

Testimony of Angela May Mergenthaler, Ph.D.
Before the Senate Higher Education Committee
Senator Kristina Roegner, Chair
February 10, 2025

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

My name is Angela May Mergenthaler, and I am Associate Professor of Germanic Languages and Literatures at Ohio State University, where I have been teaching for over sixteen years. I do not represent Ohio State University, but rather am submitting testimony as a private citizen in opposition to Senate Bill 1. I am strongly opposed to SB 1, as I believe it will greatly harm higher education in Ohio, and the economy and culture of our beautiful and thriving state, and reduce the competitiveness of our universities, including Ohio State University.

I came to the US first in 1995 as a Fulbright student, and I returned for my Ph.D. as soon as I could, just two years later, as I was enthralled by the American Higher Education system, which fostered more innovative research in my field – German Studies – than in Germany, the country where the field emerged. In fact, most recent trends in literature and culture, such as Environmental Humanities, Digital Humanities, Media Studies, and the rediscovery of women’s literature were kickstarted here in the US and have been taken up at German universities only several years later. The US is a leader of innovation in areas from culture, science, technology to the economy, among many others, thanks to its spirit of exploration and the intellectual freedom that shapes its colleges and universities.

This freedom feels even more important to me as a US citizen who was born in Germany—a country that endured two dictatorships in the 20th century and still suffers from the consequences. From childhood, I saw the US as liberator from Nazi dictatorship. Living in West-Berlin in the 1980s, I experienced how US support in 1948 had helped West-Berlin exist and not be swallowed up by the GDR, and then in 1989, I witness first-hand how US support ensured that the peaceful revolutions in East-Berlin and East Germany and the fall of the Berlin Wall in 1989 culminated in a peaceful German reunification in 1990. My father’s cousin who grew up after the war in East Berlin asked for and received permission to leave East Germany in the late 1980s, just a few years before reunification, because he had experienced workplace bullying since his older sister had escaped to West Germany. In the West, my the cousin and his wife immediately found work with Siemens, and, enjoying their newfound freedom and financial security, they took their first trip abroad to Florida. Before they left the East Germany, we had visited them in East Berlin once a year and always brought them coffee and chocolate—both unavailable to them behind the iron curtain. I also remember the fear I experienced at the border crossings between West- and East-Berlin, especially on occasions when our car was searched. I was justifiably afraid that we would be arrested because my father may have accidentally brought a German news magazine with him that was considered anti-Socialist. When we visited my relatives, we parked our car far away from their apartment building, and when we ate in a restaurant, we made only small talk for fear of wiretaps, or of who might be listening.

In German literature and culture classes, students learn about the terrible destruction that the two German dictatorships brought about—from the terrors of the Holocaust and WWII to the surveillance state of the GDR. Students also learn how culture can be a means to resist and undermine oppression. They recognize the value of personal, economic, and political freedom, freedom of speech, and intellectual diversity.

On the background of my lived experiences in West-Germany in the 1980s and 1990s, I fully embrace the desire of the sponsors' bill SB 1 to foster intellectual diversity in Ohio's institutions of Higher Education. However, I believe that this intellectual diversity is, today, largely alive and well at US colleges and universities, and that the proof is the thriving of innovation in this country that I described above. The policies that the bill proposes would not increase but stifle intellectual diversity and create a culture of surveillance and fear among Ohio's faculty, students, and staff that would undermine the stated intentions of the bill's sponsors.

What particularly concerns me in this bill, as a professor who teaches German culture and language, is SB 83's prescription and surveillance of intellectual diversity (Sec. 3345.0217) in courses and syllabi that are supposed to be published online (Sec. Sec. 3345.029, lines 514-51), and the fact that this surveillance can lead to disciplinary action against faculty. In combination with the new post-tenure review (Sec. 3345.453), this policy may, at least as I understand the bill, result in the termination of faculty accused of not fostering intellectual diversity in their classrooms.

The bill defines "Intellectual diversity" as "multiple, divergent, and varied perspectives on an extensive range of public policy issues" (lines 605-607). I am not certain that in my culture, language and cultural history courses, I teach about "public polic," at all, if I go by the definition, provided by Britannica, "Public policy generally consists of the set of actions—plans, laws, and behaviours—adopted by a government." But be it as it may, this definition is extremely vague, and, I believe, makes it impossible to ascertain or police whether a course or syllabus is "intellectually diverse," or not. Who will the experts in all the fields covered by the unversities in Ohio who can judge whether a course is "intellectually diverse," or not? Who will be able to decide on a complaint by a student or staff or faculty against a faculty member for an alleged violation of intellectual diversity? The breadth and vagueness of the definition carries the danger that it will stifle real intellectual diversity and create an atmosphere of surveillance and fear in the classrooms of Ohio's institutions of higher education.

The limitations of the policy that appear to protect me from baseless complaints are so vague as to provide little to no consolation and protection:

I quote (lines 746-749 of Sec. Sec. 3345.0217): "(E) Nothing in this section prohibits faculty or students from classroom instruction, discussion, or debate, so long as faculty members remain committed to expressing intellectual diversity and allowing intellectual diversity to be expressed."

For the questions remains: What is intellectual diversity and what is not, in my survey course on German history and culture, from the middle ages to the present, or in my course on sustainability and literature and cultures from the Viking Sagas to contemporary TV thrillers?

Apart from the philosophical and administrative problems that this prescription of intellectual diversity will create, the bill contains numerous other points that will create large financial and

administrative burdens for the university and will make the universities less attractive to students and faculty nationally and internationally:

- Publish syllabi online
- Additional annual reviews (faculty already undergo annual reviews) and post-tenure reviews
- New retrenchment policies

The bill also prohibits collective bargaining for full-time Ohio faculty, which takes away any power faculty might have to fight against university or state policy. Countries that prohibit collective bargaining are commonly *not* democracies, but authoritarian regimes and dictatorships. Collective bargaining was one of the great institutions created in Britain in the 18th century that then spread over the world and that is helping workers and employees to this very day to receive fair compensation and improved working conditions. Faculty will not take the decision to strike lightly. But it needs the power to do so in order to have leverage.

The bill's policies will greatly lower the attractiveness of Ohio's public colleges and universities to both students and faculty. For who will want to learn, teach, and do research in an environment of surveillance and fear? How can students learn and acquire knowledge in such an atmosphere? I believe many students, faculty, and staff will be driven away from Ohio's colleges and universities, which will result in a reduced workforce drawn from our own institutions, and the bill will therefore greatly harm our—in my view—excellent institutions of Higher Education in Ohio and, by extension, the thriving culture and economy of the state.

I ask you to consider my testimony and vote No on this harmful bill. Thank you again for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'May Mergenthaler', with a long, sweeping underline.

May Mergenthaler