

TCDIR Special Session: Critical Race Theory and the Challenges that DEI Professionals Face Going Forward

It is mid-2021, and America finds itself caught up in a political-culture war over educating about the country's history of white dominance over people of color and Native/Indigenous persons. The current situation, centered on a controversy about "Critical Race Theory," was triggered by the murder of George Floyd and the massive public push to right past wrongs. However, people who hold the levers of power in this country (mainly white-color men) have long sought to suppress, if not demonize, teaching about America's racist past.

What is "Critical Race Theory" (CRT) and what's the controversy around it? How does the controversy relate to the work of everyday diversity, equity, and inclusion (DEI) professionals? What can we do to counter the narratives that are being played out every day across a broad swath of public and social media? What, if anything, should we fear?

Join the Twin Cities Diversity and Inclusion Roundtable with Dr. Keith Mayes and national DEI speaker Ellie Krug as we examine where our country stands—and how we got here—on this exceedingly important subject.

I. What is Critical Race Theory?

The phrase, Critical Race Theory (CRT), is widely credited to Kimberle Crenshaw, a black woman scholar, lawyer, and the executive director of the African American Policy Forum. She coined the phrase in the late 1980s as a way to understand why civil rights laws were not working to create real equity for people of color and Indigenous persons. As related in a June 24, 2021, blog post by Mary-Frances Winters in *The Inclusion Solution*, and quoting Ms. Crenshaw from a MSNBC interview, CRT is "not a thing but rather a way to look at a thing."

The "thing"?

How racial power wasn't transferred or even readily diluted with the civil rights gains of the 1950s and '60s. While the movement ended de jure, or legalized, discrimination in the form of skin-color biased laws and regulations, it didn't do much to change the de facto landscape of systemic white supremacy (e.g., the implicit, and sometimes explicit, messaging that white-color skin is preferred over all other skin colors).

For example, in the legal profession of which Ellie is still a member, a time-worn hiring standard is that legal employers only want the "best qualified" candidate. That usually means a white-color law school grad or young lawyer—because the persons hiring the job candidate themselves are white and have never been willing to take the risk of hiring someone diverse, out of fearing "what would our clients think?"

CRT is aimed at addressing how the system continues to be rigged in favor of white-color people. It also includes tackling head-on the idea that America in the post-civil rights era is “colorblind” and that today, people are only judged on the basis of their “character” and accomplishments and nothing else.

One way of demonstrating the “rigging” is through the use of data. For instance, if we simply look at the 2019 third grade reading levels in Minnesota, we’ll see that 63.7 percent of white-color kids read at or beyond expected third grade levels. In contrast, only 38.5 percent of children of color (all grouped together, excluding Indigenous children) read at or beyond expected third grade level.

Why is that?

Because Minnesota’s education system predominately employs white-color teachers who are ill-trained or unwilling to understand what it means to be non-white. Note: this doesn’t mean that most educators aren’t well-intentioned, but according to the MN Department of Education, only 4 percent of the state’s educators identify as persons of color or as Indigenous, whereas 34 percent of the state’s school enrollment is with students of color/Indigenous. As the Dept of Ed states on its website: “These facts illustrate a systemic inequity in access to excellent and diverse teachers.”

The role of CRT is to ask why Minnesota became so skewed toward white teachers and to then pose the needed questions on how to fix that inequity.

What we just outlined above is simply an examination of historical and present-day facts/data, along with asking questions—what is the present situation? Why did we get here? How can we change it?

One commentator on CRT, Gary Peller of Georgetown University Law Center, has noted that people who teach about CRT, “embrace no simple or orthodox set of principles, so no one can really be ‘trained’ in CRT. And if teachers were able to teach such analytically difficult ideas to public school students, it should be a cause for wild celebration, not denunciation.”

II. Tenets of Critical Race Theory

1. **Racism as normal:** racism is a completely normal part of American life rather than being abnormal or unusual.
2. **Race as a social construction:** race is a human invention used to maintain existing power relationships in society.
3. **Interest convergence:** the interests of people of color in gaining racial equality have been accommodated only when they have converged with the interests of powerful (or not so powerful) whites (Bell, 1980; Taylor 2009).

4. **Revisionism/Historical context:** reexamines America's historical record, replacing comforting majoritarian interpretation of events with ones that square more accurately with the experiences of people of color.

5. **Use of Narratives/Counter-narratives:** CRT takes the position that the constructs of race, power, privilege, etc. are social constructions that can be dismantled through the use of storytelling and counter-storytelling. CRT suggests a new epistemological source of critical scholars: the actual experience, history, culture, and intellectual traditions of people of color in America (Matsuda 1995).

6. **Anti-essentialism:** CRT rejects the reduction of one's groups' experience as representative of all oppressed peoples experience. While it is true that oppression among and between groups shares common characteristics, racial oppression (and how it is subjectively experienced) varies depending on skin color, class, gender, etc.

7. **Intersectionality:** CRT focuses on the ways in which positionality of skin color, gender, sexual orientation, class, and nationality intersect with one another to produce subjective ways of knowing and being (Crenshaw 1991).

8. **Race Realism:** a concept originated by Derrick Bell, racial realism is the assertion that racism is a permanent part of American institutions and personal belief systems (Bell 1990).

9. **Critique of Liberalism:** critical race theorists reject the liberal, traditional paradigms of change that involve slow changes in the legal apparatus; this line of thought is flawed because it fails to understand the limits of current legal paradigms to serve as catalysts for social change and because of its emphasis on incrementalism.

III. **How Did the Present Controversy Start?**

As Dr. Mayes will relate, there has always been profound resistance to talking about America's white supremacist history. However, the present controversy—in which many critics have used CRT as a catch-all phrase to criticize anything related to DEI—has its roots in the collective reactions of millions following George Floyd's murder. In what became an unprecedented call for reform on many fronts, millions of Americans began to understand that the civil rights movement of sixty and seventy years ago started a process that has a long way to go before real, lasting change occurs.

Indeed, last year's calls for reform scared many who control the levers of power; possibly for the first time ever, large swaths of the country were motivated to radically change systems and institutions, meaning that white-color people might lose power and control. This was incredibly threatening to those in power, and in order to resist the call for change, they have fought back. One of their vehicles (apart from red-meat arguments around "defund the police" and immigration reform) has been to weaponize CRT to rally conservatives and those who aren't familiar with modern DEI concepts.

The result has been a systemic campaign—organized, well-funded, and often at the most local of levels (school board and city council meetings)—where elected officials have been lambasted over any kind of DEI training or policies their entities may have adopted or embraced. This movement has claimed that it's in fact "racist" to teach about America's history of racism. In what has been the equivalent of flipping an elephant on its head, DEI practitioners are now fielding questions and criticism over their work with the assertion that they're fostering discrimination/racism instead of trying to end it.

Wow. This is damn scary stuff if you believe in the promise of America.

As of mid-June 2021, five states had passed laws banning CRT from being taught in public schools or learning institutions and/or governmental workplaces. Another 16 states considered such bans; we are uncertain of the status of those efforts, although the fact that the legislatures of nearly half the states in the country have considered CRT bans/restrictions underscores the gravity of the situation. Remember, this involves prohibiting talking about white supremacy/structural racism, and in some cases, even teaching about unconscious bias.

IV. Historical Understandings

The current wave of suppressing education about skin color disparities and white supremacy is just another marker in a long history of creating narratives that seek to uphold a white power structure in America. Here are some key historical facts to bear in mind:

- 1492-onward: Caucasian-normative Europeans "explore" and "conquer" the New World filled with brown and Indigenous people. To further those goals, in 1619, slavery was introduced into what would become North America. Around the same time, slavery existed in various Caribbean nations, including Haiti. The people perpetrating this were white-color humans seeking to build a white-based, Christian-only society.
- 1787: The United States Constitution recognizes the institution of slavery and confers inferior status on enslaved humans with a compromise that counts each enslaved human as three-fifths of a person. Importation of enslaved humans was permitted until 1808; thereafter, it was legal to trade enslaved humans born or already living the U.S. The Civil War ended this.
- 1791-1804: Enslaved humans in Haiti revolt, resulting in a revolution that frees that country of French colonial rule. This revolt isn't lost on American slave owners who take active measures (e.g., slave patrols, informal militias) to ensure that a similar revolt doesn't occur in the U.S.
- 1857: Dred Scott Supreme Court decision embodied the rule that Black humans were not entitled to the rights and benefits of the U.S. Constitution.
- 1859: Abolitionist John Brown attempts to lead a revolt of enslaved humans at Harpers Ferry, Virginia. The revolt is put down and Brown and co-conspirators are executed. This sends shock waves through the South and is a precept to the Civil War.

- 1861-65: Civil War fought with the South rejecting the North's efforts to abolish slavery/the North's refusal to permit slavery in westward expansion states.
- July 1866: Klux Klux Klan founded in Tennessee by Confederate Army veterans, signaling the beginning of organized terror against newly freed Black Americans.
- 1865-1877: Reconstruction is enforced in the South; Black men vote and elect many Black state and federal legislators.
- 1877: Reconstruction abandoned with the withdrawal of federal troops from the South, ending the political and social progress of Black Southerners.
- 1877-1955: More than 4,000 Black humans lynched or otherwise murdered in 20 states. This includes the lynching of three Black circus workers in Duluth MN in June 1920.
- 1896: Plessy v. Ferguson Supreme Court decision holding that "separate but equal" racial segregation was constitutional, thereby institutionalizing a white-power structure in the South for the next 60+ years. Northern states also imposed various forms of segregation.
- By the late 1890s, all Southern states had had imposed laws limiting the voting rights of Black citizens. For example, in 1896, Louisiana had 130K Black voters registered; by 1904, only 1,342 Black voters were registered.
- Violent intimidation of Blacks (1919 Chicago race riot; 1921 destruction of "Black Wall Street" in Tulsa; 1943 Detroit) occurs through to the early 1960s.
- 1940: Just 3 percent of eligible Black voters were registered to vote in the South.
- 1964-65: Voting Rights Act enacted; rate of Black registration/voting skyrockets.
- March 1965, Selma Alabama march for voting rights, John Lewis and others beaten at the Edmund Pettus Bridge.
- April 1990 *Time Magazine* article about America becoming a minority-majority country in 21st century.
- 2004: The idea that Barak Obama wasn't born in the United States originates with white-color humans; by the 2008 presidential campaign, "birtherism" is a political weapon.
- 2008: first Black President of the United States.
- 2013: The U.S. Supreme Court in *Shelby County v. Holder* guts a key provision of the 1964 Civil Rights Act that required many Southern states to obtain federal preclearance for any new election voting laws. The result: voter suppression via legislative enactments and other mechanisms, adversely impacting Black and Latinx communities' voting opportunities.
- 2016: Donald Trump elected President on a platform that includes marginalizing Muslims, brown people, transgender persons, and persons with disabilities.
- Feb. 2020: In his State of the Union address, President Trump uses the theme of "how the West was won" to reinforce (white) American exceptionalism.
- May 2020: The police-involved killing of George Floyd spawns rage across America, dramatically changing the conversation around racism and the need for real change. Will real change happen?
- September 2020: President Trump issues an executive order banning the teaching of core DEI principles at federal agencies and any other agencies/organizations that receive federal funding or oversight. The net

effect: a chilling that affects many private businesses as well. The executive order was later rescinded by the Biden/Harris Administration.

- 2021: Five states enact legislation to ban the teaching of CRT while another 16 state legislatures considered bans in one form or another.

V. What You Can Do

America is experiencing a series of historical events aimed at suppressing critical facts about its history. The people engaged in the suppression are incredibly well organized; however, this doesn't mean that you are without tools and things to rebut that suppression. Here are some things that you can do:

- Understand that the push is to elect intolerant people/agents of suppression to local school boards and smaller governmental entities. Attend school board/city government meetings and label claims around Critical Race Theory as "suppression"; remind educators that it's their job to prepare students to be good citizens—understanding our horrific history on how white-color people have treated people who are "Other" is an important part of one's basic education.
- Consider running for your local school board or city council. Yes, that's a lot of work but if you don't do it, who will?
- Incorporate the word, "suppression" into your everyday vocabulary. Efforts to pushback at DEI training because it might be "too controversial" or "make people feel uncomfortable" or "we run the risk of losing team members" should be labelled exactly for what they are: suppression of ideas/concepts we need to understand in order to radically change the landscape in America.
- Reach out to local service organizations like Rotary, the Optimists or the Lions and ask to speak about the importance of DEI concepts/training.
- Speak at your church, mosque or synagogue about DEI concepts/training and enlist volunteers to promote those concepts within the membership.
- Support elected officials—at all political levels—who understand the importance of DEI concepts/training. Approach those officials to see if they would sponsor a training event.
- Review your organization's lobbying practices and policies—is the organization giving money to groups/organizations that are critical of CRT/DEI concepts and ideas? Enlist allies to change those giving practices.
- Enlist family members, neighbors, and friends to publicly talk (via social media or within their organizations) about the dangers of banning CRT and DEI trainings.
- Understand the interrelationship between the CRT controversy and efforts to suppress voting across America—they are both aimed at preserving the white power structure.
- Raise a ruckus in general. Our country is at risk—if we lose our history, we will lose our future. Remember John Lewis's admonition: make "good trouble."

VI. Resources/Reading

- NBC News, "Map: See Which States Have Passed Critical Race Theory Bills," June 17, 2021 <https://www.nbcnews.com/news/nbcblk/map-see-which-states-have-passed-critical-race-theory-bills-n1271215>
- National Park Service, National Historic Landmarks Program, "Civil Rights in America: Racial Voting Rights," 2009 https://www.nps.gov/subjects/tellingallamericansstories/upload/CivilRights_VotingRights.pdf
- Minnesota Department of Education, "Equitable Access to Excellent and Diverse Educators," <https://education.mn.gov/MDE/dse/equitdiv/>
- CNN Politics, "Seventeen States Have Enacted 28 New Laws Making it Harder to Vote," June 30, 2021 <https://www.cnn.com/2021/06/30/politics/voter-suppression-restrictive-voting-laws/index.html>
- *The Atlantic*, Ibram X. Kendi, "There is No Debate Over Critical Race Theory," July 9, 2021, <https://www.theatlantic.com/ideas/archive/2021/07/opponents-critical-race-theory-are-arguing-themselves/619391/>
- *Politico*, Gary Peller, "Opinion/I've Been a Critical Race Theorist for 30 Years. Our Opponents Are Just Proving Our Point for Us," July 11, 2021 <https://www.politico.com/news/magazine/2021/06/30/critical-race-theory-lightning-rod-opinion-497046>
- CNN, Elliot C. McLaughlin, "Critical Race Theory is a Lens. Here Are 11 Ways Looking Through It Might Refine Your Understanding of History," May 27, 2021, <https://www.cnn.com/2021/05/27/us/critical-race-theory-lens-history-crt/index.html>
- A snapshot into the mind of a CRT critic: *New York Post*, Christopher Rufo, "What Critical Race Theory is Really About," May 6, 2021, <https://nypost.com/2021/05/06/what-critical-race-theory-is-really-about/>

VII. Summary

As a country, we are at a critical crossroads. We'll either go forward to a new era of equity or we'll find ourselves falling backward, possibly at the expense of our democracy—the status quo is simply untenable. What we do now as DEI professionals can impact how things turn out. We implore you to think and act boldly and imaginatively. To paraphrase Bobby Kennedy, small individual drops of courage can combine to create a great river of hope and change!

Now is the time to be brave!

Respectfully submitted,

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