

Civil Rights and Social Policy (PPPA 6085.10)

Spring 2021

Wednesday evenings, 6:10-8:00 pm (online)

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“Civil Rights and Social Policy” is a graduate course/seminar that explores novel ways to address enduring issues of economic inequality by drawing upon approaches historically used to advance racial justice. The class offers the opportunity for students who have an interest in social policy and economic inequality to dig deeper into fresh ways to reduce poverty and racial inequality in America.

Overview:

In the 1960s, Dr. Martin Luther King Jr. championed the twin dreams of racial and economic justice. He pushed for civil rights and Black liberation and for a Poor People’s Campaign that would increase economic equality.

Both goals remain far out of reach. Median household income for Black Americans is just 59% that of White Americans, and Black median household wealth is just 10% of White wealth. African Americans suffer considerable discrimination in the criminal justice system and are incarcerated at five times the rate of White Americans. With respect to economic justice, the U.S. has greater income inequality than all other G7 nations, and the highest one fifth of earners take in more income than the bottom four fifths.

When one digs deeper and looks at trends over time, however, differences emerge in America’s progress towards King’s two goals. In many, though not all, arenas, the hard work of the civil rights movement has paid greater dividends than the work of the economic justice movement. To take a few examples, the academic achievement gap between Black and White students was roughly twice as large as the gap between students from rich and poor backgrounds 60 years ago; today, the reverse is true, and the rich/poor gap is twice as large as the racial gap. Residential segregation by race has slowly declined since 1970, but income segregation in housing is on the rise. Marriage across racial lines is increasing, while cross-class marriages (between those with a bachelor’s degree and those without) is declining.

This class will explore these and other trends and ask: what strategies have been most and least effective in advancing racial justice in America? We will focus on the strengths – and limitations – of four important civil rights interventions over the past 70 years. *Brown v. Board of Education* (1954), which struck down *de jure* school segregation; the Civil Rights Act of 1964, which outlawed employment discrimination based on race and sex; the Fair Housing Act of 1968, which sought to eliminate racial discrimination and segregation by residence; and racial affirmative action, which aimed to help diversify higher education.

Given that economic inequality indicators have generally headed in the wrong direction since the 1950s, the class will also explore the question: What can those who wish to reduce economic inequality learn from the civil rights movement?

What are the benefits and drawbacks to creating the following:

- * a *Brown v. Board of Education*-type school integration policy that promotes socioeconomic (as well as racial) diversity in K-12 education?
- * an amendment to the Civil Rights Act to add a prohibition of discrimination against workers engaged in labor organizing?
- * an Economic Fair Housing Act to outlaw income discrimination enacted by local governments that use exclusionary zoning policies that ban apartments and other multifamily units from entire neighborhood? and
- * an affirmative action program in higher education for economically disadvantaged students?

Finally, students will examine the extent to which policies that reduce economic inequality can be shaped to bolster the goal of racial equality. How can new economic measures advance not only economic justice but racial justice as well?

Learning Objectives:

Students will take away new skills and knowledge from the course:

- (1) enhanced policy analysis skills to weigh the benefits and costs of social policies;
- (2) stronger analytical skills to assess political realities that shape policy;
- (3) improved research, writing and public speaking skills;
- (4) additional knowledge of the history of the civil rights movement and efforts to reduce economic inequality;
- (5) a stronger understanding of the impediments to reducing economic and racial inequality today; and
- (6) an enhanced ability to create new approaches to ameliorate social problems.

Evaluation/Grading of Students:

1. Classroom Participation broken down into three elements:

- A. Students will sign up to kick off the discussions in one of the nine class sessions between January 27-March 31. For each class, 2-3 students will collaborate in advance to identify 2 big “takeaways” across the readings; cite 2 pieces of evidence for each takeaway; and pose 2 outstanding questions or concerns for discussion. (10%)
- B. General classroom participation in the first half of the semester (10%)
- C. General classroom participation in the second half of the semester (10%)

2. One-page outline of oral presentation and final paper. Outline is due March 18 (10%)
 3. Oral classroom presentations on a chosen topic (April 7, 14, or 21) (20%)
 4. Final 10-12-page written paper on the same topic as the oral presentation. Paper is due May 3 (40%). As outlined on p. 10 below, the oral presentations/papers will evaluate the costs and benefits of applying civil rights remedies to economic inequality in one of the four areas of inequality discussed in class: K-12 school segregation, employment discrimination, housing segregation, and affirmative action in higher education.
- Further instructions about the class room presentation and written paper will be provided on Blackboard.

Key Texts

Most of the reading for the class are available online but there are three books students should obtain in advance:

Sheryll Cashin, *Place not Race: A New Vision of Opportunity in America* (Beacon Press, 2014)

Richard D. Kahlenberg and Moshe Z. Marvit, *Why Labor Organizing Should Be A Civil Right* (Century Foundation Press, 2012)

Robert D. Putnam: *Our Kids: The American Dream in Crisis* (Simon & Schuster, 2015)

Session Plans

January 13: Introduction

In the initial class, students will have a chance to get to know one another and explain why they are interested in issues of racial and economic justice. I will present some key overview themes for the class and we will break into small groups to discuss initial reactions and then come back together as a group to discuss the course's themes.

January 20: No Class – Inauguration Day

January 21: Deadline for signing up to co-lead one of 9 classes (from January 27-March 31). Classes will be led by groups of 2-3 students who will coordinate in advance to identify: 2 big “takeaways” across the readings; cite 2 pieces of evidence for each takeaway; and pose 2 outstanding questions or concerns for discussion. If students have an idea of which area of interest they are likely to focus their oral presentation/final paper on (K-12 school integration, employment discrimination; housing discrimination, or affirmative action in higher education) it

may make sense to sign up to help lead one of the class discussions related to that topic, but it is not necessary.

January 27: Has the Campaign for Racial Justice Been More Successful than the Campaign for Economic Justice, And If So, Why?

Dr. King's twin goals of racial and economic justice both remain out of reach, but has the campaign for racial justice been *relatively* more successful than the campaign for economic justice? If so, why?

What are the differences between race and class inequality that may make it harder to make progress on the latter? To the extent that the civil rights movement changed American culture, what tactics and themes help explain the movement's success? Could some of those tactics and themes be used to challenge economic inequality and cultural narratives around the causes of poverty?

Reading:

Martin Luther King Jr., Address to Sanitation Workers Striking in Memphis, March 18, 1968.

Bayard Rustin, "From Protest to Politics: The Future of the Civil Rights Movement," (1965)

Robert D. Putnam: *Our Kids: The American Dream in Crisis* (2015) (pp. 31-45).

Toon Kuppens, Russell Spears, Antony S. R. Manstead, Bram Spruyt and Matthew J. Easterbrook, "Educationism and the irony of meritocracy: negative attitudes of higher educated people towards the less educated." *Journal of Experimental Social Psychology*, 76, 429-447 (2018).

Alana Semuels, "Is It Time for a Civil-Rights Movement for the Poor?" *The Atlantic*, September 18, 2015.

February 3: Brown v. Board and the Fight for Racial School Desegregation

For decades, American education was racially segregated by law. The 1954 Supreme Court decision in *Brown v. Board of Education* outlawed *de jure* segregation, and for many years, schools became more integrated and racial disparities in academic achievement declined. Public attitudes about the appropriateness of legalized racial segregation changed dramatically.

But implementation of *Brown* has also been limited in several respects. Whites engaged in massive resistance. Court enforcement of desegregation, while robust for a time, was limited. The Supreme Court retreated in 1974, when it failed to mandate integration between city and

suburbs and thereby reduced the chances that racial integration would involve upper-middle class whites. In the early 1990s, courts said desegregation was temporary and withdrew court supervision; many school districts soon re-segregated. And in 2007, the Supreme Court actually struck down voluntary racial integration plans in Louisville and Seattle.

Why is racial integration important in American schools? What were the advantages and disadvantages of relying on a legal (as opposed to a political) strategy for achieving racial integration? What were the ramifications of focusing school integration on race alone, without consideration of the economic status of students?

Reading:

Nikole Hannah Jones, “The Problem We All Live With,” This American Life, Part 1, July 31, 2015.

Robert D. Putnam: *Our Kids: The American Dream in Crisis* (2015) (pp. 160-183)

Sean Reardon, Ericka Weathers, Erin Fahle, Heewon Jang, and Demetra Kalogrides, “Is Separate Still Unequal? New Evidence on School Segregation and Racial Academic Achievement Gaps,” Stanford University, 2019.

February 10: Advantages and Disadvantages of Socioeconomic School Integration

Some school districts are now pursuing socioeconomic school integration – seeking a balance of students from different economic groups (as measured by indicators such as eligibility for free or reduced price lunch). The number of such districts has grown since the 2007 Supreme Court decision in *Parents Involved in Community Schools v. Seattle*, because many districts now use socioeconomic indicators as a legal way of achieving both socioeconomic and racial diversity.

What are the advantages and disadvantages to socioeconomic integration plans? How can they avoid the middle-class and white flight that was associated with court-ordered racial desegregation? Would it be better to provide more resources to high poverty schools than to bother with socioeconomic integration?

Reading:

Halley Potter, Kimberly Quick and Elizabeth Davies, “A New Wave of School Integration: Districts and Charters Pursuing Socioeconomic Diversity (Century Foundation, 2016).

Richard D. Kahlenberg, “School Integration in Practice: Lessons from Nine Districts,” (Century Foundation, 2016)

Heather Schwartz, Housing Policy Is School Policy: Economically Integrative Housing Promotes Academic Success in Montgomery County, Maryland (Century Foundation, 2010).

Theodore M Shaw, “A Response” in, “Symposium: Socioeconomic School Integration,” (Poverty & Race Research Action Council, 2001)

February 17: The Civil Rights Acts of 1964

Through the mid-20th Century, it was perfectly legal in many states for employers to openly discriminate based on race. The Civil Rights Act of 1964 (updated in 1991) outlawed racial discrimination in the workplace and in other facets of life, and helped delegitimize racial prejudice. How, in a country that was 85% white, did the civil rights movement create the political environment in which legislators agreed to remove what had been a deeply unfair preference in employment for white people? What effect did the law have on the Black/White income gap? How did it change the culture?

The Civil Rights Act had limitations, however. While it outlawed discrimination based on factors such as race, national origin and sex, it did nothing to outlaw economic discrimination – in particular, discrimination against people trying to organize a union. Although firing an employee for asserting his or her right to unionize is technically illegal under the National Labor Relations Act, the penalties are so weak that employers routinely flout the law. What was the impact of omitting protection of union organizing under the Civil Rights Act? What is the trend in employer discrimination against those engaged in union organizing? What impact has this discrimination had on the ability to unionize, and, on America’s level of economic inequality? And how has the decline in union organizing, in turn, affected women and workers of color in particular?

Reading:

Richard D. Kahlenberg and Moshe Z. Marvit, *Why Labor Organizing Should Be A Civil Right* (Century Foundation Press, 2012). (pp. 1-58)

David Madland and Malkie Wall, “The Middle Class Continues to Struggle as Union Density Remains Low,” Center for American Progress, September 10, 2019.

February 24: Should Labor Organizing Be Made a Civil Right?

To counteract discrimination against workers who are trying to form a union, what are the advantages and disadvantages of making union organizing a protected activity under the Civil

Rights Act? Does an activity which involves a choice (rather than an immutable characteristic) belong in the Civil Rights Act? What effect would protection likely have on union organizing rates, and economic inequality in the United States?

Reading:

Richard D. Kahlenberg and Moshe Z. Marvit, *Why Labor Organizing Should Be A Civil Right* (Century Foundation Press, 2012) (pp. 59-113)

Theodore M. Shaw, Ross Eisenbrey, Julius Getman, Leo Gerard, Sheryll Cashin, Larry Cohen, and Randi Weingarten, "Commentaries on Kahlenberg-Marvit Article" (Poverty and Race Research Action Council, 2013 (pp. 13-17).

Ned Resnikoff, "Rep. Keith Ellison wants to make union organizing a civil right," MSNBC, July 19, 2014.

March 3: The Fair Housing Act of 1968

Throughout much of the 20th Century, homeowners and landlords could discriminate based on race with impunity – and the government itself socially engineered segregation. The Fair Housing Act of 1968 represented a major advance for human freedom by outlawing racial discrimination in housing. Middle-class African Americans began to integrate white neighborhoods, and racial residential segregation has slowly declined over the past 50 years.

Still, there are serious limitations of the Fair Housing Act. Among other things, after passage of the law, many municipalities doubled down on exclusionary zoning laws – which ban multifamily units, discriminate by income, and leave lower income communities of color and whites) shut out from higher opportunity neighborhoods.

What political conditions and tactics led to passage of the Fair Housing Act? What has been the impact on racial and income segregation levels? What are the consequences of these trends?

Reading:

Ta-Nehisi Coates, "The Case for Reparations," The Atlantic, June 2014.

Sean F. Reardon and Kendra Bischoff, "The Continuing Increase in Income Segregation, 2007-2012," Stanford University, 2016.

Robert D. Putnam, *Our Kids: The American Dream in Crisis* (2015) (pp. 207-226).

March 10: An Economic Fair Housing Act?

Given trends in housing segregation by race and income, should the federal government enact an Economic Fair Housing Act that addresses income discrimination and exclusionary zoning as a supplement to the 1968 Fair Housing Act's prohibition of racial discrimination? What are the advantages and disadvantages of two related approaches: Senator Cory Booker's proposal to condition federal infrastructure funding on efforts by local communities to reduce exclusionary zoning as compared with the Equitable Housing Institute's proposal to impose a federal ban on exclusionary zoning?

Reading:

Richard D. Kahlenberg, "An Economic Fair Housing Act" Poverty & Race Research Action Council (2017)(pp. 1-2, 11-12)

Sheryl Cashin, "A Reply to Kahlenberg," Poverty & Race Research Action Council (2017) (pp. 5-6)

Cory Booker, "Booker, Clyburn Take Innovative Two-Pronged Approach to Tackling Affordable Housing Crisis," (2019)

Equitable Housing Institute, "Economic Fair Housing Act of 2021," (2020)

March 18: One-Page Outline of Oral Presentation/Final Papers Due.

March 24: Racial Affirmative Action in Higher Education

Throughout the first half of the 20th Century, selective colleges and universities had virtually no Black and Latino student representation and many banned women as well. Affirmative action policies have helped boost racial and ethnic diversity at highly selective colleges over the past 50 years. Originally posited by President Lyndon Johnson as a way to make amends for past discrimination, the legal rationale changed over time as the Supreme Court justified the use of race in admissions as a way to promote the educational benefits of diversity.

But affirmative action programs have also faced pushback. Polls show Americans support affirmative action in general, but oppose the practice of using race as a consideration in college admissions. And steps forward on racial diversity have not always resulted in economic diversity. At Harvard College, for example, students of color now constitute a majority of the first year class. Yet wealthy students from the top income quintile outnumber low income students from the bottom quintile by 23:1

What are relative strengths and weaknesses of the two leading rationales for affirmative action: making amends for a history of racial subjugation vs. providing the educational benefits of

diversity to all students? What explains the public's support for affirmative action but opposition to using race in admissions? To what degree do colleges and universities consider race and class in admissions today? To the extent that colleges place greater weight on race than class in admissions, why do they do so?

Reading:

Sheryll Cashin, *Place not Race: A New Vision of Opportunity in America* (Beacon Press, 2014) (pp. 1-61)

Raj Chetty, Raj Chetty, John N. Friedman, Emmanuel Saez, Nicholas Turner, and Danny Yagan, "Mobility Report Cards: The Role of Colleges in Intergenerational Mobility," National Bureau for Economic Research, July 2017. (simply skim for highlights).

Robert D. Putnam, *Our Kids: The American Dream in Crisis* (2015) (pp. 183-190).

March 31: Class-Based Affirmative Action in Higher Education?

The use of race in admissions has been banned at public university in a number of states, such as California, Michigan, Florida, and Washington and in each case, universities have sought new paths to diversity. Some give a preference in college admissions based on socioeconomic disadvantage. Some admit students who are in the top of their high school class, giving access to students from high poverty schools who had previously been mostly shut out of selective colleges. Some eliminate legacy preferences.

What are the advantages and disadvantages to policies that would encourage selective colleges to diversify using a focus on economic disadvantage? Can this approach produce sufficient levels of racial diversity? Does considering indicators of economic disadvantage that correlate especially strongly with race – such as whether a student lives in a high poverty neighborhood, attends and high poverty school, and comes from a family that has low wealth – increase the chances that economic affirmative action will also yield racial diversity? Could consideration of economic disadvantage command strong public support?

Reading:

Sheryll Cashin, *Place not Race: A New Vision of Opportunity in America* (Beacon Press, 2014) (pp. 63-120)

Marta Tienda, "Striving for Neutrality: Lessons from Texas in the Afterword of Hopper and Fisher," in The Future of Affirmative Action: New Paths to Diversity after Fisher v. Texas (Lumina Foundation and Century Foundation Press, 2014) pp. 91-98 (link to free online book)

Daniel Allen, "Using ZIP Codes and Merit to Enhance Diversity," in The Future of Affirmative Action: New Paths to Diversity after Fisher v. Texas (Lumina Foundation and Century Foundation Press, 2014) pp. 145-159 (link to free online book)

Classroom Presentations

The final three weeks of class will be devoted to classroom presentations by students presenting initial findings on the costs and benefits of applying civil rights remedies to economic inequality in one of the four areas of economic inequality discussed in class: school segregation, employment discrimination, residential segregation, and affirmative action. Alternatively, a student could choose to evaluate the application of a civil rights remedy to a different form of economic inequality not discussed in class (such as whether the Nasdaq's requirement that the boards of corporations listed on the stock exchange be diverse by race, gender and LGBTQ status should be extended to also require that representatives of workers have seats on boards.)

Incorporating classroom feedback from the presentations, students will write a final paper evaluating the costs and benefits of the approach they described in their presentations. The paper should be 10-12 page double spaced (including references).

Student oral presentations will be grouped by topic into panels of four as outlined below.

April 7: Classroom presentations (2 panels of four students each grouped around topics)

Each student will present for five minutes as part of a panel that will include four students. Following this cumulative 20 minutes of presentations, we will engage in 20 minutes of classmate reactions to panelists. We will take a break and then do a second panel with the same parameters.

April 14: Classroom presentations (2 panels of four students each grouped around topics)

Same arrangement as April 7.

April 21: Classroom presentations (2 panels of four-five students each grouped around topics)

Same arrangement as April 7, but with one panel slightly larger.

May 3: Final Papers Due by 11:59 pm.

Course Policies:

Attendance and participation: Attendance is mandatory. Unexcused absences will negatively affect your participation grade.

Plagiarism and academic dishonesty: Plagiarism and other forms of academic dishonesty will not be tolerated under any circumstances.

Accommodations: Adjustments and accommodations may be made for students with documented disabilities. Please come speak with me during the first week of class if this is the case.

Late work: Late papers will be penalized by one-third of a letter grade for every 24 hours that it is late. If you would like to request an extension, please email me.

Contacting the instructor: On weekdays, I will try to respond to emails within a 24-hour period.

Other Policies and Procedures for this Course

University policy on observance of religious holidays

In accordance with University policy, students should notify faculty during the first week of the semester of their intention to be absent from class on their day(s) of religious observance. For details and policy, see: provost.gwu.edu/policies-procedures-and-guidelines

Academic Integrity Code

Academic Integrity is an integral part of the educational process, and GW takes these matters very seriously. Violations of academic integrity occur when students fail to cite research sources properly, engage in unauthorized collaboration, falsify data, and in other ways outlined in the Code of Academic Integrity. Students accused of academic integrity violations should contact the Office of Academic Integrity to learn more about their rights and options in the process. Outcomes can range from failure of assignment to expulsion from the University, including a transcript notation. The Office of Academic Integrity maintains a permanent record of the violation. More information is available from the Office of Academic Integrity at studentconduct.gwu.edu/academic-integrity. The University's "Guide of Academic Integrity in Online Learning Environments" is available at studentconduct.gwu.edu/guide-academic-integrity-online-learning-environments. Contact information: rights@gwu.edu or 202-994-6757.

Support for students outside the classroom

Virtual academic support

A full range of academic support is offered virtually in fall 2020. See coronavirus.gwu.edu/top-faqs for updates.

Tutoring and course review sessions are offered through Academic Commons in an online format. See academiccommons.gwu.edu/tutoring

Writing and research consultations are available online. See academiccommons.gwu.edu/writing-research-help.

Coaching, offered through the Office of Student Success, is available in a virtual format. See studentsuccess.gwu.edu/academic-program-support

Academic Commons offers several short videos addressing different virtual learning strategies for the unique circumstances of the fall 2020 semester. See academiccommons.gwu.edu/study-skills. They also offer a variety of live virtual workshops to equip students with the tools they need to succeed in a virtual environment. See tinyurl.com/gw-virtual-learning

Writing Center

GW's Writing Center cultivates confident writers in the University community by facilitating collaborative, critical, and inclusive conversations at all stages of the writing process. Working alongside peer mentors, writers develop strategies to write independently in academic and public settings. Appointments can be booked online. See gwu.mywconline.

Academic Commons

Academic Commons provides tutoring and other academic support resources to students in many courses. Students can schedule virtual one-on-one appointments or attend virtual drop-in sessions. Students may schedule an appointment, review the tutoring schedule, or access other academic support resources at academiccommons.gwu.edu. For assistance contact academiccommons@gwu.edu.

Disability Support Services (DSS) 202-994-8250

Any student who may need an accommodation based on the potential impact of a disability should contact [Disability Support Services](https://disabilitysupport.gwu.edu) to establish eligibility and to coordinate reasonable accommodations. disabilitysupport.gwu.edu

Counseling and Psychological Services 202-994-5300

GW's Colonial Health Center offers counseling and psychological services, supporting mental health and personal development by collaborating directly with students to overcome challenges and difficulties that may interfere with academic, emotional, and personal success. healthcenter.gwu.edu/counseling-and-psychological-services

Safety and security

- In an emergency: call GWPD 202-994-6111 or 911

- For situation-specific actions: review the Emergency Response Handbook at safety.gwu.edu/emergency-response-handbook
- In an active violence situation: Get Out, Hide Out or Take Out. See go.gwu.edu/shooterprep
- Stay informed: safety.gwu.edu/stay-informed

Classroom Expectations

Higher education works best when it becomes a vigorous and lively marketplace of ideas in which all points of view are heard. Free expression in the classroom is an integral part of this process and works best when all of us approach the enterprise with empathy and respect for others.

GW Statement on Diversity and Inclusion

Diversity is crucial to an educational institution's pursuit of excellence in learning, research and service. In pursuit of those goals, a population of students, faculty, and staff with differing perspectives, backgrounds, talents, and needs can lead to a richer mix of ideas, energizing and enlightening debates, deeper commitments, and a host of educational, civic and work outcomes. Leveraging diversity is rarely achieved by accident. As individuals and as an institution we must intentionally act to create the diverse and inclusive community that enables everyone to flourish. All members and units of the GWU community must advance the institution's commitment to diversity and inclusion as a strategic priority.

Incompletes

A student must consult with the instructor to obtain a grade of "I" (incomplete) no later than the last day of classes in a semester. At that time, the student and instructor will both sign the CCAS contract for incompletes and submit a copy to the School Director. Please consult the TSPPPA Student Handbook (found on the Trachtenberg School website) or visit <https://columbian.gwu.edu/sites/columbian.gwu.edu/files/downloads/Incomplete%20Contract.pdf> for the complete CCAS policy on incompletes.

Submission of Written Work Products Outside of the Classroom

It is the responsibility of the student to ensure that an instructor receives each assignment. Students can submit written work electronically only with the express permission of the instructor.

Submission of Written Work Products after Due Date: Policy on Late Work

All work must be turned in by the assigned due date in order to receive full credit for that assignment, unless an exception is expressly made by the instructor.

Changing Grades After Completion of Course

No changes can be made in grades after the conclusion of the semester, other than in cases of clerical error.

The Syllabus

This syllabus is a guide to the course for the student. Sound educational practice requires flexibility and the instructor may therefore, at her/his discretion, revise content and requirements during the semester.