

Academic Freedom and Dark Money Donors

The Cases of Wisconsin, North Carolina, and Florida

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American colleges and universities are no strangers to controversies over academic freedom, originating from all over the political spectrum. However, in recent years, academic institutions around the country have found themselves targeted by externally organized and well-funded right-wing efforts to reshape what gets taught in the classroom, the training and orientations students and faculty receive, the content of job posts, and even which faculty are hired and fired. These attacks on academic freedom are not isolated to specific campuses nor spontaneous, but rather part of a broader political strategy pushed by Republican governors and state legislatures—often in heavily gerrymandered states—who, along with their wealthy donors, have targeted academic freedom for political and partisan gain.

These state-level attacks on academic freedom are possible because state legislatures play a central role in shaping higher education policy. A long history of states' rights and skepticism of concentrated federal power has meant that the American higher education "system"—to the degree you can call it a system at all—is a highly heterogeneous patchwork of private and state insti-

tutions, ranging from massive state universities to community colleges, elite private research schools, regional public institutions, small liberal arts colleges, and even for-profit universities. And, as a result, the legal rights and responsibilities of faculty—including academic freedom—are not clearly codified into federal law. Instead, academic freedom is a right developed and enforced over decades through the work of professional associations, most notably the American Association of University Professors (AAUP). The AAUP has developed policy statements spelling out the best practices for protecting academic freedom, including language for institutional handbooks and collective bargaining agreements. However, these policies have proven insufficient to stem this most recent wave of right-wing attacks.

This is because AAUP policies concerning academic freedom and tenure were specifically created to protect faculty from retaliation by campus administrators and boards that disapproved of the content of a professor's teaching, research, or public speech. Writing in response to a string of firings and political retaliations during the early twentieth century, the AAUP's founding document, the 1915 Declaration of Principles on Academic Freedom and Academic Tenure, laid out the argument that academic freedom and tenure were necessary to ensure that teaching and research were free from external influence and, therefore, capable of contributing to "the common good."¹ These ideas were later crystalized in the 1940 Statement of Principles on Academic Freedom and Tenure, which laid out the institution of tenure as known today. According to AAUP guidelines, tenure is the practice whereby faculty members hired within an institution are reviewed throughout a seven-year probationary period, after which they receive a lifetime position. Once tenured, they cannot lose their job except in cases where "adequate cause" demonstrates severe misconduct, or a credible threat of financial insolvency necessitates that the institution cut tenured faculty positions. In both cases, dismissal should only take place after a transparent adjudication by a college or university's faculty committees, and through procedure that includes due process protections.²

1 AAUP, "1915 Declaration of Principles on Academic Freedom and Academic Tenure," in *American Association of University Professors: Policy Documents and Reports*, ed. H.-H. Tiede (Washington, DC: American Association of University Professors, 2015), 3.

2 AAUP, "1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments," in *American Association of University Professors: Policy Documents and Reports*, ed. H.-H. Tiede (Washington, DC: American Association of University Professors, 2015), 13. See also Henry Reichman,

During the mid-twentieth century, the US professoriate expanded dramatically, alongside the norms of academic freedom and tenure. However, in recent decades, the growing reliance on contingent faculty and “non–tenure track” positions has substantially undermined the protections of academic freedom and tenure.³

However, more recently and within the broader context of funding austerity and mounting precarity, right-wing politicians and donors have seized upon culture war political tactics to pass a barrage of bills that actively undermine academic freedom.⁴ Bills prohibiting the teaching of critical race theory (CRT) and so-called divisive concepts seek to shape the content of classroom teaching. Other bills have effectively ended tenure within state universities, empowering politically appointed presidents or governing boards to hire and fire faculty in disregard for AAUP protections. In these contexts, college lawyers and administrators have cautioned faculty against teaching certain topics for fear of running on the wrong side of vaguely worded legislation. These bills have created a chilling effect, leading many faculty to curtail their expression, especially in the classroom and in public speech such as social media. As a result, unlike previous campus controversies, the recent wave of legislative attacks on academic freedom are manufactured within a partisan infrastructure and designed to serve political interests.

Understanding Academic Freedom (Baltimore: The Johns Hopkins University Press, 2021); Matthew W. Finkin and Robert C. Post, *For the Common Good: Principles of American Academic Freedom* (New Haven: Yale University Press, 2009).

- 3 Note that the AAUP does not recognize a difference between tenure track and non–tenure track positions. The institution of tenure applies to all faculty who have been continuously renewed for seven consecutive years. However, it has become common for institutions to make an unprincipled distinction between “tenure track” and “non–tenure track” positions. See also Adrianna Kezar, Tom DePaola, and Daniel T. Scott, *The Gig Academy: Mapping Labor in the Neoliberal University* (Baltimore: The Johns Hopkins University Press, 2019).
- 4 For an overview of how antitax advocates harnessed the 1990s culture wars to justify defunding public higher education, see Christopher Newfield, *Unmaking the Public University: The Forty-Year Assault on the Middle Class* (Cambridge, MA: Harvard University Press, 2011). For a more recent example of the connections between Republican political gerrymandering and attacks on higher education in North Carolina, see Special Committee, *Governance, Academic Freedom, and Institutional Racism in the University of North Carolina System* (2022). See also Michael Bérubé and Jennifer Ruth, *It’s Not Free Speech: Race, Democracy, and the Future of Academic Freedom* (Baltimore: The Johns Hopkins University Press, 2022); Ralph Wilson and Isaac Kamola, *Free Speech and Koch Money: Manufacturing a Campus Culture War* (London: Pluto Press, 2021); John K. Wilson, *The Myth of Political Correctness: The Conservative Attack on Higher Education* (Durham: Duke University Press, 2020).

These recent attacks on academic freedom dramatically increased after the Black Lives Matter protests during the summer of 2020. Partisan legislation targeting higher education and academic freedom, however, did not emerge out of some grave public concern. Rather, many of these legislative efforts are authored and supported by right-wing libertarian think tanks and advocacy organizations, which receive funding from dark money sources. Within the broader political context of extreme polarization and organized right-wing response to Black Lives Matter, the attacks on academic freedom have become a central tenant of a cynical plutocratic strategy for retaining political power, in the face of a mass demand for racial and economic justice.

This chapter examines three recent state-level attacks on academic freedom in the United States, namely Governor Walker's eradication of tenure in Wisconsin (2015); Art Pope's interference in the University of North Carolina (UNC) system; and the pummeling of Florida's public universities as part of Governor DeSantis's culture war agenda (2021–3). I demonstrate how, in all three examples, dark money organizations play an aggressive role in undermining academic freedom and tenure. Understanding how these organizations work is critical for pushing back against these well-funded legislative attacks on academic freedom.

WISCONSIN

The attack on tenure in Wisconsin set the stage for much of the legislation we are seeing now. Elected during the 2010 Tea Party mid-term wave, Scott Walker began his tenure as governor by taking aim at higher education. His first legislative battle was Act 10, or the Wisconsin Budget Repair Bill, which denied public employee unions—including those representing faculty and graduate students—the ability to negotiate contracts, required annual union recertification, and prevented public employee unions from requiring membership dues.⁵ State legislators fled the state to prevent the passage of the bill and thousands of protestors occupied the Wisconsin state capitol between February and March 2011. Walker signed the bill over these objections and would go on to survive a recall and re-election, using his time in

5 Matthew Kearney, "Escalating Moral Obligation in the Wisconsin Uprising of 2011," *Social Forces* 96 (2017): 1574.

the governor's mansion to double down on conservative and libertarian legislative priorities such as curtailing early voting, promoting school vouchers, and continuing the assault on labor unions.⁶

This attack on academic unions, however, did not emerge spontaneously or from a widespread concern among Wisconsin voters. Rather, the effort was spearheaded by conservative libertarian activists and donors who had long sought to undermine public funding for social services, including higher education. As laid out in Hertel-Fernandez's book *State Capture*, a small number of partisan political organizations backed by considerable corporate donors coordinated the passage of Act 10.⁷ The American Legislative Exchange Council (ALEC) wrote the model legislation that became Act 10. ALEC is a dark money-funded organization that brings together corporate interests ("private partners") to write bills—in this case, antiunion legislation—and hand them to "public partners" (state legislators) to enact into law. The Koch-funded Astroturf organization Americans for Prosperity led rallies in support of the legislation and spent \$500,000 in TV advertising supporting the bill. And the State Policy Network (SPN)—an umbrella organization for free-market think tanks—along with the local SPN affiliate Wisconsin Policy Research Institute played an important role in pushing the legislation within Walker's inner circle and in the media more generally.⁸

In 2015, as part of the state budget negotiations, Scott pushed additional legislation that empowered the board of regents to rewrite tenure provisions, giving them the flexibility to fire tenured faculty "when such an action is deemed necessary due to a budget or program decision requiring program discontinuance, curtailment, modification or redirection."⁹ This legislation, which Walker called "the Act 10 of higher education," allowed universi-

6 Monica Davey and Tamar Lewin, "Unions Subdued, Scott Walker Turns to Tenure at Wisconsin Colleges," *New York Times*, June 4, 2015, www.nytimes.com/2015/06/05/us/politics/unions-subdued-scott-walker-turns-to-tenure-at-wisconsin-colleges.html.

7 Alexander Hertel-Fernandez, *State Capture: How Conservative Activists, Big Businesses, and Wealthy Donors Reshaped the American States—And the Nation* (Oxford: Oxford University Press, 2019), 187–191.

8 Between 1998 and 2019 ALEC received \$11.6 million from Koch family foundations, the right-wing Bradley Foundation, and two donor-advised funds—DonorsTrust and Donors Capital Fund—with close ties to Koch network. Likewise, AFP received \$88.7 million between 2014 and 2019, and the SPN received \$51.6 million between 2001 and 2019; see Wilson and Kamola, *Free Speech and Koch Money*, 166–167.

9 Davey and Lewin, "Unions Subdued, Scott Walker Turns to Tenure at Wisconsin Colleges." See also Colleen Flaherty, "Trying to Kill Tenure," *Inside HigherEd*, June 1, 2015; Colleen Flaherty, "Wisconsin Tenure Wars: Part Two," *Inside HigherEd*, November 3, 2015.

ties to terminate faculty without the usual due process protections and oversight, effectively ending tenure and undermining the possibility of shared governance.¹⁰ In response to the board's revised tenure policies, the AAUP and American Federation of Teachers (AFT) noted that

the University of Wisconsin system board of regents has adopted a policy that provides weaker protections of tenure, and thus of academic freedom ... What is not clear is why the regents have adopted such a policy. The policy appears to be only the latest step in an ongoing attack on the University of Wisconsin as a public good that exists for the benefit of all citizens of the state.¹¹

This attack on tenure, and academic unions more generally, gutted Wisconsin's long tradition of treating public higher education as a public good. Since the mid-twentieth century, Wisconsin has been known for its strong state university system, with a deep commitment to public service—widely known as “the Wisconsin Idea.” By attacking public employee unions and tenure, and relentlessly cutting university funding, Walker recast public universities as an economic drain on the state. His true contempt for higher education became public when the language of a revised mission statement leaked. The proposed revision “replace[d] the university system’s public-service mission ... with language that emphasized higher education’s role in meeting state work-force needs.”¹² While Walker eventually retracted this language, calling it a “drafting error,” his attacks on academic freedom and higher education would serve as a blueprint for Republican administrations and right-wing donors to emulate.

Walker's attacks on academic freedom, however, were justified using the libertarian language of balancing the budget and saving taxpayer money. More recent attacks on academic freedom, such as those in North Carolina and Florida, have increasingly embraced strident culture war language, even

¹⁰ Davey and Lewin, “Unions Subdued, Scott Walker Turns to Tenure at Wisconsin Colleges”; Valerie Strauss, “Is Gov. Scott Walker Putting the University of Wisconsin System in Jeopardy?” *Washington Post*, June 5, 2015, www.washingtonpost.com/news/answer-sheet/wp/2015/06/05/is-gov-scott-walker-putting-the-university-of-wisconsin-system-in-jeopardy/.

¹¹ H.-J. Tiede, “Tenure and the University of Wisconsin System,” *Academe* (May–June, 2016).

¹² Karin Fischer, “A Playbook for Knocking Down Higher Ed,” *Chronicle of Higher Education*, October 18, 2022, www.chronicle.com/article/a-playbook-for-knocking-down-higher-ed.

while being spearheaded by many of the same partisan organizations and funded by the same group of activist donors.

NORTH CAROLINA

In 2022 the AAUP issued an unprecedented report on the state of academic freedom in the UNC system. The report documents the systemwide politicization of the UNC system and the long track record of political interference and violations of academic freedom. High-profile events, such as the revoking of tenure to Nikole Hannah-Jones, took place within a context of targeting for closure of academic centers run by scholars critical of the state's Republican political establishment. The AAUP's special committee "concluded that the statewide board of governors and the campus-level boards of trustees have repeatedly exercised their considerable power in a manner that violates AAUP-supported principles of academic governance ... plac[ing] academic freedom in 'growing jeopardy.'" And that these violations occur within the context of, and in relation to, "long-standing patterns of institutional racism to make the UNC system a particularly hostile environment for faculty, staff, and students of color."¹³

As with Wisconsin, the partisan attacks on academic freedom did not occur because of mass public concern over the UNC system. Rather, the politicization of the UNC system, and the systemic attack on academic freedom, was spearheaded by a well-funded political infrastructure. In North Carolina, Art Pope—a major political donor, many with ties to the Koch donor network—has funded not only the local politicians but also the think tanks and political institutions that have played a major role in politicizing North Carolina's higher education system. Pope served four terms in the North Carolina legislature and as the budget director in Republican governor Pat McCrory's administration (2013–15). But in addition to holding elected and appointed positions, Pope plays an even more significant role in pushing a right-wing libertarian agenda across the state. By 2014, the Pope Foundation had already spent \$55 million building "a robust network of conservative think tanks and advocacy groups" in North Carolina.¹⁴ And

¹³ Special Committee, *Governance, Academic Freedom, and Institutional Racism*, 6.

¹⁴ Matea Gold, "In N.C., Conservative Donor Art Pope Sits at Heart of Government He Helped Transform," *Washington Post*, July 19, 2014, www.washingtonpost.com/politics/in-nc-conservative-donor-form/

Pope established himself as “one of the most trusted members of the Koch’s elite circle,” and a regular attendee at Koch donor seminars.¹⁵

One of Pope’s legislative priorities has been transforming the state’s public higher education system. As early as 1995 Pope actively sought an appointment to the board of governors but was considered far too partisan for this nonpartisan position. In 2010, however, Pope funded the REDMAP project, pumping money into legislative races during the redistricting year, which allowed Republican majorities to gerrymander the state legislature.¹⁶ In 2020 the Republican majority in the state legislature, which Art Pope helped create, appointed Pope to the board of governors, overseeing the entire UNC system.

Pope also funds several state-level think tanks, including The James G. Martin Center for Academic Renewal, John Locke Foundation, and Civitas. The Martin Center, in particular, targets higher education, focusing on right-wing culture war issues and claiming that free-market ideas are largely absent from the college curriculum. The Martin Center presents faculty as the primary opposition and therefore seeks to empower “parents, students, trustees, alumni, and administrators” in governance, with a focus on “encourag[ing] respect for the institutions that underlie economic prosperity” and “cost-effective administration and governance.”¹⁷

In 2021 the gerrymandered state legislature continued its right-wing assault on higher education, appointing four new members to the board of governors and six new conservative members to the UNC-Chapel Hill’s board of trustees.¹⁸ In January 2023 the board of trustees at UNC-Chapel Hill passed a resolution instructing the administration to create a School of Civic Life and Leadership. Chairman David Boliek then went off Fox News

art-pope-sits-at-heart-of-government-he-helped-transform/2014/07/19/eece18ec-od22-11e4-b8e5-d0e80767fc2_story.html.

15 Chris Kromm, “The Art Pope Empire: Media Outlets, Think Tanks and Election Machines,” *Indy Week*, March 9, 2011, <https://indyweek.com/news/art-pope-empire-media-outlets-think-tanks-election-machines/>.

16 Sue Sturgis, “How Art Pope’s Money Shaped UNC’s Toxic Debate over Nikole Hannah-Jones,” *Facing South*, July 16, 2021, www.facingsouth.org/2021/07/how-art-popes-money-shaped-uncs-toxic-debate-over-nikole-hannah-jones.

17 Martin Center, “About,” www.jamesgmartin.center/about/.

18 Kate Murphy and Lucille Sherman, “Who Controls the Future of Higher Education in NC? Some New, Conservative Players,” *News and Observer*, July 16, 2021, www.newsobserver.com/news/local/education/article252768763.html.

to boast that the new center would bring those with “right-of-center views” to campus to “provide equal opportunity for both views to be taught.”¹⁹ These efforts by political appointees to shape curriculum on campus were accelerated in 2023, when the North Carolina legislature introduced House Bill (HB) 715, which, if passed, would give university governing boards the ability to “ensure efficient use of institutional resources, including regularly evaluating and eliminating unnecessary or redundant expenses, personnel, and areas of study.”²⁰ As in Wisconsin, this bill would make it possible for a politically appointed board of trustees to decide university curriculum using unsubstantiated budgeting claims to close academic departments and centers, and fire faculty, who expressed ideas that these politically appointees disagreed with.

FLORIDA

In recent years, no state has exemplified the right-wing culture war attack on academic freedom more completely than Florida. Over the past few years, the Florida legislature and the DeSantis government have passed several bills explicitly designed to reshape the state’s higher education system. In 2018, following a protest at the University of Florida that disrupted a talk by neo-Nazi Richard Spencer, the state legislature passed Senate Bill (SB) 4, the “Campus Free Expression Act.” This bill gives campus speakers the right to sue a public college or university if their “expressive rights are violated” while curtailing the protest speech of the campus community. This bill was drawn from the Foundation for Individual Rights in Education (FIRE) model bill of the same name.²¹ This bill was part of a national wave of campus free speech bills being advanced in statehouses across the country, with additional model bills written by other Koch-funded political organizations, including the Arizona libertarian think tank Goldwater Institute and

19 Ryan Quinn, “Confusion over a New Unit at Chapel Hill,” *Inside Higher Ed*, February 7, 2023, www.insidehighered.com/news/2023/02/08/unc-chapel-hill-leaders-diverge-what-new-school-will-be.

20 For the text of HB 715, see LegiScan, “NC H715 | 2023-2024 | Regular Session,” <https://legiscan.com/NC/bill/H715/2023>.

21 To compare the model bill to the passed legislation, see FIRE, “Campus Free Expression Act,” www.the-fire.org/research-learn/campus-free-expression-act; The Florida Senate, “CS/SB 4: Higher Education,” March 5, 2018, lines 347–414, www.flsenate.gov/Session/Bill/2018/4/BillText/er/PDF. FIRE has been renamed the Foundation for Individual Rights in Expression.

ALEC.²² Between 2000 and 2019 FIRE received more than \$13.6 million from Koch family foundations, the Bradley Foundation, and DonorsTrust/Donors Capital Fund.²³

In 2021 the Florida legislature passed HB 233, which, amending SB 4, allows students to record their professors' lectures and use these recordings in litigation alleging that they have been "shielded" from controversial ideas. The bill also requires public universities to field a survey measuring so-called viewpoint diversity on campus. During the floor debate over HB 233, Democrats asked for evidence that a lack of viewpoint diversity existed in Florida's schools. The bill's cosponsor, Senator Rodrigues, admitted that while he talked to a few students who claimed that they experienced self-censorship, he could not point to any evidence of a lack of viewpoint diversity, but pointed to the survey provision was necessary to find out if the problem exists.²⁴ In other words, the unsubstantiated right-wing talking point that liberal bias and indoctrination run rampant on college campuses became the justification to deploy an actual survey, designed to prove these partisan assertions true.

In 2022 the Florida legislature passed HB 7—the "Stop Wrongs against Our Kids and Employees" (or "Stop W.O.K.E.") Act—that seeks to dictate classroom content itself. The first part of the bill offers a willful distortion of the scholarship and public discourse on race and racism in America, preventing students or employees from receiving trainings that address unconscious bias, or posits that a certain group "bears responsibility for ... actions committed in the past," or that certain groups should "receive adverse treatment to achieve diversity, equity, or inclusion." Intentionally vague and misleading, this bill effectively restricts discussions about structural racism and gender inequality from the classroom. In granting an injunction against the law, federal judge Mark Walker started his decision with a passage from Orwell's *1984* and called the bill "positively dystopian" and a fundamental violation of constitutional rights to free speech.²⁵

22 Wilson and Kamola, *Free Speech and Koch Money*, 98–114.

23 Wilson and Kamola, *Free Speech and Koch Money*, 167.

24 Florida Senate, "Florida Senate Committee on Education January 26th, 2021 Audio Transcription," January 26, 2021, 56.

25 Andrew Atterbury, "Positively Dystopian: Florida Judge Blocks DeSantis' Anti-Woke Law for Colleges," *Politico*, November 17, 2022, www.politico.com/news/2022/11/17/florida-anti-woke-law-block-colleges-education-00069252#:~:text=TALLAHASSEE%2C%20Fla.,taught%20in%20colleges%20

As with HB 233, HB 7 did not emerge from widespread concern among Floridians that “wokeness” is rampant in Florida’s colleges and universities. Rather, it was, quite literally, as copy-paste bills cooked up within a partisan political and media ecosystem. The language from HB 7 is taken almost verbatim from the model legislation created by the right-wing think tank Center for Renewing America (CRA). The origin of this bill is closely tied to CRT moral panic, which exemplifies the considerable political infrastructure involved in undermining academic freedom. The story goes like this:

Christopher Rufo, a political operative based at the Manhattan Institute (a partisan think tank funded by a “who’s who” of corporate libertarian donors), became interested in CRT during the fall of 2020, recognizing that existing attacks on “political correctness” and “wokeness” were not effectively pushing back against the demands for racial justice taking place in the street. He became interested in CRT not as a good faith participant in conversations about race and racism, but rather because he saw in it a perfect cudgel to swing at his political enemies.²⁶ By concocting a false caricature of CRT, which was then disseminated through right-wing think tanks and media institutions, Rufo created a weapon capable of scoring partisan political points. He presented this distorted version of CRT on Tucker Carlson’s show,²⁷ where it was seen by President Trump when then contacted Rufo about the possibility of writing an executive order. In conversations with Rufo, Trump’s director of the Office of Management and Budget (OMB), Russ Vought, wrote the 2020 “Combating Race and Sex Stereotyping” executive order, which prevented the federal government from funding trainings and workshops that examine issues of systemic racism in American society.²⁸ Vought left the White House in 2021 to form the CRA, under

and%20universities.The same year DeSantis passed HB 1557, dubbed by critics as the “Don’t Say Gay” bill, outlawing most discussions about gender identity and sexual orientation in K-12 classrooms.

26 David Theo Goldberg, “The War on Critical Race Theory,” *Boston Review*, May 7, 2021, www.bostonreview.net/articles/the-war-on-critical-race-theory/; Benjamin Wallace-Wells, “How a Conservative Activist Invented the Conflict over Critical Race Theory,” *New Yorker*, June 18, 2021, www.newyorker.com/news/annals-of-inquiry/how-a-conservative-activist-invented-the-conflict-over-critical-race-theory.

27 “Critical Race Theory Has Infiltrated the Federal Government | Christopher Rufo on Fox News,” *YouTube*, www.youtube.com/watch?v=rBXRdWfV7M.

28 White House, “Executive Order on Combating Race and Sex Stereotyping,” September 22, 2020, <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-combating-race-sex-stereotyping/>.

the umbrella of the Conservative Partnership Institute (CPI), a 501(c)3 non-profit created in 2017 by former senator Jim DeMint.²⁹ This dark money entity has become the political infrastructure for Trump supporters and former staffers to advance an “America first” agenda and “fight for conservative principles” against the “D.C. Swamp.”³⁰ Its current staff includes former Trump chief of staff Mark Meadows, Clete Mitchell (one of the lawyers who spearheaded efforts to overturn the 2020 election), and numerous other Trump political operatives and staffers.³¹ Other organizations under the CPI umbrella include American Accountability Foundations, which attacks Biden’s cabinet and judicial appointees, and America First Legal, run by Trump speechwriter Stephen Miller and focuses on litigation that “oppose[s] the radical left’s anti-jobs, anti-freedom, anti-faith, anti-borders, anti-police, and anti-American crusade.”³² According to 990 tax documents from 2021, CPI had an annual budget of \$17.1 million and revenues of \$45.7 million. CRA’s tax documents from the same year demonstrate \$1,042,274 in financial contributions.

At CRA, Vought used the anti-CRT executive order he authored as the basis for a piece of model legislation banning CRT. Over the past two years, CRA pushed divisive concept bills in state houses across the country. For example, in just six months after its creation, CRA had initiated legislation based on its “false and manipulated explanation” of CRT in more than twenty states.³³ HB 7 is drawn directly from the CRA model legislation.³⁴

29 SourceWatch, “Conservative Partnership Institute,” *Center for Media and Democracy*, www.sourcewatch.org/index.php?title=Conservative_Partnership_Institute.

30 Conservative Partnership Institute, “We Provide the Support Conservatives Need,” www.cpi.org/about/.

31 Nick Corasaniti and Alexandra Berzon, “Under the Radar, Right-Wing Push to Tighten Voting Laws Persists,” *New York Times*, May 8, 2023, www.nytimes.com/2023/05/08/us/politics/voting-laws-restrictions-republicans.html.

32 America First Legal, “The Mission,” <https://aflegal.org/about/>.

33 Chloe Simon, “A Former Trump Appointee Is Linked to ‘Critical Race Theory’ Legislation in over 20 States,” *MediaMatters for America*, June 25, 2021, www.mediamatters.org/critical-race-theory/former-trump-appointee-linked-critical-race-theory-legislation-over-20-states.

34 To compare the Trump executive order, the CRA model legislation, and the text of HB 7, see: <https://tinyurl.com/3hcv7y4j>; “Model School Board Language to Prohibit Critical Race Theory,” <https://citizensrenewingamerica.com/issues/model-school-board-language-to-prohibit-critical-race-theory-2/>; Florida Senate, “CS/HB 7: Individual Freedom,” lines 65–108, www.flsenate.gov/Session/Bill/2022/7/BillText/er/PDF.

In addition to the STOP W.O.K.E. Act, Florida's 2023 legislative session is considering HB 999, which would also empower political appointees to directly interfere with the content of classroom instruction.³⁵ HB 999 allows the board of governors to prevent teaching that "utilizes pedagogical methodology associated with Critical Theory" and discontinue majors and minors in ethnic studies, feminist and gender theory, social justice, and intersectionality. The bill would also ban state colleges and universities from using state or federal funding to "advocate for diversity, equity, and inclusion."

As in North Carolina, HB 999 would also expand academic centers designed to promote teaching about Western civilization, offering an uncritical approach to American history and values and promoting a version of civic education that unquestionably celebrates the Founders. For example, HB 999 would empower the Florida State University's Florida Institute of Politics to develop K-12 and university curriculum celebrating "individual rights, constitutionalism, separation of powers, and federalism" and to host speakers that exemplify "exceptional individuals who have excelled in government, industry, or civic engagement to highlight the possibilities created by individual achievement, philanthropic ideals, and entrepreneurial vision." Centers such as the Adam Smith Center for Economic Freedom at Florida International University and the Hamilton Center at the University of Florida would have expanded capacity to hire and fire faculty, devise curriculum, and offer students majors and minors that promote these specific political agendas.

HB 999 also threatens the wholesale dismantling of university self-governance: placing faculty hiring, administrative appointments, and posttenure review of professors in the hands of the board of trustees and the university president, positions appointed by the governor. Faculty input will be eliminated in these hiring decisions. These provisions not only strip faculty of the freedom to determine the content of classroom instruction but also undermine the protections of academic freedom that come from tenure and shared governance.

The introduction of HB 999 was swiftly followed by DeSantis's appointment of anti-CRT crusader Christopher Rufo, and five other conservative

35 Florida Senate, "CS/CS/HB 999: Postsecondary Educational Institutions," www.flsenate.gov/Session/Bill/2023/999/?Tab=BillText.

activists, to the board of trustees at Florida's public liberal arts college. These appointees to the new college board have signaled their intention to transform the school into a training ground for political conservatives.

CONCLUSION

Wisconsin, North Carolina, and Florida are just three examples of the full-frontal attack on academic freedom coming from state legislatures in Republican-dominated states. In addition to Florida and North Carolina, state legislatures in Iowa, Texas, North Dakota, and elsewhere have also proposed legislation that would effectively end tenure. Alaska, Hawaii, Minnesota, Montana, Oklahoma, Oregon, and a half dozen other states have introduced bills targeting so-called divisive concepts. Legislators in Florida, Ohio, Tennessee, and Texas have proposed bills outlawing diversity, equity, and inclusion initiatives.³⁶ In addition to these bills targeting higher education, many states are seeing similar culture war attacks on K–12 instruction and public libraries.

On the one hand, it is important to understand these attacks on academic freedom as part of a broader political strategy, one funded by deep-pocket donors who want to discredit higher education. These donors have long advocated for defunding and privatizing public goods, including education, and therefore raising fears about political indoctrination and bias serve to delegitimize these institutions, making them increasingly prone to additional cuts. These donors also realize the significant role higher education plays in political, cultural, and social life. In recent years, and especially during the Black Lives Matter protests of 2020, many of the arguments and analyses about structural racism, gender identity, and the causes of economic inequality have gone mainstream, radically undermining the ideological underpinnings that justify plutocratic inequality and racialized poverty. Massive democratic protests in the streets, armed with ideas learned in classrooms across the country, frightened these plutocrats. The response was a well-organized and well-financed attack on academic freedom. Undermining academic freedom, and making faculty fearful for their livelihoods, gives plutocrats the

³⁶ PEN America, "PEN America Index of Educational Gag Orders," <https://pen.org/report/educational-gag-orders/>.

tools to shape the knowledge that faculty produce, taking special aim at that which challenges economic, racialized, and gendered injustice.

By “following the money” it becomes possible to see the stakes of this latest attack on academic freedom. In such an analysis, the onslaught is seen as either the last violent spasm of a plutocratic elite fighting to justify itself, or the beginnings of a new era of virulent unfreedom within higher education. Determining which path we head down depends upon how militantly we defend academic freedom from the political interests of right-wing plutocrats and their political infrastructure. However, our ability to teach, research, and publicly speak about those issues that advance the common good requires nothing less than defending and expanding a robust understanding of academic freedom protections, including the end of academic precarity. There is much work to be done.