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Attorney General Marshall Co-Leads Brief Urging U.S. Supreme Court to Uphold State Anti-DEI Laws for Public Universities

(**Montgomery, Ala**) **-** Attorney General Steve Marshall co-led a 13-state amicus brief with Kentucky urging the United States Supreme Court to uphold Florida's Individual Freedom Act that prohibits professors at public universities from espousing certain race-based concepts. The U.S. Court of Appeals for the Eleventh Circuit held in July that the law likely violates the professors' First Amendment right to "academic freedom," and Florida asked the Supreme Court to review that decision in *Florida Board of Governors v. Pernell*.

Under Florida's Act, professors are prohibited from compelling students to believe that "members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex," among seven other listed concepts. The law provides that professors may discuss the concepts as part of a larger course of training or instruction but may not promote or require students to believe the concepts. The Act was challenged by a group of public university professors who argued that the law abridged their right to academic freedom under the First Amendment. Alabama's similar law was also challenged and is currently on appeal at the Eleventh Circuit.

The Alabama and Kentucky-led amicus brief urges the Supreme Court to grant review and hold that public university professors do not have veto power over their public employer over how and what they may teach in class. The brief argues that the Court should treat public university professors just like other public employees, who do not have a First Amendment right in their official, on-the-job speech on behalf of the government. The brief also argues that while academic freedom is an important societal norm, it cannot be read into the First Amendment to give public university professors special rights that no other American has, particularly at the expense of the academic freedom of students and universities.

"Academic freedom is a vital principle, but not a trump card. No public employee, whether a professor, teacher, or a clerk, get a bigger share of the First Amendment than anyone else. In Alabama, we protect students from DEI indoctrination, and we will defend that principle all the way to the Supreme Court," stated Attorney General Marshall. "Our coalition is fiercely committed to free speech and free inquiry, and that means students at public universities must have the ability to learn without their professors forcing them to believe racist concepts that are antithetical to our Nation's founding ideals."

The Alabama and Kentucky-led effort was joined by the attorneys general of Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Montana, Nebraska, South Carolina, and Texas.

Read the entire brief here.

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