

Eleventh Circuit Affirms Decision to Preliminarily Block Unlawful "Stop W.O.K.E." Censorship Law

The victory supports challenges to discriminatory classroom censorship efforts nationwide.

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CONTACT:

Chris Ford, LDF, media@naacpldf.org

Lora Strum, ACLU, lstrum@aclu.org

Gaby Guadalupe, ACLU of Florida, media@aclufl.org

Robin Ireland, Ballard Spahr, irelandr@ballardspahr.com

Will Ashenmacher, Ballard Spahr, ashenmacherw@ballardspahr.com

ORLANDO, Fla. — In an important victory for professors, other educators, and students across Florida, the Eleventh Circuit Court of Appeals [left in place a preliminary injunction blocking](#) Florida's HB 7 — also known as the Stop Wrongs Against Our Kids and Employees Act (Stop W.O.K.E. Act) — from being enforced in institutions of higher education, pending appeal. The procedural ruling maintains the preliminary injunction until the Eleventh Circuit issues a decision on the merits.

The previous order was issued in [Pernell v. Lamb](#), a lawsuit filed by a multi-racial group of educators and a student in Florida colleges and universities challenging the discriminatory classroom censorship law that severely restricts Florida educators and students from engaging in scholarship about issues related to race and gender. The preliminary injunction immediately blocked the state from enforcing the law in institutions of higher education in Florida. And in separate litigation, Judge Mark Walker blocked the law from affecting Florida employers.

The plaintiffs are represented by the American Civil Liberties Union, the ACLU of Florida, the Legal Defense Fund (LDF), and pro bono counsel Ballard Spahr. Florida is one of more than a dozen states across the country that have passed at least 15 different laws aimed at censoring discussions around race and gender in the classroom.

“The court’s decision to leave in place the preliminary injunction is a recognition of the serious injury posed to educators and students by the Stop W.O.K.E. Act,” said **Leah Watson, a senior staff attorney with the ACLU Racial Justice Program.** “All students and educators deserve to have a free and open exchange about issues related to race in our classrooms — not censored discussions that erases the history of discrimination and lived experiences of Black and Brown people, women and girls, and LGBTQ+ individuals.”

The lawsuit argues the Stop W.O.K.E. Act violates the First and 14th Amendments by imposing viewpoint-based restrictions on educators (including professors, lecturers, and student teaching assistants) and students that are vague and discriminatory. Additionally, it argues the Stop W.O.K.E. Act violates the Equal Protection Clause because it was enacted with the intent to discriminate against Black educators and students.

“We are heartened by the court’s decision to leave in place the preliminary injunction issued by the federal court in November,” said **Alexsis Johnson, assistant counsel of the Legal Defense Fund.** “Institutions of higher education in Florida should have the ability to provide a quality education, which simply cannot happen when students and educators, including Black students and educators, feel they cannot speak freely about their lived experiences, or when they feel that they may incur a politician’s wrath for engaging in a fact-based discussion of our history.”

The law specifically targets and places vague restrictions on educators’ ability to teach and discuss concepts around the legacy of slavery in America, white privilege, and anti-racism. In January, Gov. Ron DeSantis announced plans to prohibit “higher education institutions from using any funding, regardless of source, to support DEI, CRT,” and what he inaccurately calls “other discriminatory initiatives.” It’s yet another attempt to stop educators from teaching or even expressing viewpoints on race, racism, or gender that are disfavored by Florida lawmakers, even where those viewpoints are widely accepted and considered foundational information in their academic disciplines.

“We are pleased that the court protected the First Amendment rights of Florida students and educators by denying the State’s request for a stay,” said **Jerry Edwards, staff attorney with the ACLU of Florida.** “Lawmakers continue to threaten our democracy by attempting to curtail important discussions about our collective history and treatment of Black and Brown communities. This is an important step in preserving the truth, civil liberties, and a better future.”

The Stop W.O.K.E. Act imposes harsh penalties — including possible termination or loss of state funding — for educators who have been found to violate the law. As a result,

universities across Florida have canceled or scaled back diversity and inclusion trainings and have taken down public-facing statements denouncing racism. This creates a hostile climate that stigmatizes discussions about race on campuses and generates fear among plaintiffs and other Black educators and students who teach or take coursework that touch upon race and gender issues.

“The movement to restrict academic freedom and curtail the rights of marginalized communities is as pervasive as it is pernicious,” said **Jason Leckerman, litigation department chair at Ballard Spahr**. “We are proud of the work we have done so far with our partners, the ACLU and Legal Defense Fund, but the fight is far from over. Today, we’ll take a moment to savor this result — and then we’ll keep working.”

The court’s refusal to lift the injunction during appeal could bolster similar challenges to classroom censorship efforts in Florida, and other states. Currently the ACLU has challenged similar classroom censorship laws in [Oklahoma](#), which was the first federal lawsuit challenging one of these bills, and in [New Hampshire](#), and awaits rulings in both cases.

This release can be found online [here](#).

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