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Education

Students sue Department of Defense for pulling 'DEI' books from its school libraries

The lawsuit accuses the agency of violating the First Amendment rights of students by restricting lessons and library books related to race, gender and sexuality.

Students in schools run by the Department of Defense have staged multiple walkouts in recent months to protest the agency's decision to pull books that may not align with President Donald Trump's executive orders on race and gender. Now, a dozen students from six families are suing the department for sidelining books, curriculum and cultural awareness events that conflict with the president's goal of excising "gender ideology" and diversity, equity and inclusion from public life.

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ACLU, representing the students and their families, on Tuesday filed a lawsuit against the Department of Defense Education Activity (DoDEA) in the U.S. District Court for the Eastern District of Virginia, arguing that the Defense Department's actions infringe upon the students' First Amendment rights to obtain information, particularly about "their own identities and history." The 12 students whose families are party to the lawsuit range in age from pre-kindergarten to high school and attend DoDEA schools in Quantico, Virginia; Fort Campbell, Kentucky; Aviano, Italy; and Misawa, Japan.

"When we saw the three executive orders come out, one on gender ideology, one on K-12 schools and another on military schools, plus the range of other anti-DEI executive orders, we were alarmed because we saw immediate compliance and enforcement within the DOD's schools that they run on bases," Emerson Sykes, senior staff attorney with the ACLU's Speech, Privacy, and Technology Project, told The 19th. "Books were pulled from libraries. Black History Month was canceled. Specific chapters were pulled from curricula, specific modules were withdrawn. Health courses were canceled."

An estimated 67,000 children from active-duty military and civilian families attend the DoDEA's 161 schools worldwide. While traditional school districts have not rushed to comply with the president's executive orders because they have local control over their curricula, DoDEA has fallen in line since it is part of a federal agency, Sykes said. Representatives have denied banning any books or curriculum, telling The 19th and other news outlets that these materials have been temporarily set aside so staff can determine if they comply with recent executive orders from the White House and guidance from the Department of Defense.

DoDEA spokespeople told The 19th that they cannot comment on active litigation. But Michael O'Day, communications director for its Americas region, said via email that the agency "is unwavering in its dedication to providing an exceptional educational experience for every student." He said DoDEA's curriculum "has earned us the distinction of being the top-ranked school system in the United States for four consecutive years, based on the National Assessment of Educational Progress (NAEP), the Nation's Report Card. These standards promote academic excellence, critical thinking, and a learning environment that empowers all military-connected students to excel."

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ate House said book bans aren't happening. Now JD Vance's memoir is a target.

The plaintiffs paint another picture of DoDEA. They say they have not been able to access the books under review and that the agency has not disclosed which texts have been targeted. Moreover, the DoDEA has discouraged students from protesting censorship at its schools and disciplined some student demonstrators in a manner amounting to “a chilling effect on students’ ability to engage in constitutionally protected speech in the form of protest,” the lawsuit contends.

Natalie Tolley, a plaintiff on behalf of her three children in DoDEA schools, said in a statement that the agency should not have imposed the curriculum changes without due process. Implementing the restrictions without input from parents “is a violation of our children’s right to access information that prevents them from learning about their own histories, bodies, and identities,” she said. “I have three daughters, and they, like all children, deserve access to books that both mirror their own life experiences and that act as windows that expose them to greater diversity. The administration has now made that verboten in DoDEA schools.”

The lawsuit argues that DoDEA has pulled books without considering the caliber of the texts or their grade-level appropriateness since award-winning children’s books are among those singled out. The list of pulled books mentioned in the complaint was culled from leaked memos, emails and other information circulated within DoDEA school communities as well as news reports. Similarly, the ACLU argues that the agency has methodically removed references to race and gender from its school libraries and classroom lessons.

the government has broad discretion to populate public school books and create curricula, the First Amendment imposes guardrails to ensure *removals* are justified,” the complaint states. “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.”

Since Trump resumed office on January 20, he has issued executive orders directing the Department of Defense to scrap references to “divisive concepts” related to race and gender and federal agencies generally to eliminate statements and policies that promote “gender ideology,” an allusion to transgender or nonbinary identities. The White House has also released an executive order stating that the government would pull federal funding from K-12 schools that support “gender ideology” or “discriminatory equity ideology.”

The lawsuit, which names DoDEA Director Beth Schiavino-Narvaez and Secretary of Defense Pete Hegseth as defendants, argues that it harms students to prevent them from accessing books and lessons about important social issues. Reading restrictions could impair their critical thinking skills and what they learn about different communities. The complaint claims that political “animus” has influenced the DoDEA’s decision to “quarantine” books at its schools because the agency began circulating notices directing staff to set aside specific books in February, the month after the president fired out his volley of executive orders.

When Trump addressed a Joint Session of Congress on March 4, he made his mission clear, the complaint asserts.

“[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,” he said. “Wokeness is trouble, wokeness is bad, it’s gone. It’s gone. And we feel so much better for it, don’t we?”

with Trump's executive orders, Hegseth sent out a memo stating that [REDACTED] "Department 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." That includes the DoDEA, which proceeded to take steps, such as pulling books for review, to fall in line with the memo, the lawsuit states.

The parents of the plaintiffs in Aviano, Italy, said that DoDEA refused to provide them with a list of the books under review but were informed later that access to the items would be restricted to staff. The lack of communication around the targeted books deprives parents of transparency about their children's education and of the ability to compensate with lessons at home since they do not know which books have been set aside, the complaint states.

The lawsuit goes on to argue that school librarians at a DoDEA high school in Germany took an online training instructing them to sideline books alluding to "gender ideology" or "gender identity." Even yearbooks at DoDEA schools have been scrutinized for references to "gender ideology," the complaint states.

DoDEA families were told via email that staff would no longer teach a section of an AP Psychology course on "gender and sex." The agency also removed content on sexuality from its middle-school health classes, including chapters on sexually transmitted diseases, abuse and neglect, sexual harassment, human reproduction and the menstrual cycle.

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

Curriculum restrictions implemented by DoDEA have also taken aim at [redacted] and cultural celebrations, with the Department of Defense issuing guidance on January 31 that identity months were “dead” at the agency. Resources from the agency may no longer be used to host Black History Month, Women’s History Month, National Disability Employment Awareness Month and others, according to the guidance. The lawsuit argues that to adhere to the guidance, DoDEA Chief of Staff Taylor York sent out a letter on February 24 stating: “[s]chools must cancel all planned special activities and non-instructional events related to former monthly cultural awareness month observances.”

The banning of identity months at DoDEA prompted the removal of bulletin boards and library displays about Black people, with the plaintiffs claiming they have been denied opportunities to learn about Black leaders and historymakers in school.

“We’ve heard that MLK quotes have been removed, rainbows have been pulled down [for LGBTQ+ Pride],” Sykes said.

A 1988 Supreme Court case, [Hazelwood School District v. Kuhlmeier](#), governs the withdrawal of curricular materials from schools but such removals must have a legitimate pedagogical concern, Sykes said.

“We know that students don’t lose their constitutional rights at the schoolhouse gate as the Supreme Court has famously said, but there are limitations on constitutional rights while at K-12 schools, so courts have recognized this and are generally deferential towards schools,” Sykes said. “But we argue, in a situation like this, the government fails even that deferential test because the removals that are happening are not for any legitimate pedagogical concern. They are explicitly for partisan political reasons.”

ACLU filed its lawsuit on the same day that civil rights organizations, the Defense Fund and Lambda Legal, sent a letter to Hegseth and U.S.

Naval Academy Superintendent Yvette M. Davids objecting to the academy's decision to remove 381 books discussing race, gender and sexuality from its Nimitz Library. They argue that cadets have a right to receive information and that materials should not be censored because the president disagrees with the ideas they express.



Some of the books the ACLU lawsuit argues DoDEA targeted

- “Hillbilly Elegy: A Memoir of a Family and Culture in Crisis,” a memoir about the struggles of White Americans in Appalachia, by Vice President J.D. Vance.
- “Freckleface Strawberry,” a picture book about a child who learns to love her unique physical traits and those of her peers, by Julianne Moore, an Oscar-winning actress and alumna of a Department of Defense-run school. The book was a New York Times bestseller.
- “Both Sides Now,” a novel about a transgender teen who competes in a national debate contest, by Peyton Thomas. The book won the 2022 International Literacy Association Award for Young Adult Fiction.
- “No Truth Without Ruth: The Life of Ruth Bader Ginsburg,” a picture book about the life of the late Supreme Court justice, by Kathleen Krull, winner of the 2011 Children's Book Guild Nonfiction Award.
- “To Kill a Mockingbird,” a book about the trial of a Black man accused of sexual assault, by Harper Lee. The book won the 1961 Pulitzer Prize for

 on.

- “Fahrenheit 451,” a treatise on book-burning and censorship, by Ray Bradbury. The book has won numerous awards.
- “The Kite Runner,” a novel that chronicles Afghanistan under Soviet and Taliban rule, by Khaled Hosseini.
- “Well-Read Black Girl: Finding Our Stories, Discovering Ourselves,” a book of essays from Black women about how literature has affected their lives, by Glory Edim.
- “Julian is a Mermaid,” a picture book about a boy, his mermaid costume and a parade, by Jessica Love. The book won the 2019 Stonewall Book Award.
- “The Antiracist Kid: A Book About Identity, Justice, and Activism” by Tiffany Jewell.
- “A Queer History of the United States,” a book about LGBTQ+ people in U.S society, by Michael Bronski. The book won the 2012 Stonewall Book Award and the 2012 Lambda Literary Award for LGBT Nonfiction.
- “AP Psychology Premium,” a prep book for the AP Psychology exam.

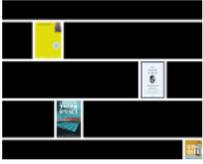
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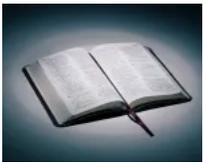
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