

**Opponent Testimony for SB117
Workforce and Higher Education Committee
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Chair Cirino, Vice Chair Rulli, Ranking Member Catharine Ingram, and members of the Workforce and Higher Education Committee

My name is Renee Heberle. I am a Professor of Political Science and co-Director of the Program in Law and Social Thought at the University of Toledo. I oppose passage of SB 117. Here I will address the piece of the bill that imposes the Institute for Constitutional Thought and Leadership at the University of Toledo College of Law.

I write this testimony as a colleague of Professor Lee Strang at UToledo. I teach in the College of Arts and Letters. The programs I co-direct and for which I teach send many students to the UT College of Law, so I am deeply invested in the well-being of the College of Law (COL). I also know a great deal (after 25 years of service) about what UToledo students who apply to law school are thinking about. It is not whether they are deprived of conservative views on the Constitution. This is because they are not deprived of hearing those views. They learn about them in undergraduate classrooms and in classes when they attend law school, including the COL at UToledo.

Students from the University of Toledo, and other COL students I have met and worked with, do NOT attend the COL at UToledo to remedy a lack of education in Constitutional Theory. They attend to prepare to become family lawyers, criminal defense attorneys, prosecutors, tax attorneys, to work with private firms, or to create solo practices to help those in their communities with whatever they might need. While Constitutional Law is important in each of these areas, students receive what they need through undergraduate education and from the four experts in Constitutional Law already teaching at the COL.

The proposed Institute will diminish the solid reputation of the UToledo College of Law as a site for preparation for such careers. It hijacks attention from that preparation and will enmesh the COL in the culture wars over higher education.

SB 117 imposes the Institute of Constitutional Thought and Leadership at UToledo by creating a one-time appropriation in the state budget. It is a companion piece to Senate Bill 83, which attempts to legislate the nuts and bolts of administrating and teaching at Ohio's public universities. Like SB 83, this bill undermines the autonomy necessary for institutions of higher education in Ohio to do the work of creating knowledge and seeking factual truth. Here, the sponsors and their supporters, collaborated behind closed doors, with a faculty member at the College of Law, to write legislation imposing this Institute. They have had no discussion or

collaboration with any faculty or administrators who might challenge the initiative or wish to change the terms on which it is imposed. With this legislation, the UToledo College of Law is being set up as a pawn in the culture wars, not as a source of legitimate scholarship. If it were the latter, faculty who might disagree would have been informed and invited to participate.

This legislative initiative, that would essentially create a one-time state appropriated funding stream for an individual faculty member to create an institute as he (and his benefactors in the legislature) sees fit, will not help resolve a single real issue that the University or the College of Law faces. After decades of defunding public education, Mr. Cirino wants to give the College of Law \$3 million to create an institute where the Western and civilized scholar can “speak freely again” and “civil discourse” can flourish. Civil discourse is already flourishing at UToledo. I ask any of the proponents of this initiative to give actual evidence of any systematic pattern of harms (rather than unsubstantiated individual anecdotes) against the First Amendment on the UToledo campus.

This appropriation will happen as cuts of 10% are being demanded from each college at UToledo. For example, \$2,700,000 is the amount the College of Arts and Letters is being told to cut this year. The College of Arts and Letters teaches most of the core curriculum at the University and hosts the departments from which the College of Law admits many of its students. While I’ve never heard a complaint about student preparation for the study of law from Professor Strang or anyone else at the College of Law, this \$3,000,000 proposal for the Institute can only be interpreted as a kind of external corrective for the education they have received and will receive at the College of Arts and Letters and the College of Law. I want to emphasize that this Institute is being imposed while these colleges are forced to continue slashing their base budgets, thus further harming the educational opportunities of those very students. The Institute is a sham effort to support the aspirations of UToledo undergraduates and law students.

I admire Professor Strang’s initiative. I deeply disagree with his tactic of going to extremely partisan state legislators to lobby for money for this kind of project and with his sense of what is wrong at the University. What is wrong is not that we are not teaching and debating and being civil - or even that we are not teaching diverse views on the Constitution. What is wrong is that the state legislature refuses to adequately fund public higher education. Because the Ohio Assembly is so stingy, denying educational institutions adequate funding at every turn, students use the food pantries, to which faculty and staff volunteers donate, to survive and remain in debt for the rest of their lives.

Let’s fix real problems in higher education rather than taking seriously the claim that conservatives have no voice and require state appropriations to exercise their free speech.

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