

Date of Hearing: March 5

Zackary Berger, MD, PhD

Baltimore, Maryland, 21218

### **Testimony on HB 1462**

#### **Maryland Campus Accountability and Modernization to Protect University Students Act**

**Position: Unfavorable**

**HB 1462 (Solomon, Bofo, Cardin, Ebersole, Edelson, Fair, Foley, Forbes, D. Jones, Kaiser, Kaufman, Lehman, R. Lewis, Spiegel, and Vogel) - Higher Education - Antihate and Antidiscrimination Policies and Workgroup (Maryland Campus Accountability and Modernization to Protect University Students Act)**

House Appropriations Committee

Dear Honorable Chair Barnes, Vice Chair Chang, and Members of the Committee,

Below I offer testimony in opposition to HB 1462, the **Maryland Campus Accountability and Modernization to Protect University Students Act**. I do so as a **Jewish Marylander and a professor at a leading medical school who worries that his students' speech will be restricted to bring the state into line with Trumpian suppression of civil society.**

This legislation would codify into law policies restricting free speech on campus that have been applied in biased ways across the United States in retaliation against nonviolent student activists speaking out to oppose mass killing in Gaza and in solidarity with Palestinians. **This bill will chill the vital exchange of ideas** on campus. Universities are meant to be outposts where students feel free to speak their mind and are supported in their expression.

Maryland should continue to be a place of opposition to the repression of civil society including social justice movements. This bill is of a piece with the repressive policies that have been advanced in US colleges and universities in response to pro-Palestinian activism. Such bills

purport to oppose antisemitism and defend Jews. As a Jewish Marylander, I testify that they do nothing of the sort. Rather, they cause Jewish students like those I mentor at the school of medicine I teach at, and Jewish college students I mentor, to worry about the consequences of their free speech.

College is the site of encounter with others' opinions. Such encounter is the very subject of academic inquiry and should be deliberately structured and supported on the part of universities, not through top-down government control. The reporting requirement incentivizes campus administrators to repress speech deemed controversial, such as anti-war protests – exactly what we want to avoid in the encouragement of free expression. Encouraging anonymous complaints makes it easy for this route to be abused without consequences. Further, time/place/manner restrictions discourage students from exercising their right to free speech. Students can be easily tripped up by technical violations, and such micromanaging protects no one.

Quite concerning is the requirement that institutions commit to involve security or law enforcement that causes what the institution defines as significant disruption. As we face threats to liberty, restricting civil liberties is the wrong answer. Similarly, involving police on campus is an unneeded escalation. Student- and faculty-centered routes have been shown to be more effective.

Tendentious applications of hate speech and laws and policies purporting to fight discrimination have repressed pro-Palestine speech, and, among other things, shut down speech by Jewish activists on campus. Requiring state universities to allocate precious funds on unsupported speech-silencing boondoggles is not what we need to be doing during Trump 2.

I thus ask you to return an unfavorable report on this misguided bill.

Zackary Berger, MD, PhD