



CHRISTOPHER T. SUNUNU
Governor

Governor's Advisory Council on Diversity and Inclusion

March 9, 2021

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His Excellency Christopher T. Sununu
Governor of the State of New Hampshire
State House
107 North Main Street
Concord, NH 03301

Dear Governor Sununu,

The Governor's Council on Diversity and Inclusion ("the Council") has several concerns about the pending bill, HB 544 "relative to the propagation of divisive concepts." Although the fate of this bill is uncertain, its passage carries the potential to impact both: (1) the ability of people working within and on behalf of the state to engage in honest, robust discussions on matters of pressing concern to Granite Staters and (2) ongoing efforts to create an environment in New Hampshire that is deeply rooted in principles of equity, diversity, and inclusion.

By its own terms, HB 544 would prohibit state actors and contractors with the state from teaching, instructing, or training "any employee, contractor, staff member, student, or any other individual or group" divisive concepts. This could include purely elective educational offerings within the state's university system.

The Council believes that the definition of "divisive concepts" and the prohibitions HB 544 endeavor to create carry the potential to undermine all of the work done within the Granite State over the past few years to promote diversity and inclusion and address the continued harms of racism. This includes efforts that you have championed over the past several years, such as the work done by and recommendations given by the Commission on Law Enforcement Accountability, Community, and Transparency ("LEACT"), the COVID-19 Equity Response Team, and this Council.

Additionally, the controlling nature of the bill could significantly impede important work by educators in this state and our institutions of higher learning. Critical Race Theory, implicit bias, and other concepts, ideas, and theories are a part of academic disciplines. For example, implicit bias is a concept discussed in Social Psychology courses. If this bill is enacted, the interpretation of the bill could extend to these courses.

The Council believes honest, robust discussion on significant issues such as racism and sexism is important and limiting conversations amongst all citizens of New Hampshire is not reflective of our state's embrace of freedom of speech and freedom of expression. The Council also believes that to ensure educational conversations relative to historical events dealing with race, racial identity, racism, gender, sex, or sexism are not hampered whether they take place in a scholastic or workplace setting.

The Council believes that to address harmful behavior, we must face our past, learn from it, and move forward with a clearer vision. Because of the work and research of genocide and other crimes against humanity by individuals, such as Dr. James Waller at Keene State College, we know the impact of creating repressive measures like those outlined in HB 544. Once language and dialogue are controlled, the path has been laid for other forms of repression to become normalized.

The Council respectfully urges you to continue to consistently speak up in support of equity, diversity, and inclusion efforts. You have demonstrated your commitment by creating committees and task forces to examine how our state is performing and to discover places where there is need for improvement to make the Granite State a more welcoming and inclusive state. You have championed the work and recommendations of this Council, LEACT, and the COVID-19 Equity Task Force in the past; to protect that work, the Council recommends that you to act against HB 544.

We look forward to continuing to work with you to make the State of New Hampshire a model for the positive impact of having equity, diversity, and inclusion as core values. Most of all, we want to work to continue protecting the rights of all Granite Staters to engage in open and honest dialogue to learn to live together.

Sincerely,

The Governor's Advisory Council on
Diversity and Inclusion