

September 3, 2021

RE: Veto House Bill 324 (“Ensuring Dignity & Nondiscrimination/Schools”)

The Honorable Roy Cooper

Delivered by Email

Dear Governor Cooper:

On behalf of the **18 undersigned organizations**, we request that you **veto N.C. House Bill 324 (“Ensuring Dignity & Nondiscrimination/Schools”)**.

H.B. 324 would bar North Carolina teachers from using lessons that acknowledge America’s history of racism and sexism. In doing so, this legislation would erase the lived experiences of Black and Brown people, women and girls, and LGBTQ+ individuals in North Carolina and across the nation and radically overhaul what can be taught to the more than 1.5 million public school students in our state.

If allowed to become law, H.B. 324 would limit our ability to understand one another at the very moment when we need it most. We therefore strongly urge you to stop this discriminatory legislation now before it becomes state law.

H.B. 324 purports to advance equality for all by denying the existence of many. H.B. 324 states that the intent of the legislation is to recognize “the equality and rights of all persons.” In reality, this bill has the opposite effect by banning teachings about the current and past struggles of certain segments of our population to create a façade of equality in society, while denying students and teachers the opportunity for a true understanding of what it means to be equal. The history of racism and discrimination in this country is well documented. H.B. 324 would do a disservice to all students by preventing critical conversations about how these systemic issues of oppression have led to current and past inequality, and even more importantly, how we can and must work together to fix these inequities.

H.B. 324 plays a dangerous game with North Carolina’s public school education by imposing an alternate version of American history. In H.B 324, certain lawmakers not only contort the definition of equality but seek to ignore our history altogether. Section 1(c)(8) prohibits schools from suggesting that the “United States was created by members of a particular race or sex for the purpose of oppressing members of another race or sex.” This section fails to contemplate that when the United States was founded, there were very few African Americans that were not enslaved, and all enslaved African Americans were only counted as three-fifths of a person. Further, most African Americans could not constitutionally vote in this country until almost 100 years after American independence and women could not vote until almost 150 years after independence. This bill whitewashes difficult parts of American history in the name of equality.

H.B. 324 interferes with the first amendment rights of educators and students. Under this bill, schools would not be able to teach the concepts of “unconscious bias” or “critical race theory.” Unconscious bias is a scientifically-proven behavior that leads us to treat people differently because they may be different from us — creating “blind spots” that prevent us from better understanding how to treat people with respect. Instead, schools should be able to provide students with age-appropriate examples of how to recognize the ways that

their assumptions may affect others. This bill is a direct attack on that type of critical-thinking skills and the diversity of thought it affords.

With respect to critical race theory, scholars define it as the practice of interrogating the role of race and racism in society and how it intersects with people’s other identities (e.g., sex, gender identity, etc.). In the United States and North Carolina, African Americans have been explicitly discriminated against in the past and sadly are still the subject of discrimination and bias. For example, in 2016 the United States Court of Appeals for the Fourth Circuit found that the North Carolina General Assembly intentionally discriminated against African-American voters by targeting them with “surgical precision” in passing a voter ID law in 2013. Racism is not simply a historical reality and discrimination did not simply evaporate once laws such as the Civil Rights Act of 1964 and Voting Rights Act of 1965 were passed. Racism led to discrimination in housing, education, healthcare, the criminal legal system, and beyond — the effects of which we still feel today in our society. In fact, many North Carolina laws are grounded in racism and disparately impact African Americans, with H.B. 324 ironically being just another example of it.

H.B. 324 is part of a national scheme posing as a North Carolina solution. This type of legislation is not a North Carolina-specific response to an identifiable problem. Rather, similar bills throughout the country have sought to eliminate discussion of critical race theory in schools and have been introduced in states across the country, with H.B. 324 proposed in a substantially identical form to versions seen in states like Virginia, Texas, and Oklahoma. There has even been federal legislation introduced under the name the “Stop CRT Act,” that would ban diversity and racial equity training for federal employees, signaling a disturbing national trend that North Carolina can avoid by sending controversial bills like H.B. 324 to the dustbin of history like many states before it.

This is not a political request. It is a request to defend the integrity of our state’s public education system and all who might benefit from it. For all of the reasons stated above, if North Carolina is to ensure that there is “dignity and nondiscrimination” in our schools, as provided by our current laws, then H.B. 324 cannot become law.

We respectfully ask that H.B. 324 ends, and the healing begins, with you.

Respectfully,

ACLU of North Carolina
Black Voters Matter Fund
Common Cause North Carolina
Democracy North Carolina
Disability Rights North Carolina
El Pueblo
Emancipate NC
Episcopal Farmworker Ministry
Equality NC

Fortaleza
Forward Justice
Mujerxs Organizando Oportunidades Notables
North Carolina A. Philip Randolph Educational Fund
North Carolina Asian Americans Together
Planned Parenthood South Atlantic
S J Adams Consulting
Southern Coalition for Social Justice
The Social Justice Mobilizing Organizing Group