

Testimony of Jan Nesor, PhD
Before the Senate Workforce and Higher Education Committee
Senator Jerry Cirino, Chair
June 6, 2023

Chair Cirino, Vice Chair Rulli, Ranking Member Ingram, and Members of the Workforce and Higher Education Committee:

My name is Jan Nesor, and I am a professor of Education Policy at the Ohio State University. I do not represent Ohio State, but rather am submitting testimony as a private citizen in opposition to Senate Bill 117.

SB177 would establish Centers at the Ohio State University and University of Toledo, supposedly to increase the “intellectual diversity” of those universities and to promote certain interpretations of the U.S. Constitution. Although this is not my main concern, the proposed administrative organizations of the Centers have troubling features. For example, SB117 gives the Ohio Senate effective control over the seven member governing “academic council” of the proposed Chase Center at OSU; by law only one member of the Council can be an employee of OSU and a majority can be from out of state. The Center would be an “independent academic unit” (albeit under the control of an appointed Council) with 15 tenure-track positions. As others have noted, this would make the Center a kind of hard-shelled, externally-controlled entity insinuated into of the university but not part of the university’s intellectual community or governance system.

More importantly, although much of the language describing the aims of the centers is anodyne, they are anything but that. We can get some insight into intentions by looking at the models for the Centers. We are told in the *Ohio Capital Journal* that:

“Professor Lee Strang first got the idea for the institute . . . after visiting the Georgetown Center for the Constitution and Princeton University’s James Madison Program. “Those places provided the resources in an intentional space for people from a wide variety of perspectives to respectfully and civilly present their views, present their research, present their arguments on whatever the topic was,” Strang said.”¹

It’s worth looking at these models for a moment. The James Madison Program has a history of inviting ultranationalist, Christian nationalists, anti-vaccination proponents and others as speakers and instructors (there is no evidence that it has invited speakers from the political left or other ‘diverse’ perspectives). Commentators at Princeton argue that:

While the Madison Program represents itself as a non-partisan center on campus to engage with “American constitutional law and Western political thought” as Princeton’s center for “American Ideals,” the Madison Program in fact exists to further conservative viewpoints on campus, and in recent years, has increasingly provided a platform to far-right and extremist individuals.²

¹ Ohio Capital Journal May 16, 2023 <https://ohiocapitaljournal.com/2023/05/16/senate-bill-would-create-intellectual-diversity-centers-at-ohio-state-and-the-university-of-toledo/>

² <https://www.dailyprincetonian.com/article/2023/05/princeton-opinion-james-madison-program-funding-ideology>

The Madison Program and analogous university Centers around the country are magnets for funding by a far-right entities such as the Olin Foundation³ (SB117 thoughtfully allows the “Board of Trustees of the university to change the name of the Center in accordance with the philanthropic naming policies and practices of the university”). As for Georgetown Center, it is roughly a year ago today that the Dean of the Georgetown Center felt pressured to resign for racist tweets about the appointment of Justice Ketanji Brown Jackson to the Supreme Court⁴

Despite its seeming openness to ‘diversity,’ SB117 begins from the ludicrous position that the universities are currently biased towards the left: thus “diversity” means piling on right-wing academics and courses, specifically curricula that promulgates an originalist interpretation of the US Constitution.⁵ Originalism, a controversial academic theory (Dr. Strang is one of its ardent defenders) is, as Law Professor Aziz Huq at the University of Chicago argues, little more than a cover for a reactionary political agenda:

“The political discourse of originalism is closely aligned with the policy preferences of the Republican party that has promoted judges who happen to take this perspective,” Huq said. “It purports to be something that is moving outside politics, but it is – in its origins, and in the way that it has been applied in the courts – it is tightly linked to a particular partisan political orientation.”⁶

Something similar is at work here: under the fig leaf of ‘diversity’ SB 117 introduces a strongly partisan political perspective that begins to undermine the autonomy of the university and undercut possibilities for actual intellectual diversity. I urge you to vote 'no' on SB117.

Sincerely,
Jan Nespor

³ <https://www.chronicle.com/article/how-right-wing-billionaires-infiltrated-higher-education/>

⁴ <https://wtop.com/dc/2022/06/head-of-georgetown-center-for-the-constitution-abruptly-resigns/>

⁵ <https://www.brennancenter.org/our-work/analysis-opinion/originalism-run-amok-supreme-court>

⁶ <https://www.theguardian.com/us-news/2020/oct/26/amy-coney-barrett-originalist-but-what-does-it-mean>