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Attorney General Marshall: The Constitution Does Not Force States to Indoctrinate Children with Woke Ideology in Public Schools

(Montgomery, Ala) – Attorney General Steve Marshall announced filing an 18-state brief supporting states’ authority to protect children by keeping racially or sexually divisive materials from being taught in public-school classrooms. The amicus brief was filed in an Oklahoma lawsuit in the U.S. Court of Appeals for the Tenth Circuit. In the case, Black Emergency Response Team and the Oklahoma NAACP sued the state of Oklahoma over its law that prohibits the teaching of certain racist and sexist concepts in K-12 schools.

One concept that Oklahoma forbids teaching children in public schools is the idea that “one race or sex is inherently superior to another race or sex.” Another is that “an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.” The other six concepts listed in the law are similar.

“Alabama has taken a strong stance against the spread of DEI and woke ideology in our classrooms,” Attorney General Marshall said. “The promise of America is that every person is inherently equal, no matter their skin color or sex. There is nothing in the Constitution that requires public schools to teach children otherwise. I have been successful in defending Alabama’s similar law in court, and I am glad to join with Oklahoma in defending theirs.”

In March 2024, Alabama passed a similar law that prohibits teachers in public schools, including public colleges and universities, from requiring students to assent to certain “divisive concepts,” such as that “the moral character of an individual is determined by his or her race, color, religion, sex, ethnicity, or national origin.” The law also prohibits public schools from hosting or funding DEI programs. The law was challenged by plaintiffs represented by the ACLU of Alabama and the NAACP in January 2025. In August, the district court denied the plaintiffs’ request for a preliminary injunction. The appeal of that order is currently pending before the Eleventh Circuit.

Joining Attorney General Marshall in the brief in support of Oklahoma, led by the South Carolina Attorney General, are the attorneys general of Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Texas.

To read the full brief, [click here](#).

