

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

E.K. and S.K., minors, by and through their parent and next friend LINDSEY KEELEY; O.H., S.H., and H.H., minors, by and through their parent and next friend, JESSICA HENNINGER; E.G., a minor, by and through his parent and next friend MEGAN JEBELES; E.Y. and C.Y. minors, by and through their parent and next friend ANNA YOUNG; L.K., L.K., and L.K., minors, by and through their parent and next friend ANNA KENKEL; and M.T., a minor, by and through her parent NATALIE TOLLEY,

Case No.

Plaintiffs,

v.

DEPARTMENT OF DEFENSE EDUCATION ACTIVITY; DR. BETH SCHIAVINO-NARVAEZ, in her official capacity as Director of the Department of Defense Education Activity; and PETER BRIAN HEGSETH, in his official capacity as Secretary of Defense,

Defendants.

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
INTRODUCTION**

1. The Department of Defense Education Activity (“DoDEA”) is quarantining library books and whitewashing curricula in its civilian schools. Right now, DoDEA is scrubbing references to race and gender from its libraries and lessons with no regard to how canonical, award-winning, or age-appropriate the material might be.

2. This system-wide censorship is explicitly taking place to comply with Presidential Executive Orders (“EOs”) 14168, 14185, and 14190, which ban “gender ideology” and “divisive concepts,” among other viewpoints.

3. DoDEA’s book and curricular removals violate students’ First Amendment right to receive information. While the government has broad discretion to populate public school libraries and create curricula, the First Amendment imposes guardrails to ensure *removals* are justified. *See Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 870 (1982) (plurality opinion.) Public school districts cannot suppress educationally valuable books and materials about race and gender in public schools simply because a new presidential administration finds certain viewpoints on those topics to be politically incorrect.

4. Plaintiffs are twelve students from six families currently attending DoDEA-operated schools in grades ranging from pre-kindergarten to high school, within the United States and around the world. Plaintiffs value having access to a wide variety of books in their school libraries and expect teachers to convey information accurately, comprehensively, and according to their expertise. Through its censorship, DoDEA is prohibiting its educators from meeting Plaintiffs’ expectations.

5. Plaintiffs are irreparably harmed by not having access to library books about race and gender, indisputably important topics in modern society. Plaintiffs are also irreparably harmed by the removal of race, gender, and even health curricula by DoDEA to comply with EOs 14168, 14185, and 14190. Beyond what has been explicitly prohibited via DoDEA directive, students cannot be sure what their teachers are withholding out of fear of noncompliance.

6. Plaintiffs bring this First Amendment lawsuit to challenge the Department of Defense's ongoing and unconstitutional removal of books from their school libraries and suppression of topics and educational materials in their curricula.

JURISDICTION AND VENUE

7. This Court has subject-matter jurisdiction under the First Amendment to the U.S. Constitution and 28 U.S.C. § 1331.

8. This Court has personal jurisdiction over federal officers sued in their official capacity for declaratory and injunctive relief. *See* 5 U.S.C. § 702; *Joint Anti-Fascist Refugee Comm. v. McGrath*, 341 U.S. 123, 140 (1951) (citing *Larson v. Domestic and Foreign Commerce Corp.*, 337 U.S. 682, 701-702 (1949)).

9. Venue is proper in the Eastern District of Virginia pursuant to 28 U.S.C. §§ 1391(b) and (e) because at least one official-capacity Defendant resides here, and because a substantial part of the events giving rise to Plaintiffs' claims occurred here.

PARTIES

A. Plaintiffs

10. Plaintiffs E.K. and S.K., by and through their parent and next friend Lindsey Keeley, are minor dependents of an active-duty military servicemember. They attend Crossroads Elementary School ("Crossroads ES") in Quantico, Virginia, a school operated by DoDEA. They are currently in first and fourth grades, respectively.

11. Plaintiffs O.H., S.H., and H.H., by and through their parent and next friend Jessica Henninger, are minor dependents of an active-duty military servicemember. All three students are currently enrolled in and attend Barsanti Elementary School ("Barsanti ES") in Fort Campbell, Kentucky, a school operated by DoDEA. They are currently in fourth grade, kindergarten, and pre-kindergarten, respectively.

12. Plaintiff E.G., by and through their parent and next friend Megan Jebeles, is a minor dependent of an active-duty military servicemember. Plaintiff E.G. is currently enrolled in and attends Barsanti ES in Fort Campbell, Kentucky, a school operated by DoDEA. E.G. is currently in fourth grade.

13. Plaintiffs C.Y. and E.Y., by and through their parent and next friend Anna Young, are minor dependents of an active-duty military servicemember. They attend Aviano Middle-High School in Aviano, Italy, a school operated by DoDEA. They are currently in eleventh and ninth grades, respectively.

14. Plaintiffs L.K. ("L.K. 1"), L.K. ("L.K. 2"), and L.K. ("L.K. 3"), by and through their parent and next friend Anna Kenkel, are minor dependents of an active-duty military servicemember. L.K. 1 and L.K. 2 attend Sollars Elementary while L.K. 3 attends Edgren Middle High School. Both are DoDEA schools located on the Misawa Air Base in Japan. They are currently in fourth, sixth, and eighth grades, respectively.

15. Plaintiff M.T., by and through their parent and next friend Natalie Tolley, is a minor dependent of an active-duty military servicemember. Plaintiff M.T. is currently enrolled and attends Aviano Middle-High School in Aviano, Italy, a school operated by DoDEA. M.T. is currently in eleventh grade.

B. Defendants

16. Defendant DoDEA is a Department of Defense field activity responsible for, *inter alia*, planning, directing, coordinating, and managing federally-funded pre-kindergarten to twelfth grade ("Pre-K-12") schools. Its principal office and place of business is located at 4800 Mark Center Drive, Alexandria, Virginia 22350-1400.

17. Defendant Dr. Beth Schiavino-Narvaez is Director of DoDEA. In her official capacity, Dr. Schiavino-Narvaez is vested with oversight authority over all Defense Department

Pre-K-12 schools, both domestically and internationally, including those attended by Plaintiffs. Dr. Schiavino-Narvaez's principal office and place of business is located at 4800 Mark Center Drive, Alexandria, Virginia 22350-1400.

18. Defendant Peter Brian Hegseth is the United States Secretary of Defense. The Secretary of Defense's duties include control over and administration of DoDEA. In his official capacity, Secretary Hegseth's principal office and place of business is located at 1000 Defense Pentagon, Washington, D.C. 20301-1000.

FACTUAL BACKGROUND

A. DoDEA Provides a Public School Education to Military Families Around the World

19. DoDEA principally provides pre-kindergarten, elementary, and secondary educational opportunities to dependents of military personnel. DoDEA also educates dependents of civilian employees of the Department of Defense. Worldwide, DoDEA provides pre-kindergarten, elementary, and secondary education to approximately 67,000 children annually in 161 accredited schools. Those schools are divided among 9 districts located in 11 foreign countries, 7 states, Guam, and Puerto Rico.

20. DoDEA is a civilian agency within the Department of Defense that operates like any other public school district, except that it is run by the federal government, and it is not geographically contiguous.

21. By statute, DoDEA was created to provide appropriate educational opportunities for dependents of military personnel. 10 U.S.C. § 2164(2)(1)(B). DoDEA is a Department of Defense field activity, *i.e.*, an "organizational entity . . . established by the Secretary of Defense . . . to perform a supply or service activity common to more than one military department; and that

is designated by the Secretary of Defense as a Department of Defense Field Activity.” 10 U.S.C. § 101(a)(12)(A)-(B).

22. Internationally, the Secretary’s authority for establishing a Department of Defense school system is conferred by federal statute. For dependents of military servicemembers stationed abroad, the Secretary *must* “establish and operate a program . . . to provide a free public education through secondary school.” 20 U.S.C. § 921(a).

23. Domestically, the Secretary of Defense’s education authorization is discretionary. The Secretary “*may* enter into arrangements to provide for the elementary and secondary education” of military dependents in the United States if the Secretary determines that “appropriate educational programs are not available through a local educational agency.” 10 U.S.C. § 2164(a)(1) (emphasis added).

24. DoDEA is responsible for planning, directing, coordinating, and managing each of the DoDEA schools attended by Plaintiffs.

B. President Donald Trump Issues Multiple Executive Orders Requiring the Department of Defense to Remove References to Race and Gender

25. On January 20, 2025, the President of the United States issued EO 14168 titled *Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*.¹ EO 14168, among other things, directs federal agencies, including the Department of Defense, to “remove all statements, policies, regulations, forms, communications, or other internal and external messages that promote or otherwise inculcate gender ideology,” and “cease issuing such statements, policies, regulations, forms, communications or other messages.” *Id.* at § 3(e).

¹ Ex. 1, Exec. Order No. 14,168, 90 Fed. Reg. 8615, *Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government* (Jan. 20, 2025).

26. One week later, on January 27, 2025, the President issued EO 14185 titled Restoring America's Fighting Force.² That EO directs:

The Department of Defense and the Armed Forces, including any educational institution operated or controlled thereby, are prohibited from promoting, advancing, or otherwise inculcating the following un-American, divisive, discriminatory, radical, extremist, and irrational theories: (i) "divisive concepts," as defined in section 3(c) of this order, and "race or sex stereotyping," or "race or sex scapegoating" as both terms are defined in section 2 of Executive Order 13950, as amended; (ii) that America's founding documents are racist or sexist; and (iii) "gender ideology," as defined in section 3(b) of this order.

Id. at § 6.

27. On January 29, 2025, the President issued EO 14190 titled Ending Radical Indoctrination in K-12 Schooling.³ The President directs, *inter alia*, that within ninety (90) days, agencies "shall provide an Ending Indoctrination Strategy to the President, through the Assistant to the President for Domestic Policy, containing recommendations and a plan for: (i) eliminating Federal funding or support for illegal and discriminatory treatment and indoctrination in K-12 schools, including based on gender ideology and discriminatory equity ideology." *Id.* at § 3.

28. Following the issuance of the above EOs, on March 4, 2025, the President of the United States addressed a Joint Session of Congress, making clear his ideological objectives. In his address, the President said:⁴

[W]e are getting wokeness out of our schools and out of our military and it's already out and it's out of our society, we don't want it. Wokeness is trouble, wokeness is bad, it's gone. It's gone. And we feel so much better for it, don't we? Don't we feel better? *Id.*

² Ex. 2, Exec. Order No. 14,185, 90 Fed. Reg. 8763, *Restoring America's Fighting Force* (Jan. 27, 2025).

³ Ex. 3, Exec. Order No. 14,190, 90 Fed. Reg. 8853, *Ending Radical Indoctrination in K-12 Schooling* (Jan. 29, 2025).

⁴ DONALD TRUMP, President of the United States, Address Before a Joint Session of Congress (Mar. 4, 2025), (transcript available in *The New York Times*, Mar. 4, 2025, <https://www.nytimes.com/2025/03/04/us/politics/transcript-trump-speech-congress.html> (last visited Apr. 4, 2025)).

29. Upon information and belief, the President’s references to “wokeness” relate directly to “gender ideology” and “divisive concepts” as described in the EOs.

30. The collective effect of these EOs and presidential pronouncements has been to require federal agencies, including the Department of Defense and its civilian DoDEA field activity, to censor references to slavery, civil rights, race, ethnicity, immigration, diversity, sexual orientation, and gender identity.

31. The Department of Defense and DoDEA have already taken concrete steps to implement the President’s EOs and directives.

C. The Department of Defense and DoDEA “Quarantines” Books from Libraries and Classrooms Based on the Books’ Content About Race and Gender

32. On February 5, 2025, Lori Pickel, Acting Chief Academic Officer for DoDEA, circulated a memorandum to DoDEA educators, administrators, and staff requiring schools to review their libraries and remove certain books from circulation. The memorandum stated, “[i]n light of the recent Executive Orders . . . Information Center books potentially related to gender ideology or discriminatory equity ideology topics . . . will be relocated to the professional collection for evaluation.”⁵

33. Two days later, DoDEA Europe issued a memorandum to administrators and school-level employees stating, “Information Specialists must ensure books potentially related to gender ideology or discriminatory equity ideology are removed from the student section of the Information Center and placed in the professional collection.”⁶

⁵ Ex. 4, Memorandum from Lori Pickel, DoDEA Acting Chief Academic Officer, to DoDEA administrators, educators, and staff (Feb. 5, 2025).

⁶ Ex. 5, Letter from Charles Kelker, DoDEA Europe Chief of Staff, to DoDEA Europe Administrators and School Level Employees (Feb. 7, 2025).

34. On February 10, 2025, DoDEA sent a similar letter to sponsors, parents, and guardians of DoDEA students stating that, in compliance with recent EOs, DoDEA staff had reviewed “books potentially related to gender ideology or discriminatory equity ideology topics.” The letter further stated that “books identified for review will be relocated to the professional collection for evaluation with access limited to professional staff.”⁷

35. On February 12, C.Y. and E.Y.’s parent requested a copy of the materials selected for review/removal at Aviano Middle-High School. The school principal responded that items were under operational review and that no books had yet been removed from the school. C.Y. and E.Y.’s parent followed-up but was never provided with a list of materials relocated for review.

36. Despite this lack of transparency, Plaintiffs have been able to confirm that books have in fact been removed from DoDEA school libraries.

37. On March 7, 2025, DoDEA Europe issued a letter to parents and students regarding actions DoDEA Europe had taken in compliance with the recent EOs. The letter stated in part that some library materials from DoDEA Europe schools were “temporarily relocated to the professional collection, where they will be reviewed by [] staff, region and Headquarters. Access to these materials is currently limited to professional staff.”⁸

38. Elsewhere in Europe, school administrators also took steps to implement the President’s EOs and the Department of Defense’s book-removal guidance. Shawn Knudsen, Principal of DoDEA Wiesbaden Middle School in Wiesbaden, Germany, sent an email in February to teachers stating, “[n]o books will be able to be checked out from the library next week as Ms.

⁷ Ex. 6, Letter from Beth Schiavino-Narvaez, DoDEA Director, to DoDEA Sponsors, Parents, and Guardians (Feb. 10, 2025).

⁸ Ex. 7, Letter from Michelle Howard-Brahoney, DoDEA Europe Director for Student Excellence, to Parents and Students (Mar. 7, 2025).

Lindsay goes through and removes from circulation any books that are related to gender ideology or discriminatory equity ideology topics...” The email also instructed teachers to remove “[a]ny book which relates to gender ideology or discriminatory equity ideology” from their classrooms.⁹

39. In response to media inquiries, DoDEA Communications Chief Will Griffin has echoed the language of the EOs confirming that DoDEA is ending “radical indoctrination” of children by evaluating “books potentially related to gender ideology or discriminatory equity ideology” for removal.¹⁰

40. At a DoDEA high school in Germany, school librarians received an online training to facilitate book removal. The training instructed librarians to scan their collection for books referencing “gender ideology” or “gender identity” to identify necessary quarantines.

41. The training in Germany further stated that *Both Sides Now* by Peyton Thomas must be quarantined just because it “refers to transgender.”¹¹ *Both Sides Now* is a fictional novel about a transgender teen participating in a national debate competition, which received the 2022 International Literacy Association Award for Young Adult Fiction.

The screenshot shows a library catalog entry for the book "Both sides now" by Peyton Thomas (2021). The entry includes a book cover, a summary, and subject headings. The summary and subject headings mention "transgender".

Both sides now
Peyton Thomas (2021)
Macmillan/McMillan

High school senior Finch, a transgender teen, has his sights on winning the National Speech and Debate tournament with his teammates in order to get a full-ride scholarship to Georgetown and to work toward becoming the first transgender congressman. However, when the debate topic "transgender rights" is released, he is determined to realize he may have to argue against his identity. Complicating matters are his feelings for his gay teammate Derek and the fact that he hasn't been accepted into any college yet. As Finch makes his way through his senior year, he gains a greater understanding of who he is and what he will fight for.

WHERE IS IT?
eBook or audiobook available - click the button under the large cover image on the left.
Website available - click the button under the large cover image on the left.

ITEM DETAILS

Authors: Thomas, Peyton
Web Address: <https://libcat.maricopa.com/9081779>
Description: 1 online resource (200 pages)
Notes: Made of accessible World Wide Web; description based on book record.
ISBN: 9781250226214

Summary: High school senior Finch, a transgender teen, has his sights on winning the National Speech and Debate tournament with his teammates in order to get a full-ride scholarship to Georgetown and to work toward becoming the first transgender congressman. However, when the debate topic "transgender rights" is released, he is determined to realize he may have to argue against his identity. Complicating matters are his feelings for his gay teammate Derek and the fact that he hasn't been accepted into any college yet. As Finch makes his way through his senior year, he gains a greater understanding of who he is and what he will fight for.

Imprint: New York : Dell Books, (2021)
Genres: Electronic books
Drama fiction
Drama and relating - Fiction
Drama fiction
Drama fiction
LGBTQ literature
Love - Fiction
Romance fiction
Transgender people - Fiction
Transgender people - Juvenile fiction

In the summary and subject heading, this text refers to transgender. Based on the executive order, this book must be moved to the professional collection.

⁹ Ex. 8, Email from Shawn Knudsen to Wiesbaden MS All Staff (Feb. 7, 2025).

¹⁰ Dan Lamothe, *Trump DEI crackdown targets students' book access in Defense Department schools*, WASHINGTON POST (Feb. 7, 2025), https://www.washingtonpost.com/national-security/2025/02/07/defense-department-hegseth-books-schools/?utm_source=chatgpt.com.

¹¹ Ex. 9, Information Centers and Executive Orders, Examples, https://rise.articulate.com/share/Co7fkmnPI6eyrWDe00At1Votq7bwAhcH#/lessons/fsi4yBCKusWPX_Tolm08NJhL4nTRoQke.

42. Media reports have also provided information about DoDEA's book quarantines. On February 13, 2025, news outlet The Guardian reported that it had obtained a list of books selected by DoDEA schools for review in compliance with the President's EOs. This list included *No Truth Without Ruth*, a picture book biography of the late Justice Ruth Bader Ginsburg, written by Kathleen Krull, winner of the 2011 Children's Book Guild Nonfiction Award. The Guardian's list also includes *New York Times* bestseller *Freckleface Strawberry*, a picture book about "learning to love the skin [you're] in" written by Oscar award-winning actress Julianne Moore.¹²

43. National news outlet USA Today reported that a student at DoDEA Ramstein High School in Germany stated that classic books such as *To Kill a Mockingbird* by Harper Lee, a book about the trial of a Black man falsely accused of a crime, and *Fahrenheit 451* by Ray Bradbury, a reflection on book-burning and censorship, disappeared from the school pending review for diversity concepts and language.¹³ *To Kill a Mockingbird* received the Pulitzer Prize for Fiction in 1961. *Fahrenheit 451* has won numerous literary awards and is frequently included in high school and college curricula.

44. In Kentucky and Tennessee, the local news outlet Clarksville Now reported that librarians at elementary schools in Fort Campbell (a military installation located along the Kentucky-Tennessee border near Clarksville, Tennessee) believed they must remove "any books that mention slavery, the civil rights movement or the treatment of Native Americans." At one

¹² Ed Pilkington, *Pentagon schools suspend library books for 'compliance review' under Trump orders*, The Guardian (Feb. 13, 2025), <https://www.theguardian.com/us-news/2025/feb/13/pentagon-schools-closed-libraries-trump>; Karina Tsui and Andy Rose, *Julianne Moore says her book about embracing differences was removed from Pentagon-run schools*, CNN (Feb. 17, 2025, 10:08 AM), <https://www.cnn.com/2025/02/17/entertainment/julianne-moore-book-removed/index.html>.

¹³ Cybele Mayes-Osterman, *Students at US military high school in Germany protest Hegseth's anti-DEI push*, USA Today (Mar. 6, 2025 12:02 AM), <https://www.usatoday.com/story/news/world/2025/03/06/military-high-school-hegseth-protest/81162900007/>.

elementary school at the military installation, efforts to comply with the EOs have “amounted to hundreds of books in several stacks, filling rolling carts” for removal.¹⁴

45. The military news outlet Task & Purpose published a list of books pulled from a DoDEA high school library in Europe. The list, compiled by a student at the high school, included *New York Times* bestseller *The Kite Runner* by Khaled Hosseini, a novel set against the backdrop of Afghanistan’s turbulent history under Soviet and Taliban rule. The list also included *Well-Read Black Girl: Finding Our Stories, Discovering Ourselves* by Glory Edim, an anthology of essays from prominent Black women writers reflecting on the impact of literature on their lives.¹⁵ Even the U.S. Vice President was not immune from censorship under the EOs: the list further targeted *Hillbilly Elegy: A Memoir of a Family and Culture in Crisis* by J.D. Vance, a memoir detailing the struggles of working-class white Americans.

46. At a DoDEA elementary school in Italy, twenty-five books were removed from the library in response to the EOs, including children’s books *Julian is a Mermaid* by Jessica Love and *The Antiracist Kid* by Tiffany Jewell. *Julian is a Mermaid*, a picture book about a boy who makes a mermaid costume and participates in a parade, received the Stonewall Book Award in 2019. *The Antiracist Kid* is an illustrated book about recognizing and responding to injustice.

47. At a DoDEA school in Japan, librarians were asked to pull all books with titles related to gender identity, transgender, or nonbinary topics, pursuant to EO 14168. As a result, sixty-one books were quarantined at the school, including *A Queer History of the United States* by

¹⁴ Chris Smith, *Books mentioning slavery, civil rights removed from shelves at Fort Campbell schools*, CLARKSVILLE NOW (Feb. 13, 2025 10:53 AM), <https://clarksvillenow.com/local/books-mentioning-slavery-civil-rights-removed-from-shelves-at-fort-campbell-schools/>.

¹⁵ Patty Nieberg, *‘Hillbilly Elegy,’ ‘Kite Runner’ among books being reviewed over ‘ideology’ concerns at on-base military schools*, TASK & PURPOSE (Feb. 14, 2025 3:13 PM), <https://taskandpurpose.com/culture/dod-schools-book-removal/>.

Michael Bronski and an Advanced Placement (“AP”) psychology examination preparation book, *AP Psychology Premium. A Queer History of the United States* won the 2012 Stonewall Book Award and the 2012 Lambda Literary Award for LGBT Nonfiction.

48. These examples of removed books are illustrative and not exhaustive. DoDEA schools are presently evaluating and removing books around the world to implement the President’s EOs and guidance received from Department of Defense and DoDEA officials. DoDEA schools are providing varying levels of transparency about the specific books affected.

49. Plaintiffs reasonably fear that more books at more DoDEA schools will be reviewed and removed pursuant to the EOs.

D. DoDEA Removes Age-Appropriate School Curricula Based on Content About Race and Gender

50. Shortly after the President’s EOs, on January 29, 2025, Secretary Hegseth issued a memorandum titled “Restoring America’s Fighting Force.” This memorandum established a task force to implement the EO and states, “[n]o element within DoD will provide instruction on Critical Race Theory (CRT), DEI, or gender ideology as part of a curriculum or for purposes of workforce training.”¹⁶

51. Within a week of Secretary Hegseth’s memorandum, Lori Pickel, Acting Chief Academic Officer for DoDEA, instructed educators to cease using curricular materials “potentially related to gender ideology or discriminatory equity ideology topics.” The Acting Chief Academic Officer’s memorandum identified specific instructional resources that DoDEA educators must

¹⁶ Ex. 10, Memorandum from Pete Hegseth, Secretary of Defense, U.S. Dep’t of Defense, to Senior Pentagon Leadership, Commanders of the Combatant Commands, Defense Agency & DOD Field Activity Directors (Jan. 29, 2025).

cease using immediately.¹⁷ The list includes a historically accurate biography of Robert Cashier, a civil war veteran who was born female but enlisted and fought valiantly as a man in the Union Army. It also includes health education for middle school, and units on gender and sexuality in AP Psychology courses.¹⁸ The full list of prohibited curriculum materials is reflected below:

The following list includes selected instructional resources that should not be used by DoDEA educators during the operational compliance review.

AP Psychology			
Company	Resource/Grade	Course	Do not use this resource
College Board	AP Psychology	AP Psychology	Please exclude “gender identity” from learning objective 3.6.A.8 and excluding Module 32 Gender and Sex
McGraw Hill	AP Psychology	AP Psychology	Chapter 11 – Sexuality and Gender
Elementary Social Studies			
Company	Resource/Grade	Course	Do not use this resource
TCI	Biographies K-5	Elementary SS Grade K-5	Albert Cashier, Civil War Veteran
TCI	G5 Western Hemisphere: Lesson 7: Migration to the United States Impact on People and Places	Elementary SS Grade 5	Section 4 Reading - How Does Immigration Affect the U.S.?
TCI	G4 Lesson 3: The Peopling of the United States	Elementary SS Grade 4	Explore Reading - A Nation of Immigrants
Secondary ELA			
Company	Resource/Grade	Course	Do not use this resource
HMH	READ 180	Strategic Literacy 6-12	Independent Reading Novel - Becoming Nicole
Secondary Health			
Company	Resource/Grade	Course	Do not use this resource
G-W	6 th through 8 th grade Health	Comprehensive Health Skills for Middle School	Comprehensive Health Skills for Middle School Chapter 18.1
Secondary Social Studies			
Company	Resource/Grade	Course	Do not use this resource
HMH ED	Grade 6: My Friend in Learning	6 th Grade Eastern World	My Friend in Learning Professional Learning. New for You Seasonal Bundle: Black History Month 2025

¹⁷ Ex. 11, Memorandum from Lori Pickel, DoDEA Acting Chief Academic Officer, to DoDEA Administrators and School Level Employees (Feb. 5, 2025).

¹⁸ *Id.* at Attachment A.

52. C.Y. and E.Y.'s parent received a community email from the DoDEA Chief Academic Officer about upcoming changes to the AP Psychology course, specifically the removal of Module 32 on Gender and Sex.

53. A few weeks later, on March 3, 2025, DoDEA parents with children in AP Psychology received an email confirming changes to course content. The email states, “[f]or the remainder of school year 2024-2025, DoDEA teachers will not use class time to teach, discuss, or cover AP Psychology Module 32 on Gender and Sex, including ‘gender identity’ in objective 3.6.A.8. or any other related content.”¹⁹ Plaintiffs C.Y. and M.T. are enrolled in the affected AP Psychology course.

54. Within a week, DoDEA Europe sent a letter to parents stating that a “small number” of curricula resources were identified for further review to ensure their compliance with EO 14190.²⁰

55. DoDEA has also required the removal of a substantial portion of curricula from its health education courses. This includes the removal of Chapter 18.1, titled “What is Sexuality?” from sixth through eighth grade health classes. Upon information and belief, chapter 18.1 does not advocate for any particular sexuality or gender identity. It simply defines terms, accurately and without bias, that are commonly used in everyday conversation.

56. Upon information and belief, additional chapters have been removed from DoDEA health education textbooks, including chapters titled “Communicable Diseases: Sexually Transmitted Diseases,” “Unwanted Sexual Activity: Sexual Harassment,” “Human Reproductive System, Menstrual Cycle, and Fetal Development,” “Abuse and Neglect,” and “Adolescence and

¹⁹ Ex. 12, E-mail on Behalf of the DoDEA Chief Academic Officer, to DoDEA Parents (Mar. 3, 2025).

²⁰ Ex. 7, Letter from Michelle Howard-Brahaney, DoDEA Europe Director for Student Excellence, to Parents and Students (Mar. 7, 2025).

Puberty.” In order to comply with the EOs, DoDEA students are not learning about health, hygiene, biology, and abuse. These changes are causing irreparable harm to DoDEA students.

57. The curricular changes extend to cultural celebrations as well. On January 31, 2025, the Department of Defense released guidance titled, “Identity Months Dead at DoD.” The guidance states: “DoD Components [including DoDEA schools] and Military Departments will not use official resources, to include man-hours, to host celebrations or events related to cultural awareness months, including National African American/Black History Month, Women’s History Month, Asian American and Pacific Islander Heritage Month, Pride Month, National Hispanic Heritage Month, National Disability Employment Awareness Month, and National American Indian Heritage Month.”²¹ To implement the Department of Defense guidance, on February 24, 2025, DoDEA Chief of Staff Taylor York issued a letter stating: “[s]chools must cancel all planned special activities and non-instructional events related to former monthly cultural awareness month observances.”²² The memorandum continues, however, to allow celebrations for what it has termed “host national engagement.” The difference between a banned cultural awareness month activity and an allowed “host nation engagement” activity is unclear and amorphous. For example, the memorandum specifically bans Black History Month assemblies and Women’s History Month events but allows Guam History & Chamorro Heritage Day in Guam. This distinction is nonsensical, particularly because Guam is part of the United States and therefore not a “host nation.”

²¹ U.S. Dep’t of Defense, *Identity Months Dead at DOD* (Jan. 31, 2025), <https://www.defense.gov/News/Releases/Release/article/4050331/identity-months-dead-at-dod/>.

²² Ex. 13, Letter from Taylor York, DoDEA Civil Rights Analyst and Program Manager, to Jay M. Burcham, DoDEA Chief of Staff (Feb. 24, 2025).

58. Plaintiffs E.K. and S.K.'s school, Crossroads ES, as well as Plaintiffs O.H., S.H., H.H., and E.G.'s school, Barsanti ES, cancelled all Black History Month programming and removed curricula and library displays about Black people.

59. On February 13, 2025, news outlet Clarksville Now reported that schools in Fort Campbell "had to remove all bulletin boards that reference Black History Month and Black leaders such as Martin Luther King Jr., Harriet Tubman and Rosa Parks." The schools also cancelled curricula for Asian American and Pacific Islander Heritage Month.²³

60. Implementation of these curricular changes has expanded beyond banning the enumerated lessons and cultural events. For example, DoDEA high schools often offer "Yearbook" as a class for curriculum credit, designed to teach students writing, photography, editorial, and publishing skills. In response to the EOs, DoDEA has started scrutinizing school yearbooks for content related to gender. On February 13, 2025, DoDEA Civil Rights Analyst and Program Manager Taylor York wrote a letter to DoDEA Chief of Staff Jay Burcham regarding restrictions to DoDEA sponsored school yearbooks. The letter stated in part, "[s]tudent yearbooks are not to include any visual depictions, written content, or editorial choices that would directly or indirectly support the instruction, advancement, and/or promotion of 'gender ideology' and/or 'social transition.'"²⁴

61. These examples of removed lessons and cancelled cultural celebrations are illustrative and not exhaustive. DoDEA schools around the world are presently evaluating curricula and educational programming in order to implement the President's EOs and guidance

²³ Chris Smith, *Books mentioning slavery, civil rights removed from shelves at Fort Campbell schools*, CLARKSVILLE NOW (Feb. 13, 2025 10:53AM), <https://clarksvillenow.com/local/books-mentioning-slavery-civil-rights-removed-from-shelves-at-fort-campbell-schools/>.

²⁴ Ex. 14, Letter from Taylor York, DoDEA Civil Rights Analyst and Program Manager, to Jay Burcham, DoDEA Chief of Staff (Feb. 13, 2025).

received from Department of Defense and DoDEA officials, with varying levels of transparency about the specific educational programming being affected. Plaintiffs anticipate that in the near future, more curricula, courses, lessons, and educational programming at more DoDEA schools will be restricted based on their content purportedly referencing race and gender ideologies.

E. Students, Parents, and Educators Protest the Censorship of Educational Materials

62. Throughout February, March, and April 2025, DoDEA students around the world have protested the removal of books and suppression of references to diversity, race, sex, and gender from their schools and curricula. DoDEA students have staged walkouts, carrying signs with messages like: “Read Banned Books” and “All History Matters.”²⁵

63. “Most, if not all, of the students” at Aviano Middle-High School attended at least part of the planned protest on April 10, 2025, according to a Stars & Stripes report.²⁶ Similar protests against book quarantines and curricular changes took place at DoDEA schools around the world. Some Plaintiffs participated in and organized protests at their respective schools.

64. Ahead of the planned walkouts, some students were threatened with punishments in excess of “unexcused absences,” the appropriate response to a walkout during school hours.²⁷

²⁵ Jennifer H. Svan, *Hundreds of students demonstrate in support of diversity at four Defense Department schools overseas*, STARS AND STRIPES (Mar. 6, 2025), <https://www.stripes.com/theaters/europe/2025-03-06/hundreds-protest-dodea-schools-dei-policies-17056022.html>; Brian McElhiney, *DODEA students on Okinawa demonstrate in support of diversity*, STARS AND STRIPES (Mar. 10, 2025), https://www.stripes.com/theaters/asia_pacific/2025-03-10/dei-student-walkout-dodea-okinawa-17094043.html.

²⁶ David Choi, *DODEA students worldwide push back on DEI cuts with walkout demonstrations*, STARS AND STRIPES (Apr. 10, 2025), https://www.stripes.com/theaters/asia_pacific/2025-04-10/dodea-dei-student-protests-walkouts-17428249.html.

²⁷ Cybele Mayes-Osterman, *Military Schools Threaten Pro-DEI Student Protestors with Disciplinary Action*, USA TODAY (Apr. 10, 2025), <https://www.usatoday.com/story/news/politics/2025/04/10/military-schools-student-walkouts/83006129007/>.

Students who in fact engaged in walkouts on April 10, 2025, reportedly faced a variety of disciplinary measures.²⁸

65. Notwithstanding these notable protests, upon information and belief many DoDEA families hesitate to publicly complain or resist changes in their schools because they fear retaliation from their supervisors, other families on base, and non-military pressure groups.

F. Plaintiffs Have Suffered and Continue to Suffer Immediate and Irreparable Harm to their First Amendment Rights

66. All Plaintiffs are experiencing irreparable harms stemming from their reduced access to books, curricula, and educational information about race and gender in DoDEA schools.

67. Defendants are censoring age-appropriate and canonical books and curricula from DoDEA schools. By revoking students' access to books and curricula about race and gender for partisan, political reasons and without an educational justification, Defendants are violating students' First Amendment right to receive information.

68. Defendants' actions in banning books and scrubbing curricula do not stem from rational, age-appropriate, evidence-based concerns, but rather from animus. Defendants are pursuing an arbitrary "anti-wokeness" agenda aimed at the suppression of minority and dissenting viewpoints and experiences, to the detriment of tens of thousands of American students learning around the world.

69. Students' limited access to disfavored viewpoints will lead to a reduction in diversity of thought and critical thinking skills.

70. Book removals have affected every DoDEA school and upon information and belief every plaintiff has had their access to books restricted as a result of the EOs and DoDEA's

²⁸ *Id.*

compliance. Plaintiffs are harmed by the forced removal of books that their schools had deemed fit to include in the library collection. Reading and exploring a broad variety of ideas is essential to Plaintiffs education, but they are being inhibited without justification.

71. Plaintiffs C.Y. and M.T. are currently enrolled in AP Psychology so they are suffering direct harm as a result of changes to that course. They are both concerned about the ability to obtain Advanced Placement because they will be tested on content that is banned by DoDEA, specifically Module 32 on Gender and Sex. Plaintiffs C.Y. and M.T., as teenage girls, suffer especially acute harm by not learning about how gender and sex impact psychology. But the harm is not limited to girls enrolled in AP Psych. The changes to the course will also affect any other students, including E.Y., who are currently enrolled in DoDEA schools and have an interest in taking AP Psychology in the future.

72. Plaintiffs L.K. 2 and L.K. 3 are in 6th and 8th grades, respectively, and have suffered irreparable harm from having important information withheld from their health curriculum, as well as changes to independent reading and Black History Month materials. They are being denied access to information relevant to their physical wellbeing as well as information about the history of Black people in the United States.

73. Plaintiffs L.K. 1, S.K., O.H., and E.G. are all in 4th grade and have had curricular materials related to immigration removed. Learning about the migration of people into the United States is critical for Plaintiffs to understand themselves, their classmates, and the world around them. Plaintiffs are being denied access to information based on directives from the President despite their schools' previous determination that this lesson is educationally appropriate and valuable. Next year, their fifth grade-curriculum will be similarly affected by the removal of a lesson on the impact of immigration on the United States.

74. Plaintiffs E.K., S.H., and H.H., are younger students who have had less direct impact on their curriculum but their future interest in a quality DoDEA education has been severely impacted by the EOs and compliance directives.

75. Likewise, all Plaintiffs were and continue to be denied the right to learn about important Black leaders and activists and the history of Black people in the United States because Black History Month was canceled throughout DoDEA and library displays and curricula were removed from the school.

76. Regardless of Plaintiffs' racial and ethnic backgrounds, they are entitled to and deservingly expect to learn about all racial backgrounds that are embedded in American history. Because the EOs specifically target books based on race, Plaintiffs are being denied the right to receive a holistic education on foundational American history. Plaintiffs are also harmed in that they are denied access to information about targeted racial and cultural experiences, even if not necessarily their own. A well-rounded education does not exist without Black and Indigenous American historical figures like Rosa Parks and Martin Luther King Jr. The removal of books and lessons merely because of the racial background of American historical figures sets up all DoDEA students to be vastly behind their peers.

77. Similarly, DoDEA cancelled Women's History Month. The majority of Plaintiffs are girls. They expect and deserve to learn about women's history, women's struggles, women's determination, and women's impact on the world. But because Defendants' actions specifically target books and curricula that discuss gender, Plaintiffs are being denied the right to see themselves and their stories represented in their schools. Meanwhile, Plaintiffs who are boys are denied access to information and history about women that is relevant to everyone.

78. Compounding the injury of the removals, DoDEA has not been transparent about its censorship. Parents and teachers have asked for clarification and instructions from administrators and district superintendents about the implementation of the EOs and related guidelines. They have inquired about specific materials being removed from the library, the cessation of specific cultural celebrations, and whether other specific clubs and activities stand to be adversely affected. Some parents have filed Freedom of Information Act (“FOIA”) requests to obtain more detailed information. These efforts have been largely unsuccessful. Administrators have instead directed concerned parents to the DoDEA policy and the EOs. This has made it impossible for Plaintiffs’ parents to identify and fill the gaps in their children’s education caused by the EOs.

79. As a result of Defendants’ conduct, DoDEA school libraries have been (and will continue to be) diminished, resulting in students having access to a smaller universe of books. Upon information and belief, DoDEA schools are often the best source of age-appropriate English-language educational materials for American military students living abroad.

80. As books and curricula are removed from DoDEA schools, Plaintiffs and, upon information and belief, other DoDEA students are increasingly afraid to discuss race and gender in their classrooms, because they fear being silenced by teachers fearful of violating the EOs and DoDEA guidance.

81. Defendants’ actions are diminishing students’ right to receive information regarding their own identities and history. Defendants’ actions are also forcing students to study in censored classrooms, which has significantly impaired their ability to learn about an array of different communities and gain exposure to people with differing experiences and viewpoints.

82. Defendants have made clear that the process of reviewing and removing books and curricula is ongoing and system-wide in DoDEA schools. Without an injunction ordering Defendants to cease removing books and curricula about race and gender, DoDEA will continue to deprive students of access to an unknown number of books and ideas. The removal of books and curricula has already caused Plaintiffs irreparable injury and will continue to do so if not enjoined.

CLAIMS FOR RELIEF

FIRST CLAIM

**Violation of the First Amendment to the United States Constitution –
Right to Receive Information (Books)
(All Defendants)**

83. Plaintiffs re-allege and incorporate each and every allegation above.

84. The First Amendment provides in part that the government “shall make no law . . . abridging the freedom of speech.”

85. EOs 14168, 14185, and 14190, both on their face and as implemented by Defendants, violate the First Amendment because they prohibit books to promote a narrowly partisan, political, or racially biased agenda to the detriment of Plaintiffs. *See Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 870 (1982) (plurality opinion) (“*Pico*”).

86. The First Amendment protects both the right to speak and the right to receive information. Courts have recognized that students’ First Amendment rights extend into public schools, even if the school context might limit some aspects of those rights.

87. The First Amendment provides standards for evaluating library book access restrictions and curriculum removals. Plaintiffs’ right to receive information and ideas includes the right to access and read the books available in the school library, a non-curricular space for voluntary, self-led access to materials that is entitled to unique protection in the school

environment under the U.S. Constitution as recognized by the Supreme Court in *Pico*. Defendants have violated that right by removing library books for purely partisan, political reasons.

88. The library materials removed by Defendants have educational value and are educationally suitable for Plaintiffs and other students at DoDEA schools. Upon information and belief, there has been no assertion by DoDEA that any of the removed materials are obscene or otherwise unprotected by the First Amendment.

89. The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.

90. Plaintiffs are entitled to declaratory relief that EOs 14168, 14185, and 14190 are unconstitutional and unenforceable in that they require the removal and exclusion of materials from a school library based solely on their disfavored topics and viewpoints.

91. Plaintiffs are entitled to injunctive relief and request this Court enjoin Defendants from enforcing EOs 14168, 14185, and 14190 by removing and excluding materials from school libraries solely on the basis they contain references to race or gender. Plaintiffs further request that this Court order Defendants to restore any materials already removed from their respective library programs or classrooms to comply with EOs 14168, 14185, and 14190.

92. Plaintiffs are suffering irreparable injury and will continue to suffer real and immediate threat of irreparable injury as a direct and proximate result of the existence, operation, enforcement, and threat of enforcement of EOs 14168, 14185, and 14190 and DoDEA guidance. Plaintiffs have no plain, adequate, or speedy remedy at law.

SECOND CLAIM
Violation of the First Amendment to the United States Constitution –
Right to Receive Information (Curriculum)
(All Defendants)

93. Plaintiffs re-allege and incorporate each and every allegation above.

94. The First Amendment provides in part that the government “shall make no law . . . abridging the freedom of speech.”

95. EOs 14168, 14185, and 14190, on their face and as implemented by Defendants, violate the First Amendment because they ban curricular materials about specific concepts on the topics of race, gender, and sex, and impose restrictions on the ideas that students may be exposed to in public schools.

96. Government actions that impede the rights of students to receive information and ideas without legitimate pedagogical justification violate the First Amendment. *See Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 273 (1988).

97. The curricula materials removed by Defendants have educational value and are educationally suitable for Plaintiffs and other students at DoDEA schools. Upon information and belief, there has been no assertion by DoDEA that any of the removed materials are obscene or otherwise unprotected by the First Amendment.

98. The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.

99. Plaintiffs are entitled to declaratory relief that EOs 14168, 14185, and 14190 are unconstitutional and unenforceable in that they require the removal and exclusion of materials from their school curricula by executive fiat.

100. Plaintiffs are entitled to injunctive relief and request this Court enjoin Defendants from enforcing EOs 14168, 14185, and 14190 by removing and excluding materials from school curricula solely on the basis they contain certain content or viewpoints. Plaintiffs further request that this Court order Defendants to restore any materials already removed from their respective

school programs or curricula in implementing EOs 14168, 14185, and 14190 and DoDEA guidance.

101. Plaintiffs are suffering irreparable injury and will continue to suffer real and immediate threat of irreparable injury as a direct and proximate result of the existence, operation, enforcement, and threat of enforcement of EOs 14168, 14185, and 14190 and DoDEA guidance. Plaintiffs have no plain, adequate, or speedy remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request:

A. Declaratory judgment finding that Defendants have violated Plaintiffs' rights under the First Amendment to the United States Constitution;

B. Preliminary and permanent injunctive relief barring Defendants Dr. Schiavino-Narvaez and Secretary Hegseth, in their official capacities, from enforcing EOs 14168, 14185, and 14190 in DoDEA schools by directing the removal of books based on the governments' classifications of content and viewpoint as relating to "gender ideology" and "divisive concepts";

C. Preliminary and permanent injunctive relief barring Defendants Dr. Schiavino-Narvaez and Secretary Hegseth, in their official capacities, from enforcing EOs 14168, 14185, and 14190 in DoDEA schools by directing the removal of curricula based on the governments' classifications of content and viewpoint as relating to gender ideology and discriminatory equity ideology;

D. Reinstatement to school library shelves and classrooms of books and curricula removed by DoDEA to comply with EOs 14168, 14185, and 14190;

E. Any and all other relief as the Court deems just and proper.

Dated: April 15, 2025

Respectfully submitted,

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* Motions for *pro hac vice* admission forthcoming