

# The Battle over Critical Race Theory in Ohio Schools

BY DR. CHRIS CREWS (INTERNATIONAL STUDIES)



SCAN TO  
REGISTER  
TO ATTEND  
ONLINE

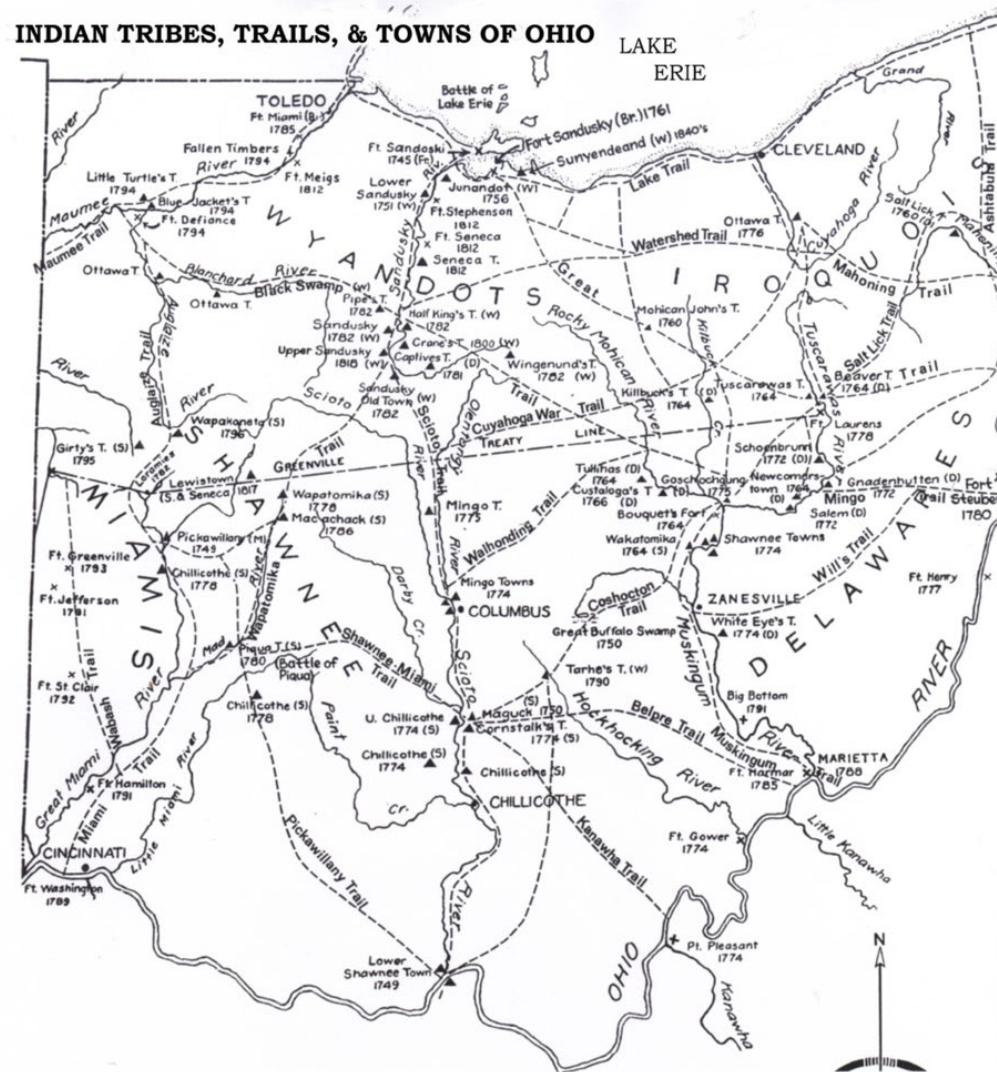


MONDAY, OCTOBER 04  
7:30 PM - 9 PM  
HERRICK AUDITORIUM

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the Department of Economics*

# Land Acknowledgement

INDIAN TRIBES, TRAILS, & TOWNS OF OHIO



# Talk Overview

- Critical Race Theory (CRT) overview
- National debates over CRT and anti-racist politics
- Analysis of Ohio House Bill 327 and “divisive concepts”
- Connecting local and global issues

THIRD  
EDITION

RICHARD DELGADO AND JEAN STEFANCIC

CRITICAL  
**RACE**  
THEORY

AN INTRODUCTION

FOREWORD BY ANGELA HARRIS

“The critical race theory (CRT) movement is a collection of activists and scholars engaged in studying and transforming the relationship among race, racism, and power. The movement considers many of the same issues that conventional civil rights and ethnic studies discourses take up but places them in a broader perspective that includes economics, history, setting, group and self-interest, and emotions and the unconscious.

Unlike traditional civil rights discourse, which stresses incrementalism and step-by-step progress, critical race theory questions the very foundations of the liberal order, including equality theory, legal reasoning, Enlightenment rationalism, and neutral principles of constitutional law.”

"SERVING TWO MASTERS" BY DERRICK BELL "RACE CONSCIOUSNESS"  
BY **GARY PELLER** "AFFIRMATIVE ACTION IN LEGAL ACADEMIA"  
BY DUNCAN KENNEDY "LEGITIMIZING RACIAL DISCRIMINATION" BY

ALAN FREEMAN  
"THE  
CLOUDED  
PRISM" BY  
HARLON  
DALTON

# CRITICAL

"LOOKING TO THE BOTTOM" BY MARI MATSUDA "RACE, REFORM,  
AND RETRENCHMENT" BY **KIMBERLÉ CRENSHAW** "BEYOND CRITICAL  
LEGAL STUDIES" BY ANTHONY E. COOK "THE WORD AND THE RIVER"

BY CHARLES R. LAWRENCE III

"TRANSLATING YONNONDIO BY PRECEDENT  
AND EVIDENCE" BY GERALD TORRES

AND KATHY MILUN "METRO

BROADCASTING, INC. V. FCC" BY PATRICIA J.  
WILLIAMS "CRITICAL RACE THEORY, ARCHIE

# RACE

SHEPP, AND FIRE MUSIC" BY JOHN O. CALMORE "A CRITIQUE OF "OUR CONSTITUTION

IS COLOR-BLIND" BY **NEIL GOTANDA** "ROUGE ET NOIR REREAD" BY **KENDALL THOMAS**

"WHITENESS AS PROPERTY" BY CHERYL I. HARRIS "THE BOUNDARIES OF RACE" BY

RICHARD THOMPSON FORD  
"GROUPS, REPRESENTATION,  
AND RACE-CONSCIOUS  
DISTRICTING" BY LANI  
GUINIER "SAPPHIRE BOUND"  
BY REGINA AUSTIN

# THEORY

**THE KEY WRITINGS THAT  
FORMED THE MOVEMENT**

**FOREWORD BY CORNEL WEST**

**EDITED BY KIMBERLÉ CRENSHAW,**

**NEIL GOTANDA, GARY PELLER,**

**KENDALL THOMAS**

“...we began to think of our project as uncovering how law was a constitutive element of race itself: in other words, how law constructed race. Racial power, in our view, was not simply—or even primarily—a product of biased decision-making on the part of judges, but instead, the sum total of the pervasive ways in which law shapes and is shaped by "race relations" across the social plane.”

# A Brief CRT Genealogy

- 1920-30s: Legal Realism Movement
- 1930-60s: Critical Theory (Frankfurt School)
- 1970s: Critical Legal Studies (CLS)
- 1980s: Critical Race Theory (CRT)

# Basic Tenets of CRT

1. Racism is ordinary, rather than exceptional. It is business as usual in US society, and racism underlies everyday experiences for people of color and many immigrants.
2. Racial hierarchies created by white supremacy serves important psychic and material roles for the dominant group. Racism advances the interests of white elites (materially) and working-class whites (psychically).
3. Race is a “social construct.” The idea of race is a product of social thought not biologically inherent or fixed
4. Understanding the effects of “differential racialization” and how dominant society racializes different groups at different times in response to shifting social norms.
5. Importance of intersectionality and anti-essentialism. No person has a single, fixed identity. Different aspects of identities overlap or intersect and are always in flux.
6. Communities of color bring a distinct voice and lived experience to discussions about race. Exists in an uneasy tension with notions of anti-essentialism, but important part of “legal storytelling” movement.

# Myths & Claims About CRT

- Critical Race Theory is a covert attack on core American values, including Christianity, capitalism, individualism, nationalism, the family, and marriage.
- CRT undermines American democracy and seeks to create a Marxist state or promote a Marxist cultural agenda that shames white people and promotes Black victimization.
- Critical Race Theory is itself a form of reverse racism against whites.
- Systemic or structural racism, implicit bias, and white privilege do not exist.
- The US is a colorblind or post-racial society that treats everyone equally ('MLK Myth').
- Social/economic progress in the US operates based on meritocracy ("bootstraps myth").
- Anyone critical of Christianity, free market capitalism, and a conservative narrative of US history is an ideological threat, a "domestic enemy," an "evil" person, and a "poison."



# Cultural Landscape

(2013-14)  
Birth of #BLM  
Trayvon Martin

(2020)  
Ahmaud Arbery,  
George Floyd,  
Breonna Taylor

(Nov 2, 2020)  
Trump creates  
President's Advisory  
1776 Commission

(Jan 6, 2021)  
Insurrection and  
Attack on Capitol

(May 2021)  
Ohio House Bills 322  
& 327 Introduced

(August 2019)  
1619 Project Released

(July 2020)  
Ohio Board of  
Education – Res. 20

(Nov 7, 2020)  
Joe Biden announced  
as 46<sup>th</sup> President

(May 2021)  
Ohio AG Dave Yoast  
National CRT Letter

# Ohio Anti-CRT Lobbying Groups

National Association of Scholars	Proclaiming Justice to the Nations
Ethics and Public Policy Center	MU Educational Leadership
Rocky River Citizens for Transparency	Parents Defending Education
Protect Ohio Children Coalition	Parents Rights in Education
Ohio Value Voters	FreedomWorks
Center for Christian Virtue	Moms for Liberty
Ohio Christian Alliance	No Left Turn in Education

THERE ARE PROBLEMS EVERYWHERE... BUT THERE ARE ALSO PEOPLE FIGHTING BACK.

## Indoctrination Map



4 Parent Groups  
5 Incidents

Gahanna-Jefferson Public Schools  
Olentangy Schools  
Shaker Heights Schools  
Columbus Academy



“It’s much more invasive than mere ‘correctness,’ which is a mechanism of social control, but not the heart of what’s happening. The other frames are wrong, too: ‘cancel culture’ is a vacuous term and doesn’t translate into a political program; ‘woke’ is a good epithet, but it’s too broad, too terminal, too easily brushed aside.

**‘Critical race theory’ is the perfect villain.”**

**Christopher Rufo**

#1 *NEW YORK TIMES* BESTSELLING AUTHOR

**MARK R. LEVIN**



**AMERICAN  
MARXISM**



**Mark Levin**

“In America, many Marxists cloak themselves in phrases like “progressives,” “Democratic Socialist,” “social activist,” “community activist,” as most Americans remain openly hostile to the name Marxism.

They operate under myriad newly minted organizational or identifying nomenclatures, such as “Black Lives Matter” (BLM), “Antifa,” “The Squad.”

And they claim to promote “economic justice,” “environmental justice,” “racial equity,” “gender equity.” They have invented new theories, like Critical Race Theory, and phrases and terminologies, linked to or fit into a Marxist construct.”



## Levin's Version of CRT

- The Marxist analysis of society made up of categories of oppressors and oppressed.
- The idea that the oppressed impede revolution when they adhere to the cultural beliefs of their oppressors—and must be put through re-education sessions.
- The concomitant need to dismantle all societal norms through relentless criticism.
- The replacement of all systems of power and even the descriptions of those systems with a worldview that describes only oppressors and the oppressed.



**HOW  
TO BE  
AN  
ANTIRACIST**

BY THE AWARD-WINNING AUTHOR OF *STAMPED FROM THE BEGINNING*

**IBRAM X. KENDI**

"A NECESSARY BOOK FOR ALL PEOPLE INVESTED IN  
SOCIETAL CHANGE." —CLAUDIA RANKINE

**WHITE  
FRAGILITY**



WHY IT'S SO HARD

FOR **WHITE PEOPLE** TO  
TALK ABOUT RACISM

**ROBIN DIANGELO**

FOREWORD BY **MICHAEL ERIC DYSON**



# Ohio HB 327 Testimonies

“CRT is identity politics, by intentional promotion of cultural Marxism, that threatens to subvert the progress and hope of this great nation. This is a movement to pound out the pillars of unity, faith, family, and love of country.”

“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...I see my job as someone who has taken the oath several times to protect and defend the Constitution of the United States from all enemies foreign and domestic—an unmitigated attack on the Constitution is created by an enemy, a domestic enemy, of the United States Constitution.”

# Ohio HB 327 Testimonies

“CRT is not just about race. It’s also about gender, sexuality and any other “victimized” class for which the political left carries a banner. CRT indoctrinates ALL children to look at EVERYTHING through a “race first lens”. White children are asked to examine their “whiteness” and “check their privilege”. It is an ANTI-American doctrine that has no place in any Ohio school! The core of CRT is that white people are oppressors and irredeemable, and any race other than white are the oppressed and losers of society. It’s a package of hate speech wrapped in the lies of the idea that systemic racism infects all forms of American life. This is a falsehood that should NOT be taught in our school systems. It goes totally against what Martin Luther King, Jr. preached ... that we should support the principals of equality – NOT equity – and that we need to evaluate each other on our personal character rather than the color of our skin. Now proponents of CRT say that Martin Luther King, Jr.’s speech was racist – absolutely UNBELIEVEABLE.”

# Lisa Woods

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“Organized racism, which is really what CRT is, starts out subtly. The CRT adherents start out with outrageous lies that become more outrageous as they go along. Systematic racism is one of those outright lies. **Let me assert the truth here.** In order for Ohio to have committed the crime of systematic racism, a system of racism has to have been set in place either by law, rule, or practice. In all of our history, Ohio has never done this and currently does not do this. No US Supreme Court decision has ever held Ohio law or rule to be part of a system of racism. The same cannot be said for the 13 US states where slavery was legal. But Ohio is not one of those. In our long history since 1803 Ohio has always granted equal rights to people regardless of race. The Northwest Territory explicitly stated that slavery was not legal nor to be tolerated and Ohio was the crown gem of the Underground Railroad and proudly involved in the abolition movement. Ohio’s votes elected Lincoln and abolitionist Republicans to office to right the wrongs of the Southern states.”



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With

Washington's Letter

# CONSTITUTION

OF THE

STATE of OHIO;

DONE IN CONVENTION,

BEGUN AND HELD AT CHILLICOTHE, ON MONDAY THE FIRST  
DAY OF NOVEMBER, A. D. ONE THOUSAND EIGHT  
HUNDRED AND TWO, AND OF THE INDE-  
PENDENCE OF THE UNITED  
STATES THE TWENTY-  
SEVENTH.

Published by Authority.

CHILLICOTHE:

FROM THE PRESS OF N. WILLIS, PRINTER TO THE CONVENTION.

1802

We the people of the eastern division of the Territory of the United States North west of the river Ohio having the right of admission into the General Government as a member of the union, consistent with the constitution of the United States the ordinance of Congress of one thousand seven hundred and eighty seven, and the law of Congress entitled "An act to enable the people of the eastern division of the Territory of the United States North-west of the river Ohio to form a Constitution and State Government and for the admission of such State into the union, on an equal footing with the original States, and for other purposes in order to establish justice, promote the welfare and secure the blessings of liberty to ourselves and our posterity do hereby establish the following constitution.



## Black Laws of 1807

The Ohio legislature passed a series of laws in 1807 to discourage African American migration to the state.

Although slavery was not allowed in Ohio as part of the Constitution of 1803, most African Americans were not treated as equals to white people in the new state. Many Ohioans had come from Southern states that allowed slavery and were not willing to grant rights to African Americans. Other Ohioans were concerned about economic competition from free blacks who might choose to move to the state. As a result of these sentiments, as early as 1804, Ohio legislators had implemented black laws. The 1807 laws were a continuation of these earlier laws.

Among other provisions, these laws required black people to prove that they were not slaves and to find at least two people who would guarantee a surety of five hundred dollars for the African Americans' good behavior. The laws also limited African Americans' rights to marry whites and to gun-ownership, as well as to several other freedoms that whites held. The Black Laws and other policies deterred some African Americans from settling in Ohio.

In the late 1840s, the Black Laws became a political issue once again. Members of the Free Soil Party pushed to have the laws repealed and were partially successful in doing so in 1849. The changes in the laws were accomplished in part because Ohio Democrats backed the Black Laws' repeal in exchange for Free Soil Party support of their candidates in the state legislature.

### See Also

- ▶ [African Americans](#)
- ▶ [Free Soil Party](#)
- ▶ [Ohio Constitution of 1803](#)
- ▶ [Ohio Constitutional Convention of 1802](#)
- ▶ [Ohio](#)
- ▶ [Democratic Party](#)



# White Christian Nationalism

A cultural framework or collection of narratives, traditions, myths, value systems, and symbols that express a belief that America is distinctly Christian and ethnically white, and this reality should be reflected in public policies, sacred symbols, and the national identity of the U.S.

# Divisive Concepts (HB 327)

- (a) One nationality, race, color, ethnicity, religion, or sex is inherently superior to another nationality, race, color, ethnicity, religion, or sex as described in the “Civil Rights Act of 1964.”
- (b) The United States is fundamentally racist or sexist.
- (c) An individual, by virtue of the individual's nationality, race, color, ethnicity, religion, or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- (d) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's nationality, race, color, ethnicity, religion, or sex.
- (e) Members of one nationality, race, color, ethnicity, religion, or sex attempt to treat others disrespectfully based upon nationality, race, color, ethnicity, religion, or sex.



# Divisive Concepts (HB 327)

- (f) An individual's moral character is necessarily determined by the individual's nationality, race, color, ethnicity, religion, or sex.
- (g) An individual, by virtue of the individual's nationality, race, color, ethnicity, religion, or sex, bears responsibility for actions committed in the past by other members of the same nationality, race, color, ethnicity, religion, or sex.
- (h) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by a particular nationality, race, color, ethnicity, religion, or sex to oppress another nationality, race, color, ethnicity, religion, or sex.
- (i) Any other form of race or sex stereotyping or any other form of race or sex scapegoating.

# HB 327 Restrictions & Protections

- (1) Schools can't teach/instruct/train/promote professional development on any divisive concepts or require a student to advocate for/against a specific topic for credit.
- (2) State agency/school district/teacher can't apply for federal grants or accept private funding to develop curriculum, purchasing/selecting curriculum, or do teacher training/professional development on divisive concepts.
- (3) No teacher/administrator/school employee can be penalized for refusing to teach/believe any divisive concepts and don't have to complete diversity trainings

# HB 327 Punishments & Fines

Section (C)(1): If the superintendent of public instruction determines through a confirmed report from a student, parent, teacher, or community member that any school district knowingly or recklessly violates the prohibitions prescribed in division (B) of this section, the Department of Education shall withhold state funding from the district or school as follows:

1st Offense = 25%

2nd Offense = 50%

3rd Offense = 100%

Section (C)(2): If the state board of education determines through a confirmed report from a student, parent, teacher, or community member that a teacher, principal, or school district superintendent knowingly or recklessly violates the prohibitions prescribed by division (B) of this section, the state board shall take the following actions:

1st Offense = Licensure warning

2nd Offense = License suspension\*

3rd Offense = Licensure revoked\*

\* Length determined by Ohio Board of Education

# Other HB 327 Details

- Prevents students from receiving credit for graduation if a course promotes divisive concepts.
- Parent, guardian, or custodian of any student subjected to “indoctrination of divisive concepts in order to receive a class grade or graduation credit” may bring a civil action against the school, school district, or school employee.
- Violations by teachers of the above “indoctrination” clause are not immune from liability damages from civil actions under these new laws.

# Meritocratic Indoctrination

Subsection (F) states that nothing in the earlier part of the bill should be read as banning the discussion or use of instructional materials to teach about divisive concepts so long as it is done “in an objective manner and without endorsement.” It notes such materials might include:

- (a) The history of an ethnic group as described in approved textbooks and instructional materials.
- (b) The impartial discussion of controversial aspects of history.
- (c) The impartial instruction on the historical oppression of a particular group of people based on nationality, race, color, ethnicity, religion, sex, class, or geographic region.

# Contesting “Divisive” Labels

- (b) The United States is fundamentally racist or sexist.
- (g) An individual, by virtue of the individual's nationality, race, color, ethnicity, religion, or sex, bears responsibility for actions committed in the past by other members of the same nationality, race, color, ethnicity, religion, or sex.
- (h) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by a particular nationality, race, color, ethnicity, religion, or sex to oppress another nationality, race, color, ethnicity, religion, or sex.



**CENSORED**  
**FREEDOM**





# Ohio CRT Educational Resources

## Honest in Education Ohio

- [www.honestyforohioeducation.info](http://www.honestyforohioeducation.info)

## Ohio League of Women Voters

- [www.lwvohio.org](http://www.lwvohio.org)

## Innovation Ohio

- [www.innovationohio.org](http://www.innovationohio.org)

## Ohioans for Critical Race Theory

- [www.ohiocriticalracetheory.com](http://www.ohiocriticalracetheory.com)



M. Jacqui Alexander

# Pedagogies of Crossing

MEDITATIONS ON FEMINISM, SEXUAL POLITICS, MEMORY, AND THE SACRED



“The desire to teach for justice can only come from a place of hunger, un hambre de justicia, a desire to enunciate a mode of being that we live, analyze, and practice in our teaching and undertake in our research, in as many ways and in as many places as possible, from a passion we are simply not willing to concede, from a passion that moves beyond the temporary comfort of demystification to anchor teaching practices that are at once theoretically informed, agile, and accountable. Teaching for justice must come, as well, from understandings of history...

Thinking justice, teaching for justice, and living justice means that we continually challenge each other to enunciate our vision of justice.”

# Thanks

DENISON



SCAN TO SIGN UP FOR OUR  
GLOBAL STUDIES SEMINAR  
NEWSLETTER!

DENISON

All seminars are held on Mondays, 7:30 p.m. in Herrick Auditorium  
and live on Zoom unless otherwise notified

## GLOBAL STUDIES SEMINAR

Fall 2021

### SCHEDULE

**September 20**

“Reflections on the 9/11 Wars and the Future of American  
Grand Strategy” by **Dr. Scott Smitson**  
(Political Science, Denison University)

**September 27**

“The Battle over Critical Race Theory in Ohio Schools”  
by **Dr. Chris Crews** (International Studies, Denison University)

**October 11**

“Other Feminisms: Lessons from Tibetan Buddhist Nuns”  
by **Dr. Jue Liang** (Religion, Denison University)

**\*October 25**

“Reclaiming Patriotism in an Age of Extremes”  
by **Dr. Steven Smith** (Political Science, Yale University)  
*\*This seminar is part of the Lisska Center’s Monday Musings series. Held via Zoom*

**November 01**

“Artist residency in Kavala, Greece during the pandemic”  
by **Dr. Micaela Vivero**  
(Studio Arts, Latin & Caribbean Studies, Denison University)

**\*November 08**

“Health in the Anthropocene”  
by **Dr. Carlos Alberto Faerron Guzman**  
(Global Health, University of Maryland)  
*\*Held via Zoom*

IN-PERSON SEMINARS ARE OPEN TO THE DENISON COMMUNITY.  
LIVE ZOOMS ARE FREE AND AVAILABLE TO OUTSIDE THE AUDIENCE

