

Testimony on Senate Bill 83

My name is George Dent. I am a Professor of Law Emeritus at Case Western Reserve University School of Law in Cleveland. I am also a member of the Board of Directors of the National Association of Scholars and President of its Ohio affiliate.

I thank the Senate for allowing me to testify on Senate Bill 83 today, and I thank Sen. Cirino and his cosponsors for introducing this excellent bill.

This legislation is badly needed. I see that opponents of the bill are saying that it addresses nonexistent problems – keep moving, there’s nothing to see here. So I want state just a few reasons why this bill most definitely is needed.

But first I want to give a little background context. By the 1930s it was obvious that Karl Marx’s vision of the violent overthrow of liberal democracies by workers’ revolts was not going to happen. Marxist thinker Antonio Gramsci suggested that the left could instead gain power by infiltrating and taking over a nation’s institutions – what came to be called the long march through the institutions.

I was a student at Columbia in 1968 when students took over buildings there and at several other universities. The radical students were very open about their objectives. They said that universities were the soft, white underbelly of bourgeois society. They weren’t compelled to seek profit, like a business, and weren’t subject to the voters like elected officials and legislators. They were essentially self-governing. The left could take them over and then extend their control from there. The takeover of the universities is now largely complete.

And, universities are not like Las Vegas – what happens in the universities does not stay in the universities. It is said that politics is downstream from culture. And to a large extent culture is downstream from our universities. Most of the bad ideas that now plague our country began in our universities and have now spread to other organizations, such as the growing number of Woke corporations.

One result of this takeover is the lack of free speech on our campuses. The Foundation for Individual Rights & Expression (known as the FIRE) rates the speech policies of hundreds of American colleges and universities. It rates them green if they do not threaten free speech; yellow if they restrict speech somewhat or are too vague; and red if they clearly restrict speech. Only one Ohio public institution – Cleveland State University – gets a green rating; the others all get a yellow rating.

The FIRE also records student perceptions at many campuses. Here is a sample just from Ohio State: Quote: “Many [students] are afraid that disagreeing with a professor on a topic will lead to the student being treated unfairly in class as well as in our grades.” OSU is an “echo chamber that . . . stifles actual discussion and debate.” “During one of my classes last spring semester the professor openly stated in his first class that he was not there to engage in a dialogue but to 'educate' us.” “Any opinion I have regarding election integrity, vaccination, mask

mandates, or LGBT issues I cannot publicly express; otherwise my scholarship, academic livelihood, and family's employment would be at risk." "Any graded, written assignment is based on what I think my professor wants to hear."

Last year the American Thinker published a report of the experience of a former graduate student in Latin American Studies at OSU. He said that students in this program received the "Leninist view of capitalism and free trade." The faculty treated "American prosperity as little more than ill-gotten gain." American economic policy was always characterized as "some variant of 'orientalism,' 'imperialism,' 'oppression,' and 'exploitation.'" Needless to say, the writer used a pseudonym; he reasonably feared severe reprisals if people in or outside of OSU knew who he was.

These are just a few examples collected by one organization at one campus. I have no doubt that similar conditions could be found in many departments at OSU and other Ohio public universities. If any senator has any doubt about the magnitude of the problem I would say, how many hundreds of hours of personal testimony would suffice to persuade you?

The FIRE's survey of students at Ohio State also produced some disturbing statistics. Only 37% of students say that shouting to prevent a speaker from being heard is never acceptable. Only 50% say they have rarely or never self-censored on campus. Clearly OSU should do more to protect free speech and to educate students on the necessity of free speech to maintain a healthy democracy. This bill would require it to do so.

Everything I have said concerns Ohio State, but in the FIRE's survey Ohio U., Cincinnati, Miami U., Kent State, and Bowling Green were all rated *worse* than OSU. The problems are pervasive and systemic.

For some years now there have been many cases of campus speakers being shouted down, as happened recently at Stanford and Yale Law Schools, or physically prevented from speaking. Such incidents have been rare in Ohio, but not because diverse viewpoints are welcomed here. At both Yale and Stanford the speakers who were shouted down were invited by the student chapter of the Federalist Society, and the speakers' expenses were paid for by the national Federalist Society – a 3d party.

Speakers invited through official school channels are never shouted down because conservatives are never invited. This bill acknowledges that problem and requires our colleges to have viewpoint diversity among outside speakers.

The politicization of our universities affects faculty as well as students. In one case at Kent State a faculty member proposed to offer as an add-on – that is, on top of his regular teaching load without added compensation – a course of Political Correctness. The Curriculum Committee chair denied the request, saying that Political Correctness does not exist. Which, of course, proved that it does exist.

Shawnee State University punished a professor (Nick Meriwether) for addressing a student with pronouns based on his biology rather than his gender preference. The professor sued, and the federal court of appeals ruled that the school had violated his Constitutional free

speech rights. The school then settled by paying the professor \$400,000. As an aside, may I suggest that this amount should have been paid by the officials who violated the Constitution and not by the taxpayers of Ohio.

I want to draw special attention to the provisions of the bill dealing with trustees. In higher education, as in many areas, personnel is policy. We're all in favor of good rules, but those who dominate our universities will distort or ignore any rules you may adopt that stand in their way. A good example is California, where the people adopted a proposition barring racial discrimination in hiring and admissions in state universities. School administrators have blatantly ignored this rule and given huge preferences to favored groups.

Traditionally, trustees almost never challenged school administrations in the slightest. Some were concerned mainly about football tickets. This bill recognizes that this attitude has to change if our universities are to become dedicated to education and not to political indoctrination. Of course, results will depend on implementation. We hope that in filling college trusteeships the Governor and the Senate will recognize that these are not ceremonial positions. To achieve serious improvement, trustees will have to grapple with recalcitrant school administrators and faculty.

I have seen allegations that this bill stifles the advocacy of controversial viewpoints. I do not find that in this bill. All of its provisions against taking controversial positions are at the institutional level. Section 3345.0217(B)(7) expressly forbids any institution to require or forbid students or faculty to express any political stance. The only possible restriction on faculty I see there is that faculty may not use the institution's grading system to punish students who express views with which the instructor disagrees, and I think that is a good thing.

Several provisions of the bill are designed to promote intellectual diversity on campus. This, too, is badly needed. Surveys have repeatedly shown that faculties are overwhelmingly on the political left, especially in the liberal arts and humanities. This does a great disservice to students. They typically learn that their country's history and dominant culture and institutions are evil. Most Americans disagree. And how can students learn critical thinking when they are taught only a narrow range of left-wing views and intimidated from expressing contrary opinions?

The lack of intellectual diversity also disserves scholars and scholarship. Many studies have shown that in an echo chamber – a group in which everyone comes from one side of a belief spectrum – discourse within that group tends to move to the extreme end of that side of the spectrum. With no intellectual competition, scholars become lazy and sloppy in developing their ideas. The result is teaching and scholarship that seem not only off base but bizarre to most Americans. The introduction of intellectual diversity will force scholars on the left to improve their scholarship by refining and defending their views.

I believe that diversifying university faculties and speakers will also introduce better ideas. Discourse in our universities now is overwhelmingly critical of capitalism and market economies, yet all the prosperous nations in the world have capitalist, market economies. There is not now and never has been successful socialist country.

Dominant discourse on our campuses also holds that America is deeply and systemically racist, yet America is the least racist major country in the world today. Although we still have problems with excessive inequality, including racial inequality, Black people are freer and more prosperous, have more opportunities, and have achieved more in America than in any other country. But you would never learn this in our universities.

In sum, there are many severe problems today in higher education in America, including Ohio's public colleges and universities. Bill 83 is an excellent effort to address and remedy those problems. I strongly urge the Senate to approve it.