

Senate State Affairs Committee
Friday, February 09, 2024 - 8:00 A.M.
TESTIMONY ON: All Subjects

Written Testimony

Name (First & Last)	Subject	Manner Testifying	Representing Company/Organization	City	For / Against	Wish to Testify	District #
Amy Dundon	S 1274	W	American Civil Liberties Union of Idaho	Nampa	Against	N	13

Written Testimony against Senate Bill 1274
Submitted to the Idaho Senate State Affairs Committee on
February 9, 2024 on behalf of the
American Civil Liberties Union of Idaho

Chairman Guthrie and Members of the Committee:

I submit this testimony on behalf of the ACLU of Idaho and in strong opposition to Senate Bill 1274. The bill is yet another attack on inclusive education in Idaho’s universities. It seeks to undo hard-earned improvements in the culture of higher education as a whole – improvements made through tireless work and advocacy of students and faculty of color. If passed, SB 1274 would undo the efforts of diversity, equity, and inclusion practices, which aspire to increase empathy, foster personal growth, and improve understanding of the historical context of our country. Each of these components improves students ability to learn and, in turn, brings us ever closer to a more equitable and just Idaho.

Last summer, the Supreme Court issued two rulings in Students for Fair Admissions v. Harvard and Students for Fair Admissions v. UNC restricting schools’ ability to fully address systemic racial inequalities that persist in higher education – and hindering the ability of a university to select its student body.

These decisions do not, however, equate to summary rejection of equity policy. In fact, the Court recognized that the values of diversity are “commendable goals” and that schools can consider applicants’ own discussion of how race has impacted their lives. Importantly, in the opinion by Chief Justice Roberts, the court emphasized that “nothing in this opinion should be construed as prohibiting universities from considering an applicant’s discussion of how race affected his or her life, be it through discrimination,

Name (First & Last)	Subject	Manner Testifying	Representing Company/Organization	City	For / Against	Wish to Testify	District #
------------------------	---------	----------------------	--------------------------------------	------	------------------	--------------------	---------------

Amy Dundon	cont.						13
------------	--------------	--	--	--	--	--	----

inspiration, or otherwise.”

Senate Bill 1274 is a step backward in the march toward civil rights and civil liberties in Idaho. Our public universities can and should aspire to more equitable hiring and admissions decisions. Race and racial background continue to overdetermine different aspects of Idahoans’ lives, including where they live, the kinds of healthcare they access, and their economic outcomes. In no way do the links between race and socioeconomic position indicate personal failings; instead, the intractable influence of race and racism in the United States are the very foundation of so many of our social, political, and economic structures. In practice, this structural unevenness leads to uneven outcomes for historically marginalized groups, including Black and Brown Idahoans.

It remains the unequivocal responsibility of our public institutions, including those institutions of higher education to increase the educational opportunities for students of color. It is also the responsibility of public universities and colleges to hire faculty of color, both to correct the overrepresentation of certain kinds of individuals in the academy – and to ensure students of color see themselves reflected in their professors.

The bill before you today will do little to improve the life of everyday Idahoans. Instead, SB 1274 appears to be part of a larger political effort to rewrite our nation’s history, minimize the significance – or, altogether erase – the lived experiences and histories of people of color, and to create new obstacles to building a vibrant and diverse democracy.

We urge you to vote against Senate Bill 1274. Academic freedom means that both faculty members and students in higher education can engage in research, debate, and instruction. It requires universities do everything in their power to ensure all students and faculty feel safe and welcome on their campus. And that work begins with ensuring university campuses reflect the racial diversity of our nation and our state, not prohibiting the mention – or consideration – of race in application or admissions processes.

Thank you for your time and attention today.

Respectfully,
 Amy Dundon
 Legislative Strategist
 ACLU of Idaho