

SESSION ONE: ACCESSING HIGHER EDUCATION AS A MULTIRACIAL MOVEMENT

THE IMPORTANCE OF RACE IN STUDENT MOVEMENTS

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Race is, and always has been, a real issue in American society. Race is not something that can be ignored—it alone has been the motivation for social policy and laws that were created at the founding of this country. Thus, race must be incorporated in social movements that seek to obtain justice and equality. Professors Guinier and Torres describe what they term “political race”: race as a political space. Incorporating their concept of political race into social movements gives these movements an opportunity to be successful.

Now that America is living through the post-Civil Rights era, some people, whether conservative or confused, are calling for a “colorblind society.” Although the theory of colorblindness is portrayed as positive—everyone receives equal treatment because race is ignored—it can be very negative for people of color and the country as a whole. In *The Miner’s Canary*, Professors Guinier and Torres explain that race is more than a biological category. Rather, “race . . . is an ideological position one holds as well as a social position one occupies.”¹ Ignoring race results in a loss of identity for people of color and overlooks the discrimination and hardships that people of color live with and struggle to overcome.

“Colorblindness” has become political jargon for right-wing organizations such as the Center for Individual Rights. These organizations attack affirmative action programs that use race as a factor in decision making, and those attacks divert attention from the existence of racism and systemic social problems facing people of color.

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1. LANI GUINIER & GERALD TORRES, *THE MINER’S CANARY: ENLISTING RACE, RESISTING POWER, TRANSFORMING DEMOCRACY* 16 (2002).

The University of Michigan is currently involved in two lawsuits that challenge the use of race in admissions. The University administration has defended and continues to defend the use of race in admissions, but its defense has been narrowly tailored to comply with the legally accepted terms of racial diversity. In order to incorporate arguments related to justice and equality, a group of student activists from the Coalition to Defend Affirmative Action, Integration, and Fight for Equality By Any Means Necessary (BAMN) and Law Students for Affirmative Action (LSAA) came together and petitioned the court for intervention in the Law School case. The students sought to broaden the definition of "race" as it is used in admissions. The court granted their request for intervention. In doing so, the court allowed a space for the student intervenors' understanding that race is not simply about skin color; to be a black, Native American, or Latina/o applicant to the University of Michigan (or any other elite institution) means that a student has had to overcome racism, has had a greater chance than whites of growing up in an economically disadvantaged household, and probably has lived through modern-day racial segregation. BAMN and LSAA sought ways to incorporate a broader definition of race into the actual trials, which resulted in me and other students of color taking the witness stand to describe what growing up as a racial minority actually entails.

On the witness stand, I described the segregation that I lived through as a resident of Detroit, Michigan. My testimony described the reality of social barriers to which students in public school districts are subjected. These barriers include, but are not limited to, inadequate facilities, lack of books, supplies, teachers and stimulating curricula. These social barriers that people of color seek to overcome are the daily realities of race in America.

In *The Miner's Canary*, Professors Guinier and Torres note that racial problems often signify greater problems in American society. We found this to be very true in student organizing at the University of Michigan. We learned quickly that we needed to broaden the support for affirmative action among white students if our efforts were going to have a chance of succeeding. So we began to point to the fact that race-based admissions does not exclude white students from admission spots. Higher education is becoming increasingly competitive on a national scale because the job market is declining and universities are unwilling to expand student enrollment to accommodate all applicants. Student activists were able to point to the fact that the University of Michigan admissions policies favored students whose parents were former students and those who attended higher status secondary schools. Obviously, many people would question "the American Dream" if opportunities to receive higher education were expanded but highly educated people were unable to find work. The problem is that universities are too selective, elitist and exclusionary. As a result, both poor whites and people of color are hurt.

Professors Guinier and Torres's proposal of race as a political space is encouraging. Their conception of political race more adequately explains what it means to be black, Native American, Latina/o or any other racial minority in

American society. Political race provides political strength and self-efficacy for people of color; it is defined in a way that allows whites and allies to join in social movements led by people of color, and it encourages them to examine questions of freedom and democracy more broadly. Political race should be the foundation on which social justice movements are built, both on college campuses and in society at large. Political race serves to bring attention to the reality of race in America and provides an opportunity for truly multicultural movements.

CONTEXT AS A SIGNIFICANT FACTOR IN ASSESSING THE PROSPECTS FOR EMPLOYING POLITICAL RACE AS A HIGHER EDUCATION REFORM STRATEGY

ALBERT CORTEZ*

In *The Activist's Handbook*, Randy Shaw observes that "[a] political environment hostile to progressive change has succeeded in putting many social change advocates on the defensive, and the need for proactive planning . . . has never been clearer. Unfortunately, proactive strategies and tactics for change all too frequently are sacrificed in the rush to respond to the opposition's agenda."² He proceeds to caution the social activist by citing the need not to respond, but to strategize. It is critical to develop "a defensive response [that can] lay the groundwork for achievement of the long-term goal."³ These thoughts immediately came to mind as I read the insightful ideas posed by Professors Gunier and Torres and incorporated in *The Miner's Canary*.⁴ Based on my experience as an educator, the notion of broadening the concept of race to incorporate similarly affected majority factions seems viable as a new organizing strategy. I contend, however, that a critical aspect of assessing the prospects for multiracial organizing is an understanding of and a sensitivity to *the implications of context* for the prospects of significant policy reforms in higher education and in related areas.

I was asked to participate as a panelist in the colloquium being convened to examine and discuss the ideas posited in *The Miner's Canary*, and to serve as a respondent and panelist on "Assessing Higher Education as a Multiracial Social Movement." I suspect that our work at the Intercultural Development Research Association (IDRA), a Texas-based nonprofit research, training, and technical-assistance group with a long history of work on reforming education policy in Texas, provides a significant backdrop for the issues under consideration. Since its inception in 1973, IDRA has been one of the few groups at the forefront of major educational reform in Texas. IDRA has played major roles in several significant educational reforms over the last two decades. I have been with the or-

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2. RANDY SHAW, *THE ACTIVIST'S HANDBOOK: A PRIMER FOR THE 1990S AND BEYOND* 5-44 (1996).

3. *Id.* at 5.

4. GUINIER & TORRES, *supra* note 1.

ganization since 1975 and have coordinated much of our group's policy-reform efforts, usually in conjunction with IDRA's founder, Dr. José A. Cardenas, and more recently with Dr. María Robledo Montecel. We have worked for major changes in the way the state funds public schools, in state requirements for educating children identified as "limited English proficient," and reforms in state education policies affecting the children of undocumented workers. In each of these efforts, IDRA played a major organizing and coordinating role. We have initiated research to identify policy issues, convened legal groups to assess prospective legal strategies, worked with state legislative members to develop alternative policies, collaborated with grassroots organizations and supported their participation in state-level policy deliberations, analyzed policy changes adopted by the state, and disseminated our findings to state, regional, and national audiences.

Our work emerged from the need to correct educational policies and practices that we contended discriminated against disadvantaged groups of pupils enrolled in Texas public schools. Too often the state's political power brokers viewed our challenges to dismal educational conditions affecting minority populations as unacceptable challenges to the status quo. Because IDRA is staffed predominantly by people of color, primarily Latino and African American professionals, and because our stated mission is to ensure access to equitable educational opportunities for all pupils, particularly those who are minority, low-income or "limited English proficient," our agenda is perceived as a minority advocate's agenda. Having engaged in minority-related policy reform efforts for more than twenty-six years, I believe that some of IDRA's experiences can inform, and may be further informed by, the theories of Professors Guinier and Torres. As I read the materials provided to colloquium participants, I noted that some of the proposed theories tend to track some of our own insights, which we derived from our direct work "in the trenches" of state policy reform activism. At the same time, our close engagement with key players who participated in the post-*Hopwood*⁵ reform efforts, and our direct work in other major Texas policy-reform efforts, may contribute some further insights and suggestions for other social reform activists working in new and distinct environments.

As I reflected on the concept of how "political race" may operate in a variety of environments, it struck me that the appeal of this concept may be greatly influenced by important contextual factors, such as those that affected the reform process described in *The Miner's Canary*. Specifically, missing from the description of the post-*Hopwood* Texas context were political and demographic realities that may have served to make the state as a whole somewhat more recep-

5. *Hopwood v. Texas*, 236 F.3d 256 (5th Cir. 2000), *cert. denied*, 121 S. Ct. 2550 (2001) (ruling that the University of Texas School of Law could not use an applicant's race or ethnic group as a criterion in the making of admissions decisions). The Texas Attorney General subsequently interpreted the Fifth Circuit's ruling as applicable to all state institutions, thereby expanding the ruling to cover state controlled financial aid programs as well.

tive to the significant policy changes that were adopted. Understanding the pivotal role that these contextual factors may have played in Texas higher education reforms may be critical to assessing in which future contexts the idea of political race might have greater appeal.

For those not familiar with contemporary Texas, it is important to note that the state is in the midst of short term political changes that soon will be substantially dwarfed by larger scale demographic changes. These significant demographic changes will sweep over all aspects of state life by the middle of the century. Although conservatives have gained a recent foothold in state electoral politics, Latinos will comprise almost half (45.9%) the Texas population by the year 2030.⁶ A growing state-level awareness that the fate of Texas as a whole is tied to the fate of its Latino population is a significant factor in many current state-level policy deliberations. In post-*Hopwood* Texas, the majority White leadership's receptiveness to a new approach toward affirmative action was probably informed by a recognition of the emerging minority influence in state-level decision-making. Because minority and minority-supportive members comprise one-third of both the State House of Representatives and State Senate, the fragile, sometimes fragmented, majority must consider and accept offers for collaboration with the state's minority advocates.

Noteworthy among the concepts posited in *The Miner's Canary* is the proposition that minority advocates must take the initiative in proposing alternatives to an existing, inequitable status quo. Our long experience in Texas suggests that those who have benefited from historical inequalities are least able to perceive their effects, even when confronted with gross disparities. Their privileged status can inhibit majority group members' ability to initiate reform efforts, though they ultimately may be convinced to support such efforts. The ability to perceive and advocate alternatives to the status quo has often been reserved for minority activists in Texas.

School finance reform, a battle in which this author and IDRA were principal players, reflects this history. In contrast to *Hopwood*, the courts in the *Edgewood* school funding cases had a key role in the strategy to force the state of Texas to change the manner in which it funded its public schools.⁷ Though instrumental in forcing the beginning of reforms, however, the courts chose not to impose their own funding-reform plan. Eventually a coalition of minority

6. STEVE MURDOCK, *THE TEXAS CHALLENGE: POPULATION CHANGE AND THE FUTURE OF TEXAS* 21 (2001).

7. The Edgewood litigation series challenged inequities created by the manner in which Texas funded public schools. In a series of rulings, the Texas Supreme Court held that the existing system violated the Texas Constitution and required the legislature to craft a more fiscally-neutral funding scheme. See *Edgewood Indep. Sch. Dist. v. Kirby*, 777 S.W.2d 391 (Tex. 1989) (Edgewood I); *Edgewood Indep. Sch. Dist. v. Kirby*, 804 S.W.2d 491 (Tex. 1991) (Edgewood II); *Carrollton-Farmers Branch Indep. Sch. Dist. v. Edgewood Indep. Sch. Dist.*, 826 S.W.2d 489 (Tex. 1992) (Edgewood III); *Edgewood Indep. Sch. Dist. v. Meno*, 917 S.W.2d 717 (Tex. 1995) (Edgewood IV); see also J. Steven Farr & Mark Trachtenberg, *The Edgewood Drama: An Epic Quest For Education Equity*, 17 *YALE L. & POL'Y REV.* 607 (1999).

(predominantly Latino) education reform proponents, working collaboratively with White, rural, low-wealth community representatives, crafted a new, more equitable school finance plan that redistributed wealth from high-property wealth to low-wealth communities. As in the post-*Hopwood* reforms, White rural advocates learned the benefits to be derived from reforming the existing system, and they in turn provided the necessary margin to wrest control from suburban and rural high-wealth areas.

On other issues, a cohesive political-race strategy may be more difficult to create and sustain. One example that comes to mind is the bilingual education policy debates that have taken place in California and Arizona and are pending in Massachusetts. Despite some minority presence in both states, and minority opposition to the proposed language-restrictive policies, anti-minority legislation has been adopted via referenda. Perhaps an insufficient political or demographic base, which is important in current and future political deliberations, has had an important influence upon the potential for applying political-race-based strategies to these debates.

In proposing that it may be strategically useful to broaden the debate from a race or ethnic base to broader concepts of fairness and justice, it is also important to recognize that such bases may have limited appeal for some members of the prevailing majorities. In our work on school-funding reform in Texas, we at IDRA once believed the fundamental inequality and unfairness of the funding system would lead to public outcry for reform. We were mistaken. We became aware that the system (like most social systems) had been created knowingly by a few, and was designed to create and sustain advantages for some, and disadvantage others. Not only did the proponents of the status quo not bow their heads in shame, they actively worked to maintain their advantages and they continue to work to undo the funding reforms even to this day. Moreover, as noted in the work of proponents who approach issues from a frame of political race, this country is enamored of the concept of individuality and the illusion that it is equally possible for any individual to overcome their individual or group status and achieve "the American Dream." Convincing those who do not experience and acknowledge the impact of institutional prejudice and racism in their daily lives that such prejudice and racism exists and needs to be challenged is a difficult undertaking.

The longer-term challenge to advocates who are considering adopting political-race strategies as a means to achieving substantive social reform may be to refine the concept by integrating individualized assessments to determine what reforms or variants of reforms may be most possible in particular contexts. In the examples cited for both Texas and North Carolina, the success of the reform efforts may have been influenced by contextual factors related to history, shifting power relationships, and/or other factors that significantly influenced the way some subgroups within the larger power community reacted or viewed proposed reforms. Only when we look more deeply into those related factors may we be-

gin to understand the true power of the political-race model and effectively adapt it to varied regional, state, and national circumstances.

STUDENT LIBERATION ACTION MOVEMENT (SLAM)

LENINA NADAL*

Walking into the Student Liberation Action Movement's (SLAM!'s) open house at Hunter College, you are exposed to students from the boogie down Boricua Bronx, the black ghettos of Long Island, the Cambodian community in Lowell Massachusetts, and the Bangladeshi and Korean hip-hop scene from Queens. Some have been raised and nourished by comrades in the "white" left who have formed and studied communist and anarchist politics. Others come from high schools like the El Puente Urban Peace Academy or Brooklyn Friends, where community involvement and engagement in the political process are part of the curriculum. Others participated in politics in their respective countries and bring forth a "foreign" flavor to American politics. Still others continue to work in their communities speaking Khmer, Spanish, and Bengali to the families in the ghettos with which they identify. White students practicing some steps with the salsa club members listen actively to SLAM!'s emphasis on the leadership and empowerment of people of color. Most seem to agree with the political analysis albeit with a slight uneasiness. On the snack table, there are noodles cooked Thai style, vegan brownies sweetened with fruit juice, arroz con pollo in a large pot covered with aluminum foil, and Dominican mangu. We pose for a picture as a DJ spins '70s salsa and hip-hop, smiling as cliché as Benetton. We realize we are a part of an internation, embarking on forming a movement for equity colored by our distinct voices.

We begin our discussion of the links between this war in Afghanistan and people of color. Immediately we engage in a dialogue about how various groups will be affected. Maria, a Colombian student, is concerned about the doubling of tuition for undocumented students in the Spring semester. She feels she has been a loyal tax-paying resident who is frustrated with the long lines and red tape of applying for citizenship. She does not understand why her tuition is being raised. Lissette, a Puerto Rican student is concerned about the continued bombing practices on the island of Vieques. Sally, from Bangladesh, raises the issue of racial profiling. Her father has had less than steady work as a taxi driver, and her mother won't leave the house, afraid she will be stared at for being Muslim. A Muslim student from Pakistan is concerned about the FBI searching the records of Arab students who have left political leanings. Malik,

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who is half black, half Arab, speaks to us about movie director Spike Lee's new contract with the U.S. Army to create commercials that target people of color as recruits. The audience at this forum, mostly students of color with white students present in significant numbers, is engaged in dynamic dialogue and addressing conflicts presented by representatives from these various communities.

Meanwhile, Tamika, a student who represents SLAM! in larger coalitions, feels frustrated with a city-wide student coalition dominated by white students. She is concerned about a comment a black student made when she suggested forming a people of color caucus. He asked, "Why? There is no racism here." She is angered by his acceptance of a colorblind world as she notices students of color walking into meetings dominated by white students and leaving shortly after they realize there is no real space for their input in the dialogue. As they leave, they are pursued and chased by white organizers from various cadre groups who eagerly ask them to stay, and at times try to sell them a newspaper. The students of color say they will be back half-heartedly and usually do not return after that first meeting.

Professors Guinier and Torres state that

political race suggests that patterns which converge around race are often markers of systematic injustice that affect whites as well, and thus disclose how institutions need to be transformed more generally. Our premise is that current institutional arrangements do not work for people of color, and that it is not possible to address the present racial hierarchy without addressing these institutional arrangements.⁸

They add, "as a result, those who have been marginalized or left out could be well-positioned to lead a movement for social justice that others will want to follow if they can frame that movement to speak to conditions of injustice that disfigure our social institutions more generally."⁹

In my experience as both a campus and community organizer, mobilizing around political race has been crucial to an organization or coalition's ability to form and maintain a truly multicultural, multiracial formation. In grassroots campus politics, political dialogue and organizing is often led by majority white cadre organizations that focus on class as the primary route to mobilizing students of diverse backgrounds. While these groups recognize race as an obstacle to the unification of the working class, and will often voice concern over racism and white supremacy in the society, they appear to abhor discussions about racism in the movement and confronting the personal issues of white privilege. By avoiding these issues, a "white" culture develops where the style of running meetings, delegating responsibilities, and recruitment caters predominantly to white students. New members, both students who may be interested in the issues at hand but are not always active in politics and students of color who enter these

8. GUINIER & TORRES, *supra* note 1, at 20.

9. *Id.* at 17.

formations, tend to feel alienated. This space is often dominated by heavy intellectual dialogue over issues, casual references to political movements in history that go unexplained, and clichéd quotes about the imperialist, capitalist ruling class that seem alien to people's everyday lives. This is not to say that students of color do not participate and engage in these formations, but as in the societal power structure they learn to accept their roles as tokens and are often either avoided ("raced" invisible) or are listened to with extra attention, burdened with the responsibility of being the sole (as Guinier and Torres would state) "raced black" voice of the movement.

At times, white students who are new to grassroots politics also feel alienated from these spaces. They too are seeking an alternative to a white-led movement and feel silenced when they raise questions about the participation of women and people of color.

Where students of color and women are often found are in identity based formations. Groups such as the Feminist Majority, Black Student Union and Muslim Student Association cultivate a strong sense of pride in one's identity and create a cultural space that is more inviting. Other students congregate around their religious identity or their school majors. In these spaces, students can speak their own language, share food from their own culture and listen to music they like. Many of these students are more likely to join a political coalition if it truly represents the people most affected by the issue. They are reluctant to join white dominated political space. Even if a black member from a political space makes a presentation to an identity based club, the presentation will fall flat if there is not a more relevant way that that person can relate to the group—notably, language, cultural identity, or ongoing active participation with the group. Otherwise, political spaces are accessible only to people who are into "that sort of thing." "Being political," therefore, becomes a lifestyle rather than a part of life.

Student movements in New York City, and particularly in the City University of New York, are often dynamic spaces for multiracial organizing and connection to larger ethnic communities. The city-wide movements against police brutality and the truly multiracial struggle for open admissions in the City University of New York were and continue to be an inspiration to those who are seeking alternatives to colorblind organizing.

In the 1990s, students from CUNY became active in fighting the cuts to education in the city budget. Their efforts were in a long tradition of struggle for open admissions and the defense of programs such as Black and Puerto Rican Studies and Women's Studies that were gained in the late 1960s. The students who formed the coalition in the 1990s made the connection between educational budget cuts and larger plans to restructure the University. They understood that working-class youth of color who attended New York City high schools would be excluded by cutting remedial programs while simultaneously providing more funding for honors programs. Due to this reality, a significant number of high

school students engaged in campus politics concerned with issues of equity and access. As the movement grew, students began to take notice of other issues that confronted young people in New York City. As young people died in brutal “accidents” and altercations with police, mothers of Puerto Rican, Black, Jewish and Korean descent paraded throughout the city holding up placards with the images of their children.

Led by their outcry and savvy political organizing, a movement arose questioning the legitimacy of rampant policing in New York City. Veterans of the struggle for access to the University, students from CUNY joined these mothers and other community-based groups in coalitions that were concerned with the cuts to education and social programs and the simultaneous growth in prison building and police brutality. These issues resonated among women, working-class people, students, and people of color. Community groups often used campuses to organize and students organized study groups and events on campus to give voice to these issues. Many activists also integrated hip-hop into the chants and held creative forms of protest that paid homage to the various cultures. Marches were filled with rhythmic and melodic stomping. This movement had the ingredients of a successful, broad-based movement. There was a “mobilization around political race;” a recognition of identity in the process of organizing. It “articulated a broader social justice agenda” by connecting the issues of access to education and police brutality, and the coalitions were able and “willing to experiment with new democratic practices” by focusing not only on the issues but on the personal stories and realities of the students most affected by these issues.

In the late '90s, students at CUNY read and heard about the massive demonstrations occurring in Seattle around the issue of globalization. In a groundbreaking article entitled, “Where Was The Color in Seattle,” by Elizabeth ‘Betita’ Martinez, a question was posed asking the movement why people of color—targets of the policies of gentrification and cutbacks to social services—were not as active in political organizing around globalization.¹⁰ This article has led to continuing political and academic dialogue both on and off campus where both white students and students of color are addressing these issues.

White anti-racist study groups have formed to discuss the ways in which white privilege actively works to alienate students of color. Activists of color are exploring many of the same questions. In CUNY, one series of questions centers around whether there has been a decrease in students of color of African American and Puerto Rican descent. Once the vanguard in organizing around civil rights and issues of educational equity, have these students been forced out by financial constraints or provided with better options from private colleges? How will political spaces once largely raced black, in terms of culture and language, deal with others who contribute to the growth of the space but are from

10. Elizabeth (Betita) Martinez, *Where Was the Color in Seattle?: Looking for reasons why the Great Battle was so white*, 3 ColorLines (2000), available at http://www.arc.org/C_Lines/CLArchive/story3_1_02.html.

Latin America, India or China? Will this change the aesthetic tastes of our hip-hop salsa flavor? Will U.S.-born people of color feel antagonism toward students who are not citizens but are of higher class status? Will poor, undocumented students feel resentful toward people of color who have never had to apply for citizenship?

As American flags hang high and unfurled, and the Star Spangled Banner is sung in a variety of accents, questions of identity and ownership still have not been answered. Who built America and who continues to build it? In the article, "Where Was The Color in Seattle," Ms. Martinez opens with a quote from a Bay Area youth organizer named Jinee Kim: "I was at the jail where a lot of protesters were being held and a big crowd of people was chanting 'This Is What Democracy Looks Like!' At first it sounded kind of nice. But then I thought: is this really what democracy looks like? Nobody here looks like me." Hopefully in the academy and through the vehicle of grassroots organizing we can begin to tackle these questions.

THE ROLE OF LAWYERING IN MULTIRACIAL MOVEMENTS FOR JUSTICE

PENDA HAIR*

I want to start by introducing the Advancement Project, which is extremely pleased to co-sponsor this symposium. We are a policy and legal action organization with offices in Washington D.C. and Los Angeles, California. Our mission is to promote, assist, and engage in the kind of legal and policy work that will support the type of multiracial movements for justice that *The Miner's Canary* describes.

Last year I published a report for the Rockefeller Foundation called "Louder Than Words: Lawyers' Communities and the Struggle for Justice."¹¹ My particular interest is in how lawyers work to support multiracial movements for justice. I believe that lawyers need to change the way they work if they are going to be most effective at supporting multiracial campaigns for justice. That doesn't mean that lawyers don't need to continue litigating and representing wonderful clients like Erika [Dowdell] in court. But along side that kind of lawyering, there is a need for lawyers to work as full partners with community groups and local advocacy organizations in holding public and private institutions accountable and in raising public awareness of racial inequalities and generating public will for systematic change.

I feel privileged to have been engaged in discussions over a number of years with Professor Guinier, and later Professor Torres, about the issues raised in *The Miner's Canary*. It took me a long time to even partially understand these ideas. When I first talked to Professor Guinier about this idea in the mid-1990s, I was at NAACP Legal Defense Fund, in the throes of defending affirmative action, which was under assault in the courts and even by the Clinton administration. Lani said to me then that race could be a lens on broader structural inequality and could be used to help society better understand the structures that are holding down not just people of color, but whites. I was very skeptical of race as a lens. I said, "White people don't want to talk about race, they don't want to think about race, they don't want to hear about race. How in the world are we going to use race as a lens to open anyone's eyes?" In my work defending af-

* Edited transcription of spoken remarks from symposium at New York University School of Law, Feb. 1, 2002. Penda Hair is Co-Director of the Advancement Project, a policy and legal action group that creates new strategies for achieving universal opportunity and a racially just democracy. After serving as a clerk for Justice Harry A. Blackmun of the United States Supreme Court, Hair was an Assistant Professor at Columbia University Law School, teaching in the areas of civil rights, women's rights, and federal taxation. In 1982, Hair joined the NAACP Legal Defense Fund and served in its New York and Washington, D.C. offices. In 1998, *American Lawyer* named Hair as "one of the top public interest attorneys under the age of 45."

11. PENDA D. HAIR, LOUDER THAN WORDS: LAWYERS, COMMUNITIES, AND THE STRUGGLE FOR JUSTICE (A Report to the Rockefeller Foundation, 2001), available at <http://www.rockfound.org/Documents/431/louderthanwords.pdf>.

firmative action, I was always doing what Erika is doing—pounding on the history and the current effects of segregation and discrimination and oppression to people who didn't want to hear about it.

So my first reaction to the idea of race as a lens was disbelief. But very soon, it became clear that Professor Guinier and her colleague Susan Sturm had predicted the *Hopwood* case¹² before it came down. They had predicted that once the courts started taking away affirmative action, high-stakes testing would be exposed as the tool, as the structure that is keeping students of color from getting admitted to elite universities.

I was really interested in the Texas Ten Percent Plan as it emerged after the loss of affirmative action in university admissions in Texas. Over time, I came to see multiple layers of benefit in the Texas Ten Percent Plan. The most obvious is that it brought the numbers back up to where they were under Affirmative Action. We have to admit that the benefits of affirmative action really are limited. It barely gets a toe in the door in terms of the number of students of color that a fair system would produce. Under affirmative action, the numbers were still very low. But the Texas Ten Percent Plan did return Latino and Black admissions at the undergraduate level back up to where they were before *Hopwood*.

Then I started to see what Gerald Torres pointed out—that whites in poorer farming communities, especially in the many many schools beyond the 150 feeder schools that are in the rich suburbs of Dallas and Houston, were receiving direct benefits as a result of a remedy that started as a solution to a racial problem.

I know many of us who are white believe in racial justice because we understand the indirect harm that race does to society as a whole, and thus to us as whites, as well as other people. But this was different. Whites who don't understand racism, who don't believe in the Civil Rights movement nonetheless might join this movement for the Ten Percent Plan because it could get their kids into college. They received a direct benefit and I'm still struggling with whether that's a totally a good thing. But it helped me to understand the coalition building power of this idea.

There are other benefits from the Ten Percent Plan. It exposed the real underlying problem: the inequality in the quality of schools that were provided to students across the state of Texas. The assumption was that this inequality was fine and should automatically lead to inequality at the higher education level.

Recently, Professor Torres called my attention to the attacks that have started on the Texas Ten Percent Plan. When we come up with a good idea that helps advance racial justice, it is going to be attacked by the same people who attack affirmative action. A recent article in *Baylor Law Review*, by Brian Fitz-

12. *Hopwood v. Texas*, 236 F.3d 256 (5th Cir. 2000), *cert. denied*, 121 S.Ct. 2550 (2001) (ruling that the University of Texas School of Law could not use an applicant's race or ethnic group as a criterion in the making of admissions decisions).

patrick, concludes: “It is fair to say that the automatic admission aspect of the Ten Percent Plan is revolutionary. Admission is automatically granted under the Ten Percent Plan without regard to a student’s standardized test scores and without regard to the quality of the high school a student attended.”¹³ I can envision Mr. Fitzpatrick as kind of open-mouthed about the fact that the quality of the high school you attended no longer controls your opportunities for the rest of your life. At the end he suggests that we should have “race neutral” principles to govern admissions.

Lani Guinier and I worked in the voting area, and in that context, *Shaw v. Reno* says that the race neutral principles have to govern redistricting.¹⁴ Fitzpatrick identifies some race neutral principles for university admissions, and guess what they are: Preferences for students who have high standardized test scores, strong high school grades, who have taken a challenging high school curriculum, who have shown a commitment to extra-curricular activities, and who have inspired positive teacher recommendations. He concludes that the Texas Ten Percent Plan subordinated all these traditional principles to high school rank by admitting roughly half of each freshman class to the University of Texas at Austin solely on the basis of class rank. The Texas legislature chose class rank. Mr. Fitzpatrick advocates high-test scores as the controlling criterion. Yet why should Mr. Fitzpatrick’s criteria—which just happen to favor whites and the status quo—be preferred over the Texas legislature’s criteria?

What should we do? *The Miner’s Canary* teaches us that we need to use race and ethnicity as analytic tools. Whether or not we can open the minds of whites to understand race as a lens, in our own internal analysis we need to understand the impact of race and then trace it back to the structures that are causing the inequality. At the Advancement Project, we work in partnership with organizers around the country who are engaged in local movements in three areas: K-12 education reform, police reform, and election reform and democracy—making the rules of democracy operate fairly. In school discipline, for example, we find many students getting thrown out of school for very minor offenses under so-called ‘zero tolerance school discipline,’ harsh discipline systems. When we trace it back, we find that if you have a good school with a challenging curriculum where students are respected and expected to achieve, where you are incorporating appropriate history and culture into the curriculum, you don’t have significant discipline problems and you don’t have school violence. What’s really needed is what have been called “fair and caring schools”; then discipline goes out the door as a problem. We need to use race as a tool in that analytic way.

We also need to organize multiracial coalitions, which is really hard work. But we can’t give up. And we need to engage in relentless public education and

13. Brian T. Fitzpatrick, *Strict Scrutiny of Facially Race-Neutral State Action and the Texas Ten Percent Plan*, 53 *Baylor L. Rev.* 289, 295 (2001).

14. See *Shaw v. Reno*, 509 U.S. 630 (1993).

communication through all different means—through community meetings and community education, door to door discussions, and using the media where we can, both locally and nationally. Once we've figured out what the problem is, and we've analyzed it using race, the facts are overwhelming. I think we can start moving the public by publicizing some of those facts.

QUESTIONS FROM THE AUDIENCE

Q: I'm from CUNY Law School. I am curious to know about the use of the Texas tests in the K-12 arena and how they are used as gatekeepers to higher education.

ALBERT CORTEZ: Texas is test crazy. It was interesting that accountability and high-stakes assessment quickly followed the increase in funding inequity in the K-12 system. We don't think it was accidental that there was that kind of sequence. As more money was invested in the system, the people who had not invested in the system or had made sure that it wasn't equally distributed suddenly demanded that we measure the quality of what we had been paying for, even though that same question had not been raised in the decades when inequality was the norm.

The testing system in Texas calls for assessment of students in grades three, four, five, six, seven, eight and now nine, and we're moving to a next level test that used to be at the eleventh grade level. It is a high-stakes assessment: If you don't pass the exit-level exam, you do not get a diploma in Texas. That's been the case now for a few years. Legislation that was passed a few sessions ago voted some of that down. We now have mandated in-grade retention for students that don't pass the third grade test starting in 2003; it will be the third and fifth grade test in 2005, and the third, fifth and eighth grade test in 2007. We looked at the research examining the relationship between not finishing school and being retained in a grade. The research shows that if you retain a grade one time, there is a 50% probability that you will not graduate from high school. If you retain a grade two times, there is a 90% probability.

So what may be happening is that tests now at the K-12 level are being used as a way of further depressing the numbers of students that make it through the system. Although the Ten Percent Plan may help, if fewer of our kids are making it through the K-12 system, the pool for eligibles is still going to be a relatively small number. The main problem is the model assumes scarcity. We cannot make the programs we've been using to assess higher-ed and graduate school access any larger than they are; we have to limit the number of people that are admitted. No one has talked about the fact that if you are going to admit a larger number of individuals that are more diverse, you may need more buildings and faculty. As long as we keep operating from an underlying assumption that this is a scarcity opportunity we have to protect, we're always going to be fighting these battles.

Q: I'm also very curious to know about exposure: If the Ten Percent Plan exposes the invalidity of standardized tests that are being used as entrance examinations, how can that be used to knock out the high stakes test in high school

examinations also? Is there a broad enough way to develop research to just show how bogus they are?

GERALD TORRES: There was a wonderful article in the *New Yorker* about a month ago called "The Examined Life."¹⁵ It was an article about Stanley Kaplan and his SAT and LSAT prep courses. In the middle of the article, the author discusses the University of Texas because kids admitted under the Ten Percent Plan are still required to take the SATs, it just doesn't count toward their admission. Researchers have discovered that students who would have been rejected if you'd used their GPA or SAT previously are exceeding expectations in college; and if you take minority students and white students at the same SAT level, the minority students are outperforming the white students. Additionally, those students who ordinarily wouldn't have been admitted have a higher persistence rate (persistence means whether the students come back for their second year). The group that has the highest persistence rate is African-American women. Many of the things that people thought you learned from standardized tests turn out not to be true.

But I want to go back and talk a little bit about Al's point, because at the same time as the legislatures put these additional requirements on students—these high stakes tests at every level—they have exempted the schools from having to meet the teacher certification requirements. So the teachers who are going to be teaching at these schools can be uncertified, and the schools continue to get the same level of funding at the same time as they are raising the requirements for the students. They are not tying the curriculum and curriculum development to what they are asking the students to demonstrate on these tests. That's going to be one of the emerging issues.

PENDA HAIR: I was just going to comment on the law. If the courts were properly applying both the civil rights law and even the constitutional minimum rationality requirements, all these high stakes testing regimes would fall. These regimes are totally irrational in my view.

Let's talk about the high stakes testing at the K-12 levels. They say these tests are going to improve the schools, but their main tool for improving the schools is a high stakes test given to students who haven't been prepared to take the test. They fail the students and hold them back and in some way, that's supposed to improve the school. It's just beyond me how that could pass minimum rationality.

The same is true at the college admissions level. These tests are so unpredictable. I did this kind of work in the employment area. If an employer gives a test and it has a racial impact and is not justified by strong correlation between

15. Malcolm Gladwell, *The Examined Life: What Stanley H. Kaplan Taught Us About the S.A.T.*, *THE NEW YORKER*, Dec. 17, 2001, at 86.

the test and the job, that test is struck down under Title VII of the Civil Rights Act. So I know something about what it takes to correlate a test to something that matters, such as job performance. The SAT, the LSAT—neither of these tests has anything near the kind of correlation that you would need to uphold the test as a business necessity in the employment context.

Nonetheless, the courts are not striking down high stakes tests in the education context. The Mexican American Legal Defense and Education Fund (MALDEF) brought a very well-litigated case against the high school graduation test in Texas and the court just ran rough-shod over it. My point is that we need to keep doing our organizing, our public education, our exposing of the facts because we're not going to win in the courts alone, even though we should.

Q: This is for Lenina. I thought you gave a really perceptive analysis of the dynamics of multiracial organizations and the many layers of problems you can run into. I was wondering what you have learned and what your advice on practical steps to deal with some of those issues and problems is?

LENINA NADAL: I think that one of the movements that's really helped to bring light to a lot of these issues is the globalization movement. The World Economic Forum and all these activists are here in the city now. Many of them are white activists from all parts of the United States and, as I mentioned earlier, there was a good article by a woman named Elizabeth Martinez asking where people of color are in these movements.¹⁶ These issues affect people of color, affect third world people throughout the world. So why aren't they participating? I think it is really helpful for white students and white activists to look very critically at themselves and how to deal with issues of white privilege and what it means to be white in this society and what racism means.

In an article in *ColorLines* this week, one activist refers to race as the pink elephant. It's this thing that just doesn't go away. And it's really just a matter of realizing that. But if a coalition begins with white activists in the leadership of the coalition and they want to diversify, it really does take a recognition that we have a certain kind of space and we want to recognize that. We want to be very honest in terms of that dynamic, be honest with students of color, people of color, activists about that dynamic. Honesty in recognizing race as an issue is really important, putting it out there and dealing with it on a personal level. It may sound too personal for some people to go there, but on some level that's how you have to deal with it. It's like a black man has to deal with being black everyday—a white person should have to deal with being white everyday. I think it is also important to do affirmative action in your organizing too, to really target students of color, people of color, organizations, to get tips from people of color coalitions and really ask these questions and bring them in.

16. See Martinez, *supra* note 10.

ERIKA DOWDELL: In our organizing at the University of Michigan, we do outreach at high schools, and we see this outreach as related to the concept of political race that Professors Torres and Guinier talk about in *The Miner's Canary*. We believe that if you start to talk about race as a political space and start to politicize students before they get to college, they will be more political once they get to colleges and universities and be willing to take the steps to be in leadership and go out in the forefront. If you start to do outreach to the students and try to get them to understand the conditions of their high schools from very early on, it's more likely that they will be more political and feel better about themselves and won't feel so alienated once they get to these universities.

Q: I was just wondering if any of you have been working on restrictions to access to financial aid. I'm thinking specifically of the drug provision of the Higher Education Act which limits or eliminates federal financial aid for any students ever convicted of a drug crime. This has an obvious implication for young people of color—despite the fact that over and over again evidence has been offered showing that rates of drug use are equal across racial lines—given that youths of color are vastly more likely to be racially profiled, arrested, and convicted for drug offenses than white youths.

MS. NADAL: This year, SLAM! doesn't have a high school organizing program, but we did have one in the past. College students worked with high school students and we focused on the criminal justice system and the amount of money from the state budget that was being moved into prison construction, along with the simultaneous cuts to public higher education. We became extremely involved in trying to understand what some of these issues were that affect students of color and it seemed like there was this non-priority of education and this higher priority toward criminalization. We haven't taken this particular issue on this year.

We're currently focusing a lot on the Tuition Assistance Program (TAP) cuts because Governor Pataki's proposing a 33% reduction in TAP funding in the next budget, and a qualification that you cannot receive your TAP grant until you graduate, which is a real problem for CUNY students because a lot of them are commuter students and they are not necessarily going to graduate on time. We're basically dealing with that aspect of financial aid which connects to Books Not Bars work because we are showing that there is this prioritization of incarceration not education.

MR. CORTEZ: Getting access in admission is the first gate. I'm glad you raised the point about financial aid because if the support systems aren't there, simply getting admitted isn't going to be enough to keep students enrolled in those programs where litigation or legislation has opened the door. I was a financial aid person in another life, so I understand the issues of financial aid ad-

ministration. There are a couple of reports out—one of them by the Lumina Foundation that just came out this year¹⁷—that talk about the gap between the full needs of the student in terms of financial need and what colleges and universities are making available, and noting that most of them don't provide full funding to the majority of students. But that gap in what the need is and what's provided disproportionately impacts minority and low income individuals because those families have a harder time coming up with additional money to provide the full resources needed to stay in school. In terms of the political race agenda, there is a natural coalition here around an issue that ought to be looked at and pursued by different groups collectively. This is an emerging issue and it may be, as you've pointed out, that people are recognizing that if you can't get them at the door, you can get them at the Bursar's office. It's going to be real important to stay on top of the trends and the issues and see what else needs to be done in that area.

PROFESSOR TORRES: I just want to add one last point. For those of you who do academic research, there is a new category in demographic research that explains the decrease in African American men in neighborhoods. It's a category that's called "migration to institutions." And I don't think they're talking about college. What is important is to pull away the neutral language about what migration to institutions means. We need to pull off the neutral language and say exactly what it means.

Q: I have a question for Mr. Torres and Ms. Dowdell, but first let me elaborate on some of the potential pitfalls of the Ten Percent solution and affirmative action. I think the Ten Percent solution is an innovative approach; however, my main concern is that if you take, for example, a school in an underprivileged neighborhood, you may have quite a few students who have worked very hard but don't fit in the 10%. This solution may serve as a means of justifying them not getting admitted to college because of the perception that people that don't fit the criteria are not deserving and should not be admitted. My concern with affirmative action is that it tends to be a minor solution to a very broad social problem. So my question is: Without massive criminal justice reform, without reforming, revitalizing neighborhoods, without massive education reform, aren't we just walking on a treadmill and not really changing society?

MS. DOWDELL: One of the things that we figured out in the affirmative action case is that we could use affirmative action as a tool to talk about all these other issues in society and that we could get it on record. We talked about inequalities in K-12 education, we talked about all the different testing things and

17. See SAMUEL M. KARP III, DEREK V. PRICE, & JILL K. WOHLFORD, DISPARITIES IN COLLEGE ACCESS AMONG THE 50 STATES (Lumina Found. for Educ., New Agenda Series Vol. 4, No. 3, 2002), available at <http://www.luminafoundation.org/monographs/states/pdfs/Web.pdf>.

all the situations that occur once you get into these colleges and universities and one of the things that came out of it was that the judge had to say, "Okay, there is still a problem in American society and racism is very much still alive." Affirmative action in and of itself is very limited in its scope, I think that's really true. But I think we need to use race as a way to expand the dialogue beyond affirmative action and other issues that show how racism is played out in American society, and start to talk about everything else. I think what's really important about *The Miner's Canary* is that it talks not only about affirmative action, not only about different ways in which racism plays out in higher education, but it broadens the spectrum and talks about what creates the situation for affirmative action in the first place. So I don't think that we're focusing on one aspect. I think you can use affirmative action as a way to open up discussion.

PROFESSOR TORRES: I want to make clear that I am not promoting the Ten Percent Plan as a universal solution to the problem of underrepresentation in higher education. It was a response that was created in Texas to address a specific problem. What it did do was allow us to get information available to people so that you could tell people who were paying taxes, "Historically you have been paying taxes to support kids from 150 high schools. There are 1500 high schools in Texas. Approximately one hundred and fifty high schools filled up close to 75% of every freshman class at the University of Texas, Austin." I don't care if you're white or black, you understood what those figures meant.

The Ten Percent Plan opened that discussion up and allowed the larger discussion. We are now using it to turn back and focus on the issues that AI raised about high-stakes testing in school. We have produced a funnel-graph that shows the number of African Americans who started kindergarten, and then the number of African Americans who graduated in the top 10% of their class. In Texas, the graph shows a precipitous decline. The Ten Percent Plan shows us that we have to remedy a lot of things that come before you get to college.

We're also trying to get some honesty in the numbers because in Texas, for statistical purposes, a student is not counted as a dropout unless he or she enrolls in the ninth grade. All the students who fall out of the system before the ninth grade don't even count as dropouts. When Texas promoted its numbers about how they had decreased the number of dropouts in the public school system, they were merely talking about the way they changed the accounting of students. What we want is honesty in the discussion.

Q: I want to agree with your point about the Ten Percent Plan not being a panacea. The schools where it's making the most significant impact are the schools where there is the most segregation and it happens that minority students are 95% of the enrollment, and they become automatically part of that top 10%. That's where some of that increase is coming from. But where it isn't fixing the problem is where there is more diversity, where minorities are a smaller part of

the population and may be underrepresented in that top 10%. There is a caution that if you simply adopt a Ten Percent Plan, the minority eligibility is going to go up automatically, it doesn't always happen.

PROFESSOR LANI GUINIER: I would like to use these last two questions to pull from something that both Erika and Al said about the background assumption for access to higher education. They talked about there being a scarcity assumption. I also want to re-emphasize Erika's point that traditional aptitude tests are comparable to literacy tests and the poll taxes in the voting area.

I think it is really important to develop further that analogy between voting and higher education. If you look at the history of this country, although we claim to be a democracy—meaning we claim to believe that all people should participate in making the decisions that affect their lives—in fact, we started out with a very elitist premise about what it means to be a democracy. We did not permit most people to vote, even most white people. Property ownership and other requirements were a way of protecting this very elitist notion of democracy that said only some people—those who were the “natural leaders of a community”—were really qualified to participate in the process of making decisions that affect all our lives. And I see an analogy with high-stakes testing—it is also a vehicle for protecting a very elitist notion of who should be given the opportunity not only to get an education, to get a good job, but to benefit from networking opportunities to become leaders in the society. In other words, access to higher education, and particularly access to public institutions like Texas A&M or U.T. Austin, directly translates into a chance to network with, and even to become one of, the future leaders of the state. There is a correlation between people in Texas who are in the legislature, people who are judges, people who are business leaders, and those who went to these institutions and met other people who are now part of the decision-making elite. There is a direct connection between public policies that create barriers to access to higher education and the original barriers, such as literacy tests or poll taxes, which limited access to democratic participation.

When people first started challenging literacy tests, those challenges were unsuccessful. The judges, as Penda was saying in regard to high-stakes testing in the academic area, thought that literacy was necessary to cast an informed ballot. They equated inability to read and write with inability to make a good choice. They were committed to having an educated electorate, and were prepared to limit voting to those they thought had demonstrated their investment in the system. These judges shared this very elitist notion of democracy. These judges believed that only those who were well-informed and highly literate “deserved” to vote.

My basic point goes back to something Penda said: In order to challenge those assumptions about who deserves to be a leader, who deserves to participate in a democratic process, it may be important not just to promote the Ten Percent

Plan or other particular solutions, but to really go after the fundamental assumption that is undergirding both of these premises. That fundamental assumption is that democratic opportunity somehow should be reserved for an elite group of affluent property-owners. Its contemporary equivalent is that democratic opportunity to become a leader in a state—by attending the flagship public institution of higher education—should not be broadly enjoyed. Instead it, too, should be reserved for those who are already privileged. Making these connections between literacy tests and the current testocracy is particularly crucial because, although the literacy tests may have been adopted and justified as a way of keeping Blacks out, they were also effective at keeping poor whites out. For example, when the state of Alabama adopted its constitution of 1901, 98% of blacks lost the right to vote. But so did 40,000 poor whites. Alabama later tried to defend some of its disfranchising provisions in a case, *Hunter v. Underwood*,¹⁸ by saying that their intent to discriminate was not limited to Blacks. They also disenfranchised poor whites! So this assumption that only members of the elite deserve to rule directly affects the visible racial minority, but it also excludes working-class and poor white people. To me, trying to make that connection between the ways in which people of color are excluded and the ways in which poor and working-class whites are disadvantaged, and making the connection, in both the contexts of higher education and democratic participation, is the ultimate challenge. But that challenge means doing more than simply questioning why certain people are excluded. We must also continuously ask why such opportunities have become such a scarce resource to begin with, especially in a society that claims to value meaningful democratic opportunity.

Q: I'm an anthropologist and teacher-educator at Bank Street College in New York. My colleagues and I are in K-12 schools several days a week. I want to make two points. I wanted to add some empirical evidence to the quite accurate claims and statistics that have been provided by the panel. The test driver curricula and the high-stakes testing that you've spoken about means that the opportunity for kids to explore their world, what they are being offered, the kind of critical thinking that Erika spoke about, isn't happening in most places. That's a serious problem. Education is skill-driven and it's relentless. Social studies has all but disappeared in the city's schools here. That's number one.

Second, I want to say something about what happens when kids get held back because of poor performance on high-stakes testing. We see this in the schools all the time. They don't get anything that they haven't gotten the year before. They have the same unqualified, uncertified teachers, or teachers who really have no background in culturally-responsive teaching. We're trying very hard do something about that. But I strongly endorse what I've heard from the panel members.

18. *Hunter v. Underwood*, 471 U.S. 222 (1985).

MR. CORTEZ: Just reinforcing your point: In Texas, there has been a standing claim that there is a narrowing of the curriculum and an elimination of emphasis on critical skills thinking. As to retention, Massachusetts did some very good work around retention where they tracked students after they had been retained. According to the Massachusetts research on retainees—and it was a state-wide study—50% did no better the year after they were retained; 40% actually did worse; 10% improved. If that were a prescription, doctors would be run out of town.

PROFESSOR TORRES: One other point. We're currently faced with a national program to implement testing for accountability and it's based on the so-called "success" of the testing in Texas. One of the critical things that gets left out of the discussion is the way that success was measured before the new retention in grade requirements were put in—it was measured on the basis of the school's capacity to raise the highest low grade. It wasn't measured by the top grade in the school, but the bottom. This incentive structure was supposed to raise the performance of all the kids in the school. That is not in the federal program. You have to be very conscious of the incentive structure that this so-called accountability system creates.

Q: I feel like I'm hearing two different things on this panel. We're saying we have to talk about race, but we're also saying let's not talk about race because political race lets whites see that their self-interests apply as well. Yet, doesn't that make political race a short-sighted concept? What happens when we're dealing with issues in education that are primarily about race, in which whites might not see a direct link to their self-interest but may have to support a particular program because there are issues of general social justice in it, issues about how we're going to treat people in general as individuals—how is political race going to be applicable when there isn't a direct interest for whites?

MR. CORTEZ: One of my key points is that you have got to have some degree of leverage. I agree with you to a point that in those contexts where the white majority is so overwhelming that in their minds, minority situation and status and access doesn't matter, I concur with you that you may not see a significant change. But I think that's not the case in many parts of the country. There is incentive for change. For this country, all you got to do is look at demographic trends and recognize that the majority is not what it used to be. If we're gonna be in this place together over an extended period of time, you better start paying attention to issues of race, if for no other reason than minorities are going to become a significant part of the consumers in this country and if you don't bring us into the game, no one is going to buy your product. You've got to get down to that basic level of mutual interest.