University of Florida bars professors from testifying in lawsuit against right-wing voting rights bill

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Court documents released late last week revealed that the University of Florida (UF) barred three professors at the school from providing testimony in a voting rights case against the state, according to filings from federal court.

A spokeswoman for UF, Hessy Fernandez, justified the prohibitions on the grounds that if the professors participated in the court case, it would be "adverse to the university's interests as a state of Florida institution." Fernandez added "the university did not deny the First Amendment rights or academic freedom" but rather, "the university denied requests of these full-time employees to undertake outside paid work that is adverse to the university's interests."

As part of their case against the legislation, a coalition of voting rights organizations sought three professors from the university—Daniel A. Smith, Michael McDonald and Sharon Austin—to testify as expert witnesses. The plaintiffs in the case, which was filed last May, are suing Florida Secretary of State Laurel Lee with the intention of overturning the new slate of voting restrictions that Florida Governor Ron DeSantis signed into law earlier that month, known as S.B. 90.

In rejecting Professor Smith's request, the Dean of UF's College of Liberal Arts and Sciences wrote that "outside activities that may pose a conflict of interest to the executive branch of the state of Florida create a conflict for the University of Florida." Rejection of Professors Austin and McDonald's requests to testify were issued with similar arguments by an assistant vice president over the potential "conflicts of interest."

On Monday, however, UF officials had been forced to dismiss their decision following a groundswell of opposition from law experts and academics who rightfully interpreted the prohibition as an attack on free speech and academic freedom. In a statement announcing the sudden about-face, the administration said it would allow the professors to speak out if they were not being paid to testify. The statement read, "the university views the professors' request as a request to be paid to testify against the state," which would therefore "be adverse to the university's interests" as a "state institution." The reformed position adds that if the testimony is given "on their own time without using university resources, they would be free to do so."

A letter was released by lawyers for the three UF professors asking for clarification about what they deemed "the university's unlawful attempt to prevent them from providing truthful testimony on a matter of extraordinary public importance." A few hours after this was sent, the university altered its stance and UF President Kent Fuchs and University Provost Joe Glover asserted they were "immediately appointing a task force to review the university's conflict of interest policy and examine it for consistency and fidelity."

Also on Monday, the body that authorizes the accreditation for UF said it would initiate an investigation into the university over its decision to bar the testimony. The accrediting organization said it has already taken preliminary steps that could lead to a probe into whether the university faces "non-compliance issues" over the university's decision to restrict the speech of its employees.

The university's decision to deny the professors' request to testify is in marked contrast to prior cases against state laws. In 2018, one of the professors named in the filing, David Smith, testified with the University of Florida's permission in two voting rights lawsuits against Florida's Republican-led government. One suit forced the state to provide Spanish-language ballots for Hispanic voters. The other overturned a state-imposed ban on early voting polling places on Florida university campuses. As with many schools nationwide, the university has traditionally allowed their academics to offer expert testimony in lawsuits filed against potentially unconstitutional and anti-democratic bills passed by the government.

One lawyer for the plaintiffs in the state case, Kira Romero-Craft, said that the university's prohibitory decision "goes against the core of what the University of Florida should stand for in terms of academic freedom." Craft also suggested that DeSantis himself most likely played a role in the move to suppress testimony over his right-wing voting rights bill, saying, "it seems reasonable for us to understand whether the executive office of the governor had any role in participating in that decision."

Robert C. Post, a Yale Law School professor and expert on academic freedom and the First Amendment, told the *New York Times* that he knew of no other precedent where a university had imposed restraints on a professor's ability to speak publicly. He said, "the university does not exist to protect the governor. It exists to serve the public. It is an independent institution to serve the public good, and nothing could be more to the public good than a professor telling the truth to the public under oath." Henry Reichman, a professor emeritus of history at California State University, condemned the restrictions as "crazy" and said, "the ultimate logic of this is that you can be an expert in the United States, except in the state where you're actually working and being paid by the state."

Governor DeSantis has not made an official comment on UF's decision, while his administration denies that it told university officials how to enforce its conflict-of-interest policies. However, the governor has appointed six of UF's board of trustees, with all of them

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being devoted supporters of the Republican Party. Each appointee has collectively given DeSantis or the state's Republican apparatus nearly $900,000 in political contributions.

Signed into law as a transparent assault on democratic rights, targeting particularly the rights of working class voters, S.B. 90 places even more onerous restrictions on votes received by mail during elections. The law includes other mechanisms to suppress votes from residents across the state, including measures aimed at barring homeless people from voting and restricting the hours of availability for residents to access secure ballot drop boxes.

S.B. 90 criminalizes any person who possesses two or more mail ballots other than the person's own ballot and an immediate family member, making it illegal for voters to ask a trusted friend, family member or caregiver to pick up or drop off a vote-by-mail ballot. It retroactively invalidates previous vote-by-mail requests every year and requires that mail-in vote requests be renewed annually, a completely unnecessary procedure. More hurdles are also placed on election supervisors who track and maintain voting records. The 48-page law also introduced other repressive requirements on the voting process, such as restricting the ability of officials and organizations to provide snacks and water to voters waiting in election lines.

Among S.B. 90's provisions that are being challenged in the lawsuit, the plaintiffs claim the law sharply limits the use of ballot drop boxes, makes it harder to obtain absentee ballots and places new requirements on voter registration drives. An attorney for the plaintiffs says the legislation "imposes substantial and unjustifiable restrictions on the ability of eligible Floridians to vote and register to vote."

Moreover, volunteers or organizations who provide assistance to voters must now take an oath affirming that they are not the employer, agent of the employer, or an officer or agent of the union of the voter, and also that they did not solicit the voter at a polling place or drop box location. The oath has to be sworn and signed in front of an election official who must also sign the declaration.

An issue driving these voter-suppression measures has been the fear among sections of the ruling class of mail-in-voting, which was widely used during the 2020 presidential and statewide elections because of the health dangers posed by the pandemic. The widespread use of mail-in balloting has been one of the central sources of blame assigned by former President Donald Trump and his far-right supporters for his loss to Democrat Joe Biden. Trump and the entire Republican party have for the past year repeated the fraudulent and baseless claim the election was "rigged" and that the voting process was compromised due to an influx of ballots sent by mail.

DeSantis, who is a fascistic acolyte of Trump's, and has been championed by the media as a potential Republican presidential candidate, has joined several other Republican governors in passing draconian voter legislation aimed at maintaining or electing Republican officials.

Burnishing his far-right credentials, DeSantis has signed bills designed to eliminate public health measures meant to stop the spread of COVID-19 and pursue the homicidal "herd immunity" strategy of letting the virus rip through the population.

In June, DeSantis passed legislation with the aim of demonizing socialism and communism in civics education courses in K-12 schools while bolstering far-right ideology on college campuses.

Contained in the bills was the requirement that college students and professors register their political views with the state, an inflammatory impingement on political autonomy. The bill sparked massive outrage because of the fear of a repressive atmosphere on campuses that would follow and possible persecution from the state against dissenting views. One of the requirements from the bill is that faculty and students be surveyed on their political beliefs, with colleges at risk of losing their funding if the responses do not orient to the right-wing views of state officials.

DeSantis also recently awarded the Florida Medal of Freedom to Che Guevera's CIA killer Felix Rodríguez to shore up support among the most rabidly right-wing elements of the state's Cuban exile community.

Despite their nominal opposition to the oppressive voter restrictions, the Florida Democratic Party has responded with meek helplessness to the moves by the Republicans. The Democrats have allowed the legislation to be approved while making clear they will take no meaningful action to block or override the Republican Party's strategy. The party has instead focused all their efforts on removing DeSantis in the 2022 Governor's race, an outcome that appears unlikely given a collapse statewide in support for the policies of Joe Biden's White House and the Democratically controlled Congress as they whittle down the proposed Build Back Better social "reform" bill.

The intervention by UF to block the professors' testimony is directly aligned with the fascistic strategy being pursued by DeSantis and the Republican-led legislature. The head of the school's board of trustees, Morteza Hosseini, is a close ally of DeSantis and is one of the six major Republican Party donors on the board. He was also a member of DeSantis' transition team following the Governor's victory in the 2018 November elections.

Hosseini made headlines last week when reports surfaced that he was planning on hiring and granting tenure to the pseudo-scientist and "herd immunity" advocate Dr. Joseph Ladapo in the coming weeks.

This comes several weeks after DeSantis named Dr. Ladapo as the state's surgeon general. Ladapo was appointed to the position to strengthen DeSantis' sinister efforts to keep Florida open despite the ravages of the pandemic. Like DeSantis, Dr. Ladapo is opposed to even the most minimal mitigation policies that can curb the virus, such as mask mandates, and opposes vaccine requirements. Dr. Ladapo has been on record saying, "there is nothing special about them [vaccines] compared to any other preventive measures. It's been treated almost like a religion, and that's just senseless."

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