

## VIA Federal eRulemaking Portal

The Honorable Miguel Cardona  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202

May 17, 2021

I am writing to express my deep concerns with the proposed priorities of the Department of Education (Department) for the American History and Civics Education programs, including the Presidential and Congressional Academies for American History and Civics and National Activities programs, Assistance Listing Numbers 84.422A and 84.422B.<sup>1</sup> The federal government should have no role in the creation of an American history and civics curriculum for K-12 education, and this very proposal is evidence of why the involvement of federal bureaucrats in education is misguided.

Of grave concern to me is the use of the undefined term “equity” in education. Last year, now-Vice President Kamala Harris recognized that “equity” is different than equality and suggested that equality means “everyone should get the same amount,” whereas equity is “about giving people the resources and the support they need, so that everyone can be on equal footing, and then compete on equal footing. Equitable treatment means we all end up in the same place.”<sup>2</sup> The Department’s proposal suggests that America is a systemically racist nation and seeks to divide the nation based upon race and identity.<sup>3</sup> But doing so inappropriately emphasizes our differences and undermines what unites us as Americans.

Imposing a standard of equity violates the constitutional ideal of equality as well as the ideals expressed in existing civil rights law that demand equal protection regardless of a person’s “race, color, religion, sex, or national origin.”<sup>4</sup> Further, a standard of equity caters to the divisive and detrimental idea Ibram X. Kendi espoused when he wrote that “the only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination.”<sup>5</sup> If pursued, the Department’s proposed standard will undermine the American principle of equality that has led to significant progress in our nation, such as the

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<sup>1</sup> “Proposed Priorities-American History and Civics Education,” A proposed Rule by the Department of Education on April 19, 2021. <https://www.federalregister.gov/documents/2021/04/19/2021-08068/proposed-priorities-american-history-and-civics-education#footnote-3-p20349>

<sup>2</sup> Kamala Harris, Twitter. (Nov. 1, 2020), <https://twitter.com/kamalaharris/status/1322963321994289154?lang=en>.

<sup>3</sup> “Proposed Priorities-American History and Civics Education.”

<sup>4</sup> 42 U.S.C. § 2000d.

<sup>5</sup> Kendi, Ibram X. “How to Be an Antiracist.” (August, 2019).

abolition of slavery, the passage of the Thirteenth, Fourteenth, and Fifteenth Amendments, the Civil Rights Act of 1964, and more.

Additionally, this proposal seeks to provide federal bureaucrats with the ability to control educational curriculum and digital media consumption, giving unelected and unaccountable individuals the ability to determine what constitutes “misinformation.” This is alarming because instead of allowing well-meaning Americans to deliberate amongst themselves about the accuracy of recorded historical events, federal bureaucrats have chosen to seize control of the narrative, endorsing revisionist history and propaganda campaigns such as the New York Times “1619 Project.” As one scholar put it, this project is “riddled with factual errors.”<sup>6</sup>

We have seen in recent years what happens when we indulge the cultural fragmentation of our national community. The critical race theory that undergirds the Department’s proposal does not celebrate diversity; it weaponizes diversity. It casts aside our national identity, instead sharpening hyphenated racial identities into knives and daggers as a means to cancel anyone daring to recognize the underlying reality behind the history of this country. While we are not without our mistakes as a nation, we have consistently sought to improve our society, so that *all* men and women – regardless of age, race, or religion – can flourish. It is dangerous for the federal government to knowingly support ideals and principles that pull us further apart, rather than those that bring us closer together.

Sincerely,



Michael S. Lee  
United States Senator

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<sup>6</sup> Morel, Lucas Ph.D. “A Review of the 1619 Project Curriculum.” The Heritage Foundation. (December 15, 2020).