

Association of Christian Schools International v. Stearns, et al.

Expert Report of Professor Samuel Otter

I. Introduction

I have been asked to evaluate the textbook **Jan Anderson and Laurel Hicks, eds., *American Literature: Classics for Christians, Vol. 5 (Third Edition: A Beka Book, 2003)*** (hereinafter identified by title or as “*Classics for Christians*”), and to answer the question whether this anthology meets the standards for college preparatory course credit established by the University of California under its “a-g” subject area requirements. In making my evaluation and in answering the question, I will focus on this book but also refer to the course “Christianity and Morality in American Literature” for which it served as the principal textbook; the expert report by Dr. Sandra Stotsky supporting the book and the course; and the anthology Dr. Stotsky cites for comparative purposes, Arthur N. Applebee, Andrea B. Bermudez, Sheridan Blau, et al., eds., *The Language of Literature: American Literature* (McDougal Littell, 2000) (hereinafter “*Language of Literature*”), which has been used in courses approved for “a-g” credit by the University of California. I also reviewed another approved anthology Dr. Stotsky invokes as a comparison, Sandra M. Gilbert and Susan Gubar, eds., *The Norton Anthology of Literature by Women* (Second Edition: W.W. Norton & Co., 1996).

The University of California’s guidelines for approval of courses offer the following as the “Purpose, Responsibility, and General Criteria for the ‘a-g’ Requirements”:¹

The purposes of the “a-g” subject area requirements are to ensure that entering students

- Can participate fully in the first year program at the University in a broad variety of fields of study;
- Have attained the necessary preparation for courses, majors and programs offered at the University;
- Have attained a body of knowledge that will provide breadth and perspective to new, more advanced studies; and
- Have attained essential critical thinking and study skills.

The following general criteria must be satisfied for courses to meet the requirement:

- Be academically challenging;
- Involve substantial reading and writing;

¹ The University of California, 2007 Guide to “a-g” Requirements, *available at*: http://www.ucop.edu/a-gGuide/ag/content/GuidetoagReqs_2007.pdf, at p.4.

- Include problems and laboratory work, as appropriate;
- Show serious attention to analytical thinking as well as factual content; and
- Develop students' oral and listening skills.

In addition, the "Specific Subject Area Requirements" for English courses describe the following criteria:²

- **Reading.** Acceptable courses must require extensive reading of a variety of literary genres, including classical and/or contemporary works. Reading assignments must include full-length works. Excerpts from anthologies, articles, et cetera, can be supplemental but cannot constitute the main component of reading assignments.
- **Writing.** Courses must also require substantial, recurrent practice in writing extensive, structured papers. Student must demonstrate understanding of rhetorical, syntactical, and grammatical patterns, forms, and structures through responding to texts of varying lengths in unassisted writing assignments.

In providing my evaluation of *American Literature: Classics for Christians, Vol. 5*, I use these criteria as the bases for my judgment, specifically taking up issues of "substantial reading" and "critical" or "analytical thinking." My judgment is that the anthology *American Literature: Classics for Christians, Vol. 5* does not meet the University of California "a-g" requirements for either "substantial reading" or "critical thinking" and "analytical thinking." I also will address the topic of "viewpoint," which constitutes almost the entire argument for the approval of *Classics for Christians* in the expert report of Dr. Stotsky.

My relevant qualifications include the following. I hold Ph.D. (1990) and M.A. (1986) degrees in English and American Literature from Cornell University; a Master of Arts degree in Teaching English at the secondary school level from Fairleigh Dickinson University (1978); and a B.A. with High Honors in English from Haverford College (1977). For the past sixteen years, I have taught American literature to undergraduate and graduate students at the University of California, Berkeley. I regularly offer the basic survey courses in American literature from 1620-1865. I taught secondary school for three years: one year at a Catholic parochial school, St. Vincent's Academy, in Newark, N. J. (1977-1978) and two years at a public high school in Westwood, N. J. (1978-1980). I have published a book on the writings of Herman Melville and twelve essays on a range of topics in American literature, edited three collections of essays, and delivered over fifty talks at colleges, universities, and conferences in the United States and abroad.

² 2007 Guide to "a-g" Requirements, *supra*, n.1, at p. 5.

II. Discussion of Opinions

After carefully reviewing *American Literature: Classics for Christians, Vol. 5*, I have concluded that this textbook does not meet the criteria outlined in the University of California “a-g” guidelines. *Classics for Christians* includes brief and partial excerpts of literary works, accompanied by scant biographical or contextual information on the writers and works. These excerpts do not provide the literary substance and evidence students need to either affirm or question the frequent insistence in the framing material that there is one right interpretation and one narrative of American literary history. The lack of substance in this anthology combined with its partiality in selection and framing make the book (and the course in which it is used as a primary text) inadequate to provide the extensive reading in American literature or the analytical and critical skills that distinguish a college preparatory course.

Dr. Stotsky maintains that the only difference between *American Literature: Classics for Christians, Vol. 5* and the McDougal Littell *Language of Literature: American Literature* is “viewpoint.” She argues that the University of California has discriminated against the “Christian and civic” perspective of the former (Stotsky, “Expert Witness Report,” p. 28) (hereinafter “Stotsky report” or “Stotsky”) and approved the latter’s “anti-civic,” “anti-Christian and usually anti-Protestant,” “anti-marriage, anti-family feminist viewpoint,” and “viewpoint debunking positive views of American cultural values or traits” (Stotsky report, pp. 5, 12, 16, 19). In my opinion, Dr. Stotsky’s characterizations are not supported by her own evidence; moreover, “viewpoint” is not the issue here.

The anthology *American Literature: Classics for Christians, Vol. 5* fails to meet the University of California “a-g” requirements not because it offers a “Christian and civic” perspective on its materials but because it fails to provide substantial readings and because it insists on specific interpretations. As the core text for the course “Christianity and Morality in American Literature,” *Classics for Christians* does not enable students to understand the range and depth of writing about Christianity in American literature nor does it encourage students to think or write analytically and critically about such literature.

A. Substance of Reading

American Literature: Classics for Christians, Vol. 5 does not satisfy the University of California Specific Subject Area Requirement “b”: “Acceptable courses must require extensive reading of a variety of literary genres, including classical and/or contemporary works. Reading assignments must include full-length works. Excerpts from anthologies, articles, et cetera, can be supplemental but cannot constitute the main component of reading assignments.”³

With the exception of short poems, short stories, and short non-fiction, usually extending for only a few pages, *Classics for Christians* reprints only brief excerpts of

³ 2007 Guide to “a-g” Requirements, *supra*, n. 1, at p. 5.

longer works and no full-length novels or plays or long poems. Providing works of literature in their entirety allows students to appreciate literary form: to understand how meaning is generated through detail, figure, allusion, and structure. Entire works provide students with the material from which they can test propositions, make arguments, and learn the techniques of literary analysis and essay writing. While the course “Christianity and Morality in American Literature” requires a term paper written about “a significant piece of fiction from an approved list,” hardly any of the works on the approved list are written by American authors and their relevance to this course in American literature is not clear. (See *Plaintiff’s Complaint*, Exhibit 5, pp. 2-3.) Further, the reading of only one full-length work does not solve the problems with the text for a course that describes itself as providing the equivalent of one unit or one full year of college preparatory work (Exhibit 5, p. 1).

Excerpts are not “supplemental” in the *Classics for Christians* anthology. Instead, in this anthology, excerpts are central. The excerpts in *Classics for Christians* are usually very brief passages, often extending for only one or two pages, especially in the sections that are presented as offering a historical survey of American literature.

For example, in Part 1, Unit 5, “An Early American Collection,” the representation of American Puritan writers is surprisingly sketchy, given the emphasis of this anthology on Christian literature and the widely acknowledged importance of seventeenth-century Puritan writings for American literary and intellectual history (documented in Perry Miller’s landmark volumes on *The New England Mind*, published in 1939 and 1953). The editors reprint only five pages from William Bradford’s several-hundred-page classic *Of Plymouth Plantation* (*Classics for Christians*, pp. 101-105); only six short poems from Roger Williams’s *A Key into the Language of America* (pp. 106-107); only two short poems by Anne Bradstreet (pp. 108-109); only seventeen stanzas of Michael Wigglesworth’s 224 stanza *The Day of Doom* (pp. 110-111); and only one Edward Taylor poem (p. 114). All of these writers are major figures in American Christian literature and are barely represented in *Classics for Christians*.

I was pleased to see writers such as Williams and Taylor in the anthology (most high school anthologies omit them), but found the selection and framing of the excerpts to be inadequate for a college preparatory course. The Bradford excerpts are accompanied by no historical background, contextual material, or literary analysis, and only three sentences of biographical information. In contrast, the McDougal Littell anthology *The Language of Literature: American Literature* provides six pages of supplemental material (see pp. 81-90). (The Bradford excerpts in both anthologies are of similar length and scope.) In *Classics for Christians*, whose focus is Christian literature, no material is reprinted from *Of Plymouth Plantation* after the account of the first Thanksgiving, which occurs in Book II, chapter 12, early in the narrative. The editors include no passages from later in the book, in which Bradford describes the faith of the Plymouth colonists, their relationship with the Massachusetts Bay Puritan colony, and his ultimate disillusion with the Puritan experiment in New England.

The excerpts from Williams's *A Key into the Language of America* misrepresent this book. The *Key* is not a "dictionary" (*Classics for Christians*, p. 106), but a remarkable combination of definition, dialogue, observation, anecdote, and satire, in which Williams compares British and Native American cultures in New England. The chapters of this book are not long; one or two of them could have been included to give a sense of the form and arguments of the book and to provide a self-standing unit for students to interpret. Instead, the editors abstract five poems, which convey only one aspect of the book and avoid Williams's emphasis on what he describes as the "implicit dialogue" between the Narragansett Indians and the English colonists.

In Part 1, Unit 8, of *Classics for Christians*, entitled "Transcendentalism: The Recurring Failure," the editors blame Emerson and other Transcendentalist writers for "Modernism (religious Liberalism), Secular Humanism, civil disobedience, the worship of nature, transcendental meditation, and all forms of disrespect for authority and rebellion against Scriptural principles" (*Classics for Christians*, p. 214) (emphases omitted). I will return to the editors' polemic against Transcendentalism, a major American intellectual and literary movement, in section "B" below, but at this point I wish to point out that, although Emerson is the focus of the editors' censure, they provide so few and such brief excerpts from his writings that there are insufficient materials to enable students to evaluate the content of that writing or the editors' criticism of it. Students are not given the textual evidence on which to form or test opinions.

The editors reprint only two paragraphs from Emerson's essay "Nature" and three paragraphs from his essay "Self-Reliance" (both excerpts include ellipses). Their representation of Emerson's prose is skewed and one-sided (especially given the emphasis of *Classics for Christians* on theology), inappropriate for a college preparatory course. The editors do include several poems by Emerson (a strength of this anthology is the quantity of poetry reprinted), but these poems are not sufficient for students to assess Emerson's arguments or the criticism of the editors. In order to provide students with literary examples for analysis and evaluation, the editors might have included the chapter "Spirit" from Emerson's essay "Nature," in which Emerson discusses the relationship between God and humans, or longer excerpts from the essay "Self-Reliance," in which he discusses the moral sense. The editors might have included part or all of Emerson's "Divinity School Address," with its attack on historical Christianity. The editors are right to describe this address as an "attack" (*Classics for Christians*, p. 215), but then why not include it so that students would be in a position to judge Emerson's arguments and the editors' dismissal? Instead, students are given polemic and snippets.

The longest excerpt by far in *Classics for Christians* is the 39 pages given to Lew Wallace's novel *Ben-Hur* (*Classics for Christians*, pp. 327-65). It is not apparent why the editors devote so much space to this novel. Except for ten brief questions and one brief writing prompt, the *Ben-Hur* selection is accompanied by no biographical, historical, or contextual material. It is puzzling why 39 pages would be devoted to *Ben-Hur*, compared with, say, 18 pages given to Herman Melville's *Moby-Dick* (pp. 146-66). (As the editors acknowledge on p. 149, *Moby-Dick* is widely considered to be the most important American novel, and Melville meditates on and struggles with questions of

Christianity, God, morality, and Calvinism). It is puzzling why 39 pages would be devoted to *Ben-Hur* and only two pages to Harriet Beecher Stowe's *Uncle Tom's Cabin* (pp. 169-70). The editors reprint only an excerpt from one controversial chapter on the education of the character Topsy and none of Stowe's influential, historic, Christian critique of slavery. Across the anthology, a pattern is clear: from a wide variety of sources, only a narrow range of "Christian" opinion is severely excerpted.

As the core text in a course proposed as equivalent to one year of college preparatory work, the anthology *Classics for Christians* does not meet the University of California Specific Subject Area Requirement "b" in English that "acceptable courses must require extensive reading of a variety of literary genres," including "full-length works" and restricting "excerpts from anthologies" to a "supplemental" role.

B. Critical and Analytical Thinking

I have written in section "A" above that the editors of *Classics for Christians* fail to provide readings that are sufficiently long or representative to enable students to appreciate literary structure, evaluate evidence, and form and test arguments—all skills that distinguish a college preparatory course.

In addition to restricting the literary evidence given to students, the editors of *Classics for Christians* seek to restrict interpretation. They often frame the readings in ways that push students to particular responses. Through a combination of partial literary example and skewed introduction, headnote, and questions, they insist upon one interpretation. Such a combination contradicts the emphasis on analytical and critical thinking required in the University of California's "a-g" guidelines (2007 Guide, *supra*, n. 1, at p. 4) and outlined in the course description for "Christianity and Morality in American Literature" (*Plaintiff's Complaint*, Exhibit 5, p. 2).

In her expert witness report, to which I will return in section "C" below, Dr. Stotsky argues that all anthologies have their "viewpoints" and that the University of California, in not approving "Christianity and Morality in American Literature" and *Classics for Christians*, has unfairly discriminated against a viewpoint it finds objectionable. It is accurate to suggest that literature anthologies may be assembled with one or more "viewpoints," and that, for example, *Classics for Christians* tends to represent a more conservative and Christian perspective and the McDougal Little *Language of Literature: American Literature* tends to represent a more liberal and secular viewpoint.

Yet the reason that *Classics for Christians* does not meet the University of California's "a-g" requirements is not because this anthology has a conservative Christian "viewpoint" or "perspective," but, instead, because the anthology does not provide substantial exposure to American literature, even to American Christian literature, and because the anthology restricts the interpretation of the material it does present, without providing students with the literary evidence or background information to judge the

editors' polemics in their framing material, to either affirm or reject those polemics in discussion or in writing.

I would be delighted if the students who attend my American literature lectures at Berkeley had taken a course or read an anthology in high school that taught them about American Puritan literature, or Christianity and American literature, or religion and American literature. I would be delighted if such students came to the University with a knowledge of literary history and the analytical and critical skills necessary to understand the complexity of American religious literature. Unfortunately, *Classics for Christians* does not provide that history or those skills.⁴

Having "viewpoints" can be bracing in an anthology and in the classroom. The problem comes when teachers or editors implicitly or explicitly insist that students accept a particular viewpoint. Channeling students to certain outcomes, the editors of *Classics for Christians* distort their literary evidence and manipulate their framing material.

For example, in the first unit, "America for Me," the editors print a three and a half page excerpt from Erik von Kuehnelt-Leddihn's "Portland Declaration." Kuehnelt-Leddihn asserts, among other things, that "It is the low drive for sameness and the hatred of otherness that characterizes all forms of leftism, which *inevitably* are totalitarian because, defying the divine diversity of the universe, these ideologies want to convert us by force to sameness—sameness being the brother of equality" and "*Right is right and Left is wrong.*" On the right are the person, freedom, spirituality, organically grown institutions. On the Left are the double-headed Leviathan of State and Society, conformity, uniformity, equality-in-slavery" (*Classics for Christians*, pp. 11-12; italics in the original).

The literary selections and interpretive comments throughout the volume, as well as the placement of the Kuehnelt-Leddihn excerpt in the opening unit without any contrasting or qualifying view, appear as a clear endorsement of this position. The problem is that this position is taken as self-evident. The Kuehnelt-Leddihn statement is a "Declaration" of truth, delivered in adjectives of inevitability and structures of dichotomy. It is not presented as an argument to be analyzed or evaluated. The editors of *Classics for Christians* offer no headnote placing Kuehnelt-Leddihn's "Portland Declaration" in historical context. They juxtapose no contrasting opinions. They provide

⁴ *Classics for Christians* does not provide materials to fulfill the goals stated in the description of the course "Christianity and Morality in American Literature". This description states that the course will provide "an intensive study in textual criticism aimed at elevating the ability of students to engage literary works at the level of the author's beliefs and to examine and effectively communicate the impact of those beliefs on the work and the writing process" and that the course will challenge students to "demonstrate the ability to analyze and distinguish moral, ethical, and aesthetic themes in literature," to "demonstrate the ability to honestly and sensitively discuss and analyze controversial issues, including the ability to discuss and analyze contrarian as well as majoritarian positions," and to "write critically regarding the dominant moral or ethical themes in a work." (See the *Plaintiffs' Complaint*, Exhibit 5, page 2: "Brief Course Description," "Course Goals," and "Course Objectives.") These are all admirable goals, but *Classics for Christians* is not adequate to fulfill them and indeed undermines them (as well as being inadequate to satisfy the a-g guidelines, as explained in the text).

no framing material that invites students to assess Kuehnelt-Leddihn's claims. The only writing prompt for this excerpt is "Write a précis of 'The Portland Declaration'" (*Classics for Christians*, p. 15).

A précis is a summary. It is not an example of analytical or critical thinking. This writing prompt is symptomatic of the problem with the anthology *Classics for Christians* as the key text for a college preparatory course. Across the units, in selection after selection, students are not asked to assess the literary evidence. They are not provided with the literary, biographical, or historical evidence with which to form and test arguments. Instead, students are asked to endorse specific interpretations of brief excerpts.

For example, the editors assert in the background section on *Moby-Dick* that Melville's book "deals with the attempt of a man to become a god by violating universal laws established by God. Evil Captain Ahab, obsessed with the idea that he alone is able to conquer the white whale Moby Dick (which to him symbolizes death and terror) sets out on an epic quest that can only end in failure" (p. 149). The editors then reprint the last four chapters of the book, which portray the hunt for Moby Dick and the whale's destruction of the ship and all its crew, including Captain Ahab, except for the narrator Ishmael.

In the writing suggestion that follows, the editors ask students to "Discuss Moby Dick as a symbol" (*Classics for Christians*, p. 166). Yet the editors already have told students that Ahab is "evil," that the lesson of the book is that the "attempt of a man to become a god by violating universal laws established by God" will end in "failure," and that Moby Dick "symbolizes death and terror." None of the chapters describing Ahab's nobility or the whale's beauty or the narrator's spiritual strivings and questionings is included in the anthology's excerpts. No mention is made of the debates since the book was first published about Ahab's status as hero or villain, misguided or clearsighted. Instead, the editors present the character's evil as self-evident and his failure as inevitable. The symbolic meanings of the whale and the moral allegory of Ahab's quest are settled in advance in this anthology.

For another example, the editors introduce Emerson in an extraordinarily tendentious way. Transcendentalism is denounced as "false," and students are told that "we know that" disaster will follow if "we" rely on conscience and intuition to guide us. The editors assert that "[t]he basic mistake of Transcendentalism was self-trust, and the essence of the movement was selfishness: man trying to reshuffle truth to suit his desires, asserting his individuality and his right to 'do his own thing,' disdaining the feelings and needs of others in order to see that his own needs were met" (*Classics for Christians*, p. 214). In the brief headnote to the sliver taken from Emerson's essay "Nature," the editors prompt students to "Notice the way Emerson describes nature as though it were God" (p. 215). The one-sentence headnote to the brief excerpt from Emerson's essay "Self-Reliance" asserts that "Emerson erroneously urges each person to be a completely independent individual and listen only to his own intuitive counsel." The questions following this excerpt offer students only one view: that the Bible "refutes" Emerson and

that Emerson is “mistaken” (p. 216). In the headnote to a selection of Emerson’s aphorisms, the editors inform students that “His blindness to important spiritual truths led him and his followers to personal disaster . . . and opened the way to a multitude of false teachings” (p. 221). No details of “personal disaster” are given, and the editors imply that Emerson and his followers were punished by larger forces for their “blindness.” No space is provided here for student response, other than mere acquiescence. As presented in the anthology, divine forces already have judged and punished Emerson for his thought.

In none of the other anthologies I reviewed, including the McDougal Littell *Language of Literature: American Literature* and the Norton *Anthology of Literature by Women*, did I find any similar constraint of interpretation by distorting the literary evidence, framing with only negative judgments, and asking only leading questions. The presentation of Emerson by the editors of *Classics for Christians* is not a “viewpoint” offered to students for their independent evaluation, along with substantial literary evidence to analyze. Instead, it is a judgment rendered in adjectives of condemnation without evidence or specifics addressed to the range of the writer’s career or the substantial body of thought we call Transcendentalism.

The editors do not make clear how they have come to distill the “essence” of that body of thought as “selfishness” (*Classics for Christians*, p. 214). Except for a brief, hyperbolic passage from Emerson’s “Self-Reliance,” the editors never refer to arguments in specific texts by Emerson or by any other Transcendentalist writers, and thus provide a model not of critical thinking but of pre-judgment and bias. The editors here do not encourage students to analyze the writer’s position or to think critically. Instead, they simply push the student’s endorsement of their position. The editors do not engage Emerson’s thought in any sustained way, nor do they invite students to assess it.

Later in the anthology, the editors introduce the excerpt from Charles G. Finney’s sermon “Selfishness: Not True Religion” as a “cure” for the “disease” of the “ungodly philosophy of Transcendentalism” (*Classics for Christians*, p. 279), but students are not given any excerpts written by Transcendentalists comparable in length or substance to Finney’s “cure.” The language of “disease” and “cure,” especially in the absence of comparative literary texts, is antithetical to training in analytical and critical thinking. The editors of *Classics for Christians* do not provide the access to literary evidence, the tools for analysis, or the encouragement to open inquiry that are necessary to prepare students for college-level work.

C. “Viewpoint”

Dr. Stotsky, in her expert witness report, argues that the difference between the two American literature anthologies, the A Beka Book *American Literature: Classics for Christians*, Vol. 5 and the McDougal Littell *Language of Literature: American Literature*, lies only in their contrasting “viewpoints.” She elevates what she sees as the “Christian and civic” perspective of *Classics for Christians* (Stotsky report, p. 28) and denigrates what she sees as the “anti-civic,” “anti-Christian and usually anti-Protestant,” “anti-marriage, anti-family feminist viewpoint,” and “viewpoint debunking positive views of

American cultural values or traits” of *Language of Literature: American Literature* (Stotsky, pp. 5,12,16,19). She pits the two anthologies against one another as part of a wider struggle she sees between the “Christian” and the “secular.”

Novels, short stories, poems, essays, anthologies, editors, and teachers may have “viewpoints” or perspectives, but courses of instruction that prepare students to do college-level work—the kinds of English courses described in the University of California subject requirements—also provide students with the material, skills, and encouragement to understand works of literature in detail and depth, analyze form, and assess different perspectives.

While *Language of Literature: American Literature* may not be a perfect collection (some of its excerpts are too brief and it would benefit from the inclusion of more extended works), it is a superior anthology. *Language of Literature* is significantly longer than *Classics for Christians* (over 1300 pages, compared with over 500), contains many more literary works in their entirety (including one full-length play, Arthur Miller’s *The Crucible*), provides a wealth of supplementary biographical, historical, and literary information, and does not insist on one interpretation through its framing material. It includes many of the writers found in *Classics for Christians* (William Bradford, Anne Bradstreet, Jonathan Edwards, Michel-Guillaume Jean de Crevecoeur, Henry Wadsworth Longfellow, Ralph Waldo Emerson, Henry David Thoreau, Herman Melville, Walt Whitman, Edgar Allan Poe, Emily Dickinson) as well as a wide range of other writers. In addition, the editors of *Language of Literature* highlight the careers of five American writers—Edgar Allan Poe, Mark Twain, Emily Dickinson, Langston Hughes, and Robert Frost—providing sections of between 17 and 50 pages in which they present extended selections from each writer’s work and a range of factual material and interpretive suggestions. It is a superior anthology not because of its “liberal” or “secular” viewpoint but because of its superior substance and because it provides the tools and encouragement necessary for students to learn how to analyze literature and to think and write critically.

The relative openness to interpretation in *Language of Literature* provokes Dr. Stotsky’s criticism. In the “Think Critically” and “Extend Interpretations” sections following the excerpts from Martin Luther King, Jr., and Malcolm X, the editors of *Language of Literature* ask students if they agree with Malcolm X’s comparison of “the oppression of African Americans with that of the American colonists under King George III.” The editors invite students to compare the persuasiveness and revolutionary qualities of King and Malcolm X and to consider whether the two men are more similar or different (*Language of Literature*, p. 307). (The omission from *Classics for Christians* of Martin Luther King, Jr., one of the country’s most influential Christian thinkers, is notable.)

Despite Dr. Stotsky’s partial account of the guidelines in the teacher’s edition of *Language of Literature*, suggesting that, in providing advice about teaching King and Malcolm X, the editors endorse “domestic violence and law-breaking” (Stotsky, p. 8), several of the suggestions for teachers leave open questions of interpretation: “Responses will vary. Students’ responses should focus on what methods of promoting causes seem

to be effective and why. Students should relate these methods to the ideas expressed by King or Malcolm X.” “Some students may agree that people who are oppressed in a society should stop at nothing to fight for their civil rights, while others may feel that violence is an inappropriate response to any situation.” “Some students will find King more persuasive because of his highly moral stance and his carefully reasoned arguments. Others may find Malcolm X more persuasive because of his practicality and his call for self-respect.” “Accept all reasonable, well-supported responses.” (See *Language of Literature*, “Teacher’s Edition,” p. 307). The excerpts from King and Malcolm X are accompanied by three pages of background information on biography and history, instruction in literary analysis, and proposals to consider their thinking in the context of an American tradition of writing about issues of authority and resistance.

It is certainly not a slur against white people or Christians or a “discred[iting]” of the “Founding and the Framers”, as Dr. Stotsky suggests, for the editors of *Language of Literature* to point to the historical fact of racial slavery in the United States (Stotsky, pp. 11-13). The editors ask students to consider this fact and the challenges posed by slavery to American ideas of independence and freedom in a variety of literary texts. The contradictions and paradoxes of American slavery have been a feature of American literature from the seventeenth-century Puritan Samuel Sewall and the eighteenth-century Quaker John Woolman to Emerson, Melville, Stowe, Frederick Douglass, Harriet Jacobs, and Mark Twain in the nineteenth century and William Faulkner and Toni Morrison in the twentieth century. The contradictions of slavery have been a concern of major American historians, such as Edmund Morgan, in *American Slavery, American Freedom* (1975), and David Brion Davis, in *The Problem of Slavery in the Age of Revolution* (1975). Such critical American reflections are labeled as “discrediting” by Dr. Stotsky and are virtually absent from *Classics for Christians*, even when the authors wrote explicitly as Christians, as did Sewall, Woolman, and Stowe (the latter being an author specifically lauded by *Classics for Christians*). The editors of *Classics for Christians* note that Sewall wrote “the first antislavery tract in America, *The Selling of Joseph*,” but, instead of reprinting this important text, they include two amusing pages of excerpts from Sewall’s diary, in which he describes an awkward courtship (*Classics for Christians*, pp. 115-16).

Dr. Stotsky shows the relative openness of *Language of Literature* in the examples she gives (and criticizes) of the options for interpretation held out to students: “Would you want to hear another of Edwards’ sermons? Why or why not?” “How would you describe the view of human beings and the view of God presented in this sermon?” (Stotsky, p. 15; *Language of Literature*, p. 158). “What influences from the Declaration of Independence do you see on Olympe de Gouges’ Declaration of the Rights of Women? How do the two documents differ?” (Stotsky, p. 16; *Language of Literature*, p. 279). “Over the years, ‘The Yellow Wallpaper’ has been interpreted in different ways: as a Gothic horror tale..., as a semi-autobiographical account of a mental breakdown..., and as a symbolic presentation of the effects of social and economic oppression on women. What aspects of the story do you think prompted each of these interpretations? State which interpretation you favor and explain your reasons” (Stotsky, p. 17; *Language of Literature*, p. 779).

While it is the case, as Dr. Stotsky observes, that sometimes the editors in the teacher's edition of *Language of Literature* suggest one kind of response to such questions rather than another, they also provide a range of possible answers. Moreover, the teacher's edition may or may not be used by teachers in the classroom. Students are directly exposed to the student edition of *Language of Literature*, which provides a wide range of literary points of view represented in many complete works, includes a wealth of background information, and encourages students to consider and write about a multiplicity of perspectives.

These are also features of *The Norton Anthology of Literature by Women* (Second Edition, 1996), which is used in some courses that have been granted "a-g" credit by the University of California. Acknowledging the size (over 2400 pages), range (covering literature from the Middle Ages to the present), and various perspectives in this anthology, Dr. Stotsky suggests that its editors have a "viewpoint" because "there is a single criterion for inclusion—gender" (Stotsky report, p. 21). Such a characterization reveals the limits of Dr. Stotsky's concept of "viewpoint." In both high school and college literature courses, it is common for instruction to be organized according to national tradition or period or genre or topic or group. There are courses (and Norton anthologies) in English literature, American literature, short fiction, poetry, contemporary poetry, children's literature, writing by women, and writing by African Americans. Both *American Literature: Classics for Christians* and *The Language of Literature: American Literature* define their field of study in terms of national literary tradition. An organizing principle does not fix a "viewpoint." While it is accurate to say that the editors of *The Norton Anthology of Literature by Women*, in assembling their book, convey their belief that it is important for students to acknowledge traditions of literature written by women, the editors do not skew their excerpts or insist in their framing material that students accept certain views. The editors present writing by women in extended selections: for example, nine poems by Anne Bradstreet, compared with two in *Classics for Christians*; eighteen pages on Stowe, compared with two in *Classics for Christians*; thirty-seven pages on Emily Dickinson, compared with five pages in *Classics for Christians*. As is the case in all Norton anthologies, the editors of *Literature by Women* include detailed introductions to historical periods and biographies and bibliographies of individual authors (over 50 pages of bibliography in *Literature by Women*). To suggest that *The Norton Anthology of Literature by Women* has a "viewpoint" comparable to the "viewpoint" of *Classics for Christians* is to confuse an organizing principle with bias.

Literature anthologies may be assembled with various perspectives or "viewpoints." Yet "viewpoint" is not the salient feature for evaluating whether the materials in a high school syllabus meet the University of California "a-g" subject requirements. For college preparatory work in literature, students need to read extensively, including works in their entirety and full-length works, and they need to be given the tools and training to write critically about them.

III. Conclusion

The anthology *American Literature: Classics for Christians, Vol. 5*, does not meet the University of California general criteria for the “a-g” requirements or the specific subject area requirement “b” for English to qualify as the core textbook for a college preparatory course. The book is composed largely of short works and brief excerpts, which often are not representative of the larger works from which they are taken, and the literary material is framed by brief introductions and questions that insist on specific interpretations and discourage analytical and critical thinking.

IV. Signature

A handwritten signature in black ink, appearing to read "Sam Otter", is written over a horizontal line.

Samuel Otter
Associate Professor
English Department
University of California, Berkeley

May 15, 2007

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EDUCATION

Cornell University, Ithaca, N.Y., 1982-1990
 Ph.D. in English and American Literature, August 1990
 M.A. in English and American Literature, May 1986

Fairleigh Dickinson University, Teaneck, N.J., 1977-1978
 Under the sponsorship of the Woodrow Wilson National
 Fellowship Foundation
 M.A.T. in English, October 1978

Haverford College, Haverford, Pa., 1973-1977
 B.A. with High Honors in English, May 1977

AWARDS AND HONORS

University of California President's Research Fellowship in the Humanities, Fall 2005
 Humanities Research Fellowship, Berkeley, Spring 2004, 1999-2000, Spring 1994
 Townsend Center for the Humanities Fellowship, Berkeley, Spring 2002, Spring 1993
 Hennig Cohen Prize, awarded by the Melville Society for best publication in Melville
 studies, for *Melville's Anatomies*, 2000
 Andrew W. Mellon Foundation Fellowship at the Library Company of Philadelphia,
 June 1998
 Regents Junior Faculty Fellowship, Berkeley, Summer 1992
 American Cultures Faculty Fellowship, Berkeley, Summer 1992
 Buttrick-Crippen Fellowship, Cornell University, 1988-1989 (winner of Graduate
 School competition for design of the best Freshman Writing Seminar,
 "Representing Race")
 Clark Distinguished Teaching Award, Cornell Univ., 1987
 Martin Sampson Teaching Award, Cornell Univ., 1986

AWARDS AND HONORS (cont.)

Master Teacher Fellowship, Fairleigh Dickinson Univ., 1978
 Woodrow Wilson National Teacher Fellowship, 1977-1978
 Newton Prize in Literature, for Honors essay on Eugene O'Neill, Haverford College, 1977

TEACHING EXPERIENCE

University of California at Berkeley, 1990-Present:

Graduate seminars:

"Melville and Aesthetics," "Frederick Douglass and Herman Melville,"
 "Whitman and Melville," "Representing Race in the United States," "Literature and Reform," "American Literature Before 1860," "Introduction to Graduate Study: Research and Theory"

Undergraduate lecture courses:

"American Studies: Literature and History of New York and Philadelphia,"
 "American Literature Before 1800," "American Literature 1800-1860,"
 "American Studies: Representing Race in 19th and 20th Century United States Culture"

Undergraduate seminars:

"Herman Melville," "Edgar Allan Poe," "American Short Stories and Novellas,"
 "British and American Poetry of the Nineteenth Century"

Graduate students whose dissertations I have directed placed at Harvard, Yale, Vanderbilt (2), Pace, Univ. of Massachusetts, Boston, and CUNY

Cornell University, 1983-1989:

"Representing Race," "American Literature and Culture," "Writing About Film,"
 "The Practice of Prose," (freshman seminar instructor); "Expository Prose" (upper level instructor)

Fairleigh Dickinson University, 1978:

"Teaching English in Secondary School" (taught graduate seminar for secondary school teachers-in-training)

Westwood High School, Westwood, N.J., 1978-1980:

"Title 1 Program" (designed and offered a Federally funded program of small-group instruction to strengthen student language and research skills); "American Literature," "History of Film," "Essay Writing"

St. Vincent Academy, Newark, N.J., 1977-1978:

"American Literature Survey," "Literature and Art," "Basic Writing"

ADDITIONAL EXPERIENCE

In the profession:

Editorial board member of *American Literature*, Duke University Press, 2005-present
 Editorial board member of *Representations*, University of California Press, 1997-present
 Editorial board member of *Leviathan: A Journal of Melville Studies*, 1998-present

 Co-Organizer and Program Chair, "Frederick Douglass and Herman Melville: A Sesquicentennial Celebration," international conference held in New Bedford, Mass., June 2005
 Invited faculty member at NEH "Melville and Multiculturalism" Summer Institute, University of Massachusetts Dartmouth, July 2001
 Visiting professor at Chulalongkorn University, Bangkok, Thailand, July 8-22, 2000 (delivered lectures, led seminars, advised on graduate program)
 Consultant for DreamWorks Animation on *Moby-Dick* movie project, Oct. 2000
 Reviewer of book manuscripts for Stanford, Cambridge, Duke, Johns Hopkins, Northwestern, North Carolina, and Oxford University presses

At Berkeley:

Vice Chair for Graduate Studies, Berkeley English Department, 1996-1999, Fall 2001
 Chair for Personnel Search, Berkeley English Department, 2000-2001
 Committee service:
 Personnel Committee, Berkeley English Department, 2003-2005, 2006-2007
 Workload Reduction Committee, Berkeley English Department, 2006-2007
 Graduate Fellowship Committee, Univ. of Calif., Berkeley, 2006-2007
 University of Calif. Task force on Graduate and Professional Schools Admissions, 2003
 Hellman Family Faculty Fund evaluation panel, Berkeley, Spring 2003
 Mellon Emeritus Fellowships review committee, Berkeley, Spring 2003
 Disability Studies Advisory Board, Berkeley, 2001-2005
 Committee on Research, Berkeley Faculty Senate, 2002-present
 Graduate Fellowship Committee, Berkeley English Department, 2002-2003
 Bancroft Library Faculty Advisory Committee and Mark Twain Papers and Project Committee, Fall 1998-Spring 2002
 Graduate Admissions Committee, Berkeley English Department, 1995-1999, 2005-2006
 Adviser for Undergraduate English majors, Berkeley English Department, 1995
 Faculty Adviser for first-year graduate students, Berkeley English Department, 1992-1996, 2003-2005
 Placement Committee (advising graduate student job seekers), Berkeley English Department, 1992-1994
 Assistant Faculty Coordinator, English Department Reading and Composition Program, Berkeley, 1990-1992

INVITED PRESENTATIONS

“Melville and Aesthetics” (“Historical Formalism, or Aesthetics in American Literary History,” conference at the Huntington Library, Pasadena, Calif., May 2007)

Participant in “Liberty and Responsibility in *Billy Budd*,” colloquium on the works of Herman Melville, sponsored by the Liberty Fund (San Francisco, April 2007)

“Frank Webb’s Still Life: Rethinking Literature and Politics through *The Garies and Their Friends*” (American Cultures Colloquium, Northwestern University, March 2007)

The Oberlin Lectures in British and American Literature: delivered a series of four lectures (Feb. 26-March 2, 2007):

1. “Fever: Narratives of Race and Conduct during the Yellow Fever Epidemic of 1793”
2. “Condition” and “Complexion”: Debates about History, Character, and Disfranchisement in the 1830s”
3. “Freedom: Social Violence and Literary Scene in Webb’s *The Garies and Their Friends* (1857) and Melville’s “Benito Cereno” (1855)”
4. “*Moby Dick* and the World We Live In: Literary Scripture and American Political Crisis”

“Frank J. Webb’s ‘American Supper’: Manners and Violence in *The Garies and Their Friends*

(University of Maryland, April 2006)

“Three Stories About Evidence (involving a Trip to Barnum’s Museum, an Encounter between Frederick Douglass and Herman Melville, and a Remarkable Literary Supper in Philadelphia,” keynote address at conference “Approaching Evidence in Early America: The Perils and Promises of Interdisciplinarity” (McNeil Center for Early American Studies, Univ. of Pennsylvania, October 2005)

Respondent for papers at “The Maritime in Modernity” conference (Stanford Univ., April 2005)

“*Moby-Dick* and Beyond: Herman Melville, Frederick Douglass, John Edgar Wideman” (Keio University, Tokyo, and Doshisha University, Kyoto, March 2005)

“Philadelphia Freedom: Joseph Willson, Frank J. Webb, Herman Melville” (Univ. of Pennsylvania, Feb. 2005)

“Fever,” keynote address at conference “Circles and Circulation in the Revolutionary World of Charles Brockden Brown,” (New York University, Oct. 2004)

“Blue Proteus’: *Moby-Dick*, September 11th, and the World We Live In,” keynote address in 2004 Melville Lyceum series (New Bedford, Mass., July 2004); New York University (Oct. 2004)

Interviewed for “*Moby-Dick* and Politics” segment of National Public Radio show “Studio 360,” entitled “American Icons: *Moby-Dick*,” which received a Peabody Award (Dec. 2004)

“Across the Chasm’: The Marquesas in *Clarel*” (“Melville in the Marquesas” conference, Nuku Hiva, Marquesas, July 2003)

INVITED PRESENTATIONS (cont.)

- "'A Peculiar Society of Their Own': Manners, Race, and Violence in Philadelphia" (Calif. Institute of Technology, April 2003)
- "Newton Arvin's American Literature" ("Homeland Insecurity: Civil Liberties, Repression, and Citizenship in the 1950s" conference, Smith College, Jan. 2003)
- "The Real Moby-Dick Commemoration" ("America's Centennials" conference, UC Santa Cruz, March 2002)
- "The Razor's Edge: Literature, Race, and Character in Philadelphia, 1793-1857" (Stanford University, November 2001)
- "American Literature 1800-1860" and "Representing Race in Nineteenth-Century American Literature" (Chulalongkorn University English Department, Bangkok, July 2000)
- "Aëdes Aegypti and American Literature" (American Literature Section panel, Modern Language Association, Dec. 1998)
- "Famous Beginnings: *Moby-Dick*" (interviewed for Modern Language Association syndicated radio series "What's the Word?" Nov. 1998)
- "Research on the Diversity Policies of English Departments" ("Achieving Graduate Diversity in a Post-Proposition 209 Environment" conference, UC Berkeley, Sept. 1998)
- "Losing Face in *Typee*" (International Conference of the Society for the Study of the Multi-Ethnic Literature of the United States, Honolulu, April 1997)
- "White Jackets" ("The Making and Unmaking of Whiteness" conference, UC Berkeley, April 1997)
- "Getting Inside Heads in *Moby-Dick*," keynote address at "Buying In and Selling Out" conference, (University of Cincinnati, April 1996); also delivered at Claremont Graduate School, Feb. 1996
- "Illustrating Ambiguity: Melville's *Pierre*" (panelist with Maurice Sendak and Michael Rogin, Townsend Center for the Humanities, UC Berkeley, Feb. 1996)

CONFERENCE PAPERS

- "The Mirror of the Sea: Melville, Conrad, Lem" ("Hearts of Darkness: Melville and Conrad in the Space of World Culture," conference held in Szczecin, Poland, August 2007)
- "*Sheppard Lee* and the American Novel of Manners" (American Literature Association, May 2006)
- "From *Typee* to *Clarel*: Across the Chasm" (Modern Language Association, Dec. 2005)
- "Frederick Douglass, Herman Melville—and James McCune Smith" ("Frederick Douglass and Herman Melville: A Sesquicentennial Celebration," June 2005)
- "Philadelphia Metempsychosis: From Robert Montgomery Bird to John Edgar Wideman" (Modern Language Association, Dec. 2004; I also organized and served as chair of the panel: "Writing Philadelphia: Urban Circulations")
- "Ministers and Criminals: Richard Allen and the 'Confession of John Joyce'" (Modern Language Association, Dec. 2004)

CONFERENCE PAPERS (cont.)

- "How Joseph Willson's *Sketches* Shows Us That We Don't Know What We Mean by Class" (American Studies Association, Nov. 2004)
- "C. L. R. James, Herman Melville, and the Post-September 11th World We Live In" (American Literature Association, May 2004)
- "Publics and Counterpublics" (delivered at roundtable discussion with Michael Warner, UC Berkeley, March 2004)
- "John Edgar Wideman's Peculiar Philadelphia" (John Edgar Wideman Society International Conference, Oct. 2003)
- "Harriet Beecher Stowe, Frank J. Webb, Mary E. Webb" (Society for the Study of American Women Writers, September 2003)
- "'Interiors Measurelessly Strange': Melville and Piranesi" ("Melville and the Pacific" conference, Maui, June 2003)
- "John Edgar Wideman's *The Cattle Killing*" (American Studies Association Convention, Nov. 2002)
- "The Knot of *Benito Cereno*" (Modern Language Association, Dec. 2001)
- "Leviathanic Revelations: Laurie Anderson's and Rinde Eckert's *Moby-Dicks* ("*Moby-Dick* 2001: An Interdisciplinary Celebration," Hofstra University, Oct. 2001)
- "Mathew Carey's Long Account of the Malignant Fever" (Modern Language Association, Dec. 2000)
- "Yellow Fever, Black Skin" (International Conference on American Studies and the Literature of America, Great Britain, and the Pacific Rim, Bangkok, Jan. 1998)
- "Middle-Aged Man With A Skull: Samuel George Morton and the Quest for Cranial Contents" (Interdisciplinary Nineteenth-Century Studies Conference, April 1997)
- "The American Museum: Race and Access in the Antebellum United States" American Studies Association Convention, Nov. 1995)
- "A Very Sight of Sights to See': Cetology and Ethnology in *Moby-Dick*" (American Literature Association Convention, May 1995)
- "Types of Mankind: Comparing Bodies in Nineteenth-Century U.S. Literature and Ethnology" (Modern Language Association Convention, Dec. 1994)
- "Of Tattooing" (Modern Language Association Convention, Dec. 1993)
- "'I But Go Skin Deep': Reading the Racial Body in Melville and Langsdorff" (International Association of Word and Image Studies conference, Aug. 1993)
- "The Pleasures and Fetters of Language: Race, Revision, and Style" (Modern Language Association Convention, Dec. 1991; Berkeley English Department Reading and Composition Program, Feb. 1992)
- "Gertrude Dorsey Brown's 'A Case of Measure For Measure'" (American Studies Association Convention, Nov. 1991; Berkeley English Undergraduate Association, Nov. 1992)
- "Ideology and Landscape in *Pierre*" (Melville Centennial Conference, Pittsfield, Mass., May 1991)
- "Sentiment and Satire in *Pierre*" (Northeast Modern Language Association conference, Apr. 1990)
- "The Print of Race: Text and Illustrations in Mark Twain's *Pudd'nhead Wilson*" (Modern Language Association Convention, Dec. 1989)

CONFERENCE PAPERS (cont.)

"Race, Writing, and History" (Penn State Conference on Rhetoric and Composition, July 1989)

"Ralph Ellison's 'True Jazz Moments'": Self-Definition in *Shadow and Act*"
(Twentieth-Century Literature conference, Cornell University, Sept. 1986)

PUBLICATIONS

Book: *Melville's Anatomies* (University of California Press, 1999)

Book-in-progress: *Philadelphia Stories*

Edited volumes:

Co-editor (with Robert S. Levine) of *Frederick Douglass and Herman Melville: Essays in Relation* (University of North Carolina Press, forthcoming 2008)

Co-editor (with David Mitchell) of *Melville and Disability*, special issue of *Leviathan: A Journal of Melville Studies* 8.1 (March 2006)

Co-editor of *Representations* 84 (March 2004), special issue in memory of Michael Rogin (including essays by Norman Jacobson, Eric Lott, Greil Marcus, and Paul Thomas, among others)

Essays:

"Douglass and Melville in Relation," introduction, co-written with Robert S. Levine, to *Frederick Douglass and Herman Melville: Essays in Relation* (University of North Carolina Press, forthcoming 2008)

"Facing the Deep: An Interview with Thomas Farber," in *Leviathan* 8.2 (2006)

"Melville and Disability," introduction to special issue on "Melville and Disability," *Leviathan: A Journal of Melville Studies* 8.1 (March 2006)

"The Trouble with Transparency," *Raritan* 25.4 (Spring 2006)

"How *Clarel* Works," in *A Companion to Melville*, ed. Wyn Kelley (Blackwell, 2006)

"Leviathanic Revelations: Laurie Anderson's, Rinde Eckert's, and John Barrymore's *Moby-Dicks*," in *Ungraspable Phantom: Essays on Moby-Dick*, ed. John Bryant, Mary K. Bercaw Edwards, and Timothy Marr (Kent State Univ. Press, 2006)

"'An Almost Incredible Book': Fiction and Fact in Melville's *Typee*," *ESQ* 51.1-3 (2005)

Wrote commendation for reprint series *American Gothic, 1820-1860* (translated into Japanese; Athena Press, Tokyo, 2005)

"Stowe and Race," in *The Cambridge Companion to Harriet Beecher Stowe*, ed. Cindy Weinstein (Cambridge University Press, 2004)

"Philadelphia Experiments," *American Literary History* 6.1 (Spring 2004)

"'Race' in *Typee* and *White-Jacket*," in *The Cambridge Companion to Herman Melville*, ed. Robert S. Levine (Cambridge University Press, 1998)

PUBLICATIONS (cont.)

Essays (cont.):

"The Overwrought Landscape of *Pierre*," in *Melville's Evermoving Dawn: Centennial Essays*, ed. John Bryant and Robert Milder (Kent State University Press, 1997)

"The Eden of Saddle Meadows: Landscape and Ideology in *Pierre*," *American Literature* 66.1, special issue "New Melville" (March 1994)

Samuel Otter, Ph.D.

Data and Information Considered As Basis and Reasons for Opinions

Publications referred to in the report

His years of research and teaching

The Complaint in this case and the parties' briefs on the Motion to Dismiss

UC A-G Guide (http://www.ucop.edu/a-gGuide/ag/content/Guidettoa-gReqs_2007.pdf)

Report of Dr. Stotsky, produced by Plaintiffs in this case

Textbooks and Publications:

- Jan Anderson and Laurel Hicks, eds., *American Literature: Classics for Christians, Vol. 5* (Third Edition: A Beka Book, 2003)
- *The Language of Literature: American Literature*, ed. Arthur Applebee, Andrea B. Bermudez, Sheridan Blau, et al. (McDougal Littell, 2000), Teacher edition
- *The Norton Anthology of Literature by Women*, ed. Sandra M. Gilbert and Susan Gubar (Second Edition: W. W. Norton, 1996)

Copies Attached

Copies are attached of the following items, not publicly available or produced in discovery in this action:

- Appendix to report (Otter CV)

Compensation

The compensation to be paid for work on this report, deposition testimony, and trial testimony is \$250 per hour.

Testimony in Other Cases

None in the preceding four years, at trial or by deposition.