To determine what is binding from *Pico*, it is necessary to determine the “position taken by those Members who concurred in the judgments on the narrowest grounds. Justice White’s opinion therefore controls.” “The entire *Pico* court was unanimous in its explicit conclusion that schools can remove books based upon their vulgarity. See *Bethel Sch. Dist. No. 403 v Fraser* (1986) (noting that, although the Court was “sharply divided” in *Pico*, all Members of the Court “acknowledged that [a] school board has the right authority to remove books that are vulgar”) No one seriously could dispute that a school may seek to keep vulgar materials away from its students. Likewise, it is “perfectly permissible” for a school to remove a book based upon the book’s “educational suitability”. A book’s vulgarity and its educational suitability surely are at the heart of the determination of the “age sensitivity” consideration, which allows District librarians to make to remove a book.”

The ruling on *C.K.-W v Wentzville R-IV School District* from the Federal Eastern District Court of Missouri is that **YES**, school district's can in fact remove books from schools and in doing so, they are **NOT** infringing upon anyone's First Amendment right. This case or issue was the amorphous right of students to receive information, which has been synthesized from the First Amendment as an "inherent corollary of the rights and free speech of the press." The Federal Court and its ruling are not forbidding anyone from any speech and as Schlep mentions in his brief, the "Plaintiffs provided no precedent or any coherent argument why a prior restraint—and a temporary one, at that—on a student's right to access information in the form a particular book or material would violate the First Amendment. Plaintiffs have not demonstrated why it would be unconstitutional, as prior restraints on speech are not always unconstitutional in a public school setting."

Most confirming is Judge Schlep's final conclusion that "Plaintiffs failed to show they have even a fair chance of succeeding in this case on the merits."

The following book, "*So Sexy, So Soon. The New Sexualized Childhood*" by Dr Dianne Levin, Ph.d and Dr. Jean Kilbourne, Ed.d., takes a particular interesting position on this subject matter and discusses some valid thought. In this read, you will see and understand that American society is sexualizing our kids long before they reach teenage level in that "their value comes from their sex appeal". From a public review of the book by William P. Smith, "The authors recount numerous anecdotes from parents and teachers demonstrating that children from preschool through their tween years are wrestling with sexualized messages and are not always wrestling well." Smith continues, "The authors are not coming from the perspective of an out of touch Victorian prudery that argues, "The less said about sex, the better." Rather they assert, "The problem today isn't that our kids are learning about sex, it's *what* they are learning, the age at which they are learning it, and who is teaching them". They believe that children are not picking up their primary lessons from their immediate adult relationships, but from the depersonalized media (school media centers and libraries, television, video games, et al) and marketing industries."

For just a moment, picture a young lady or young lad from 10 years to 16 years old, in the library or even in the classroom observing possible daily reading from their teachers and the come across this attractive novel. They open the book and thumb through some pages (as we all have done) and run across this:

"You're very pretty, Susie." "Thanks," I said, even though he gave me what my friend Clarissa and I had dubbed the skeevies. "Do you have a boyfriend?" "No, Mr. Harvey," I said. I swallowed the rest of my Coke, which was a lot, and said, "I got to go, Mr. Harvey. This is a cool place, but I have to go." He stood up and undid his hunchback number by the six dug-in steps that let to the world. "I don't know why you think you're leaving." I talked so that I would not have to takin in this knowledge: Mr. Harvey was no character. He made me feel skeevey and icky now that he was blocking the door. "Mr. Harvey, I really have to get home." "Take off your clothes." "What?" "Take your clothes off," Mr. Harvey said. "I want to check that you're still a virgin." "I am, Mr. Harvey," I said. "I

want to make sure. Your parents will thank me." "My parents?" "They only want good girls," he said. "Mr. Harvey," I said, "please let me leave." "You aren't leaving, Susie. You're mine now." ...I fought hard. I fought as hard as I could not to let Mr. Harvey hurt me, but my hard-as-I-could was not hard enough, not even close, and I was soon lying down on the ground, in the ground, with him on top of me panting and sweating, having lost his glasses in the struggle. ...I thought it was the worst thing in the world to be lying flat on my back with a sweating man on top of me. To be trapped inside the earth and have no one know where I was. ...Mr. Harvey started to press his lips against mine. They were blubbery and wet and I wanted to scream but I was too afraid and too exhausted from the fight. I had been kissed once by someone I liked. His name was Ray and he was Indian. ...He kissed me by my locker the day before we turned in our photos for the yearbook. ..."Don't, Mr. Harvey," I managed, and I kept saying that one word a lot. Don't. And I said please a lot too. Franny told me that almost everyone begged "please" before dying. "I want you, Susie," he said. "Please," I said. "Don't," I said. Sometimes I combined them. "Please don't" or "Don't please." It was like insisting that a key works when it doesn't or yelling "I've got it, I've got it, I've got it" as a softball goes sailing over you into the stands. "Please don't." But he grew tired of hearing me plead. He reached into the pocket of my parka and balled up the hat my mother had made me, smashing it into my mouth. The only sound I made after that was the weak tinkling of bells. As he kissed his wet lips down my face and neck and then began to shove his hands up under my shirt, I wept. I began to leave my body; I began to inhabit the Page Content air and the silence. I wept and struggled so I would not feel. He ripped open my pants, not having found the invisible zipper my mother had artfully sewn into their side. "Big white panties," he said. I felt huge and bloated. I felt like a sea in which he stood and pissed and shat. I felt the corners of my body were turning in on themselves and out, like in cat's cradle, which I played with Lindsey just to make her happy. He started working himself over me. "Susie! Susie!" I heard my mother calling. "Dinner is ready." He was inside me. He was grunting. "We're having string beans and lamb." I was the mortar, he was the pestle. "Your brother has a new finger painting, and I made apple crumb cake." ...Mr. Harvey made me lie still underneath him and listen to the beating of his heart and the beating of mine. How mine skipped like a rabbit, and how his thudded, a hammer against cloth. We lay there with our bodies touching, and, as I shook, a powerful knowledge took hold. He had done this thing to me and I had lived.

I knew he was going to kill me. I did not realize then that I was an animal already dying. "Why don't you get up?" Mr. Harvey said as he rolled to the side

and then crouched over me. His voice was gentle, encouraging, a lover's voice on a late morning. A suggestion, not a command. I could not move. I could not get up. When I would not—was it only that, only that I would not follow his suggestion?—he leaned to the side and felt, over his head, across the ledge where his razor and shaving cream sat. He brought back a knife. Unsheathed, it smiled at me, curving up in a grin. He took the hat from my mouth. "Tell me you love me," he said. Gently, I did. The end came anyway.

Those in favor of this read believe this is high quality and appropriate reading for youth. I ask each School Board member to take this passage this weekend to your Church, Synagogue, Temple etc and ask you Preacher, Pastor, Rabbi etc if you can stand before the congregation and read that exact excerpt, word for word, because it is everyone's First Amendment right to not only say it, but to also hear it. What will happen?

In conclusion, there are several key points to consider:

- The overall purpose of school education is to give students the skills to support himself or herself in a career and economically contribute to society. Nothing in the books reviewed can be applied to that statement.
- Public School Boards **MUST** be cognizant of and pay special attention to the risk associated with this type of material, based on past and current case law.
- The suggestion or accusation from outside influencers that the Beaufort County School District in removing these books is “unconstitutional” and “violates the First Amendment rights of students”, is clearly and unequivocally incorrect. As is briefed about previously, this has been settled over time and even in cases such as *Pico*, where those same groups utilize sound bites et al, because of the plurality ruling, is backfiring on them.
- Public Schools utilize Public Tax Dollars to build and operate, maintain etc. Just as the groups who complained and won court battles over Bibles in schools; 10 Commandments in schools; prayer in schools; have been successful because the public-school setting must be “for all”. Continuing to provide this vulgar material in our Public School system is unconscionable and not in favor of the “for all” mantra.

Chair Gwodz, School Board Members and Dr Rodriguez, I believe my appeal to be just; to be inclusive of **EVERYONE**, not just a select few. The only rational choice here is to do the following:

- “Stamped” should not be allowed in any school, sans the highest level of College Advanced Placement or University level English such as dual enrollment or in University accredited classes and only with parental signature of approval.
- “The Lovely Bones: could be considered applicable, albeit “possibly,” to Critical Thinking and Analytical Skills type of courses for the Advanced Placement student or college Preparatory University level English class.

I thank you all for taking the time to read my Appeal in its entirety and ask for your relief in proper ruling of overturning the committee’s review.

Respectfully;



Michael E Covert

