


EDUCATIONAL GAG ORDERS ON U.S. CAMPUSES: LESSONS FROM THE STATE OF FLORIDA

 <https://orcid.org/0009-0005-0312-285X> Jeffrey Aaron Snyder **A**

 <https://orcid.org/0009-0000-8125-4691> Amna Khalid **B**

A Carleton College, Northfield, Minnesota, USA

B Carleton College, Northfield, Minnesota, USA

Recebido em: 18 abr 2024 | **Aceito em:** 04 jul 2024

Correspondência: Jeffrey Aaron Snyder (jsnyder@carleton.edu)

Abstract

This article looks at the state of Florida as a case study for the conservative “culture wars” attacks on public colleges and universities in the United States. Anti-critical race theory laws in Florida and elsewhere are undermining academic freedom and eroding the autonomy of higher education institutions. Focusing on Florida’s Stop WOKE Act, the analysis is based on research the authors conducted as fellows with the University of California National Center for Free Speech and Civic Engagement during the 2022/23 academic year

Keywords: "culture wars"; academic freedom; conservatism

Resumo

Este artigo analisa o estado da Flórida como um caso de estudo dos ataques conservadores da "guerra cultural" aos colégios e universidades públicas. As leis contra a teoria racial crítica na Flórida e noutros locais estão a minar a liberdade académica e a corroer a autonomia das instituições de ensino superior. Com foco na Lei Stop WOKE da Flórida, a análise é baseada em pesquisas que os autores realizaram como bolsistas do Centro Nacional de Liberdade de Expressão e Engajamento Cívico da Universidade da Califórnia durante o ano acadêmico de 2022/23.

Palavras-chave: “guerra cultural”; liberdade acadêmica; conservadorismos.



Introduction

The state of Florida is ground zero for the conservative “culture wars” attacks against public education in the United States. It is one of 11 states that have passed laws expressly targeting the freedom to teach in public colleges and universities. The free expression advocacy organization PEN America has aptly characterized these laws as “educational gag orders” that “restrict teaching about topics such as race, gender, American history and LGBTQ+ identities.”¹ They represent a serious threat to academic freedom and the basic integrity of public higher education.

This chapter is based on research we conducted as fellows with the University of California National Center for Free Speech and Civic Engagement during the 2022/23 academic year. In the course of our research on the Stop WOKE Act and other recently passed higher education laws in Florida, we conducted interviews with over a dozen faculty members who teach at Florida’s public universities. Florida is a critical state to examine, not only because its public higher education system is one of the largest in the United States but also because its model of higher education reform has become a blueprint for other states.²

The Historical Backdrop

The idea that public schools are indoctrinating children with dangerous anti-American propaganda, which is at the core of the current anti-Critical Race Theory (CRT) movement, is not unique to our times. Since the advent of public schools in the mid-19th century, parents and citizens of all backgrounds and political orientations have accused public schools of indoctrinating their kids. In the past century, however, white religious conservatives have been the loudest, most well-organized contingent, vigorously arguing that public school instruction undermines “traditional” values and beliefs. One can track this conservative culture wars movement from opposition to the

¹ Jeremy C. Young, Jeffrey Adam Sachs, and Jonathan Friedman, “America’s Censored Classrooms,” PEN America, August 17, 2021. <https://pen.org/report/americas-censored-classrooms/>. Since January 2021, some 300 legislative “gag orders”--most of which target K-12 public schools--have been introduced in 45 states. More than 20 states have passed one or more of these bills into law. Jeffrey Adam Sachs and Jeremy C. Young “America’s Censored Classrooms 2023,” PEN America, November 9, 2023, <https://pen.org/report/americas-censored-classrooms-2023/>.

² There are 12 public universities in Florida, serving more than 430,000 students. Florida also has 28 state and community colleges, which enroll around 650,000 students.

teaching of evolution in the 1920s and campaigns against “Un-American” textbooks in the 1950s to crusades against sex education in the 1970s and today’s anti-CRT campaigns.

Since he took office in January, 2019, Florida, Governor Ron DeSantis has embraced education reform, particularly the fight against “woke indoctrination,” as the hallmark of his political brand. Conservative activist Christopher Rufo is advisor to DeSantis and the main architect of the anti-CRT crusade. In a recent video, Rufo said it was high time that conservatives organized to “recapture territory” from the leftwing ideologues allegedly running public colleges and universities. Here is how he described the political landscape of higher education in a YouTube video from January 2023:

One thing that I almost admire about the political left is that they want to achieve dominance and nothing less than dominance. And so I think it's fair to say that you have left wing ideological dominance in every public university in Florida, and in fact, virtually every public university in the United States. They're saturated with diversity, equity, and inclusion; they're saturated with critical theory or neo-Marxist theory; they're saturated with queer theory. Taking identity politics out of the activist space and giving it a masquerade through highly abstract language. What it all is when you bring it together, it is left-wing political activism...in the guise of academic scholarship.³

Rufo’s rhetoric is indebted to a long and ugly history of “red scares,” “lavender scares” and white backlash to civil rights gains. According to Robert Cassanello, a historian at the University of Central Florida, right-wing activists and politicians continually return to the same well, dipping into a reservoir of fear and anxiety about “the Other”-- communists, socialists, radicals, civil rights activists, “homosexuals” and professors. “It's drawing from a similar place,” Cassanello said:

This idea that there are these Others and these Others are making your life miserable in these ways. So that rhetorical frame I think is consistent throughout these different periods. The Other is not only marginalized groups. University professors are the Other, the university community is the Other...this kind of foreign thing, foreign ideas, un-American ideas, that all germinate on the campus community. So, in that way, I think that's what's connecting all of this. We all have targets on our back.⁴

Paul Ortiz, history professor at the University of Florida, described a long history of witch hunts on his campus: “Our campus has a history of faculty being fired

³ Christopher F. Rufo, “The Conservative Counter-Revolution Begins in the Universities.” YouTube video, 2:56, January 12, 2023. <https://youtu.be/gOfTsRQyHAg>.

⁴ Robert Cassanello, personal interview with authors, Jan 19, 2023.

for criticizing Robert E. Lee, criticizing Southern secession, being lesbian or gay, even being accused by students of being lesbian or gay.”⁵ The Johns Committee played a central role in chilling campus free expression.⁶ Riding on the coattails of McCarthyism, this committee was established in 1956 to investigate the alleged role of Communists and other “subversives” in the NAACP. Over the course of the next nine years, the committee took a special interest in university campuses, targeting students and faculty involved in the burgeoning Civil Rights Movement, as well as members of the campus community who were presumed to be gay.

As Ortiz explained:

When we talk about LGBT faculty experience here [at the University of Florida], we have retirees who can tell you what it was like to be a faculty member here in the fifties. Basically, how it worked was so insidious. You would get a call one day as a faculty member from the head of our police department, the police chief. We have the scripts. This has been done up in local museums. Really powerful, it’ll move you to tears, because the script was pretty basic. It was the chief calling you and saying, “one of your students has reported you for walking funny in class, and I want you to come

down and answer some questions. And you have a choice, either you come into my office and answer these questions, or I’ll just call the daily newspaper and just tell ‘em you’re homosexual. They’ll print a devastating article about you. That’s how it went.”⁷

At least 39 faculty members and deans were forced out of Florida colleges and universities due to alleged homosexual activity in the late 1950s and 1960s. That number doesn’t account for the “terror of being hunted by your own government” or the “time spent wondering who knew your secret and who might tell.”⁸

DeSantis Transforms Florida’s Higher Education Landscape

Over the past several years, Florida has passed a wide variety of laws that infringe on academic freedom. House Bill 233, passed in 2021, allows students to secretly record their professors’ lectures for use in disciplinary or legal actions⁹. Senate

⁵ Robert E. Lee (1807-1870)—was a general in the Confederate (Southern) Army during the American Civil War.

⁶ Paul Ortiz, personal interview with authors, Jan 9, 2023.

⁷ Paul Ortiz, personal interview with authors, Jan 9, 2023.

⁸ Paul Ortiz, personal interview with authors, Jan 9, 2023.

⁹ Florida House. Higher Education. HR 233. Filed on January 12, 2021. <https://www.flsenate.gov/Session/Bill/2021/233/BillText/er/PDF>.

Bill 7044, passed in 2022, mandates that syllabi and reading lists for all public university courses be posted in a publicly accessible location at least 45 days in advance of when classes begin¹⁰. Senate Bill 520, also enacted in 2022, reduces the transparency of presidential searches at state colleges and universities, allowing schools to keep the identities of applicants secret until the finalists stage.¹¹ In the fall of 2022, Ben Sasse, former Republican Senator from Nebraska, was the only finalist announced in a presidential search at the University of Florida. He got the job in spite of significant opposition from students and faculty.

House Bill 7, also known as the Stop WOKE Act, was signed into law in April 2022. It is a marquee accomplishment for the DeSantis administration and undoubtedly the most well-known of all of the anti-CRT bills that have been passed across the country.

The template for most of the anti-CRT legislation in the Stop WOKE Act mold comes from an Executive Order issued by the Trump administration in September 2020. The “Executive Order on Combating Race and Sex Stereotypes” asserted that a “malign ideology” was taking hold in the United States, one “rooted in the pernicious and false belief that America is an irredeemably racist and sexist country.” The Executive Order prohibited the inclusion of nine so-called “divisive concepts” in any federal employee training programs. Here are three of the concepts deemed out-of-bounds:

- “an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously”
- “an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex”
- “any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex”¹²

¹⁰ Florida Senate. Postsecondary Education. S 7044. Introduced on February 3, 2022. <https://www.flsenate.gov/Session/Bill/2022/7044/BillText/er/PDF>.

¹¹ Florida Senate. Public Records and Public Meetings. S 520. Filed on October 18, 2022. <https://www.flsenate.gov/Session/Bill/2022/520/BillText/er/PDF>.

¹² Donald Trump, “Executive Order on Combatting Race and Sex Stereotyping.” issued on September 22, 2022. <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-combating-race-sex-stereotyping/>.

With support from conservative think tanks such as the Heritage Foundation, the Manhattan Institute and the Goldwater Institute, Rufo has led the charge to translate the “divisive concepts” framework of Trump’s Executive Order into state laws.

Modeled closely on Trump’s Executive Order, HB7 the “Individual Freedom Act,” commonly referred to as the “Stop WOKE Act,” stipulates that professors cannot “espouse, promote, advance, inculcate or compel individuals to believe” eight concepts that “constitute discrimination based on race, color, sex, or national origin.” For example: echoing the Executive Order language, HB 7 stipulates that professors can’t advance the concept that “a person by virtue of his or her race, color, national identity or sex is inherently racist, sexist, or oppressive whether consciously or unconsciously.”¹³ In the event that an instructor violates the law, they could lose their job. Furthermore, if the university does not subject the faculty member to “appropriate” punishment, the institution stands to lose millions of dollars in annual state funding.

HB 7 has already had serious chilling effects on faculty members, especially those without tenure and those in the humanities and the interpretive social sciences. “The Stop WOKE Act is an eerie combination of Orwell and Kafka,” University of Florida history professor Jeffrey Adler told us, adding that there are “mandates about what we’re not supposed to do and about what we’re not supposed to say,” but the specifics remain frustratingly amorphous.¹⁴

Frank Fernandez, an assistant professor of higher education administration and policy at the University of Florida, said, “The law is vague, but the message is clear.”¹⁵ And the message is that faculty members should avoid topics related to race, racism, and social inequality. According to Andrew Gothard, the president of the United Faculty of Florida Union, dozens of instructors have shared with him how they are quietly dropping topics, altering syllabi and even canceling whole courses out of fear for their job security.

In the fall of 2022, University of Central Florida Sociology professor Jonathan Cox canceled two courses that included readings challenging the assertion that the US is

¹³ Florida House. Individual Freedom. HR 7. Filed on January 11, 2022. <https://www.flsenate.gov/Session/Bill/2022/7/BillText/er/PDF>.

¹⁴ Jeffrey Adler, personal interview with the authors, January 23, 2023.

¹⁵ Frank Fernandez, personal interview with Jeffrey Aaron Snyder, November 15, 2022.

a colorblind society. Here is how Cox, a tenure-track assistant professor, explained his decision: “somebody who's not even in the class could come after me. Somebody sees the course catalog, complains to a legislator. Next thing I know, I'm out of a job.”¹⁶

Cox's department chair said it was a tragedy that classes like this get canceled. For the fall 2022 semester, the University of Central Florida Sociology department offered 39 courses. None of them focused primarily on race.

When professors are intimidated, students are the ones with the most to lose. Here is how Fernandez captured this dynamic for students in his field:

One cannot graduate from a higher ed administration program without encountering critical race theory. I don't care whether you personally believe it, but you need to be familiar with it. I feel like it would be educational malpractice on my part if I did not teach theories or perspectives that are recognized as important and foundational knowledge for students to be aware of to do research and get jobs.¹⁷

The Stop WOKE Act is not going unchallenged. The Foundation for Individual Rights in Education filed a lawsuit against the Act, as did the ACLU in collaboration with the NAACP Legal Defense Fund. In November 2022, US district court judge Mark Walker granted a temporary injunction against the Stop WOKE Act on the grounds that it violates the first amendment's right to free speech and the 14th amendment's right to due process. Walker wrote:

Under this act, professors enjoy 'academic freedom' so long as they express only those viewpoints of which the State approves. This is positively dystopian...in the name of combatting 'indoctrination' of one perceived orthodoxy, the State allows for 'indoctrination' in its preferred orthodoxy...Our professors are critical to a healthy democracy. If [they] are not allowed to shed light on challenging ideas, then democracy will die in darkness.¹⁸

¹⁶ Daniel Golden, “Muzzled by DeSantis, Critical Race Theory Professors Cancel Courses or Modify Their Teaching.” ProPublica, January 3, 2023. <https://www.propublica.org/article/desantis-critical-race-theory-florida-college-professors>.

¹⁷ Frank Fernandez, personal interview with Jeffrey Aaron Snyder, November 15, 2022.

¹⁸ Mark Walker, “Order Granting in Part and Denying in Part Motions for Preliminary Injunction,” in Leroy Pernell, et al. v. Florida Board of Governors of the State University System, et al. (Case No.: 4:22cv304-MW/MAF) and Adriana Novoa, et al. v. Manny Diaz, JR., et al. (Case No.: 4:22cv324-MW/MAF) in the United States District Court Northern District of Florida Tallahassee Division. Filed on November 17, 2022, 135

The state has formally appealed the injunction, and a federal appeals court denied a request from the DeSantis administration to block the injunction pending appeal.¹⁹

The Stop WOKE Act may be paused but another critical piece of Florida higher education legislation--SB 266--remains in effect. Signed into law on May 15, 2023, SB 266, among other provisions:

- stipulates that general education core courses “may not distort significant historical events or include a curriculum that teaches identity politics” or be “based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities”²⁰
- empowers the university president to determine faculty hiring choices and notes that the president is not bound by the recommendations of faculty or anyone else.
- eliminates any avenues of appeal for faculty grievances beyond the level of the university president, including in “the areas of evaluations, promotions, tenure, discipline, or termination.” The decision of the president is final, leaving no room for arbitration by faculty unions or other parties.
- authorizes the establishment of the Adam Smith Center for the Study of Economic Freedom at Florida International University and the Hamilton Center for Classical and Civic Education as an academic unit within the University of Florida with the express aim “to support teaching and research concerning the ideas, traditions, and texts that form the foundations of Western and American civilization”
- prohibits any state university from requiring “any statement, pledge, or oath other than to uphold general and federal law, the United States Constitution, and the State Constitution as a part of any admissions, hiring, employment, promotion, tenure, disciplinary, or evaluation process” (The unstated aim here is to ban the use of diversity statements for faculty hiring and promotion)

¹⁹ Amna Khalid and Jeffrey Aaron Snyder, “Why We Wrote an Amicus Brief to Contest the Stop WOKE Act,” Washington Monthly, July 12, 2023. <https://washingtonmonthly.com/2023/07/12/why-we-wrote-an-amicus-brief-to-contest-the-stop-woke-act/>

²⁰ Florida Senate. Higher Education. S 266. Introduced on March 7, 2023. <https://www.flsenate.gov/Session/Bill/2023/266/BillText/er/HTML>.

Put plainly, SB 266 is an all-out assault on the core components of academic freedom: faculty expertise, faculty autonomy and faculty governance.

The “Declaration of Principles on Academic Freedom and Academic Tenure” put out by the American Association of University Professors (AAUP) in 1915 delineates three domains that should be protected by academic freedom: teaching, research and extramural speech. The crux of this declaration is the assertion that professors should be able to carry out their research and teaching free of political interference because they are experts whose professional work advances human knowledge and contributes to the common good. Political interference, the AAUP explained, could take different forms, including the “vested interests” of trustees, the “political considerations” of legislators (in the case of public institutions), and the “unconsidered impulses of popular feeling.” The AAUP aptly noted that any views that departed from “conventional standards” were “likely to be regarded with suspicion” by one or more of these constituencies. It bears mentioning that all three of these factors are converging in the case of Florida.

The 1915 Declaration placed faculty governance at the heart of academic freedom, asserting that professors hold the primary responsibility for educational matters ranging from the curriculum to hiring and promotion. The university, per the report, should be an “inviolable refuge” from the “tyranny of the ruler” and the “tyranny of public opinion.” Expertise and professional competence should be the coin of the realm.²¹

Academic freedom is effectively meaningless if faculty are prohibited from teaching specific content and b. cut out from the faculty hiring process. Presidents and trustees simply do not have the requisite expertise to intervene in curricular decisions or to make judgment calls about the needs and requirements of academic departments and programs.

Democracy in Action?

²¹ American Association of University Professors. 1915 Declaration of Principles on Academic Freedom and Academic Tenure. 1915. <https://www.aaup.org/NR/rdonlyres/A6520A9D-0A9A-47B3-B550-C006B5B224E7/0/1915Declaration.pdf>.

For conservative politicians, strategists, and pundits, Governor Ron DeSantis's model of higher-education reform is "democracy in action."²² As a 2023 headline from the *National Review* declared: "DeSantis is putting the public back in public universities."²³

In an interview for the *New York Times*, conservative writer Nate Hochman defended SB 266 as follows:

I am a fan. I think the bill is right on the merits, but I also don't recognize the allegations of "authoritarianism" that are made about these and related efforts from DeSantis as it pertains to higher-education reform. To the contrary, this is democracy in action... These are state or state-funded institutions we're talking about, and DeSantis and the Florida Legislature are the representatives that Florida's voters (overwhelmingly!) elected to govern said institutions. To suggest that they should be insulated from oversight, reform or accountability to elected lawmakers is to reject a basic principle of democratic self-determination—that the voters, via the representatives they elect, get the final say in how their tax dollars are spent.²⁴

The rhetoric of democratic accountability for public institutions has a powerful appeal. But it is worth asking what the word "public" actually means. As Columbia University English professor Bruce Robbins explains, the word "public" contains significant ambiguities. Paraphrasing Robbins, "public" can refer to what is decided on or managed by the community, as well as what is available to or done in the service of the community. The former emphasizes public control, while the latter stresses public access.²⁵

The "public" in public higher education is primarily about access to colleges and universities that are dedicated to serving the public. Of course, members of the public should have a say in shaping public colleges. But those with the requisite expertise, namely faculty members, must be at the forefront when it comes to making decisions about teaching and research. As the AAUP has argued for more than a century, faculty

²² Thomas B. Edsall, "The Death Knell for Higher Education in Florida." *The New York Times*, March 8, 2023. <https://www.nytimes.com/2023/03/08/opinion/desantis-florida-history-colleges.html>.

²³ Stanley Kurtz, "DeSantis Is Putting the Public Back in Public Universities." *National Review*, March 10, 2023. <https://www.nationalreview.com/corner/desantis-is-putting-the-public-back-in-public-universities/>.

²⁴ Nate Hochman as quoted in Thomas B. Edsall, "The Death Knell for Higher Education in Florida." *The New York Times*, March 8, 2023. <https://www.nytimes.com/2023/03/08/opinion/desantis-florida-history-colleges.html>.

²⁵ Bruce Robbins, (2007) *Public*. In B. Burgett & G. Hendler (Eds.) *Keywords for American Cultural Studies*. <https://keywords.nyupress.org/american-cultural-studies/essay/public/>.

autonomy is essential if colleges are to remain true to their mission to generate and disseminate knowledge.²⁶

In 2019, Atlantic staff writer Tom Nichols warned that President Donald Trump's disdain for expertise would outlive his administration²⁷. Sure enough, following in Trump's footsteps, DeSantis is mounting an aggressive attack on expert knowledge, stripping away the decision-making powers that professors have exercised with respect to critical educational matters.

Grandstanding populist rhetoric provides a veneer of righteousness to the DeSantis model of higher education reform. Consider this statement by Christopher Rufo: "I believe in an uncompromising new conservatism that attempts to restore the authority of the people over their government — and lay waste to woke institutional capture."²⁸ For DeSantis, Rufo and other anti-woke crusaders, campuses are first and foremost culture-war battlegrounds—and they have no qualms about using scorched-earth tactics.

Rufo was one of six new conservative trustees appointed to the New College of Florida in 2022, a public liberal-arts college in Sarasota that the DeSantis administration is determined to turn into the "Hillsdale of the South."²⁹ Here is how Rufo described the sea change to come: "We will be shutting down low-performing, ideologically captured academic departments and hiring new faculty. The student body will be recomposed over time: some current students will self-select out, others will graduate;

²⁶ American Association of University Professors. 1915 Declaration of Principles on Academic Freedom and Academic Tenure. 1915. <https://www.aaup.org/NR/rdonlyres/A6520A9D-0A9A-47B3-B550-C006B5B224E7/0/1915Declaration.pdf>.

²⁷ Tom Nichols, "In Trump's World, Reality Is Negotiable." *The Atlantic*, January 13, 2019. <https://www.theatlantic.com/politics/archive/2019/01/donald-trump-rejects-expertise/579808/>.

²⁸ Christopher F. Rufo, (@realchrisrufo). 2023. "I believe in an uncompromising new conservatism that attempts to restore the authority of the people over their government—and lay waste to woke institutional capture. The Republic is not yet dead. We have a duty to do whatever we can to save it." Twitter, February 28, 2023, 10:24 a.m. <https://twitter.com/realchrisrufo/status/1630604832661975040?lang=en>.

²⁹ Christopher F. Rufo, "Recapturing Higher Education." *City Journal*, January 12, 2023. <https://www.city-journal.org/article/recapturing-higher-education>.

we'll recruit new students who are mission-aligned.”³⁰ As one Twitter commentator aptly put it: “This is Soviet-era shit.”³¹

Rufo has no patience for the powers of persuasion when raw power will do. After Harvard University psychologist Steven Pinker criticized the heavy-handed moves to re-make New College, Rufo replied: “Sorry, buddy... We're in charge now.”³² Rufo and the other newly installed trustees have already succeeded in replacing the college's president and abolishing the college's diversity office, achieving the first steps in what Rufo described as the “hostile takeover” of New College.³³

Higher-education reform in the Sunshine State is not a good-faith effort to put the public back in public universities. Indeed, it imagines that adult taxpayers are the only members of the public who count—and confuses public accountability with public control. As taxpayers, we will hold our city accountable for maintaining the local roads, but we won't tell the construction crews what kind of asphalt to use when the potholes need fixing.

The public good is eroded when state colleges are governed by diktats that tell professors what they can and cannot teach. When legislators and political appointees are put in charge of curriculum and hiring decisions, the quality of public higher education is bound to suffer. With state intervention in the DeSantis mold, Florida's colleges really will be in the business of indoctrination.

What Happens in Florida Doesn't Stay in Florida

³⁰ Christopher F. Rufo, (@realchrisrufo). 2023. “We will be shutting down low-performing, ideologically-captured academic departments and hiring new faculty. The student body will be recomposed over time.” Twitter, February 28, 2023, 10:41 a.m. <https://twitter.com/realchrisrufo/status/1630604192539881473?s=20>.

³¹ Matt Gabriele, (@prof_gabriele). 2023. “this is Soviet-era shit.” Twitter, March 1, 2023. https://twitter.com/prof_gabriele/status/1631006995292606484?s=20.

³² Christopher F. Rufo, (@realchrisrufo). 2023. “Boomers like Steven Pinker presided over the decades-long collapse of standards in academia. Now they want to lecture sanctimoniously about ‘how not to fix academia’.” Twitter, January 29, 2023, 10:17 a.m. <https://twitter.com/realchrisrufo/status/1619731451767066634?s=20>.

³³ Christopher F. Rufo, “The Conservative Counter-Revolution Begins in the Universities.” YouTube video, 2:56, January 12, 2023. <https://youtu.be/gOfTsRQyHAg>. See also Stripling, Jack. “Ousted Florida college diversity leader: ‘I am the first casualty’.” The Washington Post, March 10, 2023 <https://www.washingtonpost.com/education/2023/03/10/new-college-diversity-officer-fired/>; Andrew Atterbury, “Conservative trustees oust president at Florida's New College amid leadership overhaul.” Politico. January 31, 2023. <https://www.politico.com/news/2023/01/31/florida-new-college-conservative-trustees-00080541>.

Many conservatives see Florida as a beacon for other states when it comes to transforming colleges and universities. This is a frightening prospect. As Andrew Gothard put it recently in an article for Inside Higher Ed, “Unlike Vegas, what happens in Florida doesn’t stay in Florida.”³⁴ Indeed, as of December 2023, several states have introduced legislation that is directly informed by DeSantis’s higher education agenda. Tennessee’s HB 1115 would give the Tennessee Higher Education Commission, a group appointed by the Governor and General Assembly, the authority to terminate academic programs from public universities. In Missouri, SB 410 targets “DEI ideologies,” defined as any topic dealing with “antiracism, implicit bias, health equity, and any other related instructions that promote differential treatment based on race, gender, religion, ethnicity, and sexual preference.” If passed, Missouri’s public colleges and universities would not be able to require students to “answer any questions” pertaining to these topics. In North Carolina, Republican lawmakers proposed legislation that would authorize the Board of Governors to regularly assess and eliminate “unnecessary or redundant” areas of study³⁵. In Texas, SB 18 seeks to eliminate tenure for new faculty hires.³⁶ And in Ohio, SB 83 takes aim at critical race theory, gender studies, diversity and inclusion initiatives as well as tenure protections and the faculty hiring process.³⁷

We are witnessing an unprecedented attempt on the part of state legislatures to restrict what may be taught at public colleges and universities. Ellen Schrecker, professor emerita of history at Yeshiva University, told us that what’s happening in Florida and other states is worse than what happened on campuses during the McCarthy era. (Schrecker literally wrote the book on the latter subject, *No Ivory Tower: McCarthyism & the Universities*.) As Schrecker explained in a recent article, “The Red

³⁴ Andrew Gothard. “What happens in Florida...” Insider Higher Ed, February 6, 2023. <https://www.insidehighered.com/views/2023/02/07/floridas-public-universities-are-under-assault-opinion>

³⁵ Jeffrey Sachs, Jeremy C. Young, and Jonathan Friedman, “From Classroom Censorship to Curricular Control,” (blog), PEN America, May 1, 2023, <https://pen.org/from-classroom-censorship-to-curricular-control/>

³⁶ Texas Senate. Relating to the tenure and employment of faculty members at certain public institutions of higher education. S18. Introduced on March 10, 2023. <https://capitol.texas.gov/tlodocs/88R/billtext/pdf/SB000181.pdf>

³⁷ Ohio Senate. Enact Ohio Higher Education Enhancement Act. S 83. Introduced on March 14, 2023. https://search-prod.lis.state.oh.us/solarapi/v1/general_assembly_135/bills/sb83/RH/03/sb83_03_RH?format=pdf

Scare of the 1950s marginalized dissent and chilled the nation's campuses, but it did not interfere with such matters as curriculum or classroom teaching.”³⁸

While there have been movements to ban campus speakers and organizations--notably Communist individuals and organizations during the Cold War--prohibiting the expression of ideas is a distinctive feature of our current moment. “[E]ducation,” the AAUP warned in a 2007 report, “cannot possibly thrive in an atmosphere of state-encouraged suspicion and surveillance.”³⁹ Too many conservative activists and legislators are running roughshod over this basic principle. They seem to have forgotten that academic freedom and faculty autonomy are what helped to make the U.S. higher education system the envy of the world.

Referências

ASSOCIAÇÃO AMERICANA DE PROFESSORES UNIVERSITÁRIOS. 1915 Declaration of Principles on Academic Freedom and Academic Tenure (Declaração de Princípios sobre Liberdade Acadêmica e Posse Acadêmica. 1915. Disponível em: <https://www.aaup.org/NR/rdonlyres/A6520A9D-0A9A-47B3-B550-C006B5B224E7/0/1915Declaration.pdf>. Acesso em 21 de mar de 2024.

ASSOCIAÇÃO AMERICANA DE PROFESSORES UNIVERSITÁRIOS. Freedom in the Classroom (Liberdade na sala de aula). Setembro-Outubro de 2007 Disponível em: <https://www.aaup.org/file/ACASO07FreedomClassrmRpt.pdf>. Acesso em 21 de mar de 2024.

ATTEBURY, Andrew. Administradores conservadores destituem o presidente do New College da Flórida em meio à revisão da liderança. *Político*. Disponível em: <https://www.politico.com/news/2023/01/31/florida-new-college-conservative-trustees-0080541>. Acesso em 21 de mar de 2024.

EDSALL, Thomas B. The Death Knell for Higher Education in Florida". *The New York Times*. Disponível em: <https://www.nytimes.com/2023/03/08/opinion/desantis-florida-history-colleges.html>. Acesso em 21 de mar de 2024.

GABRIELE, Matt (@prof_gabriele). 2023. "Esta é uma merda da era soviética". Twitter. Disponível em: https://twitter.com/prof_gabriele/status/1631006995292606484?s=20. Acesso em 21 de mar de 2024.

GOLDEN, Daniel. "Muzzled by DeSantis, Critical Race Theory Professors Cancel Courses or Modify Their Teaching" [Amordaçados por DeSantis, professores de teoria racial crítica cancelam cursos ou modificam seu ensino]. ProPublica. Disponível em:

³⁸ Ellen Shrecker, “Yes, These Bills Are the New McCarthyism.” *Academe Blog*, *Academe Magazine*, September 12, 2023, <https://academeblog.org/2021/09/12/yes-these-bills-are-the-new-mccarthyism/>

³⁹ American Association of University Professors, *Freedom in the Classroom*, September-October 2007, 61. <https://www.aaup.org/file/ACASO07FreedomClassrmRpt.pdf>

<https://www.propublica.org/article/desantis-critical-race-theory-florida-college-professors>. Acesso em 21 de mar de 2024.

GOTHARD, Andrew. "O que acontece na Flórida..." Insider Higher Ed. Disponível em: <https://www.insidehighered.com/views/2023/02/07/floridas-public-universities-are-under-assault-opinion>. Acesso em 21 de mar de 2024.

KURTZ, Stanley. DeSantis está colocando o público de volta nas universidades públicas. National Review. Disponível em: <https://www.nationalreview.com/corner/desantis-is-putting-the-public-back-in-public-universities/>. Acesso em 21 de mar de 2024.

NICHOLS, Tom. In Trump's World, Reality Is Negotiable" [No mundo de Trump, a realidade é negociável]. The Atlantic. Disponível em: <https://www.theatlantic.com/politics/archive/2019/01/donald-trump-rejects-expertise/579808/>. Acesso em 21 de mar de 2024.

ROBBINS, Bruce. Public. In: BURGETT, Brune; Hendler, GLENN (Eds.) Keywords for American Cultural Studies. 2007. Disponível em: <https://keywords.nyupress.org/american-cultural-studies/essay/public/>. Acesso em 21 de mar de 2024.

RUFO, Christopher F. The Conservative Counter-Revolution Begins in the Universities [A Contra-Revolução Conservadora Começa nas Universidades]. Vídeo do YouTube, 2:56. 2023. Disponível em: <https://youtu.be/gOfsRQyHAg>. Acesso em 21 de mar de 2024.

RUFO, Christopher F. "Recapturing Higher Education" [Recapturando o ensino superior]. City Journal. Disponível em: <https://www.city-journal.org/article/recapturing-higher-education>. Acesso em 21 de mar de 2024.

RUFO, Christopher F. (@realchrisrufo). Boomers como Steven Pinker presidiram o colapso dos padrões acadêmicos que durou décadas. Agora eles querem dar palestras hipócritas sobre 'como não consertar a academia. Twitter. 2023. Disponível em: <https://twitter.com/realchrisrufo/status/1619731451767066634?s=20>. Acesso em 21 de mar de 2024.

RUFO, Christopher F. (@realchrisrufo). 2023. Acredito em um novo conservadorismo intransigente que tenta restaurar a autoridade do povo sobre seu governo - e acabar com a captura institucional. A República ainda não está morta. Temos o dever de fazer tudo o que pudermos para salvá-la." Twitter. 2023. Disponível em: <https://twitter.com/realchrisrufo/status/1630604832661975040?lang=en>. Acesso em 21 de mar de 2024.

RUFO, Christopher F. (@realchrisrufo). Fecharemos departamentos acadêmicos de baixo desempenho e ideologicamente capturados e contrataremos novos professores. O corpo docente será recomposto com o tempo. Twitter. 2023. Disponível em: <https://twitter.com/realchrisrufo/status/1630604192539881473?s=20>. Acesso em 21 de mar de 2024.

SACHS, Jeffrey Adam; YOUNG, Jeremy C.; FRIEDMAN, Jonathan Friedman, From Classroom Censorship to Curricular Control, (blog), PEN America. Disponível em: <https://pen.org/from-classroom-censorship-to-curricular-control/>. Acesso em 21 de mar de 2024.

SACHS, Jeffrey Adam e Jeremy C. Young "America's Censored Classrooms 2023" PEN America. Disponível em: <https://pen.org/report/americas-censored-classrooms-2023/>. Acesso em 21 de mar de 2024.

SHRECKER, Ellen. Sim, esses projetos de lei são o novo McCarthyism". Blog da Academe, Revista Academe. Disponível em: <https://academeblog.org/2021/09/12/yes-these-bills-are-the-new-mccarthyism/>. Acesso em 21 de mar de 2024.

STRIPLING, Jack. Líder de diversidade de faculdade da Flórida destituído: 'Eu sou a primeira vítima. The Washington Post. Disponível em: <https://www.washingtonpost.com/education/2023/03/10/new-college-diversity-officer-fired/>. Acesso em 21 de mar de 2024. .

Documentos oficiais e legais

Câmara da Flórida. Ensino superior. HR 233. Arquivado em 12 de janeiro de 2021. Disponível em: <https://www.flsenate.gov/Session/Bill/2021/233/BillText/er/PDF>. Acesso em 21 de mar de 2024.

Florida House. Liberdade individual. HR 7. Arquivado em 11 de janeiro de 2022. Disponível em: <https://www.flsenate.gov/Session/Bill/2022/7/BillText/er/PDF>. Acesso em 21 de mar de 2024. .

Senado da Flórida. Educação pós-secundária. S 7044. Apresentado em 3 de fevereiro de 2022. Disponível em: <https://www.flsenate.gov/Session/Bill/2022/7044/BillText/er/PDF>. Acesso em 21 de mar de 2024.

Câmara da Flórida. Instituições educacionais pós-secundárias. HR 999. Arquivado em 21 de fevereiro de 2023. Disponível em: <https://www.flsenate.gov/Session/Bill/2023/999/BillText/c2/PDF>. Acesso em 21 de mar de 2024.

Senado da Flórida. Registros públicos e reuniões públicas. S 520. Arquivado em 18 de outubro de 2022. Disponível em: <https://www.flsenate.gov/Session/Bill/2022/520/BillText/er/PDF>. Acesso em 21 de mar de 2024.

Senado da Flórida. Ensino superior. S 266. Apresentado em 7 de março de 2023. Disponível em: <https://www.flsenate.gov/Session/Bill/2023/266/BillText/er/HTML>. Acesso em 21 de mar de 2024.

Senado do Missouri. Estabelece a "Do No Harm Act" (Lei Não Causa Danos) relacionada a requisitos de inclusão de patrimônio líquido diversificado. S 410. Apresentada em 4 de janeiro de 2023. Disponível em: https://legiscan.com/MO/text/SB410/id/2772837/Missouri-2023-SB410-Comm_Sub.pdf. Acesso em 21 de mar de 2024.

Senado de Ohio. Promulga a Lei de Aprimoramento do Ensino Superior de Ohio. S 83. Apresentada em 14 de março de 2023. Disponível em: https://search-prod.lis.state.oh.us/solarapi/v1/general_assembly_135/bills/sb83/RH/03/sb83_03_RH?format=pdf. Acesso em 21 de mar de 2024.

Equipe. 2023. Governor DeSantis Announces Legislative Proposal to Stop W.O.K.E. Activism and Critical Race Theory in Schools and Corporation (Governador DeSantis anuncia proposta legislativa para impedir o ativismo W.O.K.E. e a teoria racial crítica

em escolas e empresas). Comunicado à imprensa. 15 de dezembro de 2023. Disponível em:

<https://www.flgov.com/2021/12/15/governor-desantis-announces-legislative-proposal-to-stop-w-o-k-e-activism-and-critical-race-theory-in-schools-and-corporations/>. Acesso em 21 de mar de 2024.

Senado do Texas. Relativo à posse e ao emprego de membros do corpo docente em determinadas instituições públicas de ensino superior. S 18. Apresentada em 10 de março de 2023.

Disponível em: <https://capitol.texas.gov/tlodocs/88R/billtext/pdf/SB00018I.pdf>. Acesso em 21 de mar de 2024.

Câmara do Tennessee. UM ATO para emendar o Código do Tennessee Anotado, Título 49, relativo à comissão de educação superior do Tennessee. HR 1115. Introduzido em 31 de janeiro de 2023. Disponível em: <https://legiscan.com/TN/bill/HB1115/2023>. Acesso em 21 de mar de 2024.

Trump, Donald. "Executive Order on Combating Race and Sex Stereotyping" (Ordem Executiva de Combate a Estereótipos de Raça e Sexo), emitida em 22 de setembro de 2022.

Disponível em:

<https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-combating-race-sex-stereotyping/>. Acesso em 21 de mar de 2024

Walker, Mark. "Order Granting in Part and Denying in Part Motions for Preliminary Injunction," em Leroy Pernel, et al. v. Florida Board of Governors of the State University System, et al. (Processo n°: 4:22cv304-MW/MAF) e Adriana Novoa, et al. v. Manny Diaz, JR., et al. (Processo n°: 4:22cv324-MW/MAF) no United States District Court Northern District of Florida Tallahassee Division. Arquivado em 17 de novembro de 2022. Disponível em:

<https://s3.documentcloud.org/documents/23310524/doc-044-order-granting-mot-for-prlim-inj.pdf>. Acesso em 21 de mar de 2024.

Young, Jeremy C., Jeffrey Adam Sachs e Jonathan Friedman, "'America's Censored Classrooms", *PEN America*, 17 de agosto de 2021.

Disponível em: <https://pen.org/report/americas-censored-classrooms/>. Acesso em 21 de mar de 2024.

[1] Texto desenvolvido no âmbito da pesquisa: 'Anti-CRT Bills Come to Campus: Documenting and Analyzing Emerging Threats to Free Expression and Academic Freedom from State Legislatures', vinculada a Carleton College, e traduzido para o português. Para maiores informações:

<https://freespeechcenter.universityofcalifornia.edu/fellows-22-23/anti-crt-bills-come-to-campus-documenting-and-analyzing-emerging-threats-to-free-expression-and-academic-freedom-from-state-legislatures/>

[i] Há 12 universidades públicas na Flórida, que atendem a mais de 430.000 alunos. A Flórida também tem 28 faculdades estaduais e comunitárias, que matriculam cerca de 650.000 alunos.

[ii] Robert E. Lee (1807-1870) foi um general do Exército Confederado (do Sul) durante a Guerra Civil Americana.

[iii] Câmara da Flórida. Ensino superior. HR 233. Arquivado em 12 de janeiro de 2021.

<https://www.flsenate.gov/Session/Bill/2021/233/BillText/er/PDF>.

[iv] Senado da Flórida. Educação pós-secundária. S 7044. Apresentada em 3 de fevereiro de 2022. <https://www.flsenate.gov/Session/Bill/2022/7044/BillText/er/PDF>.

[v] Senado da Flórida. Registros públicos e reuniões públicas. S 520. Arquivado em 18 de outubro de 2022. <https://www.flsenate.gov/Session/Bill/2022/520/BillText/er/PDF>.

- [vi] Donald Trump, “Executive Order on Combatting Race and Sex Stereotyping” (Ordem executiva sobre combate a estereótipos raciais e sexuais), emitida em 22 de setembro de 2022. <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-combating-race-sex-stereotyping/>.
- [vii] Câmara da Flórida. Liberdade individual. HR 7. Arquivado em 11 de janeiro de 2022. <https://www.flsenate.gov/Session/Bill/2022/7/BillText/er/PDF>.
- [viii] Senado da Flórida. Ensino superior. S 266. Introduzido em 7 de março de 2023. <https://www.flsenate.gov/Session/Bill/2023/266/BillText/er/HTML>.
- [ix] Associação Americana de Professores Universitários. Declaração de Princípios sobre Liberdade Acadêmica e Posse Acadêmica. 1915.
- [x] Associação Americana de Professores Universitários. Declaração de Princípios sobre Liberdade Acadêmica e Posse Acadêmica. 1915. <https://www.aaup.org/NR/rdonlyres/A6520A9D-0A9A-47B3-B550-C006B5B224E7/0/1915Declaration.pdf>.
- [xi] Andrew Gothard. “O que acontece na Flórida...” Insider Higher Ed, 6 de fevereiro de 2023. <https://www.insidehighered.com/views/2023/02/07/floridas-public-universities-are-under-assault-opinion>
- [xii] Jeffrey Sachs, Jeremy C. Young e Jonathan Friedman, “From Classroom Censorship to Curricular Control,” (blog), PEN America, 1º de maio de 2023, <https://pen.org/from-classroom-censorship-to-curricular-control/>
- [xiii] Texas Senate. Relating to the tenure and employment of faculty members at certain public institutions of higher education. S18. Introduced on March 10, 2023. <https://capitol.texas.gov/tlodocs/88R/billtext/pdf/SB00018I.pdf>
- [xiv] Senado de Ohio. Promulga a Lei de Aprimoramento do Ensino Superior de Ohio. S 83. Apresentada em 14 de março de 2023. https://search-prod.lis.state.oh.us/solarapi/v1/general_assembly_135/bills/sb83/RH/03/sb83_03_RH?format=pdf.