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K-20: Examining The Critical Connections of Racism and Whiteness within Educational Policy

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Abstract

The author, a White gay man, utilizes a critical race theory lens to analyze historical precedents of race based educational policy as a way to further expand his understanding of the systemic nature of racism within the context of the American educational system and to make connections between his lived experiences in a low performing, high poverty public high school. Tracing policies from *Plessy v. Ferguson* to *Gratz v. Bolinger*, the author presents a historical analysis of policy to create a framework through which he analyzes and makes connections to present day affirmative action practices in higher education admission policies. Detailing the re-segregation of America's school systems through white flight and gerrymandering, the author examines concepts of Whiteness and the ways in which Whiteness is coded as racially neutral within policies. Concluding, the author argues that more attention should be paid to the connections between K-12 policies and higher education admissions policies that are centered upon race.

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Affirmative Action in Higher Education and K-12 Implications

Affirmative action has been a topic of discussion across the board for decades, and yet many advocates of affirmative action have failed to take a critical look at the connections between such policies and K-12 race-based education policies (myself included). Landmark cases such as *Plessey v. Ferguson*, *Brown v. The Board of Education*, and *Gratz v. Bollinger* have failed to address the underlying systemic issues of racism, and classism. Current policy makers have fallen complacent within the conversation of affirmative action in higher education by ignoring the connections to the re-segregation of the K-12 system - which is to produce White flight, property values, and the privatization of schools. Though I believe affirmative action practices serve a place and are a necessary component in equalizing the education system, it has become a way in which many people are able to blind themselves to the systemic nature of racism – relegating oppression to mere interpersonal happenstance.

Who am I?

To help frame this essay, I want to acknowledge who I am and the background from which I came. I am a White gay man born into a low-income single-mother household in Knoxville, Tennessee. My mother had a high school diploma and raised us with no financial support from our father. She later went to college and obtained a bachelor's degree in her 40s. Due to our financial situation, my brother and I were a part of the free and reduced lunch program along with a large number of classmates in our public school. In the spring of my fourth-grade, year, the performing arts and honors elementary magnet school accepted me and I transferred for fifth grade. My magnet school was located downtown in a neighborhood with high poverty, surrounded by government-subsidized housing. Though I had always attended low-income schools, I was always apart of the racial majority, until I attended that magnet school. I distinctly remember coming home after the first week and asking my mother why perceivably all the White kids in school were in the magnet classes, and why students in the magnet classes were all reading above grade level, and yet the non-magnet students were behind. At the time, my mother could not have explained to me the real answer to my question in a way that would convey the historical precedent of racial segregation. Though she could have told me the facts, I would not have comprehended the systemic nature of the issue.

Most students in my magnet class were from wealthy and/or highly educated families and lived in the wealthiest part of Knoxville; which were originally in the suburbs of the city limits, but have since been incorporated within the city limits. I was one of the few exceptions. Rebecca Williams in her local Knoxville news article wrote:

Magnet schools are an education trend that started nationally in the 1970s as a way to racially integrate schools voluntarily. Knox County's magnet schools, created in the 1990s, are all in East Knoxville, in predominantly Black communities. Magnet schools nationwide were originally intended to attract - like a magnet - White suburban students by luring them with special classes and programs. (para. 5)

Not zoned for our magnet school, the school system bussed my classmates and I across the city to our homes. As a fifth grade student, the observations I made were fleeting thoughts, but they gained greater meaning during and after high school.

Knoxville Central High School. The Tennessee school report card stated 49.7 % of the student body my senior year, 2007, was considered economically disadvantaged²(Tennessee Department of Education, 2007). Further, the report card stated that the overall graduation rate for my class, 2007, was only 70.8%, which is 19.2% below the state goal. The dropout rate for my graduating class was 17.9%, which is well above the state goal of 10% (Tennessee Department of Education, 2007). This report also categorized graduation rates by race and ethnicity: White students 73.3%, African American students 62.1%, and Hispanic [*sic*] students 50% (Tennessee Department of Education, 2007). A striking disparity existed between these groups and college was not an option or of interest for many of my classmates – especially given our low graduation rates.

At the time, I knew graduation rates at my high school were low and there was a noticeable difference between students of racial and ethnic groups, but I never understood why. A few of the teachers at my high school would throw around a phrase that I distinctly remember to this day, “Yale or Jail.” This phrase was used casually between some teachers (with students present who they perceived to be the Yale component of the phrase) when discussing some of the gang violence that had occurred during my time. That phrase always hit me with such gravity; I knew it was wrong to describe students in this way but I was incapable of grappling with the magnitude of its meaning at the time. Something else was going on, something I would later come to understand.

This essay as a form of praxis. Prior to attending graduate school at Iowa State University for the Student Affairs master's program and social justice certificate program, my social justice activism was focused upon the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) community. I had rarely engaged deeply with issues of racial injustice on a systemic level, or what it meant to be a White man in the Southeast and the privileges that afforded me.

² The report did not concretely define “economically disadvantaged,” but I assume it includes students on free and reduced lunch.

East Tennessee was a very oppressive environment for me as an effeminate gay man and I have begun to question whether my desire to regain dignity, as a queer person, was perhaps an effort to regain a position of power as a White man in the Southeast. I was frequently harassed and often felt unsafe and frightened in public spaces. Society constantly problematized who I was and essentialized me as a gay man. I was only able to see myself as a gay man in that space, as though I was not also privileged in other aspects. The historical narratives of the environment in which I was raised never told me that my identities as White and male were problematic, so I was never prompted to reflect upon their effect on my desire and ability to serve as a LGBTQ advocate. It took moving to Iowa for me to begin developing a consciousness about my White Privilege (McIntosh, 1988).

During the spring of 2012, I took an anti-racism curriculum course in effort to further understand my own Whiteness and the legacy of domination my Whiteness communicates when I enter a space. Spring 2012 was the second semester of my master's program and I had a rude awakening to ways in which I had trivialized race and racism in conversations of oppression and privilege by always steering conversations towards my experience as a gay man. Reading and researching has always been an important component of my learning to understand the world around me – reading has often catalyzed my own conscientization (Freire, 1970). As such, I began reading Critical Race Theory (CRT) books and articles as a way to raise my own consciousness of the connections between racial oppression and the observations I had made at an early age in my public school experience. By no means am I a CRT expert or scholar as I am still in the process of learning, however, in this essay I do attempt to utilize my newfound knowledge of the ideas and concepts within the body of CRT literature. I believe that reflective writing and research can be a very effective tool for self-emancipation and I hope to continue this work as I move forward in my life as a social justice advocate-educator-scholar.

In the foreword of *Critical Race Theory: The Key Writings that Formed the Movement* (1995), Cornell West asserts that scholars of color, primarily created critical race theory for other people of color as a way to deconstruct the role the law plays in upholding White supremacy (p. xi). Further, Crenshaw, Gotanda, Peller, & Thomas (1995) asserted that, with its explicit embrace of race-consciousness, Critical Race Theory aims to examine the terms by which race and racism have been negotiated in American consciousness, and to recover and revitalize the radical tradition of race-consciousness among African-Americans and other people of Color— a tradition that was discarded when integration, assimilation and the ideal of color-blindness became the official norms of racial enlightenment (p. xiv). Acknowledging that I am a White man

and that I may be not the intended user of the tools CRT provides, I still strongly believe that CRT is the most useful critical theory to examine educational policy and my lived experiences in the education system. According to Crenshaw et al. (1995), two commonalities exist among CRT scholars:

[T]he first is to understand how a regime of white supremacy and its subordination of people of color have been created and maintained in America... and to examine the relationship between the social structure and professed ideals such as “the rule of law” and “equal protection.” The second is a desire not merely to understand the vexed bond between law and racial power but to *change* it. (p. xiii)

The above quote speaks to me as I seek to fundamentally change myself to be antiracist at my core. Committing myself to anti-White Supremacy, I to desire not only to understand the relationships between law and racial power, but also to drastically change such oppressive structures. CRT is best suited to analyze the advantages bestowed upon my Whiteness and my navigation through and observations of my educational experience. Specifically, for me I found CRT to be the theory that most effectively allows me to interrogate the “color-blind” policies that affect higher education today and cultural capital as Whiteness, which informs the creation of such policies.

Within this paper, I utilize a critical race theory (CRT) construct in attempts to adopt a racial realist lens. A lens which Bell (2005) would describe as a mindset in which people understand that racism is permanent and yet they still strive to create ways in which marginalized groups can be emancipated from their oppression. Through this paper, I aim to address issues of colorblindness, White flight, the codification of meritocracy (a product of American hegemony), and interest convergence within policy making surrounding education.

When we analyze the outcomes of affirmative action within higher education admissions, we should aim to uncover whom such policies are benefiting, and over whom they are maintaining power and privilege. How is the body of K-12 educational policy structured in such a way that many low-income students of color will never receive an education sufficient enough to apply to college? In what ways are school zones and funding mechanisms serving as trenches in which countless children are lost? Cultural capital and socioeconomic status must be included when analyzing whom such policies benefit.

Brown v. The Board of Education of Topeka, Kansas

In order to understand the constantly growing body of literature detailing realities of educational policy and race, it is important to understand previous legal precedents regarding the intersection of race and education. The American education system operated under the

guise of *Plessy v. Ferguson*'s separate but equal ideology prior to *Brown v. The Board of Education of Topeka, KS* (1954). Through this, White Americans were able to perpetuate inequality by advocating that they were in fact providing equal services and opportunities because each community was in a space to meet its specific needs. Charles M. Payne (2004) stated that it was quite common for southerners to separate segregation from the systemic issue of racism; it enabled both Blacks³ and Whites to expand and reach their potential in their own time while keeping cultural values. *Plessy v. Ferguson* held root for over fifty years in the growing American landscape. Through separation the American government subdued racial unrest in the educational system until the 1950's.

Brown v. The Board of Education of Topeka, KS (1954) is one of the most widely known cases in American History, and was arguably one of the largest events that set the civil rights movement into full force. The case stated:

Segregation of White and Negro children in the public schools of a state solely on the basis of race, pursuant to state laws permitting or requiring such segregation, denies to negro children the equal protection of the laws guaranteed by the Fourteenth Amendment – even though the physical facilities and other “tangible” factors of White and Negro schools may be equal. (347 U.S., 483)

There was much controversy amongst civil rights leaders about the decision, as the newly implemented law merely transitioned the previous law, which was overtly racialized and systemic, into one that removed the perceived systemic nature of racism.

Brown (1954) fell considerably short of the structural vision of equality and redistributive justice sought by African American litigants and many Black parents. Instead, what triumphed through *Brown*'s interpersonal logic of eliminating separateness by placing Black and White students in proximity to one another was an attenuated formal equality that failed to address the inequitable distribution of resources and opportunities (Gaines, 2004, p. 21). Carson (2004) asserted that, “The Court's ruling against school segregation encouraged African Americans to believe the structure of White supremacy was illegitimate and legally vulnerable” (p. 26).

Carson also felt that *Brown* not only failed to deliver social advancement, but it also, imposed on Black leaders the unfortunate choice between desegregation and the improvement of Black community schools. The forced decision created a dichotomous selection between that which some Black parents and leaders wanted, and that which White policy makers saw as a way of providing equal opportunity through equal funding. Bond (1934 as cited in Meier,

³ Black and African American will be used interchangeably in the essay based upon the use of cited authors.

Stewart, & England, 1989) stated “the Great Depression exacerbated the funding differences for Black and White children” (p. 43). He continued by stating, “Negro schools are financed from the fragments which fall from the budget made up for White children” (p. 43).

It was not necessarily the segregation of the races that was the most damaging to students of color, or their quality of education, but perhaps the lack of resources as a product of racist segregation. This is not to say that the segregation did not have a negative impact, however it is important to note that the difference in funding was a large issue. Many leaders believed that their schools would perform equally as well if they were provided equal resources. Though this had been a struggle for quite some time, White leaders in the United States failed to show interest until a possible solution was of mutual benefit. This leads us to the interest convergence that may have played a role in the *Brown v. Board* decision.

Bell (1980) stated “the interest of Blacks in achieving racial equality will be accommodated only when it converges with the interest of Whites” (p. 523). Continuing, Bell described that the 14th Amendment alone would not provide a legal fix that created effective racial equality if that fix infringed upon the superior social status of the middle and upper class White families. Which makes perfect sense if we look at the dilemma with which Black leaders were presented – advocate for desegregation, or for equal funding for their schools. The freedom of association was a large component of the conversation of *Brown v. Board* and attributed the denial of association as the locus of discriminatory nature of segregation. Freedom of association describes a person’s right to engage with another person in personal relationships or business (e.g., attend the school of one’s choice without being limited by racial categorization). Denial of association was in fact discriminatory in nature, however it failed to acknowledge how the deep rooted nature of racism spread much further and impacted practically all areas of policy, including funding for education. In hindsight, I would have to agree that *Brown v. Board* was in fact a product of interest convergence, as it “solved” the issue of segregation in schools while maintaining middle and upper class White families’ educational superiority, and in turn maintaining power and wealth.

Many Whites realized that the South could move away from the rural, plantation culture of the past and reemerge as the “sunbelt” and produce profit a plenty, but only when segregation was ended (Bell, 1980, p. 525). So, for many wealthy White business owners segregation was seen as a barrier from further developing the South, and from producing more profit (Bell, 1980). The issue of segregation became a means to their end; capitalistic profit was the goal and eliminating segregation was merely a means to that end. Once again, interest

convergence emerges as a driving factor in major policy changes and action in the pursuit of profit.

Interest Convergence Internationally

America's struggle with communist countries was also a concurrent issue that certainly had converging interests with the *Brown v. Board* case. Bell (1980) stated the decision undoubtedly aided in providing the United State's with credibility amongst third-world nations. It was crucial in the "reassertion of the basic American principle that 'all men are created equal'" (p. 524). Paul Robeson (1976 as cited in Bell, 1980) stated:

It is unthinkable... that American Negroes would go to war on behalf of those who have oppressed us for generations... against a country [the Soviet Union], which in one generation has raised our people to the full human dignity of mankind. (p. 524-525)

If White American policy makers and leaders were trying to intervene in the affairs of another nation, which they have deemed unjust and oppressive, the irony of their racial bias and oppression within their own country becomes starkly transparent to the rest of the world. The sheer hypocrisy was undoubtedly of detriment to the United State Government's international legitimacy; which is why we can see that *Brown v. Board* became a sudden interest.

To the world, it appeared that America was eliminating inequality by desegregating the schools; what remained veiled to the world were the inequitable practices of funding for education. Policy changes such as this often produce positive images to the public abroad, however they can never provide accurate insight into the culture and actual practices of the community. The idea that desegregating schools would insure the right to associate with those we see fit was certainly actualized by way of re-segregating schools through White flight, academic grouping and gerrymandering school lines. "Accumulated social privilege-class segregated residential patterns for example –afforded middle- and upper class Whites significant protection from desegregation. When that did not work, district lines could be gerrymandered, classes could be tracked, and segregationist academies could be established" (Payne, 2004, p. 88). In addition to redistricting school zones, "academic tracking" became a way that Whites were able to re-segregate racially heterogeneous schools, and to segregate poor Whites within racially homogenous schools (Meier et al., 1989).

School re-segregation and Racist Educational Pedagogy

As mentioned before, the desegregation of schools can be seen as a convergence of interest with upper, and middle class White-America. The basis upon which some argued for desegregation was that segregation was a violation of Black's freedom of association.

Considering that the freedom to associate also allows for the freedom not to, we can see why and how the beginning of White flight began within middle and upper class families. Suburbs began springing up with new construction and in areas whose market not only out priced the majority of families of color but also low income White families.

Kain (1969) discussed how ghetto enrichment programs promoted the concentration of people who are Black in cities catalyzed the out-movement of White residences and businesses. Kain believed these programs also increased the percentage of Blacks as a result of city in-migration. His disapproval of ghetto enrichment programs stemmed from the desire to disperse low-income housing units throughout cities and suburbs as a way to decentralize impoverished communities of color. Kain asserted that inner-city schools with large populations of impoverished racially minoritized students would not do well due to the failure of school funding structures.

Wilson (1987 as cited in Renzulli and Evans, 2005) reiterated this fact, stating that segregation between school districts was greater than within districts, which signifies the backlash of desegregation in the form of White out-migration to the suburbs (White flight). This inevitably left school districts, which were practically all Black, in the heart of cities. Some families who were residentially mobile moved while other families chose to enroll their students in private schools without moving. Renzulli et al. (2005) noted that families who took this option were almost always White and affluent.

Fairle and Resch (2002) found evidence of White flight from Black schoolchildren, but not as much from Asian or Hispanic [*sic*] concentrations. Their hypothesis was that White families might have a deeper aversion to some minority groups than others. A study by Li (2007) found that White flight appeared to be more sensitive to Black concentrations, and that for every one standard-deviation increase in a county's percentage of Black school age population the probability of White private schooling increased by 7.2%. Searching deeper, Li (2009) decided to do the same comparison but also accounting for economic class. She found that "one standard deviation in a county's level of poor minority share in school age children increased White private schooling probability by 8.9%" (p. 389). However, the same increase of non-poor minority share had no positive correlation to the private school attendance of White children. This is a perfect example of the intersection between race and economic class and how they collude to impact the perceptions of people as well as local education.

Funding was truly the major issue, and inequity still remains due to White flight and the funding of education through property taxes. As Ladson-Billings and Tate (1995) says, "those with "better" property are entitled to "better" schools" (p. 54). Kozol (1991) found that the mean

expenditure per pupil in New York City in 1987 was roughly \$5,500, and the highest spending in the suburbs of New York rose above \$11,000, with the top in the state at \$15,000 (p. 83-84). The differences in funding are captured perfectly by the title of Kozol's book, *Savage Inequalities*. Today, schools are even more segregated than ever before. Banks (1995) stated that although African Americans are only 12% of the entire population they make up the majority in twenty-one of the twenty-two largest (urban) school districts. In 2012 article, William Glen discussed the current trends in school re-segregation:

The segregated schools figures reveal that a far greater percentage of white students than black and Hispanic students attended segregated schools in both years. Over one half of the white students in 37 states attended segregated schools in 1993 through 1994, a figure that decreased to 32 states in 2006 through 2007. (p. 289)

Gary Orfield's and Chungmei Lee's 2004 article "King's dream or Plessy's Nightmare?" explored the current racial makeup of American classrooms. The study reported the percentage of Black students in schools where minorities represented between 50% and 100% of the total student population. In 2001, schools in which minoritized students represented between 50% and 100% of the total student population, Black students accounted for the following percentage of total students across the United States: South=69.8%; Border= 67.9%; Northeast=78.4%, Midwest= 72.9%; West= 75.8% (p. 20). Further, they found that during the 2001-2002 school year 88% of schools that were intensely segregated (less than 10% White) had concentrated poverty with more than half of the students getting free lunch (Orfield & Lee, 2004). Students that attend schools with concentrated poverty tend to be less healthy, have weaker preschool experiences, are taught by unqualified or ill experienced teachers, have a deficit of college preparatory courses and more remedial courses (Orfield & Lee, 2004). The overrepresentation of students of color in areas of concentrated poverty is further corroborated by the Orfield and Lee (2004) study. Concentrated poverty translates to a concentrated absence of property taxes to fund local schools.

When we connect funding inequalities with James Bank's (1995) findings that 83% to 90% of K-12 educators are White women, the construction of race and understandings of White supremacy need be called to question within the educational experiences of students of color. With these statistics it is easy to assume that many students of color will have gone through the K-12 system without ever seeing a teacher or administrator who looks like them. The sheer number of White individuals in a field marked by racial inequality most certainly has implications in the ways in which teachers' construction of racial opportunity and achievement occurs.

Picower (2007) called to question how White teachers conceptualize race, and what role those conceptualizations play in racial hierarchies within the classroom.

In racially heterogeneous schools, academic grouping and discipline became a popular avenue through which schools re-segregated while touting that they were merely advocating for the slow learners. Futrell and Gomez (2008) defined education tracking as “the practice of dividing students for instruction on the basis of their perceived capacities for learning, either within a class or into separate classes” (p. 75). Meier (1989) stated that prior to desegregation, ability grouping in the schools was ironically banned. In one California district, Black students only represented 25.5% of the total enrolled students, yet they were 66% of the students enrolled in the EMR (special education) classes (p. 51). The arguments for academic grouping only corroborate these statistics. Advocates for academic grouping believe that only when students are grouped by ability can the brightest students be challenged and the less able students get the special attention they need (Meier, 1989). It is important to note that ability grouping techniques were created after schools became more integrated, i.e., after *Brown v. Board*. So I believe it is fair to assume that the lining that undergirds ability grouping is inherently racist and classist, as evident in the EMR classroom placements. Contemporary federal government policies requiring programs for educationally disadvantaged students and special education classes made it that much easier for students of color to be funneled into them.

Piecing together the political landscape of race and education we must consider: the sheer overrepresentation of White women in the field of K-12 education, the lack of critical consciousness of Whiteness and racial hierarchies through ‘color-blind’ ideologies, the segregationist practices of corporal punishment and educational tracking, White flight, and the drastic increase in private school enrollment. The sum of these many influences equate to large implications upon students’ success in compulsory education and for the beginnings of affirmative action and its current practices.

Affirmative Action and Race Based Policies in Higher Education

Integration and Historically Black Colleges and Universities

Malaney (1987) cited that Title VI of the Civil Rights Act mandated, “no person in the United States, on the grounds of race, color, or national origin, be excluded from participation in, or the benefits of, or be subjected to discrimination under an program or activity receiving federal financial assistance” (p. 396). This also restricted the distribution of federal funds to segregated schools. However, this was not set into full motion until 1965 when U.S. President Lyndon B. Johnson signed Executive Order 11246, which mandated federal contractors to

increase the number of minority employees. Consequentially, the participation of African Americans in higher education saw an increase.

Title III of The Higher Education Act of 1965 was aimed at strengthening “developing “institutions”, which was code for Historically Black Colleges and Universities (HBCU). After mandates for integration of public schools and universities, this became a way to offer avenues through which Blacks and people of color could obtain an education (Harper et al., 2009). Though laws were passed to help alleviate the racial inequities that existed, many boundaries were put in place to mask the desires of institutions of high education to remain segregated, including, unequal funding whose model was a relic of *Plessy v. Ferguson*, and drastically increased statewide admission policies for public postsecondary education –without corresponding advances in the public K-12 system. This again seems to mirror discrete segregation through tracking and other practices.

The *United States v. Fordice* case of 1992 stands as reference for desegregation in higher education, for states that had historically operated segregated schools (HBCUs) and Predominately White Campuses (PWI) (Brown, 2001, p. 50). A few of the many things cited as being readily apparent of de jure segregation were: unnecessary duplication of academic programs between HBCUs and PWIs with close geographic proximity, gross funding disparities between PWI’s and HBCU’s, admissions policies which were established with discriminatory intent, a limited focus on curriculum, and only PWI’s having designations of research intensive institutions or flagship institutions (p. 51). One of the outcomes was also a large push for HBCUs to reach out and expand their enrollment of people who are not Black which calls to question whether or not the integrity of their founding missions are being held in place. Historically White campuses were founded as exclusionary bodies, and historically Black colleges were not.

Additionally, the curricular foci of many HBCU’s were centered upon vocations such as agriculture and industry. Considering that industrialization was a contemporary of the founding of many HBCUs by wealthy Whites, we can again see the opportunity of higher education for Blacks as interest convergence. Considering that Blacks were relegated to such limited educational paths, it is apparent that the intent of the Whites who created the schools was to funnel them into subordinate rolls within plans of industrialization –maintaining racial and economic hegemony.

California v. Bakke

Regents of the University of California v. Bakke is considered one of the landmark cases for affirmative action in U.S. higher education policy. On June 28, 1978 the Supreme Court of

the United States ruled in favor of Bakke (*California v. Bakke*, 1978). Bakke, a White man, was denied admission to the medical school at University of California at Davis for two consecutive years in a row. He argued that his admittance was unquestionable had it not been for the school's racial quota, which designated 16 of 100 spots specifically for racial minorities, and that his rights were being violated under the equal protection clause of the fourteenth amendment, and the proscription in Title VI of the Civil Rights act of 1964 (*California v. Bakke*, 1978).

Students who comprised the 16 designated spots acquired them through the university's special admissions program in which disadvantaged members of certain minority races were considered for the spots in each year's class. What made the special admissions policy questionable within the case was that individuals who sought admission through it were only compared to others within the program, and not with those in the general admissions process.

The plaintiff having been denied admission to the school under the general admissions program even though applicants with substantially lower entrance examination scores had been admitted under the special admissions program. Finding that the special admissions program operated as a racial quota because minority applicants in the special program were rated only against one another and 16 of the 100 spaces were reserved for them. (*California v. Bakke*, 1978)

The court ruled that the schools use of race in the current format violated the Equal Protection Clause of the U.S. Constitution. Race could be considered a "plus", however it could not be used as a way to segregate certain applications from consideration with the overall application pool. Bakke was later admitted upon the ruling of the court because the petitioner was unable to prove that he would not have been admitted, but for the unlawful special admissions policy (*California v. Bakke*, 1978).

Gratz v. Bollinger

Two and a half decades later, *Gratz v. Bollinger* (2003) surfaced as another precedent setting case within higher education. Though *Gratz v. Bollinger* pertained to university admissions, it differed greatly as it pertained to undergraduate students. The college of literature, science, and the arts at the University of Michigan began using an admissions policy in 1998 that was based upon a point system, of which 150 was the maximum (*Gratz v. Bollinger*, 2003). Generally any student was admitted if they were awarded over 100 points. Things for which points were awarded included: high school grades, standardized test scores, high school quality, strength of high school curriculum, in-state residency, *alumni relationships* (emphasis added), a personal essay, personal achievement or leadership, and membership in an "underrepresented" racial or ethnic minority group. African Americans, Hispanics, and Native

Americans were those whom the University of Michigan considered “*underrepresented*,” and whom they automatically awarded 20 points to their admissions composite score.

A qualified Caucasian applicant was denied admission to the University of Michigan for the fall of 1997. He filed a class action suit against the university in the United States District Court for the Eastern District of Michigan stating that the racial preference violated the equal protection clause of the Federal Constitution’s Fourteenth amendment, and a provision of Title VI of the Civil Right Act of 1964 (*Gratz v. Bollinger*, 2003). The court found that the policy made race a “decision factor for virtually every minimally qualified underrepresented minority applicant” (*Gratz v. Bollinger*, 2003) and that the policy was not narrowly tailored enough to achieve respondents’ asserted compelling interest for diversity. Thus awarding points to every “underrepresented minority” applicant violated the Fourteenth amendment’s equal protection clause.

Grutter v. Bolinger

Like *Gratz v. Bollinger*, an applicant to the University of Michigan was the petitioner; however, this student was applying to the Law School at the University of Michigan. The petitioner sued the law school, university regents, and university officials, claiming race discrimination in the law school’s admission policy. The University of Michigan law school had long been committed to racial and ethnic diversity, especially to the inclusion of students from groups that, historically, had been discriminated against (*Grutter v. Bollinger*, 2003). A White in-state applicant that was denied admission to the law school filed against the law school stating that by denying her admission they had used her race to discriminate against her. However, the court ruled in favor of the law school based upon the following:

The policy (1) required admissions officials (a) to evaluate each applicant on the basis of all information available in the applicant’s file, including personal statement, letters of recommendation, an essay describing how the applicant would contribute to law-school life and diversity, the applicant’s undergraduate grade-point average, and the applicant’s Law School Admissions Test score, and (b) to look beyond grades and score to such “soft variables” as recommenders’ enthusiasm, the quality of the applicant’s undergraduate institution, the applicant’s essay, and the areas and difficulty of the applicant’s undergraduate course selection; and (2) did not (a) define diversity solely in terms of racial ethnic status or (b) restrict the types of diversity contributions eligible for “substantial weight”. (*Grutter v. Bollinger*, 2003)

Because the school had narrowly defined their policies in such a way that achieved their compelling interest in diversity the petitioner lost. Additionally, because each application was

reviewed with scrutiny, it was considered to be in compliance with the fourteenth amendment in the U.S. constitution in which due process was served in each application.

University of California's Regents Decision

In July of 1995, the Board of Regents of the University of California voted to prohibit the use of affirmative action measures in hiring, contracting and student admissions (American Council on Education, 1999). This policy began affecting graduate and professional studies in the 1997-1998 school year, and undergraduate admissions for the fall of 1998 (p. 4). Immediately the new policy had a drastic impact upon the minority enrollment at several of the University of California Institutions. Enrollment at University of California Law Schools plummeted 63% amongst African Americans and 34% by Latinos (p. 4). Minority enrollment at the system's most competitive institutions (Berkeley, UCLA, and San Diego) fell by 48% in 1997 and 32% in 1998 (p. 4).

Hayden and Rice (1995) discussed the major classist and racist implications the new policy had for admission to University of California schools. They compared the difference between students in the low-income neighborhood of Compton who obtained top grades in all of the toughest courses with students in Beverly Hills that were mediocre. It is important to note that the Compton student may have been a high achieving student, but they were disadvantaged on standardized test because their school lacked adequate test preparation, as well as educational resources because of the school they attended (Hayden & Rice, 1995) They go on to make a compelling point about affirmative action and the impact it has on the greater community.

A case point is Dr. Allan Bakke himself. Bakke, the White male graduate of the U.C. Davis Medical School who sued to eliminate that institution's sixteen seats for minorities, ended up with a part-time anesthesiology practice in Rochester, Minnesota. Dr. Patrick Chavis, the African-American who allegedly "took Bakke's place" in medical school, has a huge OB/GYN practice providing primary care to poor women in predominately minority Compton. (p. 266)

Who made the largest impact with their medical education? Who provided the largest return to California taxpayers and the greater California community?

White Cultural Capital and Interest Convergence

It is evident there is still much to be done as we trace the history of educational policies that have "desegregated" and provided "equal" opportunity. Though we have come a long way in access and achievement for underrepresented groups in higher education, we must not become complacent, because complacency is a large component in the maintenance of

hegemonic ideals of American education that have historically oppressed and kept both low-income families and people of color at a systemic disadvantage. Segregation of schools still exists and is extremely pervasive amongst public education. The ways in which racial hierarchies manifest through racist White teacher pedagogy is a travesty for which educational policies must account. Too many will advocate that schools are equal and that non-White students can succeed and have equal opportunity. However, many of these policies have only solidified the idea of interest convergence, color-blindness, and White privilege as it relates to cultural capital within law.

Pierre Bourdieu's work on cultural capital is often considered a watershed piece within the fields of education and sociology. Much of what he describes mirrors the systems that have been detailed throughout this essay. Bourdieu (1986) stated,

Capital can present itself in three fundamental guises: as *economic capital*, which is immediately and directly convertible into money and may be institutionalized in the form of property rights; as *cultural capital*, which is convertible, on certain conditions, into economic capital and may be institutionalized in the form of educational qualifications; and as *social capital*, made up of social obligations ('connections'), which is convertible, in certain conditions, into economic capital and may be institutionalized in the form of a title of nobility. (p. 47)

Through the three guises of capital we can clearly make connections between systemic racism, classism, and the education system. Considering the evidence of White flight presented earlier in this essay, the influence of racism upon market values and real estate gains new power. If the racial make up of a neighborhood holds a market value then we can understand how systemic racism would hurt people of color as they attempt to build their economic capital through the acquisition of property value.

Racism as a market controller inevitably has an impact on property taxes, which impacts school funding. School funding tends to have an impact upon the success of its students and their ability to pursue further education. The ability to attend certain quality schools is a product of race and racism and without quality K-12 educational opportunities the ability to attend higher education become difficult. To further deconstruct this idea of cultural capital I want to examine the historic stratification and hierarchy of higher education that was accessible to students of color. In the section about HBCUs, this essay discussed how the curriculum at HBCUs often centered upon agriculture and other production and labor related vocations. Despite gaining new skills and expertise through higher education, students of color were funneled into fiscally subordinate classes while Whites remained in the owning class. Racial hierarchies translate

into economic hierarchy in the developing American economy, which is fed by inequitably prepared students who are products of Racism as a market controller. This becomes a vicious cycle once the multigenerational effects are analyzed. Cultural capital, borne of educational qualifications, emerges as social capital whose long-term dividends are cashed out in the form of the bourgeois social elitist circles of the owning class. Often the circles can be seen as alumni organizations of prestigious colleges and universities.

First it is important to critically examine pieces of the *Gratz v. Bollinger* case that often remain un-discussed. The automatic 20 points given to any student from an “underrepresented” group (African American, Latino, and American Indians) was the largest component of the argument against the admissions policy at the University of Michigan. Naysayers depended upon the fact that the 20 points awarded were in almost every case the deciding factor upon which marginally qualified “underrepresented” students were admitted (*Gratz v. Bollinger*). Though that may be the case, other qualities within the system that afforded other applicants points must be called to question. More specifically, the ways in which such qualities have been coded as racially neutral through White privilege, the myth of meritocracy, and cultural capital. Dika and Singh (2002) explained Bourdieu’s idea of cultural capital as,

The aggregate of actual or potential resources linked to possession of a durable network of essentially institutionalized relationships of mutual acquaintance and recognition. This group membership provides members with the backing of collectively owned capital... social capital is made up of social obligations or connections and it is convertible, *in certain conditions*, into economic capital. (p. 33).

Utilizing this concept one can easily deconstruct the point system that admitted marginally qualified White individuals due to White racial characteristics of cultural capital and social capital. Of the nine total categories that were listed in the *Gratz v. Bollinger* case, arguably most are connected in some way to Whiteness. “Alumni relations” was italicized earlier in this paper to call attention to its racial bias against non-White individuals. Students of color are much less likely to have “alumni relations” because people of color have historically been banned from attending PWIs or funneled into inadequately funded HBCU’s. Dika and Singh (2002) described this perfectly when they said, that social capital was a social obligation or connection that is convertible. In this case it is convertible to an upper hand in admissions for the Whites whose families have historically attended the University of Michigan, and the obligation and connection is between applicants and the alumni with whom they associate.

High school quality and strength of high school curriculum are directly correlated with the aggregate effects of White flight, property values and funding of education. Ladson-Billings and

Tate (1995) stated the idea that those with better property are entitled to better schools. Michigan's racially coded standards are uncovered, when we consider with what Kozol (1991) found as the grotesque disparity in funding between urban and suburban schools per pupil, and that minority students are the majority in 21 of the 22 largest urban school districts in the U.S. So, points for school quality and strength of high curriculum are arguably points awarded for being a resident of White suburbia. Ladson-Billings and Tate (1995) discusses ownership as Whiteness and through the impact of The University of Michigan's admission policy, this concept becomes clear.

Looking to *Grutter v. Bollinger* the idea of interest convergence comes into play as we critically examine contributing factors that helped the University of Michigan Law School to win. "The Court found that the Equal Protection Clause did not prohibit this narrowly tailored use of race in admissions decisions to further the schools' compelling interest in obtaining the educational benefits that flow from diversity" (*Grutter v. Bollinger*, 2003). Compelling interest in obtaining the educational benefits that diversity provides is a long standing component of the pro-affirmative action rhetoric as evidenced by several publications (Orfield & Kurlaender, 2001; Gurin, Dey, Hurtado, & Gurin, 2002; American Council on Education, 1999).

Bell (1980) attributed much of the desire to integrate to the interest convergence of White leaders of the time, and it is still happening today. The number of publications lauding the benefits of a "diverse" classroom for creating more intelligent students is too numerous to count or cite, as it seems obvious. However the issue of interest convergence arises because they are being used at the forefront of successful affirmative action cases. Scholars are now able to prove that integration and affirmative action are providing diverse classrooms, which inevitably benefit "everyone" (including Whites). Policy makers have provided people of color and women that which they deserve only because they have realized that there is something in it for the "good ole boys".

Committing to Anti-White Supremacy

From the devastating results of the University of California's Regents 1995 decision, to the coded Whiteness in the University of Michigan's undergraduate admissions system, American educational policy is filled with racism and oppression. Though policies and practices have come light years, it is critical that we examine our policies and practices under a microscope in a reflexive manor so that we might understand how our own socialization within a racist and classist society impacts our decisions. Even those who fight for liberation can be unaware of the colonization of the conscious –only through critical action and reflection, will their consciousness be liberated. Paulo Freire (1970) stated that those who fight for liberation can

still maintain characteristic of the oppressor if they are not acting in a reflexive manner. This essay has aimed to achieve just that by utilizing a CRT lens within my own lived experiences and understandings of historically racist policy-making practices that have permeated the United States. Real educational reform will happen only when we are able to acknowledge the current necessity of cultural capital (which in the landscape of American education is Whiteness, and property as Whiteness) to succeed. Moving forward, it is vital that K-12 and Higher Education policy makers realize the interconnected and generational nature of their decisions. K-12 funding structures and educational opportunities must be recreated equitably if affirmative action policies are going to truly make an impact. If not, inequitable funding structures for public schools will continue to serve as the unyielding barrier that helps to maintain interconnected racial and economic hierarchies.

Approaching graduation from my master's degree program, I am actively seeking to incorporate the knowledge gained through writing this essay into my social justice work within the context of higher education. Through this essay I hoped to have demonstrated the benefit of expanding the use of critical race theory to White communities that engage in anti-White supremacy work. My process of unlearning racism will be a life-long process and journey through which I will make mistakes but remain vigilant in my love for justice. In *Teaching Community: A Pedagogy of Hope*, bell hooks (2003) wrote,

While it is a truism that every citizen of this nation, white or colored, is born into a racist society that attempts to socialize us from the moment of our birth to accept the tenants of white supremacy, it is equally true that we can choose to resist this socialization. (p. 56)

I am committed to actively resisting racist socialization and will continue to engage in reflection. I will challenge my fellow White queer community members in future conversations to engage and examine their own Whiteness and the racial injustices they may perceive as less important as they fight for their own liberation. As a White gay man, I know that my liberation is tied up in the liberation of all people and I must actively work to dismantle all systems of oppression. To create beloved community, I must facilitate dialogue amongst White communities so that others will actively resist White supremacist socialization and vow to transform their cores to be anti-racist. Through my newfound consciousness I have reached new depths in understanding my own educational experience and am compelled to create change and catalyze further dialogue amongst academics and those outside of the academy about the impact of our choosing to ignore the institutionalization of Whiteness. Ironclad White Supremacy is the inevitable product of such ignorance and we must seek its dismantling. The dialogue must continue.

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