

November 17, 2021

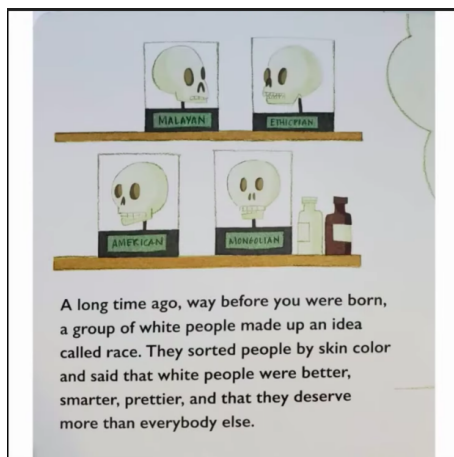
Dr. Tiffany Jacobson
Principal
Lincoln Early Childhood Center


Sent via email

Dear Ms. Jacobson:

I am an attorney at the Foundation Against Intolerance & Racism (FAIR), a nonpartisan organization dedicated to advancing civil rights and liberties rooted in our common humanity. We have more than 70 chapters nationwide and tens of thousands of members, including in New Jersey. Our website, fairforall.org, can give you a fuller sense of our identity and activities.


We write in response to an incident report regarding Lincoln Early Childhood Center that was submitted to FAIR on October 27 through our transparency website, fairtransparency.org. According to that report, teachers in several kindergarten classes read students the book entitled *Our Skin: A First Conversation About Race*. As the below excerpts show, *Our Skin* teaches that racism was invented by “white people” to justify genocide and slavery; only white people commit racist acts; white people seek to “get more power” and to be “treated better than everyone else”; and the racism of white people “is all around us” and “baked into the culture of the United States.” *Every* example of racism depicted in the book is an act performed by a white person. On the pages discussing “white people” and the evils of racism, the book shows illustrations of human skulls, white children laughing uproariously as they climb a golden staircase, and white children smugly and obviously donning crowns and other accoutrements while children of color look on with frowns.





RACE

You may have learned that "race is a social construct," but what does that really mean? And how do you explain it? Race is an idea that emerged in modern times, and that has no basis in biology or science. Racial categories were invented to advantage white people and to justify slavery, colonialism, and genocide. There are still many people who don't know or understand this history. To talk about race and racism with young children, it's important to start or continue the work of understanding it yourself so you are comfortable breaking it down. To learn more, visit our website for recommended books and articles.



EMPOWERMENT AND ACTIVISM

Young children learn more by watching what you do than from what you say about your beliefs. Racism is baked into the culture of the United States. In order to undo this system, we must actively participate in anti-racist efforts. There are so many different ways to get involved! Brainstorm ideas together, and start small in your community. For more ideas on ways to empower activism in young children, visit our website.

The report states that several parents objected to the book and at least one parent filed a formal request that the district review it. In response, the district formed a review committee but did not reveal the names of any committee members. This committee of undisclosed individuals recommended that *Our Skin* be retained in kindergarten.

As an advocate for pro-human antiracism, FAIR respects educators who undertake efforts to create positive change and greater fairness. However, instruction that attempts to remedy prejudice should not itself further prejudice or disregard the civil rights or individuality of others. The Equal Protection clause of the Fourteenth Amendment prohibits state entities (including public schools) from treating individuals differently or stereotyping them because of their skin color. *Shelley v. Kraemer*, 334 U.S. 1, 22 (1948); *Shaw v. Hunt*, 517 U.S. 899, 908 (1996). "Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality." *Rice v. Cayetano*, 528 U.S. 495, 517 (2000) (citing *Hirabayashi v. United States*, 320 U.S. 81, 100 (1943)). Such distinctions and stereotypes are presumptively invalid and will be upheld only upon extraordinary justification. *Personnel Admin. v. Feeney*, 442 U.S. 256, 272 (1979); see *Fisher v.*

University of Texas, 570 U.S. 297, 310 (2013) (courts will strictly scrutinize state programs that utilize racial classifications). Similarly, Title VI of the Civil Rights Act (which is derived from Equal Protection) prohibits federally funded programs from discriminating or creating hostile environments based on skin color. 42 U.S.C. § 2000d, d-4a(2); *Tolbert v. Queens College*, 242 F.3d 58, 69-70 (2d Cir. 2001)

Our Skin promotes racial essentialism, hostility, and division. It ties racism to white skin, claiming only those with white skin are capable of racist acts. It goes even further, teaching that virtually all (if not all) white individuals are racist, because their racism is “all around us” and “baked into” society. Ascribing personal traits based on skin color, as *Our Skin* does, is the very definition of racial essentialism: the idea that physical appearance indicates “more profound characteristics (whether positively or negatively construed) of personality, inclinations, ‘culture,’ heritage, cognitive abilities or ‘natural talents’ that are taken to be shared by all members of a racially defined group.” Anna Stubblefield, *Racial Identity & Non-Essentialism About Race*, Vol. 21 No. 3 (Florida State Univ. 1995). The potential negative consequences of essentialism are even more concerning given that the audience is five- and six-year old children. Children of that age are impressionable and trusting of their teachers, and have not yet developed the ability or knowledge enabling them to question and challenge adults. But even if they had fully developed critical abilities, the facts and circumstances in this case suggest a discriminatory intent behind reading *Our Skin*. As we understand it, the teachers offered no readings that questioned that book’s views. It was presented not as one opinion to consider and critique, but as *the truth* to be acknowledged and accepted. Inculcating in young children the belief that some are deficient, responsible, or lacking solely because of their skin color is hostile, discriminatory, and inconsistent with federal civil rights laws.

Including *Our Skin* in the curriculum also disregards New Jersey’s diversity and inclusion mandate. That law, which took effect in March, requires public school districts to incorporate instruction that “encourage[s] safe, welcoming, and inclusive environments for all students regardless of race.” N.J. Stat. Ann. § 18A:35-4.36a. The reading of books like *Our Skin* contradicts that directive. It is difficult to imagine an environment less welcoming and inclusive than a classroom in which some children are taught that they (and their families) possess a unique and exclusive capability for evil solely because of the color of their skin.

We urge Lincoln and all Westfield Public Schools to reconsider assigning *Our Skin* to young students with no contending perspectives. Parents and caregivers rely on and trust the school’s judgment to ensure that instruction on diversity and inclusivity promotes positive aspirations and a unified community.

We would like to give Lincoln and Westfield Public Schools an opportunity to respond. Please let us know within the next five business days if you intend to do so.

Very truly yours,

A handwritten signature in black ink, appearing to read "L. O'Neill". The signature is fluid and cursive, with the first letter of the last name being a large, stylized "N".

Leigh Ann O'Neill

Staff Attorney

Foundation Against Intolerance & Racism

cc: Dr. Raymond Gonzalez, Superintendent
Ms. Amy Root, President of the Board of Education