

**PUBLIC COUNSEL**

Mark Rosenbaum (SBN 59940)  
mrosenbaum@publiccounsel.org  
Amanda Mangaser Savage (SBN 325996)  
asavage@publiccounsel.org  
Mustafa Ishaq Filat (SBN 346089)  
ifilat@publiccounsel.org  
Kathryn Eidmann (SBN 268053)  
keidmann@publiccounsel.org  
610 S. Ardmore Avenue  
Los Angeles, California 90005  
Tel. 213.385.2977

**BALLARD SPAHR LLP**

Scott Humphreys (SBN 298021 )  
humphreys@ballardspahr.com  
Tel. 424.204.4373  
Elizabeth Schilken (SBN 241231 )  
schilkene@ballardspahr.com  
Tel. 424.204.4371  
2029 Century Park E, Suite 1400  
Los Angeles, CA 90067  
  
Maxwell S. Mishkin (D.C. Bar 1031356)  
(*pro hac vice forthcoming*)  
mishkinm@ballardspahr.com  
1909 K Street, NW, 12th Floor  
Washington, DC 20006-1157  
Tel. 202.508.1140

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF RIVERSIDE**

MAE M., through her guardian ad litem  
Anthony M.. SUSAN C., through her  
guardian ad litem Sabrina C.. GWEN S.,  
through their guardian ad litem Ramona S..  
CARSON L., through his guardian ad litem  
Nancy L.. DAVID P., through his guardian  
ad litem RACHEL P., VIOLET B., through  
her guardian ad litem INEZ B., STELLA B.,  
through her guardian ad litem INEZ B.,  
TEMECULA VALLEY EDUCATORS  
ASSOCIATION, AMY EYTCHISON,  
KATRINA MILES, JENNIFER SCHARF,  
and DAWN SIBBY,

Plaintiffs,

v.

JOSEPH KOMROSKY, JENNIFER  
WIERSMA, DANNY GONZALEZ,  
ALLISON BARCLAY, and STEVEN  
SCHWARTZ, in their official capacities as  
members of TEMECULA VALLEY  
UNIFIED SCHOOL DISTRICT BOARD OF  
TRUSTEES, TEMECULA VALLEY  
UNIFIED SCHOOL DISTRICT, and DOES  
1 – 100,

Defendants.

Case No.: CVSW2306224

**DECLARATION OF HENRY LOUIS  
GATES, JR., Ph.D. AS EXPERT  
WITNESS**

Judge: Honorable Irma Poole Asberry

Dept.: 5



1 entering its 10th season that uses genealogy, history, and genetics research to explore the stories  
2 of our ancestors.

3 4. I was a member of the first class of awardees granted a “genius grant” by the  
4 MacArthur Foundation in 1981. I was awarded the George Polk Award for Social Commentary  
5 in 1993, and my book *The Signifying Monkey: Towards a Theory of Afro-American Literary*  
6 *Criticism* won the American Book Award in 1989. I have been ranked among *Time* magazine’s  
7 25 most influential Americans, and I am the first Black American scholar to be awarded the  
8 National Humanities Medal. My portrait currently hangs in the National Portrait Gallery in  
9 Washington, D.C., as well as at Harvard University and the University of Cambridge. I have  
10 received 60 honorary degrees.

11 5. I am the former chair of the Pulitzer Prize board and a current member of the  
12 American Academy of Arts and Letters. I serve on the board of multiple educational and  
13 cultural institutions, including the New York Public Library, the NAACP Legal Defense Fund,  
14 the Aspen Institute, the Whitney Museum of American Art, and The Studio Museum in Harlem.

15 6. My scholarship focuses on literary history and theory of African and African  
16 American literature, culture, and tradition. In 1981, I rediscovered one of the earliest African  
17 American novels, *Our Nig* by Harriet E. Wilson, alongside thousands of other lost Black  
18 literary works. In 2001, I discovered the first novel written by a Black female author, *The*  
19 *Bondwoman’s Narrative*, by Hannah Crafts. I have catalogued the writing of African American  
20 periodicals throughout the 19th and 20th centuries through the Black Periodical Literature  
21 Project, and I have contributed to the trans-Atlantic Slave Trade Database’s catalog of over  
22 25,000 voyages through the Middle Passage. I have edited numerous critical anthologies of  
23 African American literature, including *Black Literature and Literary Theory*, *Bearing Witness:*  
24 *Selections from African American Autobiography in the Twentieth Century*, and *The Norton*  
25 *Anthology of African American Literature*. I am also a noted cultural critic, and I have  
26 published multiple works in *The New York Times*, *The New Yorker*, and *Time*.

27 7. Throughout my career, I have studied the roots of American white supremacy,  
28 structural racism, and systems of inequality. As early as 1992, I published *Loose Canons*, a

1 work focused on understanding the roots and solution to the growingly contentious “problem”  
2 of multiculturalism. In *Stony the Road*, I ask why and how racial oppression has persisted after  
3 emancipation, throughout the Jim Crow era, and into the present. My essay “Who’s Afraid of  
4 Black History?,” published in the *New York Times* this February, responds to rejection of AP  
5 African American History by political figures including Florida Governor Ron DeSantis. I have  
6 given talks and published essays on literary freedom as a human right; the essential position of  
7 African and African American texts in the mainstream canon; and the importance of studying  
8 the history, culture, and traditions of people who do not look like ourselves.

9 8. A copy of my curriculum vitae is attached as Exhibit A.

10 **Historical Narratives in Education**

11 9. School is one of the first places where society begins to shape our sense of what  
12 it means to be an American. It is in our schools that we learn how to become citizens, and that  
13 we encounter the first civics lessons that either reinforce or counter the myths and fables we  
14 gleaned at home.

15 10. The “Lost Cause” historians of the former Confederacy understood this. When  
16 Mildred Lewis Rutherford, the historian general of the United Daughters of the Confederacy,  
17 sought to redefine the Civil War not as a war to end the evils of slavery but as a “War Between  
18 the States” in which the South was blameless, she set her sights on the schoolroom. In 1920, she  
19 published a rubric for evaluating history and literature textbooks for their favorability to the  
20 South. Works deemed “unjust to the South” were consigned to the dustbin. Rutherford and her  
21 peers formed the ideological engine of Redemption, the movement that followed the abolition  
22 of slavery and rolled back America’s first, brief foray into interracial democracy with  
23 systematic terrorism.

24 11. Temecula Board members likewise understand the role of public schools in  
25 transmitting narratives about our nation’s history to the next generation. They deliberately  
26 deploy the apparatus of the state in service of their ideology, limiting what teachers may teach;  
27 what students may read; and what textbooks, library books, and coursework may be offered.  
28 For example, by prohibiting discussion of “the oppressor class or the oppressed class because of

1 race,” they have excised from Temecula’s curriculum the violence of enslavement,  
2 Redemption, and Jim Crow. And they have marshaled the misguided anger of parents and  
3 community members in service of their extreme political agenda.

#### 4 **The Cost of Denying American History**

5 12. Proponents of Resolution 21 wrongly assert that teaching our nation’s history  
6 sows division. This reflects a profound misunderstanding of the importance of historical study.  
7 The writer James Baldwin once insisted, “To accept one’s past – one’s history – is not the same  
8 as drowning with it; it is learning how to use it.”<sup>1</sup>

9 13. By educating students in history, we transmit the story of this country to the next  
10 generation. We weave together the many strands that make up American history: the narrative  
11 of African Americans who arrived enslaved; the immigrant narratives of peoples from Latin  
12 America, Asia, Africa, and Europe; and the narratives of Native American/Indigenous  
13 Americans who have faced forcible removal and genocide. There is so much potential for the  
14 American experience to be recounted in its fullness. But because Resolution 21’s proponents  
15 cannot accept their own history, they seek to deny this generation of students access to theirs.

16 14. Countering philosophers who denied the very existence of Black history, Black  
17 thinkers over the centuries have painstakingly documented their experiences. In the 1880s,  
18 George Washington Williams published the *History of the Negro Race in America from 1619 to*  
19 *1880*,<sup>2</sup> in part motivated by a desire “to call the attention to the absurd charge that the Negro  
20 does not belong to the human family.”<sup>3</sup> Black scholars, activists, and politicians have built a  
21 field—African American Studies—that is as varied and diverse as the complexions of the  
22 people who have identified, or been identified, as its members. Far from an ideology, African  
23 American Studies is history. It is humanity.

24 15. Resolution 21 erases the histories—and the humanity—of students of color.  
25 Where once the historians of the former confederacy banned textbooks for their critique of the

---

27 <sup>1</sup> Baldwin, J. (Nov. 17, 1962). Letter from a Region in My Mind. *The New Yorker*.

28 <sup>2</sup> Williams, G.W. (1885). *History of the Negro Race in America from 1619 to 1880*.  
New York, NY: G. P. Putnam’s Sons.

<sup>3</sup> *Id.* at 1.

1 institution of slavery, today, the Temecula Board is censoring curriculum that confronts  
2 historical and present-day racial inequalities. Under the guise of protecting white students, the  
3 Board condemns the lived realities of students of color as a controversial ideology.

4 16. In my decades teaching African American history, I have found that exposure to  
5 the multiplicity of Black perspectives forces students to critique stereotypes and canards about  
6 who Black Americans are as a people. Students introduced to a wide range of voices learn to  
7 engage across differences of opinion, to understand diversity within difference, and to reflect on  
8 complex topics from more than one angle.

9 17. In the words of historian Carter G. Woodson: “If you can control a man’s  
10 thinking, you do not have to worry about his action.”<sup>4</sup> Only by teaching students the full  
11 spectrum of American history can we give them the tools they need to imagine—and  
12 actualize— a better world.

13 I declare under penalty of perjury of the laws of the State of California and the  
14 Commonwealth of Massachusetts that the foregoing is true and correct.

15 Executed this November 14, 2023 in Cambridge, Massachusetts.

16 *Henry Louis Gates, Jr.*

17 \_\_\_\_\_  
18 Henry Louis Gates, Jr.  
19 *Declarant*

20  
21  
22  
23  
24  
25  
26  
27  
28 \_\_\_\_\_  
29 <sup>4</sup> Woodson, C.G. (1933). *The Mis-Education of the Negro* 84-85. Washington, D.C.: The  
30 Associated Publishers