November 13, 2025

Testimony of Stephen T. Mockabee, Ph.D.
On behalf of the Ohio Conference of the American Association of University Professors
Before the House Education Committee
Rep. Sarah Fowler Arthur, Chair

Chair Fowler Arthur, Vice Chair Odioso, Ranking Member Brennan, and Members of the Education Committee:

My name is Stephen Mockabee and I am here before you today as a representative of the Ohio Conference of the American Association of University Professors (AAUP) to share the organizations concerns about HB 486 which is currently under review by our Government Relations Committee. The Ohio Conference of AAUP represents more than 6,000 faculty at public and private institutions of higher education across the state. I am a professor and Director of the School of Public and International Affairs at the University of Cincinnati, but I am not testifying as a representative of the university. I have served on the editorial board of the *Journal for the Scientific Study of Religion* and as Program Chair of the Religion and Politics Section of the American Political Science Association.

The Ohio Conference of the American Association of University Professors is concerned with many of the provisions of HB 486, particularly those that raise serious academic freedom and First Amendment issues-- threatening the constitutional neutrality that public education in Ohio must uphold, inviting entanglement between fgovernment and education, creating a chilling effect on expression and discussion due to fears of lawsuits and professional repercussions, and creating unnecessary opportunity for political intrusion into curricula.

Before I provide more details about these concerns, I want to clear up any confusion as to what goes on in the classroom. It's important for this Committee and the Ohio General Assembly to know that teaching about the impact of religion on American history is already permissible in state institutions of higher education. Our committee believes there is no need for this legislation. Currently, and in line with the First Amendment, faculty at state institutions of higher education are permitted to teach *about* religion and promote religious liberty and respect for the religious views of all. However, they are not permitted to endorse one religion over another or religion over non religion, which is explicitly what this bill does.

While HB 486 might initially appear to be benign in just restating what is already permitted, the legislation runs afoul of the First Amendment because it explicitly singles out one religion — Christianity — for special treatment. That framing is inconsistent with both constitutional precedent and the inclusive, fact-based mission of public education.

The First Amendment's Establishment Clause prohibits the government from making any law "respecting an establishment of religion." This clause, applied to the states through the Fourteenth Amendment, requires that public institutions — including schools and state universities — remain neutral with respect to religion. This bill, and its specification of the "positive impact" of religion on American history, does not convey neutrality.

The U.S. Supreme Court has made clear in decisions such as *Abington v. Schempp (1963)* and *Edwards v. Aguillard (1987)* that while public schools may teach about religion in an objective, academic way, they may not endorse, promote, or privilege one faith over another.

By authorizing instruction specifically on "the influence of Christianity," HB 486 appears to do precisely that — to elevate Christianity above other faiths and non-religious worldviews. A "reasonable observer," to use Justice O'Connor's test in *Lynch v. Donnelly (1984)*, would likely perceive this as state endorsement of Christianity, violating the Establishment Clause.

Even under the modern "coercion" standard reflected in *Kennedy v. Bremerton (2022)*, HB 486 risks coercive effects if students or faculty feel pressured to conform to Christian perspectives in state-funded classrooms.

While we are concerned that all public education and public educators in Ohio could be negatively impacted by HB 486, we believe the legislation is particularly problematic for institutions of higher education and their faculty as it appears to erode academic freedom; a core issue for the Ohio Conference of AAUP and our members.

Public universities are also government actors, and their faculty are protected not only by the Establishment Clause but by a robust tradition of academic freedom, recognized by the Supreme Court in *Keyishian v. Board of Regents (1967)* as a "special concern of the First Amendment."

We are concerned this bill undermines that principle in several ways:

- Legislative intrusion into curriculum: It signals to faculty that the State of Ohio officially approves instruction emphasizing Christianity's influence — implicitly discouraging comparable treatment of other religions or secular traditions.
- Chilling effect on classroom discussion: Professors may feel pressure to include Christian-centric content to align with perceived legislative intent, or to avoid critical analysis for fear of appearing hostile to religion.
- Viewpoint favoritism: Government preference for one faith's influence over others violates the principle of viewpoint neutrality that protects academic inquiry.

- Legal uncertainty: Because the bill is vague ("may provide instruction"), universities could face litigation from both sides — those claiming the law requires teaching Christianity and those claiming it establishes religion.

Based on our ongoing review, we believe HB 486 could threaten the autonomy and intellectual integrity that Ohio's public colleges and universities must maintain. This would harm the institutions, the faculty, and the students.

The legislation also creates everyday practical and pedagogical problems for faculty. Which Christian tradition would be taught — Catholic, Eastern Orthodox, Protestant, or among the thousands of Protestant denominations worldwide? Christianity is not a single monolithic tradition, but a diverse group of faiths with different histories ranging from powerful to marginalized. Codifying "Christian influence" in statute would invite disputes, inconsistency, and politicization of curriculum design.

While this may not have been the intent the legislation, the Ohio Conference of AAUP is concerned that HB 486 could harm Ohio's professors and students by undermining academic freedom and generating a chilling effect in the classroom. We are also concerned the legislation could create constitutional concerns, confusion, and opportunities for coercion. There is no easy way to amend HB 486 to address any of these issues. Lastly, and in light on our concerns, we do not believe there is any need for this bill as current law already permits teachers and faculty at Ohio's public schools, colleges, and universities to teach *about* religion and promote religious liberty and respect for the religious views of all.

I appreciate the opportunity to share the OCAAUP's concerns and look forward to continuing to dialogue about HB 486 as our Government Relations Committee completes its review. Representatives of OCAAUP would welcome the opportunity to discuss the bill and these initial issues with you further.