

Testimony of Dr. Marc Bockrath, Ph.D.
Before the House Higher Education Committee
Representative Tom Young, Chair
May 16, 2023

Chair Young, Ranking Member Miller, and Members of the House Higher Education Committee:

My name is Marc Bockrath, and I am a professor of Physics at The Ohio State University, where I have taught for 6 years. I do not represent OSU, but rather am submitting testimony as a private citizen in opposition to House bill 151. I am writing this personal testimony in regard to House bill 151. Part of bill 151 (Section 3345.453, lines 481-520 in the current bill) describes legislation to require post-tenure reviews, a de facto elimination of tenure protections.

Tenure forms the cornerstone of academic freedom. Examples where academic freedom enabled significant discoveries are abundant. One example is Andrew Wiles. He published little or nothing for many years, which would trigger a post-tenure review and possible dismissal under the proposed system. This is because he was taking great risks proving Fermat's last theorem, a theorem that had remained only conjecture for centuries. Ultimately, he was successful, and his proof gained widespread recognition and he received many awards. His work also has potential applications in practical areas such as cryptography. Another example is the Josephson junction discovered by Brian Josephson, thought by many to be impossible before it was proven otherwise. Under the proposed bill, undertaking research in an area that defies conventional thinking would be too risky to contemplate. The Josephson junction now plays a critical role in quantum computers, and Josephson received a Nobel prize for his work. Many other examples exist.

The point is that without academic freedom, few if anyone would be able to take the big risks necessary to make major discoveries. It seems clear eliminating tenure and thereby academic freedom would strongly curtail a culture that is currently able to engage in high-risk/high reward ventures. Eliminating academic freedom would therefore be walking away from the principles that have made research in Ohio top-notch. **The decline of research in the state of Ohio is not merely academic but could be readily expected to have real-world consequences such as the diminishment of federal research dollars going to the state in competitive grants.**

Another issue is that the necessarily "safe" research performed without academic freedom may translate to promoting wrong or false results in politicized areas. Pressure could come from for example program managers or even college administrators to get the "right" results. Society clearly depends on objective science for many of its medical, military, and commercial activities.

Moreover, if Ohio repeals tenure while other states retain their protections for academic freedom, **recruitment and retention of the most talented faculty is likely to become much more difficult.** Higher education in the state of Ohio would most likely become second-rate. This is especially an issue when trying to attract further and prolonged investment by high technology corporations such as Intel.

If faculty require protection from harassment and oppression based on their views, tenure is the best way of assuring this. For these reasons, I believe this bill would likely cause serious and possibly irreparable harm to higher education and research in Ohio as well as undermine faculty capacities for free speech and inquiry. I strongly urge you retain tenure protection in its current form.