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Alabama Republicans Pass Expansive Legislation Targeting D.E.I.

The measure would not only cut funding to diversity programs at public colleges, but also limit the teaching of “divisive concepts” surrounding race and gender.



By Emily Cochrane

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Alabama Republicans pushed through a sprawling measure on Tuesday that would not only ban state funding for diversity, equity and inclusion programs at public universities, local boards of education and government agencies, but also limit the teaching of “divisive concepts” surrounding race, gender and identity.

The bill passed with broad support in the State Legislature, but faced vehement opposition from student groups, civil rights advocates and Democrats who said it was a chilling attempt to undercut free speech and diversity efforts, especially given Alabama’s history of educational segregation and racism.

The bill also forbids public universities and colleges from allowing transgender people to use bathrooms that align with their gender identity.

With the legislation, Alabama lawmakers join a broad, right-wing campaign that has targeted D.E.I. programs and initiatives, and has sought to roll back or limit efforts to expand racial diversity on college campuses across the country.

But the debate has been particularly fraught in Alabama. Democratic legislators there underscored their opposition by invoking the state’s past, including when Gov. George Wallace made a “stand in the schoolhouse door” to prevent Black students from enrolling in the University of Alabama.

And at least one Democratic elected official suggested, despite his allegiance to Alabama

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football, that student athletes should consider looking elsewhere.

“Would you be cool with your child playing at schools where diversity among staff is actively being discouraged?” **Mayor Randall Woodfin of Birmingham** asked in a Facebook post last month. “Although I’m the biggest Bama fan, I have no problem organizing Black parents and athletes to attend other institutions outside of the state where diversity and inclusion are prioritized.”

The legislation, which would take effect on Oct. 1, now heads to Gov. Kay Ivey, a Republican, for her signature.



Gov. Kay Ivey in Montgomery, Ala., last year. The legislation now heads to her for her signature. Julie Bennett/Associated Press

Alabama Republicans have in recent years repeatedly sought to curb D.E.I. programs at public institutions. State Representative Ed Oliver, a Republican and lead sponsor of the bill, recently condemned the initiatives as aiming “to deepen divisions, set up race-exclusionary programs and indoctrinate students into a far-left political ideology.”

Another key Republican sponsor, State Senator Will Barfoot, said that “higher education must return to its essential foundations of academic integrity and the pursuit of knowledge instead of being corrupted by destructive ideologies.”

Democrats, who widely opposed the bill, warned about infringing on the constitutional rights of faculty, staff and students. In impassioned speeches, Black lawmakers recalled the state's history of racism and disenfranchisement and their own experiences of discrimination, as well as the opportunities they had received through D.E.I. programs.

"The advancements that we have made — race relations, human rights, social rights, social justice — in this country, they're slowly rolling it back," said State Representative Juandalynn Givan, a Democrat. She added: "It is allowing our racial ethnicity and the significance of our skin color to be slowly stripped away in every shape, form or fashion."

The prohibitions are largely focused on the teaching of "divisive concepts," which the bill defines in part as assigning "fault, blame or bias" to any race, religion, gender or nationality. Other examples of divisive concepts include teaching that a person is "inherently responsible for actions committed in the past" or that a person should "accept, acknowledge, affirm or assent to a sense of guilt, complicity or a need to apologize" based on their race, religion, gender or background.

The legislation also says that its language should not prohibit D.E.I. programs or discussions from taking place on campus, as long as state funds are not used. And it says that the bill should not prevent "the teaching of topics or historical events in a historically accurate context."

The debate largely centered on the law's effect on the state's public universities, land grant universities and historically Black colleges and universities, where there are several D.E.I. organizations and programs.

Some staff, students and critics say that amid a backlash over how racism and Black history are taught, the lack of funding and fears of violating the law may be enough to stop such discussions. PEN America, the free expression group, warned last month that the bill was a "pernicious educational gag order" that would lead to "a campus environment devoid of intellectual freedom."

Opponents have raised concerns about the vagueness of the bill, given that the legislation allows for employees at public colleges and universities to be disciplined or fired for violating the measure. They pointed to Florida, where a similar law is in place and where multiple schools have either eliminated or reduced positions related to D.E.I.

Critics also warned that the bill would more likely affect historically Black colleges and programs that have already struggled to receive equitable funding and resources.

Outside the State Capitol in Montgomery this month, members of Black fraternities and sororities, L.G.B.T.Q. groups and students at several of the state's public schools and

historically Black colleges rallied against the measure. Chanting “D.E.I. saves lives,” they told stories of how the programs had helped them navigate predominantly white institutions or find opportunities and support in college.

The state’s flagship public universities — Auburn University and the constellation of schools in the University of Alabama system — have not explicitly addressed how the legislation would affect their offices or programs, beyond pledging to maintain a welcoming and respectful environment on campus.

The two schools and their D.E.I. programs were highlighted in a report titled “Going Woke in Dixie?” released by the Claremont Institute, a think tank that has championed legislation against D.E.I. across the country.

“We are committed to providing resources and opportunities that are accessible to all, and will continue to work with the legislature as we equip our campus community members for success at our universities and beyond,” said Lynn Cole, a spokeswoman for the University of Alabama system.

Jennifer Adams, a spokeswoman for Auburn University, said the institution placed “particular emphasis on providing access and opportunity to the citizenry of Alabama” and “will act consistently with applicable state and federal law.”

Emily Cochrane is a national reporter for The Times covering the American South, based in Nashville. More about Emily Cochrane

A version of this article appears in print on , Section A, Page 11 of the New York edition with the headline: Republicans In Alabama Vote to Limit D.E.I. Efforts

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