

March 26, 2026

Chairs Wolgamott and Robbins and Members of the Committee:

Pacific Legal Foundation is a nonprofit public interest law firm that represents clients free of charge when their constitutional rights are violated. We are devoted to dismantling unconstitutional barriers to opportunity and upholding the promise of the 14th Amendment for all Americans.

PLF has a long history of challenging the constitutionality of laws that include gender or race-based classifications in public contracting, school admissions, and appointments to public boards because these classifications perpetuate stereotypes and reduce individuals to mere groups.

Thank you for considering House File 3101. This bill promotes equality by ensuring students, employees, and other individuals are not required by institutions of higher education to espouse or adhere to certain viewpoints about others based on immutable characteristics like race and gender. This is unconstitutional, and Minnesota is not alone in taking steps to protect against this.

California was the first to address this problem in 1996, and since then 10 states have followed suit in different ways:

STATE	YEAR EFFECTIVE	POPULAR NAME	HOW CREATED
Arizona	2010	Prop 107	Constitutional amendment*
Arkansas	2025	Senate Bill 3	State statute (legislatively enacted)
California	1996	Prop 209	Constitutional amendment*
Florida	1999	Executive Order 99-281, One Florida Initiative	Executive Order
Idaho	2020	House Bill 440	State statute (legislatively enacted)
Indiana	2025	Senate Bill 289	State statute (legislatively enacted)
Michigan	2006	Proposal 2	Constitutional amendment*

(continued on next page)

Nebraska	2008	Measure 414	Constitutional amendment*
New Hampshire	2012	House Bill 0623 ¹	State statute (legislatively enacted 2011)
Oklahoma	2012	State Question 759	Constitutional amendment*
Washington	1998	Washington Initiative 200	Constitutional amendment*

* Approved through ballot initiative ! Excludes government contracting

The U.S. Constitution prohibits states from discriminating or enforcing policies that discriminate on the basis of race, sex, religion, or national origin. “At the heart of the Constitution’s guarantee of equal protection lies the simple command that government must treat citizens as individuals and not simply components of racial, religious, sexual, or national class.”[1]

Recently, the U.S. Supreme Court struck race-based admissions programs at Harvard and University of North Carolina under the Equal Protection Clause.[2] That’s because “[e]liminating racial discrimination means eliminating all of it. Accordingly, the Court has held that the Equal Protection Clause applies ‘without regard to any differences of race, of color, or of nationality’—it is ‘universal in its application.’”[3]

In other words, government of any level may not treat people differently based on race, sex, religion, or national origin or require others to do so.

Not only is this reform in line with other states, but it is in line with the state of Minnesota’s own stipulations in a case decided at the federal District Court of Minnesota in 2025. In this case, the American Alliance for Equal Rights challenged a law that required the governor to consider race when making appointments to the Board of Social work - denying opportunities for some qualified citizens to competently serve the public based on no reason other than the color of their skin.

The District Court dismissed the case based on a joint agreement that the Governor may not consider race or limit the pool of qualified applicants for appointments and acknowledging that Constitutional protections apply.

We urge your support for this reform. Thank you for your consideration,

Kileen Lindgren
Senior State Policy Manager

[1] Miller v. Johnson, 515 U.S. 900, (1995) (quotation omitted).

[2] See Students for Fair Admissions, Inc. v. Harvard College, 600 U.S. 181 (2023).

[3] Id. at 206 (quoting Yick Wo. V. Hopkins, 118 U.S. 356, 369 (1886)) (cleaned up).

[4] American Alliance for Equal Rights v. Walz, No. 0:24CV01748 (D. Minn. May 15, 2024).