

CONTENTS

Author's Note vii

Introduction: Earl Lewis and Nancy Cantor xii

| | | |
|---|--|-----|
| 1 | Colorblind Higher Education Policy in a Racially Stratified Society | 1 |
| 2 | Cumulative Racial Inequalities and the Path to College | 46 |
| 3 | The Tradition of Exclusion | 91 |
| 4 | The Civil Rights Revolution and the War on Poverty: A Color-Conscious Rights Policy Worked | 115 |
| 5 | Colorblindness Reigns: Four Decades of Inequality in a Transforming Society | 143 |
| 6 | Deep Changes for Real Gains | 188 |
| 7 | Strategies | 198 |

Commentary: James D. Anderson 263

Commentary: Stella M. Flores 281

Afterword: The Supreme Court's Rejection of Affirmative Action 295

Notes 305

Bibliography 339

Index 363

1

Colorblind Higher Education Policy in a Racially Stratified Society

AMERICAN SOCIETY is well along in a great transition, nearing the end of its white European majority, but it is failing to educate its future majority. If our society is to succeed, the country and its institutions, including its colleges, must find ways to offer real opportunities to groups they have historically subordinated and discriminated against. There is no real alternative, given the birth and migration patterns that have been changing our communities for a half century. White birthrates have been below the replacement level for four decades, and immigration is the reason we have not aged out as drastically as many peer nations. Our colleges need to reflect a changing nation. The great wave of immigration from the 1970s until the Great Recession was overwhelmingly nonwhite, something we've never experienced before, though it was restricted at least for a time under Donald Trump.¹ College enrollment has declined since 2010. We have campuses that were designed to serve the white middle-class society of the past and are now challenged to adapt. If we are to have the educated workers and leaders an advanced economy demands, we have to reach groups that have long been neglected. If we want to bring together our polarized communities, sharing higher education can be a powerful tool. We have never achieved higher education equity for Black Americans or for our native peoples. The children of a vast immigration from Latin America have become our largest minority and have not received equal opportunity. Since 2000, three-fifths of the nation's most selective public universities have had a decline in Black enrollment and Latino students' access has declined relative to their growing population.² How can the higher

education system respond? Do we understand the roots of the crisis? Is there any plan?

Americans see college as decisive in the lives of students. You can see the clear pattern in Gallup polls across the decades. In 1978 more than a third of the public thought college was very important, which rose to 58 percent in the early 1980s and 70 percent by 2013. College education came under attack by sectors of the rising conservative populist movement in the Trump administration, and the number saying it was very important dropped somewhat, but only 11 percent, one person in nine, said it was not important.³ Blacks and Latinos were most likely to say it was very important.

The social and economic impacts of higher education are dramatic, and the inequality of opportunity for students of color⁴ and those from poor families is systemic. Typically, college completion makes a major difference in terms of employment, earnings, wealth, and even the probability of marriage and good health. It is strongly related to voting and public involvement, thus to power in the political system and to the health of democracy. In 2016, in a period of unusually low unemployment, among people aged twenty-five to sixty-four, 84 percent of college graduates were working, compared with 68 percent of high school grads and 55 percent of dropouts. Among Blacks the numbers were even more dramatic: 85 percent of college grads had jobs, but only 61 percent of high school grads and a dismal 39 percent of dropouts did. Latino college grads had about the same level of employment as their white and Black counterparts, 84 percent, and their employment shares with less education were the highest—72 percent for high school graduates and 65 percent for dropouts—but the quality of the jobs and incomes were low.⁵ The problem for Latinos is the low level of degree attainment. The situation is particularly threatening for males of color. College-age Black males are about one-seventh of the nation's male population but they receive one-twelfth of the college degrees (8.5 percent). Latino males are more than a fourth of the nation's college-age males but they receive one-ninth of the degrees (11.2 percent).⁶ The huge gap in college attainment for men of color is a basic cause of poor employment and income, low levels of marriage, involvement in the criminal economy, and many other problems that affect not only the men themselves but also their families and their communities.

There are gaps at every stage. People of color are less likely to graduate from high school, less likely to immediately enroll in college, less likely to go to a four-year college, substantially less likely to graduate from college within six years, far less likely to get increasingly important postgraduate degrees, and

less likely to be employed or get equal wages afterward. If colleges are to help heal the wounds of separation and inequality in U.S. society, better policies are needed at many levels.

College education is critical in America's twenty-first-century society. It is the key to opportunity and the pathway to a middle-class life. It has become, for most, the boundary between a life of possibilities and resources and a life of struggle and immobility. In our recessions, college graduates are largely protected while others suffer; in times of prosperity, they get a greatly disproportionate share of the gains. There are, of course, nongraduates in fields like the skilled trades, small business, or good union jobs who do well, but the overall pattern is clear, and college is the high road to success. If the huge gap in college completion continues between whites and Asians and other students of color, wide racial differences will be perpetuated into the rising generation. Since college is so critical to their families, the advantage will pass into children's lives. Students of color have the desire and make the attempt, but they often do not have the preparation and means for success.

Students from all groups have been starting college at higher levels than in the past, but the gaps in completion are actually widening. Starting college somewhere is good, but where you start matters. After enrolling, students must succeed and have the financial means to continue if they are to reap the gains that come from completion. Admitting a student with severely defective preparation or who cannot pay the coming bills often leads to an academic tragedy. A big loan debt without a degree can be crippling. Weak preparation in clearly inferior schools where almost no one is well prepared is a huge barrier. Very capable students find they simply haven't been given the academic skills other students have received. Starting without the means or extended family support to pay college bills, even with student loans, may make success impossible. These are the second and third walls that must be crossed if we are to move toward equity and real development of students' capacity.

The First Wall: Admissions and the Affirmative Action Struggle

America's selective colleges, both the private ones and the strong public flagship universities, were overwhelmingly white institutions throughout their history until the civil rights movement. Almost nothing serious had been done to integrate U.S. colleges before the movement, which reached its peak in the

mid-1960s. In 1965, the year of the Selma march, the Voting Rights Act, and the first large urban riot, the selective schools of New England, for example, professed their readiness to welcome Black students but had only 1 percent Black enrollment.⁷ Students, faculty, and local community organizations identified with the great movement for racial justice developing in the South and put pressure on their institutions to take action. Affirmative action became a central tool when selective colleges recognized that their normal processes had never produced significantly integrated campuses and classes and that it would not happen without making it a clear goal and changing policies and practices as needed to make it happen.

The reality was that admissions on the basis of a traditional formula for “merit” and the special treatment of children of alumni and other groups who had special skills, often fostered by special opportunities, guaranteed that there would be little representation of students of color who were being ill-prepared in highly unequal segregated schools and whose parents were not alumni and had limited resources.⁸ Test scores were relied on, but scores are very strongly linked to family income and parent education. Privileged children gained from family and school educational resources and experiences.⁹ In a society where housing is strongly related to the quality of school opportunity and families of color lack the income and savings or housing equity of whites and Asians and often face housing discrimination, unequal local schooling is built into the racial structure of communities. We have had a strong, deeply rooted, long-established web of inequality, and it did not change itself. Waiting for more traditional students who simply had a different skin color wasn’t a workable model. To overcome those and other realities, colleges had to try to assess factors such as teacher recommendations, commitment, and desire to learn, and actively recruit unprecedented numbers of students of color to their campuses. In our extremely unequal society, colleges found that they must consider the circumstances of students of color to fairly assess them and also institute a variety of support efforts on campus.

Colleges had to face the hard realities of race if they were to become diverse. Most Black, Latino, and Native students were from families and schools with more limited resources and did not have the preparation needed to score well on the standardized tests. Many lacked normal prerequisites because of their school’s limited curriculum or weak counseling. Their families, on average, had much lower incomes and vastly lower wealth, as well as different needs from those of traditional students. That meant that the normal financial aid policies and assumptions often wouldn’t work. They had to convince the students of

color to come to campuses where they would be isolated in an overwhelmingly white population with white student organizations and, often, some racial hostility. They had to plan academic support. This was the situation in the Ivy League, the competitive public flagships, and strong private colleges and universities. The response to the demands of the civil rights era was voluntary race-conscious action, and it soon began to make a significant difference, moving colleges from virtually all white to a modest level of diversity.¹⁰ In the South, the passage of the 1964 Civil Rights Act and the 1965 Higher Education Act meant that there were more federal funds and that universities segregated by law could put their federal dollars at risk if they did not take positive action, though that received little attention until the 1970s when a court ordered the Nixon administration to take action to enforce the 1964 law.¹¹

It was obvious at the outset that all kinds of adjustments had to be made if the campuses were to integrate and students were to succeed. The hope was that the enforcement of civil rights changes and the many social reforms of the Great Society would help solve the underlying problems of inequality over time, but the country took a long, sharp turn in a conservative direction. Many of the domestic programs were drastically cut back and progress on various fronts stalled or even reversed. The Supreme Court, changed by conservative appointments, became far less supportive of broad race-conscious remedies after President Richard Nixon was able to appoint four justices. By the 1980s, under President Ronald Reagan, the country faced a sharp reversal in both civil rights and social programs.¹² It has yet to recover.

Although the affirmative action policies became rooted in many campuses and the failure to close huge racial gaps made it apparent that the underlying problems were not solving themselves, affirmative action was repeatedly challenged. The ideas that civil rights policies were unnecessary and amounted to discrimination against whites produced continuous challenges. The battles surfaced in three crucial Supreme Court decisions from 1978 to 2016, in each of which affirmative action survived by a single vote in a deeply divided Court. Two of the cases were argued and decided during administrations working to end affirmative action. In the first great decision, the 1978 decision in *University of California Board of Regents v. Bakke*, the Court prohibited setting aside a specific number of seats for students of color, a quota, but held, by a single vote, that universities could consider racial diversity as a “plus factor” because of the educational value of diverse experiences to the university and all students.

As the courts became far more conservative in the 1990s, there was a major attack. A striking decision by a court of appeals, *Hopwood v. Texas*,¹³ ruled that

affirmative action in Texas was unconstitutional. The same year, the voters of California passed a state constitutional amendment that outlawed affirmative action,¹⁴ which stimulated similar action in nine other states. Two lawsuits against the University of Michigan brought the issues back to the Supreme Court in 2003. The Court held, by a single vote, that it was illegal to simply add points for race in a mechanical admissions formula but that an individualized comprehensive admissions policy considering race as one of several factors was legal.¹⁵ The Court ruled that there was convincing evidence that racial diversity was an educational benefit and a compelling interest that justified this limited consideration.¹⁶ There was a major mobilization of higher education in defense of the university. (After winning the case, however, Michigan opponents succeeded in enacting a state referendum barring affirmative action, and the referendum was upheld by the Supreme Court.)¹⁷

The issue came back to the Court twice in two decisions in the case of *Fisher v. University of Texas*. The university was widely believed to have the strongest existing alternative to race-conscious admissions, the 10 percent plan, in spite of analyses showing its shortcomings.¹⁸ The 2003 *Grutter* decision had recognized and relied on all the research concluding that campus diversity was a “compelling interest” in enriching the educational process, and the Supreme Court agreed in the *Fisher* cases.¹⁹ Now the question was whether there was a workable alternative that would produce diversity without considering race. In the first decision, the Court accepted the idea that there was a legitimate compelling educational interest in campus diversity but concluded that the lower courts had not demanded sufficient proof from the university that there was no colorblind way to achieve the needed diversity.²⁰ After serious documentation by the university, the Supreme Court ruled that there was sufficient evidence of the absence of a workable alternative and upheld the university’s affirmative plan by a single vote in a 2016 decision written by Justice Anthony Kennedy.²¹

Affirmative action was, in practice, an important but modest policy. It never came anywhere close to producing proportionate representation of students of color in selective universities. Stanford professor Sean Reardon and associates concluded that in spite of affirmative action, whites were five times as likely as Blacks to attend selective campuses.²² As student demand for the most selective campuses soared, students of color were more squeezed out. A 2015 report of a national survey of admissions offices showed that the large majority of selective campuses, except for public institutions in states where it was illegal, found it was crucial to continue affirmative action. Affirmative

action for low-income students was not seen as a substitute. In fact campuses practicing affirmative action for race were also practicing it simultaneously for students from low-income families.²³ Extensive research analyzing admissions variables, considering many alternatives and combinations of variables, found no feasible alternatives that would produce anything like the results of affirmative action at a cost that universities could manage.²⁴ Although it affects a small share of students, it has a substantial impact on the institutions that train most American leaders and the students of color who would have been excluded but show that they can meet the requirements and become important leaders in many institutions.

The Harvard Case

The second Texas decision seemed to settle the legal challenges for the time, but Justice Kennedy, who had provided the decisive vote, left the Supreme Court. President Trump was able to name three justices and push the Court further right than at any time in the last several generations. The same organization that had masterminded the two Texas challenges was in court challenging the Harvard University affirmative action plan, claiming that it discriminates against potential Asian students with higher test scores. In November 2020 the Court of Appeals for the First Circuit ruled in favor of Harvard, holding that the university had not discriminated and that its plan complied with the standards in the Michigan and Texas decisions. In its ruling the court cited Harvard estimates that its enrollment of Black, Latino, and Native students would fall by 45 percent if it could not practice affirmative action.²⁵ This decision headed to a very conservative Supreme Court in 2021.²⁶ In mid-2021 the Supreme Court asked the Justice Department for its views on the Harvard case, making it likely that it would be heard. If affirmative action is ruled illegal and declared a form of discrimination, it would be prohibited by the 1964 Civil Rights Act and consequently prohibited at all public universities, and private universities would also have to stop using it because they would risk losing federal funds—something none could afford—and face massive lawsuits.

During the civil rights era, the courts had made a sharp legal distinction between conscious efforts to exclude students on the basis of race, which were illegal, and conscious efforts to bring them in to reduce segregation, which were fine, a necessary part of a remedy that worked. As the courts became more conservative, any consideration of race, for positive or for negative results, was

considered highly suspect. The two sides saw two different Americas. The affirmative action supporters saw a society torn by deep and persisting divisions that could not be repaired without an intentional systemic and persistent effort, and they read the Fourteenth Amendment's guarantee of "equal protection of the law" as the basis for positive remedies for groups that had long experienced systemic discrimination in society. The opponents saw a society that had once had serious discrimination that had been solved by civil rights law, and now had no major racial problems; a society where there was danger of being unfair to whites. This division in the courts is echoed in public opinion.

I am convinced that affirmative action is crucial for both student and faculty diversity. Without serious plans, universities tend to favor the best-prepared students and faculties tend to replicate themselves. I have witnessed in so many ways the powerful benefits of diversity in the six research universities where I have been privileged to teach and conduct research. Before affirmative action, the admissions wall in selective colleges was a formidable barrier for students of color. Affirmative action opened some very important gates at least part way. I have edited two books on the issues of diversity and alternatives,²⁷ one of which was cited by the Supreme Court in the *Grutter* decision, and done a great deal of other research on the subject. This book was conceived when affirmative action seemed secure at least for a time, but now, with the three very conservative justices nominated by President Trump, it is likely that universities will be forbidden to implement race-conscious policies. This book is part of a long intellectual, legal, and political debate over how to fix the large gaps in educational success that tend to exclude the great majority of Black, Latino, and Native people from most of American society's best opportunities.

Affirmative action, in any case, dealt with only one of the three great barriers considered here. Recent trends indicate that affirmative action is needed and needs to be strengthened even to avoid going backward. But it has always been only one of the needed solutions and substantially affects only a small sector, less than a fifth of U.S. colleges, since most campuses admit most or nearly all of their applicants. The other walls discussed here are important at all campuses and in all systems.

The civil rights movement led to the first major breakthrough in the history of exclusion in higher education and continues to have an impact. Selective colleges went from virtually all-white student bodies to a significant presence of nonwhite students. The initial focus was on Black students, but it expanded to include Latinos and American Indian students. In some places Asian students or Asian subgroups were included. Much of the largest change happened

in the South under strong pressure from federal civil rights officials and courts. In other places, it was voluntary, often in reaction to protests by students of color and their supporters on the campuses. The new status quo that emerged a half century ago was one of modest voluntary diversity efforts, except in the states where any kind of race-conscious policy was prohibited. It continued over the years, but there were no new major goals. Many of the racially targeted support programs and financial aid efforts were abandoned as the attacks on race-conscious programs intensified. As the nonwhite share of young people grew substantially, the colleges fell behind in maintaining their level of access. The pattern of faculty diversity followed a similar course. The reality was limited access and representation and little priority for the effort, but a desire to continue it if possible. Things were much better than before affirmative action but far from full integration. Colleges did not have another plan that could maintain or expand the existing level of success.

Our colleges are powerful institutions, respected across the globe, institutions that change the lives of individuals and communities. We are falling behind in the rising levels of education across the world, largely because of our failure to educate nonwhite and poor students. There are deep divisions concerning how we can change the outcomes and whether success will require policies that explicitly take race into account. If the Supreme Court abolishes affirmative action, the best evidence shows that leading colleges will be substantially more unequal. Civil rights advocates will need to struggle to get it back. If a change in Court membership can discard a precedent reaching back more than four decades, another change could bring it back.

Colorblind or Color Conscious?

Since the Reagan administration, the basic approach to fixing racial inequality in the U.S. has been to deny that it is racial and to insist that it is the result of nonracial forces and that colorblind solutions will be fair to everyone. The historic 2020 Black Lives Matter protests across the U.S. challenged those assumptions and both affected the incoming Biden administration's civil rights proposals and triggered a fierce reaction, with many conservative states adopting policies prohibiting teaching about negative aspects of U.S. race relations.²⁸ In a society where winning racial remedies rest on an understanding of the origins and persistence of discrimination, history has a powerful impact, and prohibiting serious discussion of racial history is part of an effort to erase critical understandings.

There are deep partisan, regional, and racial differences in beliefs about the nature of racial inequality.²⁹ Even among those who perceive discrimination, there is no consensus about positive steps to take. Among white Americans, there has long been more willingness to recognize that there are racial problems than to support any concrete solutions.³⁰ There were no major expansions of civil rights or urban policy laws enacted between the early 1970s and the Biden administration. The policy arguments are about what the problem is, what is necessary to produce significant changes, and what is permissible under the prevailing current constitutional doctrines. Underlying the debate are theories and beliefs about the nature of racial inequality in our society, the history and roles of our institutions, and the effectiveness of different policies.

This book is part of that debate. It examines evidence on the degree to which inequalities are race based, critically examines the historical role of higher education in relation to our racial divisions, and discusses the policy history and current needs. The book comes in the wake of the largest demonstrations against racial discrimination in U.S. history, the 2020 Black Lives Matter movement, and after four years of profound racial division in national politics during Trump's administration, a government that fiercely opposed race-conscious policies, appointed hundreds of new conservative judges, and wanted to end affirmative action and prevent colleges from teaching about race. It comes after a national election in which the winning party promised large new investments to make college affordable and relieve debt. The hope that we had become a postracial society was dashed by the Trump period. Many had said that the election of President Barack Obama showed that race did not matter, but he was followed by a president whose campaign from the first day was about racial fears and stereotypes.³¹ There was a frightening resurgence of armed white supremacy groups, some advocating violence to try to keep Trump in power after he lost the 2020 election and invading the U.S. Capitol to try to block the electoral votes from being recorded. The U.S. has not arrived at a nonracial place.

After more than a half century seriously discussing minority access to college, a time with much rhetoric about racial justice in higher education, there have been some real successes, but policy has stagnated with the job less than half done. This book is written with the conviction that the goal of racial equity is essential and requires different outcomes from our colleges and universities and more effective strategies from the policy makers who have power over

them. Many agree with this goal of equalizing college opportunity, but since the end of the civil rights movement in the early 1970s, there has been little focus on directly addressing the racial dimensions of systemically unequal education. The Supreme Court rejected efforts to equalize school spending and most school desegregation efforts were abandoned in the 1990s. We have been, with the exception of affirmative action admissions, trying to solve racial inequality indirectly through policies that operate as if race is irrelevant. It is like trying to use a broom to bail out a boat that has taken on water.

Major breakthroughs toward equity in education require race-conscious and race-sensitive policies. Policies that falsely assume that all groups have equal chances to prepare and ignore deep differences in background, resources, and support make the policy problem like trying to find your way through a maze in a blindfold. All of the normal complexities are taken to a new level. Leaders promise to create equality but the solutions fail. Reports are written, sometimes there are protests, mission statements are adopted, but the inequality persists.

Racial inequality has always been a basic structure of American society, and trying to change the outcomes as if that were not true has failed. Obviously, we have not broken the cycle of intergenerational inequality. Children of well-to-do families with college experience, strong local schools, and substantial resources grow up in a different world from the one inhabited by poor children in inner-city neighborhoods of concentrated poverty and weak schools. Although affirmative action is important, admission is not the only barrier blocking students of color from college success. Each of the barriers should be attacked with an understanding of the reality of race in students' lives. That can bring light into the maze.

Race-conscious policy is urgently needed, and largely lacking, in two other powerful dimensions—preparation in high school and college financing, the second and third walls blocking success. Students and families of color face different needs and obstacles that must be understood and addressed to substantially alter the outcomes. Policy must not assume that all groups of students face similar realities when, obviously, they do not. As affirmative action encounters continuing threats, addressing the other two barriers becomes even more important. To succeed in college, you must be reasonably prepared to do the work, able to be admitted to a college that can foster your success, and have the resources to pay the large costs so you can study and return each fall. Lacking any one of the three is crippling.

Colorblindness as a Solution?

The absence of policies designed in light of the realities students of color face has been justified by the claim that our policies are colorblind, that they are designed and implemented as if color were irrelevant, and that this is the best, and even the only, legitimate way to design college diversity policies. This theory and the affirmative action bans in several states assume that sufficient diversity will just happen. The continuing efforts to overturn affirmative action nationally are based on a conservative assumption that it is unfair to whites and Asians. This is the view of many Americans who believe that the society is basically fair. This book argues, however, that in the generations before the civil rights revolution, we did not have what some remember as an idyllic condition of fairness and equity in our colleges. Exclusion, not colorblindness, was the basic reality until there were civil rights policies. Diversity happened when leaders and institutions decided that it must happen and took positive steps to make it happen, steps designed to directly change racial outcomes. Since the conservative movement, colorblind policy has been dominant and it has failed. It has failed because the assumptions on which it is based are incorrect. Racial stratification in the U.S. is systemic and has powerful self-sustaining processes. Where there was active color- and class-conscious policy in the civil rights era, large progress was made. Ignoring race means accepting ongoing inequality.

Colorblindness is a subject much discussed in sociology and in critical legal scholarship, where it is often treated as a destructive white misinterpretation of a racially polarized society in which many whites assume that systemic racial discrimination and inequality have been solved, that things are basically OK, and that policies ignoring race will suffice. If it is claimed that there is a level playing field, when that is clearly incorrect, the resulting policies will not only fail but actually be used to shift the blame for continuing inequality to the victims, justifying racial subordination. Often in critical scholarship, colorblindness is described as a tactic for protecting white privilege. On the conservative side, in sharp contrast, color-conscious policy is considered anti-white racism, illegal, and unnecessary since the inequalities are not caused by race.

Colorblind policy means that policy makers refuse to consider inequalities by race as justifying special attention to nonwhite groups. Colorblind policy can be based either on the assumption that there are no longer legitimate issues of race that policy makers need to respond to or, in other cases, on a

philosophical or legal theory that is radically individualistic, insisting on individual responsibility for one's own destiny free of government interference as the basic proposition of American society. Although it is now impossible for even the most fervent conservatives to deny that there are long histories of slavery and segregation by law or that there are large gaps in college attainment, they assume that racial discrimination is no longer a significant reality and that racial problems were cured as much as possible by the enactment of the antidiscrimination laws and court decisions long ago. Advocates of colorblind policy often claim that when they look at people they "don't see color," meaning that they have no views or stereotypes triggered by color and they look at individuals without any distortions. When faced with obvious inequality in college opportunity, they tend to blame individual shortcomings or cultural inferiority of the groups left behind.

Conservative legal theorists maintain that race-conscious remedies violate basic principles of equal treatment and that any such policy corrupts the political and social order and discriminates against whites and Asians. Opponents of race-conscious policies tend to blame the continuing inequalities, easy to see in American communities and institutions, on deficiencies of institutions serving people of color and differing economic conditions, not something wrong with society. They hail nonwhite individuals or institutions that perform well with no special support, using their success against the odds to describe large inequalities as simply problems of will and grit. Implicitly, those who do not succeed in spite of multiple obstacles are assumed to not be trying hard enough. If anyone can succeed against all the odds, then everyone should. Often the resulting policies attempt to punish the minority-serving schools and colleges that fail to succeed, assuming that there is no racial barrier and they are not trying hard enough. This was a basic assumption of the No Child Left Behind law of 2002, which dominated public school policy for thirteen years and continues to be the basic assumption of many state education policies.

Colorblind policies assume that looking at individual accomplishments and ignoring race in making educational decisions is fair. Their proponents argue that the failure of students of color could be caused by too much pampering by low standards and by what they see as a big welfare state. All of these claims are widely shared and articulated by conservative policy makers, in the courts, and by one of our national political parties. President Ronald Reagan's first inaugural address, for example, called for a dramatic turn away from social programs after a campaign and a history critical of civil rights. In his address,

Reagan said, “Government is not the solution to our problem; government is the problem.” He attacked too much focus on helping any one “special interest” group and promised to make all the working people his special interest group. He warned of “unnecessary and excessive growth of government” and called for reliance on individuals and the market.³² His government cut and reversed social programs and civil rights programs, sometimes going into court to do so. Often the colorblind argument contains an implicit or explicit claim that civil rights policies discriminate against whites and Asians who have higher average test scores.

Opponents of race-conscious policies argue that the only fair way to select students is to compare their individual accomplishments. They see high scores as products of superior talent and hard work and discount the role of family and school advantages. They ignore structure and think that whatever comes out of the market is best, allowing people to buy advantages. They see nothing illegitimate in providing very different high schools to people who live in different areas, even when those areas were, in fact, defined by racial practices in zoning, land use, mortgage discrimination, realtor steering, and so on (they tend to attribute residential location to choice, not discrimination). If school differences mean that some groups get better preparation and a much higher share of admissions to strong colleges, then it must be because they have more individual merit. Their individual accomplishments, measured by test results, entitle them to the best college opportunities since there are no systemic problems that require attention. The arguments become an endless circle: If systemic racial discrimination is excluded, then those who receive the bulk of the strong college opportunities (disproportionately white and Asian students from higher-income, more highly educated families) are more deserving. People of color, unfortunately, have less merit. That is not a racial problem. Individuals and communities of color need to work harder to seize what opponents of race-conscious policies see as abundant and fair opportunities.

The Intellectual Framework of the Debate

Both the nature of academic research and the kind of scholarship that becomes very visible and is celebrated in a given period significantly reflect the ideology of those controlling the government, funding much of the research, and holding the power podiums for publicizing and rewarding research and using it to justify policies. During the height of the civil rights movement in the Kennedy-Johnson period, there was strong focus on research on race and poverty.

Government and foundations funded and publicized it. Beginning in the 1968 election with Richard Nixon's "Southern strategy" and lasting to the present, the Republicans have had an agenda about rolling back civil rights policy and shrinking domestic social programs. When conservatives control government and set the agenda, they spotlight research adopting the colorblind perspective. Democratic liberal presidential candidates (Hubert Humphrey, Walter Mondale, John Kerry, and Michael Dukakis) lost elections, and winning candidates (Jimmy Carter and Bill Clinton) eschewed liberalism and adopted moderate policies in the political climate created by twelve years of strong conservative dominance under Reagan and George H. W. Bush. Democrats wanted to stay away from the sensitive racial issues that had divided their coalition, and they shifted to issues of the suburban middle class. During this period a variety of academic and quasi-academic arguments justifying colorblindness received a great deal of attention in the media and in politics. When President Barack Obama took office, he largely avoided explicitly racial policies.

Writers produced works that either directly attacked race-conscious civil rights policy as an attack on the rights of whites or argued that it was unnecessary from a more class-based or ethnic orientation (such as Black Power), or they presented data criticizing government action on civil rights and poverty, favoring nongovernmental solutions. Most of the colorblind arguments came from the Right and were linked to the issues pressed by the Reagan administration, which saw targeted social policies as paternalistic and ineffective and advocated cutting social programs and forcing people to make it on their own. Some researchers assumed that the jobless had not tried hard enough. There were widely publicized researchers who argued that welfare dependence was destroying initiative and families.³³ Schools were failing, according to one prominent argument, because they were subject to control by elected officials and too influenced by powerful unions. The cure was nonpublic education.³⁴ Another set of studies claimed that public schools were failing because they did not have the moral and communitarian values of private religious schools; this research was used to support vouchers.³⁵

A major national report from the Reagan administration claimed that educational achievement had plummeted because the schools that were failing (largely minority schools) had lowered their standards and must be held accountable.³⁶ The claim of academic decline was shown by later analyses to be seriously inaccurate,³⁷ but almost all states raised testing and accountability following publication of that report. This was the dominant educational policy

from the 1980s through the Obama administration. From a more progressive perspective, there were prominent authors of color who insisted that enough was known to educate all students well, whatever their circumstances, implying that when schools were turned over to leaders of color who cared more about students, performance would be much higher.³⁸ Sociologist William Julius Wilson became famous for *The Declining Significance of Race*, a book that argued that it was a mistake to focus strongly on race-oriented issues and that the basic problem was a collapse of the Black community because of economic conditions that could be cured by tight labor markets.³⁹ An argument favored by Black conservative writers claimed that affirmative action was destructive because it created stigma, devaluing the accomplishments of all Blacks.⁴⁰ The ultimate step in the retrogression from the ideas of the 1960s was the resurfacing of the idea of genetic inferiority in a highly publicized 1994 book, *The Bell Curve: Intelligence and Class Structure in American Life*, coauthored by a Harvard professor.⁴¹ Though there were books making quite different arguments, in this period the government, much of the press, business leaders, and others hailed critical works blaming the schools and government programs, not the society or discrimination; this was seen as cutting-edge and realistic work. There was little attention and little support for those arguing for more race-conscious policies. And there was little progress.

During this long conservative and “neoliberal” era, when white public opinion held that there was no need for further action and the conservatives in power were dismantling civil rights policies, these works had widespread influence and supported the proposition that race-conscious civil rights policies were counterproductive and unnecessary, that the obvious inequalities in outcomes were not the responsibility of society or major institutions but of the communities of color themselves and the institutions that worked with them. The major thrust was to trust the market and private institutions, end civil rights policies, and oppose both race-conscious and social welfare programs, which, they said, were actually destructive, needlessly harming whites.

The conservative presence in politics and Republican governments and the ideology they espoused was considerably strengthened by the creation of think tanks and legal action organizations explicitly dedicated to their cause. Back in the 1960s, the centrist Brookings Institution was the only major think tank in Washington, but large resources were poured into the expansion of insistently conservative think tanks—the American Enterprise Institute, the Heritage Foundation, the Cato Institute, and dozens of counterpart institutions in a number of states and regions. Conservatives opposed to civil rights

and expansive court protections developed great power in the Federalist Society and in a series of litigation organizations modeled on the NAACP Legal Defense Fund, which has done powerful work in expanding civil rights. These organizations were deeply influential in generating both program ideas and support for conservative administrations and in changing the composition of the courts and the direction of constitutional law. The net effect, according to author Jason Stahl, was to shift “the whole plane of political debate rightward—foreclosing nearly any policy possibility to the left of the ‘New Democrat’ position on a whole host of issues.”⁴² Affirmative action was a major target of these groups, which were amply funded by a network of conservative foundations and major donors.⁴³ The heavy investments in think tanks and related institutions changed the balance of power and the range of political discourse and made it commonplace for news coverage to present the neoliberal policy as one side of the debate and the conservative side as the other, basically excluding policies that reflected the findings of a growing number of major university researchers as well as the positions of civil rights lawyers in battles in the courts and agencies. Beginning in 1972, Republican appointees had the majority on the Supreme Court, an increasingly conservative majority, reaching a peak under President Trump.

From Nixon’s rise in 1968 until the 2020 election, there was no successful presidential candidate advocating major new policies of racial justice. Color-conscious remedies were being dismantled in the courts. The Democratic Party establishment largely adopted the “neoliberal” strategy of the Democratic Leadership Council, which staffed much of the Clinton and Obama administrations. In that period, traditional liberalism (sometimes called the “L word” to denote its political toxicity) was considered politically obsolete. The arguments of the progressives, in sharp disagreement with neoliberalism, insisted that colorblindness and the main lines of neoliberal arguments were factually absurd—that opportunities are still systematically denied to Black, Brown, and Indian students who are so separated from and negatively perceived in the mainstream that they face extra obstacles at every step. The relationships were not hidden. You could walk from a school in a ghetto or barrio community to a nearby middle-class white community or suburb and go into what was theoretically the same class and see obvious differences. Those arguments were largely ignored for decades. Empirical evidence was accumulating, much of it ignored for the time, that race remained a fundamental problem and that ignoring it or trying to force change while ignoring its realities through colorblind policy generally produced well-meaning failures.

When I was in graduate school at the University of Chicago, Professor John Hope Franklin, the great historian of Black America, would talk about how after Reconstruction ended, white research on Black rights largely disappeared for generations and the consensus developed that it had been a mistake to try to achieve equality for the freed slaves. Scholars became famous for books in which they depicted the restoration of segregation and subordination as a natural and acceptable outcome and criticized the Reconstruction for disrupting the white society of the South. Much the same thing happened in the recent conservative era.

Race-Conscious Research

There were, however, scholars of all races who did keep working, often with limited attention to race-conscious policy. During this period, integrationist policies were being dismantled in the right-wing courts and often dismissed as old-fashioned in the media and on campus. For example, J. Anthony Lukas's *Common Ground: A Turbulent Decade in the Lives of Three American Families*, presenting the Boston school desegregation conflict, which was probably the worst in the U.S., got the Pulitzer Prize and far more attention than all the writing on the more positive experiences in many parts of the country and, later, even in Boston.⁴⁴ It was a message welcomed by the Reagan administration, which was changing the courts and asking them to dissolve desegregation plans.

Throughout this period there were scholars, civil rights lawyers, and others examining data and historical records that undermined the colorblind assumptions and theories, but they seldom got major grants or attention from public officials of either party and were rarely featured in the media. They confronted courts that were being staffed with conservative judges and justices who increasingly embraced colorblind theories as a basis for cutting back or reversing civil rights policies. There were civil rights lawyers and Black and Latino leaders working to call the nation's attention to what they saw as blatant violations of equity for people of color. In many cases they found such compelling evidence that they were able to defend civil rights policies in many communities until the Supreme Court turned further right in the late 1980s and early 1990s. Douglas Massey and Nancy Denton's *American Apartheid* and other works showed how strongly unequal opportunities were linked to residential segregation.⁴⁵ Lee Rainwater and others documented the social disaster created by public housing projects that concentrated very large numbers

of very poor people of color in areas without jobs or schools that worked.⁴⁶ Urban historians were documenting the history of ghettos and barrios, showing how they had been created and how they were treated by public officials.⁴⁷ *The Closing Door: Conservative Policy and Black Opportunity* explored Wilson's theory that tight labor markets would be a solution and showed that the Atlanta boom produced good jobs and education for whites but that they were not shared with Blacks.⁴⁸ There were studies of the frustrations of the long struggles for educational equity.⁴⁹ Thomas Carter, Roberto Segura, and the U.S. Commission on Civil Rights did pioneering work on the discrimination and inequality facing Mexican Americans.⁵⁰ Mary Pattillo-McCoy documented how even successful middle-class Black families faced strong obstacles that middle-class whites did not.⁵¹ There were studies showing that the race-conscious remedies in the Voting Rights Act had profound effects on Black political participation in the South.⁵² Melvin Oliver and Thomas Shapiro showed how the enormous difference in wealth by race related to previous discrimination and profoundly shaped family resources and opportunities.⁵³ Scholars including Robert Crain and Thomas Pettigrew produced important works on educational segregation and the conditions for positive race relations.⁵⁴ Until it was taken over by conservatives under Reagan, the U.S. Commission on Civil Rights continued to document racial inequality and the federal failure to fully enforce civil rights laws.

Most of the work of scholars whose research supported the need for further civil rights efforts was ignored in national politics and, increasingly, in courts, but as the affirmative action showdown headed toward the Supreme Court, there was a powerful mobilization across disciplinary lines, producing evidence for the educational benefits of diverse education, and it did make a difference. The University of Michigan invested heavily in supporting research, scholars from across the country produced studies, and leading national scholarly associations submitted a joint brief summarizing relevant research to the Supreme Court.⁵⁵ William Bowen and Derek Bok's book, *The Shape of the River*, provided key evidence on the long-term success and careers of beneficiaries of affirmative action in terms of the high level of academic success and lifetime contributions. When the decision was handed down in 2003, the Court's opinion written by a conservative justice, Sandra Day O'Connor, relied directly on published scholarly books and the brief of the social research organizations in establishing the compelling justification for diversity policies, a rare event in the Supreme Court.⁵⁶ That decision provided the basis for preserving affirmative action till the present.

The affirmative action success in the Court in 2003 was an important but isolated victory. The Supreme Court was limiting a wide range of civil rights policies on school integration, voting rights, minority contracting, and others, relying on colorblind assumptions. There would not be a significant pro-civil rights change in political climate until the 2020 election. The Democratic primaries that year included major candidates on the left and historic demonstrations against discrimination taking place in all parts of the U.S. The election of a moderate candidate, Joe Biden, whose nomination was determined by Black leaders and voters, and the explosion of the largest racial justice protest movement in American history moved national public opinion about the need for action. But the colorblind philosophy was still widespread and deeply entrenched in the judiciary, which had been transformed by Trump appointments, and in many state governments and school systems. Worse, the demonization of people of color by Trump's political movement stimulated a substantial expansion of white nationalism.

The period between the Reagan presidency and the Trump presidency was a time in which the Democratic Party had increasingly abandoned liberal ideas and formulated a strategy designed to win the suburban middle class, which now had the balance of electoral power. The Democratic Leadership Council was formed in 1985 to move the party to the center, deemphasizing race and poverty issues and focusing on struggling middle-class families.⁵⁷ Arkansas governor Bill Clinton became its leader. It led to at least partial acceptance of many conservative policies in areas such as welfare cuts, increased incarceration levels, and social program cutbacks. Both the Clinton and Obama administrations continued the Reagan-era test-driven, high-accountability standards as the basic strategy for schools and increased tax subsidies for middle-class college costs. In education, increased funds went to charter schools while public magnet school funding, intended to foster diversity, was minimized. Accountability was central. Proposals for requiring equal opportunity to learn were rejected. The institutional status quo was largely accepted. The federal government stopped filing new school integration litigation. The basic public school educational policy dominant from 2001 to 2015 was No Child Left Behind—requiring that schools meet strict yearly gains for all racial groups and punishing them harshly if they did not. In higher education, this period brought a focus on outcomes, graduation rates, and repayment levels of student loans.⁵⁸ The Obama administration, until its final year, followed the same basic policy line.

Academic Attack on Colorblindness

Eduardo Bonilla-Silva's 1997 article "Rethinking Racism: Toward a Structural Interpretation" and his 2003 book, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States*, offered an interpretation of the great disjuncture between the evidence of inequality almost wherever researchers looked and the commitment of the basic institutions to denial of the importance of race. After studying the language and beliefs whites used to oppose the need for civil rights remedies while expressing abstract support for minority rights, he found that there was a white insistence on viewing racial issues at the level of overt individual offenses against minorities and not seeing the consequences of systems and beliefs that perpetuated subordination even without any visible individual acts of discrimination. Whites, he said, were very open to other explanations. "Whites rationalize minorities' status as the product of market dynamics, naturally occurring phenomena, and blacks' imputed cultural limitations." There was a dominant ideology that "explains contemporary racial inequality as the result of nonracial dynamics."⁵⁹

Increasingly in the following years, critical scholars would picture colorblindness not as an innocent reality but as a strategy to protect white advantages and block change. Public opinion studies find that white and nonwhite people see the issues of race very differently. For whites they only rarely appear on the list of most important issues that the Gallup Poll tracks over the years, usually in response to a crisis. Whites over time are more accepting of rights for nonwhites in general, but they usually think that enough has been done and rarely favor any expansion of the actions.⁶⁰ In terms of race-conscious policies of affirmative action in college admissions and employment, fair housing, and school desegregation, there is usually division and no desire for further action. Blacks and Latinos, on the other hand, tend to perceive serious inequality and far more discrimination and tend to be far more supportive of positive governmental action. This book does not rely on any claim that whites are a unified group that has a strategy of "opportunity hoarding" and wishes to subordinate people of color. Proving intent is very difficult, and any student of public opinion knows that most Americans have little specific information about policies or history. And it is clear that white Democrats and Republicans have dramatically different views on race. It is enough for this book to document actions, outcomes, and policies that have racial effects, whatever their intent might have been. Policies ignoring race and embracing inaction in the face of evidence of systemic inequality do have the impact of protecting white advantages, whatever the intent.

The reality is that the colorblind approach is strongly connected to basic elements of American ideology that usually limit both the perception of systemic discrimination and the need for strong governmental action to repair the damage. We are a racially stratified country with a strong ideology of individualism and suspicion of government. That may not be logical, but it is true. It is an ideology embraced by a great majority of whites. People of color are more in favor of government action for civil rights, but a significant share of all racial groups share the ideology. As documented in his classic *Democracy in America*,⁶¹ Alexis de Tocqueville traveled through the young nation studying its values and institutions and observed that, in a society that had successfully defeated an autocracy, government was limited, mostly operating in localities. Classic nineteenth- and early twentieth-century commentaries on American society and its institutions noted the same qualities. James Bryce, in his *American Commonwealth*, observed, “Everything tends to make the individual independent and self-reliant. He goes early into the world; he is left to make his way alone; he tries one occupation after another, if the first or second venture does not prosper; he gets to think that each man is his own best helper and advisor.”⁶² Herbert Croly, in *The Promise of American Life*, writes about how America was seen by the European immigrant as a land of economic opportunity where one could “enjoy the fruits of his own labor,” “a New World in which economic opportunities are much more abundant and accessible.” Similarly, native-born Americans believed in a future of expanding opportunity.⁶³

The U.S., from its foundation, tended to embrace a set of beliefs often described as the American dream—the idea, described as “rugged individualism,” that the society was open, that a person could make it on his or her own, as in the Horatio Alger story of poor boys who work hard, find a way, and eventually, through their determination and effort, achieve the dream. Since the great majority of white Americans are descended from various streams of immigration, many families have a highly valued story of struggle and success in their histories and myths. The Black migrants from the South to the North and West had such dreams as well, and so do many in the huge migrations from Latin America and Asia since the 1970s. In spite of evidence that inequality is deeply embedded even among whites and mobility now is less than in a number of peer nations, this dream is still widespread. In a society with limited social policies, Americans focus on the belief that people can and should acquire enough education to make their dream come true.⁶⁴ When there is a basic belief that people can and should make it on their own and that all have a reasonable chance, it makes it difficult to argue that there is systemic

discrimination and that problems should be treated as a group rather than among individuals. So the call for systemic remedies to racial discrimination is an uphill battle working against strong ideological currents. The realities of society, however, diverge very sharply from this ideology. In his Howard University speech, President Lyndon Johnson made that case and spelled out its implications:

You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, “you are free to compete with all the others,” and still justly believe that you have been completely fair.

Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.

This is the next and the more profound stage of the battle for civil rights. We seek not just freedom but opportunity. We seek not just legal equity . . . but equality as a fact and equality as a result.⁶⁵

That speech, however, was an outlier, and those ideas were strongly rejected by the conservative movement and the neoliberals. We did not hear speeches like Johnson’s from the White House again until the early Biden administration when the president discussed the deep and continuing impact of racism.

The measures normally used to evaluate individual success are not, in reality, measures of individual merit but are heavily weighted by group advantages in opportunity. Good jobs and high incomes reflect not only hard work but initial advantages and connections that are strongly related to race. Fairness requires adjustments and supports to take into account the barriers to the development of individual talent. Progressives maintain that what the opponents see as measures of merit are actually strongly related to privilege. They are reflections of advantages of family, community, and school resources, which should not be used in ways that perpetuate and justify inequality and punish the victims of discrimination today who suffer the intergenerational effects of past discrimination. Progressives hold that there is strong evidence that race-conscious policies including voting rights, college affirmative action, and school integration have clear benefits for people of color, take nothing away from whites, and foster more positive race relations.

Social scientists played a major role in some of the epic struggles occurring in the courts as the political tide turned against civil rights. Increasingly, researchers worked to dissect the assumptions of the colorblind ideas that were fueling the abandonment of civil rights remedies. Conservatives hold that

there was a point at which discrimination was cured and, as a systemic force, ended. Civil rights advocates concede that positive policies, when implemented, produce important gains, but that those policies have been largely abandoned and were, in any case, not nearly powerful enough for long enough to substantially break the intergenerational inheritance of unequal starts reinforced by the continuing inequality of opportunities. Progressives argue that there has never been a break in the chain of inequality and that the intergenerational effects of parents' education, their access to buying homes in desirable communities, and their employment and income are powerful transmitters of advantage to successive generations.

Race shapes lives in many ways, and students of color face inequality from the earliest parts of their lives. The data show that racial inequality is many sided and involves life before school, family resources, quality of schooling from the beginning, segregation in unequal schools, very different opportunities and preparation in high school, the massive financial inequalities that affect children and their choices, and other aspects of life.

This book begins with stark data on inequality. It moves beyond the issue of access and admissions, the great issue of affirmative action, to the issues of systematically unequal preparation and profoundly unequal financial circumstances, the second and third walls that have to be overcome for college success. It looks at the history of policy along these dimensions, showing that, as high schools and colleges emerged in American society, they were designed for and largely educated middle-class white students. It shows that, apart from the brief period of the civil rights revolution, our educational system has worked more to embody and perpetuate racial inequality than to overcome it, apart from affirmative action in the highly selective colleges.

At present, unequal treatment by race and different outcomes persist. Colleges, in spite of positive efforts, are part of the problem. Though universities and higher education organizations are fighting to preserve affirmative action in selective colleges, those programs are limited in scope and clearly inadequate. Affirmative action has been outlawed in two of the nation's three largest states, California and Florida, and eight others. As the country has changed, there have been no major additional race-based initiatives since the civil rights era, and affirmative action is threatened again by lawsuits and a solidly conservative Supreme Court. The enormous changes brought by huge Latino immigrations have been largely ignored in civil rights policy.

This book argues that the current failure of higher education policy is rooted in an inadequate understanding of the realities of racial inequalities, all

the racial inequalities outside the schools, and the widespread assumption that policies that ignore race can solve problems rooted in race. When policy is designed with the assumption that you can ignore race and be fair, it fails because the situations of different racial groups are distinctive in ways that must be considered to produce successful options. Since whites and Asians, for example, have, on average, many times more wealth than people of color, a well-intended college finance policy written by those with wealth and a margin of long-term resources will seldom be written in ways that make sense for those who have very low or negative net worth (more debts than total assets). Success requires effective policies before college as well as at the entrance to college and on campus. If your school did not provide training in basic precollegiate skills, the chance for success in a strong college is much lower. If you have the ability to succeed but do not have the money to go, you are much more likely to fail to enroll or be unable to continue. In my final chapter I outline what I believe are the most effective policies to move higher education forward.

For a half century the policy battle on higher education for students of color has been focused on the admissions issue. But the two other large walls block many students of color and the admissions gains are strongly threatened. The second wall is inadequate preparation to succeed in college, and the third is getting enough money to actually go to a school of promise and persist to graduation. The wall of admissions is, of course, critical for the minority of powerful and influential institutions with significantly selective admissions and requirements, some of which have enough money to give those admitted full support. The great majority of those institutions decided long ago that they have to consider race as part of their recruitment and admissions policies to create an integrated student body. Though most also practice affirmative action for low-income students, direct consideration of race is seen as necessary to the creation of significantly interracial student bodies. For the other institutions and the other two walls, there is no parallel set of practices, and today's policies are colorblind.

Because civil rights groups and higher education advocates have had to spend so much time trying to defend and keep existing programs, there has been far too little thought about what is actually needed to provide equitable education in a polarized society where most whites do not see a serious racial problem. Many believe that whites are actually discriminated against. White racial fear and stereotypes erupted in the 2016 election. Much existing education policy is based on a tacit assumption that racial animus has been largely

cured and has no continuing effects that policy needs to address. These assumptions were sharply challenged in the 2020 protests across the nation.

Why Not Give Up on Race Policy and Just Focus on Poverty?

If it is too hard to deal directly with race, can't we figure out another way to solve the problems without raising the political and legal challenges to solving racial problems? Some assume that equal access can be solved indirectly by concentrating on poverty and that it would be much easier politically. Richard Kahlenberg of the Century Foundation has made this argument repeatedly, even sending amicus briefs advising the Supreme Court to take this course on school integration and affirmative action. Conservatives often suggest this approach. Since some of the problems confronting students of color are economic, wouldn't it work to simply have affirmative action for children from low-income families? The critical assumptions are that political leaders and the public would be much more ready to support this solution and to put up the funds to do it because, in college admissions, the most expensive students to aid are those with no family resources and those are also students likely to have weak schooling and need serious academic support. But in reality, conservative governments have cut back help to the poor and, in the gigantic Bush and Trump tax reforms, sharply reduced revenue for social programs through large tax cuts for the rich and corporations, increasing inequality. Reagan ended the War on Poverty in 1981. The federal government simply surrendered.

Although many colleges seek to help low-income students, very few are able to meet the full financial need that would actually permit more students in poverty to attend. Admitting students from families without any money and sending them aid packages that have an unrealistic "family contribution" and a large unmet need either keeps the students away or presents them with terrible choices. Unquestionably, programs are needed for the poor, and clearly there has not been any great impulse for sustained action on poverty. With many colleges in financial trouble and most unable to afford to meet the aid needs of existing students, it is highly unlikely that they will make targeted recruitment of those who need much more and can pay little or nothing. For these colleges to say that you can only pursue racial diversity by admitting students in poverty is to say that you cannot do it on any scale in most colleges.

Advocates favoring a shift to a poverty focus often discuss it as if people of color are all poor. However, though they are far more likely to be poor than whites, the substantial majority of Blacks and Latinos are above the federal poverty line but still experience unequal treatment on many levels. In 2016 more than a third of Black children (34 percent) and more than a fourth of Latino children (28 percent) were classified as poor, but only one-eighth of white and Asian children (12 percent).⁶⁶ A 2021 Census report showed that Black families were far more likely than others to experience persistent poverty. It's true that Black and Latino children were about twice as likely as whites to be in families with a high housing cost burden in 2016, meaning that they often had much less money to spend on other things, including education and health,⁶⁷ but it's also true that many millions of nonwhite families are homeowners but, because of housing segregation, often do not get the same opportunities as their white counterparts or the same gains in housing equity. Even when they are safely out of poverty, students of color face obstacles much more serious than those affecting whites.

Focusing on poverty would include many whites who are not poor in the same way as poor families of color. Many whites live in poverty for a time, when they are studying, sick, looking for a new job, recently divorced, caring for a new baby, and so on, but it is often a spell of poverty rather than a life in poverty. A 2021 Census Bureau report shows a highly significant racial gap in long-term poverty.⁶⁸ Obviously poverty has many dimensions with quite different meanings and consequences, and there are strong intergenerational effects of deep concentrated, persistent poverty, which is far more likely for families of color. A poverty definition would also bring in many children of recent immigrants whose parents have not yet found good U.S. incomes but have higher education in their native countries, strong educational capital for their children, and strong long-term prospects—not the kind of U.S. minority colleges especially want to help.

Victims of racial discrimination include many people who are not poor. Many middle-class people of color often experience discrimination and unequal treatment that has nothing to do with poverty but much to do with stereotypes and discrimination—things such as police stops, differential treatment of job applications, and many others. When I taught big graduate school classes at Harvard, sometimes I would ask, “Who has been followed by a security guard in a store in Cambridge recently?” It was always Black men, people with excellent records training for future leadership at Harvard. There is an overlap between race and poverty, but full treatment of race issues

cannot, in its nature, be reduced to poverty. A focus on a simple current income definition of poverty will direct attention to include a much larger population from groups not experiencing the distinctive racial obstacles and thus reach a smaller number of students of color or cost a great deal more to admit the same number of students of color. Because the best-prepared students of color are not likely to be the poorest, class-based policy excludes many who might have greater likelihood of success on campus. If campuses only use poverty to indirectly identify students of color, the students of color they admit are likely to reinforce campus stereotypes that students of color are poor and to deny the campus community an understanding of the rich diversity within as well as among racial groups in the U.S.

There are very important historical and legal reasons to focus on race. Racial subordination was fundamental from the earliest days of European settlement. Race discrimination is forbidden by the Constitution in amendments that are one of the principal results of the Civil War. Unequal treatment by income is not unconstitutional. Race is an immutable characteristic outside the control of individuals. Income is not. Slavery was about race, not class, and slavery was a fundamental shaper of the nation. Conquest and subordination of Mexicans and Indians after the conquest of their lands was about race and ethnicity, not class. For most of our history we have had almost caste-like racial separation and intense stereotypes. In Trump we had a twenty-first-century president who trafficked in inflaming racial stereotypes. We are only one generation away from the operation of racially separate public universities in nineteen of our states. Because of these basic features of history and law, race discrimination occupies a special position.

A troubling part of the debate regarding a focus on race versus poverty is the assumption that advocates should be forced to choose one or the other. But there have been no large initiatives on either front for decades, even as the society reached extremes of economic inequality. Policy makers and researchers debate what should come first. Should there be more money for segregated schools, for example, or more efforts to open the doors of white and Asian schools? Should college admissions pay most attention to one or the other? This book will show that in times when there was serious attention to race, there was also serious attention to poverty. In times when civil rights efforts were reversed, there were also cuts in the programs aimed at the poor. It has not been either-or but both-and or neither.

This book shows that class is not race and race is not class, though they overlap and both are important. The origin of severe persisting poverty for

families of color was often racial discrimination in earlier generations, which produced diminished opportunity over time. Conservatives tend to assume that racial discrimination is like a bacterial infection that was treated and goes away with time, but it is actually a serious chronic condition that requires continuing treatment and surgery. Of course, poverty, lack of a home, lack of wealth, and many other inequalities are both important and profoundly related to the history of racial and ethnic inequality in the U.S. Students of color who are in the middle class often face inequality and discrimination on multiple dimensions. And there are students whose families have low income but strong social capital and support systems, such as new immigrants with well-educated parents currently earning little. We have a complex society, and it pays to look carefully at simple claims of equivalence.

There are important aspects of contemporary social science methods that can lead to a serious underestimation of the importance of race in shaping unequal outcomes. Most social research is contemporary. It is looking at a cross section of variables at a recent point in time and exploring the statistical relationships among them, sometimes with very complex mathematical modeling. If the discrimination occurred long ago, it was not measured, and if it is not actively present today, it is easy to think that the differences are not caused by racial factors, though they actually were. A cross section is a photo of a moment. An analysis rooted in history and longitudinal data is a movie, something that better shows origins, development, and dynamics. This book examines a wide range of data and research on persisting racial differences in many aspects of life as well as historical data on gaps and the persisting nature of colorblind policy in our divided society. The second and related obstacle is that so many people of color, particularly those with negative outcomes in education, are both poor and nonwhite. When you are doing the analysis, you want to control for one variable when estimating the impact of the other. When they both are present in the same people, what you choose to subtract from the equation matters. If you subtract the relationship between poverty and failure to earn a college degree from your estimate of the impact of race, it becomes much smaller and vice versa. If poverty is treated as an independent variable and the reason for the poverty (often, for people of color, earlier racial experiences) is not known, you may get a serious underestimate of the overall effect of race.

A major study following people through multiple surveys over eighteen years in Chicago highlighted the weakness of much contemporary work on race that grows out of failing to deal with the dimensions of time and history.

“Despite theoretical motivation stemming from assertions of the importance of ‘cycles of deprivation’ in earlier classic studies,” Kristin Perkins and Robert Sampson write, “the trend in poverty research in recent years has been to dissect individual components and to estimate the effects of specific dimensions of poverty.” They argue that we must learn what happens to real people over time. The research showed that the inequality was more tied to race than income. Whatever their income level, Blacks were much more likely to live in areas with higher joblessness and concentrated poverty. Blacks who were not poor lived in less organized communities than poor whites. When looking at multiple inequalities, “compounded deprivation” was “virtually nonexistent” for whites, worse for Latinos, and “far more serious” for Blacks. The evidence, Perkins and Sampson suggest, means that “common strategies to dissect or tease apart the effects of what are closely linked social realities that unfold in interconnected form over time do not capture the true impact of race.”⁶⁹

Those issues are central to the theme of this book. Discrimination operates over time, and there has never been a decisive break in the endless chain of inequality. There has never been a period when these groups have had income or education or health care or housing that was equal to that enjoyed by whites. There are many obvious ways in which the impact of past discrimination causes conditions such as poverty that should not be used as “controls” in estimating the impact of race because they are, in substantial measure, the product of earlier discrimination and inequality. This may seem like a technical question, but it can lead to a gross underestimation of the impact of race.

Situating the Problem

This book shows that both the preparation for college and the ability to afford college are profoundly related to race, and always have been, in a society of deeply segregated schools and vast differences in wealth by race. Making race invisible and adopting colorblind policies came with a concerted attack on systemic civil rights and educational policies beginning in the early 1970s and reaching a high point in the Reagan-Bush period. Under Reagan the Justice Department became an advocate of reversing color-conscious rights policies. The department’s staff included now Chief Justice John Roberts and Justice Samuel Alito, strong affirmative action opponents. Clarence Thomas had experience in reversing civil rights policies in the Education Department and in employment discrimination before being named to the Court. Now we have several justices on the Supreme Court who worked in conservative battles,

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INDEX

NOTE: Page numbers in *italics* refer to figures and tables. Note information is indicated by n and note number following the page reference.

- ABC (A Better Chance) program, 145–46
Adams v. Richardson (1972), 135
admissions policies: affirmative action in, 4–9, 11, 24, 25, 80–81, 134–37, 156, 162, 201–2, 204–8, 283; colorblind policies effects on, 144–45, 148, 177, 283; demographic changes and, 34, 148; entrance test requirements in, 84, 205, 257; financing effects on, 205–6, 242, 288; for low-income students, 6–7, 25, 201–2; strategies for equitable, 199–200, 201–2, 204–8
Advanced Placement (AP) courses, 38, 47, 78–79, 161, 210, 220, 237, 242, 254, 276–77
affirmative action: in admissions policies, 4–9, 11, 24, 25, 80–81, 134–37, 156, 162, 201–2, 204–8, 283; civil rights revolution and, 134–37; colorblind policies vs., 12, 283; for faculty of color, 8, 9, 77, 134; Harvard case on, 7–9, 204; intellectual arguments on, 16, 17, 19–20, 24; legal challenges to, 5–9, 19–20, 24, 32, 141, 162, 201–2, 204, 206, 283; for low-income students, 6–7, 25, 26–30, 201–2; strategies for proxy for, 201–2, 204–8
Alger, Horatio, 22
Alito, Samuel, 30
All Deliberate Speed (Ogletree), 272
Allport, Gordon, *The Nature of Prejudice*, 133
American Apartheid (Massey and Denton), 18
American Commonwealth (Bryce), 22
“American dream,” 150
American Enterprise Institute, 16, 57
The American High School Today (Conant), 99–100
American Indians. *See* Indians
Anderson, James D., 263
AP courses. *See* Advanced Placement (AP) courses
Ashkinaze, Carole, *The Closing Door: Conservative Policy and Black Opportunity*, 19
Asians: admissions policies specific to, 8; civil rights and opportunities for, 132, 177; educational attainment by, 52, 52–53, 54, 207; enrollment in higher education, 148, 149, 177; exclusion of, 93–94; high-achievers among, 172; immigration by, 310n11; income and wealth of, 25 (*see also poverty subentry*); not included in people of color terminology, x, 305n4; poverty among, 27, 55, 59, 59, 61, 88, 160; race-conscious policies as discrimination against, claims of, 7, 12–14; school choice for, 34; schooling disparities and, 65, 65–66, 66; tracking for, 79
bankruptcy, student debt not discharged in, 83, 169, 250–51, 258
The Bell Curve: Intelligence and Class Structure in American Life (Herrnstein and Murray), 16
Berliner, David, 276
Biden, Joseph and administration: bankruptcy policies of, 251; civil rights support by, 9, 20, 23; educational policies of, 43, 178, 189–90, 209, 241, 243, 251, 253, 254; housing policies under, 239; poverty policies of, 194; race-conscious policies of, 260
bilingual education, 141, 284
Bilingual Education Act (1968), 141
The Birth of a Nation (film), 105
Black colleges and universities, historically, 104, 106, 110, 111, 134, 135–37, 168, 175–76
Black Lives Matter movement, 9, 10, 185
Black Picket Fences: Privilege and Peril among the Black Middle Class (Pattillo-McCoy), 76
Black Power movement, 15, 32, 116, 155
Blacks: admissions policies specific to, 8, 135–36 (*see also* admissions policies); civil rights for (*see* civil rights revolution); demographic changes among, 34; educational attainment by, 52, 52, 53, 97, 98, 101, 103–7, 133, 136, 207, 263–68; employment of, 2, 93, 103, 106, 109; enduring effects of discrimination and exclusion among, 50–51; enrollment in higher education, 1, 4, 7, 67, 133, 134, 138, 148, 149, 174–75, 242; enslavement of, 28, 50–51, 93, 102; exclusion of,

- Blacks (*continued*)
50–51, 91, 93, 95, 103–7, 109–14, 263–67
(*see also* exclusion, tradition of); financial burdens for, 43, 171, 244, 247–48, 251, 288
(*see also* financing higher education); higher education graduation rates for, 104; high school denial for, 263–67; high school graduation rates for, 98, 267–68; housing for, 69, 72; incarceration of, 73–74; income and wealth of, 244 (*see also* poverty subentry); poverty among, 27, 30, 59, 59–61, 87–88, 159–60; prenatal care among, 55; preschool opportunities for, 56; public opinion on race issues, 21; race-based scholarships for, 203–4, 248–50; race riots of, 155; racial inequality perceptions of, 153; school choice for, 34, 38, 128–31; schooling disparities for, 61–68, 65, 66; science and math achievements of, 276; segregation of (*see* segregation); single parenting by, 55; suspensions for, 77; tracking for, 79, 272; voting rights of, 123–25. *See also* people of color; students of color; *race-related entries*
- Block, Caryn J., 284–85
- Bok, Derek, 134–35; *The Shape of the River*, 19
- Bonilla-Silva, Eduardo, 284–85; *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States*, 21; “Rethinking Racism: Toward a Structural Interpretation,” 21
- Bowen, William, 134–35; *The Shape of the River*, 19
- Braddock, Jomills, 133
- Briggs v. Elliott* (1952), 111
- Brookings Institution, 16, 233
- Brown v. Board of Education* (1954): access and transportation with, 264; delayed implementation of, 102, 109, 112, 128, 266; desegregation and integration goals of, 62, 110, 111–13, 129–31, 163–64, 195, 210, 266–67, 281; educational attainment following, 98, 131; “irreversible” harm of segregation and, 63; resistance to, 119, 125, 266–67; reversal of desegregation goals of, 35, 118
- Bryce, James, *American Commonwealth*, 22
- Building Assets and Reducing Risks strategy, 223
- Bush, George H. W. and administration: colorblind policies under, 144, 153–54, 181; conservative legacy of, 15; educational policies of, 181, 242, 249; racially stratified society under, 155
- Bush, George W. and administration: colorblind policies under, 181–82; educational policies of, 181–82, 204, 249; mortgage lending under, 71–72; tax reforms, 26, 168
- Califano, Joseph, 137
- Cardinal Principles of Secondary Education* (1918), 95–96
- Carter, Jimmy and administration: colorblind policies under, 143, 154; educational policies of, 136, 137, 166–67, 175, 242–43; moderate vs. liberal policies of, 15, 154, 194
- Carter, Robert, 272
- Carter, Thomas, 19
- Carver-Thomas, Desiree, 222
- Cato Institute, 16
- Century Foundation, 26
- changes needed. *See* policy changes
- charter schools, 20, 34, 85, 86, 233, 235
- Chetty, Raj, 69
- Chicano Education in the Era of Segregation* (Gonzalez), 275
- Chicano Students and the Courts* (Valencia), 275
- The Children in Room E4* (Eaton), 68
- Children of the Dream* (Johnson), 67
- Cioffi, Frank, 176
- Civil Rights Act (1964): affirmative action as discrimination prohibited under, 7; data collection required by, 109, 123; noncompliance with, 175–77; passage of, 5, 116, 119–20, 192, 267; race-based scholarships and, 249; segregation changes with, 102, 109, 112, 116, 122, 127–31, 133, 134–35, 137, 140, 210, 267
- civil rights revolution, 115–42; achievements of, 32, 92, 101, 115–22; affirmative action with, 134–37; colorblind policies reversing gains from, 143–87; context for, 117–19, 139–40; exclusion prior to, 12, 92, 112–14, 133; failure of case-by-case policies and, 122–25, 126, 140; Freedom Rides in, 114, 117; higher education integration and accessibility, 3–5, 8–9, 134–38, 147; housing initiatives in, 115; Montgomery bus boycott in, 114, 117; opportunity growth with, 131–33; overview of, 115–22, 139–42; politics of, 125–28; poverty initiatives in, 115–16, 120–21, 126–27, 132, 137–38, 139, 141–42, 211, 237; race and poverty research during, 14–15; race-conscious policies from, 122–25, 128–31, 134–38, 142, 147, 150 (*see also* race-conscious policies); reforms with, 51, 115–22; school choice policies and, 128–31; segregation reduction with, 7, 32, 51, 62, 81, 92, 112–14, 115–42, 210 (*see also* Civil Rights Act); societal changes since, 34; strategies in, 198; voting rights initiatives in, 123–25 (*see also* Voting Rights Act)
- Clinton, Bill and administration: colorblind policies under, 144, 154–55, 181; educational policies of, 20, 144, 158, 167, 178, 181, 242; moderate vs. liberal policies of, 15, 17, 20, 154, 194
- Clinton, Hillary, 154
- The Closing Door: Conservative Policy and Black Opportunity* (Orfield and Ashkinaze), 19
- Collaborative for Integrated School Services, 231–32

- colleges. *See* higher education
- colorblind policies, 143–87, 281–94; admissions policies affected by, 144–45, 148, 177, 283; civil rights enforcement blocked with, 175–77; civil rights revolution opposing, 139, 150; color conscious vs., 9–11, 92 (*see also* race conscious policies); conservative era ideology on, 147–49, 153–56, 164–65; cumulative racial inequalities discredited with, 49–50, 88–89; dominant vision embracing, 150–57, 284; “excellence” movement and, 178–85, 186; exclusion and, 91, 92, 103, 106, 110, 111–12, 114, 282, 283–84, 289; financing education affected by, 144–45, 147–48, 154, 163–75, 177–78, 240–41, 250, 253, 259, 282, 286–90; high school preparation affected by, 144, 145–47, 160–63, 218–19, 225–26; history of systemic racism underlying, 263; individual achievement focus with, 13–14, 22–23, 91, 146, 150, 153, 185, 250, 289; intellectual arguments opposing, 21–26; intellectual arguments supporting, 14–18; intersector collaboration to overcome, 290–91; lessons learned from, 185–87; manipulation of concept underlying, 283–86; overview of, 143–45; poverty not addressed in, 144, 148, 155, 157–58, 159–61, 177–78; research on, 151–52, 283; segregation effects of, 144, 154, 157–61, 158, 159, 165–66, 281–82; as solution, outcomes of, 12–14
- color-conscious policies. *See* race-conscious policies
- Committee of Ten, 95
- Common Ground: A Turbulent Decade in the Lives of Three American Families* (Lukas), 18
- Community Relations Service, 131, 140
- Conant, James Bryant, *The American High School Today*, 99–100
- Connor, “Bull,” 118
- Contreras, Frances, *The Latino Education Crisis*, 245
- Crain, Robert, 19, 132–33
- Cremin, Lawrence, 96
- Croly, Herbert, *The Promise of American Life*, 22
- cumulative racial inequalities, 46–90; colorblind policies discrediting, 49–50, 88–89; data and research on, 48–49; early childhood development and, 55–57; educational attainment and, 52, 52–53; enduring effects of discrimination and exclusion as, 50–53; food, nutrition, and hunger with, 47, 55, 58, 220; health issues and, 49, 53, 54, 55, 58, 220; higher education impacts of, 46–90; high school-specific focus with, 78–87, 219–20; housing, neighborhoods, and, 47, 53, 54, 60, 68–73; incarceration and, 54, 57, 73–75; income and wealth effects of, 53, 54–55, 56, 58–61, 87–88, 289–90; information, contacts, and counseling with, 54, 62, 76, 78, 79, 82–83, 87; intergenerational, 53–54; list of common, 54, 219–20; overview of, 46–50, 88–90; patterns of inequality, 53–55; policy changes considering, 192–93; poverty and, 50, 54–55, 58–61, 59, 66, 67–68, 87–88; preschool opportunities and, 47, 56–57; racial discrimination and, 47, 48, 50–53, 54–55, 70, 71, 73, 75–80, 85, 89; school-based discrimination and inequality as, 75–80, 85; school choice policies and, 62, 63–64, 76, 84–87; schooling disparities and, 61–68, 65, 66; testing and, 68, 72, 75–76, 83–84
- Darity, William, 202
- Darling-Hammond, Linda, 222
- The Declining Significance of Race* (Wilson), 16
- Democracy in America* (Tocqueville), 22
- Democratic Leadership Council, 17, 20, 154
- demographic changes, 34, 35, 62, 108, 148, 159, 186, 190, 260, 284, 285
- Denton, Nancy, *American Apartheid*, 18
- desegregation. *See under* segregation
- DeVos, Betsy, 185, 253
- discrimination. *See* racial discrimination
- Donato, Ruben, 275
- Douglas, Davison, 271
- Dowell v. Oklahoma City Board of Education* (1992), 269. *See also* *Oklahoma City Board of Education v. Dowell* (1991)
- drugs, and incarceration, 73–74, 164
- DuBois, W.E.B., 104
- Dukakis, Michael, 15, 155
- Duncan, Arne, 183, 184
- Dynarski, Susan, 288
- Eaton, Susan, *The Children in Room E4*, 68
- Economic Opportunity Act (1964), 120
- education: attainment level (*see* educational attainment); civil rights initiatives affecting (*see* civil rights revolution); cumulative racial inequalities and disparities in, 61–68, 65, 66; exclusion traditions in (*see* exclusion, tradition of); federal role in, 5, 7, 101, 113, 116, 119, 121, 127–31, 137–42, 144–45, 209; higher (*see* higher education); housing and, 4, 14, 27, 54, 60, 68–73, 106–7, 212, 238–39; incarceration and, 67, 73–75, 220, 229–30; preparation for higher (*see* high school preparation); preschool, 47, 56–57, 115, 121, 126, 145, 209, 220; school-based discrimination and inequality, 75–80, 85, 112; school choice policies, 34, 38, 62, 63–64, 76, 84–87, 111–12, 128–31, 199–200, 212, 215–16; suspensions from, 77, 220, 229; tracking in, 78–80, 97, 100, 212, 272
- educational attainment: admissions effects on (*see* admissions policies); civil rights revolution effects on, 132, 133, 136; exclusion from, 97, 98–99, 101, 102–10, 263–67;

- educational attainment (*continued*)
financing as barrier to (*see* financing higher education); gaps in, 2–3, 52, 52–54, 97, 98–99, 101, 102–10, 207; high school preparation effects on (*see* high school preparation); historical development of secondary education and, 97, 98–99, 101; integration effects on, 66–67, 98; intergenerational, 52–53
- Education Freedom Scholarships and Opportunities Act (proposed), 185
- Eisenhower, Dwight and administration, 100
- Elementary and Secondary Education Act (1965), 116, 121, 127–28, 178
- Elliot, Charles, 95
- employment: child labor, 97, 99; civil rights revolution effects on, 132–33, 134; colorblind policies toward, 131; cumulative racial inequalities and, 49, 56, 60; demographic effects on, 35; exclusion and discrimination in, 93, 103, 104–5, 106, 109, 113; higher education effects on, 2–3, 148–49; incarceration effects on future, 74; intellectual arguments on race and labor markets, 16, 19; intersector collaboration considering, 291; pandemic-related loss of, 245; unemployment insurance in lieu of, 118
- English. *See* language issues
- Equal Employment Opportunity Commission, 134
- Every Student Succeeds Act (2015), 48, 183–84, 211, 235
- “excellence” movement, 96, 178–85, 186, 210–11
- exclusion, tradition of, 91–114; Black high school denial as, 263–67; civil rights revolution changing, 12, 92, 112–14, 133; colorblind policies perpetuating, 91, 92, 103, 106, 110, 111–12, 114, 282, 283–84, 289; delegitimization of, 111–14; educational attainment limitations with, 97, 98–99, 101, 102–10, 263–67; in employment, 93, 103, 104–5, 106, 109, 113; enduring effects of, 50–53; in historical development of secondary education, 94–101; in housing, 70, 102–3, 106–7, 109, 113; for immigrants, 93–94, 105; income influencing, 96–98; inferiority assumptions and, 92, 93, 103–6, 108, 110; “merit” awards perpetuating, 289; overview of, 91–94; policy changes to address, 192; segregation as, 91–93, 98, 100–114, 133; separate but equal doctrine in, 102, 104, 106, 110; slavery and, 93, 102; superiority assumptions and, 92–93, 94, 103, 105
- exclusionary zoning, 70
- faculty of color: affirmative action for, 8, 9, 77, 134; firing of, 129; in high schools, 212, 216, 223–26; integration of, 129, 212, 216, 223–26; lack of, 77, 128
- false assumption of superiority/inferiority, 48. *See also* inferiority, assumptions of; superiority, assumptions of white
- Faulkner, William, 50
- Federalist Society, 17
- Fifteenth Amendment, 102, 123
- financing education: colorblind policies effects on, 144–45, 147–48, 154, 163–75, 177–78, 240, 250, 253, 259, 282, 286–90; federal funds for, 5, 7, 101, 113, 116, 119, 121, 127–28, 130, 137–38, 140–41, 144–45, 173–75, 209, 210–11; higher education (*see* financing higher education)
- financing higher education: admissions and, 205–6, 242, 288; athletic scholarships for, 82, 244; civil rights initiatives for, 137–38; college completion and, 3, 191, 243, 245–46, 252; colorblind policy effects on, 144–45, 147–48, 154, 166–75, 240–41, 253, 259, 282, 286–90; cost increases and, 166–75, 177–78, 191, 243–46, 288; counseling on, 256; entrance exam costs and, 257; federal funds for, 5, 7, 101, 113, 119, 121, 137–38, 144–45, 173–75; financial aid policies, 4, 9, 32, 34–35, 41–43, 137–38, 145, 154, 166–75, 190–91, 242–43, 256–59, 286–90, 293–94; flexible funding for, 258; for-profit schools and, 35, 38, 41, 171, 173, 195, 241, 246, 251–56, 258; free tuition program limitations for, 199, 254–55, 259, 293; future steps to improve, 293–94; importance of addressing, 34–35, 43; inequalities in policies for, 25, 35, 40–43, 240–43; information and resources for, 82–83, 242, 244–45, 254, 256–57; institutional investment and, 290; loans and debt for, 3, 71, 72, 83, 145, 148, 155, 166–71, 175, 240, 246–48, 256, 288, 293–94; market-based approach to, 240–41; “merit” scholarships/merit-based awards for, 42, 168–69, 282, 288–89; military service and, 41, 82, 170–71, 244, 246, 252 (*see also* GI Bill); Pell Grants for, 41, 42, 43, 138, 167, 170, 171, 173, 175, 177–78, 190, 230, 242–43, 252, 254, 256, 288; policy changes for, 189–91; poverty policies and, 26–30, 177–78; priorities in, 256–59; race-based scholarships for, 203–4, 248–50; race-conscious policies to address, 11, 189–91, 203, 204–5, 207–8, 248–50; strategies for, 199, 203, 204–5, 207–8, 240–59; student debt forgiveness and, 43, 44, 83, 169, 189–90, 247, 250–51, 253, 258–59, 294; tax policies and, 33, 35, 141, 145, 147–48, 155, 167–68, 172–73, 175, 243, 288; working hours of students for, 42, 243, 245; Work-Study programs in, 121, 126, 137, 138, 243, 257–58
- First Step Act (2019), 74
- Fisher v. University of Texas* (2013/2016), 6, 7, 204
- Flores, Stella M., 281
- Floyd, George, 151
- food and hunger: cumulative racial inequalities with, 47, 55, 58, 220; food deserts, 47, 58; school policies to address, 220
- Ford, Gerald and administration, 143
- Ford Foundation, 120

- for-profit schools, 35, 38, 41, 171, 173, 195, 241, 246, 251–56, 258
- Fourteenth Amendment, 8, 102, 150, 281
- Franklin, John Hope, 18
- Freedom Rides, 114, 117
- Freeman v. Pitts* (1992), 269
- Fudge, Marcia, 239
- Gándara, Patricia, *The Latino Education Crisis*, 245
- Garcia, David, 274–75; *Strategies of Segregation*, 275
- Gates Foundation, 231
- General Education Board, 103
- genetic inferiority arguments, 16. *See also* inferiority, assumptions of
- gerrymandering, 85, 107, 272, 273
- GI Bill, 101, 113, 170, 244, 252, 265, 287
- Goals 2000 reforms, 181
- Goldrick-Rab, Sara, 258
- Gonzalez, Gilbert G., *Chicano Education in the Era of Segregation*, 275
- Great Society reforms, 5, 101, 115, 138, 139, 144
- Green v. New Kent County* (1968), 85, 130–31, 267, 269, 281
- Griswold, Erwin, 134
- Grutter v. Bollinger* (2003), 6, 8
- Hanushek, Eric, 224
- Harlan, Marshall, 281
- Harlem Children's Zone, 146, 232–34
- Harrington, Michael, *The Other America*, 120
- Harvard University affirmative action case, 7–9, 204
- Hauptman, Arthur, 248
- Head Start programs, 115, 121, 126
- health issues: civil rights revolution effects on, 115, 132, 211; cumulative racial inequalities and, 49, 53, 54, 55, 58, 220; higher education effects on, 2; integration effects on, 67; intersector collaboration considering, 291; prenatal care as, 55; school policies to address, 220, 231–32
- Heckman, James, 57
- Heritage Foundation, 16
- higher education: admissions policies in (*see* admissions policies); attainment of (*see* educational attainment); civil rights revolution opening, 3–5, 8–9, 134–38, 147; colorblind policies in (*see* colorblind policies); employment tied to, 2–3, 148–49; enrollment statistics, 1, 4, 7, 67, 133, 134, 138, 148, 149, 174–75, 242; faculty of color in (*see* faculty of color); fairness of opportunity for, 43–45; federal role in, 5, 7, 101, 137; financing of (*see* financing higher education); policy changes in, 188–97; preparation for (*see* high school preparation); public opinion on, 2, 166, 191, 206, 241; race-conscious policies in (*see* race-conscious policies); race-sensitive policies in (*see* race-sensitive policies); racial equity in (*see* racial equity); racial inequalities in (*see* racial inequalities); social and economic impacts of, 2–3, 53, 196; students of color in (*see* students of color)
- Higher Education Act (1965), 5, 116, 121, 137, 178, 287
- high school preparation: access to better schools for, 210, 211–17, 220; college experiences during high school aiding, 221, 237–38; colorblind policies effects on, 144, 145–47, 160–63, 218–19, 225–26; comprehensive services to support, 231–34; compulsory attendance and, 97; contacts influencing, 70, 82–83, 237–38; counseling availability influencing, 4, 38, 40, 41–42, 54, 78, 79, 82, 220, 234–35, 256; criminal justice reforms supporting, 220, 229–30; cumulative racial inequalities and, 78–87, 219–20; curriculum equity for, 220, 226–29; dropouts vs., 2, 39, 52, 71, 80, 97–98, 161, 218, 221, 229, 235; English education in, 220, 236; “excellence” movement targets for, 180–85, 210–11; exclusion traditions and, 92, 94–101, 229; faculty importance to, 212, 216, 221–22, 223–26; first year support for, 220, 222–23; future steps to improve, 292–93; health initiatives improving, 220, 231–32; high school graduation rates and, 80, 98, 267–68; historical development of secondary education and, 94–101; housing policy and, 238–39; importance of addressing, 31–40, 80–81, 211; improving lower-quality schools for, 217–22, 235; information and resources for, 41–42, 54, 62, 76, 82–83, 87, 145; institutional changes toward small schools for, 230–31; in magnet schools, 145, 161–62, 172, 210, 212–14, 217; military service and, 39, 82; pandemic effects on, 291; parent-school relationships affecting, 220–21; path to college with adequate, 44; policy changes to equalize, 192, 193; poverty effects on, 146; precollegiate course availability for, 220, 226–29, 237, 276–77 (*see also* Advanced Placement (AP) courses); principal/administrator importance to, 221–22, 225; race-conscious policies to address, 11, 145–47, 209–39; school choice policies and, 34, 62, 63–64, 76, 84–87, 199–200, 212, 215–16; science and math focus in, 100–101, 180, 210, 227, 276–77; segregation effects on, 4, 30–32, 40, 75–76, 146, 160–61, 211–17, 292; social services supports for, 220, 231–34; strategies for equity in, 199–200, 209–39; students of color with unequal, 4, 14, 25, 34–40, 54, 160–61, 209–11, 217–22; suspension and expulsion reduction for, 220, 229; testing and (*see* standardized tests); tracking effects on, 78–80, 97, 100, 212, 272; transition to college after, 37, 222; transition to high school and, 54, 81–82, 222–23; voluntary transfer programs strengthening, 214
- Hispanics. *See* Latinos

- Hopwood v. Texas* (1996), 5–6
- Houle, Jason, 247
- housing: civil rights initiatives on, 115; color-blind policies toward, 151, 155; cumulative racial inequalities with, 47, 53, 54, 60, 68–73; discrimination in, 4, 14, 70, 71, 73, 102–3, 106–7, 109, 113, 238; educational opportunities and, 4, 14, 27, 54, 60, 68–73, 106–7, 212, 238–39; exclusion in, 70, 102–3, 106–7, 109, 113; homelessness without, 60, 72; income and, 27, 70–72; mortgage lending for, 71–72, 238; research on social and economic effects of, 18–19; segregation by, 18–19, 27, 60, 62–63, 69–71, 73, 98, 100, 102–3, 106–7, 109, 160, 200, 215, 238–39; strategies to lessen segregation of, 200, 238–39; subsidized, 60, 70, 71, 73, 155, 212, 238–39
- Huelsman, Mark, 247–48
- Humphrey, Hubert, 15
- hunger. *See* food and hunger
- immigrants: cumulative racial inequalities for, 47, 60; demographic changes with, 148, 190; education and income of, 310n11; English education for, 61, 220, 236 (*see also* language issues); exclusion of, 93–94, 105; national origins quotas for, 139; nonwhite, 1, 24, 236; poverty among, 27, 60; racial discrimination against, 195
- Immigration Act (1924), 105, 139
- Immigration and Nationality Act (1965), 139
- incarceration: conservative policies increasing, 20, 147, 164; criminal justice alternatives to, 220, 229–30; cumulative racial inequalities and, 54, 57, 73–75; education and, 67, 73–75, 220, 229–30
- income: cost of college increases vs. increase in, 178; cumulative racial inequalities and, 53, 54–55, 56, 58–61, 87–88, 289–90; exclusion influenced by, 96–98; finance policies and (*see* financing higher education); higher education effects on, 2–3, 53; housing and, 27, 70–72; inequalities of, rising, 35, 148–49, 194, 243–44, 286–90; integration effects on, 67; minimum wage, 60–61, 149, 178, 194; single-parent, 56. *See also* low-income students; poverty
- Indian Education Act (1972), 141
- Indian Education: A National Tragedy—a National Challenge* report, 141
- Indians: admissions policies specific to, 8, 135 (*see also* admissions policies); civil rights for, 121, 141; educational attainment by, 52, 52, 53, 97, 98–99, 104, 108, 109–10, 207; employment of, 93; enduring effects of discrimination and exclusion among, 50–51; enrollment in higher education, 7, 149; exclusion of, 50–51, 91, 93, 95, 108, 109–10, 113 (*see also* exclusion, tradition of); financial burdens for, 43; incarceration of, 74; Indian boarding schools for, 99; poverty among, 59, 59–61, 87; race-based scholarships for, 203–4, 248–50; school choice for, 38; schooling disparities for, 61, 66; single parenting by, 55; terminology identifying, x; tracking for, 79. *See also* people of color; students of color; *race-related entries*
- individual achievement/individualism, 13–14, 22–23, 91, 146, 150, 153, 185, 250, 289
- inferiority, assumptions of, 16, 48, 92, 93, 103–6, 108, 110
- IQ tests, 105, 108
- Jeanes Fund, 103
- Jefferson, Thomas, 51
- Johnson, Lyndon and administration: civil rights support by, 23, 119–21, 123, 126–30, 139–40, 142; community development initiative of, 234; educational policies of, 64, 137, 178, 180, 287; election of, 126, 127; end of presidency of, 116; Great Society reforms of, 5, 101, 115, 138, 139, 144; immigration policies of, 139
- Johnson, Rucker, 66–67, 132, 268; *Children of the Dream*, 67
- Kahlenberg, Richard, 26
- Kavanaugh, Brett, 204
- Keeping Track* (Oakes), 78
- Kennedy, Anthony, 6, 7, 204
- Kennedy, John F. and administration: civil rights stance of, 111, 117, 119, 125–26, 142, 192–93; education policies of, 117; election of, 116–17, 125
- Kerry, John, 15
- Keyes v. School District No. 1* (1973), 108, 273
- King, John B., Jr., 184–85
- King, Martin Luther, Jr., 32, 48, 117, 123, 193
- Koretz, Daniel, *The Testing Charade: Pretending to Make Schools Better*, 83–84
- Ku Klux Klan, 102, 105, 110, 123. *See also* White supremacy groups
- Land-Grant College Act (1862), 242
- language issues, 61, 141, 220, 236, 284, 285–86
- The Latino Education Crisis* (Gándara and Contreras), 245
- Latinos: admissions policies specific to, 8, 135 (*see also* admissions policies); civil rights for, 121, 140–41; colorblind policies effects on, 186, 282, 284, 285–86 (*see also* colorblind policies); demographic changes among, 34, 35, 62, 108, 159, 186, 284, 285; educational attainment by, 52, 52, 53, 97, 98–99, 104–5, 108–10, 207, 285–86; employment of, 2, 93; enduring effects of discrimination and exclusion among, 51; enrollment in higher education, 1, 7, 148, 149, 175, 242; exclusion of, 51, 91, 93, 95, 108–10, 113, 282 (*see also* exclusion, tradition of); financial burdens for, 43, 171, 244, 245, 251, 288 (*see also* financing higher education); high school preparation for, 146, 236, 237 (*see also* high

- school preparation); housing for, 72;
immigration by, 1, 24, 105, 159, 236, 285–86,
310n11; income and wealth of, 244 (*see also*
poverty subentry); language issues for, 61, 141,
220, 236, 284, 285–86; poverty among, 27, 30, 59,
59, 87–88, 159–60; preschool opportunities for,
56; public opinion on race issues, 21; race-based
scholarships for, 203–4, 248–50; school
choice for, 34, 38; schooling disparities for,
61–68, 65, 66; science and math achievements
of, 276; segregation of, 158–59, 159, 274–75
(*see also* segregation); single parenting by, 55;
terminology identifying, ix; tracking for, 79.
See also people of color; students of color;
race-related entries
- Lincoln, Abraham, 126
- Long, Mark, 202
- Longhorn scholarships, 204
- low-income students: affirmative action for, 6–7,
25, 26–30, 201–2; civil rights initiatives aiding,
115–16, 120–21, 126–27, 131, 137–38; college
completion by, 3; colorblind policies not
aiding, 155, 157–58, 159–61, 177–78; exclusion
of, 95, 113; financing higher education
challenges for (*see* financing higher education);
policy changes to assist, 189–90; poverty
policies assisting, 26–30; race-conscious policies
to assist, 11. *See also* poverty
- Lukas, J. Anthony, *Common Ground: A
Turbulent Decade in the Lives of Three
American Families*, 18
- Lynd, Robert and Helen, *Middletown: A Study in
Contemporary American Culture*, 97
- magnet schools: access to, 34, 38, 63, 70, 80, 85–87,
199–200, 212–14, 217; colorblind policies in, 38,
161–63; defined, 38; funding for, 20; housing
policies and, 73; preparation for college in, 145,
161–62, 172, 210, 212–14, 217; resegregation in,
163
- marriage, 2, 53
- Massey, Douglas, 283; *American Apartheid*, 18
- McPartland, James, 133
- McPherson, Michael S., 169
- Medicaid, 115, 211, 231
- “merit” scholarships/merit-based awards, 42,
168–69, 282, 288–89
- Mettler, Suzanne, 167
- Mexican-Americans. *See* Latinos
- Middle Income Student Assistance Act (1978),
167
- Middletown: A Study in Contemporary American
Culture* (Lynd and Lynd), 97
- military service, 39, 41, 82, 170–71, 244, 246; GI
Bill, 101, 113, 170, 244, 252, 265, 287
- Milliken v. Bradley* (1974), 141
- minimum wage, 60–61, 149, 178, 194
- Model Cities initiative, 234
- Mondale, Walter, 15
- Montgomery bus boycott, 114, 117
- Morrill Acts, 101, 104
- NAACP (National Association for the
Advancement of Colored People), 17, 110, 111,
119, 273
- National Academy of Sciences, 183, 226
- National Assessment of Educational Progress, 80,
133, 211, 228, 268
- National Defense Education Act (1958), 100
- National Education Association, 95, 225
- National Institute of Education, 166
- National Science Foundation, 100
- Nation at Risk* report, 179–81
- Native Americans. *See* Indians
- Natriello, Gary, 67–68
- The Nature of Prejudice* (Allport), 133
- Nixon, Richard and administration: civil rights
decline under, 5, 15, 32, 116, 130, 135, 141–42;
colorblind policies under, 143; criminal justice
policies of, 67; educational policies of, 64, 135,
140; judicial appointments of, 62, 64, 135, 141,
156; racially stratified society under, 32, 155;
Southern strategy of, 15, 32, 155
- No Child Left Behind (2002), 13, 20, 48, 182–84,
210, 219
- Northern states, segregation in, 106–7, 109, 158,
270–75
- nutrition. *See* food and hunger
- Oakes, Jeannie, *Keeping Track*, 78
- Obama, Barack and administration: colorblind
policies under, 144, 181, 182–85; educational
policies of, 20, 144, 158, 168, 182–85, 230, 232,
243, 252–53; moderate vs. liberal policies of, 15,
17, 20, 166, 194; race and election of, 10
- Obama, Michelle, 58
- O’Connor, Sandra Day, 19
- Office for Civil Rights, 64, 136, 176
- Office of Economic Opportunity, 120, 126, 137
- Ogletree, Charles J., *All Deliberate Speed*, 272
- Oklahoma City Board of Education v. Dowell*
(1991), 157. *See also* *Dowell v. Oklahoma City
Board of Education* (1992)
- Oliver, Melvin, 19
- Orfield, Gary, *The Closing Door: Conservative
Policy and Black Opportunity*, 19
- The Other America* (Harrington), 120
- Parent Loan for Undergraduate Students (PLUS
loans), 170
- Parents Involved in Community Schools v. Seattle
School District No. 1* (2007), 63, 87, 162, 200,
214, 217, 281–82
- Pattillo-McCoy, Mary, 19; *Black Picket Fences:
Privilege and Peril among the Black Middle
Class*, 76

- Pell, Claiborne, 178
- Pell Grants, 41, 42, 43, 138, 167, 170, 171, 173, 175, 177–78, 190, 230, 242–43, 252, 254, 256, 288
- people of color: education of (*see* education); exclusion of (*see* exclusion, tradition of); government action support by, 22; housing for (*see* housing); public opinion on race issues, 21, 32; segregation of (*see* segregation); terminology identifying, x, 305n4. *See also* Blacks; faculty of color; Indians; Latinos; students of color; *race-related entries*
- Perkins, Kristin, 30
- Pettigrew, Thomas, 19
- Plessy v. Ferguson* (1896), 102, 106, 163, 210, 211, 281
- PLUS loans (Parent Loan for Undergraduate Students), 170
- policy changes, 188–97; context for, 188–89; cumulative racial inequalities considered in, 192–93; for exclusion remedies, 192; for financing higher education, 189–91; for high school preparation equity, 192, 193; for poverty alleviation, 194; for racial discrimination dismantling, 191–92, 195; racially stratified society and need for, 189–90, 193–97; targeting communities of color, 193–94. *See also* strategies
- poverty: civil rights initiatives addressing, 115–16, 120–21, 126–27, 132, 137–38, 139, 141–42, 211, 237; colorblind policies not addressing, 144, 148, 155, 157–58, 159–61, 177–78; conservative ideology on, 148–49; cumulative racial inequalities tied to, 50, 54–55, 58–61, 59, 66, 67–68, 87–88; exclusion due to, 97–98; high school preparation effects of, 146; integration effects on, 67; intergenerational, 27; policy changes to address, 194; race-conscious policies vs. focus on, 26–30; racial gap in long-term, 27, 60–61, 87–88; schooling disparities and, 65–66, 66; segregation by, 65–66, 68, 71, 87–88, 157, 159–61; “welfare queens” and, 32, 47, 155. *See also* low-income students
- Powell, Lewis, 135
- Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), 276–77
- preparation for college. *See* high school preparation
- Prep for Prep program, 80, 145
- preschools, 47, 56–57, 115, 121, 126, 145, 209, 220
- Programme for International Student Assessment, 80
- The Promise of American Life* (Croly), 22
- Puente program, 146, 236, 237
- race-based scholarships, 203–4, 248–50
- race-conscious policies: affirmative action as (*see* affirmative action); civil rights initiatives to support, 122–25, 128–31, 134–38, 142, 147, 150 (*see also* civil rights revolution); colorblind policies vs., 9–11, 92 (*see also* colorblind policies); defined, ix; as discrimination, claims of, 5, 7, 12–14, 15–16, 25; on financing higher education, 11, 189–91, 203, 204–5, 207–8, 248–50; on high school preparation, 11, 145–47, 209–39; intellectual arguments opposing, 14–18; intellectual arguments supporting, 21–26; poverty policies vs., 26–30; racial equity requiring, 11, 188–97, 263; research on, 18–20, 260–62; school choice policies as, 87, 128–31; the stakes of addressing, 34–40; strategies to implement (*see* strategies)
- race riots, 105, 155
- race-sensitive policies: cumulative racial inequalities requiring, 89; defined, ix; on financing higher education, 207–8; high school preparation improvement with, 277; racial equity requiring, 11, 188–89, 263, 278; segregation addressed with, 270, 274
- Race to the Top program, 183, 210
- racial discrimination: colorblind policies discrediting (*see* colorblind policies); constitutional prohibitions on, 28; continuing existence of, 282; cumulative racial inequalities with, 47, 48, 50–53, 54–55, 70, 71, 73, 75–80, 85, 89; enduring effects of, 50–53; exclusion as (*see* exclusion, tradition of); historical rationalization of, 263; housing and, 4, 14, 70, 71, 73, 102–3, 106–7, 109, 113, 238; intergenerational, 23, 50; movements opposing (*see* Black Lives Matter movement; Black Power movement; civil rights revolution); policy change to address, 191–92, 195; poverty, class, and, 27–30, 50; race-conscious policies claimed to be, 5, 7, 12–14, 15–16, 25; race-conscious policies to combat (*see* race-conscious policies); research on, 19; school-based, 75–80, 85, 112. *See also* racial inequalities
- racial equity: civil rights revolution striving for (*see* civil rights revolution); colorblindness as barrier to, 12 (*see also* colorblind policies); future steps toward, 291–94; policy changes needed for gains in, 188–97, 263; racial inequalities vs. (*see* racial inequalities); scientific reports on, 123; strategies for, 10–11, 198–262; white support for principle of vs. action toward, 151, 151–52
- racial inequalities: admissions policies and (*see* admissions policies); causes of, racial differences in, 153; colorblind policies discrediting (*see* colorblind policies); complexity of issues with, 44, 47–48 (*see also* cumulative racial inequalities); context for, 30–31; discrimination leading to (*see* racial discrimination); exclusion perpetuating (*see* exclusion, tradition of); in financing higher education (*see* financing higher education); in high school preparation

- (see high school preparation); intergenerational, 10, 11, 23–24, 31, 46, 53–54, 146, 189, 195, 263–66, 291; intersector collaboration to reduce, 290–91; list of common, 54; movements opposing (see Black Lives Matter movement; Black Power movement; civil rights revolution); policies to address (see policy changes; race-conscious policies; race-sensitive policies); poverty, class, and, 26–30 (see also financing higher education; low-income students; poverty); racial equity vs. (see racial equity); research on, 18–20, 46, 260–62, 319n21; school-based, 75–80; segregation and (see segregation); the stakes of ignoring, 34–40; strategies to address (see strategies). See also cumulative racial inequalities
- Racial Isolation in the Public Schools* report, 271
- racially stratified society: colorblind policies in, 9–18, 22 (see also colorblind policies); conflicting beliefs on, 9–10, 32; consequences of, 33; discrimination in (see racial discrimination); educational policy as means to address, 260–62; exclusion in, 91–94 (see also exclusion, tradition of); inequalities in (see racial inequalities); negative racial symbols and, 155; policy changes needed to correct, 189–90, 193–97
- Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States* (Bonilla-Silva), 21
- Rainwater, Lee, 18
- Reagan, Ronald and administration: civil rights decline under, 5, 9, 13–14, 19, 32–33, 140–41, 155–56; colorblind policies under, 143–44, 153–57, 164–66, 179, 240–41; conservative legacy of, 15; educational policies of, 15–16, 18, 30, 64, 133, 136, 140, 144, 157, 170, 175–76, 179, 240–41, 242, 255; judicial appointments of, 156; poverty policy termination by, 26, 194; racially stratified society under, 32, 155; “welfare queens” characterization by, 32, 47, 155
- Reardon, Sean, 6, 201
- Reconstruction, 18, 51, 102, 118, 123, 270, 271
- Rehnquist, William, 156
- “Rethinking Racism: Toward a Structural Interpretation” (Bonilla-Silva), 21
- Roberts, John, 30, 281–82
- Roberts, John, 30, 281–82
- Rodriguez; San Antonio Independent School District v. (1973)*, 141, 155, 163–64
- Roosevelt, Franklin and administration: educational policies of, 101; New Deal policies of, 117–18, 126
- Roosevelt, Theodore and administration, 93–94
- Rosenwald, Julius, 103
- Rosenwald Fund, 103
- Sampson, Robert, 30
- San Antonio Independent School District v. Rodriguez (1973)*, 141, 155, 163–64
- San Miguel, Guadalupe, 275
- schooling. See education
- Schools and Staffing Survey (2017), 222
- Scott-Clayton, Judith, 288
- segregation: benefits of desegregation vs., 64–65, 67, 80–81, 132–33, 212, 268; civil rights initiatives to reduce, 7, 32, 51, 62, 81, 92, 112–14, 115–42, 210 (see also Civil Rights Act); colorblind policies effects on, 144, 154, 157–61, 158, 159, 165–66, 281–82; counterreform strategies, 266–67, 268–69; cumulative racial inequalities and, 46, 48, 51, 54, 56–57, 60, 62–71, 73, 75–77, 79–81, 84–87; desegregation reversals to, 11, 18, 34–36, 38, 40, 63–64, 79, 86–88, 118, 140, 154, 157–63, 165–66, 269–70; in employment, 103, 104–5, 106, 109; exclusion with, 91–93, 98, 100–114, 133; faculty of color and, 77, 128, 129; high school preparation influenced by, 4, 30–32, 40, 75–76, 146, 160–61, 211–17, 292; housing and residential, 18–19, 27, 60, 62–63, 69–71, 73, 98, 100, 102–3, 106–7, 109, 160, 200, 215, 238–39; legal mandates on, 13, 51, 98, 102–4, 106–7, 110, 111–14, 134 (see also Civil Rights Act); long-standing harmful effects of, 263; in Northern states, 106–7, 109, 158, 270–75; by poverty, 65–66, 68, 71, 87–88, 157, 159–61; preschool opportunities and, 56–57; race-conscious policies addressing, 21, 128–31, 134–37 (see also race-conscious policies); race-sensitive policies addressing, 270, 274; research on effects of, 18–19, 66–67, 91; school choice and, 84–87, 111–12, 128–31; strategies to lessen, 200–201, 210, 238–39
- Segura, Roberto, 19
- separate but equal doctrine, 102, 104, 106, 110, 163, 210, 266
- The Shape of the River* (Bowen and Bok), 19
- Shapiro, Morton Owen, 169
- Shapiro, Thomas, 19
- Sheff v. O’Neill (1989)*, 213, 217
- Singleton, Harry, 176
- Slater Fund, 103
- slavery, 28, 50–51, 93, 102
- Smith, Patricia, 248
- Social Security, 117
- Southern Christian Leadership Conference, 118
- Sputnik, launch of, 100–101, 265
- Stahl, Jason, 17
- standardized tests: achievement gaps in, historical reasons for, 268–69; college entrance tests as, 84, 205, 257; colorblind policies and, 147, 179–85, 186, 218–19, 225–26, 288; “excellence” movement requiring, 96, 178–85, 186, 210–11; high school exit exams as, 80; IQ tests as, 105, 108; political pressure over, 75–76; PSAT/NMSQT as, 276–77; segregation effects on, 161, 276; students of color and, 4, 68, 72, 83–84, 161; TIMSS test as, 276, 277

- Stockman, David, 164
- strategies: for admissions policy equity, 199–200, 201–2, 204–8; creating effective, 198–205, 260–62; for financing higher education, 199, 203, 204–5, 207–8, 240–59; for high school preparation equity, 199–200, 209–39; for housing policy improvements, 200, 238–39; for racial equity, 10–11, 198–262; for segregation decrease, 200–201, 210, 238–39
- Strategies of Segregation* (Garcia), 275
- student debt. *See* financing higher education
- students, low-income. *See* low-income students
- students of color: admissions policies for (*see* admissions policies); education for (*see* education); exclusion of (*see* exclusion, tradition of); financial issues for (*see* financing higher education; low-income students; poverty); high school preparation inequalities for (*see* high school preparation); incarceration effects on (*see* incarceration); segregation of (*see* segregation); terminology identifying, x, 305n4. *See also* Blacks; Indians; Latinos; *race-related entries*
- Student Support Services, 138
- superiority, assumptions of white, 48, 92–93, 94, 103, 105
- Supreme Court decisions: on affirmative action, 5–6, 7, 8, 9, 19–20, 32, 135, 141, 162, 201, 204, 283; civil rights initiatives supported by, 126, 127, 130–31, 140; civil rights rollback by, 51, 116, 141–42, 144, 155, 156; conservative appointments affecting, 7, 8, 17, 18, 30–31, 51, 62, 64, 116, 141, 156, 157, 200, 249, 260; on race-based scholarships, 249; on school integration and desegregation, 35, 40, 62, 63, 85–86, 111–12, 140, 156, 158–59, 163–64, 195, 200, 210, 217, 281; on separate but equal doctrine, 102, 106, 163; on voting rights, 124–25. *See also specific legal cases*
- Suspensions, school, 77, 220, 229
- Sweatt v. Painter* (1950), 111
- Talent Development High School Model, 223
- Talent Search program, 138
- tax policies: conservative ideology on, 147; financing education and, 33, 35, 141, 145, 147–48, 155, 164–65, 167–68, 172–73, 175, 243, 288; high school choice subsidies, 34; poll taxes as, 124; poverty and, 26
- 10 percent plan, 6
- testing. *See* standardized tests
- The Testing Charade: Pretending to Make Schools Better* (Koretz), 83–84
- Thirteenth Amendment, 102
- Thomas, Clarence, 30
- Tienda, Marta, 245
- Tocqueville, Alexis de, *Democracy in America*, 22
- tracking, educational, 78–80, 97, 100, 212, 272
- transportation: civil rights protests on, 114, 117; school, 64, 86–87, 163, 214, 216, 274; segregation of, 281
- Trends in International Mathematics and Science Study (TIMSS test), 276, 277
- TRIO program, 243
- Truman, Harry and administration, 113
- Trump, Donald and administration: bankruptcy of (personal), 251; colorblind policies under, 184, 185; educational policies of, 184, 185, 204, 229, 243, 253, 306n28; housing policies under, 239; immigration policies of, 1, 139, 195; judicial appointments of, 7, 8, 17, 20, 51, 200, 204, 260; racially stratified society under, 10, 20, 28, 32, 89, 155, 186, 195; tax reforms of, 26, 195
- unemployment insurance, 118
- universities. *See* higher education
- University of California Board of Regents v. Bakke* (1978), 5, 135, 138, 141, 283
- University of Michigan, 6, 19
- Upward Bound, 121, 137, 237
- U.S. Commission on Civil Rights, 19, 109, 118, 128, 134; *Racial Isolation in the Public Schools*, 271
- Valencia, Richard R., *Chicano Students and the Courts*, 275
- vocational education, 80, 85, 95, 103, 104
- voting: civil rights revolution on, 123–25 (*see also* Voting Rights Act); exclusion from, 51, 102, 103; higher education effects on, 2
- Voting Rights Act (1965), 4, 19, 92, 123–25
- Waiting for Superman* (documentary), 233
- War on Poverty: civil rights initiatives for, 116, 120–21, 126, 137, 211, 237; termination of, 26, 194
- Warren, Earl, 127
- Washington, Booker T., 104
- Washington, George, 51
- Weinberg, Meyer, 165
- “welfare queens,” 32, 47, 155
- What Works Clearinghouse, 68
- whites: admissions policies and, 6; birthrates of, 1; civil rights and opportunities for, 132; colorblind policies protecting privilege of, 12, 21, 284–85; educational attainment by, 52, 53, 98–99, 207; enrollment in higher education, 148, 149, 242; high school graduation rates for, 98; housing for, 72; income and wealth of, 25, 244, 247 (*see also poverty subentry*); individualism supported by, 22–23; poverty among, 27, 55, 59, 59, 61, 88, 160; public opinion on race issues, 21, 32, 46–47, 52; race-conscious policies as discrimination against, claims of, 8, 12–14, 15–16, 25; race riots by, 105; racial equity principle vs. action supported by, 151, 151–52;

- racial inequality rationalization by, 21, 153; research on Black rights by, 18; school choice for, 34; schooling disparities and, 65, 65–66, 66; science and math achievements of, 276; single parenting by, 55; superiority assumptions, 48, 92–93, 94, 103, 105; tracking for, 79
- white supremacy groups, 10, 20, 102, 105, 110, 123
- Wilson, William Julius, *The Declining Significance of Race*, 16
- Wilson, Woodrow and administration, 105
- women's movement, 121
- Work-Study programs, 121, 126, 137, 138, 243, 257–58
- Yeh, Stuart, 233
- zero tolerance policies, 74