The Heritage Foundation

BACKGROUNDER
No. 3567 | DECEMBER 7, 2020

Critical Race Theory, the New Intolerance, and Its Grip on America

Jonathan Butcher and Mike Gonzalez

KEY TAKEAWAYS

Critical Race Theory makes race the prism through which its proponents analyze all aspects of American life.

CRT underpins identity politics, which reimagines the U.S. as a nation riven by groups, each with specific claims on victimization.

CRT's intolerance can be found in schools, the workplace, and the entertainment sector, "normalizing" belief in systemic racism for the average American.

As its name should make abundantly clear, Critical Race Theory (CRT) is the child of Critical Theory (CT), or, to be more precise, its grandchild. Critical Theory is the immediate forebearer of Critical *Legal* Theory (CLT), and CLT begat CRT. As we discuss in this *Backgrounder*, however, there are strong thematic components linking CT, CLT, and CRT. Among these are:

- The Marxist analysis of society made up of categories of oppressors and oppressed;
- An unhealthy dollop of Nietzschean relativism, which means that language does not accord to an objective reality, but is the mere instrument of power dynamics;

- The idea that the oppressed impede revolution when they adhere to the cultural beliefs of their oppressors—and must be put through re-education sessions;

- The concomitant need to dismantle all societal norms through relentless criticism; and

- The replacement of all systems of power and even the descriptions of those systems with a worldview that describes only oppressors and the oppressed.

Far from being merely esoteric academic exercises, these philosophies have real-life consequences.

CRT scholars likely cite CLT, not CT, as their genesis: "Critical race theory builds on the insights of two previous movements, critical legal studies and radical feminism," wrote one of architects of CRT, Richard Delgado, with his wife, Jean Stefancic, in perhaps the most widely read primer on CRT, *Critical Race Theory, An Introduction*.[1] Angela P. Harris—also a major early figure of CRT—agrees, though she attributes co-parentage to a different source. She said:

> For me, Critical Race Theory (CRT) began in July of 1989, at the First Annual Workshop of Critical Race Theory at St. Benedict's Center, Madison, Wisconsin. CRT looked like a promise: a theory that would link the methods of Critical Legal Studies [CLS] with the political commitments of "traditional civil rights scholarship" in a way that would revitalize scholarship on race and correct the deconstructive excesses of CLS.[2]

This strong political commitment is at the core of CRT. Americans should defend civil rights, and we should actively work to eliminate racism in the U.S. and anywhere it exists—but as we document in this *Backgrounder*, these noble aims are *not* the stated intentions of CRT's founders. Harvard academic Derrick A. Bell, the recognized godfather of the CRT movement, does not mince words in one of the essays laying out the radical aims of the theory: "As I see it, critical race theory recognizes that revolutionizing a culture begins with the radical assessment of it."[3] Critical Race Theory shares these goals with both Critical Theory and Critical Legal Theory (or Critical Legal Studies).

This report offers the following:

1. Gives a synopsis of these three related disciplines. This includes an explanation of how CRT specifically affects Americans today and a discussion of how CRT's ideas support the concept of identity politics and blend the ideas of victimization, group identity, and political action together, leading to a divisive civic and political culture.

2. Explains how the Black Lives Matter organizations built an aggressive political movement on CRT's racially focused ideas—ideas apologists can use to justify violent riots.

3. Discusses ways policymakers and educators are integrating CRT into K–12 instruction.

4. Traces the roots of the school shooting in Parkland, Florida, in 2018 to a school policy dealing with student discipline that is being used by CRT advocates and researchers.

5. Explains that the free speech crisis on college campuses today is the application of CRT's and CT's core tenets.

6. Discusses CRT's impact on the workplace and diversity trainings, some of which pressure employees to become activists or to discuss controversial topics in the workplace.

7. Offers examples of how entertainers—actors, critics, and others—are using CRT's ideas to influence decision-making in Hollywood.

8. Provides policy recommendations that are aimed at restoring the concepts of judging people not by the color of their skin but by their conduct and the need to protect liberty so that everyone, regardless of ethnicity or background, has the opportunity to pursue the American Dream.

Critical Theory

The origins of Critical Theory can be traced to the 1937 manifesto of the Institute for Social Research in Frankfurt, colloquially known as the Frankfurt School. One of the first examples of what has come to be called the Western Marxist schools of thought, the Institute modeled itself on the Moscow-based Marx-Engels Institute. Originally, the school's official name was going to be

the *Institut fur Marxismus* (Institute for Marxism), but, ever desirous of downplaying their Marxist roots, its founders thought it prudent to adopt a less provocative title, according to one of the best histories of the school's work and of Critical Theory itself, *The Dialectical Imagination*, by Martin Jay.[4]

Critical Theory was, from the start, an unremitting attack on Western institutions and norms in order to tear them down. This attack was aimed only at the West. Even though the manifesto, titled Traditional and Critical Theory, was written at the height of Joseph Stalin's purges, show trials, and famines, the school "maintained an almost complete official silence about events in the USSR," according to Jay.[5] The manifesto, written by the school's second director, Max Horkheimer, claimed that traditional theory fetishized knowledge, seeing truth as empirical and universal. Critical theory, on the other hand, "held that man could not be objective and that there are no universal truths."[6]

This relativism was inherited from Friedrich Nietzsche and filtered through the dialectics of Georg Friedrich Hegel and his best-known disciple, Karl Marx. The Frankfurt School philosophers believed that "a true epistemology must end the fetish of knowledge as such, which as Nietzsche demonstrated, leads to abstract systematizing," wrote Jay.[7] As for their Marxism, three years earlier, Horkheimer had let his true feelings for the Soviet state be known in a collection of short essays known as *Dammerung* (in German, both "dawn" and "twilight"). "He who has eyes for the meaningless injustice of the imperialist world, which in no way is to be explained by technical impotence, will regard the events in Russia as the progressive, painful attempt to overcome this injustice," he wrote.[8]

Critical Theory, and the Frankfurt School in general, were thus a renaissance of Hegelian thought and of the revolutions that had taken place as a result in 1848—repackaged for a now-industrialized Germany. "To trace the origins of Critical Theory to their true source would require an extensive analysis of the intellectual ferment of the 1840s, perhaps the most extraordinary decade in 19th century German intellectual history," wrote Jay.[9] He adds, "It can be argued that the Frankfurt School was returning to the concerns of the Left Hegelians of the 1840s. Like that first generation of critical theorists, its members were interested in the integration of philosophy and social analysis."[10]

Critical Theory and Its Early Applications

In the context of the era, Critical Theory's demolition of Western traditions and norms was nothing less than a tool to implement the counter-hegemony called for in the Theory of Cultural Hegemony enunciated

in the first decades of the 20th Century by Antonio Gramsci. Marx and Friedrich Engels had promised constant revolution by the workers of the world, but by the early 1930s, few had succeeded. The founder of the Italian Communist Party, Gramsci had come to believe that the workers were not revolting and overthrowing the bourgeoisie because they had bought into the belief system of the ruling class—family, nation-state, the capitalist system, and God. What was needed was struggle sessions in which the revolutionary vanguard would teach the workers how to think. But first the norms needed to be torn down. That is where Critical Theory—and, as we will see, all its offshoots—come in.

Horkheimer and the other Frankfurt scholars left Germany to escape the Third Reich, fleeing first to Geneva, then to New York, where Columbia University allowed them to set up camp in 1935 at Teachers' College. In the United States they developed the same disdain for the American worker that Gramsci had felt for his Italian counterpart. "They insist unwaveringly on the ideology by which they are enslaved," Horkheimer wrote with another Frankfurt School scholar, Theodor Adorno, about the American worker.[11] After the defeat of the Nazi regime, Horkheimer, Adorno, and the others were able to return to Germany. But they left behind Horkheimer's assistant, Herbert Marcuse, who became one of the leading spokesmen of the New Left.

A witness to the upheavals caused by the riots and violence associated with the Civil Rights era and the anti–Vietnam War Movement, Marcuse discovered in them a new agent of change: minorities, of which more categories would need to be created. "Underneath the conservative popular base is the substratum of the outcasts and outsiders, the exploited and persecuted of other races and other colors," Marcuse wrote. They would still need to be led ideologically—"their opposition is revolutionary even if their consciousness is not"—but the potential to stoke grievances among them was there in a way that did not exist with workers as a category.[12]

Critical Legal Theory

It is at this point that Critical Legal Theory takes over. Its scholars self-consciously acknowledge their debt to Critical Theory and other Marxist movements that came before the Frankfurt School. "Although CLS has been largely contained within the United States, it was influenced to a great extent by European philosophers, such as Karl Marx, Max Weber, Max Horkheimer, Antonio Gramsci, and Michel Foucault," reads the entry for CLT in the Cornell Law School's Legal Information Institute.[13]

The Cornell entry for Critical Legal Studies explains:

> Critical legal studies (CLS) is a theory which states that the law is necessarily intertwined with social issues, particularly stating that the law has inherent social biases. Proponents of CLS believe that the law supports the interests of those who create the law. As such, CLS states that the law supports a power dynamic which favors the historically privileged and disadvantages the historically underprivileged. CLS finds that the wealthy and the powerful use the law as an instrument for oppression in order to maintain their place in hierarchy.[14]

Then comes the kicker: "Many in the CLS movement want to overturn the hierarchical structures of modern society[,] and they focus on the law as a tool in achieving this goal."

Just as with Critical Theory, Critical Legal Theory is, then, an instrument to overturn society for those who follow its tenets, this time from a legal perspective. The law, they argue, is simply the cultural hegemony codified in statutes and defended by a jurisprudence that aims to support the powerful against the claims of the marginalized. CLT proponents trace their founding to the first Conference on Critical Legal Studies, held at the University of Wisconsin at Madison in 1977. Among its main theorists figure Duncan Kennedy, Roberto Mangabeira Unger, and Robert W. Gordon.[15]

In a 2002 essay, Kennedy acknowledges the debt Critical Legal Theory owes to both Marxism and post-modernism (championed by a mostly Parisian set of intellectuals who preached that texts could be "deconstructed" by the reader, a complicated philosophical concept that involves reinterpreting words to replace ideas based on objective physical existence), two separate critiques of bourgeois reality that nevertheless can rub uneasily against each other. "Critical legal studies," he writes, "operates [sic] at the uneasy juncture of two distinct, sometimes complementary and sometimes conflicting enterprises, which I will call the left and the modernist/post-modernist projects."[16]

"Leftism aims to transform existing social structures on the basis of a critique of their injustice, and, specifically, at the injustices of racist, capitalist patriarchy. The goal is to replace the system, piece by piece or in medium- or large-sized blocs, with a better system," writes Kennedy.[17] Post-modernism is a much more complex phenomenon, but it aims at the same destruction of society as the Marxist project, starting with the use of reason itself. We can gain a sense of such complexity in Kennedy's own abstruse writing on Modernism/Postmodernism (or MPM). He explains:

> [MPM] is a critique of the characteristic forms of rightness of this same culture and aims at liberation from inner and outer experiences of constraint by reason, in the name, not of justice and a new system, but of the dialectic of system and anti-system, mediated by transgressive artifacts that paradoxically reaffirm the "higher" forms of the values they seem to traduce.[18]

Just as with Critical Theory, post-modernism borrows heavily from the Nietzschean attack on objectivity. Writes Kennedy:

> For the [MPM] project, the demand for agreement and commitment on the basis of representation with the pretension to objectivity is an enemy. The specific enemies have been the central ethical/theoretical concepts of bourgeois culture, including God, the autonomous individual choosing self, conventional morality, the family, manhood and womanhood, the nation state, humanity.[19]

CLT scholars also display an awareness of the rising identity groups that Marcuse identified as the new revolutionary base. Kennedy quotes approvingly his fellow university professor Cornell West as asserting the existence of an

> inchoate, scattered yet gathering progressive movement that is emerging across the American landscape. This gathering now lacks both the vital moral vocabulary and the focused leadership that can constitute and sustain it. Yet it will be rooted ultimately in current activities by people of color, by labor and ecological groups, by women, by homosexuals.[20]

Kennedy adds that "in the United States, by the end of the 1970s, with the rise of identity politics, left discourse merged with liberal discourse, and the two ideas of the rights of the oppressed and the constitutional validity of their legal claims superseded all earlier versions of rightness."[21]

Harvard's Berkman Klein Center's entry on Critical Legal Theory neatly teases out the link between the legal analysis of power relations with the emerging identity-based politics. It writes that CLT scholars:

> focused from the start on the ways that law contributed to illegitimate social hierarchies, producing domination of women by men, nonwhites by whites, and the poor by the wealthy. They claim that apparently neutral language and institutions, operated through law, mask relationships of power and control. The emphasis on individualism within the law similarly hides patterns of power relationships while making it more difficult to summon up a sense of community and human interconnection."[22]

Critical Race Theory

From there it is a short step to Critical Race Theory. Unsurprisingly, given its name, CRT makes everything about race the prism through which its proponents analyze all aspects of American life—and do so with a degree of persistence that has helped CRT impact all aspects of American life.

Derrick Bell, referenced above, the widely-acknowledged "godfather" of CRT, explains in the essay cited earlier that the work of CRT authors "is often disruptive because its commitment to anti-racism goes well beyond civil rights, integration, affirmative action, and other liberal measures."[23] Bell quotes Angela P. Harris as explaining that CRT inherits from its Critical Legal Theory ancestor the commitment to dismantle all aspects of society through unremitting criticism—and at the same time eschews the wooly deconstructionist excesses of the postmodernists and adopts the practicality of the Civil Rights movement. Bell points to theorist and professor Charles Lawrence and says he "speaks for many critical race theory adherents when he disagrees with the notion that laws are or can be written from a neutral perspective."[24] Because the law "systematically privileges subjects who are white," CRT calls for a "transformative resistance strategy."[25]

CRT's Theoretical Applications. Because CRT is so intent on real-life transformation, some aspects of post-modernism and its deconstructionism had to be jettisoned, or at least sidelined. Kimberle Crenshaw, the CRT scholar who first came up with the CRT term "intersectionality," put the need to abandon the Parisian post-modernism best when she wrote:

> While the descriptive project of postmodernism of questioning the ways in which meaning is socially constructed is generally sound, this critique sometimes misreads the meaning of social construction and distorts its political relevance.... But to say that a category such as race or gender is socially constructed is not to say that that category has no significance in our world. On the contrary, a large and continuing project for subordinated people—and indeed, one of the projects for which postmodern theories have been very helpful in thinking about—is the way power has clustered around certain categories and is exercised against others.[26]

In the end, the identity politics that CRT exists to implement was more important than salon revelries. Adherents can apply intersectionality, for example: Someone can claim to be oppressed in more than one way by citing association with more than one social group, or "axis."[27] CRT writers Patricia Hill Collins and Sirma Bilge explain that with intersectionality, "people's

lives and the organization of power in a given society are better understood as being shaped not by a single axis of social division, be it race or gender or class, but by many axes that work together and influence each other."[28] In this way, write Helen Pluckrose and James Lindsay, CRT results in people looking for "power imbalances, bigotry, and biases that it assumes must be present," which reduces everything to prejudice, "as understood under the power dynamics asserted by Theory."[29]

Of the three critical schools of thought analyzed here,[30] CRT is the least intellectually ethereal and the most explicitly political. Its use of story-telling—easy to understand fictional vignettes that seek to portray in every-day life terms the "systemic racism" that CRT scholars insist exists in America—is but one of the ways that CRT scholars seek to effect change.[31] Abstraction is to be avoided because it "smuggles the privileged choice of the privileged to depersonify [sic] their claims and then pass them off as the universal authority and the universal good."[32]

It is perhaps for this reason that CRT hardly ever identifies the Frankfurt School or its Critical Theory predecessor as an influence, only acknowledging a debt to Critical Legal Theory.[33] CRT's ceaseless assault on all American institutions and norms is pure Critical Theory, however. This assault includes the liberal order—in the classical sense, referring to Enlightenment ideas and political arrangements in which law protects individuals pursuing their own interests—something CRT scholars openly admit.

CRT and Classical Liberal Ideas

CRT's proponents, writes Bell, "are highly suspicious of the liberal agenda, distrust its method, and want to retain what they see as a valuable strain of egalitarianism which may exist despite, and not because of, liberalism."[34] This is an important departure from the original goals of the Civil Rights movement, which sought to redeem America's promise by calling for color-blind equality. "Unlike traditional civil rights discourse, which stresses incrementalism and step-by-step progress, critical race theory questions the very foundations of the liberal order, including equality theory, legal reasoning, Enlightenment rationalism, and neutral principles of constitutional law," acknowledges Delgado.[35]

The radical egalitarianism obviously clashes with strong protections of property rights and any notion of equal protection under the law. These are not the only liberal rights to be thrown overboard. Freedom of speech is also in CRT's sights. "Being committed to 'free speech' may seem like a neutral principle, but it is not. Thus, proclaiming that 'I am committed equally to allowing

free speech for the KKK and 2LiveCrew' is a non-neutral value judgment, one that asserts that the freedom to say hateful things is more important than the freedom to be free from the victimization, stigma, and humiliation that free speech entails."[36] Thus we arrive at today's cancel culture.[37]

Even the idea of rights itself—the very concept upon which this country was founded—is a target of CRT. "Crits are suspicious of another liberal mainstay, namely, rights," observes Delgado, using the informal abbreviation CRT writers sometimes employ to describe themselves. The "more radical CRT scholars with roots in racial realism and an economic view of history believe that moral and legal rights are apt to do the right holder much less good than we like to think.... Think how that system applauds affording everyone equality of opportunity but resists programs that assure equality of results." Rights are "alienating. They separate people from each other—'stay away, I've got my rights'—rather than encouraging to form close, respectful communities."[38] The liberal principle that we universally derive these rights from a common humanity and human faculties we all share equally comes under the gun. Classical liberalism is "overly caught up in the search for universals," writes Delgado. What CRT proponents want is "individualized treatment—'context'—that pays attention to minorities' lives."[39] "The concepts of rights is indeterminate, vague and disutile," in Bell's words.[40]

Legal and administrative neutrality, too, is an enemy because it gets in the way of uplifting such minority voices. Also—and this is a recurring theme with all critical schools, starting with Horkheimer, if not Nietzsche—neutrality is impossible to attain. On this point, Bell cites Lawrence again:

> Charles Lawrence [a law professor] speaks for many critical race theory adherents when he disagrees with the notion that laws are or can be written from a neutral perspective. Lawrence asserts that such a neutral perspective does not, and cannot, exist—that we all speak from a particular point of view, from what he calls a 'positioned perspective.' The problem is that not all positioned perspectives are equally valued, equally heard, or equally included. From the perspective of critical race theory, some positions have historically been oppressed, distorted, ignored, silenced, destroyed, appropriated, commodified, and marginalized—and all of this, not accidentally.[41]

CRT is purposely political and dispenses with the idea of rights because it blames all inequalities of outcome on what its adherents say is pervasive racism in the United States. "White supremacy," a term that comes up repeatedly in CRT discourse and continues to be heavily used today by leaders of the Black Lives Matter organizations, must be smashed. White

supremacy does not mean an actual belief in the superiority of white people, however. It can mean anything from classical philosophers to Enlightenment thinkers to the Industrial Revolution.

One of the most famous practitioners of CRT today, Robin DiAngelo, writes in her book, *White Fragility:*

> White supremacy is a descriptive and useful term to capture the all-encompassing centrality and assumed superiority of people defined and perceived as white and the practices based on this assumption. White supremacy in this context does not refer to individual white people and their individual intentions or actions but to an overarching political, economic, and social system of domination. Again, racism is a structure, not an event. While hate groups that openly proclaim white superiority do exist and this term refers to them also, the popular consciousness solely associates white supremacy with these radical groups. This reductive definition obscures the reality of the larger system at work and prevents us from addressing this system.[42]

"I hope to have made clear that white supremacy is something much more pervasive and subtle than the actions of explicit white nationalists. White supremacy describes the culture we live in," DiAngelo writes.[43] Its use is a very successful example of the Left's use of *strategic ambiguity* in the pursuit of a rather large and ambitious goal. The target is a free-market system that rewards hard work, ability, and other virtuous traits. Other CRT terms that have specific and unique meanings when used by its practitioners are "equity," "diversity," "inclusion," and "people of color."[44] CRT speakers have also developed peculiar turns of phrase that are specific to the group; supporters are said to be "in allyship" or "in relationship." The U.S. is said to be a "carceral state."[45]

How Does Critical Race Theory Affect You?

Because of their strong political commitment to transforming the United States, CRT writers make clear that they do not intend for what happens on college campuses to stay on campus. "It is our hope that scholarly resistance will lay the groundwork for wide-scale resistance. We believe that standards and institutions created by and fortifying white power ought to be resisted," writes Bell.[46] On that score, we must pronounce CRT to have been a resounding success. CRT has broken out of the classroom and become the philosophy of wide-scale resistance. It is useful to identify a few of the ways with which it impacts the daily lives of Americans.

Identity Politics. CRT has become the academic body of work that underpins identity politics, an ongoing effort to reimagine the United States as a nation not of individuals and local communities united under common purposes, but as one riven by groups based on sex, race, national origin, or gender—each with specific claims on victimization. These identity categories correspond to Marcuse's new revolutionary base ("the substratum of the outcasts and outsiders, the exploited and persecuted of other races and other colors").[47] The identities are often artificial ones manufactured by government itself, examples being the Hispanic and Asian-American pan-ethnicities contrived in 1977 by the Office of Management and Budget (OMB), or the 31 genders approved by the New York City Commission on Human Rights.[48] Under identity politics, America is no longer a country where the individual is the central agent in society, who, because of his very existence possesses *individual* rights. Instead, membership in the official categories becomes the identity that matters when it comes to rights (mostly positive rights, not natural ones), responsibilities, and everything else. Identity politics has become the new paradigm under which many Americans now operate. Victimhood is what commands attention, respect, and entitlements, seen as compensatory justice.

CRT emerged contemporaneously with the proliferation of these identity categories in America and became the philosophical tool to implement identity politics and the attempt to transform the United States. *Race, Racism and American Law* by Derrick Bell includes toward the end a chapter for "Racism and Other Nonwhites," among whom he names for the United States the Chinese, the Japanese, and the Mexicans.[49] It was published in 1972, two years before the Census Bureau bureaucrats, under pressure from leftist activists, opened the first national racial and ethnic advisory committee.[50] Just three years later, these activists convinced the OMB to create the pan-ethnic categories.

The simultaneity was hardly coincidental: The activists who forced the bureaucracy to confect the identities also drank deeply from the well of European philosophies brought over after World War II. "The language of 'dominant' and 'subservient,' or 'subordinate,' groups, integral to Critical Theory and the Frankfurt School" pervaded the work of Julian Samora, the first founder of a Hispanic studies department at a major university, the first leader of La Raza ["The Race"] and a member of the Census Bureau's first national advisory committee on race. Samora's 1953 dissertation, titled "Minority Leadership in a Bi-Cultural Community," quotes the German-born American social psychologist Kurt Lewin, who was associated with the Frankfurt School.[51]

CRT reshaped the identitarians' thinking in new ways still and gave them newer terms to express these thoughts. Soon CRT was spawning Critical Latin Theory and other spinoffs that were identical in their approach—save for the "marginalized" subjects to be emphasized. Identity politics is difficult to challenge because it presents itself as a just demand for formerly marginalized people to claim attention and reward, but it seeks to collectivize American society; it is divisive, flouts constitutional equal protection, and represents a direct threat to republican self-rule. In all this it has found a handmaiden in CRT.

The Black Lives Matter Insurgency. The year 2020, with its protests and riots—as well as the overwhelming acceptance by the media, professional sports, corporations, the academy, and virtually all power centers, that America is irredeemably racist and must overhaul its entire system—has demonstrated that CRT's teachings have moved beyond the ivory towers and ivy walls.

How much of CRT's success has contributed to America's current obsession with race is a question that can be answered through data analysis. A separate question is how much CRT scholars, trainers, and consultants have benefitted as a result of this year's violence. The answer to the latter is, conclusively, "a lot."

Though some may think that the new scrutiny of racial explanations for all aspects of American life may have been sparked by the death under police custody of George Floyd on May 25, 2020, an analysis for the publication the *Tablet* by Zach Goldberg, a doctoral candidate at Georgia State University, in August 2020 discovered the inverse is true. He writes:

> Countless articles have been published in recent weeks, often under the guise of straight news reporting, in which journalists take for granted the legitimacy of novel theories about race and identity. Such articles illustrate a prevailing new political morality on questions of race and justice that has taken power at the [New York] Times and [Washington] Post—a worldview sometimes abbreviated as 'wokeness' that combines the sensibilities of highly educated and hyperliberal white professionals with elements of Black nationalism and academic critical race theory. But the media's embrace of 'wokeness' did not begin in response to the death of George Floyd. This racial ideology first began to take hold at leading liberal media institutions years before the arrival of Donald Trump and, in fact, heavily influenced the journalistic response to the protest movements of recent years and their critique of American society.[52]

What Goldberg discovered through regression analyses of articles is that a "rapid proliferation of articles employing the tropes of critical race theory to ascribe racial guilt in the American system represents a reckoning with white supremacy and inequality."[53] The jargon of CRT had seeped into American media, and thus into Americans' collective consciousness, years before the Trump presidency, long before Floyd's death. Goldberg explains:

> Starting well before Donald Trump's rise to power, while President Obama was still in office, terms like 'microaggression' and 'white privilege' were picked up by liberal journalists. These terms went from being obscure fragments of academic jargon to commonplace journalistic language in only a few years.... During this same period, while exotic new phrases were entering the discourse, universally recognizable words like 'racism' were being radically redefined. Along with the new language came ideas and beliefs animating a new moral-political framework to apply to public life and American society.[54]

All the beliefs that are espoused today by the three founders of the Black Lives Matter organizations (Alicia Garza, Patrisse Cullors, and Opal Tometi)—that America is institutionally/structurally/systemically racist, that its legal system protects the powerful and amounts to racism codified in statutes, that neutrality and objectivity are impossible to obtain, that "objectivity and individuality are privileges,"[55] that the gauge by which to judge America is equality of outcome, that speech and other rights must be suppressed in order to protect the marginalized—come straight from the CRT canon.

Writing about the impact that Michael Brown's death in August 2014 had on the nation, the academic James A. Lindsay observed:

> Brown's death mainstreamed Black Lives Matter and, in many respects, many of the core claims and assumptions of critical race theory throughout 2015 and 2016.... Its fundamental claim was that America was systemically racist and that this could be seen most clearly in the American police, criminal justice, and penal systems.... That none of this was true was irrelevant as Black Lives Matter mainstreamed the idea that 'lived experience' and 'lived realities' are more important arbiters of 'truth' than truth itself. These beliefs are central to the core assumption of critical race theory that 'counterstories' and narratives are more important than facts and truth where systemic racism (and other systemic oppression) is concerned. (This—storytelling, counterstory, and narrative related in service to 'politically Black' identity political goals should be forwarded over truth—is usually listed in the top five cornerstone assumptions of critical race theory.)[56]

A September 2020 report from the U.S. Crisis Monitor, which receives support from Princeton University, revealed that BLM activists were involved in 95 percent of the riots between June 2020 and September 2020 for which the identity of the perpetrator was known.[57] When the *Claremont Review*'s Charles Kesler called the disturbances "the 1619 riots" (after the CRT-influenced *New York Times* project that places slavery at the center of everything in America), the architect of the project, Nikole Hannah-Jones tweeted, "It would be an honor. Thank You."[58]

Curriculum and Action Civics in K–12 Schools. The dissemination of curricular content and instruction based on CRT in K–12 schools is second only in scope to the presence of CRT in post-secondary instruction, where CRT originated. The spread within college- and university-level syllabi and journal articles took place over the course of many decades throughout the 20th century, while the effects on K–12 schools in such areas as social studies, history, and civics have, by comparison, become visible more recently.

The material distracts educators and students away from rigorous learning content, while also teaching ideas that undermine the value of individual liberty and America's founding ideals and further embedding the concept of systemic racism in the public conscious. These distractions come at a time when state and school officials do not require enough civics-related instruction in school, and there are wide learning gaps in core subjects like reading and math between children from different ethnicities—all subjects that need more, not less, attention.

Academic literature produced in the past 20 years by educational theorists on K–12 curriculum argue that narrative stories and stories from personal experiences—hallmarks of CRT—should replace instruction about facts.[59] In a widely cited 1998 article from *Qualitative Studies in Education*, Gloria Ladson-Billings writes, "The use of voice or 'naming your reality' is a way that CRT links form and substance in scholarship." She further writes, "Much of reality is socially constructed." Aligned with the foundational ideals of CRT, Ladson-Billings says, "Critical race theory sees the official school curriculum as a culturally specific artifact designed to maintain a White supremacist master script."[60]

Notably, she closes the piece by saying, "I doubt if it [CRT] will go very far into the mainstream. Rather, CRT in education is likely to become the 'darling' of the radical left, continue to generate scholarly papers and debate, and never penetrate the classrooms and daily experiences of students of color."

She was wrong.

Districts around the country have integrated CRT into school curricula. Both of the nation's largest teacher unions support the Black Lives Matter organization, with the National Education Association specifically calling for the use of Black Lives Matter curricular materials in K–12 schools.[61] This curriculum is "committed" to ideas such as a "queer-affirming network," which have nothing to do with rigorous instructional content, and promotes racially charged essays such as "Open Secrets in First-Grade Math: Teaching about White Supremacy on American Currency."[62] As of 2018, officials in at least 20 large school districts, including Los Angeles and Washington, DC, were promoting Black Lives Matter curricular content and the organization's "Week of Action."[63] According to an *Education Week* survey in June 2020, 81 percent of teachers, principals, and district leaders "support the Black Lives Matter movement."[64] Surveys are not clear on whether the prevailing sentiment among educators is support of authentic equality among individuals or of the divisive ideas espoused within the curriculum.

State and school officials are integrating CRT material into instructional content. California Governor Gavin Newsom vetoed a bill this fall that would make an ethnic studies course a high school graduation requirement for students in the state, but work on the material saturated with CRT concepts continues. Newsom called on the state board of education to revise the curricular resources so that the materials are more "balanced,"[65] yet in his veto letter, Newsom said he was "pleased that many more schools and districts have recently joined the hundreds of schools across our state that have adopted ethnic studies courses, and we intend to support these schools with professional development resources." He has already approved a proposal that makes an ethnic studies course a graduation requirement for the state university system.[66]

As of August 2020, the draft curriculum acknowledged CRT priorities such as power and white privilege, including statements such as, "Ethnic studies courses address race within the context of how white dominated culture impacts racism" and educators can "create and utilize lessons rooted in the four foundational disciplines alongside the sample key themes of (1) Identity, (2) History and Movement, (3) Systems of Power, and (4) Social Movements and Equity."[67] The curriculum has an entire section devoted to intersectionality, the CRT concept explained earlier that allows someone to claim victimhood based on his or her identification with more than one group (such as being from a minority ethnicity, a lower economic class, and identifying with a specific gender), accelerating a search for "power imbalances" in society.[68]

As of this writing, the California Department of Education and state board continue to revise the curriculum in anticipation of a March 2021 release, even if the material is not yet required for graduation.[69] In a review of the draft materials, Williamson Evers, former U.S. Education Department official and member of the California State Academic Standards Commission, wrote in the *Wall Street Journal*, "The revised model curriculum in California portrays capitalism as oppressive and gives considerable weight to America's socialist critics."[70] He further says, "The proponents of critical ethnic studies are so insulated by Marxism and identity politics that they miss insights from other fields."

The Seattle Public School Board has also included critical ethnic studies in its activities. In 2017, the board adopted a resolution that led to the creation of an "Ethnic Studies Task Force" that called for a decolonizing of school curricula, saying,

> [T]he School Board acknowledges the academic research that associates the overwhelming dominance of Euro-American perspectives in textbooks, curricula and instruction and marginalization of scholarship and accomplishments by people of color as contributors to disengagement from academic learning of many students of color.[71]

In the description of ethnic studies that the task force drafted, the documentation included CRT buzzwords and phrases, such as "[c]ritical analysis of the source and perspective of knowledge…analysis and critique of systems of oppression, historically and currently—to include colonialism, racism, patriarchy, and capitalism," and the "[o]bjective of examining and dismantling White supremacy and institutional racism."[72] The task force's notes emphasize that the course is not just "a graduation requirement of [a] 'tacked on' elective," which appears to suggest that students should have regular interactions with the course and its ideas.

In Ohio, the state board of education adopted a resolution listing the different achievement gaps between students from different backgrounds and then stating that the board "shall offer training to Board members to identify our own implicit biases so that we can perform our duties to the citizens of Ohio without racial bias" and "require training for all state employees and contractors working with the Department of Education to identify their own implicit biases"—resolutions that have nothing to do with instruction or improving student achievement.[73] The resolution also called on the state department of education to review its curriculum and make recommendations for changes "as necessary to eliminate bias."[74]

To their credit, the board has since invited Ian Rowe, charter school leader and co-founder of 1776 Unites, an organization dedicated to upward mobility, to offer a perspective that counters these ideas during one of their meetings.[75] The Ohio Department of Education removed an "Anti-Racist Allyship Starter Pack" that was posted on its website this year after complaints about racially charged material.[76]

Still, this focus on narratives and social issues comes at a time when 82 percent of black fourth graders read at or below what is considered a "basic" level, below the goal for what students should know at this grade, on a national comparison.[77] This figure is 28 percentage points below the same measure for white students. In 2010, Pew Center research reported the staggering statistic that more black men ages 20–34 without a high school diploma are in prison than employed, which means educators are disadvantaging minority youth when they steer K–12 schools away from rigorous content and toward "naming your reality."[78]

CRT scholarship on teaching methods is also used to advocate activism, which is dangerous considering the movement's preference for personal narratives over knowledge and historical facts. The Obama Administration supported such activism in its 2012 report "Advancing Civic Learning and Engagement in Democracy: A Road Map and Call to Action." In the report, then-Education Secretary Arne Duncan called for a focus on "action civics" instead of "just rote memorization of names, dates, and processes."[79] Organizations such as the Sunrise Movement and Generation Citizen, along with the Mikva Challenge at Chicago Public Schools (CPS), to name a few, have promoted action civics in the years since the report's release.[80]

Curricular content for action civics range from encouraging students to volunteer in their community to suggesting that teachers assign students, even elementary-age students, material that advocates for unionizing workers and protesting against "gentrification," complex subjects even for adults to consider.[81] While the CPS efforts endorsed anti-bullying and "School Beautification" projects, the district also advocated for student projects protesting "Police Brutality" and "LGBTQ Awareness," as well as several walk-outs and sessions to train students to speak to the media about guns and a "Keeping It Reel Film Project" that dealt with "transgender rights."[82]

Some school systems have applied action civics to teaching disruptive protests. Seattle Public Schools include recommended reading material on its district website that says responses to the tragic death of George Floyd are "violent and destructive" because "police officers and the National Guard themselves are initiating violence" and "White Americans have a long, storied history of violence and destruction in this country."[83]

The MacIver Institute in Wisconsin reports that in the 2019–2020 school year, at least five marches were endorsed by school districts across the state, taking students out of the classroom to protest climate change and immigration policies and advocate for Black Lives Matter activities and gun control, to name a few.[84] The action civics group Generation Citizen has sponsored student projects to advocate for "more stringent mental health and social tolerance tests for NYPD [New York Police Department] applicants"—and ban the use of plastic bags in Rhode Island retail stores, among others.[85]

Again, if this civic instruction was a call for more volunteer work or was somehow aligned with core subjects in which minority students still lag behind their peers, such instruction would be admirable. Yet research on student achievement in civics finds that students are woefully underprepared to understand civic participation and the functions of our nation's government. Seventy-six percent of 8th graders scored at or below a basic level in civics on the most recent national comparison.[86] According to iCivics, "[O]nly nine states require a full year of civic education in high school," and 10 states have no such requirement. Thirty-one states only require civics to be taught for one semester.[87] Just under half of all Americans cannot name all three branches of government, according to the Annenberg Public Policy Center at the University of Pennsylvania.[88]

Teacher training steeped in critical theory (called "critical pedagogy") demands action, however, which, when paired with the denunciation of facts described above, begs the question of how students are supposed to know what kind of action is appropriate and what is not.

After the Trump Administration supported policies that drew attention to the problems with CRT in education and the so-called anti-racism training of the federal workforce, two associate professors wrote in *Education Week* that the U.S. Department of Education should not reject CRT but "should ensure principals and teachers learn how it can be applied to address long-standing educational inequities" and "encourage federal agencies and public schools to embrace critical race theory."[89] Parents, teachers, and policymakers concerned about CRT in schools are faced with significant challenges because some educators are determined to keep CRT in classrooms.

School Discipline and Disparate Impact Theory. What do school safety and the devastating school shooting that took the lives of 17 students and staff at a high school in Parkland, Florida, have to do with CRT? Quite a bit, in fact. Marjory Stoneman Douglas High School in Broward County, near Parkland, was one of the first school districts in the nation to embrace a school discipline policy that aimed to reduce the suspension and expulsion

("exclusionary discipline") of minority students.[90] Like many of the other cursory explanations of public policies or social trends linked to CRT, Broward County school administrators' stated intent to reduce minority student interactions with police sounds well-intentioned. No one wants a child to be mistreated, and we certainly do not want a student to be treated unfairly because of his or her race.

But as with the other examples offered in this *Backgrounder*, the foundational ideas behind Broward's PROMISE student discipline plan and other student behavior interventions that are meant to reduce the so-called school-to-prison pipeline align with CRT—and lead to negative outcomes for students, including minority students. In school discipline, the roots trace to the concept of "disparate impact," a legal theory that says any policy that is neutral on its face in regard to the treatment of individuals from different ethnicities is still discriminatory if that policy results in disproportionate outcomes for individuals of various ethnicities or attributes (such as minority students or individuals with special needs).[91]

A significant body of legal research and court opinions has been dedicated to advocating the dubious legal theory of disparate impact. Disparate impact seeks to make unlawful entirely neutral, color-blind policies that may have a disproportionate impact on members of different ethnicities. The theory originated in the Civil Rights movement and employment law, but today spans many policy areas, from housing to health care, with much in between.[92] For the purposes of student discipline, though, so-called social justice advocates have claimed that uniform, color-blind school discipline policies that suspend or expel students based on specific misbehavior result in disparate impacts for minority students.[93] Some school district administrators' solution, such as those in Broward County, Buffalo Public Schools, Baltimore schools, and other large districts across the country, is to limit the use of exclusionary discipline on minority students, regardless of the nature of a student's actions that may have instigated an educator's disciplinary response and considering *only* the child's race.

This is the point at which school discipline meets CRT. School officials have adopted policies that treat students differently according to race, viewing policy through a racial lens. Here, it does not matter that white students are disciplined more than Asian students or that higher levels of classroom misbehavior can be found in urban areas where there are concentrations of minority students from disadvantaged backgrounds and single-parent homes. For the policy, all that matters is that black and Hispanic students are disciplined more than white students, which according to this theory, demonstrates that implicit bias causes disproportionate levels of discipline.[94]

Academic research in CRT confirms this theorized connection. In a 2014 article for the *UCLA Law Review* entitled "Exclusion, Punishment, Racism and Our schools: A Critical Race Theory Perspective on School Discipline," David Simson says, "[R]acial stigmatization, stereotyping, and implicit biases that are based on a long history of racial prejudice in the United States continue to infuse seemingly objective standards of what is considered appropriate behavior, as well as the practices—such as punitive school discipline—that are used to enforce such standards."[95] Simson claims "advocates will have to rely on alternative strategies to soften and to reverse the negative impact that punitive school discipline imposes on students, especially minority students." Laurence Parker and David O. Stovall also made the connection in "Actions Following Words: Critical Race Theory Connects to Critical Pedagogy" in a 2004 issue of *Educational Philosophy and Theory*. They write, "The connection between critical race theory and education would entail linking teaching and research to general practical knowledge about institutional forces that have a disparate impact on racial minority communities."[96]

Empirical researchers, those studying the data on student discipline according to race, also cite a link between CRT and their work. Russell Skiba, a noted researcher in this area of study, was a co-author of "You Can't Fix What You Don't Look at: Acknowledging Race in Addressing Racial Discipline Practices," in which he and his co-authors wrote,

> Schools will make the progress if data open a door to reflective and critical conversations about the ways in which school processes, adult actions, and adult interactions with students may contribute to disciplinary outcomes. Sustaining a critical conversation about race patterns means asking questions about the full set of interactions that produce disparate patterns; about how race factors in to [sic] how adults react to students, and how students react to adults; about which false or harmful notions about "races" we carry around with us as we interact; and even when and how thinking of other human beings in terms of race is helpful.[97]

The authors here are not referring to critical thinking in the traditional academic sense of evaluating different possible answers to a question; instead they mean "critical" in the deconstructive sense from the field of CRT.

A federal appeals court ruling in 1997, however, said that school discipline policies based on disparate impact result in disciplinary quotas that "violate equity in its root sense. They entail either systematically over-punishing the innocent or systematically under-punishing the guilty. They place race at

war with justice."[98] The highest court has not yet ruled specifically against disparate impact.[99]

Nevertheless, the Obama Administration praised the Broward County program and based a federal directive on school safety and student discipline in 2014 on the idea of disparate impact, adopting many of the recommended student discipline policies from Broward's program.[100] The Administration threatened to withhold federal education spending from schools that reported high rates of exclusionary discipline among minority students, resulting in school district officials around the country limiting educators' ability to maintain order in the classroom.

While zero-tolerance policies that suspended or expelled students with little review of a particular incident can be too harsh, research finds that limiting exclusionary discipline keeps disruptive and even dangerous students in the classroom. Research finds this policy puts the peers of disruptive students at risk—and correlates with lower academic achievement outcomes for affected students. Educators also report more dangerous school environments in systems using such policies.[101]

Broward County's PROMISE program and memorandum of understanding with local police were the central documents and policy ideas applying CRT and creating a district-wide culture of limiting student contact, especially minority student contact, with law enforcement—even when students committed actions that endangered others.[102] In the memorandum, for example, the school district and law enforcement posited that "across the country, students of color, students with disabilities, and LGTBQ students are disproportionately impacted by school-based arrests for the same behavior as their peers," demonstrating racial, as well as victimization, reasoning behind the program.[103]

As a result, the school district's PROMISE program was not designed to refer the troubled former student who committed the horrific acts at Marjory Stoneman Douglas High School in February 2018 to law enforcement in the *years* prior to the incident. The former student, who is white, had a long list of prior infractions and was sent to participate in the PROMISE program in middle school.[104] Still, the shooter did not have a record with law enforcement that would have prevented him from owning a gun.[105]

Whether the fault lies with the execution of the PROMISE program or bureaucratic failures by school district officials, the fact remains that Broward school administrators worked with law enforcement and intentionally created a culture that limited student interaction with police and exclusionary discipline. School districts around the country, such as Minneapolis and Milwaukee, are still using such policies, and officials directly state that the

plans are meant to limit the exclusionary discipline of minority students.[106] And while disparate impact predated the founding of CRT, CRT advocates in education are applying this legal theory today to limit teachers' ability to make decisions based on student behavior—policies that consider students in groups according to skin color, disregarding the importance of individual actions.[107]

All of which led to a devastating, fatal result in Parkland.

Free Speech on College Campuses. Since CRT originated in post-secondary institutions, it comes as no surprise that some of the most intolerant manifestations of CRT are found on university campuses. College grounds have been the home to protests for decades, but many in the current generation of rioters are determined to have their ideas heard and not allow others to express themselves, even sometimes resorting to violence. Further, activist students and their allies issue demands to school administrators that attempt to exercise power over those in positions of authority.

A recent example comes from the State University of New York at Binghamton. In November 2019, disruptive students attacked a College Republicans' display, destroying the flyers and papers on the table, then overturning the tables, all while threatening the students who had set up the display.[108] Not only did the rioters want to oppose the ideas being displayed, they did not want those ideas to even be available for consideration by anyone else.

Rioters were determined to do this again just days later, when the College Republicans and Young America's Foundation (YAF) invited the noted economist Arthur Laffer to speak on campus. Campus officials offered students who disagreed with YAF and Laffer a lecture hall in which to hold their own event, but the rioters chose instead to block Laffer's lecture. Rioters used physical force to demonstrate their power and shouted down the speaker, standing on desks and screaming until police intervened and stopped the entire event.[109]

While school administrators did not enforce consequences on the disruptive students, school officials did commit resources to an initiative that will scrutinize campus police activities in response to the death of Jacob Blake in Kenosha, Wisconsin.[110] Notwithstanding that the Laffer shout-down happened on the Binghamton campus and involved enrolled students—while the Blake incident took place in an entirely different state—university leaders said they recognized "protestors" calling for "racial justice" as part of an incident that had nothing to do with what was happening on campus.

The common refrain from progressive observers is that conservative students are the only ones who complain about speech-related incidents.[111]

This can be easily refuted, however, by citing statements from groups like the SUNY-Binghamton College Democrats who condemned this shout-down, even though they disagreed with College Republicans on policy issues.[112] Shout-downs such as this are not a partisan issue, but an indication of a specific worldview that aligns with CRT and its progenitor, Critical Theory, which rioters have adopted.

Other examples clearly illustrate the connection between shout-downs on campus and CRT. In April 2018, Columbia University students marched to the school library and made demands taken straight from the writings of CRT theorists. The students wanted to "decolonize Columbia" and "demanded the University replace or rename statues, make its curriculum more diverse, increase faculty diversity, recognize the debt owed to marginalized peoples, such as the Lenape people [Native American tribes that lived in the northeast], and recognize the decision by graduate students to unionize."[113] In a show of force and disregard for authority, students ignored Law School Dean Yadira Ramos-Herbert, who told students they were in violation of school rules and directed them to leave so that students could study.

Over the past decade, events such as these have occurred at colleges around the country, sometimes involving the shout-down of a university president (such as at Duke and the University of Oregon) or the occupation of or damage to large areas of a campus surrounding a professor or invited speaker's remarks (such as at Evergreen State College and the University of California-Berkley in 2017).[114] Observers must note the language and terms students used during these campus takeovers are pulled directly from CRT.

At Evergreen, a self-described progressive institution, rioting students intimidated Professor Bret Weinstein during the spring of 2017, gathering around Weinstein and chanting, "[W]e want to dismantle the anti-blackness campus-wide, [sic] we want to give some sense of solidarity and provide safety."[115] Weinstein's offense was objecting to an unofficial campus policy of requiring white individuals not to come to campus for a day.[116] The Evergreen saga is powerfully documented in a series of videos created by Mike Nayna that make for terrifying viewing. Rioting students occupied administrative buildings, at one point trapping the school president in his office and only allowing him to use the bathroom under escort.

Yale students and faculty made headlines in 2015 when students demanded the removal of two professors. One of these faculty, noted early childhood scholar Erika Christakis, wrote an e-mail to the school community suggesting the school administration's guidelines regarding Halloween costumes deserved more consideration and might be "heavy-handed."[117]

Angry students confronted Erika's husband, Nikolas, saying the school was "no longer a safe space," with another student saying the professor's words were an "act of violence," an idea drawn from Critical Theory that words and discourse create reality and therefore can cause physical harm.[118] Offended students drew from CRT's language and ideas in a written response to Erika's e-mail, saying the school itself suffers from "intolerable racism that students of color experience everyday," then touched on intersectionality by saying Yale has a "long history of racism...which has disproportionately harmed women of color."[119]

Again, such demands from a college community are becoming more common. Hundreds of Princeton faculty sent a letter to the university president earlier this year laced with CRT language. "Anti-Blackness is foundational to America," the letter says and asks the administration to "support us in this effort to disrupt the institutional hierarchies perpetuating inequity and harm."[120] A group of students at Sarah Lawrence calling themselves the "Diaspora Coalition" occupied a building on campus in 2019 and issued a list of wide-ranging demands that included a "mandatory first-year orientation session about intellectual elitism and classism," along with more free laundry soap.[121]

While CRT literature does not demand laundry services, its denunciation of free speech and classical liberal values that allow anyone, regardless of the color of his or her skin or family background, to live in a civil society are serious. Helen Pluckrose and James Lindsay write in *Cynical Theories*, "Certain views—academic views—shared by professionals—are considered too dangerous or even 'violent' to be allowed a platform."[122] Indeed, in 1968, Critical Theorist Herbert Marcuse wrote that society should only be tolerant of the ideas from oppressed groups, and that conservative ideas should be repressed. Marcuse wrote:

> It should be evident by now that the exercise of civil rights by those who don't have them presupposes the withdrawal of civil rights from those who prevent their exercise, and that liberation of the Damned of the Earth presupposes suppression not only of their old but also of their new masters.... Withdrawal of tolerance from regressive movements before they can become active; intolerance even toward thought, opinion, and word, and finally, intolerance in the opposite direction, that is, toward the self-styled conservatives, to the political Right—these anti-democratic notions respond to the actual development of the democratic society which has destroyed the basis for universal tolerance.[123]

CRT writers applied this idea to their area of study. Richard Delgado wrote in 1994, "We are raising the possibility that the correct argument may sometimes be: the First Amendment condemns [the suppression of speech, even hate speech], therefore the First Amendment (or the way we understand it) is wrong."[124] Still more pointedly, Delgado and Jean Stefancic write in *Critical Race Theory: An Introduction*, "If one is an idealist, campus speech codes, tort remedies for racist speech, diversity seminars, and increasing the representation of black, brown, and Asian actors on television shows will be high on one's list of priorities."[125] Again, remember CRT founder Derrick Bell's comment cited earlier in this *Backgrounder* that CRT scholarship should incite rebellion and "most critical race theorists are committed to a program of scholarly resistance, and most hope scholarly resistance will lay the groundwork for wide-scale resistance."[126]

In addition to CRT's central tenets of disrupting systems of power and destabilizing classical liberal civil and political structures, CRT and Critical Theory object to free speech as a cornerstone of society. The themes and logical responses from CRT proponents are echoed by students who shout down professors, guest speakers, and even other students at colleges across the country.

The Workplace and CRT Trainings. The CRT-influenced trainings that are often seen in America's workplaces and schools are little more than modern-day versions of the struggle sessions that Gramsci recommended for European workers in 1920s, in the sense that they seek to replace what its practitioners see as a "cultural hegemony" with a "counter-hegemony." A well-known example of this indoctrination came in 2020 from the National Museum for African American History and Culture, a Smithsonian institution. Until President Trump and others criticized it, forcing administrators to take it down, the museum ran an "anti-racist" chart that disparaged "hard work" and "cause and effect relationships" and criticized ideas such as "hard work is the key to success," "work before play," and "objective, rational linear thinking," saying these are attributes of "white dominant culture, or whiteness."[127]

But even after taking down the racist chart, the museum continued to host this web portal on "whiteness."[128] It says, among other things, that "[w]hiteness and the normalization of white racial identity throughout America's history have created a culture where nonwhite persons are seen as inferior or abnormal."

Other examples of CRT training in the federal workforce include the Treasury Department holding a session telling employees that "virtually all White people contribute to racism" and the Department of

Homeland Security hosting a training on "microaggressions, microinequities, and microassaults," in which white employees were told that they had been "socialized into oppressor roles."[129]

Nor are the efforts to subvert society limited to the federal workforce. The Society for Human Resources Management (SHRM), the lobbying arm of human resource (HR) professionals, uses empathetic language in its descriptions of diversity training sessions, such as making work "a place where we, our members, and our business community can bring our unique professional talents to stand together against all forms of social injustice."[130] No one wants injustice to exist in the workplace—or anywhere—but SHRM's training materials follow the design of other modern-day applications of CRT. The SHRM is influential, noting in its promotional material that the organization has over 300,000 human resource and business executive members in 165 countries—and impacts some 115 million workers.[131]

So employers and employees alike should be concerned when its "Conversation Starters" initiative contains verbiage found in CRT scholarship, such as "unconscious bias."[132] Examples of this text include the organization's survey finding that "52 [percent] of organizations have provided or plan to provide new training on implicit/unconscious bias, equity, inclusion, or other diversity-related topics," followed by guided questions such as: What types of new training has your organization provided on implicit/unconscious bias, equity, inclusion, or other diversity-related topics? Have you sought out guidance or education on how to address your own implicit/unconscious bias?

The SHRM's survey reports that "60 percent of HR professionals believe organizations have a responsibility to take a stance on important social/societal issues and to communicate that position," which can put those who are not comfortable having such work conversations in compromising positions. While SHRM's encouragement to "listen and ask thoughtful questions" and "invite a colleague to coffee" are reasonable, organizations should not pressure employees to become activists or look for examples of unconscious bias.

The SHRM reports that 68 percent of black HR professionals "would decrease or have decreased the amount of goods or services purchased from a company that remained silent on the topic of racial injustice," again, pushing the singular view of systemic oppression from the perspective of CRT into the business sector.

As for the consultant class itself, the leading ones are all also cut from the CRT cloth. Robin DiAngelo, who charges up to $75,000 for speaking fees, is described in the book cover for her best seller, *White Fragility*, as "an academic, educator, and author working in the fields of critical discourse analysis and whiteness studies."[133] In her book, DiAngelo writes, "All

progress we have made in the realm of civil rights has been accomplished through identity politics.... This book is unapologetically rooted in identity politics."[134]

School district officials are also paying for diversity trainings. In Virginia, Fairfax County Public Schools paid one of the leading voices in the social justice movement, Ibram X. Kendi, $20,000 to speak before district employees.[135] Local news reported that the payment is equal to $300 per minute "at a time when people are scrambling for funds to address how to navigate distance learning and in-person learning for students." Nearby, in Montgomery County, Maryland, the school board has proposed paying the Mid-Atlantic Equality Consortium $454,680 to conduct an "anti-racist audit" that will examine "Workforce Diversity," "Work Conditions," and a "K–12 Curriculum Review."[136] The Washington, DC, public school district says some 2,000 district employees have participated in diversity training programs hosted by the training group Courageous Conversations.[137]

Despite these rich rewards, many of the main practitioners of these CRT trainings—certainly the most famous ones, including DiAngelo, Kendi, Darnisa Amante-Jackson, Glenn E. Singleton, and others—advocate abandoning capitalism, as all Critical Schools have for almost a century now.

CRT's writers insist that capitalism is a system that rewards only Western traits. In a long *New York Times Magazine* profile in July 2020, Amante-Jackson was described as "all but utopian as she envisioned a movement away 'from capitalist, Western' ideals and described a future education system that would be transformed: built around students' 'telling their stories and listening to the stories of others.'"[138] In the same article, DiAngelo is quoted as saying, "Capitalism is so bound up with racism...capitalism is dependent on inequality, on an underclass. If the model is profit over everything else, you're not going to look at your policies to see what is most racially equitable." In his book, *How to Be an Anti-Racist*, Kendi strongly condemns capitalism: "Capitalism is essentially racist; racism is essentially capitalist. They were birthed together from the same unnatural causes, and they shall one day die together from unnatural causes."[139] Despite their expressed desire to eradicate capitalism, DiAngelo addressed 184 Democratic members of the House of Representatives in June 2020, and Kendi's work is used by the National Museum of African American History and Culture, a Smithsonian Institution.[140]

Media and Entertainment. More evidence that CRT's proponents are not satisfied to leave any part of mainstream life untouched by the dogmas of intolerance and identity politics can be found in Hollywood. Writing in the *Telegraph*, sociologist Emma Dabiri said actress Zoe Saldana was not "black

enough" to play singer Nina Simone in a movie. (Simone's surviving family members also said Saldana was not black enough.)[141] Dabiri uses the parlance of CRT, saying "race has been constructed by our society," and "I am always sensitive to the advantages I might have in comparison with darker[-]skinned black women, because the truth is there is a huge difference in how society treats us." Dabiri misses the irony that her article criticizes Saldana for not being black enough, criticism that led Saldana to apologize in 2020 for taking the role, four years after the movie was released.[142]

Such incidents are increasingly common, as Douglas Murray explains in *The Madness of Crowds*.[143] Critics have lobbed race-based screeds at actors such as Armie Hammer for simply being white and an actor, Murray explains. Reviewers criticized actress Scarlett Johansson for playing "an Asian woman's consciousness inside a white android" in the science fiction film *Ghost in the Shell* with the naysayers seemingly unwilling to suspend belief—even when watching a science fiction film.[144] At least these performers were able ply their trade. In 2018, so-called social justice observers publicly shamed Sierra Boggess, a Caucasian actress, for accepting the role of Maria in a BBC production of *West Side Story*. Boggess turned down the role in the wake of the criticism.[145]

Earlier this year, Kristen Bell and Jenny Slate, two high-profile actresses, announced that they would not play mixed-race characters—in cartoons.[146] Slate voiced a character whose fictional mother is Jewish and white, as Slate is personally. But since the character is also black, Slate says, "Black characters on an animated show should be played by Black people." The Bell-Slate announcement is another clear example of how intersectionality—not meritocracy, nor color-blindness—propels decision-making in entertainment, regardless of whether the actors and actresses are aware of the worldview underpinning their choices.

In entertainment, as well as the education and workforce sectors of society, CRT is well-established, driving decision-making according to skin color, and not because of individual value and talent. Furthermore, as CRT advocates express dogmas based in identity politics and other Critical Theory components in mainstream publications, the appearance of these concepts becomes more familiar to the viewing public, helping CRT proponents to "normalize" intolerance and the idea of systemic racism for the average viewer.

Policy Recommendations

- **Critical Race Theory and identity politics should not drive the government's creation of categories through the Census and other surveys.** The government *at all levels* should get out of the

business of creating official identity categories, without which identity politics would wither away. It should go back to asking citizens for national origin, language spoken in the home, etc.—actual facts, not synthetic concoctions. It could also introduce questions on family structure (i.e., whether there is both a mother and a father in house, how many children were born in non-intact families, etc.).

- **The federal government should not support so-called diversity trainings that claim the presence of Critical ideas such as "unconscious bias."** Federal officials should keep in place President Trump's Executive Order eliminating CRT trainings in the federal workforce and among federal contractors and use its bully pulpit to encourage the private sector to similarly discontinue these counter-productive "trainings."[147]

- **Parents should know what is being taught in their children's K–12 schools.** State policymakers should require that public schools make their curricular resources available to the public. Parents and taxpayers should have access to the material that teachers are using in the classroom. Some charter schools provide models to follow and already make these resources available.[148] Such transparency will help families as they make decisions about how and where their children learn by evaluating the offerings of different schools and education institutions.

- **Federal directives should not micromanage local schools' student discipline policies.** Federal officials should not allow for the reinstatement of the Obama Administration's 2014 "Dear Colleague" Letter on disparate impact, and policymakers should review other sections of federal law to remove the concept of disparate impact.[149] For example, disparate impact theory is included in the Individuals with Disabilities Education Act (IDEA), the federal law governing services and spending for children with special needs in public schools.[150] The Obama Administration further embedded this idea in IDEA's regulations at the end of his Administration.

  Federal, state, and local officials should allow educators and parents to work together to evaluate disciplinary incidents according to the circumstances and actions involved. School districts should not be required to maintain certain quotas of students who do or do not face exclusionary discipline.

- **State policymakers must protect free speech on public college campuses—especially when college administrators do not.** State lawmakers should consider proposals that require public university systems to provide student orientation sessions discussing free speech on campus. Policymakers in Alabama, Arizona, Georgia, North Carolina, and Wisconsin have models that other state officials should follow.[151] State officials should also require public university governing boards to create policies that require university administrators to sanction *anyone* in a university community, including students, that violate someone else's expressive rights, up to and including suspension and expulsion. Administrators should refer violations of the law to law enforcement, but university officials should protect expressive rights through the enforcement of school codes of conduct.

Conclusion

Critical Race Theory began as an academic concept, but we can find the ideas all around us today, from schoolhouses to the corporate world to Hollywood. Racism and intolerance should have no place in America, but CRT is more than just a philosophical objection to discrimination. When followed to its logical conclusion, CRT is destructive and rejects the fundamental ideas on which our constitutional republic is based.

No nation, not even America, is perfect, but as Abraham Lincoln said in his address to the Young Men's Lyceum of Springfield in 1838, "There is no grievance that is a fit object of redress by mob law." We must restore the "temple of liberty...with other pillars, hewn from the solid quarry of sober reason."[152] Our generation, and every generation, must "let the proud fabric of freedom rest" upon the ideas of liberty, "a reverence for the constitution and laws," and the pursuit of a civil society that offers freedom and opportunity to all Americans, regardless of the color of their skin.[153]

Jonathan Butcher is Senior Policy Analyst in the Center for Education Policy, of the Institute for Family, Community, and Opportunity, at The Heritage Foundation. **Mike Gonzalez** is Senior Fellow in the Douglas and Sarah Allison Center for Foreign Policy, of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, and the Angeles T. Arredondo E Pluribus Unum Fellow at The Heritage Foundation.
Allison Hayman of The Heritage Foundation's Young Leaders Program contributed to this report.

Appendix

Critical Race Theory: A movement that is "a collection of activists and scholars interested in studying and transforming the relationship among race, racism, and power."[154]

De-colonialism: An "applied postmodern mind-set" that believes "we must devalue white, Western ways of knowing for belonging to white Westerners and promote Eastern ones (in order to equalize the power imbalance."[155]

Disparate Impact: An approach to civil rights enforcement that claims that an entirely neutral policy that does not discriminate on its face, is not intended to discriminate, and does not actually treat individuals differently based on their race *still* constitutes illegal racial discrimination if it has a "disproportionate" statistical effect among different racial and ethnic groups.[156]

Diversity: Diversity is desirable when it obtains organically as a result of meritocracy. Numerous reports show that companies with women and people from various demographic backgrounds in leadership out-earn companies without them. In one such report this year, McKinsey & Company found that "the relationship between diversity on executive teams and the likelihood of financial outperformance has strengthened over time."[157]

What CRT adherents always mean when they use the term, however, is *enforced* diversity through the use of mandated or recommended quotas. This cannot but lead to worse outcomes if it results in the hiring of less-competent workforce or management. It is also coercive. To pretend, as Ibram X. Kendi does, that "[a] racist policy is any measure that produces or sustains racial inequity between racial groups. An antiracist policy is any measure that produces or sustains racial equity between racial groups," is to demand quotas in hiring, admissions, contracting, etc.[158]

Equity: The *Merriam-Webster Dictionary* defines equity as "justice according to natural law or right, specifically: freedom from bias or favoritism."[159]

This meaning has been completely inverted in today's usage. Today, equity has come to mean the opposite of equality. Again, we have Kendi to help us: "The defining question is whether the discrimination is creating equity or inequity. If discrimination is creating equity, then it is antiracist. If discrimination is creating inequity, then it is racist. Someone reproducing inequity through permanently assisting an overrepresented racial group into wealth and power is entirely different than someone challenging that inequity by temporarily assisting an underrepresented racial group into relative wealth and power until equity is reached. The only remedy to racist discrimination is antiracist discrimination."[160]

Equity, then, means inequality of treatment. Kris Putnam-Walkerly and Elizabeth Russell of the Putnam Consulting Group see equity as something even approaching the Marxian "to each according to his needs." They write that equity is "different from 'equality,' in which everyone has the same amount of something (food, medicine, opportunity) despite their existing needs or assets. In other words, whether you are two feet tall or six, you still get a five-foot ladder to reach a 10-foot platform." Equity, to them, "is about each of us getting what we need to survive or succeed—access to opportunity, networks, resources, and supports—based on where we are and where we want to go."[161]

Intersectionality: A term that refers to the "multiple social forces, social identities, and ideological instruments through which power and disadvantage are expressed and legitimized."[162]

Minorities: This term has evolved to include now the idea of "collective victimization" and is intricately tied to identity politics, which is a political project of the Left. This was not always the case, however. The modern-day usage of this word does not appear in a dictionary until 1961.[163] In the 18th century, James Madison and the other Founding Fathers used the term to mean those political factions who were numerically inferior to an ideological majority. In the 19th and early 20th centuries, the term was used to refer to ethnic minorities in Europe, especially those of the polyglot Ottoman, Russian, and Hapsburg empires.

The sociologist Philip Gleason says the media in 1929 mentioned "disgruntled minorities," such as "growling Ruthenians" and "scowling Macedonians," suggesting that "Americans found the spectacle of national minority bickering distasteful."[164] In 1938, the U.S. Supreme Court used something close to the modern definition of the term when Justice Harlan Stone asked in footnote four of the *U.S. v. Carolene Products* decision (but leaving the question unanswered) whether "prejudice against discrete and insular minorities may be a special condition, which tends seriously to curtail the operation of those political processes ordinarily to be relied upon to protect minorities, and which may call for a correspondingly more searching judicial inquiry."[165] This is known as the "most famous footnote in law" because it introduced the concept of strict scrutiny.

Louis Wirth, a German-born American sociologist and urbanist associated with the Frankfurt School is credited with defining the term in the modern American meaning for the first time in 1945, in a foundational essay in which he stated: "We may define a minority as a group of people who, because of their physical or cultural characteristics, are singled out by the others in the society in which they live for differential and unequal

treatment, and who therefore regard themselves as objects of collective discrimination. The existence of a minority in a society implies the existence of a corresponding dominant group enjoying higher social status and greater privileges." He cited "the Negro, the Indian, and the Oriental," as well as "Catholics, Jews, and Mormons" as examples of minorities in the United States.[166]

People of Color: This is one of the newest terms in the lexicon. In one of the most comprehensive accounts on the origin of such terms as minorities, Gleason speculates that it "owes part of its appeal to its implicit restriction of the special status accorded 'designated minorities' to those distinguished by a racially linked phenotypical feature."[167] In an eye-opening op-ed in *The New York Times* in 2020—eye-opening because of what it said and where it was published—Haney Lopez and Tory Gavito reported on a survey they had just concluded, writing that, "Progressives commonly categorize Latinos as people of color, no doubt partly because progressive Latinos see the group that way and encourage others to do so as well. Certainly, we both once took that perspective for granted. Yet in our survey, only one in four Hispanics saw the group as people of color. In contrast, the majority rejected this designation. They preferred to see Hispanics as a group integrating into the American mainstream, one not overly bound by racial constraints but instead able to get ahead through hard work."[168]

White Supremacy: The term "white supremacy" can be confusing because it can mean an actual belief in the superiority of white people, in which case it is despicable. However, it is nearly *always* employed to mean something much larger—anything from classical philosophers to Enlightenment thinkers to the Industrial Revolution. It is constantly used in CRT discourses, yet hardly ever defined. Robin DiAngelo does helpfully supply something close to a definition, one in which she tells us that employing the term to define, say, the KKK, is "reductive" and obscures the entirety of the system.

"White supremacy," she writes, "is a descriptive and useful term to capture the all-encompassing centrality and assumed superiority of people defined and perceived as white and the practices based on this assumption. White supremacy in this context does not refer to individual white people and their individual intentions or actions but to an overarching political, economic, and social system of domination." She further states, "While hate groups that openly proclaim white superiority do exist and this term refers to them also, the popular consciousness solely associates white supremacy with these radical groups. This reductive definition obscures the reality of the larger system at work and prevents us from addressing this system.... I

hope to have made clear that white supremacy is something much more pervasive and subtle than the actions of explicit white nationalists. White supremacy describes the culture we live in."

Endnotes

1. Richard Delgado and Jean Stefancic, *Critical Race Theory: An Introduction*, 3rd ed. (New York, NY: New York University Press, 2017), p. 5.
2. Angela P. Harris, "Foreword: The Jurisprudence of Reconstruction," *California Law Review*, Vol. 82, No. 4. (July 1994), p. 741, https://www.jstor.org/stable/3480931?seq=1 (accessed December 3, 2020).
3. Derrick A. Bell, "Who's Afraid of Critical Race Theory?" *University of Illinois Law Review*, Vol. 1995, No. 4 (1995), p. 893, https://sph.umd.edu/sites/default/files/files/Bell_Whos%20Afraid%20of%20CRT_1995UIllLRev893.pdf (accessed December 3, 2020).
4. Martin Jay, *The Dialectical Imagination* (New York and Toronto: Little, Brown & Company, 1977), p. 20.
5. Ibid.
6. Mike Gonzalez, *The Plot to Change America* (New York: Encounter Books, 2020), p. 129.
7. Jay, *The Dialectical Imagination*, p. 69.
8. Ibid., p. 19.
9. Ibid., p. 41.
10. Ibid., p. 42.
11. Max Horkheimer and Theodor W. Adorno, *Dialectic of Enlightenment: Philosophical Fragments*, Gunzelin Schmid Noerr, ed., Edmund Jephcott, trans. (Stanford, CA: Stanford University Press, 2002), p. 106.
12. Herbert Marcuse, *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society* (Boston: Beacon Press, 1991), pp. 256–257.
13. Cornell Law School, "Critical Legal Theory," https://www.law.cornell.edu/wex/critical_legal_theory (accessed December 3, 2020).
14. Ibid.
15. Duncan Kennedy and Karl E. Klare, "A Bibliography of Critical Legal Studies," *Yale Law Journal*, Vol. 94, No. 461 (1984), http://www.duncankennedy.net/documents/Photo%20articles/A%20Bibliography%20of%20cls.pdf (accessed December 3, 2020).
16. Duncan Kennedy, excerpt of *Left Legalism/Left Critique* (Durham, NC: Duke University Press, 2002), http://www.duncankennedy.net/documents/The%20Critique%20of%20Rights%20in%20cls.pdf (accessed December 3, 2020).
17. Ibid.
18. Ibid.
19. Ibid.
20. Ibid.
21. Ibid.
22. "Critical Legal Studies Movement," https://cyber.harvard.edu/bridge/CriticalTheory/critical2.htm (accessed December 3, 2020).
23. Bell, "Who's Afraid of Critical Race Theory?" p. 899.
24. Ibid.
25. Ibid, p. 901–902.
26. Kimberle Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," *Stanford Law Review*, Vol 43. No. 6 (July 1991), p. 1296, https://is.muni.cz/el/1423/jaro2017/SPR470/um/68138626/Crenshaw_1991.txt (accessed December 3, 2020).
27. Helen Pluckrose and James Lindsay, *Cynical Theories* (London: Swift Press, 2020), p. 127.
28. Ibid., p. 127, and Patricia Hill Collins and Sirma Bilge, *Intersectionality* (Cambridge: Polity Press, 2018).
29. Pluckrose and Lindsay, *Cynical Theories*, p. 128.
30. There are others, such as "Lat-Crit" for Latinos, "Critical Pedagogy" for teachers, etc.
31. We discuss the use of such narratives in the section on K–12 schools *infra*.
32. Bell, "Who's Afraid of Critical Race Theory?" p. 901.
33. Delgado mentions only Gramsci as a source that CRT draws from, and Gramsci was not a formal member of the school.
34. Ibid., p. 899.
35. Delgado and Stefancic, *Critical Race Theory: An Introduction*, p. 3.
36. Bell, "Who's Afraid of Critical Race Theory?" p. 902.
37. For more on this topic, see the section discussing free speech on campus *infra*.

38. Delgado and Stefancic, *Critical Race Theory: An Introduction*, pp. 28–29.
39. Ibid., p. 65.
40. Bell, "Who's Afraid of Critical Race Theory?" p. 900.
41. Ibid., p. 901.
42. Robin DiAngelo, *White Fragility* (Boston: Beacon Press, 2018), p. 28.
43. Ibid., pp. 28, 33.
44. See glossary *infra*.
45. See, for example, "Angela Davis and BLM Co-Founder Alicia Garza in Conversation Across Generations," Youtube, January 23, 2017, https://www.youtube.com/watch?v=_gqGVni8Oec (accessed December 3, 2020). The exchange on "Democracy Now" was between Black Lives Matter leader Alicia Garza and former Communist Party USA member Angela Davis.
46. Ibid.
47. Marcuse, *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society*.
48. Office of Management and Budget, "Directive No. 15: Race and Ethnic Standards for Federal Reporting Statistics and Administrative Reporting," 1977, https://wonder.cdc.gov/wonder/help/populations/bridged-race/directive15.html#:~:text=This%20Directive%20provides%20standard%20classifications,administrative%20reporting%20and%20statistical%20activities (accessed December 3, 2020). See also New York City Commission on Human Rights, "Gender: Identity, Expression," https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/GenderID_Card2015.pdf (accessed December 3, 2020).
49. Derrick Bell, *Race, Racism and American Law* (Philadelphia, PA: Aspen, 1972).
50. Mike Gonzalez, "The Divisive Consequences of the Census Bureau's Advisory Committee on Race," Heritage Foundation *Commentary*, August 16, 2018, https://www.heritage.org/civil-society/commentary/the-divisive-consequences-the-census-bureaus-committee-race.
51. Mike Gonzalez, *The Plot to Change America* (New York, NY: Encounter Books, 2020), p. 29.
52. Zach Goldberg, "How the Media Led the Great Racial Awakening," *Tablet*, August 2020. https://www.tabletmag.com/sections/news/articles/media-great-racial-awakening (accessed December 3, 2020).
53. Ibid.
54. Ibid.
55. Sandee LaMotte, "Robin DiAngelo: How 'White Fragility' Supports Racism and How Whites Can Stop It," CNN, June 7, 2020, https://www.cnn.com/2020/06/07/health/white-fragility-robin-diangelo-wellness/index.html (accessed December 3, 2020).
56. James A. Lindsay, "Social Justice Usage," New Discourses, November 14, 2020, https://newdiscourses.com/tftw-black-lives-matter/ (accessed December 3, 2020) (emphasis added).
57. Armed Conflict Location and Event Data, "Demonstrations and Political Violence in America: 2020," https://acleddata.com/2020/09/03/demonstrations-political-violence-in-america-new-data-for-summer-2020/ (accessed December 3, 2020).
58. See Charles Kesler, "Call Them the 1619 Riots," June 19, 2020, *New York Post*, https://nypost.com/2020/06/19/call-them-the-1619-riots/ (accessed December 3, 2020), and Allison Schuster, "Nikole Hannah-Jones Endorses Riots and Toppling of Statues as a Product of 1619 Project," *The Federalist*, June 20, 2020, https://thefederalist.com/2020/06/20/nikole-hannah-jones-endorses-riots-and-toppling-statues-as-a-product-of-the-1619-project/ (accessed December 3, 2020).
59. See, for example, Laurence Parker and David O. Stovall, "Actions Following Words: Critical Race Theory Connects to Critical Pedagogy," *Educational Philosophy and Theory*, Vol. 36, No. 2 (2004).
60. Gloria Ladson-Billings, "Just What Is Critical Race Theory and What Is It Doing in a *Nice* Field Like Education?" *Qualitative Studies in Education*, Vol. 11, No. 1 (1998), pp. 7–24, https://doi.org/10.1080/095183998236863 (accessed December 3, 2020).
61. American Federation of Teachers, "AFT Resolution: Confronting Racism and in Support of Black Lives," 2020, https://www.aft.org/resolution/confronting-racism-and-support-black-lives (accessed December 3, 2020), and National Education, "Black Lives Matter at School: Resources," https://neaedjustice.org/black-lives-matter-school-resources/ (accessed December 3, 2020).
62. See Black Lives Matter at School, "Black Lives Matter at School Week of Action 2019 Educator Reading, Viewing, and Website List," https://docs.google.com/document/d/12F4qfXxiXZdTKN8Mo0PPZq6ckJH8bAVmaQgktQN3DS4/edit (accessed December 3, 2020), and Black Lives Matter at School, "13 Guiding Principles," https://www.blacklivesmatteratschool.com/13-guiding-principles.html (accessed December 3, 2020).
63. Coshandra Dillard, "Black Lives Matter Week of Action," Teaching Tolerance, December 4, 2018, https://www.tolerance.org/magazine/black-lives-matter-week-of-action (accessed December 3, 2020).
64. Holly Kurtz, "Educators Support Black Lives Matter, But Still Want Police in Schools, Survey Shows," *Education Week*, June 25, 2020, https://www.edweek.org/ew/articles/2020/06/25/educators-support-black-lives-matter-but-still.html (accessed December 3, 2020).

65. John Fensterwald, "Gov. Newsom Vetoes Requirement for Ethnic Studies Course in High School," EdSource, October 1, 2020, https://edsource.org/2020/gov-newsom-vetoes-requirement-for-ethnic-studies-course-in-high-school/640877 (accessed December 3, 2020).
66. Office of Governor Gavin Newsom, letter vetoing Assembly Bill 331, September 30, 2020, https://www.gov.ca.gov/wp-content/uploads/2020/09/AB-331.pdf (accessed December 3, 2020).
67. California State Board of Education, "Meeting Agenda," Attachment 3: The Model Curriculum, August 13, 2020, https://www.cde.ca.gov/be/cc/cd/aug2020iqcagenda.asp (accessed December 3, 2020).
68. California Department of Education, "ESMC Second Field Review," Appendix B: Sample Lessons and Topics, https://www.cde.ca.gov/ci/cr/cf/esmc2ndfieldreview.asp (accessed December 3, 2020), and Pluckrose and Lindsay, *Cynical Theories*, pp. 127–128.
69. Ja'Nel Johnson, "State to Release Ethnic Studies Recommendations for School Curriculums [sic]," November 6, 2020, https://www.abc10.com/article/news/education/state-to-release-ethnic-studies-recommendations-for-school-curriculums/103-6d00a5a7-9655-479a-b9c9-c241a1522a11 (accessed December 3, 2020).
70. Williamson Evers, "'Critical' Ethnic Studies Returns to California," *Wall Street Journal*, August 27, 2020, https://www.wsj.com/articles/critical-ethnic-studies-returns-to-california-11598568504 (accessed December 3, 2020).
71. Seattle Public School Board, "School Board Action Report," June 5, 2017, https://www.seattleschools.org/UserFiles/Servers/Server_543/File/District/Departments/task_forces/ethnic-studies/Approved-Board-Action-Report-20170705-Ethnic-studies.pdf (accessed December 3, 2020).
72. Seattle Public School Board, "SPS Ethnic Studies Task Force: Proposed Recommendation to the Board: 'Ethnic Studies: What It Is, What It's Not,'" p. 3, June 2, 2017, https://www.seattleschools.org/UserFiles/Servers/Server_543/File/District/Departments/task_forces/ethnic-studies/Ethnic_Studies_Task_Force_BoardRecommendation.pdf (accessed December 3, 2020).
73. Ohio State Board of Education, "Resolution to Condemn Racism and to Advance Equity and Opportunity for Black Students, Indigenous Students, and Students of Color," July 14, 2020, http://education.ohio.gov/getattachment/State-Board/State-Board-Reports-and-Policies/Equity_Resolution.pdf.aspx?lang=en-US (accessed December 3, 2020).
74. Ibid.
75. 1776 Unites, "About Ian Rowe," https://1776unites.com/essays/author/ianrowe/ (accessed December 3, 2020), and Ohio State Board of Education, "September 2020 Minutes," September 22, 2020, http://education.ohio.gov/getattachment/State-Board/State-Board-Meetings/State-Board-Meetings-for-2020/Sept-21-22-2020-Meeting-Minutes-Final.pdf.aspx?lang=en-US (accessed December 3, 2020).
76. Max Eden, "Smashing 'Whiteness' in the Classroom," City Journal, October 26, 2020, https://www.city-journal.org/ohio-education-department-antiracist-training (accessed December 3, 2020).
77. National Center for Education Statistics, "NAEP Report Card: Reading; National Achievement-Level Results," https://www.nationsreportcard.gov/reading/nation/achievement/?grade=4 (accessed December 3, 2020), and National Assessment Governing Board, "What Are NAEP Achievement Levels and How Are They Determined?" https://www.nagb.gov/content/nagb/assets/documents/naep/achievement-level-one-pager-4.6.pdf (accessed December 3, 2020).
78. Bruce Western and Becky Pettit, *Collateral Costs: Incarceration's Effect on Economic Mobility*, Pew Charitable Trusts, 2010, p. 4, https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pcs_assets/2010/collateralcosts1pdf.pdf (accessed December 3, 2020).
79. U.S. Department of Education, "Advancing Civic Learning and Engagement in Democracy: A Road Map and Call to Action," January 2012, https://www.ed.gov/sites/default/files/road-map-call-to-action-accessible.pdf (accessed December 3, 2020).
80. Sunrise Movement, https://www.sunrisemovement.org/?ms=SunriseMovement (accessed December 3, 2020); Generation Citizen, https://generationcitizen.org (accessed December 3, 2020); and Chicago Public Schools, "Mikva Challenge: Action Civics Showcase," May 22, 2018, https://mikvachallenge.org/wp-content/uploads/2018/10/Action-Civics.pdf (accessed December 3, 2020).
81. Bree Picower, "Using Their Words: Six Elements of Social Justice Curriculum Design for the Elementary Classroom," *International Journal of Multicultural Education*, Vol. 14, No. 1 (2012), https://ijme-journal.org/ijme/index.php/ijme/article/viewFile/484/677 (accessed December 3, 2020).
82. Chicago Public Schools, "Mikva Challenge."
83. Courtney Martin, "Answering White People's Most Commonly Asked Questions About the Black Lives Matter Movement," The Bold Italic, June 1, 2020, https://thebolditalic.com/where-do-i-donate-why-is-the-uprising-violent-should-i-go-protest-5cefeac37ef9 (accessed December 3, 2020).
84. MacIverNews, "Questionable Curriculum: Schools Walk Out on Education," MacIver Institute, July 2, 2020, https://www.maciverinstitute.com/2020/07/questionable-curriculum-schools-walk-out-on-education/ (accessed December 3, 2020).
85. Generation Citizen, "A Positive Voice for Politics," 2015, pp. 14–15, https://generationcitizen.org/wp-content/uploads/2016/04/GC_Annual_Report_FY15.pdf (accessed December 3, 2020).
86. "Achievement-Level Results," The Nation's Report Card, https://www.nationsreportcard.gov/civics/results/achievement/ (accessed December 4, 2020).
87. "A Project of iCivics," CivXNow, 2019, https://civxnow.org/sites/default/files/basic_page/CivXNow%20Policy%20Menu%20-%20FINAL.pdf (accessed December 3, 2020).

88. Annenberg Public Policy Center, "Annenberg Civics Knowledge Survey," https://www.annenbergpublicpolicycenter.org/political-communication/civics-knowledge-survey/ (accessed December 3, 2020).
89. David E. DeMatthews and Terri N. Watson, "No, Critical Race Theory Isn't 'Anti-American,'" *Education Week*, October 5, 2020, https://www.edweek.org/ew/articles/2020/10/07/no-critical-race-theory-isnt-anti-american.html (accessed December 3, 2020).
90. Broward County Public Schools, "Promise," https://www.browardschools.com/cms/lib/FL01803656/Centricity/Domain/6947/promiseflyer.pdf (accessed December 3, 2020).
91. U.S. Department of Justice and U.S. Department of Education, "Joint 'Dear Colleague' Letter, Rescinded," January 8, 2014, https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html (accessed December 3, 2020).
92. For a history of disparate impact, see Roger Clegg and Hans A. von Spakovsky, "'Disparate Impact' and Section 2 of the Voting Rights Act," Heritage Foundation *Legal Memorandum* No. 119, March 17, 2014, http://thf_media.s3.amazonaws.com/2014/pdf/LM119.pdf, and Susan D. Carle, "A Social Movement History of Title VII Disparate Impact Analysis," *Florida Law Review*, Vol. 63, No. 1 (2010), pp. 251–300, https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1095&context=facsch_lawrev (accessed December 3, 2020).
93. U.S. Department of Justice and U.S. Department of Education, "Joint 'Dear Colleague' Letter."
94. U.S. Department of Education and U.S. Department of Justice, *Indicators of School Crime and Safety: 2018*, April 2019, https://nces.ed.gov/pubs2019/2019047.pdf (accessed December 3, 2020). See also Gail Heriot, "Threatening Teachers' Ability to Control Their Classrooms," *Washington Times*, July 30, 2019, https://www.washingtontimes.com/news/2019/jul/30/threatening-teachers-ability-control-their-classro/ (accessed December 3, 2020).
95. David Simson, "Exclusion, Punishment, Racism, and Our Schools: A Critical Race Theory Perspective on School Discipline," *UCLA Law Review*, Vol. 61, No. 506 (2014), https://heinonline.org/HOL/LandingPage?handle=hein.journals/uclalr61&div=12&id=&page= (accessed December 3, 2020).
96. Laurence Parker and David O. Stovall, "Actions Following Words: Critical Race Theory Connects to Critical Pedagogy," *Educational Philosophy and Theory*, Vol. 36 No. 2 (2004), p. 8, https://www.tandfonline.com/doi/abs/10.1111/j.1469-5812.2004.00059.x (accessed December 3, 2020).
97. Prudence Carter et al., "You Can't Fix What You Don't Look At: Acknowledging Race in Addressing Racial Discipline Disparities," Atlantic Philanthropies, December 2014, pp. 5–6, https://www.atlanticphilanthropies.org/wp-content/uploads/2015/09/Acknowledging-Race_121514.pdf (accessed December 3, 2020).
98. *People Who Care v. Rockford Board of Education*, 111 F.3d 528 (7th Cir. 1997).
99. See *Alexander v. Sandoval*, 532 U.S. 275, 278 (2001); *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265 (1978); *Guardians Assn. v. Civil Serv. Comm'n of New York City*, 463 U.S. 582 (1983); *Alexander v. Choate*, 460 U.S. 287 (1985); and Hans von Spakovsky and Jonathan Butcher, "Misusing 'Disparate Impact' to Discriminate Against Students in School Discipline," Heritage Foundation *Legal Memorandum*, No. 271, September 29, 2020, https://www.heritage.org/sites/default/files/2020-09/LM271_0.pdf.
100. U.S. Department of Justice and U.S. Department of Education, "Joint 'Dear Colleague' Letter," and news release, "Educators Gather at the White House to Rethink School Discipline," U.S. Department of Education, July 22, 2015, https://www.ed.gov/news/press-releases/educators-gather-white-house-rethink-school-discipline (accessed December 3, 2020).
101. For a review of this research, see von Spakovsky and Butcher, "Misusing 'Disparate Impact' to Discriminate Against Students in School Discipline," and Max Eden, "Safe and Orderly Schools: Updated Guidance on School Discipline," Manhattan Institute Report, March 2019, https://media4.manhattan-institute.org/sites/default/files/R-ME-0319.pdf (accessed December 4, 2020).
102. Advancement Project, "Proposed Memorandum of Understanding Between the School District and Police Department," p. 10, https://advancementproject.org/wp-content/uploads/2017/11/6000bf7319fcc5e333_xvm6b2l1j.pdf (accessed December 3, 2020). Broward County's memorandum is provided in the appendix.
103. Ibid.
104. Scott Travis and Megan O'Matz, "Broward Schools Backtrack on Gunman Nikolas Cruz's Promise Program Connection," *Sun-Sentinel*, May 7, 2018, https://www.sun-sentinel.com/local/broward/parkland/florida-school-shooting/fl-florida-school-shooting-cruz-promise-20180507-story.html (accessed December 3, 2020), and "Red Flags: The Troubled Path of Accused Parkland Shooter Nikolas Cruz," *Washington Post*, March 10, 2018, https://www.washingtonpost.com/graphics/2018/national/timeline-parkland-shooter-nikolas-cruz/ (accessed December 3, 2020).
105. Bart Jansen, "Florida Shooting Suspect Bought Gun Legally, Authorities Say," *USA Today,* February 15, 2018, https://www.usatoday.com/story/news/2018/02/15/florida-shooting-suspect-bought-gun-legally-authorities-say/340606002/ (accessed December 3, 2020).
106. Milwaukee Public Schools, "Discipline," https://mps.milwaukee.k12.wi.us/en/Families/Family-Services/Discipline.htm (accessed December 3, 2020), and Minneapolis Public Schools, "Positive School Wide Engagement," https://equity.mpls.k12.mn.us/pswe (accessed December 3, 2020).
107. Parker and Stovall, "Actions Following Words."
108. *Federal Register*, "Notice of Investigation and Records Requests, Document: 2020-21649," September 30, 2020, https://www.federalregister.gov/documents/2020/09/30/2020-21649/notice-of-investigation-and-record-requests (accessed December 3, 2020).
109. *Federal Register*, Vol. 85, No. 190 (September 30, 2020), pp. 61732–61736.

110. State University of New York Binghamton, "Campus Citizen Review Board to Review University Police Department's Policies, Procedures, Actions, and Resources," August 26, 2020, https://www.binghamton.edu/president/statements.html (accessed December 3, 2020).

111. Zach Beauchamp, "The Myth of a Campus Free Speech Crisis," Vox, August 31, 2018, https://www.vox.com/policy-and-politics/2018/8/31/17718296/campus-free-speech-political-correctness-musa-al-gharbi (accessed December 3, 2020).

112. Cayla Harris, "Senator Cancels Binghamton University Visit as Political Unrest Rattles Campus," *Times Union*, November 19, 2019, https://www.timesunion.com/news/article/State-senator-cancels-visit-to-Binghamton-14846056.php (accessed December 3, 2020).

113. Emma Buzbee, "Protestors Storm Butler Demanding 'Decolonization' of Curriculum, Campus Monuments," *Columbia Spectator*, April 25, 2018, https://www.columbiaspectator.com/news/2018/04/25/protesters-storm-butler-demanding-decolonization-of-curriculum-campus-monuments/ (accessed December 3, 2020).

114. For a review of campus shout-downs, see Jonathan Butcher, "Conserve Free Speech on Campus," in Lindsey M. Burke and Jonathan Butcher, eds., *The Not-So-Great Society* (Washington, DC: The Heritage Foundation, 2019), pp. 223–230, and Jonathan Butcher, "Executive Order to Protect Free Speech on Campus Recognizes Ongoing Challenge," Heritage Foundation *Issue Brief* No. 4942, March 27, 2019, https://www.heritage.org/sites/default/files/2019-03/IB4942.pdf, and Stanley Kurtz, "Campus Shout-Down Rate Nearly Quadruples," *National Review Online*, November 2, 2017, https://www.nationalreview.com/corner/campus-shout-down-rate-quadruples-free-speech/ (accessed December 3, 2020).

115. Mike Nayna, "Grievance Scholars Documentary: The Evergreen State College, Part 2," March 6, 2019, https://www.youtube.com/watch?v=A0W9QbkX8Cs (accessed December 3, 2020), and Evergreen State College, https://www.evergreen.edu (accessed December 3, 2020).

116. Bret Weinstein, "The Campus Mob Came for Me—and You, Professor, Could be Next," *Wall Street Journal*, May 30, 2017, https://www.wsj.com/articles/the-campus-mob-came-for-meand-you-professor-could-be-next-1496187482 (accessed December 3, 2020).

117. Conor Friedersdorf, "The New Intolerance of Student Activism," *The Atlantic*, November 9, 2015, https://www.theatlantic.com/politics/archive/2015/11/the-new-intolerance-of-student-activism-at-yale/414810/ (accessed December 3, 2020).

118. Booshi, "Yale Students Berating Professor Highlights," September 21, 2016, https://www.youtube.com/watch?v=kMc8pczn-hs (accessed December 3, 2020).

119. Isaac Stanley-Becker, "Minority Students at Yale Give List of Demands to University President," *Washington Post*, November 13, 2015, https://www.washingtonpost.com/news/grade-point/wp/2015/11/13/minority-students-at-yale-give-list-of-demands-to-university-president/ (accessed December 3, 2020).

120. "Faculty Letter," July 4, 2020, https://docs.google.com/forms/d/e/1FAIpQLSfPmfeDKBi25_7rUTKkhZ3cyMICQicp05ReVaeBpEdYUCkyIA/viewform (accessed December 3, 2020).

121. The Phoenix, "Demands: Westlands Sit-In 50 Years of Shame," March 11, 2019, http://www.sarahlawrencephoenix.com/campus/2019/3/11/demands-westlands-sit-in-50-years-of-shame (accessed December 3, 2020).

122. Pluckrose and Lindsay, *Cynical Theories*, p. 217.

123. Herbert Marcuse, "Repressive Tolerance," in Robert Paul Wolff, Barrington Moore, Jr., and Herbert Marcuse, eds., *A Critique of Pure Tolerance* (Boston: Beacon Press, 1969).

124. Chris Demaske, "Critical Race Theory," in *The First Amendment Encyclopedia* (2009), https://www.mtsu.edu/first-amendment/article/1254/critical-race-theory (accessed December 3, 2020).

125. Delgado and Stefancic, *Critical Race Theory: An Introduction*, p. 20.

126. Bell, "Who's Afraid of Critical Race Theory?" p. 900.

127. Chacour Koop, "Smithsonian Museum Apologizes for Saying Hard Work, Rational Thought Is 'White Culture,'" *Miami Herald*, July 17, 2020, https://www.miamiherald.com/news/nation-world/national/article244309587.html (accessed December 3, 2020).

128. Smithsonian National Museum of African American History and Culture, "Talking About Race: Whiteness," https://nmaahc.si.edu/learn/talking-about-race/topics/whiteness (accessed December 3, 2020).

129. Christopher F. Rufo, "'White Fragility' Comes to Washington," City Journal, July 18, 2020, https://www.city-journal.org/white-fragility-comes-to-washington (accessed December 3, 2020); Christopher F. Rufo, "The Truth About Critical Race Theory," *Wall Street Journal*, October 4, 2020, https://www.wsj.com/articles/the-truth-about-critical-race-theory-11601841968 (accessed December 3, 2020); and Christopher F. Rufo, "Department of Homeland Security Training on 'Microinequities,'" August 3, 2020, https://christopherrufo.com/department-of-homeland-security-training-on-microinequities/ (accessed December 3, 2020).

130. "Equity is a Journey," https://togetherforwardatwork.shrm.org/ (accessed December 3, 2020).

131. Ibid.

132. "Start a Conversation. Let's Confront Workplace Racial Inequality," https://prodtfw.wpengine.com/wp-content/uploads/2020/08/20-1407-TFAW-Conv-Cards_v2-1.pdf (accessed December 3, 2020).

133. Robin DiAngelo, https://keyspeakers.com/bio.php?4602-robin-diangelo (accessed December 3, 2020).

134. DiAngelo, *White Fragility*, p. XIV.
135. "Fairfax County Schools Defending $20K Presentation from Anti-Racism Scholar," September 25, 2020, https://www.fox5dc.com/news/fairfax-county-schools-defending-20k-presentation-from-anti-racism-scholar (accessed December 3, 2020).
136. Montgomery County Public Schools, Memorandum from Jack R. Smith to the Board of Education, November 10, 2020, https://go.boarddocs.com/mabe/mcpsmd/Board.nsf/files/BV3SAD71B71F/$file/Award%20Cont%20Anti-racist%20Audit%20Consultant.pdf (accessed December 3, 2020).
137. District of Columbia Public Schools, "Equity Strategy and Programming Team: Equity Programming Impact," https://dcps.dc.gov/equity (accessed December 3, 2020).
138. Daniel Bergner, "White Fragility Is Everywhere. But Does Anti-Racism Training Work?" *New York Times Magazine*, July 15, 2020, https://www.nytimes.com/2020/07/15/magazine/white-fragility-robin-diangelo.html (accessed December 3, 2020).
139. Ibram X. Kendi, *How to Be an Anti-Racist* (New York, NY: One World, 2019), p. 163.
140. Bergner and Museum's "Talking About Race," https://nmaahc.si.edu/learn/talking-about-race/topics/being-antiracist (accessed December 3, 2020).
141. Emma Dabiri, "Why Zoe Saldana Was the Wrong Black Woman to Play Nina Simone," *Telegraph*, March 4, 2016, https://www.telegraph.co.uk/film/nina/simone-zoe-saldana-casting-light-skin/ (accessed December 3, 2020).
142. "Zoe Saldana Apologizes for Playing Nina Simone: 'She Deserved Better,'" BBC News, August 6, 2020, https://www.bbc.com/news/entertainment-arts-53676550 (accessed December 3, 2020).
143. Douglas Murray, *The Madness of Crowds* (London: Bloomsbury Continuum, 2019), p. 124.
144. Ibid., p. 141.
145. Ibid., p. 141–143.
146. Project Casting, "'Black Characters Should be Played by Black Actors': White Actors Exit Animated Roles," Project Casting, June 25, 2020, https://www.projectcasting.com/news/black-characters-should-be-played-by-black-actors-white-actors-exit-animated-roles/ (accessed December 3, 2020).
147. The White House Executive Orders, "Executive Order on Combating Race and Sex Stereotyping," September 22, 2020, https://www.whitehouse.gov/presidential-actions/executive-order-combating-race-sex-stereotyping/ (accessed December 4, 2020).
148. Matt Beienberg, "De-Escalating the Curriculum Wars: A Proposal for Academic Transparency in K–12 Education," Goldwater Institute, January 14, 2020, https://goldwaterinstitute.org/curriculum-wars/ (accessed December 3, 2020).
149. U.S. Department of Education et al., "Joint 'Dear Colleague' Letter."
150. 20 U.S. Code § 1400 (2004).
151. Butcher, "Executive Order to Protect Free Speech on Campus Recognizes Ongoing Challenge."
152. Address by Abraham Lincoln before the Young Men's Lyceum of Springfield, Illinois, as it appeared in the *Sangamo Journal*, February 3, 1838. Reprinted from Roy P. Basler, ed., *The Collected Works of Abraham Lincoln*, 8 Vols. (New Brunswick, NJ: Rutgers University Press, 1953), Vol. 1, pp. 108–115. See also "The Perpetuation of our Political Institutions (Address by Abraham Lincoln before the Young Men's Lyceum of Springfield, January 27, 1838)," *Journal of the Abraham Lincoln Association*, Vol. 6, No. 1, 1984, pp. 6–14, https://quod.lib.umich.edu/j/jala/2629860.0006.103/--perpetuation-of-our-political-institutions-address?rgn=main;view=fulltext (accessed December 4, 2020).
153. Ibid.
154. Delgado and Stefancic, p. 3.
155. Pluckrose and Lindsay, p. 76.
156. Von Spakovsky and Butcher, "Misusing 'Disparate Impact' to Discriminate Against Students in School Discipline."
157. Sundiatu Dixon-Fyle et al., "Diversity Wins, How Inclusion Matters," McKinsey & Co., May 2020, https://www.mckinsey.com/featured-insights/diversity-and-inclusion/diversity-wins-how-inclusion-matters?cid=other-eml-shl-mip-mck (accessed December 3, 2020).
158. Kendi, *How to Be an Anti-Racist*, p. 18.
159. Merriam-Webster Dictionary, "Equity," https://www.merriam-webster.com/dictionary/equity (accessed December 3, 2020).
160. Kendi. *How to Be an Anti-Racist*, p. 19.
161. Kris Putnam-Wakerly and Elizabeth Russel, "What the Heck Does 'Equitiy' Mean?" September 15, 2016, *Stanford Social Innovation Review*, https://www.ncfp.org/wp-content/uploads/2018/09/What-the-Heck-Does-Equity-Mean_-_-Stanford-Social-Innovation-Review-what-the-heck-does-equity-mean.pdf (accessed December 3, 2020).
162. Kimberlé W. Crenshaw, *On Intersectionality: Essential Writings* (New York: The New Press, 2017).
163. Philip Gleason, "Minorities (Almost) All: The Minority Concept in American Social Thought," *American Quarterly*, Vol. 43, No. 3 (1991), p. 392.
164. Ibid.
165. *United States v. Carolene Products*, 304 U.S. 1944 (1938), fn. 4.

166. Louis Wirth, "The Problem of Minority Groups," in Ralph Linton, ed., *The Science of Man in the World Crisis*, (New York: Columbia University Press, 1945), pp. 347, 353.
167. Philip Gleason, "Minorities (Almost) All."
168. Haney Lopez and Tory Gavito, "This Is How Biden Should Approach the Latino Vote," *New York Times*, September 18, 2020, https://www.nytimes.com/2020/09/18/opinion/biden-latino-vote-strategy.html (accessed December 3, 2020).