

HOUSE JOURNAL

EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION

SUPPLEMENT

HB 3979 - DEBATE

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FORTY-FOURTH DAY — MONDAY, MAY 10, 2021

CSHB 3979 DEBATE - SECOND READING
(by Toth, Leach, Metcalf, Bonnen, Parker, et al.)

CSHB 3979, A bill to be entitled An Act relating to the social studies curriculum in public schools.

REPRESENTATIVE TOTH: **CSHB 3979** is about teaching racial harmony by telling the truth that we are all equal, both in God's eyes and our founding documents. This bill addresses an area of growing controversy and disagreement today. Therefore, I want to begin my remarks with something in which all of us can agree. Democrat, republican, male and female, all races—we all agree that racism, racial scapegoating, and racial and sexual stereotyping are wrong and they're evil. We all agree with the Reverend Martin Luther King Jr., who correctly interpreted the Declaration of Independence to hold up a standard of judging individuals not by the color of their skin but by the content of their character. So what's stopping us from achieving that? Critical race theory is a mouthful. And it's come on the scene as of late publicly, but it's something that's been brewing for several years. Critical race theory is a form of Marxism often called neo-Marxism. Just as Marx rejected democratic liberties and the rule of law as a trick to disguise the selfish interest of capitalism, in the same way, critical race theory rejects our constitutional liberties and the rule of law as a disguise for the selfish interests of a supposedly white supremacist American society.

If you don't believe me, listen to the passage from a book by Gloria Ladson-Billings. And what I'm going to do this evening is instead of giving you my evaluation or belief or understanding of critical race theory, I'm going to go and cite critical race theorists and those that established and developed critical race theory and those that argue for it in the university systems across the United States. These won't be my words. These will be their words. Gloria Ladson-Billings, who is considered the founder of critical race theory and education, first said this: "By 'white supremacy' I do not mean to allude only to the self-conscious racism of white supremacist hate groups. I refer instead to a political, economic, and cultural system in which whites overwhelmingly control power and material resources, conscious and unconscious ideas of white superiority and entitlement are widespread, and relations of white dominance and non-white subordination are daily reenacted across a broad array of institutions and social settings." She goes on to say, "Many critical race scholars view white supremacy, understood in this way, as central to [critical race theory] in the same way that the notion of capitalism is to Marxist theory and patriarchy to feminism. This perspective on the nature and extent of contemporary racism is one of the key defining elements of [critical race theory]."

So what the founder of critical race and education just said is that these two, Marxism and CRT, are inextricably linked. It's a distinction without a difference. Ladson-Billings cites the following: "[Critical race theory] begins with a number of basic insights. One is that racism is normal, not aberrant, in American society. Because racism is an ingrained feature of our landscape, it looks ordinary and

natural in persons in this culture." So the question is, do you want our Texas kids to be taught that the system of government in the United States is nothing but a cover-up for white supremacy? Do you want them to be taught a souped-up version of Marxism? And with that I'll entertain questions.

REPRESENTATIVE M. GONZÁLEZ: Representative Toth, you have to give me a second to catch my breath after I heard your layout. I'm not sure if you're aware, but two years ago, I completed my PhD program. Did you know that?

TOTH: I do recall that.

M. GONZÁLEZ: And as part of my PhD program, I had to pick a theory in which to do my research on. And did you know that I utilized critical theory and critical race theory in order to do the academic research that my doctoral degree is in? Did you know that?

TOTH: Is that a question?

M. GONZÁLEZ: I asked if you knew that.

TOTH: No, I did not know that.

M. GONZÁLEZ: And so you would know, because I have worked with you on lots of bills and lots of pieces of legislation, that I come into this space full of love and compassion and a desire for people to work together. Do you agree with that?

TOTH: I think you're a very considerate member, absolutely, yes. You've got a big heart and I appreciate that about you.

M. GONZÁLEZ: And so what I think is surprising for me is in your layout, you describe that critical theory and/or critical race theory creates divisions. However, I would argue that I have seen how critical theory and critical race theory healed me and helped me understand society so I could come into this space and be loving, compassionate, a unifier. And so it's interesting to me that in your layout you feel critical theory does the opposite when, in fact, from personal experience and research, we know that's not accurate. So my question is, how many actual critical theory books have you read? Critical race theory books beyond just picking quotes here and there but from front cover to back cover to fully understand, really, what we're talking about today?

TOTH: I'm going to continue to lay this bill out with the words of critical race theory.

M. GONZÁLEZ: No, besides cherry-picking words here and there.

TOTH: I have not raised, I have not read—

M. GONZÁLEZ: No, Representative Toth, besides cherry-picking words here and there.

TOTH: Representative, let me answer the question. Let me answer the question. I'd be happy to—

M. GONZÁLEZ: I have a question. How many books?

TOTH: You've got to let me answer the question now.

M. GONZÁLEZ: How many books have you read that deal with critical race theory and critical theory from front cover to back cover?

TOTH: I've read white papers on critical race theory, and that's where I've derived these quotes.

M. GONZÁLEZ: So you want to ban a whole subject of theory because you have read a couple of white papers? You've never even finished an entire book or multiple books on this.

TOTH: So this does not ban the discussion of critical race theory. This bill does not ban that at all in any way, shape, or form. We're still allowed to talk about it in the classroom. Now, Representative, have you ever heard of—

M. GONZÁLEZ: But you want to limit discussion on it and you have never even, and to your words—

TOTH: I want to limit—this bill limits the proselytizing.

M. GONZÁLEZ: —completed reading a book on this subject. Is that accurate?

TOTH: No, the bill limits—

M. GONZÁLEZ: You've read a book on critical race theory? A whole book front cover to back cover?

TOTH: I think I've already answered your question, Representative.

M. GONZÁLEZ: I just want to know. Have you read one book from front cover to back cover on CRT?

TOTH: I've answered your question. I said I've instead read white paper studies. So Representative, have you ever heard of the Chinese American Citizens—

M. GONZÁLEZ: You've read white paper studies that are accurate?

TOTH: Have you ever heard of the Chinese American Citizens Alliance?

M. GONZÁLEZ: I'm sorry. I'm at the back mic. I'm asking you questions. So you've read white papers. Can you tell me who the authors of these white papers are?

TOTH: These white papers—the first quote that I gave you was from the founder of critical race theory.

M. GONZÁLEZ: So who is the founder of critical race theory? Something you want to limit but you don't know the founder of?

TOTH: I already shared that with you.

M. GONZÁLEZ: Who is the founder?

TOTH: Ladson—Ladson-Billings.

M. GONZÁLEZ: She is not the founder.

TOTH: Mrs. Ladson-Billings.

M. GONZÁLEZ: She is not the founder.

TOTH: She is the founder.

M. GONZÁLEZ: She is a writer in critical race theory but not the founder.

TOTH: Okay.

M. GONZÁLEZ: So you want—here's my point. We are making very real decisions about access to educational resources without even having a full understanding of what we're talking about. And I can speak to this because I literally spent 10 years getting a PhD in this in which I have seen the opposite of what you're talking about happen, that compassion and love stem from this theory, stem from this research, and stem from the academic writings of everyone from Kimberlé Crenshaw to Paulo Freire to bell hooks. And I can name the multiple books which I've read and you can't even name one. I guess—

TOTH: Are you familiar with the Dalton School, Representative?

M. GONZÁLEZ: Of course I am, but—

TOTH: Are you familiar that the Dalton School now is limiting what they will educate students on based on critical race theory?

M. GONZÁLEZ: My question is—

TOTH: We've already established that you've read more books than I have.

M. GONZÁLEZ: Do you—let me better understand you.

TOTH: Sure.

M. GONZÁLEZ: Why are you bringing this bill?

TOTH: Because this is not who we are.

M. GONZÁLEZ: So are you saying that I am not who we are?

TOTH: Representative, I think you've got an incredibly great heart and I have told you before that I really appreciate that about you.

M. GONZÁLEZ: So help me understand why isn't it who we are if this is literally the foundation of the three letters after my name, PhD. Why is it not who we are? Tell me what is so wrong with my PhD that you want to ban—limit—students from understanding this very critical foundation to understand—

TOTH: That's not what this bill does.

M. GONZÁLEZ: And a greater point, can you list the countries that have had banning of books or banning of subjects?

TOTH: Can you restate the question? I apologize. I was listening to Mr. Goldman.

M. GONZÁLEZ: Can you list countries that have banned books or banned topics for students? And what are the histories of these countries?

TOTH: This bill does not ban books. This bill does not ban speech.

M. GONZÁLEZ: Yes, it does ban. It bans teachers' speech.

TOTH: No, it doesn't.

M. GONZÁLEZ: It says teachers can't speak to this theory.

TOTH: Where does it say that in the bill, Representative?

M. GONZÁLEZ: I will find the quote. It says it prohibits the—

TOTH: I apologize. Where are you in the bill?

M. GONZÁLEZ: Section (h-3)(4)(B) prohibits the inclusion of certain concepts in social studies and other courses. Is that not similar to what happens in countries in which you say you don't want us to be like?

TOTH: Is there a question? I'm sorry.

M. GONZÁLEZ: Is what you're doing not similar—so you in your layout said we are not this, right? We are a democracy. This is important for maintaining our democratic freedoms. But how can you say that when you're literally doing the opposite by prohibiting the inclusion of topics for discussion?

TOTH: So can I read some of the bill to you to answer your question?

M. GONZÁLEZ: I read the bill backward and forward. But I would love for you to answer my question.

TOTH: I can by reading the bill to you.

M. GONZÁLEZ: Or you could just talk to me.

TOTH: Okay, it's—"a teacher who chooses to discuss the topics described by Subdivision (1) shall [do so] to the best of the teacher's ability, [and] strive to explore these topics from diverse and contending perspectives without giving deference" to one or the other. So the bill clearly states that teachers can discuss this, and they should discuss it, and they need to discuss it, but they shouldn't proselytize.

M. GONZÁLEZ: I guess my question is that you're saying one thing here, your bill is doing this thing here, and then your layout is saying something completely different. And so you can imagine, as a member of the legislature, that it's really confusing. But I'll leave you with this. Tomorrow, I'm going to go buy you five critical theory and critical race theory books, and I hope you read them all.

REPRESENTATIVE TALARICO: Representative Toth, you weren't there to lay out this bill in the Public Education Committee, so we didn't get a chance to ask you these questions before the bill came to the floor. So we're going to do it now. Last week was Teacher Appreciation Week, correct?

TOTH: Yes.

TALARICO: Okay, and you're not an educator are you, Mr. Toth?

TOTH: I'm sorry—one more time?

TALARICO: You're not an educator, are you?

TOTH: I am a pastoral teacher.

TALARICO: Do you have a degree in education?

TOTH: I do not.

TALARICO: A degree in curriculum development?

TOTH: No, I don't.

TALARICO: A degree in instructional practice?

TOTH: No. In fact, I did not finish my college degree.

TALARICO: And you know that I was a public school teacher before coming to this body?

TOTH: Yes. I did not know that but I'll take your word for it.

TALARICO: Are you aware that most of the major education groups in this state oppose this bill?

TOTH: I was not aware of that.

TALARICO: Are you aware that the Texas Council for the Social Studies opposes this bill?

TOTH: I'm not informed.

TALARICO: Are you aware that the Texas Social Studies Supervisors Association opposes this bill?

TOTH: I am not informed.

TALARICO: Are you aware that the Association of Texas Professional Educators opposes this bill?

TOTH: I am not informed of that.

TALARICO: Pastors for Texas Children opposes this bill and major chambers of commerce around this state. Are you aware of that?

TOTH: I'm not aware.

TALARICO: In lines 9 and 10 on the second page, your bill says, "a teacher may not be compelled to discuss current events," correct?

TOTH: We have a perfecting amendment on that.

TALARICO: Currently, that's what the bill says.

TOTH: So what line are you on?

TALARICO: Lines 9 and 10 on the second page.

TOTH: And what's your question?

TALARICO: Your bill says, "a teacher may not be compelled to discuss current events," correct?

TOTH: Correct.

TALARICO: Have you read our educational standards in Texas, also known as the TEKS?

TOTH: The TEKS—and we have a clarifying amendment on this, but if you'll read down to point (2), line 12, "a teacher who chooses to discuss topics described by Subdivision (1) shall, to the best of the teacher's ability, strive to explore these topics from diverse and contending perspectives without giving deference"—

TALARICO: Mr. Toth, have you read Chapter 113 of the Texas Administrative Code?

TOTH: I'm familiar with it, which is why we've got a perfecting amendment on this. But that is also why lines 12 through 15 describe that these can be discussed but it just needs to be done from a diverse perspective while not advocating.

TALARICO: So your amendment will be removing this ban on speaking about current events?

TOTH: There is not a ban.

TALARICO: It says, "a teacher may not be compelled." Should a teacher be compelled to teach the TEKS in Texas?

TOTH: It doesn't say that they can't teach the TEKS. In fact, point (2) brings clarification to this in case there is any confusion.

TALARICO: Mr. Toth, your bill says "a teacher may not be compelled to discuss current events." Throughout the social studies TEKS in Chapter 113, it says that students are expected to gather information about historical events, be able to interpret historical and current events, to be able to identify different points of view about an issue or current topic, about a contemporary event. Throughout the social studies TEKS, teachers are required to teach current events. Are you aware of that?

TOTH: I am, and that's why point (2) brings clarification to it.

TALARICO: I know you keep talking about that same section. But I'm asking you about the section before it where it says, "a teacher may not be compelled to discuss current events." Should a teacher be compelled to teach the TEKS in the State of Texas?

TOTH: Of course.

TALARICO: Okay, so you're going to be providing an amendment to strike that part of your bill that conflicts with the TEKS?

TOTH: It doesn't conflict with the TEKS because of points 12 through 15. And we actually talked with attorneys about this, including the top attorney in the State of Texas.

TALARICO: Mr. Toth, you said a teacher should be compelled to teach the TEKS. I just listed out in third grade, fourth grade, fifth grade, sixth grade, ninth grade, and 12th grade, teachers are required to teach current events. But your bill doesn't compel them to do so. Should teachers in Texas be compelled to teach the TEKS?

TOTH: The teachers must teach the TEKS, which is why point (2) brings clarification to point (1).

TALARICO: All right, so we need to get rid of lines 9 and 10 on the second page. Mr. Toth, are you familiar with the learning pyramid?

TOTH: I'm not advised.

TALARICO: So when you're becoming an educator, they teach you about the learning pyramid, which suggests that some methods of learning and study are more effective than others. So at the top of the pyramid are the more shallow types of learning, which are listening to a lecture, reading. At the bottom of the pyramid are the deeper types of learning, like practicing or teaching others. What is the difference between civics and history?

TOTH: Understanding how our current system of justice, how our current laws work, as opposed to historical events.

TALARICO: The goal of civics education is social and political participation, correct?

TOTH: Correct. That's a good definition.

TALARICO: And the goal is to sustain our constitutional democracy?

TOTH: I'm sorry?

TALARICO: And the overall goal should be to sustain our constitutional democracy? The goal of civics education?

TOTH: I'm sorry. Could you repeat that, Representative?

TALARICO: I was just asking you if the overarching goal of civics is to sustain our constitutional democracy.

TOTH: Correct.

TALARICO: Your bill bans service learning programs with any organization that also engages in social or political activism or lobbying or advocacy at the federal, state, or local level. Is that correct?

TOTH: Can I just respond to your first comment?

TALARICO: Sure.

TOTH: You said it's important for us to understand, what was it, the Constitution? Our form of government?

TALARICO: I asked you what the goal of civics education is.

TOTH: So I teach citizenship back in Montgomery County, and one of the interesting things is that while some of the people that come have a hard time understanding English, as they're learning English, they're learning. And so most of these people don't even understand or have not really mastered English yet. And yet the really cool thing is that 90-plus percent of them will pass their citizenship test on the first try. But the really sad thing is that only about 19 percent of Americans can get six out of 10 questions correct, which is really sad.

TALARICO: Mr. Toth, I think we all agree about the need—

TOTH: Which is really sad. Which is very sad and it points to a real problem that we've got in our nation. You're pointing to something that's critically important, and the problem is—

TALARICO: Mr. Toth, respectfully, we have a lot of questions to get through. Like I said, you weren't in the committee to lay out the bill, so I want to make sure we get through these questions.

TOTH: Sure, you bet.

TALARICO: Your bill bans service learning programs with any organization that also engages in social or political activism or advocacy at the federal, state, or local level, correct?

TOTH: Where are you pointing on the bill? I apologize.

TALARICO: This is the section of the bill that is about what organizations a student can affiliate with for class credit.

TOTH: Where are you in the bill?

TALARICO: So Mr. Toth, this is page 2 of your bill, and this is starting at line 16.

TOTH: Can you read it? Or do you want me to read it?

TALARICO: We don't need to read it. Hopefully, you understand your own bill. My question is, are we banning service learning programs with any organization that also engages in social or political activism or advocacy?

TOTH: Any child that would like to take part in coming to the Capitol, any child that would like to take part in going door to door, any child that would like to take part in registering voters is free to do that under the supervision of their parent and the guidance of their parent.

TALARICO: Right, they can't do it in a public school context. So this bill would ban students from earning class credit for volunteering at the Boys & Girls Club?

TOTH: The only thing it would ban—

TALARICO: It's just a yes or no, Mr. Toth.

TOTH: No.

TALARICO: It will not?

TOTH: No, it will not.

TALARICO: The Boys & Girls Clubs of America advocates for policies at the state and federal level that help at-risk youth. So this bill would ban students from earning class credit by volunteering with the Boys & Girls Club.

TOTH: No, it won't ban that. It will not ban that.

TALARICO: Mr. Toth, have you read your own bill?

TOTH: I have read my bill, and what it bans—let me read it to you. The only thing it bans, the only thing it precludes, is if it's done to advance critical race theory.

TALARICO: No, Mr. Toth, that's incorrect. You are banning any work with an organization that lobbies for legislation at the federal, state, or local level or that advocates for social or public policy or is involved in political activism.

TOTH: So if a child, let's say, so if a child is in school—one sec.

TALARICO: Mr. Toth, I'm going to—okay, I'll wait until you're done.

TOTH: My apologies, I'm sorry.

TALARICO: Mr. Toth, this bill would ban students from earning class credit for volunteering with the Rotary Club because the Rotary Club advocates for educational and humanitarian causes?

TOTH: No, it would not.

TALARICO: No, it would not? Can you explain how it would not?

TOTH: What it would ban is it would ban the use of our children by, whether it's the National Rifle Association or Planned Parenthood, from advocating, from lobbying on behalf of these organizations.

TALARICO: That may be your desire, Mr. Toth, but that's not your bill.

TOTH: That is the bill.

TALARICO: This bill bans—

TOTH: So if a child chooses to do that on their own, they can do that on their own or with their parents.

TALARICO: Mr. Toth, I'm just reading your bill. I'm reading the words on the page. This bill would ban students from earning class credit for volunteering with humane societies.

TOTH: Correct, if the children are being used—

TALARICO: Mr. Toth—

TOTH: Whether it's the NRA or whatever else, the kids are still allowed to do it. They will not get class credit for it.

TALARICO: So this bill would ban students from earning class credit for volunteering with the Humane Society? Since the Humane Society advocates for animal welfare issues?

TOTH: Any child that wants to do that, they can still do it.

TALARICO: Mr. Toth, how is social advocacy defined in this bill? Or how do you define social advocacy?

TOTH: Where are you at in the bill?

TALARICO: Say it again?

TOTH: Where do you see it in the bill? And I'll—so I can put it in context.

TALARICO: Line 23, on page 2.

TOTH: So the next amendment that we're going to take is going to strike (3)(A), which is lines 19 through 23.

TALARICO: Oh, that's great. Hopefully we can keep going. We can just strike the whole bill. Why not just trust Texas teachers to make these decisions for their own students in their own classroom?

TOTH: So I think we need to start trusting parents to make these decisions for their children and not teachers. It's the responsibility of parents to instill values in their kids and not teachers.

TALARICO: Mr. Toth, how do you define activism? We agreed the goal of civics was to increase political participation earlier. What's the difference between activism and participation? Is it only activism when progressives do it?

TOTH: No, I think it's activism when you're trying to change the system.

TALARICO: So were the Founding Fathers activists?

TOTH: Certainly, so were the Freedom Riders, so were the three young men that died in Mississippi in 1964.

TALARICO: I completely agree. So Mr. Toth, you would agree that any sound civics program should have action at the center of it, correct?

TOTH: The question is, at what age? At what age, Representative, does that transition from oversight of a parent in direction of a teacher?

TALARICO: Mr. Toth, your bill is for—

TOTH: So when my children were little, I took them to Tamaulipas and Reynosa every Easter and for spring break and we built houses, we built schools, we did medical service work.

TALARICO: Mr. Toth, we've got to move through these questions. I think the concern is that if we remove these current events TEKS or these service learning opportunities in our public schools, it's going to be affluent kids who have these opportunities, kids like yours. But kids like the ones I taught on the west side of San Antonio—

TOTH: I apologize—could you repeat that?

TALARICO: I'm explaining to you, I think that the concern is that if we remove these service learning programs from our civics classrooms or our social studies classrooms, that it will be affluent kids like your own that will have access to these types of training and democracy but not the students who need them most like the ones that I used to teach on the west side of San Antonio. And those are the ones that we desperately need to take ownership of the democratic process and to run to serve in bodies like this one.

TOTH: Can I respond to that?

TALARICO: Mr. Toth, if your concern is—

TOTH: Mr. Talarico, can I respond to that?

TALARICO: Sure.

TOTH: So my kids went with our church, and we approved it, and the church paid for everything. And my church and the people that I worship with are some of the poorest people in the city of Houston. So the activism that we do has

nothing to do with wealth. It has everything to do with meeting a need when a parent sees a need and instilling direction in their child's heart and mind that this is something that they need to do and be about.

TALARICO: The difference, Mr. Toth, is that public education is available to every child in Texas. Not every child has a family or a church that is able to support those types of activities. That's the difference. If your concern is teacher bias, then why do we not just go after that in your bill? It seems to me that everything in this bill could be cut—

TOTH: We have an amendment for that as well.

TALARICO: —except for lines 12 through 15 on the second page.

TOTH: We have an amendment for that as well, Representative.

TALARICO: Is it true that teacher bias has always been an issue in the practice of education? While teaching literature or social studies or health or life skills?

TOTH: I think that you're always, Representative, going to hear some passion from a teacher. I can't believe anyone would teach if they didn't have a conviction and a passion that they wanted to share, right?

TALARICO: So why not just let Texas teachers check their own bias like they always have?

TOTH: In the midst of sharing that passion, the question is how do you do it in such a way that still honors the values—

TALARICO: Mr. Toth, what—

TOTH: —that a parent is trying to instill in their child.

TALARICO: What empirical evidence do you have that there's an actual problem here? That teacher bias is on the rise?

TOTH: Can you repeat it? I'm sorry.

TALARICO: What empirical evidence do you have that there's an actual problem here? That teacher bias is on the rise or is increasing in the state?

TOTH: Empirical evidence?

TALARICO: In other words, why didn't you commission—

TOTH: Empirical evidence?

TALARICO: Why did you not commission a TEA study or a statewide survey?

TOTH: Let me share—

[Amendment No. 1 by Toth was laid before the house.]

TOTH: Members, this is—it just brings some clarification to the bill. On page 2, it strikes lines 6 through 8. Also on page 2, 9 and 10, it strikes "current events or widely debated and currently controversial issues" and substitutes "a particular current event or widely debated and currently controversial issue." On page 2, line 12, it strikes "topics" and substitutes "a topic."

[Representative M. González raised a point of order against further consideration of **CSHB 3979** under Rule 8, Section 1(a)(1), of the House Rules on the grounds that the bill caption failed to give reasonable notice of the subject of the bill. The point of order was withdrawn.]

TOTH: Number 4, on page 2, line 14, it strikes "those topics" and substitutes "the topic." On page 3, line 1, it strikes "practicum" and it substitutes it with "internship" and "practicum." We wanted more clarification on it. On page 3, line 18, it strikes "or sex." And then on page 3, line 21, between "character" and "is," insert "standing, or worth."

[Amendment No. 1 was adopted.]

[Representative M. González raised a point of order against further consideration of **CSHB 3979** under Rule 8, Section 1(a)(1), of the House Rules on the grounds that the bill caption failed to give reasonable notice of the subject of the bill. The point of order was withdrawn.]

[Amendment No. 2 by Toth was laid before the house.]

TOTH: This amendment covers The 1619 Project. Even the founder of The 1619 Project, Nikole Hannah-Jones, acknowledged that The 1619 Project is not history, and she has publicly stated the fight over The 1619 Project is not about history. It's about memory. Her words, "I've always said that The 1619 Project is not a history. It is [in fact] a work of journalism." And what this amendment does very specifically is it lays out The 1619 Project, and while teachers are allowed to discuss The 1619 Project, they cannot be advocates for The 1619 Project.

REPRESENTATIVE COLLIER: Representative Toth, I'm looking at (x), which is 10, I suppose. It's (2)(x) in your amendment. Right here you said "that, with respect to their relationship to American values, slavery and racism." So are you saying that they cannot teach anything in relation to this (x) section of your amendment?

TOTH: Again, this is no different than the other elements of the bill. We're simply asking that teachers teach from a diverse perspective without proselytizing.

COLLIER: Okay. So that's a no. What are you talking about when you're saying they cannot teach about "betrayals of, or failures to live up to, the authentic founding principles of the United States"? What does that mean?

TOTH: Where are you on the amendment, Representative?

COLLIER: Same paragraph, (x).

TOTH: What line? I'm sorry.

COLLIER: Look at lines 10 and 11.

TOTH: "That, with respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to, the authentic founding principles of the United States, which include liberty and equality." And what this amendment clearly states is that there was a failure on the part of Americans to live up to the values of the founding documents.

COLLIER: So you're saying slavery failed to live up to the values of the founding documents?

TOTH: Slavery was a deviation. Slavery was evil. Slavery was wrong.

COLLIER: Agreed, but slavery was codified in the founding documents. It was actually written in the founding documents.

TOTH: How about if we stay on the amendment, Representative?

COLLIER: Well, you're saying that that's not part of the "founding principles of the United States."

TOTH: We hold these truths to be self-evident—

COLLIER: That all men what?

TOTH: —that all men are created equal.

COLLIER: Yes, except for African Americans at the time.

TOTH: And that they're endowed by their creator—

COLLIER: Okay, so the principles—

TOTH: —with certain unalienable rights.

COLLIER: Are you not—

TOTH: And the very fact that slavery occurred is a failure.

COLLIER: I'm trying to figure out if you're reading the same Constitution that I read. Because the Constitution specifically excluded the inclusion of African Americans, of blacks.

TOTH: Why—you know, I want to stay on the amendment. I don't want to get onto what is and isn't in the Constitution.

COLLIER: Okay, so then tell me. Tell me what "the authentic founding principles of the United States" were.

TOTH: So do you understand why—no, let's stay on the amendment.

COLLIER: That is your amendment. I'm reading word for word. What are "the authentic founding principles of the United States"? What are they based on?

TOTH: Do you understand why the founders did not want the word slavery in the Constitution? It's a question.

COLLIER: I'm asking a question if you would answer it, please. "The authentic founding principles of the United States"—what were they?

TOTH: It was the understanding that nature's God endowed each of us with certain unalienable rights that among them is life, liberty, and the pursuit of happiness. That people should live free. And the reason why the Founding Fathers did not want the word slavery in the Constitution was because they felt that it would stain the document. And they were right because it was a disgrace, an utter and complete disgrace, to who we are.

COLLIER: I'm sorry. I'm not sure which Constitution you're reading because in the founding documents, in the founding papers, they talked about owning slaves. The Founding Fathers talked about owning slaves.

TOTH: What percentage of the Founding Fathers—

COLLIER: So we're talking about "the authentic founding principles"—

TOTH: What percentage of the founders in—

COLLIER: The "authentic founding principles of the United States" included ownership of other humans. That was included in their principles. So I'm not sure which revised history you're looking at.

TOTH: Again, let's stay—that has nothing to do with this amendment.

COLLIER: Well, you're talking about the authentic principles, and it seems like you're whitewashing this. You're not including the founding principles of which the United States was founded.

TOTH: What documents are you talking about?

COLLIER: The Constitution.

TOTH: Where in the Constitution does it talk about slavery?

COLLIER: You're talking about—you're trying to say that you don't want them to teach about the founding principles of the United States?

TOTH: Where in the Constitution does it talk about slavery? You just mentioned the Constitution.

COLLIER: Okay. Let's see here. Article I, Section 2: "Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to the respective numbers, which shall be determined by adding the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons." That's in the Constitution, Article I, Section 2.

TOTH: So let's understand what you're talking about, because I want us to fully understand the three-fifths rule. Who argued for the three-fifths rule? Slaveholders, slave states, or non-slave states?

COLLIER: Are you saying that the three-fifths rule is not racist?

TOTH: Who argued for the three-fifths rule? Slave states or non-slave states?

COLLIER: No, I want to ask, do you think the three-fifths rule is racist?

TOTH: Any time you refer to someone as three-fifths, it's not a good thing. It's a bad thing. Who argued for it? The slave states—

COLLIER: But this is in the founding documents—

TOTH: Who argued for it?

COLLIER: You said, "Where is this found in the founding documents?"

TOTH: Did the northern states that believed that slavery was illegal—

COLLIER: I'm sorry. That's not what your bill says. Let's stick to your bill.

TOTH: Did they argue for it or did—

COLLIER: Let's stick to your amendment. Your amendment says let's talk about the "founding principles." The founding principles considered me to be three-fifths of a person, so your bill and your amendment would preclude the discussion of that.

TOTH: You're trying to take something out of context.

COLLIER: No. No, I'm just reading what your amendment says.

TOTH: The states that held that slavery was wrong and sinful cried for three-fifths so the southern states did not have greater representation in Congress, which would enable slavery to continue.

COLLIER: You're saying you want "the authentic founding principles."

TOTH: The southern states wanted slaves. They could not participate in freedom. They wanted them counted as whole so that they could continue to control Congress.

COLLIER: Now, you said that you wanted to teach "the authentic founding principles of the United States." This is in the founding documents, the Constitution. They talk about Indians and blacks, and it even talks about owning people. So wouldn't you agree that your educators should be able to teach about that?

TOTH: They absolutely can talk about anything. So let's go back to the amendment and stay with the amendment.

COLLIER: Okay. So I don't see anything about equality here, because it seems like you're trying to revise what history was. I mean, the history didn't have equality for all. It was only equality for white men. So that wasn't part of the founding principles of the United States, of equality and liberty, because they were ownership and there were people who were excluded. So I believe that this is a misstatement that you have here. And it's misrepresenting what has happened in our history. And so you're attempting to preclude students from learning actual history because this is not the truth. There was not liberty and equality for all. So would you take an amendment to remove that section?

TOTH: In no place does **CSHB 3979** ever seek to hide from future generations the evils of slavery.

COLLIER: Well, we're on your amendment. We're on your amendment. Your amendment attempts to rewrite "the authentic founding principles of the United States."

TOTH: Do you believe that The 1619 Project is a historical rendering?

COLLIER: I'm not on that section. I'm on (x), lines 8 through 12. Would you be willing to remove that section?

TOTH: No.

COLLIER: Okay. "That the advent"—go up to 5, line 5—"that the advent of slavery in the territory that is now the United States constituted the true founding of the United States." So you're saying that the advent of slavery was not part of the founding principles even though it's in the Constitution?

TOTH: It acknowledges what took place in the Constitution, absolutely.

COLLIER: Well, what you have—

TOTH: And you have to look at that in the context.

COLLIER: —on lines 5 through 7 of this amendment is contrary.

TOTH: You have to look at that in the context of the fact that this was not something that the founders agreed on.

COLLIER: Well, it made it into the document. This is the final document that the Founding Fathers signed, so obviously it was part of their principles. It was included in what they believed in, so you're attempting to remove that information because you're saying that they cannot teach about that.

TOTH: No, all men and women are created equal. We hold these truths to be self-evident.

COLLIER: I understand that. I know this.

TOTH: That's the aspirational goal.

COLLIER: I understand that, but if you look at Section 2—if you look at Article I, Section 2, of the United States Constitution—it's written very clearly there where they talk about "number of free persons, including those bound to service . . . and excluding Indians not taxed, three fifths of all other persons." So that means that we were excluded. So I'm just trying to figure out where do you get the part about liberty and equality for all and that slavery constitutes the true founding of the United States. Because if it's in the Constitution, it's part of their founding, so I think you're misrepresenting—I know you are misrepresenting—the Founding Fathers, because it was in there. So would you take an amendment to remove that section?

TOTH: No, ma'am.

COLLIER: Okay. So it just seems that this gets to the true heart of what you're doing. You're trying to erase the history so that our students don't grow up learning about what they shouldn't do in the future. Because if you don't know what you've done in the past, it's hard to figure out what you're going to do in the future. You can repeat history.

TOTH: I'm having a hard time understanding where you say we're limiting what people can and can't read.

COLLIER: Because you said you cannot—you're rewriting history and you're just automatically coming up with a reason why slavery was created. You're saying the advent of slavery was not the true founding of the United States.

TOTH: What it says really clearly here is that slavery and racism are a betrayal and that we failed to live up to the authentic founding principles of the United States.

COLLIER: You're saying that they cannot teach about that.

TOTH: I think that's a good thing that we say that it's wrong. It was wrong and this says it was wrong. It was a deviation from what the intent, the original intent, of our founders was, was that we would all be free.

COLLIER: Is there any requirement that they teach that slavery was wrong? Is there any requirement that they teach that the Founding Fathers were wrong about the advent of slavery and how people are equal?

TOTH: Yes, it says that in here. It's a deviation—

COLLIER: Is it a requirement? Is it required?

TOTH: It's a deviation and betrayal. It's a failure to live up to, and it says that very clearly here in this amendment.

COLLIER: Do you know the definition of deviation? Deviation doesn't mean wrong.

TOTH: How about betrayal?

COLLIER: But you have deviation.

TOTH: How about failure?

COLLIER: Deviations, betrayals, or failures to live up to authentic—

TOTH: How about live up to? How about authentic founding principles?

COLLIER: You're saying that this doesn't live up to the founding principles?

TOTH: It did not.

COLLIER: Slavery?

TOTH: Slavery did not live up to our founding principles.

COLLIER: Okay. You go, literally, you go against what the Constitution read.

TOTH: I'm looking right at it.

COLLIER: Is the Constitution part of the Founding Fathers'—

TOTH: I'm reading to you exactly what it says.

COLLIER: Is the Constitution a part of the Founding Fathers' documents?

TOTH: Yes, it is.

COLLIER: All right. And so what's in the Constitution is what the Founding Fathers believed in? Would you agree with that?

TOTH: I would agree that it was a compromise between the northern states and the southern states.

COLLIER: Were you there? Were you there when the Founding Fathers—because I'm not sure where that's written in this Constitution.

TOTH: There's quite a bit that was written about it during that time.

COLLIER: Is it in the Constitution?

TOTH: In the compromise in the Federalist Papers about what they had to do between the northern states and the southern states.

COLLIER: So are you going to teach about the Emancipation Proclamation, the Voting Rights Act? Are you going to include all that in there? Your amendment is prohibiting them from having a critical conversation or critical thinking on these issues. So if you're going to—

TOTH: No, it's not.

COLLIER: Well, you're saying that they can't talk about The 1619 Project.

TOTH: Sure you can. You can talk about it. You just can't portray it as history because it's not history. Even the founder of it said it's not history. She said it's a work of journalism. And so when you talk about The 1619 Project, you simply need to talk about that it's founded in journalism not history.

COLLIER: I just feel like you're not grasping the concepts that are here in the Constitution. Your amendment is totally going against what the Constitution says. If you're saying that they cannot teach—you're trying to give them an excuse as to why slavery was created or used. You're trying to give them an excuse why the founding principles of the United States were anything but slavery.

TOTH: Could you be more specific about what those excuses are?

COLLIER: Well, you're saying that—well, it's your excuses. You just made these up.

TOTH: What did I just make up?

COLLIER: You just made up the fact "that the advent of slavery in the territory that is now the United States constituted the true founding of the United States." You're saying that that's not—you don't want them to teach that.

TOTH: I don't believe that's true.

COLLIER: You don't believe it's true but you just made that up? Because it's not in the Constitution. You just made up the fact that the "authentic founding principles of the United States" were "liberty and equality." That's what you're saying in here.

TOTH: Those are the aspirational desires of our founders.

COLLIER: Aspirational, but it's not what happened. It's not factual.

TOTH: Unfortunately, it's not what happened, which is why it says that "slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality."

COLLIER: Well, you know what? By saying that—

TOTH: And we failed miserably.

COLLIER: —you don't give—

TOTH: It's imperative that we continue to acknowledge that we failed.

COLLIER: You say that as if slavery was just something in the past that shouldn't have happened, but you don't honor and recognize and acknowledge the many people who died in the heat, the many people who died working in servitude to others. And so you're really dismissing the gravity, what happened when you had slaves. You're really dismissing that, and so I believe that you're just whitewashing history by making it sound like it's something less than what it was. And so you're saying the founding principles were liberty and equality. Would you take an amendment that said for the white man? Because that's what the Constitution said.

TOTH: No, ma'am.

TALARICO: Mr. Toth, I just want to clarify that this amendment that you have is not something that you are asking to explicitly teach students. You're just saying that in a civics education curriculum, if it's going to mention race, it's got to say that it wasn't authentic.

TOTH: Incorrect.

TALARICO: So you're saying we should explicitly teach this? Or you're saying—

TOTH: You can talk about it. And what do you mean when you say "teach," Representative? Are you talking about speech?

TALARICO: I'm saying you're putting limitations on what a civics curriculum can't do, not what it can do. I'm just trying to clarify your amendment. I don't want you to be defensive.

TOTH: Very clearly, this is about making sure we teach history and not journalism, which The 1619 Project is. It's journalism.

TALARICO: Mr. Toth, can I ask you a question? The bill and this amendment in particular, so much of it seems to be about race. Why is that?

TOTH: Excuse me, is what?

TALARICO: Why is so much of this entire amendment as well as most of the bill, why is it about race?

TOTH: Let's keep it to this amendment. This amendment is about The 1619 Project.

TALARICO: This amendment is entirely about race.

TOTH: This is about The 1619 Project and teaching history.

TALARICO: Well, that's the very end of it. The first part is about slavery and the second part is saying how racism wasn't an authentic founding principle of the United States.

TOTH: The intent of the amendment is to teach true history.

TALARICO: Mr. Toth, do you believe that white supremacy exists?

TOTH: Yes, of course.

TALARICO: Did white supremacy exist at the founding of our nation?

TOTH: Were there white supremacists? Of course there were.

TALARICO: Was the economic institution of slavery a white supremacist institution?

TOTH: In the South I believe it was, yes.

TALARICO: Was the three-fifths compromise a white supremacist solution to the problem of slavery?

M. GONZÁLEZ: Members, I know it's late, but I really think we need to listen about what this amendment does and the hypocrisy of this amendment. In this bill, on page 1, it states, and I'm going to read what it says on lines 19 through 22, page 1, "the founding documents of the United States, including the Declaration of Independence, the United States Constitution, the Federalist Papers (including but not limited to Essays 10 and 51), excerpts from Alexis de Tocqueville's *Democracy in America*, the first Lincoln-Douglas debate, and the writings of the Founding Fathers of the United States." Here's the point—excerpts from Alexis de Tocqueville's *Democracy in America*. I would encourage you to read what those writings are, and here's why. Because this writing, as has been cited by many academics, justified slavery—justified. So on page 1, we're okay with having young kids read texts that justify slavery, but let's not allow for The 1619 Project to be taught. We have a literal hypocrisy in this amendment, and I hope that we stand against it. And I hope we teach young people that slavery is a stain—a stain on this country—and we don't limit our understanding for our young people.

TOTH: Members, I think it's imperative that teachers have the ability to speak freely in the classroom without any fear of reprisal. In the State of Illinois, teachers that refuse to teach critical race theory are actually being threatened with the removal of their teaching licence, which is hard to imagine, especially when you consider the fact that we have individuals now that want to say that The 1619 Project is history when it's not history.

M. GONZÁLEZ: Representative Toth, in your bill, on page 1, it does recommend that teachers teach *Democracy in America* by de Tocqueville. Have you read that text?

TOTH: Have I read?

M. GONZÁLEZ: Have you read that text?

TOTH: I have read de Tocqueville's book. I read it about five years ago when I read *The 5000 Year Leap*. No, it was actually back in 2012 when I read *The 5000 Year Leap*. It spoke extensively about de Tocqueville and it was then that I read *Democracy in America*.

M. GONZÁLEZ: And what are your thoughts about his interpretation of the justification for slavery?

TOTH: Representative, you're going to have to tell me what it said because it's been a long time.

M. GONZÁLEZ: Yet you're recommending that young people read this text but you don't remember that he is explicitly listing, or speaks to, the justification of slavery. And so here's my concern. I believe young people should read everything. But we can't say, "read this that justifies slavery, but don't read this." Do you understand why there might be some hypocrisy there?

TOTH: What are we telling people not to read?

M. GONZÁLEZ: Do you understand why there's some hypocrisy?

TOTH: What are we telling people not to read?

M. GONZÁLEZ: Well, in your amendment you are stating basically a ban on The 1619 Project.

TOTH: They're allowed to talk about it. They're not allowed to purport it as truth, though, because even the—

M. GONZÁLEZ: But we're allowed to report de Tocqueville as truth?

TOTH: One more time. I'm sorry. Mr. Goldman was speaking.

M. GONZÁLEZ: But we're allowed to—let me just read.

TOTH: Sure.

M. GONZÁLEZ: This is from de Tocqueville. The words that he writes talk about: "Born into slavery, he could not sense his own tragedy; the slave even admired and emulated his oppressors. Thus untutored, the Negro could not develop his intelligence." De Tocqueville employed a spurious historical argument to explain slavery's origins and justify it. You can't ban something or say something is truth and the other thing is not truth. Do you understand the hypocrisy?

TOTH: So don't you think it's good, then?

M. GONZÁLEZ: Thank you. No more questions.

TOTH: Do you want me to answer your question, Representative?

TALARICO: Our timer ran out a second ago, so I just wanted to clarify from you for the body what this amendment does. So on the third page of your bill, if you have it in front of you, it says that teacher, administrator, or the employee of a school district may not—may not—"require or make part of a course the concept that" and then—

TOTH: Representative, what line are you on? I apologize. I just want to follow along with you.

TALARICO: That's okay. I'm on lines 9 and 10 on page 3. So a teacher may not "require or make part of a course the concept that"—and then we get your amendment, right? That's where your amendment comes in? Mr. Toth?

TOTH: Representative, I'd like to—I'd forgotten we're still on the amendment. So let's stay on the amendment.

TALARICO: Yes, sir. I was wanting to clarify where the amendment goes. And this is not a gotcha question. I'm just trying to clarify. So it falls under that part of the bill, right? A teacher may not "require or make part of a course the concept that" and then we get this amendment, right?

TOTH: Right. Correct.

TALARICO: Okay, so a teacher can't make a course that talks about racism as anything other than a deviation, betrayal, a failure of the authentic principles of the United States and its founding, right?

TOTH: Would you like to use stronger language?

TALARICO: Say it again?

TOTH: Would you like to use stronger language?

TALARICO: No, no, no. I'd like to use honest language.

TOTH: Okay, would you like to use stronger, more honest language?

TALARICO: I think my concern, Representative Toth—Representative Toth, your bill, lengthy bill, about civics makes no effort to teach the history of racism or white supremacy and its impact on the founding of our country politically, socially, economically. The only thing you're doing is preventing us from talking about race in a way that makes you uncomfortable. Is that what this amendment is doing?

TOTH: No, sir.

TALARICO: I'm just trying to read the amendment, and you want to make sure if a teacher is going to talk about racism—not that they should, but if they do—they better say—

TOTH: They should talk about racism.

TALARICO: They better say it was inauthentic. We didn't mean it. We didn't mean it, right, at the founding of the country? It was a mistake, we feel bad, and we regret it, right? Sweep it under the rug as quickly as possible. That's the goal of this amendment.

TOTH: No.

TALARICO: It's not?

TOTH: No.

TALARICO: Well, defend yourself. Defend this amendment.

TOTH: Do you have a question?

TALARICO: My question is, is this amendment trying to prevent teachers from talking about racism and white supremacy as a critical part of the founding of our country and being honest about that fact with our students?

TOTH: Actually—

TALARICO: And I say that as an educator, Representative Toth.

TOTH: Okay. Actually, this amendment is about making sure that history is taught and not a journalistic, creative story that someone came up with.

TALARICO: Representative Toth, before we got gaveled out a second ago, you did say that white supremacy exists, that it existed at the founding of the country, that the economic institution of slavery, that the three-fifths compromise or white supremacist concepts and pieces of policy—so do you think that was inauthentic? Do you think our founders, do you think these systems that were put in place, do you think they were inauthentic? That seems to be what your amendment is saying. That they didn't mean it?

TOTH: It's not what the amendment says. It says—

TALARICO: Do you think—

TOTH: It says it's a failure. It says it's a failure.

TALARICO: Do you think that—

TOTH: It says we were flawed. It says it was a betrayal—

TALARICO: But it wasn't a betrayal at the time.

TOTH: —of what the founding nation was all about.

TALARICO: It's a betrayal now looking back.

TOTH: It was a betrayal at the time. It was a failure at the time.

TALARICO: It seems like you're trying to photoshop history, Mr. Toth. The point is that it wasn't. It wasn't a betrayal at the time. It was intentional at the time. It was purposeful at the time.

TOTH: Representative, I'm actually reading from the amendment. You're interjecting words that are not in this amendment.

TALARICO: Mr. Toth, your amendment is the same as the rest of your bill, which is a whitewashing of history. It's shielding our students from the truth about the founding of our country. And the only way for students to develop a true patriotism, a true love of country, not a puppy love, not a crush on America—to develop a true love of country means you have to accept every part of our history, the good, bad, and the ugly. Is that right?

TOTH: I think I've been saying that since we started laying out the bill.

TALARICO: You may be saying it up at the front mic when you're trying to get the rest of us to vote on it, but it's not what your amendment says, and it's not what your bill says. Representative Toth, you're putting restrictions about how we can talk about race, that if we talk about race in a civics classroom, we've got to say that the founders didn't mean it. It was an innocent mistake. It's not part of our authentic principles. Would you be open to an amendment requiring that in civics classrooms we teach the history of racism and white supremacy and that we teach our students that it's morally wrong? Would you be open to something like that?

TOTH: We are already teaching that. We should teach that. And throughout this document, it talks about the fact that slavery existed and that it was wrong and that it was evil.

TALARICO: And so you'd be open to an amendment?

TOTH: Where in this—no, I'm not open to an amendment.

TALARICO: You're not open to an amendment condemning white supremacy in our civics classrooms? It's a simple question, Mr. Toth. Are you open to an amendment condemning white supremacy in our civics classrooms?

TOTH: White supremacy—in what context would you like to discuss it?

TALARICO: Mr. Toth, it's troubling that you're having to ask a clarifying question. It's an easy yes.

TOTH: No, if you're going to say—

TALARICO: If we're trying to condemn white supremacy and its role in American history—

TOTH: —white supremacy is—

TALARICO: —you shouldn't have to quibble over a definition, Mr. Toth.

TOTH: If you're going to say that white supremacy is systemic in the United States today—is that what you're trying to say? I want to understand what you want for your amendment to do.

TALARICO: I would like our amendment to teach the history of white supremacy in the history of our country and teach students that it is morally wrong. That's all I want to do.

TOTH: Slavery and the history of slavery is immoral and wrong, and we need to continue to say that.

TALARICO: And so the role that white supremacy played in the founding of our country, we should condemn that? Take your time.

TOTH: Representative, if you'll work with Mr. Cain, we'll look at something. How's that?

TALARICO: I think it should be easy to commit to this on the front mic, but I'd be happy to work on some language.

[Amendment No. 2 was adopted by Record No. 929.]

[Amendment No. 3 by Toth was laid before the house.]

TOTH: Members, this is just a severability clause for the bill.

[Amendment No. 3 was adopted by Record No. 930.]

[Representative Zwiener raised a point of order against further consideration of **CSHB 3979** under Rule 4, Section 32(c)(5), of the House Rules on the grounds that the comparison section of the bill analysis is materially misleading. The point of order was withdrawn.]

[Amendment No. 4 by Ramos was laid before the house.]

REPRESENTATIVE RAMOS: This amendment includes—in the list of documents that the author wrote that is to be considered or to be permitted—it includes the writings from Frederick Douglass's newspaper, *The North Star*. And for those of you who are not familiar, Frederick Douglass was an abolitionist. He was also an advisor to Abraham Lincoln and *The North Star* was a newspaper that he released to send messages to the enslaved Americans who were escaping. And I think his slogan fits perfectly with what we're trying to say here in that his slogan for *The North Star* says, "Right is of no sex; truth is of no color; God is the father of us all, and we are all brethren." And that's what really pushed him to continue to advocate before he was a Civil War hero. And so he means a lot. He is actually one of our Founding Fathers, and I do believe this amendment is acceptable to the author.

[Amendment No. 4 was adopted.]

[Amendment No. 5 by J.D. Johnson was laid before the house.]

REPRESENTATIVE J.D. JOHNSON: This amendment just simply says that we will "between 'States' and the underlined period, insert the following appropriately lettered paragraphs and reletter subsequent paragraphs accordingly: the Book of Negroes; the Fugitive Slaves Acts of 1793 and 1850; and the Indian Removal Act." This is simply just talking about our history. This is what our history is, and we should be willing to discuss it all, as the author has so eloquently pointed out. He wants to talk about the history, and this is what the history of Texas is.

[Amendment No. 5 was adopted.]

[Representative M. González raised a point of order against further consideration of **CSHB 3979** under Rule 4, Section 32(c)(3), of the House Rules on the grounds that the rulemaking authority statement in the bill analysis is incorrect. The point of order was withdrawn.]

[Amendment No. 6 by J.D. Johnson was laid before the house.]

J.D. JOHNSON: Members, my amendment expands the historical documents that students will review in order to elevate the civic accomplishments and contributions of all populations. I have included the Chicano movement, women's suffrage and equal rights movement, the civil rights movement, the Snyder Act of 1924, and the American labor movement. These movements emphasize the significance of marginalized populations' contributions to the prosperity of this country.

TOTH: The bill does not by any means try to lay out an exhaustive list of all the things. If a teacher so desires to teach these documents, and I was happy to take the first amendment from Representative Johnson, but I will not be taking this amendment.

J.D. JOHNSON: I simply just want to make sure that we all have—making sure that our teachers have the ability. Because I think what we're doing is kind of making our teachers a little afraid to teach what they think they need to teach in their classrooms. And so if we're going to pull back so many different things,

we've got to make sure our teachers understand what they can or cannot teach. We shouldn't leave this to conjecture or just simple "I don't know what you can and cannot teach." So we don't want to tie their hands. And this is inclusive of every movement in this country—the Chicano movement, women's suffrage and equal rights, the civil rights movement, the Snyder Act, and the American labor movement. This includes all. This doesn't talk about one particular race or another. It's including women, the civil rights movement, the Chicano movement—it's all there. So we might as well—we need to do this.

M. GONZÁLEZ: Thank you, Representative Johnson, for bringing an inclusive list. Can you remind me did the author accept your amendment?

J.D. JOHNSON: The first one, he did.

M. GONZÁLEZ: But not this one?

J.D. JOHNSON: No, ma'am.

M. GONZÁLEZ: And why did you decide to be more inclusive just beyond some of the things he wants us to read, like *Democracy in America* which justifies slavery?

J.D. JOHNSON: Well, I think it's important that we are inclusive of it all. We have to make sure that our teachers are equipped and can be very diverse in their teachings. We don't want our children to have one mindset of how they think. That's a tyrannical type of behavior, that we're telling children, "you should only learn this" or "you should only teach this." That's not what we're trying to do. We're literally trying to make sure that our children are well-balanced and well-rounded, so this is what this is.

M. GONZÁLEZ: I really appreciate you bringing a more inclusive amendment, and I hope that the author will accept it.

[Amendment No. 6 was adopted.]

[Amendment No. 7 by Talarico and Toth was laid before the house.]

TALARICO: Thank you to Representative Toth for working with me on this amendment. It'll just add that the knowledge and skills that are developed on the first page of this bill will also include the history of white supremacy and the way in which it is morally wrong. I believe it is acceptable to the author.

[Amendment No. 7 was adopted.]

[Amendment No. 8 by Slaton was laid before the house.]

REPRESENTATIVE SLATON: This is a clarifying amendment that makes sure our social studies curriculum covers Jefferson's letter to the Danbury Baptists.

REPRESENTATIVE ZWIENER: I'm sorry. It's getting late. I don't have a laptop in front of me. Could you walk us through the language of your amendment?

SLATON: Sure. It's just adding Thomas Jefferson's letter to the Danbury Baptists. This is a letter where, basically, these letters were used to help form the First Amendment, and also, it's the only real document from our founders that describes the separation of church and state.

ZWIENER: Okay.

SLATON: And it's important to add.

ZWIENER: So it's adding to that first section of the bill that lists important documents?

SLATON: Yes.

ZWIENER: And it's the Danbury letters from Thomas Jefferson, correct?

SLATON: Thomas Jefferson's letter to the Danbury Baptists.

[Amendment No. 8 was adopted.]

[Amendment No. 9 by Sherman was laid before the house.]

REPRESENTATIVE SHERMAN: I want to thank the author, Representative Toth, for accepting this amendment. This amendment is very important as it speaks to covering a lot of important events that happened in our history, including the letter from Martin Luther King Jr. that Dr. King wrote from the Birmingham Jail; also the federal Civil Rights Act of 1964; as well as the United States Supreme Court's decision in *Brown v. Board of Education*; the Emancipation Proclamation; as well as the Universal Declaration of Human Rights; and the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution; the United States Court of Appeals for the Ninth Circuit decision in *Mendez v. Westminster*; Frederick Douglass's *Narrative of the Life of Frederick Douglass, an American Slave*; the life and work of Cesar Chavez; as well as the life and work of Dolores Huerta. These are very important.

And I think, at the end of the day, Representative Toth, you have shown an immense willingness to be open to these amendments. I think at the heart of all of this is understanding, getting an understanding. Understanding is so critical to understanding our history. There's a scripture that says in Job, chapter 38: Then the Lord answered Job out of a whirlwind and said, who is this that darkeneth counsel by words without knowledge? Gird up now thy loins like a man, and answer thou me. Where wast thou when I laid the foundations of the earth? Tell me if you have understanding.

I believe in the resurrection. I believe in the resurrection. Let me just say this. I believe in the resurrection. And I believe that if Stonewall Jackson were resurrected today, if Stonewall Jackson were resurrected today—and Stonewall Jackson was a general in the Confederate army. He died May 10, 1863, two years prior to the end of the Civil War. If he came back today, he would be proud. He would be proud to see the over 1,300 monuments that cover our nation. He'd be proud to see the thousands of schools that are named in the honor of confederates. Conversely, as I close, the Great Emancipator, Abraham Lincoln, if he saw the 31 monuments of himself in statute in this nation, and all of those are not in the United States, he would think there was another war and that the South won. And he could look at the lowest denomination in our currency and see his image and know where we stand today. So thank you, Representative Toth, for accepting this amendment.

[Amendment No. 9 was adopted.]

[Amendment No. 10 by J. González was laid before the house.]

REPRESENTATIVE J. GONZÁLEZ: This amendment includes in the founding documents of the United States, the history and importance of the women's suffrage movement, including the following documents: the Voting Rights Act of 1965; the Fifteenth, Nineteenth, and Twenty-Sixth Amendments; Abigail Adams's letter "Remember the Ladies"; the works of Susan B. Anthony; and the Declaration of Sentiments. And this amendment is acceptable to the author.

[Amendment No. 10 was adopted.]

[Amendment No. 11 by Ramos was laid before the house.]

RAMOS: This amendment includes William Still's *Underground Railroad Records*. For those of you who don't know, William Still was a humble Philadelphia clerk who risked his life helping lead runaway slaves to freedom in the tumultuous years leading up to the Civil War. His book has excerpts of enslaved Americans and the extent of their desperation and the brutality imposed upon them, which is why they escaped to freedom. He helped nearly 800 enslaved Americans escape, including Harriet Tubman, before she served in the Union in the Civil War as a nurse, cook, and spy. So this is a very, very powerful book, and I believe the author accepts the amendment.

[Amendment No. 11 was adopted.]

[Amendment No. 12 by Reynolds was laid before the house.]

REPRESENTATIVE REYNOLDS: Members, this amendment adds language to clarify that there were people who helped to build the United States as a country other than the men typically identified as Founding Fathers. Women, children, and people of color, free and enslaved, should also be considered founders of this country. Specifically, the amendment lists George Washington, Ona Judge, Thomas Jefferson, and Sally Hemings. The lives of all four of these individuals have been explored and documented by historians through biographies and by the estates of Presidents Washington and Jefferson.

[Amendment No. 13 by Reynolds was laid before the house.]

REYNOLDS: This amendment to the amendment strikes "and about" and is acceptable to the author.

[Amendment No. 13 was adopted.]

REYNOLDS: This amendment has been accepted by the author.

[Amendment No. 12, as amended, was adopted.]

[Amendment No. 14 by Goodwin was laid before the house.]

REPRESENTATIVE GOODWIN: This amendment removes the subsection in the bill that prohibits teachers from discussing current events and issues of public policy and social affairs, as well as offering credit for work or participating in advocacy and activism. The language in the bill before us sends a message to students, especially high school students who are becoming more engaged in and aware of the world around them, that they aren't welcome to participate in that

world. With this bill as written, we're telling our students and our teachers that we do not trust them to have respectful and thoughtful conversations on real world issues and that, in fact, they're discouraged from contributing as active and engaged citizens. The classroom is and should be an open space to have these conversations because a classroom is a place where they can be had deliberately and intentionally.

TOTH: Members, it's been my intent tonight to work with the whole house to make sure the documents we put in front of our children are documents that we can all agree on that played a role in shaping our history, both the good and the bad, and that we have the opportunity to fully explore those in the classroom with diverse thought, provided—provided—teachers do not use that opportunity to advance an agenda. This amendment is not acceptable, and I ask you to vote against it.

GOODWIN: Members, current events are really important for our students to discuss in the classroom. Imagine a student coming here and being a page for you and going back to their classroom and sharing that experience. This bill would tell them they can't do that. Members, I ask you to vote in favor of my amendment.

[Amendment No. 14 failed of adoption by Record No. 931.]

[Amendment No. 15 by Zwiener was laid before the house.]

REPRESENTATIVE ZWIENER: Members, this amendment takes the prohibitions on students getting credit for advocacy activities or writing their legislators and removes the prohibition so long as the district, school, or teacher does not prescribe a point of view. I think we all want our students to be civically engaged. We want to set them up to be part of the political process, and I know I am so grateful for the educators in my life that encouraged me to get involved. So, members, this amendment protects the intention of the bill to make sure that educators are not prescribing points of views to students but makes sure that they still can receive credit. One educator I think fondly on was my middle school social studies teacher, Dan Barkley, and this may surprise some of my colleagues here, but y'all, I was very conservative in eighth grade. And Mr. Barkley worked on the Clinton-Gore campaign, but he saw what I was interested in, and he handed me a copy of Ayn Rand's *Atlas Shrugged*. And that's what an educator should do is find things that our students are interested in and get them engaged. And with these prohibitions, what I see is a prohibition on a senior in high school being able to get credit from interning with Sierra Club, where I'd love to see more seniors interning, but also the Texas Public Policy Foundation. I want those students to have the opportunity to participate. So my amendment protects the intent of the bill to make sure that our educators aren't putting the thumb on our students' belief systems but still provides pathways to encourage them to actively participate in the political process and get educated in civics that way.

TOTH: Again, members, I look forward to reaching across the aisle and working with everybody in the house tonight. Kids still have the opportunity to come here to the Capitol to work with us, to learn about how this place runs, how bills are created, how government works, and I ask that you oppose this amendment.

M. GONZÁLEZ: Have you ever been actively involved in your local 4-H Club?

TOTH: Local what? I'm sorry. I can't hear you.

M. GONZÁLEZ: 4-H.

TOTH: Yes. In fact, my sister and I were involved in 4-H growing up.

M. GONZÁLEZ: Have you seen every legislative session how you have the green blazers walking around the Capitol advocating for 4-H programs and Texas Agricultural Extension Service?

TOTH: Yes.

M. GONZÁLEZ: And did you know that there are 4-H programs that are commingled with FFA programs and thus they would be prohibited from being involved based on your bill? Did you know that?

TOTH: No.

M. GONZÁLEZ: Can you expand why you don't think that is accurate?

TOTH: Are they lobbying? And the answer is no.

M. GONZÁLEZ: I'm so sorry. Did you not hear me when—have you not seen the green jackets come every legislative session?

TOTH: Yes.

M. GONZÁLEZ: And is that not lobbying?

TOTH: Who are they lobbying for?

M. GONZÁLEZ: They are lobbying for their programs, for increased funding, for recognition of the work that they're doing. Is that not lobbying?

TOTH: They're welcome to do it, in fact, as long as they're not used as pawns by somebody else. Again, this is the decision—

M. GONZÁLEZ: So are you saying that young people don't have a mind of their own? These 4-H leaders that come to testify about their projects, about their livestock, about their food initiatives, that they are being used by the adults and the adults being our teachers and our Agricultural Extension agents?

TOTH: I think, at the end of the day, that's up to a parent.

M. GONZÁLEZ: I'm sorry? I couldn't hear you.

TOTH: I think that's a parental choice. It's up to the parents.

M. GONZÁLEZ: But here's the complication. My father chose for me to be in 4-H, and then I got credit through the commingling of programs between 4-H and FFA. So my father chose. And now you're saying that these students will be penalized for being involved in programs like 4-H, Boys & Girls Club, the Humane Society, and you don't want to accept this amendment?

TOTH: No, you can still—these kids can still come here and do that.

M. GONZÁLEZ: Right, but you have to understand there's a thing called service learning. And so we know that when students—and this is actually researched; it's in books—that when they learn through experience, they're more actually able to retain the information. Do you know that?

TOTH: Yes. Oh, yeah.

M. GONZÁLEZ: So you don't want them—

TOTH: There's an old saying that more's caught—

M. GONZÁLEZ: So you don't want them—

TOTH: More's caught than taught.

M. GONZÁLEZ: So you don't want them to engage in service learning?

TOTH: No, I absolutely do want them to.

M. GONZÁLEZ: You don't want them to teach our young people to be democratic citizens?

TOTH: I absolutely want them to do it.

M. GONZÁLEZ: How else do you learn to participate?

TOTH: And that's a decision that they can make on their own with their parents.

M. GONZÁLEZ: How else do you learn to participate in democracy if you are therefore not participating in democracy at a young age? All we're asking you to do is to accept this amendment so that young people are able to use their experiences and not be penalized for it in the classroom. Why is that so hard to accept? Why can you not accept this amendment?

TOTH: I want kids to continue to come here. In fact, I spoke with a mom and a dad today about having their child come here. He was here two years ago with me, and he's going to be coming back again to work in my office. And that's a decision his mom and his dad made for him to come here.

M. GONZÁLEZ: So what about the kids in our foster care system?

TOTH: They can come here, too. We'd love to have them. That'd be great. And foster parents—

M. GONZÁLEZ: But a lot of the times because they're in the foster care system the only access they have to organizations and/or this space is through programs. And so you're literally taking away this opportunity, this moment for them to learn and to be engaged in democracy, because you don't think that that should happen. Is that accurate?

TOTH: No.

M. GONZÁLEZ: So you want to punish foster care children?

TOTH: No.

M. GONZÁLEZ: You want to punish our 4-H kids. You want to punish our Boys & Girls Club.

TOTH: No.

M. GONZÁLEZ: But you want to punish the volunteers who work at the Humane Society because you don't want to accept an amendment that literally would allow young people to engage in these organizations.

TOTH: We hope that they will continue to do that just like they're doing it right now.

M. GONZÁLEZ: I wish you really would understand the impact of your legislation.

REPRESENTATIVE ALLEN: I just want to think forward just a little bit. If this bill passes, the TEKS that's the curriculum for the State of Texas will have to be rewritten. The textbooks will have to be rewritten. The tests will have to be rewritten. It costs approximately \$40 million to write the textbook. I don't know the total cost of having the TEKS, the textbook, and the test all done over. Is there a rider? Have you filed for a rider to take care of the cost of this? And how much is your fiscal note?

TOTH: Ma'am, we've already run this, actually, by the attorney general's office to find out if, in fact, this would conflict with the TEKS, and they said it would not. We wanted to make sure that that, in fact, was not the case.

ALLEN: There are things in the textbook. The way that TEKS was written by a whole host of people is that they got together and they wrote the TEKS, then they wrote the textbook from the TEKS, then rewrote the test, and the items in the test are some of the things you're saying you can't teach. Social studies—there's an item in the test where you read the newspaper. There's an item in the test where you read a thermometer. Good reading skills in there—a whole lot of things that you're saying don't teach are already in the textbook, in the TEKS, and in the tests.

TOTH: Ma'am, none of the things that you just mentioned are forbidden.

ALLEN: I'm sorry. What is forbidden?

TOTH: None of the things that you just mentioned are forbidden. None of the things that you just mentioned are in this bill.

ALLEN: I just want you to think about that because some of the things that you say are not in there are really in those TEKS. And I was on the State Board of Education when they wrote the TEKS, when they wrote the textbook, and when they wrote the test. So I was there when it happened. So I know what's in those books. And don't forget you'd have to go through every grade level, one through 12, to eradicate some of the things that are in the textbook.

ZWIENER: Members, this legislation as written would ban a high school senior from getting internship credit to work with a political advocacy organization. That's not left or right. That's across the board discouraging civic engagement. As Representative González illustrated so well, that could prevent 4-H clubs from coming to the Capitol and talking to us about their priorities. It could prevent the speech and debate club from your high school—and again, these students enroll

in classes and they get credit for them—it could preclude them from getting credit or if they get credit, from being able to come here and talk to us about issues that matter to them. I don't think that's the goal of anyone in this chamber. I think we all want young people engaged.

So what my amendment does is it protects the intent of the bill by saying that these activities may take place as long as the district, school, or teacher does not prescribe a point of view. And I think that's something we all agree on. But what's important is that the students still have those opportunities. And yes, of course, their parents should have a voice in that. Nothing about this amendment removes the parent's voice. It just preserves our students' options, particularly those students who at a young age want to get politically engaged. So members, I ask for your favorable consideration of this amendment so that we can keep giving young people an opportunity to come into this building, learn about the process, and also receive school credit for it.

[Amendment No. 15 failed of adoption by Record No. 932.]

[Amendment No. 16 by J.D. Johnson was laid before the house.]

J.D. JOHNSON: If I'm not mistaken, it's a long night, my amendment just simply says that—my amendment removes the section prohibiting a school teacher from instructing a student's efforts that promote social and political participation. Current language contradicts the mission found in the public Education Code. This language is as follows, "The mission of the public education system of this state is to ensure that all Texas children have access to a quality education that enables them to achieve their political and fully participate now and in the future in the social, economic, and educational opportunities in our state and nation." Simply, each and every one of us has probably been a part of our student council. We have been a part of our student body. Some of you probably were student body president. I was. Some of you participated in elections in your school. If our children and our teachers are talking about political participation, we often, if not always, pattern our student body elections after our own political systems. It doesn't mean that our teachers are teaching our children to be one way or another, but oftentimes there's a debate. You are the pro; you are the con. You are the affirmative; you are the negative.

So we are simply saying, if we don't put this amendment in, our teachers won't be able to—our children won't be able to have student council anymore. And I don't think that's what we're trying to do. We should not be telling our children that they should not participate in political conversations at our schools. Now, our parents should be the ones who convince our children which way they should go. But at the end of the day, they should be able to participate and our teachers should be able to teach them how to participate in a political process of an election at the school. That's just as simple as it is. I hope that this is acceptable and I hope that you guys understand. Let's not stop our children from being able to participate in political elections on their own campuses.

TOTH: Members, I hope that you'll oppose this amendment. This bill does not stop any of the things that the member just spoke about. I participated in debate. I participated in student elections. We encourage your kids to continue to do those

things. There is nothing in this bill that precludes kids from being involved in all the things that Representative Johnson just mentioned. None whatsoever. I oppose this amendment.

J.D. JOHNSON: I absolutely disagree. We have continued to talk about what is and what is not in this bill. I want to make sure. And the unfortunate thing is that our teachers are the ones who are going to be harmed by this bill because they're not going to know what they can and cannot do. We simply need to make sure that our teachers are comfortable teaching in the classroom. That when they go in there they are comfortable and they are free to think and help our children to be thinkers. So it's very confusing at this point, and I want to make sure that our teachers are comfortable teaching in the classroom.

M. GONZÁLEZ: Have you or have you ever heard anybody on this floor on the campaign trail say the words "let teachers teach"?

J.D. JOHNSON: All the time.

M. GONZÁLEZ: So do you feel that if a member has said "let teachers teach" that they should be voting for your amendment?

J.D. JOHNSON: Absolutely they should be voting for my amendment.

M. GONZÁLEZ: Because you stand with teachers and you don't believe they should be penalized for accidentally bringing up something that was on the news or accidentally mentioning something that is relevant to the classroom. And we believe—because I just heard Representative Krause here earlier and about how standardized testing is infiltrating our classrooms so much that teachers can't teach. Well, isn't this bill doing the same thing?

J.D. JOHNSON: The amendment simply—

M. GONZÁLEZ: I mean amendment, yes.

J.D. JOHNSON: Absolutely, because the bill does talk about political participation and how we want to make sure that that's left at home. But we have student bodies and student councils and student body presidents and courts. We should be able to teach our children. And so, again, we're still confused. We don't know which way to go. Our teachers don't know which way to go. I want to bring some clarity to this. I don't want this to be ambiguous. I want our teachers to feel comfortable knowing that they can walk in that classroom and they can absolutely teach and demonstrate and use that classroom as an eye opening for the world. That's where our children learn, is through those type of classroom participation exercises.

M. GONZÁLEZ: I want to say, thank you for letting teachers teach through your amendment and standing by teachers. And anybody who wants to stand by teachers and let teachers teach should vote for your amendment, correct?

J.D. JOHNSON: Absolutely, yes.

[Amendment No. 16 failed of adoption by Record No. 933.]

[Amendment No. 17 by M. González was laid before the house.]

M. GONZÁLEZ: Members, this simple amendment simply strikes on page 2, lines 19 through 23, and it's relating to the prohibition on grade credit, similar to Representative Zwiener, because we definitely want our students to be involved. This would effectively, the way as written, would effectively prohibit any civics-related activities as classroom assignments. We know that these—for example, when your child or your kids in your district are applying to go to college, they need volunteer hours. They need to show that they're involved in their community. This would allow for them to use their civic-related activities as classroom assignments so they can go on away to college.

TOTH: Respectfully, members, I disagree. It's late. I oppose this amendment.

M. GONZÁLEZ: It is unfortunate that it's so late that we can't think of the future of our young kids. We want young kids to be involved in civic organizations. I don't care how late it is. We need to make sure that they have very opportunity possible to be involved in our democracy, to be involved in our communities, and to be able to use those experiences in order to go to their colleges. So, please support this amendment.

[Amendment No. 17 failed of adoption by Record No. 934.]

[Amendment No. 18 by Collier, Neave, and Thierry was laid before the house.]

COLLIER: This amendment, I believe, is acceptable to the author. It strikes excerpts from Alexis de Tocqueville's *Democracy in America*.

[Amendment No. 18 was adopted.]

[Amendment No. 19 by Capriglione was laid before the house.]

REPRESENTATIVE CAPRIGLIONE: This amendment simply states that a state agency or school may not instruct or train any employee in a variety of discriminatory topics. I believe this amendment is acceptable to the author.

REPRESENTATIVE C. TURNER: This is kind of a meaty amendment. I was wondering if you could walk us through what it's doing exactly?

CAPRIGLIONE: Sure. As I stated in my layout, what this does is essentially says that—I'll paraphrase—basically, a school district cannot instruct or train any administrator, teacher, staff member, or employee to adopt any of the following concepts. And so what I do is I list a variety of those concepts that we do not believe, if the bill were to pass, that we do not believe that should be part of the instruction or instruction material or training for teachers. And as I'm sure you're aware, Representative, this is something that has come up in my local school district.

C. TURNER: So things like, as I'm looking at the amendment here, "members of one race cannot or should not attempt to treat others without respect to race; an individual's moral standing or worth is necessarily determined by his or her race or sex." So you're saying—and it goes on, obviously—but you're saying that you want to ensure that a school district or school may not teach instructors, train any staff member, to teach those things? Is that what you're getting at?

CAPRIGLIONE: That's right. So what we're saying is, so if you'll start with (A), it says that the school districts would not be able to train the teachers or instruct them to adopt for instance, on (A), that one race is superior to another or that one sex is superior to another. So as I mentioned in my layout, they're just being instructed not to teach discriminatory topics.

C. TURNER: I think we certainly would agree with that. It says "an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously," so—

CAPRIGLIONE: Right, so what that's saying is that just simply because a person is a certain race, that doesn't mean they're inherently racist.

C. TURNER: Would that get to things like unconscious bias?

CAPRIGLIONE: Well, yes. And again, an issue that came up in my school district was the concept of microaggressions, for instance, where people, or kids in this case, may be punished unfairly simply because they may have made an unconscious or a non-deliberate statement. But again, what this is saying is that just by the simple fact that a person is one specific race, that doesn't make them racist.

C. TURNER: So would that, if we adopt this amendment, would that prohibit teachers talking about things like racial stereotypes that we know still persist in our society or gender stereotypes and why those are wrong and how we need to consciously try to unlearn those stereotypes?

CAPRIGLIONE: Well, I can't speak to what's in the rest of the bill or what other amendments may be on here, but what this amendment is focused on is that this wouldn't be something to instruct or teach or train the teacher to do. My amendment doesn't speak at all to what the teacher may do. It has to do with what the school district or the agency or the administrators can do.

C. TURNER: And so you mentioned one of your school districts. Was this a particular problem that arose that you're trying to address with this amendment?

CAPRIGLIONE: Well, in my school district, which has been in the news quite a bit in relation to the fact that there was a very contested election on this topic, in the process of going through this, we realized not only was there a certain—in my opinion and the opinion of about 71 percent of my school district—but that there was a plan that was going to be put in place that would treat individuals differently, that could treat and punish people differently, because of some of the things that I have here. And shortly after one of the school board meetings, school was beginning, and so we did find that there was some curriculum that was being taught toward teachers, some training that was being kind of directed at teachers, that was related to the amendment that I have filed.

C. TURNER: Okay, so what types of things were they training teachers to teach that was objectionable?

CAPRIGLIONE: Well, and I apologize, right before this I was trying to get that. I do have it somewhere. I'll have to have it somewhere else. I know at the time—and again, this was, because of COVID it was probably closer to August

or September, so I couldn't easily find the PowerPoint or at least the images from that. So I can't tell you exactly what it was. But it was a bunch of variety of things that would fit in either (A) through (H).

C. TURNER: So when they were proposing to train teachers to teach these principles or lessons that you find objectionable, was that in response to anything in particular? Was there something that caused the school district to try to implement a program like that?

CAPRIGLIONE: Well, in this particular case, the school district had—I mean, this is something that's, I'd say, is pretty well vetted or at least well documented in the news. But what I would say is that it seemed to many in my area that this was something that was not very well described to the public—that they had had some board meetings on curriculums and some generic, in my opinion, just attempts to try and portray it as if they were getting community feedback. But in reality, when we saw the actual plan that was being documented, it seemed to a lot of folks in my district that it was not done in that open of a way.

C. TURNER: Was it, and I do remember seeing some news coverage of this discussion in that school district—was the genesis of this whole episode not a video back from 2018 where you had a bunch of, I think, white high school students filming themselves using the very worst racial epithet that can be used and that's what sort of created a greater awareness of a need to perhaps teach students about racism and bigotry and prejudice?

CAPRIGLIONE: Again, Representative Turner, I'd like to stay on this amendment. And my amendment is not necessarily on—well, it isn't—it isn't on the students. My amendment is entirely on the fact that whether a school district should the teach teachers the concepts that I have in this amendment. It does not go into anything outside of that, right. I mean, because at the end of the day, teachers do an incredible job. I mean, I definitely support all the teachers in my district, especially those who have these tough jobs during this pandemic. And they've had to learn a lot, and they've had to change a lot of things in terms of how they do it, whether it's online schooling, having to deal with all of the health and safety issues that have been going on. And so we know that they need help, and they need support, and they need training. And so they then, hopefully, generally speaking, relay a lot of that information to our students. And so we just want to be clear that when they do that, they do that in a non-discriminatory way.

C. TURNER: Sure. Yeah, and I understand your focus here is on the training of teachers and what they cannot be trained to do. You mentioned, and the reason I brought up that incident is—

CAPRIGLIONE: Well, can I just—and I know I'm usually not here at the front mic or the back mic most of the time. But, I mean, let's take for instance number (A), that one race or sex is inherently superior to another race or sex. I mean, to not support this amendment—

[Representative Zwiener raised a point of order against further consideration of Amendment No. 19 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane. The point of order was withdrawn.]

[Amendment No. 19 was withdrawn.]

[Amendment No. 20 by E. Morales was laid before the house.]

REPRESENTATIVE E. MORALES: I have the privilege of representing House District 74, which includes the Kickapoo Tribe of Texas. This amendment serves to preserve the history of Native Americans to ensure that our youth understand the whole history of our country including those tribes, the Alabama-Coushatta Tribe of Texas and East Texas, the Kickapoo Tribe of Texas and South Texas, and the Ysleta del Sur Pueblo in El Paso.

[Amendment No. 20 was adopted.]

[Amendment No. 21 by Herrero was laid before the house.]

REPRESENTATIVE HERRERO: This amendment adds to the list of items to be studied the life and work of Dr. Hector P. Garcia, who is of Mexican descent but, more importantly, is a U.S. veteran who under President Reagan received the Presidential Medal of Freedom and who was also a medical doctor that practiced medicine in Corpus Christi. Also, this identifies the American G.I. Forum, which was founded by Dr. Hector P. Garcia, in standing up for the civil rights of Mexican Americans and specifically men and women of Mexican descent that were veterans that were discriminated upon coming home from tours of duty. Also, it identifies the League of United Latin American Citizens, another organization, both of which were founded in Corpus Christi, by coincidence, but more importantly, they advocate for the civil rights of Mexican American descendants and Latinos in the United States. And then, also, the United States Supreme Court case of *Hernandez v. Texas*, which was decided in 1954, which identified the Mexican American class as a class that should be recognized and protected by the Fourteenth Amendment of the Constitution.

[Amendment No. 21 was adopted.]

[Amendment No. 22 by Anchia was laid before the house.]

REPRESENTATIVE ANCHIA: There was some discussion about whether or not teachers would be able to teach current events. There was a current event that was pretty traumatic to the United States earlier this year and those were the events of January 6, 2021. That insurrection is a stain on American history, and we want to make sure that our kids are able to talk about current events and that very, very difficult storming of the U.S. Capitol where the vice president was to be hung, the speaker of the house was to be killed, where members of Congress, republicans and democrats, were threatened to be murdered, where police officers died. And so that trauma that was inflicted upon this country by those insurrectionists is a current event that absolutely should be taught in our public schools and should not be censored from the pages of our history. And it should be taught as an important stain, a stain where you saw the Confederate flag waived in the U.S. Capitol. It didn't ever get there during the Civil War, yet we saw it in 2021. And I want all Texas public school students to be able to remember this day so it is not repeated ever. Thank you Mr. Speaker, and I hope it's acceptable to the author.

TOTH: This has nothing to do with the bill, and it's not acceptable to the author. Please vote no.

C. TURNER: Why is this not acceptable?

TOTH: It has nothing to do with **CSHB 3979**.

C. TURNER: Well, it does. Your bill says that teachers cannot teach current events, does it not?

TOTH: If teachers would like to talk about what happened on January 6, they're more than welcome to. Does it say—would you like me to read the bill again?

C. TURNER: Well, you address current events in the bill, so I think the concern is this is a very contemporaneous event.

TOTH: "A teacher who chooses to discuss topics described by Subdivision (1) shall, to the best of the teacher's ability, strive to explore those topics from diverse and contending perspectives without giving deference to any one perspective." So they're more than welcome to continue to talk about it. I move that you vote against this.

C. TURNER: Chairman Anchia is just making sure that the lessons from January 6, from that insurrection—the only storming of the United States Capitol, well, since the War of 1812, at least—that it is taught because it's an important lesson to be taught. Why would there be opposition to teaching—

TOTH: This has nothing to do with **CSHB 3979**, and I would like to keep the discussion around **CSHB 3979**, Representative.

C. TURNER: Well, you're trying to shape social studies curriculum in the state, are you not? Is that not what the bill does?

TOTH: Teachers still have the opportunity to talk about any current events to the best of their ability, that teachers should strive to explain topics "from diverse and contending perspectives"—

C. TURNER: So why would we not ensure that the social studies curriculum includes one of the most horrific events in our nation's democracy?

TOTH: —"without giving deference to any one perspective."

C. TURNER: Why would you oppose teaching Texas school kids about this horrific event that was a stain on our nation's democracy in a bill about social studies curriculum?

TOTH: Teachers should not be compelled to discuss current events, but they can talk about those if they feel like it is appropriate to their classroom with their kids. They're more than able to talk about these things.

C. TURNER: We compel all kinds of things with our curriculum. I mean, you basically have a curriculum bill, which typically is impervious to—

TOTH: I'm sorry, go ahead. I couldn't hear you.

C. TURNER: You oppose teaching Texas school kids about the insurrection on January 6?

TOTH: I think that if a teacher chooses to discuss that with their kids, they're more than welcome to do that as long as they do it from a diverse and contending perspective without giving deference to any one side.

C. TURNER: A diverse perspective, so both sides? We need both sides of the insurrection. Is that what you're saying?

TOTH: This, honestly this amendment really has nothing to do with **CSHB 3979**, and I ask for members to oppose it.

C. TURNER: Do you agree that the events of January 6 were an insurrection?

TOTH: Teachers are free to talk about it as long as they do it from a diverse and contending perspective without giving deference to any one perspective.

C. TURNER: Well, just say yes or no. What is—I mean, you've given your opinion about a lot of curriculum here today—so what is your opinion? Was it or was it not?

TOTH: It doesn't matter what my opinion is. It matters what this bill is.

C. TURNER: Well, it certainly does. You're the bill author.

TOTH: So this is **CSHB 3979**.

C. TURNER: Representative Toth, you're the bill author. You're proposing this pretty radical change to how we approach social studies curriculum in the State of Texas—

TOTH: You're trying to take this far afield from what the original four corners of the bill is about—

C. TURNER: —and you're rejecting this amendment that would require the teaching of—

TOTH: —and I'm simply saying that we need to take this back to the four corners of the bill. And I respect your—I'm sorry, Representative. I respect that it's your job—

C. TURNER: Well, no, no. Let me finish my question. Why are you rejecting an amendment that would require the teaching of one of the most horrific events in American history in a social studies bill? That's what this is. It seems like this would be one of the most important events of our 240-plus years of American history to make sure is taught to Texas school kids. We had talked earlier today on another bill about the peaceful transfer of power. You would agree peaceful transfer of power is an important hallmark of American democracy, would you not? Yes or no?

TOTH: It absolutely is. Now, let's come back to the four corners of this bill. If you want to have a discussion—

C. TURNER: Was what happened on January 6 a peaceful transfer of power?

TOTH: Are we going to—is that where this discussion is going? I mean, at the end of the day, this amendment has nothing to do with **CSHB 3979**. If a teacher so chooses to talk about this, they're welcome to.

C. TURNER: And you want them to talk about it with diverse perspectives, is that right?

TOTH: Yes.

C. TURNER: So how do you have a diverse perspective on the insurrection? How would that lesson plan go?

TOTH: I don't know. I guess that's up to the teacher, right?

C. TURNER: So what does the teacher say? Well, on the one hand, people storm the Capitol because they thought the election was stolen?

TOTH: Representative, how many teachers are there in the State of Texas?

C. TURNER: I'm sorry?

TOTH: How many teachers are there in the State of Texas?

C. TURNER: There are thousands of teachers in the State of Texas.

TOTH: Thousands and there are thousands of perspectives, I'm sure.

C. TURNER: Well, your bill says that teachers have to teach with a diverse perspective. So I am just wondering how you would have a diverse perspective on the insurrection of January 6. How would a teacher approach that?

TOTH: It's up to them.

C. TURNER: How would you approach it if you were in the classroom, Mr. Toth?

TOTH: I'm not a classroom teacher. I'm here in the Texas House laying out a bill. And frankly, it's not up to me to tell teachers how to—

C. TURNER: You're not a classroom teacher, but you're here. You're trying to dictate to thousands of teachers across our state how they should teach. And that's the problem.

TOTH: No, actually, I'm not, Representative.

C. TURNER: You're not a teacher, but yet you think should be able to dictate to teachers how they teach. And that's why so many people have a problem with this bill.

TOTH: I'm actually not. I'm leaving it up to the teacher to decide how to be able to teach January 6. It's up to the teachers to decide how to do that.

C. TURNER: I'm still waiting for an answer about how you have a diverse perspective about an insurrection. You're just not going to be able to answer that question?

TOTH: That's up to the teachers. I'm not going to put words in their mouth. That's up to them.

C. TURNER: But they should have a diverse perspective about the insurrection. Is that right? Yes or no?

TOTH: It's up to teachers to decide how they like to do it as long as they do it without giving deference to any one perspective.

C. TURNER: Okay, if you won't answer how they have it, will you answer yes or no? Do they need to teach the insurrection with a diverse perspective? Yes or no?

TOTH: That's not what this bill is about, Representative.

C. TURNER: You just said that's what's in the bill.

TOTH: A teacher who chooses to discuss these topics, they're more than—this is going to turn into a feedback loop, but that's okay.

C. TURNER: You just said—does your bill not say diverse perspectives?

TOTH: A teacher who chooses to discuss topics, they're free to discuss any of these topics. They're more than welcome to discuss any current events as long as they do it from both a diverse—as well as they explore those topics from a diverse and contending perspective without giving deference to any one perspective.

C. TURNER: So they can teach the insurrection as long as they provide a diverse perspective, which I assume means both sides, and they can't give any preference to who was right and who was wrong. Do I have that right?

TOTH: I'm not going to put words in their mouth.

C. TURNER: Well, for legislative intent, if your bill passes, I think it's important for people to understand. Is that right?

TOTH: From legislative intent, "A teacher who chooses to discuss topics described by Subdivision (1) shall, to the best of the teacher's ability, strive to explore those topics" on January 6 "from diverse and contending perspectives without giving deference to any one perspective."

C. TURNER: So I take that as a yes.

ANCHIA: I really enjoyed that back and forth between the bill author and Chairman Turner. I'm not sure how many perspectives I could fit into an explanation with respect to the insurrection of January 6. I guess there could be the perspective of the Holocaust deniers who wore the shirts or the ones who said six million were not enough. I guess the white supremacists in the crowd—maybe you could offer their perspective. I guess you could offer the perspective of the people in the crowd who wanted to kill law enforcement officers and overran them at the gates. I guess you could offer their perspective. I don't know that I want my children learning that perspective. I guess you could offer up the perspective of the people in the crowd who wanted to lynch the republican vice president. Maybe you could offer the perspective in the crowd of the people who wanted to kill republican and democratic members of Congress. You could offer the perspective, I guess, of the people who wanted to stop the vote count on the house floor. Those are the only other "diverse" perspectives that are required, I guess, by this bill. What I'd prefer, candidly, is that we just say that insurrection is wrong, that killing the people who were guarding the Capitol is wrong, that suggesting that we overthrow the government is wrong. I think that's the way to sort of—those are the diverse perspectives I would talk about when it comes to insurrection at the Capitol. And this is really an amendment that the bill author

should take. I mean, he's taken some pretty obscure amendments. This would be an easy one to add to the list. And I think it's probably how everyone on this house floor feels about the people who stormed the Capitol on January 6. I'd be surprised if anybody held a different perspective. So members, I ask that we adopt this amendment.

[Amendment No. 22 failed of adoption by Record No. 935.]

[Amendment No. 23 by Burns and Collier was laid before the house.]

REPRESENTATIVE BURNS: This amendment basically cuts out a reference to *The Federalist Papers* that includes Essays 10 and 51. It includes all of *The Federalist Papers* in the bill.

[Amendment No. 23 was adopted.]

[Amendment No. 24 by M. González was laid before the house.]

M. GONZÁLEZ: This amendment just strikes language which prohibits the inclusion of certain concepts in social studies and other courses. If you believe in free speech and you believe that teachers should be able to teach, then you should support this amendment. The legal scholars have already examined similar laws that have been struck down. So if we don't want the OAG to have to go fight for this and spend lots of our taxpayer dollars, then we should support this amendment.

TOTH: Again, members, I respectfully decline to take this amendment. Please vote no.

M. GONZÁLEZ: If you believe in freedom, free speech, and don't want to waste taxpayer dollars, then you should vote for this amendment.

[Amendment No. 24 failed of adoption by Record No. 936.]

[Amendment No. 25 by Anchia was laid before the house.]

ANCHIA: This is a really simple amendment which strikes Section (h-4). Now, I'll direct your attention to that section because it prohibits school districts from receiving private funding for social studies materials, including training and other sources, books. You know, I think there is a legitimate problem with ending existing contracts that school districts may be in with private entities that could force districts into lawsuits. This is really impacting their freedom of contract. And this section also contradicts other provisions of the Texas Education Code that give power to school districts to contract with private entities for educational services and also to receive donations.

You know, while we did pass **HB 3** last session and we gave districts a lot more funding, they still rely heavily, in many cases, on private funding to support all sorts of programs, whether it's athletics, the arts, training, curriculum development. And this amendment would allow schools to continue to receive private funding for their social studies, history, civics, and government programs. If we surveyed school districts across the state, we would find that they've already made investments and they have partnerships with private donors and foundations. I mean, I sit on the board of a philanthropic foundation, and we do

funding for curriculum programs all the time. And this would certainly disrupt those existing contracts, partnerships, and revenue streams. The power to make contracts and to receive donations lies with the school board of trustees, and we should not be taking away this control from our elected boards of trustees.

TOTH: Respectfully, I'd ask that you decline this. This does not create an issue with districts, as we've run this by the attorney general's office and the solicitor general. Please vote no.

ANCHIA: Did you have a chance to talk to school districts about whether this would infringe on their existing contracts to receive—first, to have third-party service providers help with social studies curriculum?

TOTH: I have not, sir.

ANCHIA: So what was the substance of your opposition to the amendment?

TOTH: We want to make sure that dark money is not coming in.

ANCHIA: Do you have evidence of dark money coming in? And I don't know where "in" is, but I assume it's the school districts.

TOTH: I don't know. I actually was using that expression from the 83rd Legislative Session when you used it pretty effectively.

ANCHIA: I think it was related to campaign finance but certainly not to private foundations who may be funding curriculum in local school districts. Are you aware of any, sort of, nefarious plot to channel money to school districts for curriculum development?

TOTH: I can't speak to that this late at night specifically to draw on. When we put this piece of legislation together and we went to work on it, we did want to make sure that the curriculum was developed locally and that there was not influence from the outside.

ANCHIA: And that would include a private philanthropic foundation? In Dallas, for example, the Communities Foundation of Dallas could not give money to a school district to help them fund curriculum development in social studies?

TOTH: I'd be happy, honestly—I honestly would be happy once we're done tonight to sit down with you and talk more about this and to see if we can come to an understanding. I'd be more than willing to talk with you more about it, sincerely.

ANCHIA: Let's do this. If you just want to accept the amendment, we can sleep on it, and then tomorrow, if you have an issue with it, we can take it off if you'd like. The reality is that school districts like Dallas do work with private philanthropic foundations and school boards have existing contracts with third-party service providers that I think your bill adversely impacts. And I would just ask for that consideration.

TOTH: So we're on the floor tomorrow at 10 o'clock. If you'd like to meet at 9 o'clock, maybe you and I and Senator Creighton could sit down and we can work toward an agreement. Vote no, please.

ANCHIA: I appreciate Representative Toth's willingness to discuss this further. I'd love for this to go on the bill in case that those discussions don't bear fruit. The bottom line, members, is that you have local school boards throughout your districts. They are likely in third-party contracts related to curriculum, especially the larger ones. And they also have boards of trustees that you know very well who engage or oftentimes receive donations into the school district for the development of curriculum. This not only prevents third-party contracts but it also prevents third-party donations. And I think we should defer to school boards in that curriculum development and the receipt of money to help them develop their social studies curriculum. It's that straightforward.

[Amendment No. 25 failed of adoption by Record No. 937.]

[Amendment No. 26 by Talarico was laid before the house.]

TALARICO: This amendment would just ensure that students are not punished if they ask questions, start conversations, or engage in discussions about the concepts prohibited by the bill. And I believe it's acceptable to the author.

[Amendment No. 26 was adopted.]

J.D. JOHNSON: Members, I know we're all ready to go home. I'm ready to go home, but I have to—anything that is this important, we certainly have to give it attention. This is tyranny. No matter how you look at it, this is tyranny. We have come to this body and have made the decision to tell our teachers how and what to teach. For those of you who don't know what tyrannical behavior is, it is defined as an unrestrained exercise of power. Now, this is what this is. The author has brought this bill because he says teachers shall not be compelled to teach certain things, which is critical race theory. But there is not one agency in this state that has compelled a teacher to teach critical race theory. So this author literally is legislating nothing.

It's an overreach of power. We are simply saying to our teachers there is no freedom and there is no liberty. The freedom and liberty caucus has said we're going to oppress our teachers. We're going to teach you what to teach and how to teach. The teachers are now afraid to teach. We sit in this body all day long and legislate and regulate about TAKS and TEKS and TAAS and all the other standardized testing. Now, they have to be concerned whether or not they did something that was wrong because some kid went back and told their parent that the teacher taught about a current event. But we don't really know or define what current events are. When is current events? Is a current event now or is a current event last year? What is a current event?

The hypocrisy runs so deep that the author has convinced himself that this is enhancing education and teachers are free to teach what they want as long as it's not critical race theory. The author himself has even demonstrated that he does not know what critical race theory is. He did "me-search" instead of research when it came to learning about critical race theory. Theory, not Shawn Thierry—theory is what it is. It's simply an idea. A theory is an idea. Critical race

theory is the idea to evaluate how race has impacted parts of society, including police, medicine, religion. That's what critical race theory is. It does not say one race is better than another or one race is badder than another. It doesn't say that.

Now, the author and many authors of this—and I've heard many of you around in this house that have said, "Oh, we're Christians. I'm a Christian. I love the Lord." As we all do. There isn't just one way to interpret the Bible. There are thousands of churches preaching from one Bible. Thousands of churches are preaching from one Bible about one God, about one Jesus Christ, but we all have different opinions and ideas about what it is. Kenneth Copeland teaches differently than Joel Osteen, that teaches differently than T.D. Jakes, that teaches differently than Paula White, that teaches differently than Benny Hinn. They're teaching from one Bible, but it's all different. Are we going to start now regulating whether or not Christians have to teach one particular way? All they're going to be able to teach is one. Are we going to start regulating religions now? Are we going to start telling our pastors how and what they're supposed to do? Because this is what we're doing. We're overreaching.

We're telling teachers don't teach no more. Be done with it. We're going to make Manchurian candidates. We're only going to teach one thing and one thing only and this is how you have to think. We will stagnate the creativity and the thoughtfulness of our children, which will stunt their mental growth. We don't teach one theory or one history in America. There are so many different aspects about what we should be teaching to uncover and to be studied—the good, the bad, and the ugly. We continue to only want to talk about the good, and as long as we only talk about the good, that means that we will never grow as a society or as a state. We need to make sure that we address all aspects of who we are so that we can grow and become a better society.

We always talk about being free, but freedom ain't free, and it certainly is not for me. You guys have to be mindful that we cannot oppress our teachers. We cannot stagnate their ability to teach our children. This is not about critical race theory. There's not one body, again, that is talking about teaching this. The State Board of Education has not placed it in a curriculum. Why are we legislating something that is not there?

[Representative Rose raised a point of order against further consideration of **CSHB 3979** under Rule 4, Section 32(c), of the House Rules on the grounds that the bill analysis is materially misleading. The point of order was withdrawn.]

TOTH: I want to thank the house for your patience tonight in this hearty debate.

[**CSHB 3979**, as amended, was passed to engrossment by Record No. 938.]

FORTY-FIFTH DAY — TUESDAY, MAY 11, 2021

HB 3979 DEBATE - THIRD READING
(by Toth, Leach, Metcalf, Bonnen, Parker, et al.)

CSHB 3979, A bill to be entitled An Act relating to the social studies curriculum in public schools.

REPRESENTATIVE TOTH: I think we have some amendments.

[Amendment No. 1 by Toth was laid before the house.]

TOTH: Members, this is an amendment that Mr. Huberty and Mr. Anchia and I spoke about last night that restores funding for our schools for the training of our teachers.

[Amendment No. 1 was adopted.]

[Amendment No. 2 by VanDeaver and Shaheen was laid before the house.]

REPRESENTATIVE VANDEAVER: Members, this amendment really should have gone on last night, and we just missed it. What this does is it strikes on page 2, lines 19 through 23, to make it so that our students can work in work-study programs with no kind of penalty.

[Amendment No. 2 was adopted.]

REPRESENTATIVE RAMOS: I want to thank, first of all, Representative Toth for accepting my amendments yesterday and many of our amendments. We really, really do appreciate that. Many of you may not know, but I am also, in addition to being a family lawyer, I also teach government at our local community college, El Centro, and this bill is especially consequential for me. Most of my students, the students that attend my Texas and federal government class, are students of color and immigrants, inner-city students. And I work hard to ensure that they learn about the Constitution, about this beautiful American dream that we all live and strive to live and aspire to make into a better country. Every semester, I give my students a pocket Constitution, and I explain to them whether you're black, brown, or white, citizen or immigrant, this is your Constitution. This Constitution belongs to you, and it's up to you to learn it, to fight for it, and to share with others what you've learned in the Constitution.

And I'd like to share with you one of my, I guess, most successful lectures in my class, which is why this bill, I think, is very consequential for government professors and teachers. You have to work really hard as a professor—especially government, right?—to make sure that your students understand what they're learning, that they embrace it, that they own it. So one of my lectures is about the First Amendment, and we talk about controversial things. And when we do the First Amendment, we talk about the five rights within the First Amendment, one of them being freedom of speech. And for semesters, for years, I banged my head, "How can I get them to understand the value of the First Amendment?" So I decided through music, right? All young students—18-, 20-, 25-year-olds—they love music. So I played them a protest song. I introduced them to Bruce Springsteen's "Born in the U.S.A." Now, many of you may or may not know that

song is a protest song. It's a controversial song about protesting the Vietnam War. Unfortunately, many of my students never heard of Bruce Springsteen. They had no idea who Bruce Springsteen was.

But after that song—and we studied what it meant and the Vietnam War during that time and what the song says—I also introduced them to a rap song by 2 Live Crew called "Banned in the U.S.A." Yes, and it's the same beat as "Born in the U.S.A.," but it's about protecting First Amendment rights. And my students get it. And I tell them, "Okay, now your job is to bring your protest song." And that's where the magic happens. They go home, and they study music, and they learn about their First Amendment right to freedom of speech. They bring me songs—rap songs, country songs. Many of these immigrant students, they bring songs from their country to talk about what's going on in India and Bangladesh and Korea, and Mexico. They bring songs from Los Tigres Del Norte. They embrace the First Amendment through music. And that is why I am against this bill. Because I provide them the tool. We have to be creative. Let them talk and let them—we have to meet them where they're at through any tool that a teacher can find to make sure you find that connection. And that's where my students learn and begin embracing the value of their U.S. Constitution, of their First Amendment right.

And so I just want to remind everybody that the controversy is important and our history is important. And unfortunately, yesterday—and part of this bill is to not bring those conversations, those topics—and unfortunately, we voted down an amendment that talked about the insurrection and the stain on American democracy. But I want to close with this, because although we voted against that insurrection amendment yesterday and people showed up during the insurrection with Confederate flags, I'd like to share with you the Confederate Vice President Alexander Stephens' "Cornerstone Speech." And what he said is, "Our new government is founded upon exactly the opposite ideas; its foundations are laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and normal condition. This, our new government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth." And that is why we need to know the history of the people that were there in the beginning and how we are aspiring to be better every day and share this beautiful document—the living, breathing document that's called the U.S. Constitution. Thank you, members. I ask that you vote down on this bill.

REPRESENTATIVE ANCHIA: Representative Ramos, thank you for your impassioned speech. You really did touch my heart. In the back, I was thinking about the days when I was an adjunct professor at both UT and Texas Tech law school, and you pointed out how hard it is sometimes to get students involved in subject matters. And I was thinking to myself, gosh, we wrote a really terrible U.S. history curriculum on the house floor last night. We shouldn't be writing curriculum on the house floor. But I was thinking to myself, who would ever take that class and stay interested in that class to want to learn the things that we actually want to convey? And I was struck by your use of music, current events, and history, some of the—at least in the case of current events—something that

would be curtailed, potentially, in this bill. And talk about how creative you need to be to get young people to get engaged with some of this. You know, requiring them to read all of *The Federalist Papers*—look, I've read "Federalist No. 10," and I've spent about two days at a workshop on "Federalist No. 10." We're going to have high school students reading all of *The Federalist Papers* and tell them that we are conveying to them something that they absolutely need to know? Maybe an elective course in college but in the core curriculum? Give me your thoughts on that.

RAMOS: I think it's unfortunate because this bill really takes away—it tells our instructors, our professionals, our educators that we don't trust in their ability to be nonpartisan and to educate their students and to make those connections however they need to make those connections to get that across. And by forcing and mandating and prohibiting and banning and all of that—all of those terms that are included in this bill—it takes away our freedom of speech but also our freedom of creativity to really connect with those students and get them to own their own federal government and to really increase their participation and civic engagement.

ANCHIA: And I'm sure you've found this as a professor, that when you force feed a student something, they learn far less, if they learn anything at all, than when you allow them to take ownership of the learning experience and have it be experiential, right? Would you agree with that?

RAMOS: Absolutely. The beauty of being a government professor or instructor is you're able to meet the students where they're at. And our students are talking about controversial issues. They want to know what's going on in the news. They have it on their feeds. They come to us, the educators, to learn more and to find out where they can learn more. And that's where our job is, to direct that growth and let them take it from there and really grow in their critical thinking.

ANCHIA: And it makes sense. When I taught law school, I used the Socratic method, and that was designed to challenge students to consider even something that the professor might not have believed but to posit to them something provocative, controversial, difficult to argue the other side of. Do you feel like this bill inhibits those teaching styles and maybe gives teachers less freedom in the way they convey information to students?

RAMOS: Thank you, Representative, and absolutely. That's one of my other lectures that we talk about. We talk about the Second Amendment and we read the *Heller* case. And I have students, whether they're for or against gun legislation, I require them to take the opposite side and create those own arguments, in groups, of why, if you inherently are against gun legislation or whatever, talk about for it, put on that other hat, think like the other person on the other side, and debate against the issue that you think you're for. And it's controversial, but it forces them to grow. And that's how they're learning because they're talking about these issues, putting on a different hat, and becoming better citizens through the process.

ANCHIA: Well, you bring the passion of a professor and a teacher, someone who's engaged in pedagogy, to the house floor. And I'm grateful for your perspective and for walking us through that.

REPRESENTATIVE BERNAL: I don't normally come up here. It's only been once before that I was up here talking against a bill. Otherwise, I don't give speeches. You may feel differently, because I often accost you at your desks asking for a vote or a favor. But as the members of Calendars Committee know, I'm here very infrequently. Now, I'm not the speech guy. I'm the Columbo, Seinfeld, Gilbert Gottfried in committee, "tell me what this means like I'm a kid" guy. But to that end, I think that we've gotten so wrapped up in the symbolism of what this bill does and in the emotion of what this bill does that we haven't considered, even with Gary VanDeaver's amendment, what the bill actually does, the kind of schools that we are creating, and what it looks like for those kids. So if you want to know what the bill does and how it affects children—which, by the way, was mentioned almost zero yesterday—let's go through that for a second.

Imagine if a student wanted to get credit for working for your office doing constituent services to learn about state agencies. They couldn't get a grade, class credit, or extra credit for that under this bill. They can't get credit for coming here, visiting your district office, testifying, writing e-mails or letters for something they believe in—**HB 3**, medical marijuana to treat epilepsy, David's Law on cyberbullying. There are students here today advocating on dyslexia, and this bill takes away their ability to get credit or extra credit for that work. Students couldn't do a signature drive for a dog park or, as we heard a bill earlier this session, accessible or inclusive playgrounds. They could not get credit or extra credit for that work. By the way, this is true at both the city and the school board level. If they do any of that advocacy, this bill takes that ability to get credit or extra credit away. They couldn't get credit for an internship or volunteering at a place like Communities in Schools, the food bank, the local homeless shelter, the Boys & Girls Club, or countless others, if any of that work involves advocating for, let's say, an appropriation, the creation of a program, the continuation of a program. Even at the city or local level, this bill takes away that ability for them to get credit or even extra credit. So if you're a student who's almost failing and you're trying to pass or if you're college bound and you're trying to go from a B to an A and you need extra credit, you can't do any of this because we have taken that away. And for what? For what? What are we getting for that? What is the big prize? Is coming back here just self-perpetuating the price that we pay for taking these opportunities away from kids? Is this place and this job that special that we'll do something that all of you privately will admit you don't like and don't want to do but will take that away from children? Because we need to come back. And by the way, even though this bill is about critical race theory, it's not defined in the bill at all. In other words, it's about race, but it's not about race, but it's about race.

Let's talk about what it means for curriculum because it is a bill about curriculum. And by the way, I've run this through several lawyers. You might think I'm blowing hot air, but you are welcome to verify this for yourself. I'm going to read directly from the bill. Listen up, this is your law: A "teacher who

chooses to discuss" a particular current event or widely debated and currently controversial issue, "shall, to the best of the teacher's ability, strive to explore those topics from diverse and contending perspectives without giving deference to one perspective." What does that mean? I will tell you, whether you like it or not. In Charlottesville, there were men chanting at a rally, among other things, "The Jews will not replace us." They were saying at a rally, "The Jews will not replace us." I'm not sure who I'm replacing, but they said I was. Then there was a clash. And then the sitting president said that there "were very fine people, on both sides." Which means we now have a debate or a controversy. So we're saying in this bill that the next day, a teacher would have to strive to explore those topics from diverse and contending perspectives without giving deference to any one perspective. What does that mean? It means I have to send my Mexican American Jewish daughter to school and have her teacher equivocate on what it means to have grown men saying, "The Jews will not replace us." That's what this bill does. Imagine you're a science teacher wanting to talk about the coronavirus and all of a sudden, for a variety of reasons, there's a debate as to whether or not it's real or it's a hoax. Under this bill, that teacher would have to equivocate. They could not land on a perspective. They have to argue both perspectives with equal vigor in order to not run afoul of this bill. And by the way, their other option is not to talk about it at all, which is censorship.

And then let's talk about my city of San Antonio, on paper the poorest city in the country. There's a history there of racially restrictive covenants. The first house I bought had one. I'm paraphrasing, but it said, no black folks, no Mexicans, and no Jews. Double whammy for me—Mexican and Jewish, if you're confused. The covenants are responsible, along with racial redlining, for the formation of all the neighborhoods in the city and the school districts and the attendance zones. If we're going to have a conversation about the formation of that city and addressing poverty and the history of racism in our city, we can't do that without talking about racially restrictive covenants and racial redlining. If you're having that conversation in a school, the teacher will have to equivocate. They'll have to provide both sides, both ends, under this bill.

And so we're coming to contending perspectives and giving deference. How do they know when they get there? What if they're wrong? Who decides? And the safest thing to do is just to not talk about it. And that's censorship. Think about the schools we're creating. Stop thinking about your seat. Stop thinking about this place. Stop thinking about the personalities. And think about the schools you're creating. And by the way, this is every school. There is no school choice here. Every school will have to do this. This is the kind of social order that you only see in science fiction. You are remaking schools. And for what?

You shouldn't make me send my daughter to one of these schools. There's no reason to do this. And look, so many of you privately have said to me—and I'm going to say this and you're not going to like it—so many of you have said to me privately that you don't like this bill. You don't want to vote on it. You wish it didn't come to the floor. But if you do, what's going to happen? You're going to

get primaried. It's a verb now. And somehow, in your place will be someone worse. And today, if you vote for this bill, my question to you is what's the difference?

REPRESENTATIVE WU: Representative Bernal, let me see if I understand you correctly. I know this bill looks very innocuous on its face. But part of what we're trying to do here is making sure that our own children, when they go to school, one of the objectives of this bill is to teach our children about civics, right?

BERNAL: Yes.

WU: To teach our children how to be good Americans, is that correct?

BERNAL: Yes.

WU: And to teach the fundamental values of our country, is that correct?

BERNAL: Sure.

WU: And one of the fundamental values of this country is democracy. Would you agree with that?

BERNAL: I do.

WU: A democratic representation of our people. And of one the most fundamental—fundamental—aspects of democracy is the right to petition your government. Would you agree with that?

BERNAL: I would.

WU: The ability to go to your government, no matter at what level—at city council, at your MUD board, at your state legislature, in Congress—to go to them and say, "I don't like something" or "I want this to happen." Would you agree that that is a fundamental aspect of democracy?

BERNAL: It is.

WU: And so this bill is saying, on one hand, we want kids to learn about American democracy, but on the other hand, slaps it out of their hand.

BERNAL: Well, that's partially true. Yes, it slaps it out of their hand because it's not a tool they have available to them in public school. Private school kids can still do it.

WU: So we're telling our public school kids, "You're an American, but we are discouraging you from doing one of the most fundamentally American things there is." Would you agree with that?

BERNAL: I would agree with that. I'd also say with all the things that they have to do—school, extracurriculars, preparing for and trying to defeat the STAAR—they have opportunity to do a two-for-one, to get credit or even extra credit for this kind of work. And we're saying this, that petitioning your government, engaging in government, engaging in advocacy—you are ineligible for credit or extra credit for doing that work if you're a public school student. If you're a private school student, have at it.

WU: And I'm concerned that this discouragement would discourage a kid who could potentially be the next state representative, who could potentially be the next mayor, who could potentially be the next congressman, but they never got that experience. They never got to feel what it was like to have that power to go petition their own government, and they don't believe in the process.

BERNAL: Look, there's no question that this bill removes opportunities from students. And again, I would ask you to think about the student who's trying to go up a grade—from B to A, from D to C—looking for extra credit. We have removed all of this from the options that they have to get extra credit. And for what? What is the purpose? Someone come and tell me how that's good government, how that's good for them. Go home and explain to your constituents how this is what they want and is in the best interest for them and their kids. I challenge you. I'll go with you. Because it might make sense in this room. It doesn't make sense one step outside that door.

WU: And I think maybe—I'm not sure if it was you that used the term earlier—but I think this bill is Orwellian. I agree with that.

BERNAL: Well, I said science fiction. That's more eloquent.

WU: I think maybe we narrow it down a little bit more that this is Orwellian, that this is reshaping our society by changing the way people think and limiting the way they can think about things and the way they can talk about things.

BERNAL: Right. Look, you may be under the guise that this is about critical race theory, whatever that means, and keeping it out of classrooms. But I have just gone through a laundry list of opportunities that we are removing from students. You can go through the bill yourself. Take a break. Ask your lawyers. It removes opportunity from students on a variety of fronts. It has nothing to do with whatever you think or were told critical race theory is. It does not. It removes opportunities from students. It is unforgivable that we would do this.

REPRESENTATIVE M. GONZÁLEZ: Multiple times, Representative Toth said yesterday in his reasons of why we had to pass this bill, "because," he said, "this is not who we are". That is the fundamental question of the decision we are going to make today. Who are we? Are we a body that trusts and supports our teachers? Are we a body that practices what we preach when we say "let teachers teach"? Are we a body that wants to ensure that the next generation of Texans are prepared to engage in our local communities and support the growth of our state? Are we a body that makes informed and independent decisions regardless of what outside groups are encouraging us to do? That puts policy over politics? Are we a body that is trying to make Texas better? Are we a body that wants to punish teachers for trying to facilitate holistic growth and understanding? Are we a body that limits free speech?

Multiple times yesterday in the debate, a lot of you all stopped me because you could see my passion on the topic and asked me, what is critical race theory? Well, members, as someone who has been working on this, researching and reading this topic for over a decade—and let me just say, racking up student loans—this topic is critically important to me. Why? Because critical race theory

is more than a subject of academic theory. It is literally the books that transformed and formed me into the individual you love and respect today. Well, at least I hope you love and respect today—looking at you, Jared Patterson. How did it transform me? Coming from El Paso in a border community and coming and seeing the differences between the lives of my people and the lives that existed in Austin, I searched for the answers as to why those differences exist. And finding those answers helped me heal and helped me grow as a human being. And when you're healing and growing as a human being, then I can come to the table as your equal and as somebody who wants to work together to make change. Critical race theory helps students understand the world, understand their place in the world, with the ultimate goal—and this is what's critically important because Representative Toth has misrepresented the work and the writings of critical theorists—to make the world more socially just and humane. Please, members, tell me what is wrong with that?

What kind of Texas do we want to live in? One of my favorite quotes by Paulo Freire, one of the philosophers who writes in critical theory and critical race theory says, "The world is not finished. It is still becoming." Do we not want to give hope to our young people who are trying to make the world a better place? Do we not want them to practice that hope through community engagement? And ultimately, do we not want our state to be better? To you all, this bill might just be politics. But to me, this bill has serious implications for who we are as a body, how we decide interest groups make decisions for us, if we are independent beings with full understanding of knowledge. Members, you can vote for this bill, but you should only vote for this bill if you have actually read the books. But if you have not ever once read any of these books from front to back cover and you're just making a decision for politics, then that challenges who we are as a body. Because we should make decisions based on accurate information. Members, I'm asking us to take control of our house, of our chamber, and not to let outside groups or forces make decisions for us. So put politics aside for policy. I urge you to vote no on this bill.

REPRESENTATIVE CANALES: Mr. Toth, we've spent a lot of time—I mean a lot of time—on your bill talking about what we want to ban and what we don't want to teach children. And so I just want to clear some things up with you about other things that you might think we should ban. So I know you're a pretty conservative fellow. And so do you think we should ban books that talk overtly about sex for our children?

TOTH: Representative, where do you see the word "ban" anywhere in this bill?

CANALES: I'm asking you a question. I didn't talk. I was asking you a question about what you think.

TOTH: I don't think we should ban things. In fact, this bill encourages to discuss things. So again, where do you see the word "ban"?

CANALES: Would you be all right with books that discuss overt acts, sexual acts, in our schools?

TOTH: I think that should be left up to parents to decide that with school districts as to what level of sexuality should be discussed in the classroom. Don't you? Shouldn't that be left up to a parent? Shouldn't that be left up to you?

CANALES: I think you've been in the legislature long enough to know the questions come from this side that way. Okay? So in your idea, in school districts, it's not the school district but the parents get to decide what the children learn?

TOTH: Is there a question?

CANALES: That is the question. With respect to this bill, what is it you want to keep out of our schools?

TOTH: I don't see anything in this bill that says we should keep things out of the school.

CANALES: Well, you sent all of our offices books, children's books, and I think that you're trying to accomplish something with this bill.

TOTH: This book [*Not My Idea: A Book About Whiteness* by Anastasia Higginbotham] came from Highland Park and it was sent to me by a parent in Highland Park. This is the book that I sent into each of your offices. This book teaches critical race theory to little kids.

CANALES: And you would like that book removed from those schools?

TOTH: I think it should be left up to the parents as to whether or not this should be taught in the school and this should be told to your child that they are racist. Do you believe that all the white people in this room are racist, Mr. Canales?

CANALES: Like I said, Representative Toth, I think that you've been here long enough to know that the questions come from this podium that way.

TOTH: If you don't want to answer, that's okay.

CANALES: But since you seem to be uncooperative and unable to explain yourself, I'll go ahead and leave you alone.

REPRESENTATIVE COLLIER: Representative Toth, I just want to get some clarifying information from you in regard to this bill. The bill—as originally presented to this house or as amended—does that bill have any impact on the teachings of the course of ethnic studies that is currently in place under the State Board of Education? Let me ask it again, Representative Toth.

TOTH: Sure.

COLLIER: The bill **HB 3979**, as originally presented to us and then as amended, does it have any impact on the teachings of the social studies course under ethnic studies in Texas?

TOTH: No, it does not. It only asks that teachers teach it, if they decide to discuss this, to the best of their ability, they strive to explore these topics from a diverse—and diversity is not a bad word, is it—but they should strive to teach from a diverse, which means they're sharing both sides of it.

COLLIER: So that course of ethnic studies and social studies—and that has an African American studies program and it has a Mexican American studies program—those courses will not be impacted whatsoever?

TOTH: How would they be?

COLLIER: I'm asking. You filed this bill. I want to know the impact.

TOTH: This bill doesn't even discuss that, so how would they be impacted?

COLLIER: I'm just asking. I'm getting clarification.

TOTH: Yeah, I don't believe—I apologize. I don't think they would be, Madam Chair, based on what this bill says. It just asks teachers to discuss all these things from a diverse standpoint, a diverse and contending perspective, without giving deference to any one perspective.

COLLIER: So your bill deals with social studies curriculum, right?

TOTH: Say again? I'm sorry.

COLLIER: Your bill deals with social studies curriculum?

TOTH: Yes, ma'am.

COLLIER: So ethnic studies is under the social studies curriculum in Texas. And I want to make sure that the existing program, the course of ethnic studies, which includes African American studies and Mexican American studies right now, will not be impacted by this bill.

TOTH: I agree.

COLLIER: Okay. And then, we just passed **HB 1504**, which would turn that course into a foundation school program. So it would be part—you could take those courses to actually go toward your graduation credits. Remember that bill? We just passed that earlier today.

TOTH: I apologize, Madam Chair. I was focused on some other things and may not have been in here when that bill was laid out.

COLLIER: Well, it deals with the same courses, ethnic studies, of Mexican American studies, and—

TOTH: I was probably not in here when that bill was laid out. I apologize.

COLLIER: Well, I just want to make sure that bill is not impacted by this bill. Like, it's not going to wipe it out? It's still going to be able to go through? It doesn't have any adverse impact on **HB 1504**?

TOTH: Madam Chair, you know, it was distressing earlier to hear the word "ban"—b-a-n, ban.

COLLIER: I didn't say ban. I said would it have an adverse impact.

TOTH: I know. Earlier, that expression was used.

COLLIER: I didn't use it. I said is going to have an adverse—

TOTH: And I appreciate that, but this doesn't do anything to ban. It doesn't do anything to stop the free flow of discussion on current events or studies—any form of ethnic study.

COLLIER: Okay, so I just want to make sure that the existing program that is in place right now under the State Board of Education, which is a statewide course in ethnic studies, will not be impacted under the provisions of this bill. Is that correct?

TOTH: This bill very clearly says that we should explore these topics from a diverse and contending perspective without giving deference to any one perspective. I think we're all capable of doing that. I can think back to seventh grade when in a science class, a teacher laid out evolution and creation. And as a Christian, she laid out evolution. Even though she didn't agree with it, she still laid it out to the best of her understanding what it consisted of.

COLLIER: Okay, but these courses focus specifically on Mexican American studies and African American studies. I just want to make sure that's what they're going to be teaching about. And if you haven't had a chance, I hope you looked at the course, because the curriculum is already provided. And I want to make sure—

TOTH: I look forward to discussing it further with you.

COLLIER: Okay, but you just said that they're not impacted. They're not affected under the provisions of this bill. Those courses can move forward.

TOTH: This bill, again, if you want me to read this to you again, I will, what this bill says.

COLLIER: No, no. I'm just trying to figure out what your bill does. And right now you told me what it doesn't do. And so your bill does not impact the existing curriculum of ethnic studies in the social studies program.

TOTH: The bill simply asks that we do this—we talk about these issues from a diverse and contending perspective without giving deference to any one perspective.

COLLIER: Okay, again, these are going to be taught about those particular issues. So I appreciate you acknowledging that those courses and those programs will not be impacted under the provisions of this bill.

TOTH: I think I've answered the question.

REPRESENTATIVE DAVIS: So I've been trying to pay attention to what everyone's been saying the last few days and I know last night you took several amendments. So I want to start with the bill that's before us now as amended. What amendments—do you know what the bill looks like now with the amendments that you took?

TOTH: Is there an amendment that you want to speak about specifically, Representative?

DAVIS: No. I want you to tell me what this bill looks like.

TOTH: I'd be happy if you want to lay out what amendment you'd like to talk about. I'd be happy to talk about it.

DAVIS: I'd like to talk about the amendments that you took last evening. What did it do to the bill that was previously filed?

TOTH: Which one?

DAVIS: All of them. One through 20 or whatever you took.

TOTH: I'm not going to—I don't have one through 20 amendments in front of me.

DAVIS: Is it your intent—

TOTH: If you would like, we can take a moment and we can go pull all those amendments, if you'd like.

DAVIS: I think it's important for us to know what the bill looks like as amended. So if you could just speak—

TOTH: You actually have that on your Surface Pro. If you'd like to stop, we can stop and we can print all those out and go over that.

DAVIS: I know. But I get to actually ask the author that, too. What does your bill look like based on the amendments that you took last night? That's my question. Do you know what the bill looks like based on the amendments you took last night? In terms of the changes that were made to the bill.

TOTH: Ma'am, I looked at each individual amendment. I don't have all those amendments in front of me right now, as I'm sure—you've been here for several years. You understand that. Now if you'd like, we can—

DAVIS: No. But I also understand that when we have a bill and we accept many amendments we typically know what the bill ended up looking like.

TOTH: I know what the bill looks like. We took several amendments regarding a lot of different literature. We took an amendment that speaks to white supremacy being equated with the Ku Klux Klan. What else would you like to talk about? Which other amendment?

DAVIS: Well, you know, it's interesting that you—

TOTH: We took an amendment to make sure that civics would be more freely discussed. Which other amendment would you like to talk about?

DAVIS: Well, I'd like for you to tell me about the bill as amended—all of them, instead of you just kind of casually throwing out something. Because you have some specific things that this bill is doing, and I want to know if those things actually occur or were changed. Or did we change them because of some amendment.

TOTH: You were here last night and you voted on these amendments.

DAVIS: Okay. So the other question is, is it your intent to keep those amendments or is it your intent to not keep those amendments?

TOTH: Why? You know, I took these amendments. Why wouldn't I take these amendments?

DAVIS: Because you have the ability to take them off in the senate. So that's my question.

TOTH: I'm not in the senate, ma'am.

DAVIS: No. No, but you have the ability for those amendments to be removed.

TOTH: I can't speak for the senate or what the senate will or won't do.

DAVIS: I didn't ask you to speak for the senate.

TOTH: I can't speak for whether or not the senate will amend this.

DAVIS: I asked, is it your intent? Is it your intent to fight to keep those amendments on that were put on last night? That was my question. Not whether the senate does it. Not whether you can tell the senate to do it. My question is, do you plan to fight for the amendments that you accepted last night?

TOTH: I can tell you that—let me speak to one of the amendments, if I could. Representative González gave me an amendment that deals with women's suffrage and it speaks to Susan B. Anthony and Elizabeth Cady Stanton. And I was happy to take that amendment. These are two women suffragettes that are Christians. They were pro-life. I was really happy to take that amendment. And there are plenty of other amendments that had some great material.

DAVIS: And so that's why I was asking you, to what extent did you improve the bill? That was the point I started off with is tell me the amendments that you took so that I could determine whether or not the bill got better or it got worse.

TOTH: I'm sorry. Would you please restate the question, Representative?

DAVIS: And so the reason I started out my comment or my questions had to do with, did we put amendments on here that improve the bill, number one.

TOTH: Yes.

DAVIS: You don't remember any of the amendments, though, so you can't speak to that.

TOTH: I think I've spoken to four or five of them so far.

DAVIS: Other than the two—

TOTH: I think I've spoken to four.

DAVIS: And then the question was whether or not you intended to fight for those amendments so that they might stay on if we get into that situation with the conference.

TOTH: I'm happy with the bill as it's leaving the house, but I can't make any commitment for what the senate will do.

DAVIS: And I didn't ask you to make a commitment for the senate. I asked for you to tell me what your commitment would be to these amendments.

TOTH: I'm happy with the bill as it is, and I won't speak to what the senate will do.

DAVIS: And so—okay. And so in your effort to tell me why this is a good bill, could you tell me if your bill still allows government entities—one of the things you put in here is you want to teach the structure, function, and process of government institutions at the federal, state, and local levels. Is that still something in your bill?

TOTH: Yes, it is.

DAVIS: And so one of the challenges for me is that here in this body, we keep usurping the authority of local government. And so in this bill, we're now saying we need to teach about local and federal and state government? The functions of the different governments? I want to find where the consistency is, so that's why I'm asking this question.

TOTH: What's the question? I apologize. I'm not sure what the question is. I got a good statement out of you, and I understand the statement.

DAVIS: The question was, in your bill today, if you're still talking about the need to talk about the structure of our government and functions, including the processes of our government at the federal, state, and local levels?

TOTH: We never took that out of the bill.

DAVIS: You did not take it out of the bill?

TOTH: We did not.

DAVIS: And so I'm trying to understand then, have you been voting—and the reason this is important—against taking local authority away from local governments? I just want to make sure we're going to keep that in.

TOTH: Ma'am, this bill doesn't deal with the authority structure of local government, and I'd just as soon that we stay on the bill.

DAVIS: It does. Your committee substitute does speak—

TOTH: My bill does not do anything to change local government structure.

DAVIS: It speaks to the structure and function and processes of our government. So I was trying to make sure I understood that you left the notion that there are different levels of government and different functions and they have a role in the process.

TOTH: Yes, ma'am.

DAVIS: And so to the extent that we took amendments, we did not take that out, right?

TOTH: No, ma'am.

DAVIS: Okay. I had a question relative to the prohibition of employees of state agencies, district, and charter schools being able to engage in training and development. Are we taking that out?

TOTH: Why don't you—will you please refer to what line of the bill you're referring to?

DAVIS: I'm like you. I don't have the bill because you made amendments. That's why I'm asking you to tell me the things that you did.

TOTH: It's on your Surface Pro. Or if you give me just where in the bill you're talking about, then I'll refer to the bill.

DAVIS: In your bill that we did last night, that we amended last night, does it prohibit an employee of a state agency, district, or charter school from being required to engage in training? Do they have the ability—do school districts—I'm just trying to ask. Does your bill—I know last night you spent great deal of time talking about white supremacy and slavery, and I'm wondering if in any of the amendments, did they reinstitute either of those in the curriculum to discuss reinstituting slavery or reinstituting white supremacy? I'm just trying to understand this.

TOTH: Does my bill reinstitute slavery or white supremacy? I'm not sure I understand the question.

DAVIS: No, you had discussions. No, your bill is unclear to me because there were so many discussions about those topics. Amendments went back and forth and discussion was unclear. And so I'm trying to understand, did it deal with that or not? What are we doing with this bill? What is it trying to accomplish? It's unclear to me. And the 20-something amendments you took makes it even more unclear in terms of what your goals and objectives are for this legislation.

TOTH: That's why we have Surface Pros on our desks so that we can see what the bill consists of.

DAVIS: Yes, but I got you right here. I don't need to go to my Surface Pro. I got the author right here, so why can't I ask my questions?

TOTH: You can. Just you've got your Surface Pro.

DAVIS: Okay, so let me ask my questions. Quit referring me to the computer. This is your legislation. And as a member of this house, I can ask you—

TOTH: If you'd like, ma'am, we can go and print the bill out with all the amendments. I'd be happy to do that.

DAVIS: You can do whatever you need to do to know what you're presenting to us to ask us to vote on.

TOTH: Do you have a specific question about a specific amendment?

DAVIS: I just told you. I want to know, based on amendments that you took last night—

TOTH: And I could speak to any of them.

DAVIS: —how did the bill change? You know, if they're telling you what to tell me, tell them to go get you the bill and tell us how it changed.

TOTH: Again, I told you, I'd be more than happy to print the whole thing out and answer any questions if you'd like that.

DAVIS: I think that you ought to be able to tell us what changed in the bill so that we would know what's current that we're speaking on today.

TOTH: I'd be more than happy—I respect your position. I'd be more than happy to print the whole thing out and go through it line by line with you.

DAVIS: Well, that would be great. Now, when are we going to do that?

TOTH: We can do it right now if you'd like.

DAVIS: That's fine for me. That's why I'm asking you. You know the amendments you accepted. I don't know what all you accepted. I don't know how we got into talking about white supremacy and slavery but we did. And so I'm trying to understand, where did we go with this bill that started out being about people can't be involved. So let me ask you something. Is this something that we ought to ask the State Board of Education to be studied instead of the legislature trying to define criteria that has nothing to do with what we do from a policy standpoint?

TOTH: I think we as representatives need to represent our districts. And I had a parent in my district that sent a video to me about critical race theory being taught in the high school, my local high school. That video has had 200,000 or 300,000 views on TikTok. And the teacher in a language arts class is disparaging children for not adopting and not believing in critical race theory. So I think we all represent our districts, and I think it's our responsibility to represent our districts relative to what parents ask of us.

DAVIS: My question was, based on your attempt to represent your district and the need to figure out what it is that has this TikTok thing going so far, would you be amenable to a study to review this and have some intense study in this area instead of us trying to write curriculum on the house floor?

TOTH: No, ma'am.

DAVIS: You would not be willing to do that? We are going to mandate to the State Board of Education what they will and won't do. So my question is, are we telling the interns that work here at the Capitol that that has no value, their involvement here has no value, and therefore they can't get extra credit for that? The time they're spending here in the legislative process? Is that what we want to tell the young folks who are working here at the Capitol?

TOTH: Interns are still allowed. Practicums are still allowed.

DAVIS: It says that you prohibit them getting grades for that. Did that change in the bill yesterday from last night?

TOTH: As long as it's not lobbying, as long as it's not CRT-related, they can still do it.

DAVIS: Your bill says that they can't do that. So did we take an amendment to fix that?

TOTH: What line are you looking at?

DAVIS: Somewhere in your bill.

TOTH: Representative, what line are you looking at in the bill?

DAVIS: I don't have the bill back here with me, sir. But I would figure you would know where your bill is if it says it or if it doesn't say it, that students can't be—they can't get extra credit. So yes or no, is that still in the bill or not?

TOTH: If you could tell me where you're at in the bill, I'd be happy to answer your questions.

DAVIS: It's in your bill and I figured you know your bill better than I do and so you would be able to tell me whether you left that in there or if it was taken out last night.

TOTH: So let me read that. I found it for you. Do you want me to read it to you?

DAVIS: I'm sorry. I didn't hear what you said.

TOTH: I found—you're talking about page 2, (h-3)(3). Do you want me to read that to you?

DAVIS: You can read that to me and see if it was amended last night. I'm happy to listen to you read it to me.

TOTH: Okay, let me read that to you: "A school district, open-enrollment charter school, or teacher may not require, make part of a course, or award a grade or course credit, including extra credit, for a student's work for, affiliation with, or service learning association with any organization engaged in lobbying for legislation at the federal, state, or local level." So if someone wants to work here as an intern, they can do that and get credit for it, provided that they're not lobbying.

DAVIS: Does lobbying include advocating for a particular bill?

TOTH: It says, "political activism, lobbying, or effort to persuade members of the legislative or executive branch." I have interns in my office.

DAVIS: Did you take a VanDeaver amendment that maybe took that out?

TOTH: It brought clarity to it is what it did. It took (3) out. It took (3) out so that it would be more easy for them to do that.

DAVIS: Could they have—could they be advocates for a particular policy? Could they advocate for a particular policy?

TOTH: No.

DAVIS: So we don't want our interns that are here talking to us about what goes on at the various institutions they go to talking about what works and doesn't work and why there's a question about it. They can't ask that question of us?

TOTH: They can't be used for lobbying purposes, ma'am. Representative, if you'd like, after we—everyone in this room has access to the bill. If you'd like to sit down afterward, I'd love to discuss it with you.

M. GONZÁLEZ: First question, would you consider yourself a fiscal conservative?

TOTH: Yes.

M. GONZÁLEZ: Have you done a fiscal analysis of this bill after adding the multiple amendments and the money it will cost for the SBOE to review all of the new documents you added?

TOTH: We actually brought it to the attorney general's office because there was no fiscal note with it, and we wanted to make sure, extra sure, that there was no fiscal note.

M. GONZÁLEZ: What does the attorney general have to do with fiscal notes? Why does the attorney general have anything to do with fiscal notes?

TOTH: We wanted to make sure that it didn't change existing law which would cause a burden on any agencies or districts.

M. GONZÁLEZ: Do you know how the SBOE reviews documents and all the process it goes through and all that cost that goes into the reviewing of documents? Do you realize that the fiscal note for this bill is now gigantic? And as a fiscal conservative, I was wondering if you had an opinion to that. Are you okay with just spending millions of taxpayer dollars on your bill because we haven't analyzed it appropriately fiscally? Money that could be going toward other places?

TOTH: This bill does not impact the State of Texas that way. And if, in fact, anything, it will save the State of Texas millions of dollars by virtue of the fact—

[HB 3979, as amended, was passed by Record No. 982.]