

A Threat to Democracy:  
Florida's Agenda to Dismantle Public Higher Education  
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Abstract

*The current assault on academic freedom central to the public education agenda of Florida's governor and legislature, and the accompanying erosion of a more inclusive and democratized landscape of power, provide a disturbing glimpse into the dystopian society we might anticipate under a potential DeSantis presidency. This analysis of two (among many) state laws—H.B. 7: the Individual Freedom Act, also politically branded as the Stop WOKE Act (Florida House 2022); and S.B. 266: Higher Education (Florida Senate 2023b)—explores the laws' antidemocratic purposes, operationalization, and impact. We offer as context the historical opposition to academia that includes minoritized perspectives. Though H.B. 7 has been effectively challenged in the Eleventh Circuit Court, both laws have created a chilling effect in many institutions.*

**Florida: An Antidemocratic Legislative Blueprint for the Nation**

The current public education agenda of Florida's governor and legislature is the latest iteration of nearly a century of opposition to higher education in the United States, especially the goal of eliminating academic freedom and the structures that support it in public universities and schools. It has been characterized as a "political and ideologically driven assault unparalleled in US history that threatens the very survival of meaningful higher education in the state, with dire implications for the entire country" (AAUP 2023, 1). Governor Ron DeSantis's 2023 pledge to target higher education, following curriculum censorship and interference in K–12 education in 2022, has resulted in the hostile takeover of the New College of Florida's board of trustees and ouster of its president; the defunding of diversity, equity, and inclusion (DEI) efforts; attacks on unions; and bullying and surveillance tactics against educators supportive of LGBTQ+ communities, women's and gender studies, and racial equity (Brown 2023). The governor's broader agenda has targeted protests, voting rights, access to abortions, transgender rights, immigrants, unions, school board membership, higher education curriculum, accreditation, and tenure (Schwartz et al. 2022), undoing forty years of civil rights legislation and practice toward greater equality and justice for African Americans, immigrants, women, and LGBTQ+ people. Collectively, the actions by the governor and state officials provide a dystopian glimpse into the kind of society that could be ushered forth were DeSantis to succeed in his current presidential

campaign and thereby win the authority to alter the values and practices of US higher education, a program outlined in his book subtitled *Florida's Blueprint for America's Revival* (DeSantis 2023).

To explore how assaults on academic freedom signal the demise of a more inclusive and democratized landscape, we foreground two laws: H.B. 7, the "Individual Freedom Act" (Florida House 2022), DeSantis's "anti-Woke bill," intended to codify the 2021 ban on "Critical Race Theory" (CRT) by the Florida Department of Education (2021); and S.B. 266, "Higher Education" (Florida Senate 2023b), which establishes the legal framework to align Florida's public colleges and universities with H.B. 7. Although initial drafts banning DEI-related majors, minors, and programs of study and proposals to eliminate tenure failed, S.B. 266 nevertheless represents a comprehensive attack on higher education. Without mentioning "academic freedom," S.B. 266 undermines the institutional structures that historically uphold the principle and practice of academic freedom, including tenure, faculty jurisdiction over curriculum, and their role in hiring decisions. The law prohibits "teaching certain topics or presenting information in specified ways" (lines 71–73), bans teaching that "systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States" (lines 559–60), and funds or defunds programs based on their alignment with state political ideology. While H.B. 7 targeted K–12 public education, it extended the ban on the endorsement of Trump's "divisive concepts" executive order (White House 2020) to university and employer training and instruction in Florida Statute 10.005 (Florida Board of Governors 2022). Though H.B. 7 has been effectively challenged in the courts with the Eleventh Circuit upholding a lower court's injunction against the bill's implementation (*Pernell v. Florida* 2022), the relentless "antiwoke" rhetoric and the characterization of DEI efforts as both indoctrination and unlawful has had a chilling effect at many institutions (Acevedo 2023).

Notably, none of the legislation has been justified by documenting any credible "problem" in public education, nor has such legislation emerged from thoughtful and democratic consultation with professional educators as one might expect in decision-making that affects an entire state. Instead, as acknowledged by anti-CRT and anti-DEI activist Christopher Rufo, who spearheaded these efforts nationally with the compilation of "divisive concepts" used in Trump's executive order (see White House 2020, section 2), such legislation is a calculated backlash against the successful Black Lives Matter movement and is aimed explicitly at quelling the wave of multiracial advocacy for racial equity and social justice that swept the country in 2020 (Golden 2023). According to Zack Beauchamp (2021), Rufo's vision of politics is one in which power is not shared democratically but wielded against one's enemies. His plan seeks to weaken public education by urging state leaders to use "law as a weapon to weaken or even eliminate the social bases of his opponents' political power" (Beauchamp 2021). He has called for fellow activists and allied politicians "to clean house in America: remove the attorney general, lay siege to the universities, abolish the teachers unions, and overturn the school boards" (quoted in Beauchamp 2021). Both H.B. 7 and S.B. 266, together with the governor's takeover of New College and his appointment of Rufo and five other conservative activists to its board of trustees, are clear

indicators that he has no qualms about taking authoritarian actions that are simultaneously threats to academic freedom and to democracy.

### Historical Context

Rufo's and DeSantis's strategy is not new. It is the contemporary expression of the political agenda of far-right opponents of US higher education, including the early twentieth-century creationism controversies and the anticommunist witch hunts of the McCarthy era. One has only to consider William F. Buckley's mid-twentieth-century view of academic freedom as a "subversive conspiracy designed" to overtake the "nation's schools and colleges" and "illegitimately empower professors at the expense of the people who employ them" (Nemeth 2021, 323–26). Like the far-right activists who influenced him, Buckley advocated purging schools and universities of professors and curricula associated with liberal ideas. To remove the obstacle to this goal that academic freedom constituted, he called for withdrawing financial support from publicly funded educational institutions. As Julian Nemeth (2021, 328) argues, "the attack on academic freedom, arguably the best example of the symbiotic relationship between grassroots activists, business interests, and intellectuals on the right, served as a central plank in the development of the postwar conservative movement." Rufo and DeSantis adapted these goals to contemporary right-wing expressions of anti-Americanism in US schools and universities. Writer and civil rights advocate James Baldwin challenged Buckley's conservative views (including opposition to school integration) in a debate fraught with racial tension that remains relevant in contemporary attacks on education (Bellot 2019).

Nationally and internationally, the quest to control what is taught and learned has been a central tool of authoritarians, colonialists, racial supremacists, and political conservatives. The current assaults on academic freedom in the form of anti-CRT and anti-DEI curricular bans threaten the democratic foundations of public education and lay the groundwork for authoritarianism, barely a century since Nazification yielded the horrors of genocide by a regime that through elections, the passage of laws, and divisive propaganda convinced armies of willing foot soldiers to torture, gas, and murder their fellow citizens. Zane McNeill (2023) draws direct comparisons between the current policies of DeSantis and the "illiberal democracy" of leaders such as Hungary's Viktor Orbán, noting that attacks on LGBTQ+ rights and curricular representation, censoring academic freedom, targeting immigrants, shutting down universities, muzzling the media, and restricting abortion rights make Florida the "canary in the coal mine" for authoritarian policies being implemented nationwide. For Michael Dreiling and Pedro García-Caro (2022, 3), contemporary curriculum bans follow dictionary definitions of McCarthyism, as evident in "the practice of publicizing accusations of political disloyalty or subversion with insufficient regard to evidence" and "the use of unfair investigatory or accusatory methods in order to suppress opposition." In 2022–23, "the 'inquisitors' seek to identify books, classes, syllabi and lectures that appear to threaten or undermine the tale of America's greatness" (3). Stacy

Braukman (2016) reports that McCarthy-era investigations in Florida opposed racial integration by deliberately connecting desegregation with communism and homosexuality in efforts to purge these perspectives from state universities. Then, like today, Black Americans and members of the LGBTQ+ community (and topics relevant to them) were particularly singled out for villainizing and victimizing.

Henry Giroux (2006) reports on a fifty-year strategy enacted by conservative critics of academia that included the Powell Memo of 1971, a political blueprint for the current assault on the academy and the funding of conservative think tanks such as the Heritage Foundation. It recast the traditional notion of academic freedom in terms of intellectual diversity and advocated countering supposed liberal indoctrination through curriculum censorship at the state level, all familiar themes in the decades-long vilification of professors who do critical work. Giroux also traces these attacks to the threats of then–House Speaker Newt Gingrich: “Everyone who has an opinion out there and entire disciplines like ethnic studies and women’s studies and cultural studies and queer studies that we don’t like, won’t be there anymore” (quoted in Giroux 2006, 16)—a perspective echoed in the initial proposal to eliminate such majors and minors in H.B. 999, the companion bill to S.B. 266. This historical contextualization highlights the role of educational institutions as sites of political struggle between those who wish to restrict access to knowledge to narrow, corporate, ideological positions and those who have historically framed education as democratizing, inclusive, and intellectually critical.

### The Dimensions and Dynamics of Censorship

Current curriculum censorship represents a backlash against the Black Lives Matter movement that awakened the nation to the need for racial justice (Golden 2023). The pledges to examine structural racism in institutions and the multiracial justice-oriented activism among a wide group of individuals, corporations, and institutions threatened the reelection campaigns of Trump in 2020 and DeSantis in 2022. While Trump’s executive order of September 2020, a precursor to Florida’s H.B. 7, was rescinded by President Joe Biden, DeSantis lost no time in doubling down on this approach to ensure his own gubernatorial election through a multipronged legislative and rhetorical strategy.

DeSantis and the Florida Legislature launched a program of antidemocratic legislation, the volume and sequence of which are noteworthy. Early 2021 legislation (H.B. 1) targeted Black Lives Matter advocates, including banning protests and codifying the right of motorists to run over protestors (Owen 2021). The gerrymandering of electoral maps to eliminate two predominantly Black districts followed, together with amendments to state election law to impose restrictions on ballot access (following a glitch-free 2020 election with laudable voting access practices). Then came the first of many antitrans laws. Curriculum interference followed, with the ban on CRT being the first in a string of education-related legislation. These combined

efforts represent the state's agenda to truncate rather than expand democratic inclusion and participation.

The combination of laws further amplifies the impact of individual curriculum bans regarding CRT and DEI. S.B. 266 replicates the language of the anti-CRT policy and the concepts of H.B. 7 to defund DEI efforts, restrict general education curriculum, and prescribe faculty speech in teaching US history. It transfers responsibility for faculty hiring to university boards of trustees and institutes post-tenure review, while S.B. 256 undermines the strength of unions that are likely to push back against such authoritarianism (Florida Senate 2023a). Furthermore, the authoritarian takeover of the governance of New College represents the tangible threat to all state institutions posed by the scope of the governor's power, wielded here in his hostility toward DEI-centered teaching.

It concerns us that few educators and members of the public have read these laws and rely instead on media reports and political rhetoric to form opinions and make decisions. Moreover, the laws' vague wording, coupled with clear threats in political rhetoric about the penalties for violations (funding cuts, lawsuits, firing), and the accompanying vitriol against educators, serve a deliberate strategy of propagating confusion, doubt, fear, and self-censorship among educators (Acevedo 2023; Florido 2021; Golden 2023) and destroying the trust between public educators and the community. The imprecise and contradictory language of H.B. 7 makes it difficult to interpret how a violation (for example, a student feeling psychological distress) would be recognized.

Disjunctions between the law and political rhetoric add to the confusion. Despite claims that H.B. 7 "codifies the Florida Department of Education's prohibition on teaching critical race theory in K-12 schools" (Office of Governor Ron DeSantis 2021), the text of the law makes no mention of critical race theory and never uses the term "woke." Additionally, embedded in this "antiwoke" law is state-mandated instruction on Holocaust education and Black history, including the requirement to teach about the "ramifications of prejudice, racism and stereotyping . . . for the purpose of encouraging tolerance of diversity in pluralistic society" (Florida House 2022, lines 336-41). In fact, when we initially reviewed H.B. 7, we reframed it as a potential call for multicultural education, noting that few would endorse the banned concepts as written (for example, the superiority of any race or gender or the inherent racism or sexism of groups) and would instead support their antithesis. Furthermore, the law explicitly allows the discussion of the concepts central to H.B. 7; all that is banned is compelling belief in them. Vagueness serves a different purpose in S.B. 266, enabling the board of governors to "include other considerations," as part of the evaluation criteria in the post-tenure reviews process (Florida Senate 2023b, line 223).

Particularly lethal as a strategy has been the toxic political discourse accompanying legislation. Emulating the propaganda of totalitarian rulers, this discourse employs a range of emotionally charged rhetorical shorthand, such as "indoctrination," "woke," or "critical race

theory,” to tarnish broad swaths of knowledge, villainize professors, and victimize and target historically marginalized groups such as LGBTQ+ populations, Black Americans, immigrants, or those who choose to dissent. As a profession, all educators stand accused of indoctrination and are cast as dangerous and un-American, their curricula deemed “divisive” and their practices subversive, requiring surveillance (Geggis 2023).

Since such state policy making in Florida is grounded in partisan ideology rather than matters of good governance, it is, unsurprisingly, bereft of research, data, and thoughtful deliberation. No credible evidence of “indoctrination” in Florida classrooms has been provided, despite a law being predicated on it. State guidelines for social studies textbook adoption indicate that Rufo’s “divisive concepts” represent what the lawmakers assume to be critical race theory, an intellectual blind spot with far-reaching consequences, given the ban on CRT in multiple states. Also cited and banned as “potential CRT components” are culturally responsive teaching on social justice, including “seeking to eliminate undeserved disadvantages for selected groups,” and socio-emotional learning (Florida Department of Education 2022, 24). S.B. 266 defunds DEI, raising questions of what is permitted since diversity, equity, and inclusion apply to students of all backgrounds. The danger of this ignorance and disregard for facts and reality is heightened since S.B. 266 could allow political appointees rather than faculty committees to play the decisive role in hiring future professors.

The success of these tactics lies in their links to funding, job security, and unbridled political power. Educators found to be in violation of unclear laws run the risk of costing their institution state funding. Meanwhile, attacks on tenure, academic freedom, and unions strip away the professional protections of intellectual autonomy, turning faculty into state propagandists working at the whim and pleasure of political ideologues. The willingness of state agencies (including the legislature, board of education, and state health agencies) to change laws to suit the governor’s whims (for example, altering the “resign to run” rule that would have required him to resign as governor before launching his presidential campaign, sanctioning and funding his trafficking of immigrants across state borders, and suspending gender-affirming care) represent an alarming breakdown of the checks and balances needed in a well-governed democracy. Educators safeguarding the institution of education represent an important guardrail against further erosion of democracy.

### **Pushing Back in Dystopia: The Moral Responsibility of Educators**

In this context, the professional and civic choices of educators and citizens concerned for their democracy are clear and stark. We are all under attack, and no one can be a bystander in this struggle. In issuing an injunction against H.B. 7, Chief US District Judge Mark Walker noted that the bill “officially bans professors from expressing disfavored viewpoints in university classrooms while permitting unfettered expression of the opposite viewpoints. Defendants argue

that, under this Act, professors enjoy ‘academic freedom’ so long as they express only those viewpoints of which the State approves. This is positively dystopian” (*Pernell v. Florida* 2022, 2).

A prerequisite to effective pushback is critical and collective awareness of the political agenda in play, the dimensions and dynamics of its implementation, and its intended outcomes. This requires knowing the laws, what is at stake for whom, as well as the laws’ historical, political, and ideological contextualization, including their bigoted or undemocratic foundations, as well as the very knowledge and insights demonized as “woke.” Collective consciousness is foundational to collective agency, disrupting the politics of division and reminding us that the fight for democracy against authoritarianism is everyone’s responsibility. Collective, coordinated, and multidimensional pushback will be necessary to counter the barrage of legislation and policy directives aimed against education in particular, and democratic institutions and inclusive public policy in general. Faculty and teacher unions, professional organizations, and accreditors represent key sources of potential resistance to such authoritarianism. Notably, the political forces against academic freedom also seek to undermine such coalitions, as is evident in the antiunion legislation (S.B. 256) and DeSantis’s recently filed lawsuit to permanently block enforcement of accreditation-related provisions of the federal Higher Education Act (Knott 2023).

Protecting democracy will require that we preserve its institutions. Upholding the democratizing potential of educational institutions against their alternative role as hegemonic forces will be paramount. Timothy Snyder’s (2021, 14–16) observations in this regard are instructive: “We tend to assume that institutions will automatically maintain themselves against even the most direct attacks. . . . The mistake is to assume that rulers who came to power through institutions cannot change or destroy those very institutions.” As Snyder argues, neither outcome is possible without the professional consent of educators themselves: “Most of the power of authoritarianism is freely given” (8). Thus, although the state seems comfortable framing educators as “mouthpieces of the state,” we must question whether and how educators’ minds and voices could be so commandeered. Academic freedom requires the commitment to professionally grounded and epistemologically valid knowledge, subject to peer review and scrutiny, that moves well beyond popular notions of free speech (Dreiling and García-Caro 2022). It is a professional obligation, not a perk. In today’s context, how educators enact their role as autonomous agents of academic freedom will determine (and mediate) the dystopian impact of state authoritarianism on our students.

Embracing the notion of education as democratizing will also require educators to translate these ideals into routine professional practices. The 2020 commitments to racial equity prompted many educators to examine their curricula, instruction, research, and service to interrogate how each perpetuated or interrupted structural inequities in the academy. This commitment is still relevant and must be preserved rather than extinguished from memory. This includes paying attention to the why, the what, and the how of our curricula. Heeding Paulo Freire’s ([1968] 2018) caution against practices of passive, unquestioning, decontextualized, and isolated student

learning that groom students for exploitation and render them vulnerable to propaganda and indoctrination, educators must push back against censorship by engaging students in emancipatory critical pedagogy that facilitates their agency as inquirers and equitable professional leaders in a pluralistic democracy.

To be maximally effective, institutional leaders at all levels should be well versed in the subject matter of CRT, DEI, indoctrination, law, and politics to effectively counter the well-funded, well-organized campaigns against civil rights and academic freedom. Leaders already deeply knowledgeable about the theoretical and conceptual foundations of equity and social justice are more likely to be nimble in their responses to skillfully guide their diverse constituents through these legislative challenges. Recognizing that this legislation is intended—through racist, sexist, homophobic, and classist divisiveness—to undermine the 2020 promise of racial equity, and the joy and optimism that such commitments engender, requires multicultural historical awareness, deliberate and strategic collective action, and psychological resilience.

The stakes in the 2023 battle for academic freedom in Florida are high. With the governor and his allies enjoying enormous political power in the state legislature, it might seem that educators are powerless to do much. Yet we have been in such struggles before. The moral responsibility to preserve our professional agency has been clearly articulated by Judge Walker, underscoring the depths of the challenge and the vital role that educators must play in preserving democracy in this nation: “One thing is crystal clear—both robust intellectual inquiry and democracy require light to thrive. Our professors are critical to a healthy democracy, and the State of Florida’s decision to choose which viewpoints are worthy of illumination and which must remain in the shadows has implications for us all. . . . If our ‘priests of democracy’ are not allowed to shed light on challenging ideas, then democracy will die in darkness” (*Pernell v. Florida* 2022, 135).

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