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Professors, Students, and Civil Rights Group Appeal Federal Court Decision Allowing Alabama's Discriminatory Censorship Law, SB 129, to Stand

Today, the [Legal Defense Fund](#) (LDF) and the [ACLU of Alabama](#) announced that plaintiffs in *Simon v. Ivey*, including Alabama public university faculty and students and the Alabama State Conference of the NAACP, have [filed their appeal](#), challenging a lower court's decision that denied preliminary relief from Alabama's discriminatory campus censorship law, SB 129. The appeal to the Eleventh Circuit Court of Appeals comes months after a federal district court declined to block the law, allowing it to remain in effect while the case continued.

SB 129, which took effect in October 2024, places severe restrictions on the ability of public university professors, students, and campus communities to teach, learn, and build community around various topics that elected politicians in the Alabama Legislature disfavor and have unilaterally labelled as "divisive concepts" and "DEI," including certain topics pertaining to race, racism, sexism, homophobia, structural inequality, and social justice.

"This appeal is a necessary next step because SB 129 continues to undermine academic freedom and the integrity of higher education in Alabama," said **Dr. Dana Patton, an Alabama professor and plaintiff**. "This law has created a climate of fear on campus that narrows what students can learn and what educators can teach. Through this appeal, we urge the court to affirm our responsibility and right, as dedicated educators, to provide students with a truthful, comprehensive education."

Earlier this year, plaintiffs filed the federal lawsuit challenging SB 129 and immediately followed with a motion for a preliminary injunction, noting the widespread harms that Alabama campus communities face since SB 129 took effect in October 2024. These harms include severe censorship of teachings and class discussions, discriminatory restrictions on university funding for student organizations, and removal of inclusive campus spaces that had served university students wanting to support and assist fellow classmates facing discrimination and unfair disadvantages, including Black and LGBTQ+ university students, for several years.

"SB 129 continues to harm my campus community in the months since it went into effect, and that's why this appeal is so important," said **Sydney Testman, a student plaintiff**. "As a senior, I have watched our campus change overnight, as students are afraid to speak, opportunities for thoughtful engagement have disappeared, and students' shared sense of belonging has eroded. With this appeal, we hope the courts will recognize the real and lasting damage that SB 129 has caused to me, my classmates, and my professors."

“SB 129 remains a direct threat to the constitutional rights of Alabama students and educators, which is why we are moving forward with this appeal,” said **Antonio L. Ingram II, LDF Senior Counsel**. “The law continues to censor classrooms, restrict student expression, and disproportionately harm Black and LGBTQ+ students. We will continue to challenge SB 129 because every student in Alabama deserves an accurate, high-quality education free from discrimination, fear, or undue interference from politicians.”

“We remain proud to represent the brave professors and students who refuse to sit idly by as unconstitutional censorship and discrimination pervades Alabama’s public university campuses,” said **Alison Mollman, ACLU of Alabama Legal Director**. “This appeal is a necessary next step to ensuring that the constitutional rights of all professors and students are protected in Alabama.”

In their appeal, the professors argue that the district court misconstrued long-standing First Amendment precedent by ruling that public college instructors have no First Amendment right to teach free of viewpoint discrimination, an interpretation that contradicts decades of U.S. Supreme Court and federal appellate decisions.

The student plaintiffs contend that the court overlooked key facts and applied the law incorrectly when it concluded they had not been sufficiently harmed by SB 129 or that it lacked authority to remedy their constitutional violations.

All plaintiffs further argue that the court erred in finding the law to be textually unambiguous, despite multiple courts across the country reaching the opposite conclusion, determining that similar laws are unconstitutionally vague because it is difficult—if not impossible—to discern what speech is and is not prohibited.

Access the appeal filing [here](#).

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Founded in 1940, the [Legal Defense Fund \(LDF\)](#) is the nation’s first civil rights law organization. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.