

Chair Roegner, Vice Chair Cirino, Ranking Member Ingram and members of the Senate Higher Education Committee, please accept this testimony in opposition to Senate Bill 1, the inappropriately named “Advance Ohio Higher Education Act” My name is Dr. David Redles and I am a professor of history at Cuyahoga Community College. I am submitting this testimony as a private citizen, and not on behalf of my institution.

I have been in higher education for over 40 years, and I written several scholarly books, chapters, and articles on the rise of Nazi Germany and the Holocaust.<sup>1</sup> I am testifying because of my fear, not only for the integrity of higher education, but also the loss of our democracy. Ohio higher education does not exist in a vacuum. We are currently living in a time of a mass purge of non-partisan federal workers simply based on their perceived politic bias. Federal workers are being threatened with ‘adverse consequences’ if they do not inform on colleagues working on programs relating to Diversity, Equity, and Inclusion (as if such ideas are un-American).<sup>2</sup> This is a tactic that has been used for decades by such groups as the Nazi Gestapo, the Russian communist KGB, and the East German Stasi, to crush viewpoints that counter those of the authoritarian regime in charge. I do not make such comparisons lightly. My fear for the continuance of our democracy has never been greater, as I have never seen such an assault on individual rights, including the essential right to academic freedom that SB 1 threatens.

Mr. Cirino claimed in his sponsor testimony that it is “patently untrue” that this SB1 will stifle academic freedom, but rather in actuality would restore and ensure academic freedom and that, somehow, that this was “one of the main objectives of this bill.” The bill itself is specifically designed to do exactly the opposite—limit, if not destroy, academic freedom. For instance, the bill defines “controversial” beliefs or policies as “any belief or policy that is the subject of political controversy, including issues such as climate policies, electoral politics, foreign policy, diversity, equity, and inclusion programs, immigration policy, marriage, or abortion.” This is clearly a hitlist of issues that conservatives want taught only one way. Their way. Educating based on fact and evidence is the point of education, not artificially giving equal weight to beliefs that are not supported by evidence.

For example, if a professor is lecturing on the environmental, economic, and social costs of climate change caused by carbon emissions, which under this bill would be considered “controversial”, is this professor mandated to also discuss the unscientific belief that climate change is not really happening or based on carbon emissions? That is not academic freedom, that is miseducation. In my class on the Holocaust, am I to give weight to the Holocaust denier, who’s beliefs are not supported by evidence, and which are, quite frankly, anti-Semitic?

Similarly, the bill defines “intellectual diversity” as “multiple, divergent, and varied perspectives on an extensive range of public policy issues.” The bill further stipulates that in order for a course to gain state approval, the syllabus must include evidence of such “intellectual diversity.” The question then arises, does this bill force the professor to include in the syllabus “perspectives” that are not supported by evidence, like Holocaust Denial and climate change

denial? Again, mandating professors address evidentially unsupported beliefs and theories is the opposite of academic freedom, but rather an attempt by politicians to didact course content.

The same can be said about the provision that mandates institutions seek out invited speakers who have diverse ideological or political views. If I bring one of the few remaining Holocaust survivors to speak at my institution, am I then “required” to invite a Holocaust denier? Or would any old antisemite do?

There are other sections of this bill that are worrisome to a historian of authoritarianism. For while my research is on Nazi Germany, this is not really a question of the political right or left. Whether we are talking about the far right, the Nazis, or the far left, the communists, the authoritarian desire to restrict academic freedom is the same—to eliminate intellectual opposition that undermines the core beliefs of the authoritarians. Throughout modern history, authoritarian regimes have always attacked the intelligentsia first, whether it be the Nazis, the Bolsheviks, or the Maoists. In the case of the Nazi Germany, one of the first acts of Hitler’s regime was to purge education, at all levels, of Social Democrats, communists, and Jews. Soon thereafter certain subjects and ideas could no longer be taught (indeed, books on topics the Nazis considered controversial were banned, removed from libraries, and in many cases burned), while other subjects, such as supposed supremacy of the white race, were forced upon professors and students alike. German students test scores declined, and many of the best and brightest minds of Germany fled to other countries, including the United States. If SB 1 passes, no one will “rush” to Ohio’s colleges and universities as Mr. Cirino writes in his sponsor testimony. Quite the opposite will occur. Ohio will become an intellectual pariah, much like DeSantis’ Florida.

Regarding academic freedom, I would like to turn to the bill’s mandated yearly faculty evaluations. The bill mandates that the following question be included in all student evaluations: “Does the faculty member create a classroom atmosphere free of political, racial, gender, and religious bias.” First off, as a professor now in his fifth decade of teaching, I know that having a classroom “free of” bias is impossible, and, in fact, undesirable. It is impossible because the notion “free of” is an absolute, and the classroom atmosphere is not an absolute. It is a dynamic experience that changes with every class period. The classroom is a place where teachers and students exchange ideas from a variety of perspectives, and some of it will be biased. The learning goal is to explore these biases, and to discover together where the evidence lies.

The other problem is, how does the bill define bias? Again, if I discuss an aspect of the Holocaust in my class, and I have a Holocaust denier as a student, can he report me in his student evaluation as being “biased?” If a climatologist discusses human-caused climate change in a course, can a climate change denier flag that professor as “biased.” The problem here is that this bill will create a classroom atmosphere of fear. Because of the SB1 post-tenure review provisions, tenured professor could lose their jobs because they do not entertain beliefs that are undocumented and lacking evidential backing. Moreover, the fact that the bill also mandates that

university professors publish their syllabi with their name, contact information, and physical campus address, opens them to untold political harassment and, potentially, political violence.

In his testimony, Mr. Cerino employs the 2-page 1967 Kalven Report's call for academic neutrality as an institutional goal to support his definition of campus free speech and diversity of thought. However, Mr. Cerino is using the concept of neutrality in an absolute sense. He seems to believe the Kalven Report calls on university administrators and professors to maintain absolute neutrality regarding the so-called "controversial" topics. This is not what the Report said or ever intended. Moreover, the Report was proposed as a guiding principle solely for college administrators, and was not intended to impinge on the academic freedom of faculty. For as one first amendment scholar notes: the "basic axiom for academic freedom" is "that universities do not speak for faculty, just as faculty do not speak for universities."<sup>3</sup>

Jamie Kalven, son of the report's chair Harry Kalven, and like his father a noted legal scholar, rejects the idea the report defined neutrality as an absolute, saying: "If it's an absolute," then "people just sort of apply it reflexively, thoughtlessly, and don't really grapple, generation to generation, with the nature of the principle."<sup>4</sup> Jamie Kalven made it very clear that his father "distrusted First Amendment absolutism. He thought it reflexive, flatfooted, and miseducating."<sup>5</sup> The goal of institutional neutrality varies from time to time--it is not absolute, immutable or written in stone. Neutrality is determined by the times we live in. And in certain times of crisis, like the Nazi takeover of German universities, neutrality is no longer an option, and certainly not a virtue. Another Kalven committee member, education professor Jacob Getzel, himself warned that the misuse of the idea of neutrality aided the rise of Nazism in Germany.<sup>6</sup>

The Kalven committee understood and made it clear in the Report itself that at times institutional neutrality is not warranted:

"From time to time instances will arise in which the society, or segments of it, threaten the very mission of the university and its values of free inquiry. In such a crisis, it becomes the obligation of the university as an institution to oppose such measures and actively to defend its interests and its values."<sup>7</sup>

The pioneering historian John Hope Franklin, who was also member of the Kalven Committee, later expressed his belief that "we cannot be indifferent to the disorders and defects in our society that are themselves opposed to [the university's] existence as a free intellectual community."<sup>8</sup> The original Kalven Report was written in response to University of Chicago students' demand that the college divest from apartheid South Africa in 1967. In 2006 University of Chicago students asked the college to divest from Darfur, then a site of unspeakable genocide. John Hope Franklin, the only member of the Kalven Report still alive at the time, concluded: "the desperate situation in Darfur is so tragic that it qualifies as the exceptional instance where I have no difficulty in concluding that divestment with the core values of our report and the mission of the University." I would argue that today in the United States, and indeed, much of the world, we are now in such an "exceptional instance."

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<sup>111</sup> For instance, David Redles and Jackson Spielvogel, *Hitler and Nazi Germany: A History* 8<sup>th</sup> ed. (Routledge, 2020); and David Redles, *Hitler's Millennial Reich: Apocalyptic Belief and the Search for Salvation* (New York University Press, 2008).

<sup>2</sup> "Federal Workers Ordered to Report on Colleagues Over D.E.I Crackdown," New York Times, Jan. 23, 2025. Accessed at <https://www.nytimes.com/2025/01/22/us/politics/trump-order-discrimination-federal-hiring.html>

<sup>3</sup> Robert Post, "The Kalven Report, Institutional Neutrality, and Academic Freedom" (July 20, 2023). in *Revisiting the Kalven Report: The University Role in Social and Political Action* (Keith E. Whittington and John Tomasi, eds. Johns Hopkins Press, Forthcoming)., Yale Law School, Public Law Research Paper, Available at SSRN: <https://ssrn.com/abstract=4516235>

<sup>4</sup> Jennifer Ruth, "The Uses and Abuses of the Klaven Report," Chronicle of Higher Education, October 24, 2023. Accessed at <https://www.chronicle.com/article/the-uses-and-abuses-of-the-kalven-report?sra=true>.

<sup>5</sup> Jamie Kalven, "Unfinished business of the Kalven Report," *Chicago Maroon*, November 28, 2006. Accessed at <https://chicagomaroon.com/7464/viewpoints/op-ed/unfinished-business-of-the-kalven-report/?print=true>

<sup>6</sup> Ibid.

<sup>7</sup> Kalven Committee: Report on the University's Role in Political and Social Action, page 2. Accessed at [https://provost.uchicago.edu/sites/default/files/documents/reports/KalvenRprt\\_0.pdf](https://provost.uchicago.edu/sites/default/files/documents/reports/KalvenRprt_0.pdf)

<sup>8</sup> Peter Dizikes, MIT News, "Judgment, reason, and the university," November 22, 2023, citing lecture by MIT professor Malick Ghachem entitled "Neutrality, Diversity, and the University. Accessed at <https://news.mit.edu/2023/judgment-reason-and-university-1122>.