

Tennessee legislature passes bill banning “Critical Race Theory” in higher education

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On Monday, March 21, the Republican-controlled Tennessee state legislature passed right-wing legislation for higher education which prohibits the use of what they identified as “divisive concepts” related to racism, sexism and social class, among other topics, in student and faculty training programs. The bill also prohibits any monetary incentives for teaching these concepts.

Furthermore, the law allows anyone who perceives there has been a violation to have recourse to “all equitable or legal remedies” in a court of law. This leaves staff and faculty in the state’s public colleges and universities vulnerable to specious accusations, lawsuits and potential job termination, which is sure to cause some faculty to self-censor or suppress open and free discussion of social issues in their courses. The bill moves to conference, then to the desk of Republican Governor Bill Lee.

The wording and import of the law are nearly identical to the “anti-critical race theory” (anti-CRT) laws which outlawed the teaching of social struggles arising from race, sex and class in K-12 public schools in Tennessee and at least 11 other states last year, while it adds the vigilante enforcement mechanism used by the Texas legislature in its anti-abortion law.

Republican Lieutenant Governor Randy McNally stated the purpose of the law is to make sure “students are taught the subjects they sign up for.” However, the Tennessee law, as well as similar laws being passed throughout the US, aim to suppress the history of social inequality in the United States by exploiting the racialist politics of the Democrats and the pseudo-left in order to divide workers and students against their common interests. The far-right is seeking to enshrine nationalistic propaganda as a lingua franca on college campuses.

The origin of the anti-CRT campaign was a reaction of the right-wing Trump-led faction of the US ruling elite to the magnitude of the protests against police killings in the summer of 2020, following the police murder of George

Floyd. At the same time, the *New York Times*’ 1619 Project was being toasted by the liberal wing of the establishment as Nikole Hannah-Jones had just been awarded the Pulitzer Prize for her introduction to the project which characterized the American Revolution as motivated by the determination to defend slavery, and in which she proclaims, among other ahistorical observations, that “Anti-black racism runs in the very DNA of this country.”

Tennessee joins Mississippi, Idaho, South Dakota, Wisconsin, Florida and Iowa among the states to pass legislation that targets directly or indirectly any open examination of all social antagonisms, class conflict and revolutionary upheavals by curtailing the “promoting or advocating the violent overthrow of the United States government” and “promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people.”

Republican state legislatures have smeared virtually any teaching about social inequality and social struggles in America as a violation of the civil rights of whites.

In an effort to ensure that ideas about race, gender and class are neutralized on campuses, the Tennessee law requires college employees whose job it is to promote diversity on campuses must now “increase intellectual diversity” of the faculty and students. Additionally, they must conduct surveys to gauge student and faculty “comfort level in speaking freely on campus.”

The term “intellectual diversity” is a euphemism for mainstreaming regressive social tendencies such as libertarianism and religious right-wing ideology. According to SourceWatch, the intellectual diversity movement by conservatives is a reaction to the perceived liberal bias on college campuses. In order to provide intellectual diversity, the phrases “balance,” “alternative view” and “equal weight” appear in many states’ legislation.

Consequently, legislating alternative views will open the door for legitimizing falsifications such as holocaust denialism and other far-right interpretations of history. Arguably, Tennessee's history as a slave state which joined the Confederacy and fought in the Civil War against the Union must be treated with such "balance" and "equal weight."

The stipulation of diversity "comfort level" surveys in Tennessee's law is similar to the controversial bill passed in Florida last June which requires surveys about "intellectual freedom and viewpoint diversity" on Florida college campuses. The Florida bill was widely greeted as an infringement on academic freedom by faculty and students.

Especially concerning for academics in the Florida law is the provision that allows students to record lectures as evidence of violation of university policies. Such recordings can be done without the knowledge of the instructor, leaving both tenured and non-tenured faculty vulnerable to any number of specious accusations.

Faculty and students opposing the law in Florida have filed a lawsuit claiming, "It (HB233) was passed with the intent to suppress liberal and progressive views and associations ... by creating a hostile environment for those views on virtually every level..."

Neither law in Tennessee or Florida provides specific guidelines for the surveys, such as guarantees of anonymity. There are no stipulations in the laws about which agency will create the surveys or what information will be gleaned by them. It is all but certain that the data gathered by the required surveys will be used as a weapon against ideas far-right politicians find objectionable.

Defunding of courses and programs has already taken place in Idaho, which was the first state to pass a higher education version of an "anti-CRT" bill last year. The legislature has cut funding to programs in universities that do not create "job ready people" as one Republican senator put it. Cut from Boise State University's (BSU) budget was \$409,000—the exact amount spent on social justice programs.

The day after the budget cut, BSU removed a block of courses with social justice content from its course catalog only to be reinstated at a later date as asynchronous online classes which do not include a discussion component. "They're going to get the message," Idaho Republican Sen. Carl Crabtree said about the legislature's efforts to dictate what can or cannot be taught in colleges and universities.

PEN America has been tracking the reactionary

legislation in its Index of Educational Gag Orders. Since the beginning of this year, 49 bills or amendments to existing bills that ban the teaching of divisive concepts and/or assess penalties to previous bans have been introduced. According to the tracker, the laws passed in Republican-run states this year are more explicit in the attempt to attack democracy by threatening the funding of public higher education.

Disguised as "transparency," proposed laws in Florida and Texas are taking aim at tenure. On the surface, Florida's bill requires course syllabi and course materials to be publicly available on university websites six weeks before the start of a class in order that students and families may scrutinize them for objectionable content. Further down in the bill, however, is the requirement that newly tenured professors be subjected to five-year reviews.

Texas Lieutenant Governor Dan Patrick is calling for an all-out ban on teaching CRT in higher education and proposed an end to tenure altogether. As reported by *Diverse Issues in Higher Education*, Patrick stated, "We're not going to allow a handful of professors who do not represent the entire group to teach and indoctrinate students with critical race theory." He went on to say, "I'm not going to pay for that nonsense."

In other states, current laws are being amended to add penalties for violation of "divisive concept" laws. In Wisconsin, Republicans have passed a bill which could deprive the university of 10 percent of its state aid as well as make the university shoulder the cost of legal fees for students of faculty who choose to sue the university for violation of their divisive concepts law. While Democratic Governor Tony Evers is expected to veto the bill this session, it is a crucial issue in the lead-up to the midterm elections for Republicans this year.



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