

August 11, 2021

**Testimony of ACLU of Wisconsin**



**Opposed to Senate Bill 411  
Senate Committee on Education**

**Opposed to Assembly Bill 411  
Assembly Committee on Education**

Chair Darling, Chair Thiesfeldt, and other members of the Committees:

Good Morning. Please include this testimony as a part of the official record. My name is Elisabeth Lambert and I am an attorney and Equal Justice Works Fellow with the American Civil Liberties Union of Wisconsin. The American Civil Liberties Union of Wisconsin is a non-partisan, non-profit organization working to protect and advance the civil liberties and civil rights of all Wisconsinites. We are strongly opposed to Senate Bill 411 and Assembly Bill 411.

Democracy thrives on, and requires, the robust dissemination of information and ideas. Writing for a plurality of the US Supreme Court in *Board of Education v. Pico*, 457 U.S. 853 (1982)—a case addressing the First Amendment rights of public school students—Justice William Brennan wrote that “the right to receive ideas is a necessary predicate to the *recipient’s* meaningful exercise of his own rights of speech, press, and political freedom.” *Id.* at 887. Here in Wisconsin, we take seriously that a core purpose of our schools is to prepare students for democratic participation. That is why our state legislature has enacted academic standards that require Wisconsin school districts to provide an instructional program designed to give pupils “the skills to participate in political life,” “knowledge of state, national, and world history,” “an appreciation and understanding of different value systems and cultures,” and “at all grade levels, an understanding of human relations, particularly with regard to American Indians, Black Americans and Hispanics.” Wis. Stat. § 118.01(2)(c). In this democracy, it is our strong tradition to respect and support our young people as developing citizens by letting them grapple with complex ideas, competing perspectives, and hard historical truth.

Learning history can indeed be hard. It can be painful. It can cause us to question things we thought we knew and to see the world around us in a new light. *That is why we teach it.* That is why, earlier this spring, this Legislature passed a bipartisan bill requiring Wisconsin schools to incorporate the Holocaust and other genocides into their social studies curricula. Here is what some state legislators had to say about the Holocaust bill at the time they were considering it. Senator Luther Olsen said during the hearing, “What we are saying today . . . is that there’s certain events that were so important in the history of the world that we have to make sure that every generation coming forward knows about those events.” Representative Plumer said, “Ensuring that our children are taught about the atrocities of that period is essential, especially as the number of Holocaust survivors dwindles further every year.” And Senator Darling said “This is not something in the past, this is something in the present. So (this bill) will

be necessary to combat the lack of awareness about the Holocaust among youth.” These are, indeed, compelling reasons to teach the Holocaust. They are the same reasons why it’s essential to teach the hard, unfinished history of racial and gender-based oppression in America.

Senate Bill 411 is a disservice to students and an affront to democratic values. With its vague, wide-ranging list of prohibited concepts, this bill strategically misrepresents historical and social scholarship in order to demonize educators and intimidate them out of teaching complete, complex versions of what the standards require. The bill infantilizes young people---suggesting that they can’t handle the emotional weight of history---while depriving them of opportunities to engage with challenging ideas and competing perspectives, which they need to prepare them for aware, active citizenship.

What is more, by stifling training and discussion of race among school staff, Senate Bill 411 threatens to prolong and compound ongoing racial injustice in this state. Many school districts across the state are grappling with the recognition that they are not providing the same level of educational opportunity to their students of color as they are to their white students, whether that takes the form of racially disproportionate discipline outcomes, hostile environments that make impacted students feel unsafe at school, or entrenched academic achievement gaps. Districts are doing the brave and necessary work of examining and correcting these disparities---as they must, under state and federal civil rights laws. To do this work well requires clear-eyed, uncomfortable discussions of race. To inhibit and punish such discussions, as this Bill will almost certainly do, strips districts of their most essential tools for addressing inequality and consigns students of color to unequal educational opportunity in Wisconsin for another generation.

Wisconsin’s students are our future citizens and leaders. They deserve better than this bill. Our Constitution and our democracy deserve better than this bill. We urge you to not move forward on Senate Bill 411 and Assembly Bill 411.