



Representative Wes Goodman

District 87

**House Bill 363 – Sponsor Testimony
Higher Education and Workforce Committee
October 25th, 2017**

Chairman Duffey, Vice Chair Antani, Ranking Member Sweeney, and members of the committee, thank you for the opportunity to provide sponsor testimony on House Bill 363.

“Truth is great and will prevail if left to herself ... she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted to freely contradict them.” –Thomas Jefferson, 1777

The First Amendment is often referred to as America’s First Freedom because of the principles that it enshrines. Namely, that government cannot restrict our rights to freedom of religion, speech, the press, assembly, and to petition our government. As policy makers, our duty is to ensure that these freedoms are respected and protected for all Ohioans.

That is why we are introducing the Campus Free Speech Act. This common-sense legislation is based on a simple premise: that the laws, policies, and conduct of Ohio’s public universities be fully consistent with the First Amendment. College is a transformative time for Ohio’s young people as they learn and grow into the next generation of Ohio leaders and citizens. A free and open exchange of speech and ideas is critical to ensuring that our students have the most meaningful and impactful education experience in a way that prepares them to be active and engaged citizens in our Republic.

Several states in recent months and years have adopted policies on a bipartisan basis to maximize First Amendment freedoms on college campuses. This is not about privileging or advancing one viewpoint over another, or about stifling opinions we disagree with or even find abhorrent. This is about ensuring that Ohio’s students have every ability to freely and peacefully debate ideas, pursue truth, and reject error.

Unfortunately, in recent years free speech has been devalued on college campuses—a place where it is needed most—signaling a dangerous closing of the American mind. Incidents like those at UC Berkley, Evergreen State, and the University of Missouri are symptoms of a

creeping mentality in our nation that views speech we disagree with as inherently hateful, violent, and unprotected by the First Amendment. Rather than teaching our students the value of reasoned debate in the face of fierce disagreements, our universities have too often bowed to the demands of radical activists, cancelling events and disinviting speakers who cause controversy.

While Ohio has been fortunate to avoid much of this turmoil, the Foundation for Individual Rights in Education still finds that all but one of our public universities maintains policies “that could be interpreted to suppress protected speech or policies that, while clearly restricting freedom of speech, restrict only narrow categories of speech.”

A 2016 Gallup poll found that roughly 2/3 of college students support restrictions on “intentionally offensive” language. The same poll found that 27% support restricting expression of political views “that are upsetting or offensive to certain groups.” As lawmakers, we must do what we can to stem this tide and protect this fundamental right in our Constitution.

In order to remedy any current violations and ensure that free speech is fully protected under the law in the future, Representative Brenner and I have introduced H.B. 363. My joint sponsor will walk you through the details of the legislation, but I would like to leave you with a few points to consider in support of the legislation.

First this bill protects free speech by putting into the Ohio Revised Code the rights that students and speakers enjoy under the First Amendment. Similar to other constitutional protections placed in the ORC, this ensures the fullest possible protection of our rights.

Second, this bill protects universities by providing clear guidance on campus speech issues, rather than forcing them to rely on ad-hoc decision making. When universities are challenged on their decisions, they can point to specific provisions in state law that guide their actions. The bill also insulates universities from headline-grabbing controversies like we saw at the University of Missouri. Freshmen enrollment at the university has declined by 35% in the last two years; the school has been forced to close seven dorms and eliminate 400 positions.

Third, this bill provides an opportunity to educate students about the importance of free speech in a free society. A combination of political polarization and poor civics education has led millions of young people to treat the First Amendment as a threat rather than a blessing. By exposing students to ideas they dislike and stressing the broad natural rights found in our Constitution, we can help our best and brightest once again embrace the civil society that makes our country special.

Finally, each of us has arrived at this point in our lives and careers by vigorously and thoroughly debating our ideas and principles. Each of us has been freely challenged on our viewpoint and engaged in peaceful debate about our deeply held beliefs. We have pursued truth and rejected those ideas we find in error, or even bigoted and hateful. It is only through that process of free expression and debate, and not through government suppression or censorship, that the free minds and free people who have made our country special for centuries can continue to flourish.

It is our charge to carry that forward for the next generation of Ohioans.

Thank you for your time and I look forward to answering any questions.