

## **Testimony of Emily Houh, J.D.**

Before the Senate Higher Education Committee

Senator Kristina Roegner, Chair

**February 10, 2025**

Chair Roegner, Vice Chair Cirino, Ranking Member Ingram, and Members of the Higher Education Committee:

My name is Emily Houh. I am submitting this testimony as a private citizen. I have lived in Ohio since 2000 and have two kids in public schools – one at Walnut Hills High School in Cincinnati and the other is a first year at OSU. I am a professor of law at the University of Cincinnati where I have been teaching contracts, commercial law, critical race theory, and on occasion labor law and property law, for over 20 years. I submit this testimony in my individual capacity to express my opposition to Senate Bill 1.

In restricting my and others' ability to teach about race and related "controversial matters and specified concepts," as those are defined in the bill, SB 1 if passed would deprive Ohio citizens of their freedom to learn, and, thus, to think critically about complex issues. As you know, we live in a society that continues to rapidly change and diversify, in large part due to the extension of civil rights to those who for too long were denied them. Our continuously evolving democracy cannot exist or flourish if its citizens cannot be educated about the complex facets of American history and society, even if and perhaps especially because those facets are "controversial." You have already heard similar testimony, but I will speak specifically as a university professor and teacher of future lawyers.

First, I want to address an assumption of SB 83 that I think is wrong: that there is a lack of intellectual diversity in our institutions of higher education. The foundational concepts of American education rest on Western classical liberal ideas, such as individual free will, free markets, and political equality. These concepts have always and continue to permeate our educational institutions, from K12 through higher ed. This intellectual foundation existed with virtually no competition or diversity until the mid-20<sup>th</sup> century, when the door to intellectual ideas and theories critical of or different from Western liberal ideology began to open. This openness to different ideas is what created space for *actual* intellectual diversity in American universities and colleges. SB 1 would actually *reverse* this progress and impose a regressive intellectual orthodoxy, taking us backward to the 19<sup>th</sup> and 18<sup>th</sup> centuries, not forward into the 21<sup>st</sup>.

Now I turn to my expertise and expertise as a legal educator. Students come to law school for many reasons, but they all share a desire to solve difficult problems. To do so, they must be able to identify and assess problems so they can devise effective and lasting solutions. In fact, the entire first year of law school is spent on learning and mastering the fundamentals of the American legal system, fundamentals that are rooted in classical liberal principles involving, for example, individual rights, rights and obligations between citizens, due process, political equality, and free market ideology.

This required curriculum equips law students with a problem-solving toolkit stocked with baseline understandings of what the law is and how it works. Students then study more specific legal subjects and problems. For example, they might take corporate law, family law, criminal procedure, and critical race theory, among other courses. In all of these, students learn the law and theories of how it structures and orders American work, life, economics, and society in various and specific contexts – from how corporate minority shareholders protect and enforce their rights to how child custody determinations are made to how the constitution ensures procedural integrity in criminal proceedings to how race impacts and is impacted by law and society.

In our classrooms, students not only learn to master concepts foundational to specific legal subjects but also explore those concepts through good faith engagement with the material, their peers, and their professors. But teaching foundational concepts in, for example, a CRT class, is not the same as “indoctrinating” students with what some might inaccurately label “Marxist” ideology, any more than teaching the rules and theory of contract law is about “indoctrinating” students with free market ideology. It is frankly insulting to assume that students are unable to form their own opinions about the concepts they are studying, especially with respect to classes they have chosen to take. Indeed, the point of teaching in a higher education setting is to provide students with base knowledge about a topic and then challenge them to form their own opinions or positions through critical and deep engagement with the material.

In law school, the cognitive and intellectual skills students gain through this process enable them to more effectively represent their clients in practice. This kind of learning, no matter the subject, can be difficult and unsettling – just ask any student from my Contracts or Sales or CRT classes. But it is necessary because it helps them develop their ability to identify and analyze difficult legal and social problems and, consequently, to better serve their clients and society. Having taught Ohioans for more than 20 years, I can say I have a lot of confidence and faith in our students in this regard and would hope that you do, too.

SB 1 if passed would take away my ability as an educator to continue to serve our students by teaching them to be better thinkers, problem solvers, and, in my case, better lawyers. Our students, and indeed all of Ohio’s citizens, deserve better. For this and all the foregoing reasons, I oppose Senate Bill 1. Thank you for your time and consideration.

Sincerely,

Emily Houh

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