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**Testimony to the Assembly Colleges and Universities Committee on AB 413, Relating to “Anti-Racism and Anti-Sexism Instruction and Training at the UW System and Wisconsin Technical College System”**

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**Michael Bernard-Donals,  
PROFS President**

PROFS, the Public Representation Organization of the (UW-Madison) Faculty Senate, is strongly opposed to the proposed legislation being discussed today – Assembly Bill 413 – that prohibits instruction about structural racism at the University of Wisconsin and the Wisconsin Technical Colleges. The bill is anti-education, undermines the concepts of free speech and academic freedom, and is perniciously broad in scope.

I remind the committee that our nation’s current reckoning over race dates to May 25, 2020, in Minneapolis, Minnesota, when a police officer chose to casually kneel on the neck an African American man, George Floyd, for more than eight minutes, killing Mr. Floyd. Rather than respond to this tragic incident, and others like it, by bringing people together to address racial issues in an intelligent, thoughtful manner, the majorities in the Legislature are determined to outlaw instruction and training of the very structural racism that contributed to Mr. Floyd’s death, and the deaths of many other people of color in our society.

The bill purports to be against “race or sex stereotyping,” and to do away with “discomfort, guilt, anguish, or any other form of psychological distress” that might result from teaching concepts such as systemic racism or sexism. This seems innocent enough: no one is in favor of such stereotypes. But consider the testimony of Representative Wichgers on a closely related bill to ban instruction of structural racism in K-12 education: to “prohibit the teaching” of a set of concepts that he wrongly associates with critical race theory, concepts and terms that would “wholly violate” the terms of the legislation being proposed.

AB 413 has the potential to outlaw critical self-reflection, teaching about the construction of identity, notions of multiculturalism, or even diversity, equity, and inclusion, all of which are cornerstones of a liberal arts education, and have been for decades, long before the more recent Republican obsession with the catch-all term “critical race theory.” The three-and-a-half page list of terms is breathtaking in scope and is Orwellian in its ambition to simply erase a set of concepts from the university curriculum.

Interestingly, Representative Wichgers bases the legality of the K-12 bill – which mirrors the language in AB 413 – on Section 1 of the Fourteenth Amendment of the United States Constitution, the Equal Protection Clause, a preposterous claim. The Equal Protection Clause has historically been used to ensure that individuals have equal access to educational and public opportunities.

The proposed legislation does the opposite: It bans certain concepts from the curriculum to deprive students of equal access to concepts that are central to historical, cultural, social, and liberal arts education. The more salient portion of the Constitution that contextualizes the consequences of the proposed ban on teaching structural racism is the First Amendment, which bars the imposition of laws that abridge the freedom of speech by citizens – and teachers and university professors are citizens – to contribute to public discourse.

Academic freedom, which is associated with the First Amendment in constitutional law, gives faculty members the freedom to teach on matters related to their field of expertise. The proposed legislation violates both the First Amendment and the concept of academic freedom.

Telling faculty at its public universities that certain topics are off limits is especially ironic given the report from the Senate Committee on the Universities and Technical Colleges, which decries attacks on academic freedom and campus speech, and given legislation proposed in previous sessions of the Legislature designed to 'protect' students and faculty from limitations on what they can say and learn.

This proposed bill is abhorrent for two other reasons. First, as noted above, if there was ever a time for institutions of higher education to explore the extent and effects of systemic and structural racism in the United States, it's now, when our students see all around them the violence against and disenfranchisement of Black, Indigenous, and People of Color across the country. Second, the proposed bill is just the latest instance of legislative overreach when it comes to the university – from what we teach, to how we use the funding directed to UW, to limiting the kinds of research done – that we've seen from the legislature since the early days of 2011.

PROFS urges members of the legislature to vote against this bill, which – like a number of bills circulated this session that are aimed at the UW – is a solution in search of a problem.