

May 30th, 2023

To the Ohio Senate Workforce and Higher Education Committee:

I write in opposition to SB 117 and the creation of the Institute of American Constitutional Thought at Toledo College of Law. The sponsor of SB 117, Jerry Cirino, claims there is “a structural preponderance of one line of thought in our universities today” that causes “a single ideological perspective to dominate academia.”¹ According to Cirino in passing SB 83, that one line of thought has led to universities going “way too far left” in their political ideology.² Cirino hopes SB 117 will turn the dial in favor of “true intellectual diversity.”³ SB 117 and the Institute will do this by “expanding the intellectual diversity of the university's academic community and create a forum for the development of ideas across the political and ideological spectrum.”⁴ However, how can the Institute be trusted to have intellectual diversity and develop ideas across political lines when the intent behind its creation is to fight against a supposed liberal bias? If Cirino believes universities are too liberal and SB 117 is intended to fight that, the Institute will become nothing more than a stronghold of conservative ideas intended to fight an alleged liberal indoctrination.

Additionally, SB 117 is a solution in search of a problem because no such liberal bias exists, at least not at UT Law. The bill's other sponsor, Rob McColley, laments that there is a lack of intellectual diversity among faculty, especially in constitutional law courses.⁵ Not only does this insult UT Law's faculty but is also devoid of any truth considering UT Law's senior constitutional law professor wrote an amicus brief supporting the overturning of *Roe v. Wade*.⁶ These comments follow a string of unfair attacks on Toledo Law since SB 117 was introduced as UT Law students have been used as a proxy to wage a disingenuous culture war. Letters from proponents of the Institute have referred to students with a “radical intellectual monoculture.”⁷ Another letter carelessly lumped Toledo Law students in with students from Yale and Stanford that shouted down conservative judges trying to hold a lecture.⁸ A third letter accuses universities of straying from objectivity into activism.⁹ This character assassination against UT Law plays well to a political audience, but it could not be further from the reality that exists. Our student body comes from a broad range of backgrounds and experiences that lead to an already rich diversity of thought. This results in UT Law having a wide array of student groups including a vigorous Federalist Society that recently hosted speakers opposing abortion and transgender

¹ Megan Henry, *Senate bill would create 'intellectual diversity' centers at Ohio State and the University of Toledo*, Ohio Capital Journal (May 16, 2023).

² Anna Starver, *Ohio Senate passes SB 83, controversial higher education bill. What would it do?*, The Columbus Dispatch (May 17, 2023).

³ See note 1.

⁴ S.B. 117 Sec. 3364.07(A)(5).

⁵ See note 1.

⁶ Lee J. Strang, *Brief of Amicus Curiae In Support of Petitioners in Dobbs v. Jackson Whole Women's Health* https://www.supremecourt.gov/DocketPDF/19/19-1392/185338/20210729155700355_Dobbs%20Amicus.pdf

⁷ Letter from Peter Wood supporting SB 117 (<https://www.legislature.ohio.gov/legislation/135/sb117/committee>)

⁸ Letter from Nick Down supporting SB 117 (<https://www.legislature.ohio.gov/legislation/135/sb117/committee>)

⁹ Letter from Adam Kissel supporting SB 117 (<https://www.legislature.ohio.gov/legislation/135/sb117/committee>)

rights.¹⁰ UT Law's Stranahan Lecture Series regularly hosts conservative speakers.¹¹ UT Law's outgoing Dean of seven years is a strong proponent of free speech and a free market economy. UT Law Review just published an article about how assault rifles should remain protected under the Constitution.¹² There is no liberal bias and any actions from the Institute to counter such a bias would only take the school further to the political right than it already is.

Toledo Law desperately needs \$3 million, and I hesitate to write a letter that might prevent this appropriation. However, that money is needed to help fund scholarships, create new courses, hire new full-time faculty, and for infrastructure upgrades as we struggle to support our existing needs let alone be required to provide space for the Institute to operate.¹³ While the Institute could potentially help with some of the changes UT Law needs, the current proposal in SB 117 raises serious questions about how the Institute will be governed and its impact on UT Law. It is troublesome that the Institute will be its own independent body within the shadows of UT Law with a Director that reports directly to the UT President and is required to merely "consult with the Dean."¹⁴ The Institute could very well sow division within UT Law and usurp the authority of the administration that should be leading these kinds of needed structural changes, with input from all stakeholders.¹⁵

I oppose SB 117 not because the Institute is an objectively bad idea. An institute like this could help UT Law grow and provide opportunities for students, faculty, and others. I oppose this bill because those implementing must do more to create the Institute in a way that does not seek to prop up a specific conservative ideology and use UT Law as a staging ground for political gain.

Respectfully,

Rashad Daoudi
Toledo Law Class of 2024

¹⁰ <https://fedsoc.org/contributors/denise-harle>; <https://fedsoc.org/events/transgender-athletes-women-s-sports-and-title-ix>

¹¹ <https://www.utoledo.edu/law/events/stranahan-lecture/>

¹² https://www.toledolawreview.org/_files/ugd/09cd0f_0bdfefd0d33e422384b8fc3ef0cc47c1.pdf

¹³ S.B. 117 Sec. 3364.07(A)

¹⁴ S.B. 117 Sec. 3364.07(E)(1).

¹⁵ Renee Heberle, *UT law institute imposed without collegiality*, Toledo Blade (May 13, 2023)

<https://www.toledoblade.com/opinion/letters-to-the-editor/2023/05/13/commentary-ut-law-institute-imposed-without-collegiality/stories/20230512034>