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Attorney General Marshall: There Is No Constitutional Requirement That States Teach Radical Racial Ideologies in Public Schools

(Montgomery, Ala.) – Alabama Attorney General Steve Marshall recently joined a 17-state coalition supporting South Carolina’s decision to bar public schools from indoctrinating children into racially or sexually divisive ideologies.

“Public schools are funded by the public to serve the public’s interest. But as elected officials in Alabama, South Carolina, and elsewhere have recognized, many of these schools have been using taxpayer dollars to indoctrinate children in divisive and destructive radical ideologies. States have the constitutional authority to put a stop to that sort of indoctrination,” stated Attorney General Marshall.

The South Carolina NAACP, two authors, a teacher, and students filed a lawsuit to block the law, saying it violates their First Amendment rights. The attorneys general filed an amicus brief in that lawsuit supporting the right of the public’s elected officials to decide which materials will be taught in public schools.

While there are strong policy reasons to support the state’s restriction on racially or sexually divisive materials in public schools, the States’ brief argues that the key legal question is easy: The selection, curation, and placement of educational materials in public schools is a form of government speech that does not violate any individual’s free speech rights.

“A citizen’s right to receive information under the First Amendment is not a right to compel or extract information from the government at the taxpayers’ expense. Accordingly, there is no First Amendment right to compel state-funded schools to implement certain course curricula or require public school libraries to stock their bookshelves with inflammatory and prejudicial materials,” the attorneys general write in their brief.

They also argue that the law does not prevent anyone from receiving that information but rather prevents children from accessing the material in public schools at taxpayers’ expense. They ask the Court to deny the plaintiffs’ motion for a preliminary injunction and dismiss the case, holding that the plaintiffs are unlikely to succeed on their First Amendment claims.

Joining Attorney General Marshall in the brief, led by South Carolina, are the attorneys general from Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Oklahoma, South Dakota, Texas, Utah and West Virginia.

[Read the full brief here.](#)

