



# CLINT P. MOSES

STATE REPRESENTATIVE • 29<sup>TH</sup> ASSEMBLY DISTRICT

Office: (608) 266-7683  
Toll Free: (888) 529-0029  
Rep.Moses@legis.wi.gov

P.O. Box 8953  
Madison, WI 53708-8953

February 6, 2024

Assembly Committee on Colleges and Universities

Testimony on Assembly Bill 1065

Thank you Chair Murphy and members of the committee for holding this hearing on Assembly Bill 1065.

The purpose of higher education is the discovery and sharing of knowledge. One way knowledge is achieved in our higher education institutions is through open inquiry. Our students attending our Universities of Wisconsin and Wisconsin Technical College System come from a variety of backgrounds and have unique life experiences to share. Academic freedom and free expression on campus are the necessary preconditions for the creation and sharing of knowledge. Mandatory diversity statements and other academic loyalty oaths violate academic freedom and undermine open inquiry on campus.

Ideological conformity sabotages the purpose of higher education. There have been many examples of such in the past few years with mandatory diversity statement requirements for students applying to programs, student organizations on campus, and professors applying to positions for employment, promotion, tenure or research. Mandatory diversity statements are perceived as political litmus tests and reduce intellectual diversity among faculty.

Assembly Bill 1065 prohibits the use of ideological loyalty oaths as a condition for admission, employment, promotion, or tenure at the Universities of Wisconsin and Wisconsin Technical College System. The bill provides a private right of action allowing an applicant for admission, student organization, or faculty member to bring a civil action for a violation against the Universities of Wisconsin and Wisconsin Technical College System. Additionally, the bill requires every UW System school and technical college to post and make publicly available on its website all policies and training materials used for students, faculty, and staff relating to this issue.



# CLINT P. MOSES

STATE REPRESENTATIVE • 29<sup>TH</sup> ASSEMBLY DISTRICT

Office: (608) 266-7683  
Toll Free: (888) 529-0029  
Rep.Moses@legis.wi.gov

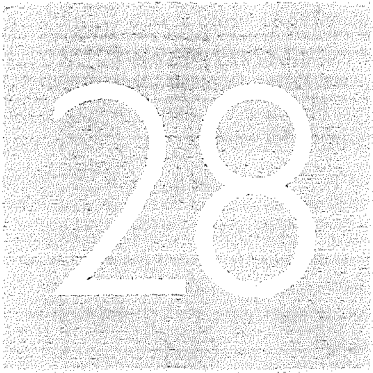
P.O. Box 8953  
Madison, WI 53708-8953

According to a survey conducted by the Bipartisan Policy Center, two-thirds of undergraduate students across the country believe that diversity, equity, and inclusion (DEI) programming on campus conflicts with free speech rights. Our First Amendment prohibits public universities from compelling faculty and students to assent to specific ideological views. There were multiple cases in the 1940s, 50s and 60s known as “communist cases” where the United States Supreme Court established that campus ideological oaths were a violation of academic freedom and First Amendment rights. The court affirmed that university employees cannot be compelled to agree to a certain viewpoint, even if that viewpoint was opposition to communism. Students and faculty should be able to freely share their viewpoint on in regards to any topic.

Just in the past month, UW Law School is requiring of first year law students a re-orientation which includes a DEI session. The DEI section asserts a racist view of the world and propagates harmful racial stereotypes. Programs like these don’t allow students to speak openly about their thought. It forces students to adopt and recite one point of view and not debate and challenge such viewpoints. AB 1065 is needed to ensure our students are not indoctrinated and told what to think but are free to discuss and interrogate any and all views.

DEI statements are now required for hiring at almost half of all large universities, according to a survey by the American Association of University Professors. Fortunately, the UW system eliminated requiring DEI statements in job postings last year. AB 1065 ensures that new leadership in the future can’t reverse this move. It is important our universities and tech colleges are looking at merit, not political ideology when hiring. Other major university systems such as the University of North Carolina System and the University of Missouri System have eliminated diversity statements.

This legislation protects the First Amendment rights and restores the core principles of academic freedom that are necessary for universities to fulfill their core mission. The goal of our universities and tech colleges is to prepare our students for a career in the discipline area they choose to major in. Mandatory diversity statements do not belong on our campuses. I ask you to support AB 1065.



## COMMON RACIST ATTITUDES AND BEHAVIORS THAT INDICATE A DETOUR OR WRONG TURN INTO WHITE GUILT, DENIAL OR DEFENSIVENESS.

Below is a list of 28 common racist attitudes and behaviors that indicate a detour or wrong turn into white guilt, denial or defensiveness. Each is followed by a statement that is a reality check and consequence for harboring such attitudes.

### 1. I'm Colorblind.

"People are just people; I don't see color; we're all just human." Or "I don't think of you as Chinese." Or "We all bleed red when we're cut." Or "Character, not color, is what counts with me."

#### REALITY CHECK + CONSEQUENCE

Statements like these assume that people of color are just like you, white; that they have the same dreams, standards, problems, and peeves that you do. "Colorblindness" negates the cultural values, norms, expectations and life experiences of people of color. Even if an individual white person could ignore a person's color, society does not. By saying we are not different, that you don't see the color, you are also saying you don't see your whiteness. This denies the people of colors' experience of racism and your experience of privilege.

"I'm colorblind" can also be a defense when afraid to discuss racism, especially if one assumes all conversation about race or color is racist. Speaking of another person's color or culture is not necessarily racist or offensive. As my friend Rudy says, "I don't mind that you notice that I'm black." Color consciousness does not equal racism.

### 2. The Rugged Individual, the Level Playing Field and the Bootstrap Theory.

"America is the land of opportunity, built by rugged individuals, where anyone with grit can succeed if they just pull up hard enough on their bootstraps."

#### REALITY CHECK + CONSEQUENCE

These are three of the crown jewels of U.S. social propaganda. They have allowed generation after generation to say, "If you succeed, you did it, but if you fail, or if you're poor, that's your fault." Belief in this propaganda is founded on a total denial of the impact of either oppression or privilege on any person's chance for success.

Attacks on programs like affirmative action find rationalization in the belief that the playing field is now level, i.e., that every

individual, regardless of color or gender, or disability, etc., has the same access to the rights, benefits and responsibilities of the society. The rationalization continues: since slavery is ended and people of color have civil rights, the playing field has now been leveled. It follows, then, that there is no reason for a person of color to "fail" (whether manifested in low SAT scores or small numbers in management positions) EXCEPT individual character flaws or cultural inadequacies. These "failures" could have no roots in racism and internalized racism.

### 3. Reverse Racism.

A. "People of color are just as racist as white people."

B. "Affirmative action had a role years ago, but today it's just reverse racism; now it's discriminating against white men."

C. "The civil rights movement, when it began, was appropriate, valuable, needed. But it's gone to the extreme. The playing field is now level. Now the civil rights movement is no longer working for equality but for revenge." Or

D. "Black pride, black power is dangerous. They just want power over white people." (Include here any reference to pride and empowerment of any people of color.)

#### REALITY CHECK + CONSEQUENCE

A. Let's first define racism with this formula:

Racism = racial prejudice + systemic, institutional power. To say people of color can be racist, denies the power imbalance inherent in racism. Certainly, people of color can be and are prejudiced against white people. That was a part of their societal conditioning. A person of color can act on prejudices to insult or hurt a white person. But there is a difference between being hurt and being oppressed. People of color, as a social group, do not have the societal, institutional power to oppress white people as a group. An individual person of color abusing a white person – while clearly wrong, (no person should be insulted, hurt, etc.) is acting out a personal racial prejudice, not racism.

B. This form of denial is based on the false notion that the playing field is now level. When the people with privilege, historical access and advantage are expected to suddenly (in societal evolution time) share some of that power, it is often perceived as discrimination.

C+D. C is a statement by Rush Limbaugh. Though, clearly he is no anti-racist, both c+d follow closely on the heels of "reverse racism" and are loaded with white people's fear of people of color and what would happen if they gained "control." Embedded here is also the assumption that to be "pro-black" (or any other color) is to be anti-white. (A similar illogical accusation is directed at women who work for an end to violence against women and girls. Women who work to better the lives of women are regularly accused of being "anti-male.")

#### 4. Blame the Victim.

"It's their fault they can't get a job, or be manager." Or "We have advertised everywhere, there just aren't any qualified people of color for this job." Or "If he only worked harder, applied himself more, or had a stronger work ethic." Or "If she just felt better about herself – internalized racism is the real problem here." OR "She uses racism as an excuse, to divert us from her incompetence." "If he didn't go looking for racism everywhere..." (As if racism is so hidden or difficult to uncover that people of color would have to search for it.)

#### REALITY CHECK + CONSEQUENCE:

All "blame the victim" behaviors have two things in common. First, they avoid the real problem: racism. Second, they take away from the picture the agents of racism, white people and institutions, who either intentionally perpetuate or unintentionally collude with racism. This is similar to agent deletion in discussions of rape. Statements referring to a woman being raped, many by focusing on her clothing or behavior at the time of the rape and delete the male rapist from the picture.) As long as the focus remains on people of color, white people can minimize or dismiss their reactions, and never have to look directly at racism and the whites' own responsibility or collusion.

#### 5. The White Knight or White Missionary.

"We (white people) know just where to build your new community center." Or "Your young people (read youth of color) would be better served by traveling to our suburban training center." Or "We (white people) organized a used clothing drive for you; where do you want us to put the clothes?"

#### REALITY CHECK + CONSEQUENCE:

It is a racist, paternalistic assumption that well meaning white people know what's best for people of color. Decision, by white people, are made on behalf of people of color, as though they were incapable of making their own. This is another version of "blame the victim" and white is right. It places the problems at the feet of people of color and the only "appropriate" solutions with white people. Once more the power of self-determination is taken away from people of color. Regardless of motive, it is still about white control.

#### 6. Lighten up. (Lighten? Whiten?)

"Black people are just too sensitive and thin-skinned." Or "Indians should get a sense of humor. We're just kidding around." Or "I didn't mean anything racist; it's just a joke."

#### REALITY CHECK + CONSEQUENCE:

Here are racism and agent deletion in partnership again. The problem and perpetrators are exonerated, because the rationale declares that humor isn't hurtful. This form of denial serves most to trivialize the pain and reality of daily racism.

#### 7. Don't Blame Me.

"I never owned slaves." Or "I didn't vote for David Duke." Or "None of my family joined the Klan." Or "I taught my children that racism is wrong."

#### REALITY CHECK + CONSEQUENCE:

Often white people hear blame whenever the issue of racism is brought up, whether or not blame has been placed on whites. As beneficiaries of racism and white privilege, you sometimes take a defensive posture even when you are not being individually blamed. You may personalize the remarks, not directed personally at you. It is the arrogance of your privilege that drags the focus back to whites.

When whites are being blamed or personally accused of racist behavior, this defensiveness and denial further alienate you and may preclude you from examining your possible racist behavior.

#### 8. BWAME.

"But What About Me. Look how I've been hurt, oppressed, exploited...?"

#### REALITY CHECK + CONSEQUENCE:

This diminishes the experience of people of color by telling our own story of hardship. We lose an opportunity to learn more about the experience of racism from a person of color, while we minimize their experience by trying to make it comparable or less painful than ours.

#### 9. We Have Overcome.

"We dealt with racism in the 60s with all the marches, sit-ins and speeches by Dr. King. Laws have been changed. Segregation and lynching are ended. We have some details to work out but real racism is pretty much a thing of the past."

#### REALITY CHECK + CONSEQUENCE:

The absence of legalized, enforced segregation does not equal the end of racism. This denial of contemporary racism, based on inaccurate assessment of both history and current society, romanticizes the past and diminishes today's reality.

#### 10. The End Run, Escapism.

"Of course, racism is terrible, but what about sexism? Or classism or heterosexism?" or "Racism is a result of classism (or any other oppression), so if we just work on that, racism will end, too."

#### REALITY CHECK + CONSEQUENCE:

I agree with Audre Lorde's statement, "There is no hierarchy of oppression." I would not establish a rank order for oppressions. At the same time, we cannot attempt to evade recognition and

responsibility for any form of oppression. Statements like the ones above divert attention from racial injustice to focus on some other form of oppression. They are usually said by white people, (women, working class people, lesbians, gay men or others) who experience both white privilege and oppression in some form. Whites are more willing and more comfortable decrying our oppression than scrutinizing our privilege. Oppressions are so inextricably linked that if whites allow their fear, guilt and denial to constantly divert them from confronting racism, even while we work to dismantle other forms, no oppression will ever be dismantled.

### 11. Due Process.

"Lady Justice is color blind." White parents who tell their children, "The police are here to protect you. If they ever stop you, just be polite and tell the truth." Then when a black teen is beaten or killed by police, those same parents say, "He must have been doing something wrong, to provoke that kind of police response."

#### HEALTHY CHECK + CONSEQUENCE:

White people's belief that the police, courts, the legal system and social services work without bias; that due process, fair trials, juries, judges, police officers and case workers have everyone's, including people of color, best interest at heart. Or at least, no less than they do for white people. This belief clouds reality. Whites tend to look at isolated incidents rather than the patterns of institutionalized oppression.

### 12. The Innocent by Association.

"I'm not racist, because... I have Vietnamese friends, or my lover is black or I marched with Dr. King."

#### HEALTHY CHECK + CONSEQUENCE:

(Perhaps, if all white people who say they marched with Dr. King actually had, the current situation would look different!) This detour into denial wrongly equates personal interactions with people of color, no matter how intimate they may be, with anti-racism. There is an assumption that our personal associations free us magically from our racist conditioning.

### 13. The Penitent.

"I am so sorry for the way whites have treated your people."  
Or "I am sorry for the terrible things that white man just said to you."

#### HEALTHY CHECK + CONSEQUENCE:

While there is probably no harm in the "sorry," if it is not attached to some action taken against racism, it is most often just another expression of white guilt. Being an ally to people of color is not limited to an apology for other white people's behavior, it must include anti-racist action.

### 14. The Whitewash.

"He's really a very nice guy, he's just had some bad experiences with Koreans." Or "That's just the way Uncle Adolf jokes. He's very polite to the black janitor in his building."

#### HEALTHY CHECK + CONSEQUENCE:

We're trapped by another version of white guilt response. Whites attempt to excuse, defend or cover up racist actions of other white people. White people are particularly prone to this if the other person is close, family or friend, and if we feel their actions reflect on us.

### 15. Not Here in Lake Wobegon.

"We don't have a racism problem here at this (school, organization, community)." or "We didn't have a racism problem in this town until that Mexican family moved here."

#### HEALTHY CHECK + CONSEQUENCE:

As white people, we do not have to think about racism when our school, organization or community is all white. Racism does not usually become apparent TO WHITES until there are people of color in their frame of reference.

### 16. I Was An Indian In a Former Life.

"After that sweat lodge I really know what it feels like to be an Indian. I have found my true spiritual path."

#### HEALTHY CHECK + CONSEQUENCE:

This is spiritual or cultural appropriation and poses a serious threat to the integrity and survival of native cultures. To fill a void in their own spiritual core, some white people are drawn into the New Age garden to pick from a variety of native spiritual practices usually offered for sale. (White writers, such as Lynn Andrews and others, garner high profits from fictitious "Indian" writing and teaching, while many native writers can't find publishers.) Since native spiritual practice is inseparable from history and current community, it cannot be disconnected from that context to service white people searching for life's meaning. Appropriating selected parts of native cultures romanticizes the lives of native peoples while denying their struggles. Their land and livelihoods stolen, indigenous peoples now see white people trying to steal their spirituality. Rather than escape one's white racism by finding a spiritual path, whites instead collude in one more way with the genocidal attacks on native cultures.

### 17. Straightening Up or Boys Will be Boys.

The white heterosexual who says, "We can't talk about AIDS or homophobia because we're trying to work in coalition with a Latino group." White organizations in which women are unheard, disrespected or prevented from assuming leadership. "We'll deal with any gender inequities or sexism after we solidify this coalition with the NAACP."

#### HEALTHY CHECK + CONSEQUENCE:

When white people with privilege in some other aspect of their life (gender, sexual orientation, lack of disability, class, etc.) use their focus on racism as an excuse to not challenge and therefore perpetuate other forms of oppression, the consequence is a disingenuous and unsustainable commitment to justice.

## 18. The Isolationist.

"I thought we resolved this issue (racism) when it came up on the board last year." Or "We need to deal with this specific incident. Let's not complicate it by bringing other irrelevant issues into it." Or "This *only* happened today because the TV news last night showed police beating that black kid."

### REALITY CHECK + CONSEQUENCE

Attempts are made to isolate a particular incident of racism from the larger context. We blame a publicized incident of racism outside our organization to rationalize an internal incident and to avoid facing the reality of racism within. When trying to resolve an accusation of racism within an institution, whites often see the incident in a vacuum, or as an aberration, in isolation from an historic pattern of racism in this institution and nation. Racism has been institutionalized so that every "incident" is another symptom of the pattern. When whites continue to react incident to incident, crisis to crisis, as though they are unconnected, we will find genuine resolution only further from our reach.

## 19. Bending Over Backwards.

"Of course, I agree with you." (Said to a person of color even when I disagree) or "I have to side with Jerome on this." (Even when Jerome, a man of color, represents opinions counter to mine.)

### REALITY CHECK + CONSEQUENCE

Your white guilt shows up here as you defer to people of color. The person of color is always right, or you never criticize or challenge a person of color. You try not to notice that you notice they are black or native American or Latina or Asian. You don't disagree, challenge or question a person of color the way you would a white person. And if you do disagree, you don't do it with the same conviction or passion that you would display with a white person. Your racism plays out as a different standard for people of color than for white people. If this is your pattern, you can never have a genuine relationship with a person of color. People of color know when you are doing this. Your sincerity, commitment and courage will be rightly questioned. You cannot grow to a deeper level of trust and intimacy with people of color you treat this way.

## 20. Teach Me or Help Me, I'm Stuck.

"I want to stop acting like a racist, so please tell me when I do something you think is racist."

### REALITY CHECK + CONSEQUENCE

While it is vitally important for white anti-racists to work with other white people, this detour again results in white people controlling the direction and focus of anti-racist work. White people will get stuck. They will get frustrated and impatient with themselves and other white people in this struggle. You'll stay stuck if you don't seek help from other white anti-racists. Your inclination in the past has been to ask people of color to help you. You should seek out other white people BEFORE you go to people of color. Perhaps, as you become more trustworthy as allies, you will build genuine relationships with a few people of color who offer their reflections when you get stuck. But this is at their discretion, not yours. You can't assume or act as though

people of color should be so grateful for your attempts at anti-racism, that they will be willing to guide you whenever you are ready to be guided.

## 21. White on White, and Righteously So.

"What is wrong with those white people? Can't they see how racist they're being?" or "I just can't stand to be around white people who act so racist anymore." "You're preaching to the choir" "You're wasting your time with us; we're not the people who need this training."

### REALITY CHECK + CONSEQUENCE

You distance yourself from "other" white people. You see only unapologetic bigots, card-carrying white supremacists and white people outside your own circle as "real racists." You put other white people down, trash their work or behavior, or otherwise dismiss them. You righteously consider yourselves white people who have evolved beyond our racist conditioning. This is another level of denial. There are no "exceptional white people." You may have attended many anti-racism workshops; you may not be shouting racist epithets or actively discriminating against people of color, but you still experience privilege based on your white skin color. You benefit from this system of oppression and advantage no matter what your intentions are. This distancing serves only to divide you from potential allies and limit your own learning.

## 22. Smoke and Mirrors.

You use the current PC language; you listen to the right music; we state the liberal line; you're seen at the right meetings with the right people. You even interrupt racist remarks when the right people are watching and when there is no risk to us. You look like an anti-racist.

### REALITY CHECK + CONSEQUENCE

This is the "Avon Ally," the cosmetic approach. People of color and other white anti-racists see through this pretense quickly. This pseudo-anti-racist posturing only serves to collude with racism and weakens the credibility of sincere white anti-racists.

## 23. I Have To Do My Personal Work.

"I have to do my personal work first." Or "Ending racism is only about changing personal attitudes."

### REALITY CHECK + CONSEQUENCE

If you assume that personal reflection and interpersonal work are the end of your job as an anti-racist, you would stay out of the public, institutional arenas. You would ignore cultural racist practices that don't include whites personally. Whites wouldn't take action, until they have finished ridding themselves of all racist conditioning. And since that complete "cure" will never happen, you would never take any institutional or cultural anti-racist action.

## 24. Whites Only.

"I have no connection with or accountability to people of color. I do all my anti-racism with whites only. I am accountable only to other white people."

### REALITY CHECK + CONSEQUENCE:

While it is vitally important for white anti-racists to work with other white people, this detour results in white people again controlling the direction and focus of anti-racism work.

## 25. The Accountant.

We keep a tally sheet. If we perform some "feat of anti-racism we expect reciprocity from an individual or group of color, usually with some prestige or power that can serve our interests.

### REALITY CHECK + CONSEQUENCE:

"I scratch your back, you scratch mine" is NOT justice seeking nor ally behavior. It serves only to reduce justice work to some kind of power brokering currency.

## 26. Silence.

We stay silent.

### REALITY CHECK + CONSEQUENCE:

Your silence may be a product of your guilt or fear of making people of color or white people angry with you or disappointed in you. You may be silent because your guilt stops you from disagreeing with people of color. You may be afraid that speaking out could result in losing some of your privilege. You may be silenced by fear of violence. The reasons for our silence are many, but each time we are silent we miss an opportunity to interrupt racism, or to act as an ally or to interact genuinely with people of color or other white people. And no anti-racist action is taken as long as we are silent. (A note about silence: Silence is a complicated matter. There are times when faced with a potential intervention situation that you may choose not to interrupt – for reasons of good sense or strategy. Anti-racists need courage, but taking foolish risks makes little sense. When the choice is between intervening in this moment, alone, or gathering allies to speak out later in a more strategic way, the latter may prove more effective.)

## 27. The "Certificate of Innocence."

Sometimes you seek or expect from people of color some public or private recognition and appreciation for your anti-racism. Other times you are looking for a "certificate of innocence" telling you, that you are one of the good white people.

### REALITY CHECK + CONSEQUENCE:

If your ally commitment depends on positive reinforcement from people of color, you set yourself up for sure failure. The first time a person of color is displeased with your actions, you could respond, "Well, if the very people I'm doing all this for don't want my help, then why bother?" Clearly, you're challenging racism for "them," not for whites. You have not identified your self-interest, as a white person, for fighting racism. Until you do, you will not be able to sustain this lifelong journey.

## 28. Exhaustion and Despair – Sound and Retreat.

"I'm exhausted. I'm only one person. I can stop and rest for a while." Or "Racism is so pervasive and entrenched, there just isn't any hope."

### REALITY CHECK + CONSEQUENCE:

Despair is a real enemy of anti-racists. If your commitment is a lifelong one, we must find ways to mitigate the effects. Burn-out or desertion is of no use to the struggle. We can remember men who jumped on a "Take Back the Night" bandwagon, challenging violence against women – for a while, until the attention on them as good men waned ... until the "glamour" of the issue faded. One of the historical, repeated failures of "liberals" in the social justice movement has been their short-term and inconsistent commitment to the "issue du jour." If you quit, for any reason, you are engaging your "default option." As white people, you can rest, back off, or take a break from the frustration and despair of anti-racism work. There will be no significant consequence to you for this retreat. White people will not think less of you. But racism doesn't allow such a respite for people of color. One of the elemental privileges of being white is your freedom to retreat from the issue of racism. "If things get too tough, I can always take a break." And your work against racism doesn't get done.

Each anti-racist action we take brings new racist action and challenges. People of color will continue to demand their rights, opportunities and full personhood. But racism in the United States won't end because people of color demand it. Racism will only end when a significant number of white people of conscience, the people who can wield systemic privilege and power with integrity, find the will and take the action to dismantle it. This won't happen until white people find racism in their daily consciousness as often as people of color do. For now you have to drag racism into your consciousness intentionally, for, unlike your sisters and brothers of color, the most present daily manifestation of your white privilege is the possibility of forgetting about racism. We cannot.

*Part of this essay are printed from Jona Olsson's article, "Spotting," for Cultural Bridges." Used with permission of the author.*

# RACE TIMELINE WORKSHEET

NAME: \_\_\_\_\_

Use this space on the front and/or back to create a timeline of significant life events around race—things that happened to you, experiences you had, decisions made, realizations you came to, news events, etc. Then add in moments about your social identities that shaped you—recognizing difference, facing discrimination, consuming media, etc. Your completed timeline will be used both for our second workshop. A completed timeline should include at 7 significant moments at least but more are encouraged.

Please bring this document or your timeline on a plain sheet of paper to our second orientation anti-racism workshop, Friday 1/20.



# RACE TIMELINE WORKSHEET

NAME: \_\_\_\_\_



**AB 1065 The Academic Freedom Act  
Prohibiting the Use of Loyalty Pledges in Wisconsin  
Higher Education**

Testimony of Senator Steve Nass  
Assembly Committee on Colleges & Universities  
February 6, 2024 • 300 Northeast, State Capitol

Thank you Chairman and committee members for allowing me to provide testimony in support of AB 1065. This legislation would prohibit the use of ideological loyalty oaths, including diversity, equity, and inclusion (DEI) statements, as a condition of admission, employment, promotion, tenure, or research on Wisconsin's public campuses.

The purpose of higher education is the discovery and dissemination of knowledge. This can only be achieved through open inquiry and free debate on campus, particularly in the social sciences, which are less firmly rooted in empirical data than the physical sciences. Academic freedom and free expression on campus are the necessary preconditions for the creation and dissemination of knowledge. Mandatory "diversity" statements and other academic loyalty oaths violate academic freedom and undermine open inquiry on campus.

A totalitarian cloak is descending upon our universities from coast to coast, whereby a forced ideological conformity to the progressive orthodoxy is rigorously and mercilessly enforced. Students are terrified that their grades may be affected if they fail to conform, or that they will be relegated to pariah status on campus. Professors with diverse or differing viewpoints need not apply and certainly will not be promoted.

Many of our great colleges and universities today are no longer the institutions we remember when we attend them many, or even just a few, years ago. The atmosphere of free inquiry, open debate, discovery, and diverse viewpoints is being replaced with a forced conformity and indoctrination of students more akin to what one would expect in the old Soviet Union, Communist China, or other totalitarian regimes; not our free America.

*"In God We Trust"*

---

11th Senate District  
P.O. Box 7882 • Madison, WI 53707-7882 • (608) 266-2635  
Toll Free: (800) 578-1457 • E-mail: [Sen.Nass@legis.wi.gov](mailto:Sen.Nass@legis.wi.gov)

DEI statements have increased in prominence significantly over the past five years and are now required at almost half of all large universities, according to a survey by the American Association of University Professors. These statements have quickly raised concerns with infringement of free speech rights on campus.

In fact, according to a survey conducted by the Bipartisan Policy Center, two-thirds of undergraduate students on campuses across the country believe that DEI programming on campus is harming free speech rights.

This ideological conformity undercuts the purpose of higher education, whether it be imposed upon professors, administrators, researchers, or students. The campus problem of ideological conformity is especially pronounced when faculty are screened for their adherence to politicized ideologies. Mandatory diversity statements are not only perceived as political litmus tests, they also promote differential treatment based upon race, sex, and other categories of immutable characteristics in violation of equal protection under the law.

The U.S. Supreme Court ruled, in June 2023, in *Students for Fair Admissions v. Harvard* that admissions policies that treat students differently based upon race are in violation of the Constitution's equal protection clause, and are not permissible. Chief Justice John Roberts, writing for the majority, concluded that a student "must be treated based on his or her experiences as an individual – not on the basis of race."

Yet a recent review of job postings from UW System institutions confirms that the UW continues their near obsessive use of race and "diversity" ideology as a prominent feature in hiring professors and other academic staff; not merit, qualifications, and achievement.

Moreover, it was just discovered earlier this month that UW Madison Law School is mandating all law students take a controversial "re-orientation diversity training" program presented by radical instructor Debra Leigh, vice president for cultural fluency, equity, and inclusion at St. Cloud Technical & Community College.

Leigh has long been controversial for her views, including that those who claim to be colorblind are racist. Noted legal scholar Jonathan Turley, after reviewing the program, concluded "Students are given facts to be learned and the material attacks those who question these 'facts' as racist. Students are to adopt and recite [political viewpoints], not debate and challenge such viewpoints."

This legislation would also create a private right of civil legal action for students, employees, or applicants subjected to providing an ideological loyalty pledge or

statement, and create accountability for any university employee who violates this law. The plaintiff would be allowed to seek injunctive relief and damages in court, and be entitled to reasonable attorney fees, if successful. Examples of legal relief available under the bill include, admission as a student, rehiring, or promotion to tenure.

An employee of a UW System institution or technical college whose action caused a violation of this law would be placed on unpaid leave for a full academic year, under the bill. The employee would be terminated if they had caused a prior violation within the preceding five years. It further allows the attorney general to file an injunction action against a violating university.

Finally, the bill requires every UW System school and technical college to post and make publicly available on its website all policies and training materials used for students, faculty, and staff relating to this issue.

This legislation will firmly move Wisconsin toward protecting First Amendment rights and restoring the principles of academic freedom that are necessary for colleges and universities to fulfill their core mission of education, not indoctrination.

Thank you for the opportunity to testify in support of this important legislation. I am happy to answer questions of the committee.



DATE: February 6, 2024

TO: Members of the Assembly Committee on Colleges and Universities

FROM: Universities of Wisconsin Office of Government Relations

RE: Written Testimony for Information Only on Assembly Bill 1065

Thank you, Chair Murphy and committee members, for providing the Universities of Wisconsin (UWs) an opportunity to provide testimony on Assembly Bill 1065 (AB 1065).

Assembly Bill 1065 would prohibit Universities of Wisconsin institutions and technical colleges from conditioning student admission, the recognition or funding of student organizations, faculty hiring, reappointment, annual review, performance review, or a promotion, on a person's support for a specific ideology or political movement. AB 1065 also prohibits the use of diversity, equity, and inclusion (DEI) statements.

The Universities of Wisconsin do not require any systemwide written or spoken loyalty pledge to any political ideology or movement for any employee or student. Recently, President Rothman banned the use of written diversity statements for all hiring practices. While some listed positions do contain information on the importance of diversity, equity, and inclusion as it relates to specific job duties and the missions of our institutions, no prospective employee is required to write or state a pledge to DEI. We do ask that employees understand the importance of these initiatives at our institutions. Additionally, UWs employees are asked to uphold the standards and ideals set forth by the university they are employed at. President Rothman has also committed to removing any use of diversity statements in system-designed or university-designed admission applications.

Student organizations are also already covered under existing law and Regent Policy Document 30-6 (RPD 30-6). This policy specifically allows a student organization the authority to condition membership in organizations that receive segregated fee funding to its own goals and beliefs. As a result, under current law and regent policy, institutions are prohibited from limiting the ability of such student organizations to determine their own goals and beliefs. Because of this, institutions cannot force these student organizations to support ideologies or beliefs that conflict with their values.

While the Universities of Wisconsin already don't require systemwide DEI statements or explicit "loyalty pledges" to specific ideologies for student admission, employee hiring, or student organizations, we do have a couple concerns set forth by this bill.

First, the definition of "loyalty pledge" is broad in its use throughout the bill. For example, under this bill, a prospective faculty member who is being sought to teach a course in conservative political thought could not be asked, as a condition of being hired, if they support the right to conservative thought. Additionally,

(Cont.)

because there is ambiguity as to what constitutes a loyalty pledge, we are concerned that even simply asking a prospective employee if they support the mission of their respective university could be prohibited. With the legal penalties outlined in this bill and the broad definition of "loyalty pledge", an individual could pursue legal action if they are denied a position at the university because of their answers to the above questions.

Additionally, we have some concerns over the requirement to publicly post all training materials used for students, faculty, and staff. We want to ensure our hiring and admissions practices remain competitive. Requiring us to list all these materials would give our direct competitors access to this information that could put us at a competitive disadvantage to our peers. Many UWs campuses produce these training materials in-house, and we don't want their hard work to be used at other universities. Some of these training courses are also purchased from third party vendors and cannot be made public.

Thank you again for allowing the Universities of Wisconsin to testify on AB 1065 today.

## **Wisconsin AB 1065: Academic Loyalty Oath Bans**

Good morning Chairman Murphy and members of the committee. Thank you for the opportunity to testify before you on Assembly Bill 1065, which aims to address DEI funding in Wisconsin's public university systems. My name is Zoe Taylor and I am the State Advocacy Manager at Cicero Action. Cicero Action is a nonpartisan, non-profit, based in Austin, Texas, that advocates for innovative solutions to public sector problems.

When we think of our universities, we often call to mind the idyllic perception of a place that encourages argumentation, new ideas, and challenging your perspectives in order to find answers to critical questions. Universities are the fertile ground upon which generations of young people have grown, developed, and tested the boundaries of life. The role of the university, in and of itself, however, is to act as a neutral arbiter—shepherding growth and providing safety rails, when needed.

Yet, the reality of our colleges and universities does not match up with this vision. When I attended college, we were on the precipice of change — DEI programs were just starting to rear their head, entirely restructuring the undergraduate curriculum to reflect the “principles” determined by a faceless department with a mandate to “equalize” the academic experience. Classes shifted from a retrospective in classical thought and theory to become examinations of “the foundations of social justice”—whatever that means.

The pursuit of knowledge has been interrupted by red tape; departments are spending millions of dollars a year to force ideological assimilation onto students and professors, and thereby limiting academic freedom across the board. DEI, or Diversity, Equity, and Inclusion programming is harmful to academic expression and freedom of speech. Many students who are not aligned with the ideas posited by DEI departments are at odds, left feeling ostracized and silenced on their campuses.

DEI policies are openly hostile to debate and the marketplace of ideas. Challenging the status quo, a skill once celebrated, now results in social and professional repercussions that can make it difficult to find employment after graduation, and for professors who refuse to participate, can lead to their termination or prevent achieving tenure. These policies strike an uncanny resemblance to the Soviet demands for complete intellectual submission.

Recently, the University of Wisconsin removed the requirement for new employees to sign an academic loyalty oath— an ideological statement that swearing the individual to abide by the principles of DEI. This is a great stepping stone to securing the efficacy of higher education in Wisconsin. However, the Madison Area Technical College still lists DEI oaths as a part of the application process.

Other internal mechanisms in the university still place these DEI roadblocks for students and professors— a recent advertisement from the University of Wisconsin Oshkosh's Center for Student Success & Belonging is hosting a "free leadership development program"



that is open only to students who identify as 1) multicultural, 2) womxn, and/or 3) LGBTQIA2S+.<sup>1</sup>

The student sentiment on DEI has soured too— a national survey from the Bipartisan Policy Institute found two-thirds of students believe that diversity and inclusion on campus conflict with free speech. 49 percent of the students cite incidents happening occasionally, while 27 percent say it happens frequently.<sup>2</sup> Students are tired of DEI and see no legitimate value it adds to their education— and many see it as detracting from their overall educational experience.

DEI does not benefit students or faculty. It does not reward intelligence, hard work, or resilience. DEI does not promote better treatment of minority or disabled students. DEI only advocates for dismantling the ladder for high achieving students so that all outcomes are equal, regardless of the student's personal desire for success. DEI is an ideology focused on *unequal* treatment based upon immutable characteristics; this not at all aligned with the true purpose of higher education.

Removing academic loyalty oath bans from universities is fundamental to getting our schools back to the ideal vision as a refuge for free speech and new ideas. Assembly Bill 1065 codifies the great steps the University of Wisconsin has already taken and protects

---

<sup>1</sup>

<https://twitter.com/libsoftiktok/status/1754695620747538720?s=46&t=YkvkJVNGBoF08O13ZLMhlw>

<sup>2</sup> <https://bipartisanpolicy.org/blog/breakdown-dei-academic-freedom/>

the freedom of expression for students around the state. Cicero Action is committed to the freedom of speech and advocates for the value of open discussion. We encourage your support for Assembly Bill 1065.

Thank you for your time and attention, and I will answer any questions from the committee.