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## DEI versus the Declaration of Independence

### Key Points

- DEI, masking itself as minority recruitment tools for students and faculty, distorts the affirmative terms of diversity, equity, and inclusion into divisive and alienating policies that weaken the academic strength of our students and faculty and alienate many, including minorities.
- Our country can either have the vision of humanity guiding DEI or it can have the moral vision of the 1964 Civil Rights Act, the Declaration of Independence, and the U.S. Constitution. It cannot have both.
- “Diversity,” in practice on our campuses, has come to signify an anti-merit perspective, leading a number of universities to lean toward banning words in job descriptions such as, “meritocracy,” “color-blind,” “best qualified,” and “good fit.”
- The Reverend Martin Luther King, Jr.’s insistence on color-blind equality, or meritocracy, would make him *persona non grata* in today’s DEI world.
- DEI’s notion of equity, or equal outcomes, stands in direct opposition to the thought of James Madison, hailed as “the Father of the Constitution.” For Madison, equal opportunity naturally yields unequal results—so long as people are free to express their different opinions and exercise their different capacities.

### Decoding DEI’s Deceptive Terminology

So-called Diversity, Equity, and Inclusion (DEI) programs have become the official ideology at a number of American universities today, including in Texas. DEI, masking itself as minority recruitment tools for students and faculty, distorts the affirmative terms of diversity, equity, and inclusion into divisive and alienating policies that weaken the academic strength of our students and faculty and alienate many, including minorities.

How did this happen? And why?

To begin, the terms, “diversity, equity, and inclusion” appear on their face to be among our country’s highest aspirations. To see the falsehoods lying at the foundations of DEI requires first an explanation of DEI’s use of these terms, and then a brief exploration of the vision of justice that informs the U.S. Constitution.

It will be seen that you can either have the vision of humanity guiding DEI or you can have the moral vision of the 1964 Civil Rights Act, the Declaration of Independence, and the U.S. Constitution.

But you cannot have both.

First, consider what these terms mean in practice.

“Diversity,” in practice on our campuses, has come to signify an anti-merit perspective, leading a number of universities to lean toward banning words in job descriptions such as, “meritocracy,” “color-blind,” “best qualified,” and “good fit” ([Yenor, 2021, p. 14](#)). Use of, or worse, adherence to, these core American principles, according to DEI’s defenders, constitutes, somehow, a refusal to recognize “diversity”—an offense so serious as to be fatal to one’s reputation and employment prospects.

Consider the consequences of this inversion of the meaning of ordinary words: According to DEI’s defenders, the Reverend Martin Luther King, Jr.’s 1963 “I Have a Dream” speech would be considered an assault on “diversity.” Why? Because King’s dream was that his children, and all our children, would come to be judged not on the basis “of the color of their skin,” but “on the content of their character.”

King’s insistence on color-blind equality, or meritocracy, would make him *persona non grata* in today’s DEI world.

What about “equity”? To the uninitiated, equity sounds a great deal like the term “equality.” And, given, the primal or creedal truth of our Declaration of Independence—that all of us “are created equal”—equity appears to be as American as it could be.

But this is not the case, as can be seen after examining *Federalist 10*, written by James Madison. *The Federalist* is a series of 85 essays written to explain and defend the proposed Constitution during the ratification debates of 1787–1788. It is regarded as the most authoritative commentary on the U.S. Constitution ever written.

In the *Federalist 10*, Madison argues that, because human beings have different gifts and interests, in a free society this will lead to different “degrees” (amounts) as well as to different “kinds” of property (meaning, different occupations; [Madison, 1787, para. 6](#)). In short, for Madison, our third president, equal opportunity—the Declaration’s meaning of equality—will lead to unequal results. He recognizes that, in a free society, such differences will naturally give rise to “faction,” that is, to groups animated by agendas contrary to the common good. He tells us that, factionalism is the cause of “the mortal diseases under which popular governments have everywhere perished” ([para. 1](#)). Factions can be dealt with in one of two ways: first, by eliminating the causes of faction, or second, by controlling its effects ([para. 3](#)).

It is at this point in Madison’s argument that we confront the issue of the distinction between equality, as trumpeted in the Declaration, and equity, as understood by DEI. Here Madison remarks that,

There are again two methods of removing the causes of faction: The one by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests. ([Madison, 1787, para. 4](#))

Both “solutions”—that is, removing the causes of faction—Madison finds to be anathema to the American experiment in self-government. He remarks,

It could never be more truly said than of the first remedy, that it is worse than the disease. Liberty is to faction, what air is to fire, an aliment without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal

life because it imparts to fire its destructive agency. ([Madison, 1787, para. 5](#))

Madison has equal disdain for the second method of removing the causes of faction—government-enforced homogeneity, or as he states it, “giving to every citizen the same opinions, the same passions, and the same interests” ([Madison, 1787, para. 4](#)). This “second expedient is as impracticable, as the first [destroying individual liberty] would be unwise” ([para. 6](#)). Its impracticality stems from its failure to recognize key facts of human nature: that there is by nature a diversity of “opinions” about justice and injustice as well as “the diversity in the [productive] faculties of men from which the rights of property originate” ([para. 6](#)).

Precisely such a denial of liberty, in the service of squelching different opinions, is what DEI’s notion of equity produces in practice. Why? “Equity” aims at equal outcomes, which, given our different opinions and interests, could be achieved only through what for Madison would be a radically unnatural, anti-freedom agenda.

In short, DEI’s notion of equity, or equal outcomes, stands in direct opposition to the thought of James Madison, hailed as “the Father of the Constitution.” For Madison, equal opportunity naturally yields unequal results—so long as people are free to express their different opinions and exercise their different capacities.

Finally, what is the meaning and what are the effects of DEI’s notion of inclusion? Inclusion under DEI does not mean the inclusion of all different opinions. In fact, DEI’s conception of inclusion carries with it the necessary *exclusion* of dissenting opinions, as is seen by the numerous “shout downs” and other acts of censorship at universities that have become legion over the past two decades (with the latest example coming from Stanford Law School, where the Diversity Dean supported the shout down and harassment of scheduled speaker, Judge Kyle Duncan; [Poff, 2023](#)). The “diversity” that DEI establishes on our campuses is, in practice, a monolith of like-mindedness. On too many of our university campuses, “inclusion” belongs only to those who agree with DEI’s tenets. The nonpartisan Heterodox Academy’s 2022 national student survey finds that “63.2% of students agreed that the climate on their campus prevents people from saying things they believe because others might find those views offensive” ([Heterodox Academy, 2023, “Key Data Points” section](#)).

In sum, the American ethos is defined by our commitment to the principles of equality of opportunity, individual liberty, and merit-based advancement. All these core American principles run counter to the precepts of DEI, which produces, not “diversity,” but coerced uniformity of opinion; not “equity,” but the denial of equal opportunity; and not “inclusion,” but, rather, the exclusion, including the shaming and canceling, of those with dissenting opinions.

Further exploration into the nature and genesis of DEI would require a serious study of, first, Karl Marx. For Marx, class-antagonism is the driving force of all history: “The history of all hitherto existing societies is the history of class struggle,” is the first sentence of the first chapter of his *Communist Manifesto* ([Marx, 1848, p. 14](#)). Marx inspired what is known as “Critical Theory,” one offshoot of which is Critical Legal Theory, which, following Marx, views all laws and legal theories as attempts to protect the wealth of the ruling class ([Cornell Law School, n.d.](#)).

Critical Race Theory (CRT) followed Critical Legal Theory. CRT focuses both on economics and race as the keys to deciphering law, government, and human life itself. Gender Theory also arises from this matrix, resulting in the DEI trinity of “Race, Class, and Gender.” Whereas the Declaration’s vision of equality emphasizes our shared humanity, regardless of immutable characteristics, Race, Class, and Gender Theory or Studies stresses not what unites us, but what separates us. As we saw above, all these theories run directly counter to the core American principles of meritocracy, initiative, and individual achievement.

## DEI Is the New Racism

In light of the above, we come to recognize that DEI programs serve as the activist follow-up to CRT, which defines America as a bastion of “white supremacy.” DEI uses singularly focused, race-conscious policies as part of an effort to ensure that faculty, students, and administrators are transformed to see racism and white supremacy everywhere. This is what “woke” means.

DEI uses its programs to change individual mindsets, specifically, teaching white kids about systemic racism, inherent bias, and their privilege by distorting the facts of history to accord with CRT’s principles.

For example, one famous, CRT-compliant document, the *New York Times*-sponsored “1619 Project,” argues that protecting slavery was among the primary reasons

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our Founders fought the Revolutionary War ([Silverstein, 2020](#)). When a group of prestigious historians exposed this assertion as a blatant historical falsehood, the 1619 Project’s lead editor, Nikole Hannah Jones, dismissed their arguments with an *ad hominem* attack, remarking that the arguments provided by these nationally recognized scholars were merely the mutterings of “old, white male historians” ([Riley, 2020, para. 4](#); see also [Kaufman, 2019](#)).

That this use of the *ad hominem* argument—which is a fallacy in logic ([Herrick, 2014](#))—could be offered so blithely in an academic debate is a powerful, worrisome sign of the misogyny and toxicity of CRT. Arguments seem no longer to matter; neither does evidence. What matters, instead, is race. Such a pernicious view used to be regarded, rightly, as an example of racism.

Consider this: When we speak of education, another way to understand it is to speak of “our future,” as in the maxim that “the philosophy of the schoolroom in one generation will be the philosophy of government in the next.”

What, we may ask, will the future look like when racial affiliation comes to trump reason and logic? It is not hard to imagine. CRT teaches racial separateness. With greater separateness between communities, greater misunderstanding can be expected to ensue. With greater misunderstanding, the possibility of greater hostility comes. With greater hostility, violence. This is the future promised by CRT.

Is this the future we want for our children and grandchildren?

Taking its ideological bearings from CRT, DEI is a complex, university-wide program of initiatives, personnel, training, and policies that work in tandem to create behavior- and attitude-changing incentives and punishments. This effort to compel ideological conformity extends to the curriculum, to admissions of new students, to hiring of new faculty, and to student and faculty disciplinary measures.

Evidence for the above description of DEI's scope and method is provided by the National Association of Diversity Officers in Higher Education (NADOHE), which very openly admits this, describing their work as

engag[ing] in ongoing ways to incorporate alternative narratives in the curriculum and provide robust learning opportunities on the history of racism, colonization, and conquest and on how higher education and other sectors of society have been complicit in maintaining systems of privilege. These learning opportunities should also include racism mitigation. (Pickett et al., 2021)

NADOHE's admirably honest public declaration of its intent should dispel any lingering illusions regarding the possibility of peaceful coexistence between DEI and Madisonianism.

## Conclusion

As should be clear from the above, America stands at a crossroads: It can re-embrace the color-blind, meritocratic principle of equality of opportunity, enshrined as primary among the self-evident truths listed in our Declaration of Independence, or it can continue to bow to DEI's trinity of race, class, and gender.

But it cannot do both.

Lincoln warned that a house divided against itself cannot stand when it came to the fundamental issue of slavery versus freedom—we must become a nation entirely free or entirely enslaved, for the two opposite moral principles cannot coexist. For the reasons cited above, the same forecast holds for the issue of DEI versus the American way of life. ★

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## ABOUT THE AUTHOR



**Thomas K. Lindsay, Ph.D.**, is the distinguished senior fellow for Next Generation Texas. He has more than two decades' experience in education management and instruction, including service as a dean, provost, and college president.

Lindsay was the director of the National Endowment for the Humanities' (NEH) signature initiative, *We the People*, which supports teaching and scholarship in American history and culture. He was later named deputy chairman and chief operating officer of the NEH.

Lindsay co-authored the American government college textbook *Investigating American Democracy* with Gary Glenn, published by Oxford University Press. He has published numerous articles on the subject of democratic education, many of which have appeared in the world's most prestigious academic journals, including the *American Political Science Review*, the *Journal of Politics*, and the *American Journal of Political Science*.

Lindsay has published articles on higher-education reform in *Real Clear Policy*, *Los Angeles Times*, *National Review*, *Inside Higher Ed*, *Washington Examiner*, *Knight-Ridder Syndicate*, *Dallas Morning News*, *Houston Chronicle*, *American Spectator*, *Forbes*, and the *Austin American-Statesman*, among others.

In recognition of his scholarship on democratic education, Lindsay was the 1992-93 Bradley Resident Scholar at the Heritage Foundation in Washington, D.C.

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