Testimony of Annabelle Fisher
Before the House Workforce and Higher Education Committee
Senator Tom Young, Chair
March 11, 2025

Chair Young, Vice Chair Ritter, Ranking Member Piccolantonio, and members of the House Workforce and Higher Education Committee, my name is Annabelle Fisher and I'm a 2L at the University of Cincinnati College of Law. I'm writing on my own behalf–and as a Constitutional Law enthusiast–to present testimony in opposition to Senate Bill 1.

The bill before you today would lower the quality of education students receive at Ohio's public universities by discouraging qualified professors from applying to teaching positions and by discouraging qualified students from applying for degree programs. Students who remain in Ohio–in a wide array of programs–would be at a disadvantage compared to their peers from other states whose professors are trusted to speak freely on the topics of their expertise. Critically, Senate Bill 1 would have a chilling effect on speech through provisions restricting the discussion of "controversial topics." These provisions stand in stark contrast to our extensive First Amendment protections.

In *Meriwether v. Hartop,* a 2021 case that affirmed an Ohio professor's right to use incorrect pronouns for a university student, the Sixth Circuit Court of Appeals firmly held that "the First Amendment protects the academic speech of university professors."

The Court in *Meriwether* traced the history of First Amendment protections in the classroom, affirming that a professor's contributions to the marketplace of ideas are crucial to student success; the Court wrote that "[w]hen the state stifles a professor's viewpoint on a matter of public import, much more than the professor's rights are at stake. Our nation's future 'depends upon leaders trained through wide exposure to [the] robust exchange of ideas.'" The *Meriwether* court echoed *Tinker v. Des Moines*, warning that forcing professors "to avoid controversial viewpoints altogether in deference to a state-mandated orthodoxy" risks "transforming the next generation of leaders into 'closed-circuit recipients of only that which the state chooses to communicate.'"

Prohibiting the free and full discussion of "controversial topics" risks the very state-mandated stifling of professors' viewpoints that the *Meriwether* court warned against, and it would have a chilling effect on academic speech. A professor who fears being disciplined for "indoctrination" would have little incentive to moderate energetic academic debates among students. A professor might also be hesitant to present the full scope of a topic for fear that the facts might make one side look better than the other.

Despite the assertion that this bill promotes "more speech, not less," it would have a restrictive effect on academic freedom that contrasts the protections afforded by the court in *Meriwether*. As a student, I have been privileged to learn from professors across the political spectrum who take full advantage of their academic freedom. I fear that my education will be hindered if all professors are unable to speak freely in the classroom on topics the state deems controversial. My professors have always fostered an environment of open conversation, regardless of political alignment. Even without the restrictions on speech embodied by Senate Bill 1, I have heard contributions from students with a variety of backgrounds, outlooks, and viewpoints. As a law student, learning to advocate for your position is critical; I fear that stifling debate by dulling "controversial topics" will make us less prepared to excel professionally.

In addition to the free speech implications of this bill, I harbor deep concerns about the demonization of diversity, equity, and inclusion. Supreme Court Justice Thurgood Marshall once said the following:

> "Obviously, I too believe in a colorblind society; but it has been and remains an aspiration. It is a goal toward which our society has progressed uncertainly, bearing as it does the enormous burden of incalculable injuries inflicted by race prejudice and other bigotry, which the law once sanctioned, and even encouraged. Not having attained our goal, we must face the simple fact that there are groups in every community, which are daily paying the cost of the history of American injustice. The argument against affirmative action is but an argument in favor of leaving that cost to lie where it falls. Our fundamental sense of fairness, particularly as it is embodied in the guarantee of equal protection under the law, requires us to make an effort to see that those costs are shared equitably while we continue to work for the eradication of the consequences of discrimination. Otherwise, we must admit to ourselves that so long as the lingering effects of inequality are with us, the burden will be borne by those who are least able to pay."

Senator Jerry Cirino, the proponent of this bill, was three years old when *Brown v. Board of Education of Topeka* was decided. This decision officially judicially desegregated public schools. However, public schools in the South remained segregated throughout Senator Cirino's teenage years, and desegregation was not officially outlawed in private schools until he was twenty-five. Diversity, equity, and inclusion initiatives are meant to ensure that qualified minority candidates are not passed over because of their attributes, as they were until Senator Cirino reached young adulthood. Segregated schooling still exists in the living memory of the very people who sponsor this bill; certainly we can all appreciate the ripple effects of the practice which still require remediation through intentional initiatives to combat bias. If those remedial efforts are

dismantled, that burden will be borne by those least able to pay, just as Justice Marshall said it would.

The position of this bill also misunderstands what diversity, equity, and inclusion are. These efforts provide support for vulnerable students who need them so all can excel. The idea that some people are afforded opportunities only because they are members of a marginalized community is a result of the pushback against DEI, not these initiatives themselves. Further, despite assurances to the contrary, the legislative history of this bill supports the assertion that it includes student veterans and students with disabilities as amendments to exclude those subgroups from the DEI umbrella were rejected in the Senate Committee. Therefore, the bill jeopardizes support for student veterans and students with disabilities, two vulnerable populations in the student body. This presents two unacceptable options: either student veterans and students with disabilities are directly targeted by the bill, or these students are considered acceptable collateral damage to further the bill's aims.

For the foregoing reasons, I urge you to reject this bill so Ohio students from all backgrounds can receive a quality education unencumbered by state interference with academic speech. Thank you.