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Kentucky Board of Education Public Comment 06/08/22

Donnie Wilkerson, Jamestown, Kentucky 


I want to thank Chair Young, Commissioner Glass and all who stood in opposition to SB 138 and its as enacted manifestation in SB1 during the just past session of Kentucky's General Assembly. Although their efforts, mine and many others (including a gubernatorial veto) were to no avail, at least the voice of free thought and free speech was heard! Legislators who voted for this law voted against the very American principles the law purports to endorse. Their vote was a vote for systemic racism, the very concept the law's proponents pretend does not exist! This law sends a chilling message to educators across this great commonwealth . . . that message . . . be careful what you say, the thought police are watching. Yes, the original horrible bill was improved by the ultimately enacted committee substitute making what would have been a horrible law now just a very bad law. Like the unnecessary transphobic laws emerging from this session, SB 1 was legislation in search of a problem!

This law is an affront to the Bill of Rights and should enrage all who cherish academic freedom. Most of the documents mentioned in the law are great primary sources already in use in our classroom but beyond that, who decides what is "relevant" or "objective" or for that matter "controversial"? Will Emmett Till, Fannie Lou Hamer, the Rosewood

Massacre or Elie Wiesel now be considered “irrelevant” or too mature for my students? Who decides what’s “disrespectful” to “differing perspectives”? Must I now remove time honored scholarly works from my classroom shelves because they are written outside the “range of knowledge” of my students? Must I include diatribes from Holocaust deniers and those who would diminish the horrors of slavery? These “differing perspectives” are certainly prevalent!

The effect of this unnecessary legislation will be to ban more and more books and limit more and more classroom discussions. This is a great country but we must acknowledge that systemic racism is real and part of our history and if that makes folks a little uncomfortable, then so be it!

If the goal of this law is for students to experience free thought in the almost non-existent manner of their counterparts in Beijing, Moscow and Pyongyang, then I suppose it will have the intended outcome!

Under this law, teachers will be forced to approach any controversial subject with heightened scrutiny and restraint. District and school leaders will ere on the side of caution and will consequently severely restrict what teachers can say and do in the classroom. The easy route will be to just avoid these topics all together

Proponents of SB1 will tout its lack of an enforcement mechanism or penalty but will not so inform that violating this law is a punishable offense under KRS 522.030, official misconduct in the second degree. Teachers face fines and imprisonment under the provisions of this applicable statute! Over a hundred years ago down in Dayton, Tennessee, a fellow Kentuckian, John Thomas Scopes faced similar punishments as he dared violate the Butler Act to merely teach his

students proven scientific fact. Twenty-first century Kentucky teachers may now be forced to reprise his role. I stand ready and willing!

Legislation to restrict free speech and academic freedom should not be tolerated! And we must not allow ourselves to buy into accepting “the lesser of two evils”. As Dr. King so aptly put in 1964, “This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism.” Accepting some encroachment now just invites greater grabs of freedom in the future.

The Constitution’s first amendment guarantees that NO law abridging the freedom of speech shall be made and its fourteenth further ensures that NO state shall make any law which shall abridge that right! We must all stand firmly with the Constitution. I implore the Kentucky Board of Education and the Kentucky Department of Education to actively and aggressively pursue the repeal of this unconstitutional legislation!