

A Closer Look

Driving while Black



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Many blacks assert that they are unfairly singled out for traffic stops and other investigations, which, if initiated because of their race, are violations of their civil rights. Data from studies that have been done on who is stopped by the police tell identical stories: Racial minorities are stopped at significantly higher rates than whites. A survey of 2,329 drivers in and around Kansas City sheds light on this issue (Epp, Maynard-Moody, and Haider-Harkel, 2014). The data collected allowed the researchers to distinguish between two types of stops—those stops to enforce traffic safety laws such as speeding, and those stops designed to investigate the driver. One of the researchers' key findings is that these two types of stops differ from start to finish. Traffic safety stops are based on clear violations of the law, and the officer tends to quickly issue a ticket or warning, and the driver is let go. Investigatory stops last much longer. The officers drag out the stop as they ask questions, try to look inside the vehicle, and seek consent for a search.

The researchers found that in traffic safety stops, being black had no influence. Blacks were not more likely than whites to be stopped for clear traffic safety law violations. But in investigatory stops, the issue is *who you are* rather than *what you have done* and being black is a primary factor in the likelihood of being stopped. For example, the researchers found that a black man age 25 or younger had a 28 percent chance of being stopped for an investigatory reason over the course of the year, while a similarly aged white man had only a 12.5 percent chance. Police in investigatory stops tend to pull over young people, but a black man must reach age 50 before his risk falls below

that of a white man under age 25. Overall, black drivers are nearly three times more likely than whites to be subjected to investigatory stops.

Being black is also the primary influence on how far police officers pursue their inquisition in these investigatory stops. Black drivers were five times more likely than whites to be subject to searches. One man, "Billy," explained how he was pulled over on his way to a job interview by a highway patrolman for speeding even though he was going only two miles over the speed limit. The trooper made Billy get out of his car and put his hands on the hood while the trooper searched the car. Finding nothing, the trooper explained that the reason why he checks the car is because the police have been having problems with people trafficking drugs up and down the highway—the assumption being that it is okay to stop a black person because of the (extremely slim) chance that he will be smuggling drugs. This stop was not Billy's only time being pulled over. On another occasion, Billy, his wife, and his cousin were stopped while on their way to visit an ill relative and their rental van was searched for drugs by a sheriff's deputy.

It comes as no surprise that black people view investigative stops more harshly than whites. These stops impart feelings that the police are trying to hurt racial minorities, not help them. Investigative stops like Billy's undermine confidence in the police, which is why three times as many blacks as whites responded in the survey that you cannot always trust police to do the right thing. Likewise, black respondents were five times more likely than whites to agree with the statement, "The police are out to get people like me."

As the discriminatory practice of investigative stops comes to light, many people are demanding change. New York City is taking a close look. A judge there ruled that New York City's stop and frisks, as practiced, violate the Constitution. She ordered that police be better trained in what kinds of justifications for these stops are constitutional, and all police officers must explain, in writing, any stops of this nature that they instigated. She also appointed a lawyer to monitor the police department's implementation of these directives. At this writing, her decision was suspended by the appellate court.

Critical Thinking

Have you, or someone you know, ever been stopped by the police for an investigative issue? If you answered yes, do you believe your race or ethnicity was a factor? What information would you need to help you decide whether race was, or was not, a factor? Can you identify other social institutions in which discrimination is likely to occur?

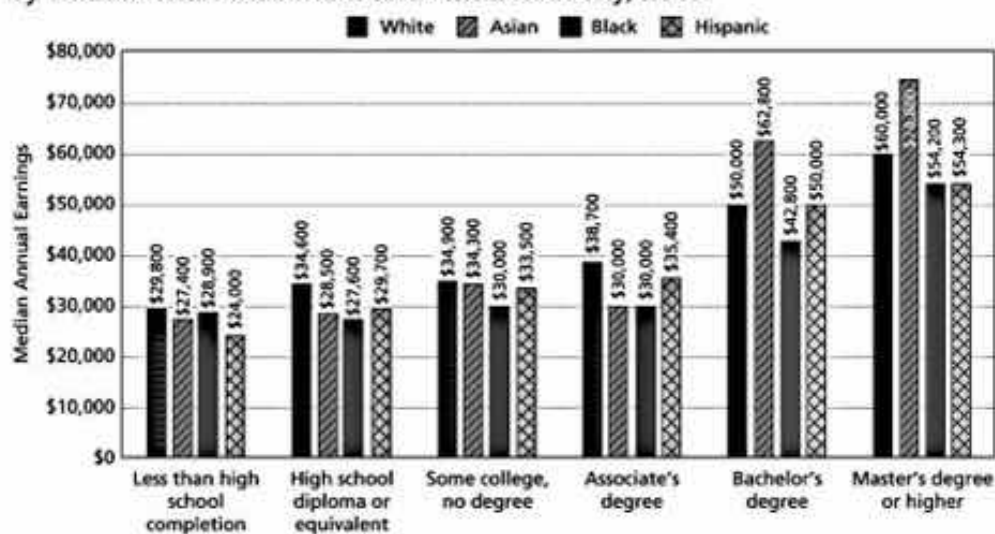
In an important early study of how minority achievement in education and in the labor force is related to parents' wealth, **Dalton Conley (1999)**

found that the level of education of one's parents and their net worth (not only income but also the total of all owned assets, or wealth) are the two best predictors of the quality of higher education their children will receive. Since black students tend to come from far less wealthy homes than white students do, their ability to go to the prestigious universities and colleges that produce the most entrants into the professions and the world of finance and business is far more limited. Consequently, although as we have seen blacks and other minority persons increase their educational attainment substantially, their inability to pay the costs of an elite higher education presents a major barrier to their full equality in a labor market that demands increasingly sophisticated skills and in which success often hinges on personal contacts established in college.

There is no doubt that the more highly educated usually receive substantially higher salaries than those with less education (Bureau of Labor Statistics, October 24, 2017). However, blacks and Hispanics at all levels of education earn less than their white counterparts. **Figure 7-5** compares the median annual earnings of full-time workers age 25–34 by their educational levels (**National Center for Education Statistics, February, 2018**). The figure shows that whites earn the most money at lower levels of education (high school diploma or less), and Asians earn the most at higher levels of education. Meanwhile, blacks and Hispanics earn significantly less than whites or Asians at all levels of education.

Figure 7-5

Median Annual Earnings of Full-Time Year-Round Workers, Age 25–34, by Educational Attainment and Race/Ethnicity, 2015



Source: **National Center for Education Statistics, 2018**. "Digest of Education Statistics: 2016." February. Retrieved 15 March 2018 (nces.ed.gov/programs/digest/d16/).

One explanation for these differences in educational achievement and earnings is the quality of schooling that different groups experience. Throughout the United States, school administrations are under pressure to raise standards and increase performance, especially in underachieving schools. These schools are often found in communities with high proportions of low-income black and Hispanic households. The causes of

this situation and policies to address it have been hotly contested issues. Relevant here is the issue of minority segregation and poor schools, along with the retreat from policies to achieve school desegregation.

In its 1954 *Brown v. Board of Education* decision, the Supreme Court mandated integration “with all deliberate speed” but was vague on actual remedies to be used. The decision effectively wiped out **de jure segregation** ⓘ —segregation required by law— and by finding that “separate but equal” schooling was inherently unequal, it set in motion decades of sporadic efforts to achieve more racially balanced classrooms. To do so, states and municipalities had to address **de facto segregation** ⓘ, segregation resulting from housing patterns, economic inequalities, gerrymandered school districts, and the departure of middle-class families from communities with increasing rates of minority households and poor or mediocre schools.

de jure segregation

Segregation that is required by law.

de facto segregation

Segregation that is not required by law, but results from housing patterns, economic inequalities, or gerrymandered school districts.

Throughout much of the 1970s and 1980s, busing of students, primarily minority students, to schools outside their neighborhoods was the primary remedy for desegregation. Today, however, busing is largely considered to have been a failure. White families tend to move to suburban areas, leaving minorities behind in the central cities. At the same time, no alternative strategies have been implemented to achieve school desegregation. Demands for higher standards and higher achievement are not generally matched with increases in funding for schools in lower-income minority neighborhoods. Public schools in the United States are typically funded from local property taxes or local levies, so wealthier communities can afford to pay higher salaries to teachers and hire more experienced teachers than can financially strapped inner-city schools.

What Do You Think?

Describe the level of de facto segregation in the neighborhood in which you grew up. What specific factors contributed to its racial and ethnic makeup?

A study by the Civil Rights Project on school desegregation found that resegregation of the races is increasing. Between 1988 and 2013, the share of intensely segregated nonwhite schools more than tripled, rising from 6 percent to 18 percent of all public schools (Orfield. Ee. Franken-

berg, and Siegel-Hawley, 2016). The situation among Hispanic students is even more alarming. In the southern, northeastern, and western United States, almost half of all Hispanic school children attend a school referred to as “intensely segregated,” meaning that fewer than 10 percent of the students at the school are white. This segregation has accelerated rather than declined, especially in the western United States where the majority of Hispanic children live (Orfield, Frankenberg, Ee, and Kuscera, 2014).

What is the “big deal” about segregated schools? Schools that serve predominately black and Hispanic students, particularly those who are from lower-income families, usually offer fewer resources for learning while also having greater needs (Hanselman and Fiel, 2017; Morris and Perry, 2016; Owens, 2018; Reardon and Owens, 2014). They have a harder time hiring, retaining, and paying good teachers. Classrooms have a higher turnover of students and teachers, a greater number of students with special needs, and less parental involvement. Students have less access to Advanced Placement classes, new books, the latest science equipment, and other resources that cost money. But perhaps most of all, segregated schools deprive both whites and minorities of the opportunity to meet people of other backgrounds to expand their understanding about living in a diverse society (Badger, 2014).



School busing was a common method of school integration in the 1970s and 1980s. Children were bussed from one school to another so schools would have racial parity. However, the result was “white flight”; white families

moved out to the suburbs to avoid busing. The program was disbanded by the 1990s, but segregation along racial and ethnic lines, especially with respect to social class, continues.

Room the Agency Mobile/Alamy Stock Photo

7.6.2 Housing

School desegregation is an extremely difficult issue to address when such a high proportion of minority and nonminority people live in segregated neighborhoods to begin with. Understanding housing patterns is important because declining residential segregation would indicate that minority groups are increasingly able to afford to live in the same neighborhoods. A decline in segregation would also show that majority and minority populations may increasingly prefer (or are indifferent to) living together in the same communities or neighborhoods, and may increasingly share the same cultural values, national identity, and education. Residential integration would suggest a breakdown of majority-minority social and economic divisions (**Lichter, Parisi, and De Valk, 2016**).

Reviews of residential patterns by the U.S. Census Bureau show that housing segregation has diminished only slightly over the years, and it remains a serious problem (**Badger, 2014; Frey, 2015; Logan, 2011**). Blacks have become less isolated from Hispanics and Asians over time, but their exposure to whites has changed very little. This situation is true regardless of income. In other words, affluent blacks have only marginally higher contact with whites than do blacks who are poor. Analyses also show that minorities at every income level live in poorer neighborhoods than do whites with comparable incomes (except for the most affluent Asians).

A practice that contributes to high rates of segregation is racial steering, a practice in which real estate brokers refuse to show houses outside of specific areas to minority buyers. Before the landmark judicial decisions of the 1950s, racial steering was enforced through restrictive covenants—agreements among homeowners not to sell their property to people designated as undesirable. Although restrictive covenants are now illegal, racial and ethnic steering still occurs unofficially in many all-white neighborhoods. Because it operates below the surface, with no written agreements, racial steering is difficult to prevent.

Massey and other sociologists who study racial and ethnic segregation assert that more audit research is needed to show lawmakers that racial steering and other forms of discrimination exist and that laws against them must be enforced far more rigorously (**Massey and Fischer, 2004**). In audit research, a black or minority couple is sent to real estate agents and shown (or not shown) certain types of housing. Then a white couple is sent to the same agents and the results are compared; this process is repeated many times with different agents to determine whether a systematic pattern of discrimination exists.

Today, segregation may be perpetuated or maintained by a series of laws and policies that, on the surface, have little to do with race. For example, suburban density zoning has been shown to directly affect the proportion of minority groups in the neighborhood. Likewise, it is perfectly legal for landlords, real estate agents, and bankers to discriminate against homeowners based on income. But given the lower incomes of blacks and Hispanics, on average, than whites and Asians, class divisions can also easily become racial divisions (**Massey and Rugh, 2017**).

7.6.3 Employment and Income

Let's say you are a manager for a mid-sized company and you want to hire someone for a job. You receive four interesting applications from the following people: Emily, Greg, Lakisha, and Jamal. Who are you going to call for an interview?

Sociologists at Harvard University sent people to apply for low-wage jobs. The applicants were given identical resumes and similar interview training. The black-sounding applicants were offered jobs much less often than were the white applicants. In fact, blacks with no criminal record were offered jobs at about the same rate as white applicants who had criminal records (**Pager, Western, and Bonikowski, 2009**).

In another study, people seeking to discuss research opportunities before applying to a doctoral program contacted over 6,500 university professors. The names of the students were randomly assigned to signal sex and race (white, black, Hispanic, Indian, and Chinese), but the students were otherwise identical. The researchers found that university faculty were significantly more responsive to white males than to all other groups. This bias was especially strong in higher-paying disciplines that are dominated by white men but was also found in disciplines that contain higher numbers of women and minorities in them (**Milkman, Akinola, and Chugh, 2014**).

In fact, another research team conducted a meta-analysis of every available field experiment of hiring discrimination against blacks or Hispanics between 1989 and 2014 (**Quillian, Pager, Hexel, and Midtbøen, 2017**). Together, these 24 studies represent 55,842 applications submitted for 26,326 positions. The data show that, since 1989 whites receive on average 36 percent more callbacks than blacks, and 24 percent more callbacks than Hispanics. There was no change in the level of hiring discrimination against blacks over the past 25 years, although there was modest evidence of a decline in discrimination against Hispanics. Even accounting for applicant education, applicant gender, study method, occupational groups, and local labor market conditions did little to change the results. In other words, contrary to claims of declining discrimination in American society, levels of discrimination remain largely unchanged, at least at the point of hire.

The idea that work will improve one's social status is deeply ingrained in

U.S. culture. The work ethic suggests that, if you really want a job, you can find one, and that, if you work hard, you will make money. The corollary to this idea is the notion that, if you are wealthy, you deserve your wealth because you worked for it, and if you are poor, it is largely because you are lazy or unmotivated (**Seccombe, 2015**). This view ignores the fact that discrimination is no less prevalent in employment than it is in education and housing, as noted earlier in **Table 7-2**  which showed 37,000 reports of racial discrimination were brought before the U.S. Equal Employment Opportunity Commission.

One of the most pervasive stereotypes associated with blacks is that they are impoverished. This is a tremendous overgeneralization. The median household income among blacks is about \$39,500. Although this is well below the average for a white household (\$65,000), it's also far above the poverty level (**Semega, Fontenot, and Kollar, 2017**). In fact, 41 percent of blacks have household incomes of at least \$50,000, and 15 percent of black households earn at least \$100,000. Income data for black married couples show special promise.

This means that many blacks are entering the world of the middle class, having worked themselves up from the working or lower classes. Most of these younger blacks did not have parents from whom they could inherit money or receive extensive financial assistance; therefore, they have fewer assets than whites. U.S. Census Bureau data reveal extensive differences in assets between blacks and whites, which have clear impacts on family consumptive patterns, family values, and family relationships. For example, only 42 percent of black adults own their own home, compared to 73 percent of whites (**U.S. Census Bureau, July 27, 2017**). Moreover, white families have at least ten times the assets of black families, and the gap has become wider since the recession (Dettling, Hsu, Jacobs, Moore, and Thompson, 2017). These discrepancies are due to a variety of factors: (1) blacks fared worse during the recession than did whites; (2) whites are more likely to draw upon the assets of their parents through an inheritance or loan to be able to afford a home, car, or other high-ticket item; (3) whites have an easier time obtaining mortgage loans from banks; (4) homes in predominantly white neighborhoods appreciate in value more rapidly than do homes in predominantly black neighborhoods; and (5) blacks have lower retirement savings (**Brooks, 2017; Oliver and Shapiro, 2006**).

What Do You Think?

What amount and types of assets do you think you will inherit from your parents? How will these assets shape your future?

7.6.4 Justice

Philosopher and social theorist **Cornel West (1994)** recounts an all-too-familiar tale of the daily injustices faced by racial and ethnic minorities. While driving to a college lecture, he remembers, "I was stopped on fake

charges of trafficking cocaine. When I told the police officer I was a professor of religion, he replied, 'Yeh, and I'm the Flying Nun. Let's go, nigger!'" (p. xv).⁵ Such degrading experiences with the police and other street-level authorities enrage members of minority groups who know that those with less power receive worse treatment in the justice system. This kind of treatment is seen in the recent publicized cases of unarmed black men being mistreated, even to the point of death, by police officers, as shown in the opening vignette.

⁵West, C. (1994) *Race Matters*. New York: Vintage.

The U.S. system of justice is based on two premises that are relevant to this issue: (1) justice is blind; that is, racial, ethnic, economic, or social considerations are irrelevant in the eyes of the law, and (2) any accused person is considered innocent until proven guilty in a court of law. But do these assumptions apply equally to everyone?

As noted in **Chapter 5** , minority groups are overrepresented in official arrest records, and it seems probable that in general they are more likely to be arrested and charged with a crime, regardless of whether they are guilty. The higher arrest rates among minorities are partly due to the higher arrest rates among the poor in general (who, as noted earlier, include a disproportionate number of minority group members), but there is considerable evidence that discrimination plays a role in who is arrested. For example, although black and white persons use drugs at about similar rates, the imprisonment for blacks on drugs charges is six times that for whites (**NAACP, 2018**). After arrest, the obstacle of the bail system must be overcome. It is here that the criminal justice system may be most discriminatory. To begin with, bail involves money; those who have it can usually arrange to be released after arrest and await their trial in freedom, subject only to the limitations of the bail agreement. Those who do not have money are punished, in effect, because of the long delay between arrest and trial in many jurisdictions (particularly in big cities). They are compelled to wait in jail until their case comes up. Even those who can pay bail can rarely afford costly legal counsel, and those who are detained have little opportunity to prepare a defense. This inequality in the administration of justice extends to the sentencing process. Although blacks and Hispanics account for less than a third of the population, they make up almost 60 percent of the prison population (**NAACP, 2018**).

Racial differences do not stop there, however. They continue into the more extreme realms within our criminal justice system.

Racial Inequalities in Capital Punishment

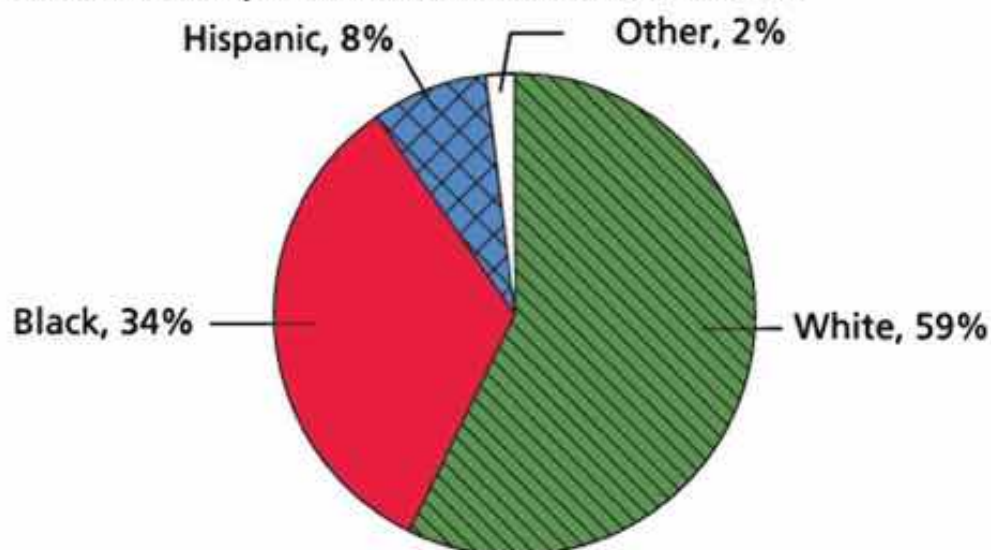
The U.S. Supreme Court banned the death penalty for many decades, in part, because of the recognition that the effects of prejudice and the inability to afford good legal counsel would discriminate against minority defendants. In 1977, however, the Court reversed its position and the death penalty was reinstated. There have been nearly 1,500 executions since that time. The number of executions peaked in 1999 with 98 execu-

tions, but has been declining since, with 23 executions in 2017. Roughly 2,800 people are currently on death row, which includes 53 women (Death Penalty Information Center, February, 2018).

The issue of racial bias in the sentencing and the application of the death penalty cannot be ignored. Figures 7-6a and 7-6b show the racial and ethnic background of defendants who have been executed and those who are currently on Death Row. As you can see, while the majority of people executed are white, blacks are greatly overrepresented, given their size in the population. The situation for blacks is even more extreme among those on death row.

Figure 7-6a

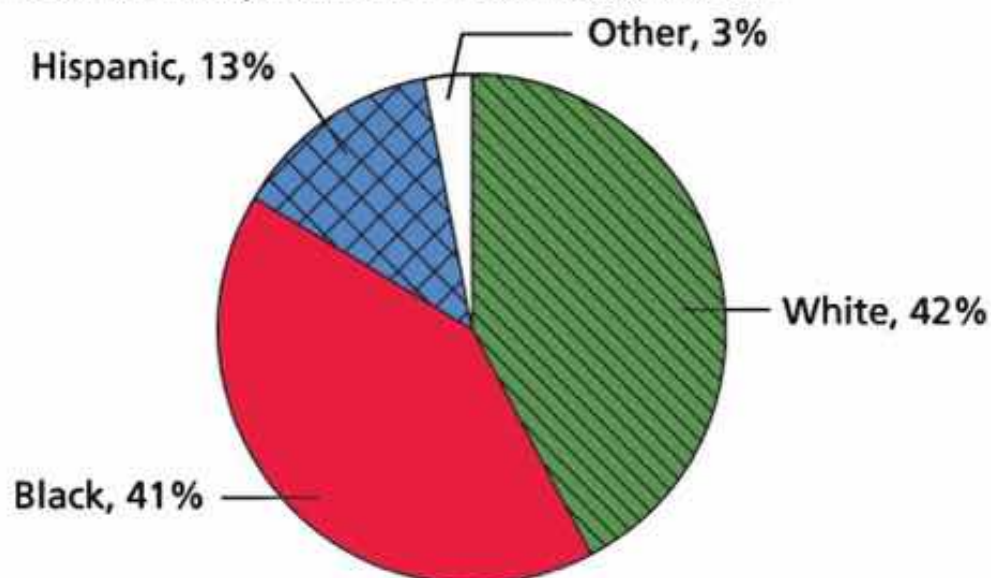
Race and Ethnicity of U.S. Defendants Executed, 1976-2017



Source: [Death Penalty Information Center. 2018. "Facts about the Death Penalty." 23 February.](#)

Figure 7-6b

Race and Ethnicity of U.S. Death Row Inmates, 1976-2017



Some people argue that this racial disparity does not represent bias be-

cause black people are overrepresented among those who commit capital crimes. If blacks commit more capital crimes, then it follows that they are put to death at higher rates, the argument goes. However, David C. Baldus, a leading expert on the subject and the author of numerous studies that have influenced the courts, notes, "Some people are being sentenced to death based on race, and I find that morally and legally objectionable" (quoted in Eckholm, 1995, p. B1).⁶ For example, consider the following:

⁶Quoted in Eckholm, E. (1995). "Studies Find Death Penalty Tied to Race Of the Victims," *The New York Times*, p. B1.

- Jurors in Washington State are three times more likely to recommend a death sentence for a black defendant than for a white defendant in a similar case (**Beckett and Evans, 2014**).
- In Louisiana, the odds of a death sentence were 97 percent higher for those whose victim was white than for those whose victim was black (**Pierce and Radelet, 2011**).
- A study in California found that those who killed whites were over three times more likely to be sentenced to death than those who killed blacks, and over four times more likely than those who killed Hispanics (**Pierce and Radelet, 2005**).
- In the case of interracial murders, those cases with a black defendant and a white victim were fourteen times more likely to involve execution than those cases with a white defendant and a black victim (**Death Penalty Information Center, February, 2018**).



Nearly 1,500 executions have occurred since 1977. Roughly 2,800 people are currently on death row. The racial biases in the sentencing and the application of the death penalty cannot be ignored.

Norma Jean Gargas/Alamy Stock Photo

Felony Disenfranchisement

Felony Disenfranchisement

In 48 states, people convicted of a felony may lose the right to vote (sometimes permanently), which is known as felony disenfranchisement. With the world's highest rates of imprisonment, the United States is also the world's leader in felony disenfranchisement, a dubious distinction that has an enormous impact on the political fate of minority groups. Because of the dramatic expansion of the criminal justice system in the last 40 years, over 6.1 million Americans are unable to vote due to state felony disenfranchisement policies. Blacks are overrepresented among those unable to vote (**The Sentencing Project, June, 2017**).

Wrongful Executions

There is also the all-important issue of wrongful executions. No one likes to talk about it, but there have been cases of innocent people—or those whose guilt was in serious doubt—who have been put to death. Blacks are overrepresented in the number of wrongful executions. Some have been exonerated because of DNA evidence discovered later indicating that they were not involved in the crime. Other cases involved witness perjury or misidentification, and false confessions. The “lucky” death row inmates are those who are exonerated and freed before execution, although they were incarcerated an average of 11 years before being freed (**Innocence Project, 2018**). It is clear that determining guilt or innocence is not an exact science. As said by Freddie Lee Pitts, who was exonerated from Florida's death row for a crime he did not commit, “You can release an innocent man from prison, but you can't release him from the grave” (**National Coalition to Abolish the Death Penalty, 2018**).⁷

⁷National Coalition to Abolish the Death Penalty, 2018.

Some Consequences of Prejudice and Discrimination

7.7 Discuss some of the consequences of prejudice and discrimination.

The harmful effects of prejudice and discrimination touch all Americans. As the Supreme Court noted in its decision in *Brown v. Board of Education of Topeka*, the lives of members of the dominant group are also stunted by the artificial barriers and warped perceptions that such social divisions create. Here, however, we will consider the effects on the subordinate group, since the effects are usually more serious.

What happens to people who must live with the realities of discrimination and the prejudice? First, there are, of course, effects on the individual psychological well-being of minority group members. Second, both individuals and groups develop protective reactions against prejudice and discrimination.

Consider the effects of discrimination on psychological well-being. In his groundbreaking work, *Children of Crisis*, **Robert Coles (2003)** documented some of the effects on the first black children to attend desegregated schools in the South. These children were subjected to blatant discrimination and bitter prejudice, including mob action against them and their parents. Coles observed the children for several months after desegregation, focusing on how they depicted themselves and their world in drawings. His account of the drawings of one black girl, Ruby, is fascinating. For months Ruby would never use brown or black except to indicate the ground. However, she distinguished between white and black people. As Coles describes:

She drew white people larger and more lifelike. Negroes were smaller, their bodies less intact. A white girl we both knew to be her own size appeared several times taller. While Ruby's own face lacked an eye in one drawing, an ear in another, the white girl never lacked any features. Moreover, Ruby drew the white girl's hands and legs carefully, always making sure that they had the proper number of fingers and toes. Not so with her own limbs, or those of any other Negro children she chose (or was asked) to picture. A thumb or forefinger might be missing, or a whole set of toes.

The arms were shorter, even absent or truncated. (p. 47)⁸

A Personal View

Everyday Racism



Myrleen Pearson/Alamy Stock Photo

I've gotten to know my biology lab partner pretty well in high school and we've had some interesting conversations. I think she was trying to show me how cool she is when she said the other day, "I don't know what the big deal is about race; we're all the same." All the same? Oh really? I wanted to tell that girl a thing or two about race. First of all, the simple fact that she can see it as no big deal is an example of white privilege. As a dark-skinned Latina, I don't have that same privilege. I have to think about race every day whether I want to or not. Last week, I went into a grocery store and the clerk at the counter told me I had to leave my backpack at the counter; I saw plenty of other white folks and they were able to keep their purses or backpacks with them. A few months ago when I went to the movies with my older sister, the ticket clerk was speaking very loudly and slowly to us. He assumed that we didn't speak English well! Last year, my older brother was driving home from work and was stopped by the police for no reason at all. They made him get out of his car and they searched his vehicle. He didn't do a thing! I'm guessing they thought he had drugs. Awhile before that, my cousin was stopped by police, and the same thing happened to him. My other brother liked this certain girl and asked her out, but she told him no because her father doesn't want her to date Mexicans. My sister, brothers, and I were all born here! So, when my biology lab partner downplayed race and said it was no big deal, I debated whether or not to tell her all of this. I ended up keeping quiet, which to be honest, is another example of racism. I was afraid to tell her the truth.

Critical Thinking

If you were Gabriela, how would you have responded to her biology lab partner? How would you explain white privilege and racism? How do you think her lab partner would respond?

At the same time, Jimmy, a white classmate, always depicted blacks as somehow related to animals or extremely dirty and dangerous. However, Coles noted that, over time, blacks' self-image improved, and whites became less prejudiced. For example, after about two years of contact with Ruby and other black children in his school in New Orleans, Jimmy grew less fearful of blacks, and the change was reflected in his drawings. Coles concluded that children were conditioned to fear and distrust members of the other race, but that with continuing friendly contact, these prejudices were broken down. He also found that children eventually helped change their parents' attitudes.

This pioneering work has set the stage for more recent studies that focus on the ways in which racism affects individuals. More recent studies find that people who experience racism are more likely to be depressed and discouraged, have more negative images about their racial or ethnic group, do more poorly in school, and experience greater stress and physical ailments (Banks and Stephens, 2018; Kwate and Goodman, 2015; National Association of School Psychologists, 2012). The feature box, **A Personal View: "Everyday Racism,"**  highlights one girl's story about the racism that she experiences and the fact that it can be oblivious to whites.

Those who internalize racism are particularly vulnerable to lower psychological well-being (Banks and Stephens, 2018). **Internalized racism**  is the personal conscious or subconscious acceptance of the dominant society's racist views, stereotypes, and biases of one's ethnic group. It gives rise to patterns of thinking, feeling, and behaving that result in discriminating, minimizing, criticizing, finding fault, invalidating, and hating oneself while simultaneously valuing the dominant culture.

internalized racism

The personal conscious or subconscious acceptance of the dominant society's racist views, stereotypes, and biases of one's racial or ethnic group.

One important method for helping to combat internalized racism is **racial/ethnic/cultural socialization** , which involves teaching children about their cultural heritage, and providing children with the coping skills necessary to develop and maintain a strong and healthy self-image in the face of possible prejudice and discrimination (Derlan, Umaña-Tay-

lor, Jahromi, and Updegraff, 2018). This type of socialization can instill a sense of identity and pride. It teaches children about religious traditions, introduces them to specific types of foods, cultural holidays, languages, or dialects, and imparts a set of values associated with a larger group identity. It also includes teaching the truths about racial and ethnic oppression in society.

racial/ethnic/cultural socialization

Teaching children about their cultural heritage, and providing children with the coping skills necessary to develop and maintain a strong and healthy self-image in the face of possible prejudice and discrimination.

In addition to individual responses to prejudice and discrimination, larger group responses also may occur, such as public protest. After the success of the Montgomery bus boycott of 1955 and 1956 (when blacks stopped riding buses until discriminatory seating rules were eliminated), a broad social movement for desegregation emerged. Initially led by Martin Luther King, Jr., the movement was directed against laws that enforced or created a statutory inequality—that is, an obstruction maintained for the purpose of denying minority groups the rights and privileges enjoyed by other Americans. In the 1960s, however, as hopes were high, progress was slow. As white resistance increased, minority protests sometimes took violent forms. Anger, frustration, and rage provoked urban riots across the country. At no time, however, did a majority of blacks approve of the violent protests (**National Advisory Commission on Civil Disorders, 1968**).



Social Policy

7.8 Analyze the policy of affirmative action.

Another example of a group response is the development of affirmative action policies. In response to the demands of blacks and other minority groups for a more equal share in the benefits of the American way of life, leaders have instituted various programs to alleviate the effects of prejudice and discrimination. For the most part, these programs tend to have more support among liberals and Democrats, which helps explain why such initiatives tend to wax and wane in different presidential administrations. One of these approaches is affirmative action.

7.8.1 Affirmative Action

Perhaps the most controversial policy designed to redress past institutional discrimination is **affirmative action** ⓘ. This term refers to policies based on a body of federal law originating in the 1964 Civil Rights Act that bans discrimination based on race, religion, sex, or national origin in areas such as employment, education, and housing (Kelley, 2010; National Conference of State Legislatures, 2014). Affirmative action programs require institutions that have engaged in discriminatory practices to increase opportunities for women and members of minority groups. The policy is controversial because, with the goal of correcting past patterns of discrimination, institutions such as universities and businesses must make special efforts to recruit minority applicants, and those efforts may affect white applicants.

affirmative action

Controversial policies that require institutions that have engaged in discriminatory practices to increase opportunities for women and members of minority groups.

Proponents see affirmative action as proactive measures to remedy inequality, fight discrimination, and have an integrated society with equal opportunities for all members. Opponents believe it is misguided social engineering that uses quotas and preferences to replace qualified people with unqualified minorities and women. They claim it promotes "reverse discrimination," and is harmful to those it is trying to help. In fact, John Roberts, Chief Justice of America's Supreme Court, takes a dim view of affirmative action. "The best way to stop discrimination on the basis of race," he says, "is to stop discriminating on the basis of race" (*The Economist*, 2013).⁹

⁹"Affirmative Action: Is Affirmative Action a Good Idea?," *The Economist*, 2013.

History of Affirmative Action

Until the mid-1960s, minorities were barred from certain jobs, some universities would not admit them, and many employers would not hire them. The Civil Rights Act of 1964 made discrimination illegal in the workplace, in federally funded programs, and in privately owned facilities open to the public. The original goal of the civil rights movement had been "color-blind" laws; however, many people were concerned that simply ending a long-standing policy of discrimination did not go far enough. One year later, Congress passed the Voting Rights Act, which gave the U.S. Department of Justice the power to take "affirmative" steps to eliminate discrimination. President Lyndon B. Johnson gave the U.S. Department of Labor the responsibility of enforcing affirmative action. In that role, the Labor Department began requiring government contractors to analyze the demographics of their workforce and to take proactive measures to remedy inequalities.

Over time, the U.S. Supreme Court has defined the scope of affirmative action policy through a series of legislative initiatives and decisions. Overall, the Court has upheld the constitutionality of affirmative action in principle but has placed restrictions on how it is implemented. One of the major restrictions on affirmative action has to do with quotas. By way of background, in an effort to enable members of minority groups to receive the same educational opportunities as whites, beginning in 1965 the federal government required schools to establish goals for minority enrollment and in some cases to set quotas that specify the number of minority students to be admitted each year. These policies met with considerable opposition. Charging that affirmative action is reverse discrimination, critics focused on the Supreme Court case of Allan Bakke, a white student who was refused admission to the medical school of the University of California at Davis even though his grades were higher than those of many black students who were admitted under an affirmative action program.

Testing Affirmative Action in the Courts

Allan Bakke was a 35-year-old white male who applied to a number of medical schools in 1976. He was a strong applicant with a solid grade point average and high test scores but was denied admissions by several universities because of his age (age discrimination was legal at that time). Bakke was also denied entrance to the medical school at the University of California, Davis, for two years in a row, but he noted that several minority candidates were admitted with lower grades or test scores than his. Feeling that this treatment was unfair, Bakke sued the university. He sought an order admitting him on the grounds that the special admissions programs for minorities violated the U.S. and California constitutions and Title VI of the Civil Rights Act. In 1976, the case was argued before the state supreme court. The court at the time was thought to be liberal, and it was assumed that the court would support the university

liberal, and it was assumed that the court would support the university and uphold the idea of special preferential treatment of minorities. However, this action did not occur. The court barred the university from using race in the admissions process and ordered it to provide evidence that Bakke would not have been admitted under a race-neutral program. The university conceded that it could not do so, and the court ordered Bakke's admission.

The story does not end there. The university requested that the U.S. Supreme Court review the case, and in the meantime, halt the order requiring Bakke's admission. In 1978, the majority of the U.S. Supreme Court found that the special quota program, which earmarked a specific number of seats for minorities, did discriminate against Bakke. However, they also ruled that less restrictive programs, such as making race one of several factors in admission, would not be discriminatory. Justice Powell offered the example of the admissions program at Harvard University as one he believed would pass constitutional muster: Harvard did not set rigid quotas for minorities, but actively recruited them and sought to include them as more than a token part of a racially and culturally diverse student body. Although a white student might still lose out to a minority student with lesser academic qualifications, the admissions program at Harvard could theoretically help (or hurt) any student by reviewing other factors that would contribute to a diverse student body, such as the ability to play sports or a musical instrument. The Supreme Court saw no constitutional violation in using race as one of several factors used to enhance diversity. Yet, Justice Powell noted that, because the university had admitted that it could not prove that Bakke would not have been admitted under a race-neutral admissions program, the portion of the California Supreme Court's decision ordering Bakke's admission was upheld. In 1980, Bakke entered medical school, eventually becoming an anesthesiologist.

Several other test cases have redefined the scope of affirmative action. In a 2003 case at the University of Michigan, the Supreme Court ruled that the school's point system that gave minority applicants a better chance of acceptance was unconstitutional. The justices affirmed the law school's more individualized method of reviewing applicants, which allows race to be one of many factors in deciding whom to admit. The point system was considered by the majority of the Supreme Court justices to be too "mechanistic" and was considered tantamount to a quota system.

Opponents were not satisfied and felt the ruling did not go far enough, and in 2006, they put affirmative action to a state vote. The people voted 58% to 42% to amend the state constitution to prohibit preferential treatment in public education, government contracting, and public employment. Groups favoring affirmative action sued to block the part of the law concerning higher education. They noted that the number of minority students admitted to the most selective schools declined in those states that forbid affirmative action. They wanted the Supreme Court to intervene.

In 2014, Michigan was once again in the limelight on affirmative action. The Supreme Court upheld the Michigan constitutional amendment passed in 2006 that banned affirmative action in admissions to the state's public universities. In the 6 to 2 ruling (with Justice Sotomayor and Justice Ginsburg dissenting), the majority claimed that there were no legal grounds for overruling the will of the voters in that state. Their ruling effectively endorsed similar measures in seven other states and may encourage more states to enact measures banning the use of race in admissions. Justice Sotomayor's written dissent touched on the personal importance of affirmative action (Lempert, 2014):

[R]ace matters for reasons that really are only skin deep, that cannot be discussed any other way, and that cannot be wished away. Race matters to a young man's view of society when he spends his teenage years watching others tense up as he passes, no matter the neighborhood where he grew up. Race matters to a young woman's sense of self when she states her hometown, and then is pressed, "No, where are you really from?" regardless of how many generations her family has been in the country. Race matters to a young person addressed by a stranger in a foreign language, which he does not understand because only English was spoken at home. Race matters because of the slights, the snickers, the silent judgments that reinforce that most crippling of thoughts: "I do not belong here."¹⁰

¹⁰Lempert, R. (April 25, 2014) "The Schuette Decision: The Supreme Court Rules on Affirmative Action," Brookings. Retrieved from <https://www.brookings.edu/blog/fixgov/2014/04/25/the-schuette-decision-the-supreme-court-rules-on-affirmative-action/>.

The arguments continued. In a more recent Supreme Court case, *Fisher v. the State of Texas*, Abigail Fisher sued because she was denied entrance to the University of Texas and claimed that any preference the university gives to minority students is unconstitutional. The Supreme Court handed down a decision in 2016 that rejected this challenge to race-conscious admissions. Justice Kennedy wrote that universities should have substantial leeway in designing their admission programs (Liptak, 2016).

What Do You Think?

Referring to Justice Sotomayor's comment, have you ever felt "I do not belong here," for reasons related to race, ethnicity, sex, age, gender orientation, income, or some other reason? How did it make you feel? What did you do about it?



Affirmative action programs have successfully increased the number of minorities in professional positions. Mariana is a second-year law student at the University of California, Berkeley. She graduated in the top 10 percent of her high school class and graduated with a B+ average from a state university in central California that served predominately low-income students, most of whom were first-generation college students. Her goal is to practice family law in minority communities.

George Wada/Fotolia

Future Prospects

Despite the legislative challenges, the Supreme Court has established the value of affirmative action programs in schools and work settings. The need is not expected to last forever: "We expect that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today," former Justice O'Connor wrote in 2003.¹¹ Doing the math, this prediction would suggest that affirmative action programs will no longer be needed by 2028. Whether that situation will indeed be the case is a matter of speculation.

¹¹Justice O'Connor (2003), *Grutter v. Bollinger*, 539 U.S. 306. U.S. Supreme Court.

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Some suggest that the issue is not race *per se*, but class. An example of race-blind social policy in the interests of increasing diversity and equality of opportunity is the practice recently instituted by Harvard and other private universities of awarding full scholarships to students who have been accepted by the university but whose families earn less than \$60,000 per year. Since more minority students than white students fall into this category, this strategy is showing some success at encouraging minority enrollments. Other universities have taken note and now offer similar programs.

No one really knows whether former Justice O'Connor's prediction about affirmative action being unnecessary by 2028 will come true. It does remain, however, that eliminating individual and institutional racism is a very long process.