

Senators and Members of the Ohio Senate,

I am Clifton Porter, a third year law student at the University of Toledo College of Law, and a long time resident of this great state. I grew up in Maumee, outside of Toledo, and returned here after graduating from Villanova University, because I have a passion for my home state and an intention to participate in its governance as a citizen. I am a member of the Black Law Students Association, as well as the National Lawyers Guild chapter at Toledo.

Today I would like to express my extreme displeasure with how SB-117 has been managed, as well as shed some light on the implications of the bill. Primarily, though, I'd like to emphasize why this bill is, above all, an unnecessary and frivolous use of state funds, purposed to serve a small group of people's passion project.

Citizen involvement is the cornerstone of democracy-- especially involvement from those citizens who are directly impacted by the issue at hand. I can not help but look upon the manner and timing surrounding this bill's introduction and progression through the Ohio Senate with skepticism and, in my opinion, a healthy dose of cynicism. This bill was introduced on May 3, 2023, in the middle of our final exam schedule. The hearing for opposition was announced on the Friday of a summer holiday weekend, with a deadline of the morning after said holiday. How can any meaningful opposition testimony be given, when the potential opposition is not even aware of the issue? It is clear to me that the "values of free speech and civil discourse," which this bill claims to champion, are apparently unnecessary and undervalued by its authors. I know, for a fact, there are at least half a dozen students at the college of law who would have written opposition testimony, given notice of the opportunity, and who are deeply upset over the lack of *fair* opportunity to have their voices heard. It is in the best interest of this governing body, and of our democracy, to provide additional time for *all* students to have opportunity to voice their opinion.

This bill claims to "expand the intellectual diversity of the university's academic community and to create a rich forum for the development of ideas across the political and ideological spectrum." The phrase "intellectual diversity" is written in the bill six times, and not one of those instances includes a definition. In fact, the bill fails to even articulate what perspectives are underrepresented, and in need of promotion to facilitate the "diversity" it claims the university lacks. The bill is requesting 13 million dollars over two years to fund two institutes meant to address a lack of diversity which is never defined. This is an expensive price tag for a proposal which seems to not even know how to define itself.

According to an article in the Ohio Capital Journal, UT Law professor Lee Strang first had the idea for this institute after visiting similar programs at Georgetown University and Princeton University. In this article, Professor Strang states his desire to keep this bill "separate from Senate Bill 83," which has received much criticism. Professor Strang stated, "[He's] been working on this independent of and without knowledge of SB 83 since 2019." However, in a May 8th Facebook post, Senator Cirino wrote, "This proposal goes hand-in-hand with my bill, The Ohio Higher Education Enhancement Act." The concerted effort to distance SB117 from SB83 seems to be a ruse meant to further the aims of each bill—bolstering conservative

viewpoints on college campuses, where there is a perceived lack of opportunity for such voices to be heard. Notably, in response to Senate Bill 83, the Board of Trustees at The Ohio State University released a statement in opposition, writing “[T]here are alternative solutions that will not undermine the shared governance model of universities, risk weakened academic rigor, or impose extensive and expensive new reporting mandates.” Similarly, there are alternative solutions to increasing intellectual diversity that do not include giving 3 million dollars to an institute which cannot even define the concept, and purposes to center only the viewpoints of core texts on western civilization. These two bills share a sponsor, and the language in each is strikingly similar. We ought look upon the effects of SB 117 en tandem with the potential effects of SB 83.

Seeing that SB 117 has no definition of “intellectual diversity,” the legal interpretive method of textualism advises us to look at contemporary writings to inform the piece. SB 83, the implied companion bill to SB 117, defines intellectual diversity as “multiple, divergent, and varied perspectives on an extensive range of public policy.” However, SB 117 is very clear on the institute’s niche scope, covering the “enrich[ment of] the curriculum in American constitutional studies, including the core texts and great debates of western civilization.” This is not only the most defined aspect of the proposed institute, but it is *the only* defined aspect of the institute. The fact the bill defines its most niche aspect, then blindly claims it will promote diversity with no discussion on mechanisms to ensure that diversity, is a recipe for the exact opposite. The bill claims the institute will specialize in a very particular topic, using only particular texts, and adds an undefined aspiration to “diversity” with no discussion on how that diversity will be achieved.

If this bill passes, I am hopeful that the Senate will use its position to advise on the selection of the seven member academic council in a way that promotes the diversity the bill claims to pursue. However, even if this is the case, the bill provides that 3 of the academic council’s members will only serve two year terms, and the members of the council will decide, themselves, which members serve under which term limit. Notably, the remaining members will “select replacements for vacant seats.” This mechanism serves to undermine the very advice and consent the Senate would provide at the institute’s founding, as, within two years, nearly half of the council members will be replaced, without the Senate’s advice or consent. The Senate advice and consent mechanism is another distraction meant to present some mask of bipartisanship and diversity, which would be effectively irrelevant inside of two years.

Lastly, I would like to give this committee some insight into the intellectual diversity of the University of Toledo College of Law. In the past academic year, the Federalist Society at UT Law has put on more events, with more nationally recognized advocates, than any other organization at UT Law. My classmates and I have begun crunching the numbers on how many events exactly, but were not able to complete this by today’s hearing. Up to March of this year, the Federalist society hosted 8 events. Combining all events which could be labeled “liberal,” up to the same date, the rest of the university, combined, has hosted 4. The Federalist Society is, by far, the most well funded, well coordinated, and active organization at the University of Toledo

College of Law. I, and others, would be happy to prove this with more concrete data given more time to prepare testimony.

I will conclude my statements with a summary and a request. Even disregarding any claims of partisanship in the passage of this bill or viewpoints of the proposed institute as a whole, the authors of this bill have failed to prove that intellectual diversity is lacking at the University of Toledo. In fact, the authors have failed to even define the terminology which appears most commonly throughout the bill. I find this to not only be sloppy, but incredibly dangerous. Lastly, in the interest of free speech and civil discourse, this committee should allow ample additional time, at least 3 weeks, for students and faculty of any opinion at the affected universities to submit testimony in response to this bill. Citizen involvement is the cornerstone of our democracy. Tactics which have either the intent or the impact of curbing this involvement are discriminatory on their face and/or in practice, and expose the concept of promoting "civil discourse" as a thin veil meant to hide partisan motives.

Sincerely,

Clifton J. Porter