

SB 1 IS BADLY NEEDED TO END DEI

George W. Dent, Jr.

Chairman Young, Vice Chair Ritter, Ranking Member Piccolantonio, and Members of the Higher Education Committee: My name is George Dent. I'm a Professor of Law Emeritus at Case Western Reserve Law School. I'm also a Director of the National Association of Scholars and President of its Ohio affiliate.

I want to make three points about the need for SB 1 to end Diversity, Equity, and Inclusion, or DEI. First, DEI is a cynical bait and switch operation. Supporters say it means just treating everyone fairly and ensuring that underrepresented minorities are not overlooked.

But reports by investigator John Sailer show a very different reality. At Ohio State the search committee for French Studies, quote, "decided that diversity was just as important as perceived merit. [T]he importance of bringing Black scholars to campus was deemed to be essential. We thus chose three Black candidates. . . ."i Similarly, a Dean at Ohio State told a faculty search committee that "diversity of the candidates has to be as high of a priority as the scholarship" and "if the slate of candidates that you bring forward are [sic] not diverse, I will ask you to simply keep searching."ⁱⁱ

These incidents aren't unusual. Mr. Sailer found similar behavior at other universities in Ohio and around the country. In several cases, those involved in hiring said they wanted to hire advocates of critical race theory and other left-wing ideologies. It can't be denied now: DEI is widely used as a tool for racial and political discrimination.

My second point is this: Opponents of SB 83, the predecessor of SB 1, often said that the legislature shouldn't intrude; let the universities solve any problems themselves. Well, SB 83 was introduced nearly two years ago, and the abuses that led to its introduction were well known long before that, so the universities have had lots of time to act.

What have they done? Has anyone involved in these incidents of discrimination been fired? Removed from hiring committees? Reprimanded? To my knowledge, the answer is no, and there's no reason to think that things will change if SB 1 does not pass.

My third point is that there's no good evidence that DEI actually improves race relations, and there's considerable evidence that it makes them worse.ⁱⁱⁱ That's hardly surprising. America is the least racist major country in the world, but DEI insists that America is systemically racist and dominated by white supremacy and white privilege. This doctrine only increases racial tensions.

If any beneficial work is being done by the DEI bureaucracies, it can be easily transferred to other offices. DEI should end.

Thank you. I'll be happy to take any questions.

WRITTEN ADDENDUM TO ORAL TESTIMONY

I wish to add in writing a couple of points that I could not make in my oral testimony because of the time limits.

One point is that opponents of this bill are claiming that it will cause students and faculty to shun Ohio colleges. First, on its face that claim is implausible. As I stated, DEI is being used for racial and political discrimination. I don't believe that good people will avoid Ohio universities just because they say that they will no longer discriminate.

Second, although opponents say that the adoption of similar laws has caused an exodus in other states, they present no data to support this charge. Florida and Texas are ahead of Ohio in banning DEI in education, but I hear that interest in academic positions in those states is strong. Florida's New College has been transformed from a radical showcase into a traditionalist school under Governor Ron DeSantis. Student enrollment has not declined; it has actually increased. Fears of an exodus are fabrications.

Another objection, raised by a representative of the ACLU in testimony against SB 1,^{iv} is that it lacks a definition of diversity, equity, and inclusion and that this lacuna will cause confusion and wreckage. The implication is that this vagueness is unusual in legislation, but of course vagueness is ubiquitous, beginning with the U.S. Constitution, which uses such terms as "due process," "equal protection," and "free exercise of religion."

As in myriad other cases, the meaning of these terms will be worked out on a case-by-case basis. The ACLU speaker cited scholarships to military veterans might be illegal under this bill. However, I seriously doubt that Ohio universities will terminate these scholarships of their own volition or that anyone will sue universities that retain them. In the highly unlikely event that litigation occurs, I believe that courts will find that aid is not barred as compensation for achievements as opposed to identity.

Finally, some critics of SB 1 have pointed to the large number of opponents who have come to the Statehouse to testify or protest against it as evidence that the bill is unpopular. However, it is common the beneficiaries of government subsidies, although small in relation to the total population, will turn out to support the subsidies in greater numbers than will those who (mostly unwittingly) foot the bill.

In the 1930's the leftist theoretician Antonio Gramsci realized that Marx's vision of a workers' revolution was not going to happen. He proposed that the left gain power by infiltrating and taking over key institutions—what became known as the "long march through the institutions." Universities were perceived as the "soft white underbelly" of bourgeois democracies, the institutions where the left could most easily seize control.

That goal has now been largely achieved. Few academics are speaking out for SB 1 because the left has succeeded in excluding those not on the left and intimidating most of the small remnant that does not agree with them. SB 1 will not remove leftists from the universities or even reduce them to a minority, but it would loosen their control just a bit, but even this they

cannot tolerate. So, they turn out in large numbers in an effort to retain their domination at the taxpayers' expense.

ⁱ John D. Sailer, Ohio State University Hired Based on Race and Gender, Emails Show, City Journal, <https://www.city-journal.org/article/ohio-state-university-racial-gender-preferences-hiring> (Jan. 23, 2025).

ⁱⁱ John D. Sailer, OSU Pushed for Discriminatory Recruiting Practices, New Video Shows, <https://www.city-journal.org/article/ohio-state-university-hiring-practices-diversity-video> (Feb. 5, 2025).

ⁱⁱⁱ Instructing Animosity: How DEI Pedagogy Produces the Hostile Attribution Bias, chrome-extension://efaidnbmnnnibpcajpcgglefindmkaj/https://networkcontagion.us/wp-content/uploads/Instructing-Animosity_11.13.24.pdf.

^{iv} <https://www.acluohio.org/en/news/senate-bill-1-opponent-testimony>.