

Testimony of Matthew Kraus, Ph.D.  
Before the House Higher Education Committee  
Rep. Tom Young, Chair  
November, 15 2023

Chair Young, Vice Chair Manning, Ranking Member Miller, and Members of the Higher Education Committee:

My name is Matthew Kraus and I am a professor of Judaic Studies at the University of Cincinnati, where I have taught for 20 years. I do not represent the University of Cincinnati but rather am submitting testimony as a private citizen in opposition to Substitute Senate Bill 83.

SB 83/HB 151 proposes amendments to the Ohio Higher Education Enhancement Act that undermine the mission of higher education. While deeply problematic on a number of levels, the bill permits the proliferation of destructive falsehoods that subvert rather than protect freedom of speech. In fact, contrary to a recent claim that the Senate Bill will prevent another Kristallnacht (Jerry Cirino, “The Growing Danger of Kristallnacht on Campus” *On The Record*, November 10, 2023), this bill makes a state sponsored pogrom against marginalized and unprotected people more likely. I write this as a professor with experience teaching about the Holocaust.

This legislation would make it permissible for students to share the view that the Nazi boycott of Jewish businesses, the Nuremberg laws, and expulsion of Jews from universities in order to unify the German race which was being polluted by Jews was sound governmental policy. It was the Nazi effort to eliminate diversity, equity, and inclusion that ultimately led to Kristallnacht and the more horrific destruction to follow. In fact, the Nazi program also sought to exclude Blacks, Roma, and ultimately socialists, trade unionists, homosexuals, and the disabled.

This understanding is consistent with the language of SB 83, where it says “faculty and staff shall allow and encourage students to reach their own conclusions about ALL controversial beliefs or policies,” [emphasis added] and universities may not “discourage... students, faculty, or administrators to endorse, assent to, or publicly express a given ideology, political stance, or view of social policy.”

That the legislation allows the defense of “social policy” that produced Kristallnacht is the reason why Senate Bill 83 is deeply flawed and harmful legislation.

The claim that eliminating DEI somehow will prevent another Kristallnacht and the subsequent “reign of terror, death and destruction” indicates that lessons of the past have not been learned. It

was in fact the state-led legislative effort to exclude people from German society that resulted in the loss of life and property. I would be remiss, too, if I did not mention the Evian Conference, a long-recognized immediate cause of Kristallnacht. In July of 1938, 31 out of 32 countries refused to accept Jewish refugees with the Australian delegate famously remarking, "as we have no real racial problem, we are not desirous of importing one." Four months after these countries shut their doors to diversity, equity, and inclusion, the Germans perpetrated Kristallnacht. And yet this proposed law makes it unacceptable for a professor to correct students and inform them that the legislation implementing the racially unifying program of "aryanization" laid the groundwork for the Kristallnacht pogrom.

We have a responsibility for all our students – both the ones who share lies about the Holocaust, and those who hear these lies. In fact, a number of countries, including Germany, Austria, France, Poland, Spain, Israel, and Canada, have passed legislation criminalizing Holocaust denial – yet SB83 allows the proliferation of Holocaust denial and the social policies that prepared its implementation.

We must not allow this overreaching governmental micromanagement into our classrooms. We professors know the difference between facts and opinions. We know how to tolerate and manage conflicting opinions, and we know when it is our duty to respond in no uncertain terms to falsehoods that are cleverly and incorrectly represented as credible beliefs.

I urge our Ohio legislators to remember the lessons of history. SB 83 says "no process or decision regulating conditions of work or study" can be used to discourage students to "endorse, assent to, or publicly express a given ideology." SB 83 permits the unchecked spread of ideologies like Nazism and Antisemitism that caused Kristallnacht and the Holocaust in the first place.

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