

University of Florida reverses ban on faculty from testifying in voting rights lawsuit

Alex Johnson
8 November 2021

The University of Florida (UF) announced on Friday that it was reversing its decision to bar three professors at the school from providing paid testimony in a voting rights lawsuit brought against the state, after facing enormous backlash and public denunciations over its prohibitory decision.

University President Kent Fuchs made the announcement in a campus-wide email explaining that he was asking the UF's Conflict of Interest Office to reverse the decision to bar the UF employees from serving as expert witnesses for litigation.

According to court records, the University had sent out emails to all three professors—Daniel A. Smith, Sharon Austin, Michael McDonald—on October 11, telling them they could not testify because “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.”

After Friday's reversal, the attorneys for all three professors made statements to the media repudiating the UF's prior proscription and highlighting the blatantly unconstitutional character of the denials. “The fact remains that the University curtailed their First Amendment rights and academic freedoms, and as long as the University's policy remains, those rights and freedoms are at risk,” one statement to CNN read.

The three professors also filed a federal lawsuit Friday against the University of Florida Board of Trustees, President Fuchs and University Provost Joseph Glover. The lawsuit claims the University violated the professors' First Amendment rights through its “conflict of interest” policy, arguing that it was antithetical to “principles of academic freedom and free speech.” It goes on to declare further that the university “sought to prevent plaintiffs from testifying for one reason: Plaintiffs sought approval to testify in court against the voting restrictions embodied in S.B. 90 instead of supporting the law.”

The lawsuit points out that McDonald and Smith served as expert witnesses in prior trials opposing voting regulations in several states without opposition from UF. The lawsuit explains that the professors seek an outcome that will serve as a precedent to prevent such prohibitions in the future. One of the aims is removing policies that limit an academic's “ability to undertake outside activities, on a paid or unpaid basis, on the ground that the proposed activity is not aligned with the ‘interests’ of the State of Florida.”

In comments to the media, the professors criticized the reactionary nature of the proscriptions and pointed to the implications such decisions have on free speech and democratic rights. In remarks to CNN, McDonald said, “I want to stand up for democracy and I want to stand up for the people. It just seemed natural to me that as a matter of constitutional principles, we need to stand up for free speech.” Austin said the ban felt as if she was “being censored,” and warned of the dangers in being punished for “promoting rights that everyone in this country should have.”

The original lawsuit that was brought up against the state was taken against S.B. 90, an anti-democratic voting rights bill that was signed by Republican Governor Ron DeSantis to eviscerate the democratic and voting rights of working-class and poor residents.

The repressive Florida legislation mirrors similar bills that have been advanced in numerous Republican-led states aimed at bolstering former President Donald Trump's fraudulent claims that the 2020 elections were rigged. Among some of S.B. 90's draconian provisional changes, the bill sharply limits the use of ballot drop boxes, places restrictions on voter registration drives, and makes requests for an absentee ballot much more arduous.

The lawsuit launched by the professors challenges the specious notion that academics can be barred from participating in court testimony if they are paid. The

lawsuit notes that two of the professors were permitted to testify as voting rights experts in prior cases, including those in which the state was a defendant. In 2019, UF approved Smith, chairman of its political science department, to provide expert testimony in a case against DeSantis over voter suppression of former felons.

The professors' lawsuit also points out that UF had denied a similar request from faculty to participate in legal action, arguing that the university's decisions discriminated against litigation challenging state policies. In 2020, four UF law professors who wanted to sign a "friend of the court" brief in a lawsuit challenging a voting law for felons were told that they could not identify themselves as university faculty members in the filing, because it involved "an action against the state."

In August, university officials told a pediatric UF professor that he could not work on two cases challenging the state's ban on mask mandates in schools because participating in lawsuits against the DeSantis' administration would "create a conflict" for the university. Jeffrey Goldhagen, a 28-year professor and pediatric expert at UF's College of Medicine, was denied involvement in two separate mask cases, including one representing the Disability Independence Group in Miami.

In an article in the *Miami Herald*, Goldhagen stated bluntly that the denial represented an assault on his First Amendment rights. "I don't think it is hyperbole when I say this is how totalitarian regimes unfold," Goldhagen continued, "If you deny science and you deny the universities the critical role they play in American society, then you truncate free speech, academic freedom and the dissemination of information."

The suppression of criticisms over DeSantis' fascistic attack on county-wide mask mandates was a part of the governor's efforts throughout the pandemic to lift all public health measures aimed at curbing the spread of COVID-19. This was done in order to facilitate the homicidal "herd immunity" policy, which entailed letting the virus rip through the population even as infections and deaths soared. In August, DeSantis and his Florida Department of Education acted on their threat to withhold funding from two school districts and school board members that implemented mandatory mask-wearing for students.

UF's reversal on the professors came a day after Governor DeSantis's office issued a response endorsing the prohibitions. The administration made the dubious claim that the professors' First Amendment right to freedom of speech was not pertinent in this case because

they were being paid to act as witnesses. Before the university changed its position, the Governor's spokeswoman, Christina Pushaw, argued "those three professors are free to testify in the lawsuit against the state, but pursuant to the institution's policy on conflicts of interest, they cannot receive financial compensation for their testimony against the state."

DeSantis' attempt to posture as a non-partisan adherent of the Constitution and academic freedom is absurd, given that the bills that he has enacted in recent months aimed at dictating the political views of professors and students on college campuses. A law signed by DeSantis in June implemented a requirement that universities survey professors and students in an effort to promote "intellectual diversity," which means intimidating and suppressing left-wing and socialist views while promoting far-right ideologies.

The bill's language heavily suggests that survey responses will not necessarily be anonymous, which has triggered intense fear among professors and other university staff that they may be targeted, prevented from advancing in their careers or even fired for holding dissenting political beliefs. The governor's crusade also places institutions at risk of losing their funding if the responses are not satisfactory to the state's Republican-led legislature and if far-right ideologies are not promoted on the campuses.

The UF administration also has close ties to DeSantis, as the governor has appointed six members of the board of trustees, all of them being Republican Party loyalists, and between them having contributed nearly \$900,000 to the Republicans. The head of the school's board of trustees, Morteza Hosseini, was also directly involved in granting tenure to DeSantis' recently appointed surgeon general Dr. Joseph Ladapo, a fascistic "herd immunity" proponent and vaccine-denier.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact