

Testimony of Angela May Mergenthaler, Ph.D.  
Before the House Higher Education Committee  
Rep. Tom Young, Chair  
November 29, 2023

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

My name is Angela May Mergenthaler, and I am Associate Professor of Germanic Languages and Literatures at Ohio State University, where I have been teaching for over fifteen years. I do not represent Ohio State University, but rather am submitting testimony as a private citizen in opposition to Substitute Senate Bill 83. I am strongly opposed to SB 83, as I believe it will greatly harm higher education in Ohio, and the economy and culture of our beautiful and thriving state.

I came to the US first in 1995 as a Fulbright student, and I returned for my Ph.D. as soon as I could, just two years later, as I was enthralled by the American Higher Education system, which fostered more innovative research in my field – German Studies – than in Germany, the country where the field emerged. In fact, most recent trends in literature and culture, such as Environmental Humanities, Digital Humanities, Media Studies, and the rediscovery of women’s literature were kickstarted here in the US and have been taken up at German universities only several years later. The US is a leader of innovation in areas from culture, science, to the economy, among many others, thanks to its spirit of exploration and the intellectual freedom that shapes its colleges and universities.

This freedom feels even more important to me as a US citizen who was born in Germany—a country that endured two dictatorships in the 20<sup>th</sup> century and still suffers from the effects. From childhood, I saw the US as liberator from Nazi dictatorship. Living in West-Berlin in the 1980s, I witnessed how US support helped ensure that the peaceful revolutions in East-Berlin and East Germany and the fall of the Berlin Wall in 1989 culminated in a peaceful German reunification in 1990. Not long after Hitler and the Nazis took power, my mother’s father and his sister left Germany, because of their Jewish heritage. Their brothers, who had remained behind, died during WWII in German a mental institution, under dubious circumstances. My father’s cousin who grew up after the war in East Berlin asked for and received permission to leave East Germany in the late 1980s, just a few years before reunification, because he had experienced workplace bullying since his older sister had escaped to West Germany. In the West, my father’s cousin and his wife immediately found work with Siemens, and enjoying their newfound freedom and financial security, they took their first trip abroad to Florida. Before they left the GDR, we had visited them in East Berlin once a year and always brought them coffee and chocolate—both unavailable to them behind the iron curtain. I also remember the fear I experienced at the border crossings between West and East-Berlin, especially on occasions when our car was searched. I was justifiably afraid that we would be arrested because my father may have accidentally brought a German news magazine with him that was considered anti-Socialist. When we visited my relatives, we parked our car far away from their apartment building, and when we ate in a restaurant, we made only small talk for fear of wiretaps, or who might be listening around us.

In German literature and culture classes, students learn about the terrible destruction that the two German dictatorships brought about—from the terrors of the Holocaust and WWII to the

surveillance state of the GDR. Students also learn how culture can be a means to resist and undermine oppression. They recognize the value of personal, economic and political freedom, freedom of speech, and intellectual diversity.

On the background of my lived experiences, I fully embrace the desire of the sponsors' bill SB 83 to foster intellectual diversity on campus. However, I believe that this intellectual diversity is, today, largely alive and well at US colleges and universities, and that the proof is the thriving of innovation in this country that I described above. The policies that the bill proposes would stifle intellectual diversity and create a culture of surveillance and fear among Ohio's faculty, students and staff that would undermine the stated intentions of the bill's sponsors.

What particularly concerns me in this bill, as a professor who teaches German culture and language, is SB 83's prescription and surveillance of intellectual diversity (Sec. 3345.0217) and the fact that this surveillance can lead to disciplinary action against faculty. In combination with the new post-tenure review (Sec. 3345.453), this policy may, at least as I understand the bill, even result in the termination of faculty who are accused of not fostering intellectual diversity in their classrooms.

If someone reading my syllabus on German culture, that I am required to publish online (Sec. 3345.029), believes that I am not covering a certain viewpoint (and I am not even talking about extremes, like the viewpoint of a Holocaust-denier or Neo-Nazi!), they can file a complaint about me. And this complaint may not only cost me time to provide counter-evidence--precious time that I need to prepare my classes, to grade, to advise students, to administer our graduate program, or to produce research, which are all tasks according to which my performance is being judged annually by my department and that the bill also requires me to complete. A complaint about the lack of intellectual diversity on my syllabus may even cost me my job since the policy is combined with a requirement of new post-tenure reviews. These reviews are, furthermore, completely unnecessary, given the existing annual reviews that faculty already undergo every year and to which their pay increases are closely tied.

Furthermore, students in my classes may complain that I appear to not follow the policy to allow them to reach their own conclusions on an open-ended list of "controversial topics" *such as* "marriage," or "climate policies," "foreign policy," or "equity," based on the facts that are presented and discussed in class. Of course, it is the aim of pedagogy that students, seeking to acquire knowledge, learn critical thinking and are able to reach their own conclusions about what they encounter in the classroom. The problem is that when this aim is prescribed, and, at the same time, tied to a vague list of controversial topics and disciplinary consequences, teaching *any* topic becomes a nearly impossible and potentially career-ending task.

The limitations of the policy that appear to protect me from baseless complains are so vague as to provide no consolation and no protection:

I quote (line 847-850 of Sec. 3345.0217): "(E) Nothing in this section prohibits faculty or students from classroom instruction, discussion, or debate, so long as faculty members remain committed to expressing intellectual diversity and allowing intellectual diversity to be expressed."

How am I supposed to express intellectual diversity on German dictatorships or crimes against humanity? And how can I express intellectual diversity on any topic in class – or even utter a single sentence in front of my students, when I constantly have the fear on my mind that I may appear as not fostering intellectual diversity? When I fear that I am being monitored by students searching for a potential lack in intellectual diversity? How can such a looming threat promote balanced classroom discussions, or debates? How does it help me teach? I believe that the prescription of intellectual diversity does not help any of this. By contrast, it will severely constrain my teaching and students' learning.

Furthermore, the bill's policies will greatly lower the attractiveness of Ohio's public colleges and universities to both students and faculty. For who will want to teach and do research in an environment of surveillance and fear? What student will want to learn from professors who teach in an environment of surveillance and fear? How can students learn and acquire knowledge in such an atmosphere? I believe many students, faculty, and staff will be driven away from Ohio's colleges and universities, and the bill will therefore greatly harm our—in my view—excellent institutions of Higher Education in Ohio and, by extension the thriving culture and economy of the state.

I ask you to consider my testimony and vote No on this harmful bill. Thank you again for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'May Mergenthaler', with a long, sweeping horizontal stroke extending to the right.

May Mergenthaler