

KIM FORDE-MAZRUI: Thank you for those remarks, and I'm going to talk about higher education in which we see some parallel developments over history. I'm going to talk about really a struggle that's been going on since this nation's founding between Black people seeking and even demanding a right to educate themselves and educate their children and the forces of white supremacy through law and coercive power denying them that opportunity.

And it ebbs and flows depending on which of those two forces is making progress. And unfortunately, the majority tends to prevail. And we're at an important point in our history. The Supreme Court is considering affirmative action, and it's very likely to exclude the use of race to admit students of color, despite their significant underrepresentation.

We're also at a point with a movement across the country, including in this state, to ban discussions of race and racial history and racial studies in school. And both of these, again, reflect historical struggles of excluding Black people from attending school and excluding the teaching of matters that affect Black people or at least teaching them in an accurate way.

So I'm covering a lot of history here, but I'll start with just talking about access to higher education. So following the Civil War, I'll just go back that far. We're aware from reading about the road to Brown of the terribly inferior quality of secondary schools and elementary schools.

But both before and after the Civil War for the great majority of Black people, there was no school at all they could attend for higher education. In most states, especially in the South, there was no higher education available for Black people, at least not of a significantly quality. Like doctoral studies were unavailable. To the extent there were some opportunities, they tend to focus on agriculture and vocational training and teaching training.

And a lot of that came from the emergence in the late 1800s of Black colleges, some from private philanthropy and organizations, some from federal funding. But again, as you can imagine, they tended to be far and few between, compared to the number of white institutions. And again, the quality of what they offered was significantly less.

So flagship schools and other best schools in most states were reserved with essentially 100% affirmative action quotas for white people. We see pushback and progress, especially beginning in the-- well, with the founding of the NAACP in 1909 and then Charles Hamilton Houston, who became special counsel in 1934. He founded the NAACP's essentially-- well, Thurgood Marshall officially did, but he created Charles Hamilton Houston, a clinic at Howard, where he trained people to become lawyers to challenge racial injustice, Thurgood Marshall being one of his most well-known students.

And they began challenging segregation in a variety of contexts, but including targeting separate but equal schools. And some of the major victories, they had University v. Murray was in Maryland in 1936, which admitted the first Black student to the University of Maryland, Gaines v. Canada in 1938 that was a Supreme Court case.

The other one was a lower court case in which the Supreme Court held that states couldn't pay to send a Black student to another state, where they could get a higher education. They had to provide it in the state that they did, which encouraged states to create some schools, but again, they usually weren't nearly of the quality of their flagship schools. By 1950, you had a pair of important cases Sweatt v. Painter, which involved the University of Texas. They had created a makeshift school and said, look, we're providing an education.

And the court talked about the intangible qualities of higher education that the University of Texas with its alumni and its reputation and the quality of its faculty, as well as the large number of students that people would get to interact with offers a much more superior education than creating just a school room across the road in the county court house where someone would get instruction on their own.

So recognizing that equality really means something more than just you get to be taught, but you get to be taught with all the various ways in which an education can be useful. And then also, a case called *McLaurin v. Oklahoma*, also in June of 1950, where Oklahoma did admit a Black student to the university, but segregated him within the university, made him sit in his own place in the classroom, his own place in the library, his own place in the cafeteria. And the Supreme Court said no, that's not providing equal opportunity. People have to enjoy the full status and benefits and interactions that school has to offer. Three months later, in September 1950, you had a case in downtown Charlottesville called *Swanson v. The University of Virginia*, Gregory Swanson, whose portrait hangs in the hallway outside. He had been admitted to the law school here, but the university following the law said he can't attend because we don't allow integrated teaching. And in part, applying these two new Supreme Court cases, the federal court in downtown Charlottesville ruled that Gregory Swanson had to be admitted. So UVA was integrated by its first Black student in 1950.

That was followed by Walter Ridley and Louise Stokes Hunter, who got the first graduate degrees in 1953 from the education school. And then of course, we had *Brown v. Board*, which led to much broader at least legal segregation if not de facto segregation nationwide. By the way, the law school also graduated its first Black student. Gregory Swanson completed his coursework successfully but didn't complete his paper requirement as was common at the time. John Merchant was the first to graduate from UVA Law School in 1958.

So we see at least the dismantling of overt segregation. But as became clear into the 1960s and 1970s, simply stopping outright exclusion does not make up for the decades and centuries of denying Black people the opportunity to develop educational resources in their families and in their communities. So you continue to see, in part because of the things that the video and Professor Robinson talked about, Black people not qualifying for higher education in nearly proportion to their numbers.

So people started to realize we have to do more than just stop overtly saying no. We have to try and affirmatively admit more people than our current process does. So you started to see affirmative action. But as usual, you see pushback. So *Bakke* 1978 struck down an affirmative action program at the University of Davis Medical School. *Crosen* in 1989 applied strict scrutiny to affirmative action, which makes it very difficult to engage in. *Grutter and Gratz* in 2003 involving the University of Michigan struck down the college's affirmative action. And while the law school's was upheld, really a very weak form of affirmative action, which was also allowed in the *Fisher v. University of Texas* case so you have very weak forms of affirmative action that are very ineffective at producing robust diversity in higher education as part of, again, the pushback by white supremacist forces to access to education, which education then leads to power and privilege.

Of course, we now are facing cases involving Harvard and the University of North Carolina. And with the composition of the court, we are likely to see the invalidation of affirmative action. So we see exclusion, outright exclusion, pre and post Civil War. Then you see segregation with inferior opportunities. And then now you're seeing cut back on affirmative efforts to create diversity.

So the struggle to access education continues and will continue. But there are strong forces that continue to reassert themselves to deny access to education. The alternative aspect I want to discuss is the content of education. So in schools when no Black people were going to higher education, the schools didn't even think it was worth teaching about the Black experience and to the extent that they did, it was to reinforce its white supremacy and Black inferiority.

You then had by the part of the Civil Rights movement in the 1960s real advocacy for incorporating the Black experience and Black history and Black studies into the curricula and departments and faculty of higher education. You see institutes and departments like the Carter G. Woodson Institute here, which only just became its own department a few years ago.

And again, that's great progress. But as usual, you're seeing pushback. And today, as I mentioned at the outset, you see people pushing back on the idea that we can teach about race in elementary and secondary schools and also, of course, we see people questioning the teaching of race in higher education as well as divisive, promoting white safe hatred seems to be some of the rationales.

But if you think about it, if you can't teach about race in the educational context, then what message does that really send? First of all, it sends a message that the experience of Black people does not matter. But it also encourages racism because people will not understand the historical context of the inequalities that are so obvious in our society. The renowned social psychologist Jennifer Eberhardt at Stanford, who gave a terrific lecture standing at this podium just two years ago for MLK.

She talks about how liberals will often cite disparities, how many Black people are incarcerated, how many Black people live in poverty, the wealth gap. But she says we have to be careful because if you just cite those disparities, to people who don't understand the reason for that, it tends to actually reinforce racist notions. They showed that surveys could-- if they told people how high the incarceration rates were, and then they gave them a question of whether you wanted to reduce mandatory punishment, people supported heavy punishments after learning about racial disparities in incarceration rates more than if they weren't told those statistics.

So rather than the statistics make them think there's something wrong with the criminal justice system, it led them to think that actually Black people commit more crime, and that's why they're in prison. And so we've got to keep them there. So she says that can be undone, but only through context, only if people understand the why. And that's why we need to keep race in all levels of education, studying the experience and the historical causes of Black inequality as well as the positive aspects of Black resistance and Black culture. Or else people will look around them and see in a sense the statistical disparities that they see by the underrepresentation of people of color among their student body, among the faculty, among people in power, and conclude that those inequalities, that underrepresentation reflects some sort of natural inferiority.

So a call for us all to continue to struggle in favor of Black access to education at all levels and to be able to discuss and inform ourselves, including people of all backgrounds, about the history and present experience of Black people. Thank you.