



**TESTIMONY BEFORE THE OHIO HOUSE OF REPRESENTATIVES
STATE AND LOCAL GOVERNMENT COMMITTEE
SUB. HOUSE BILL 327
PROHIBIT TEACHING, ADVOCATING, OR PROMOTING DIVISIVE CONCEPTS
JUNE 23, 2021**

**PROPONENT TESTIMONY OF MICHAEL GOLDSTEIN, ESQ.
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PROCLAIMING JUSTICE TO THE NATIONS**

Chairman Wiggam, Vice Chair John, Ranking Member Kelly, and honorable members of the House State and Local Government Committee. My name is Michael Goldstein, State of Ohio Director and General Counsel of Proclaiming Justice to the Nations. We analyze textbooks for inaccurate content and advise state departments of education on curriculum standards. PJTN is at www.pjtn.org.

I speak as a strong proponent of Sub. House Bill 327, to prohibit teaching, advocating, or promoting divisive concepts, to eliminate from Ohio's public schools the present and spreading indoctrination of our children in the divisive concepts underlying critical race theory (CRT).

As an attorney with a degree in economics, political science, and history, as a 30-year Navy veteran and intelligence officer, and as a scholarly proponent of accurate history, I believe that we must know and understand the history of the process that has brought us to our present perilous situation. If not, we will not understand the nature and severity of the current threat to our nation and to our very legal foundation, Constitution, and civilization, posed by CRT divisive concepts, and why we must eliminate it.

There are three steps in the evolution of this concept, beginning with Critical Theory (CT), evolving to Critical Legal Theory (CLT), and then on to Critical Race Theory (CRT). CT is a movement founded in 1923 at the Institute for Social Research at the Goethe University in Frankfurt, Germany, to develop Marxist studies. After 1933 the Nazis forced its closure, and the Institute moved to the United States to Columbia University Teachers College in New York City. It became known as The Frankfurt School, and modeled itself on the Moscow-based Marx-Engels Institute. Critical Theory originated in the 1937 manifesto of the Frankfurt School as an unremitting attack on Western institutions and norms in order to tear them down.

CRITICAL THEORY

What is Critical Theory? In traditional western theory, knowledge is based upon truth. To check whether something is or is not true, one must verify empirically whether the stated fact occurs or not. Knowledge is a reflection of reality.

This view is firmly rejected by critical theorists, for whom objectivity is a myth. Critical Theory abandons conceptions of knowledge-impartiality. Critical theory holds that there are no universal truths.

The Frankfurt scholars believed that the workers in the west were not revolting and overthrowing the bourgeoisie because western workers had bought into the belief system of the ruling class— family, nation-state, the capitalist system, and God. These scholars disdained American workers, who insisted unwaveringly on the ideology “by which they are enslaved.”

CT adherents discovered a new agent of change: minorities, of which more categories would need to be created. The potential to stoke grievances among them was there in a way that did not exist with workers as a category.

CRITICAL LEGAL THEORY

It is at this point that Critical Legal Theory takes over. It is another instrument to overturn society. One of CLT’s main theorists acknowledges the debt Critical Legal Theory owes to Marxism: “Leftism aims to transform existing social structures on the basis of a critique of their injustice, and, specifically, at the injustices of racist, capitalist patriarchy. The goal is to replace the system, piece by piece or in medium- or large-sized blocs, with a better system.”

They believe that the law favors the historically privileged and disadvantages the historically underprivileged. The goal: To overturn the hierarchical structures of modern society, focusing on the law as a tool in achieving this goal.

CLT scholars also focus on the rising identity groups as their new revolutionary base, rooted ultimately in current activities by people of color, by labor and ecological groups, by women, and by homosexuals.

CRITICAL RACE THEORY

From there it is a short step to Critical Race Theory. CRT makes everything about race, and it does so with a degree of persistence that has helped CRT impact all aspects of American life. Derrick Bell, the “godfather” of CRT, quotes Angela P. Harris as explaining that CRT inherits the commitment to dismantle all aspects of western society through unremitting criticism.

CRT is the most explicitly political of the three critical schools of thought. Its use of storytelling to show the “systemic racism” that CRT scholars insist exists in America, is one of the ways that CRT scholars seek to effect change. This clarifies the response of Hanna Nicole-Jones, the NYT editor of the 1619 project, when criticized by many noted academic historians that 1619 is shot through with inaccuracies. Her response was, it does not matter. 1619, she says, is not history and was never meant to be history. Its purpose is to replace the narrative of our history from fact-based to mythical stories – or to be less charitable, from facts to propaganda. One wonders at the school systems and classroom teachers who, notwithstanding the curriculum’s editor’s “clarification” that 1619 is not history, continue to teach the NYT Pulitzer 1619 curriculum in History classes as though it were factual History.

CRT's ceaseless assault on all American institutions and norms includes Enlightenment ideas and political arrangements in which law protects individuals pursuing their own interests. It questions the very foundations of the liberal order, including equality theory, legal reasoning, Enlightenment rationalism, neutral principles of constitutional law, strong protections of property rights, and any notion of equal protection under the law. Freedom of speech is also CRT's target. "Freedom to say hateful things is more important than the freedom to be free from the victimization, stigma, and humiliation that free speech entails." Thus, we arrive at today's cancel culture. Even the idea of rights itself—the very concept upon which this country was founded—is a target of CRT.

Curriculum and Action Civics in K–12 Schools.

There is widespread dissemination of CRT curricular content and instruction in K–12. The material distracts educators and students away from rigorous learning content, while also teaching ideas that undermine the value of individual liberty and America's founding ideals, and further embed the concept of "systemic racism" in the public conscious. These distractions come at a time when state and school officials do not require enough civics-related instruction in school, and there are wide learning gaps in core subjects like reading and math between children from different ethnicities—all subjects that need more, not less, attention. Academic literature produced in the past 20 years by educational theorists on K–12 curriculum argues that narrative stories and stories from personal experiences—hallmarks of CRT—should replace instruction about facts.

This is the dogma being inculcated into our children by our educational system today. I strongly support Sub. HB 327 as a good first step in combatting the indoctrination of our students with this pernicious doctrine, whose adherents are using our own children to destroy the American project and replace it with a Marxist state.