

**EDUCATION AND OPPORTUNITY:
A FORUM ON THE KERNER COMMISSION FORTY YEAR REPORT**

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Appropos of the forty-year observance of the Kerner Commission report, I would like to address my remarks this morning to the issues of race and poverty, and in particular the intersection between the two. To frame this discussion, I'd like to offer some thoughts comparing the social context that existed in 1968 and with the social context existing in 2008, and then discuss what has happened in our social policies over those four decades. What I'd like to show is that despite the unfinished work that remains, we have made some progress in tackling the issue of race apart from poverty, as well as poverty apart from race. But what we have *not* managed to do as a society is to answer, or even alleviate, the challenges that arise when race and poverty occur together. In many ways, those challenges remain as vexing and urgent today as they were forty years ago, and we cannot let another forty years pass without a serious national effort to address those challenges.

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Let me begin this morning in 1968. The Kerner Commission warned of America becoming “two societies, one black, one white—separate and unequal.” And so it was, even up to the 1960s. Economically, socially, and politically, blacks and whites lived worlds apart. *Brown v. Board of Education* was decided in 1954, but Gary Orfield's data show that the percentage of black students attending majority-white schools in the South went from zero in 1954 to only 2.3% in 1964. Things started to change after Congress passed the Civil Rights Act of 1964 and the Elementary and Secondary Education Act of 1965, which together enabled the federal government, with Title I money, to essentially purchase compliance with *Brown*. But even in 1968, less than a quarter of black children in the South attended majority-white schools. Not until that year did the Supreme Court begin, fourteen years after *Brown*, to vigorously enforce school desegregation.

Separate and inferior schooling produced predictable socioeconomic inequalities. In 1968, per capita income among whites was nearly twice the figure for blacks. Over 50% of black households lived below one-and-a-half times the poverty level for a family of four, compared to 25% of white households. Among adults 25 years or older, 55% of whites but only 30% of blacks had completed four years of high school; 11% of whites but only 4% of blacks had completed four years of college. The nation's top universities were nearly all-white. At Stanford, for example, the freshman class in 1968 had 1,447 students; 72 were black. Affirmative action was in its infancy, and federal financial aid was just beginning to flow under the Higher Education Act of 1965.

Socially, the desegregation of restaurants, theaters, parks, and buses under the Civil Rights Act of 1964 was still a novelty. The U.S. Supreme Court had not gotten around to protecting interracial marriage until 1967. Housing discrimination went largely unaddressed until the Fair Housing Act of 1968.

Politically, black citizens remained disenfranchised in many parts of the country into the 1960s as a result of violence, intimidation, poll taxes, literacy tests, and lawless election officials. In Dallas County, Alabama, for example, among 15,000 black citizens of voting age in 1961, only 242, or less than 2%, were registered to vote. The Voting Rights Act of 1965 finally began to secure black political participation, almost 100 years after the Fifteenth Amendment promised racial equality in the right to vote.

In short, America in 1968 was just beginning to emerge from the shadow of legally sanctioned apartheid. On many measures, black and white distributions were largely non-overlapping. Most black citizens—or, I should say, most non-whites—were not yet part of the social, political, and economic mainstream. And thus, in 1968, the problem of race necessarily encompassed, as a practical matter, the problem of economic disadvantage. In other words, policies that spoke to race also spoke to economic disadvantage. That was true in 1968, but—and this is my point—it is not necessarily true today.

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Fast forward now to 2008. Four years ago, I, like many of you, participated in many sober commemorations of the fiftieth anniversary of *Brown v. Board of Education*. There is still a lot of work to do. But it would be incomplete and unfair to the legacy of our civil rights heroes if we didn't acknowledge the progress we have made.

Between 1968 and 2008, black per capita income has risen from one-half to almost two-thirds that of whites. The share of black households below one-and-a-half times poverty has dropped from over half to about a third. Antidiscrimination laws, in particular Title VII, opened new opportunities in the workplace. Minority educational attainment and college-going, though still unequal to whites', continues to rise slowly but steadily.

Perhaps most remarkable is the integration of America's top colleges and universities. The freshman class at Stanford, over 90% white in 1968, is about 40% white today. Minority access to higher education has diversified the ranks of lawyers, doctors, engineers, and company managers, although, I might add, this is less true of university faculties, law firm partners, and CEOs. We have today not only a minority middle class, but also a minority upper-middle class. And at the highest levels, we have seen change. After President Clinton promised and delivered a Cabinet that "looks like America," President Bush has followed suit with comparably diverse Cabinet appointments. Furthermore, minority enfranchisement has transformed American politics, making possible the rise of new political leaders, one of whom may soon become President of the United States.

I don't want to overstate these gains, but I don't want to understate them either. We have made progress on racial inequality since 1968, and it is important that we account for that progress if for no other reason than the clarity it provides as to where we have *not* made progress. And where we have not made progress is at the intersection of race and poverty. In other words, it's not that we lack social policies that benefit minority groups; it's that we lack social policies that effectively help the bottom third—the group William Julius Wilson called “the truly disadvantaged,” what Charles Ogletree calls “the bottom stuck.”

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Let me elaborate this point by reflecting on three civil rights “moments” in recent years: first, the 2003 Supreme Court decision upholding affirmative action in university admissions; second, the enactment of No Child Left Behind in 2001; and third, Katrina.

Affirmative action has been controversial since its inception. But the interesting thing about the 2003 Supreme Court decision was its reliance on a broad social consensus among the business community, the military, and others that a racially and ethnically diverse leadership class is essential to democracy and social cohesion. Although that consensus may be fragile—witness Proposal 2 in Michigan and Proposition 209 in California—overall most people seem to agree that our nation will be better off if the next Colin Powell is given every chance to succeed.

In 1968, affirmative action could reasonably be understood as a policy addressing race and economic disadvantage together. Today, however, it is a fact that most beneficiaries of the policy are not socioeconomically disadvantaged. That is not the same thing as saying that minority students at top schools are as well-off as their white peers; that is not true. But it *is* true that minority students at top schools are, on average, more socioeconomically advantaged than their respective minority populations and more advantaged than the overall population. For example, 80% of blacks who entered selective colleges in 1989 came from middle- or high-income families, compared to 49% of college students nationally. Among freshmen at selective colleges in 1999, 72% of blacks and 85% of Latinos had parents who owned their home; nationwide, 46% of blacks, 46% of Latinos, and 67% of all families owned a home in 1999.

These data are not an indictment of affirmative action; to the contrary, they are a testament to its generational success. But they confirm that affirmative action is not a policy that addresses the intersection of race and poverty.

How about No Child Left Behind? To its credit, NCLB makes narrowing the achievement gap an explicit goal of federal education policy for the first time. The heart of the statute is the requirement that schools and districts measure student performance not only as broad averages, but also broken down by subgroups including race. Schools and districts are held accountable for educating each subgroup to the same standard of proficiency. When a school fails to meet annual performance goals, a number of consequences follow, one of which is that the students become eligible to transfer to a

better school. With these and other features, NCLB was passed by a bipartisan coalition motivated, I believe, by genuine concern for the most disadvantaged children.

Of course, the effects of NCLB are much debated, and I don't want to go there (yet). For now, I want to focus on the design of NCLB and ask what kinds of schools and school districts was it designed *for*? Racial disaggregation of achievement data is a powerful tool for transparency and accountability, but it assumes that we are dealing with racially integrated schools. In other words, there is no need to disaggregate data by race if the groups we are most concerned about attend highly segregated schools. And if the groups we most care about are racial minorities living in concentrated poverty, then we are talking about racially isolated schools. More to the point, we are talking about racially isolated *districts* where underperforming schools predominate, thus making the transfer option illusory.

Think about Detroit (91% black), LA (73% Latino), Baltimore (89% black), Santa Ana (93% Latino), Orleans Parish (94% black), El Paso (81% Latino). In these districts, what do we know under NCLB that we didn't know before? What transparency and what choices exist now that didn't exist before? Both racial disaggregation and the transfer option are largely irrelevant in these districts because each is dominated by a single racial group and, with some exceptions, weak schools are systemic. That is not to say that NCLB is irrelevant everywhere; there are many multiracial schools where the spotlight on subgroups may be having its intended effects. My point is that NCLB seems better designed for Shaker Heights and Sacramento than for Cleveland or San Antonio. A broad swath of our most disadvantaged students—minority students in concentrated poverty who attend segregated schools in segregated districts—are, once again, the ones left behind.

Finally, the challenges that affirmative action and NCLB tend to obscure are precisely the ones that Katrina laid bare. It is sometimes said that natural disasters are one of the great equalizers. As Katrina shows, nothing could be further from the truth. Much has been made of the incompetent response to the hurricane and the racially disparate impact of the destruction and ensuing misery. But far less attention has focused on why the black citizens of New Orleans were so disproportionately harmed by Katrina. As a junior Senator from Illinois said at the time, “the people of New Orleans weren't just abandoned during the hurricane. They were abandoned long ago.”

The racial history of New Orleans is, in many ways, paradigmatic of the development of many American cities, involving a virulent combination of school segregation, housing segregation, migration of people and jobs away from minority neighborhoods, inadequate public transportation, and selective indifference to environmental hazards. This has long been a foolproof recipe for racial segregation and concentrated poverty, and what Katrina revealed is that, apart from the criminal justice system, we don't have a coherent social policy to address the intersection of race and poverty.

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What we have is a collection of racial policies that do not address poverty. We have affirmative action for talented individuals who are relatively advantaged. We have NCLB for students who attend an integrated school or at least an integrated district. And we have antidiscrimination laws for those with sufficient resources to enforce them.

We also have a collection of progressive economic policies that do not address race. We have Social Security, Medicare, and the Earned Income Tax Credit for low-income workers. We have tuition tax credits for the college-bound. And we have a tattered safety net of Food Stamps, Medicaid, and time-limited welfare for the so-called undeserving poor.

It is often said—and I agree—that universality is a key feature of stable progressive policies. But the antipoverty policies we have do not seem potent enough to dislodge the stubborn disparity in income mobility between blacks and whites. Fifty-four percent of black children born to parents in the bottom income quintile stay in the bottom as adults, compared to 31% of white children. Moreover, 45% of black children whose parents are middle class end up in the bottom of the income distribution as adults, compared to only 16% of white children. Black poverty is different from white poverty, but we don't have a social policy that responds to this reality.

We don't have a commitment to desegregate schools and communities with concentrated poverty. We don't have a coherent strategy to locate jobs and opportunity in poor and minority neighborhoods. We don't have universal preschool that would combat the startlingly early trajectory of disadvantage that leads to the achievement gap. We don't have a strategy for reducing the unconscionable dropout rates that all but assure membership in society's bottom third. We don't have a policy of fully funding our schools and equitably distributing that funding to the neediest kids. And we don't have a habit of placing children's interests ahead of adult interests in our educational system.

Most importantly, we don't have—and we desperately need—a sense of urgency about these problems. In 1968, all three branches of our national government were engaged in a progressive social transformation. The President and Congress waged a war on poverty; the Supreme Court enforced desegregation and fundamental civil rights. Because of those efforts and the initiatives they spawned, we have made progress.

But the core challenges of race and poverty remain no less urgent today than they were forty years ago. We may not have the luxury of a unified government, but that cannot be an excuse. As we sit here this morning, our divided government is poised to transform our capital markets by committing up to \$700 billion to a set of investments with uncertain returns. The reason is that the downside risks of *not* making those investments are too great and too immediate to ignore. Seven hundred billion dollars is nearly 50 times the amount the federal government spends on poor children in K-12 schools each year. For too long, those children have faced an economic future no less grim and no less dire than what all Americans face today. We need to stop quibbling about the uncertain returns on the next education dollar and start focusing on the enormous downside risks—to our democracy, to our economy, to our values—of doing nothing.

If we can solve the mortgage crisis, if we can ease global warming, if we can achieve energy independence, if we can circle the globe to fight terrorism, and if we can achieve universal health care, then surely we can devote the same attention, the same priority, the same national will to address the urgent injustices at the nexus of race and poverty in America.