



Allegheny County Council

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Legislation Text

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Motion of the Council of Allegheny County urging school districts within Allegheny County to include Critical Race Theory perspectives in their curriculum as a means of providing students with an additional tool for comprehensively evaluating the role of race and racism in society.

Whereas, Critical Race Theory (CRT) is a practice of interrogating the role of race and racism in society that emerged in the legal academy and spread to other fields of scholarship that cannot be confined to a static and narrow definition but, rather, is an evolving concept that critiques how the social construction of race and institutionalized racism perpetuate a racial caste system that relegates people of color to the bottom tiers; and

Whereas, CRT also recognizes that race intersects with other identities, including sexuality, gender identity, and others, and recognizes that racism is not merely a purely historical footnote, but rather acknowledges that the legacy of slavery, segregation, and the imposition of second-class citizenship on Black Americans and other people of color continue to permeate the social fabric of this nation; and

Whereas, while recognizing the evolving and malleable nature of CRT, scholar Khiara Bridges outlines a few key tenets of CRT, including (1) the recognition that race is not biologically significant insofar as science refutes the concept of biological racial differences - but is instead purely socially constructed and socially significant, (2) acknowledgement that racism is a normalized feature of society and is embedded within systems and institutions, like the legal system, that replicate racial inequality, and that manifest structural and systemic racism, (3) rejection of popular understandings about racism, such as arguments that confine racism to a few “bad apples,” coupled with recognition that racism is codified in law, embedded in structures, and woven into public policy and thus establishes a self-perpetuating cycle of racial inequality, and (4) recognition of the relevance of people’s everyday lives to scholarship on the subject, including embracing the lived experiences of people of color preserved through storytelling, rather than relying solely upon and rejecting deficit-informed research that excludes the epistemologies of people of color; and

Whereas, CRT grew from Critical Legal Studies (CLS), which argued that the law was not objective or apolitical and constituted a significant departure from earlier conceptions of the law (and other fields of scholarship) as objective, neutral, principled, and dissociated from social or political considerations; and

Whereas, like proponents of CLS, critical race theorists recognized that the law (and other societal institutions) could be complicit in maintaining an unjust social order; and

Whereas, by way of example, in its 1974 decision in *Milliken v. Bradley*, the United States Supreme Court rejected a desegregation plan that encompassed Detroit’s public schools and the surrounding all-white suburbs on the grounds that those suburbs were not required to be part of the desegregation plan because district lines had not been drawn with “racist intent” and the surrounding suburbs were not responsible for the segregation within the city’s schools. In his prescient dissent, Justice Marshall observed, “The Detroit-only plan has no hope of achieving actual desegregation. . . . Instead, Negro children will continue to attend all-Negro schools. The very evil that *Brown* was aimed at will not be cured but will be perpetuated.”; and

Whereas, in 2000, the ratio of Black students to white students in Detroit’s public schools was 91 to 4, and the city’s racially isolated public schools are also profoundly under-resourced. Litigation-*Gary B. v. Whitmer*-brought on behalf of students in Detroit’s public schools illuminates the state of the schools in the decades following *Milliken*. In their complaint, the plaintiffs describe deteriorating facilities that lack heat and are infested with vermin, and the absence of qualified educators that resulted in a middle schooler serving as a substitute teacher. But students like the *Gary B.* plaintiffs (and students in similarly racially isolated and under-resourced districts) are left with little recourse given that the Supreme Court held in 1973’s *San Antonio v. Rodriguez* that there is no federal right to education; and

Whereas, from a CRT perspective, the *Milliken* and *Gary B.* cases are instructive about how the law can reproduce racial inequality that reverberates through the educational system for at least decades. By rejecting a desegregation plan that sought to transcend the racial divisions imposed by discriminatory housing practices, the *Milliken* Court essentially foreclosed the possibility of implementing a workable desegregation strategy, and racial and economic inequality persisted unabated. CRT recognizes the inevitability of the segregated and under-resourced schools at issue in the *Gary B.* litigation, given *Milliken*’s indifference to the nature of covert discrimination decades earlier; and

Whereas, the example of application of CRT to education in the case of *Milliken* illustrates how CRT recognizes the role of the law in perpetuating racial inequality. Employing a CRT framework necessitates interrogation of systems and structures in which we function. The *Milliken* example also implicates the impact of discriminatory housing policies and school financing systems in perpetuating racially isolated and under-resourced schools in Detroit and recognizes that education policy does not operate in a vacuum; and

Whereas, issues of systemic racism are by no means confined to other jurisdictions. As noted by Allegheny County Court of Common Pleas President Judge Kim Berkeley Clark in late June of this year: “[w]e have to start right now with acknowledging in a public way, yes, there is systemic racism, and yes, there is racial and ethnic disparity....What we need to do is ensure that we develop a justice system that not only promotes equality, but ensures equity,” noted President Judge Clark; and

Whereas, President Judge Clark also has expressly committed to an effort to comprehensively understand and eliminate racial and ethnic inequity throughout the Fifth Judicial District: “[w]e have made progress, but the struggle is ongoing. We are committed to collecting and examining the data to identify disparities throughout all divisions of the justice system and will continue to examine our processes and procedures that might contribute to racial and ethnic injustice.”; and

Whereas, President Judge Clark’s efforts are in accord with the key tenets of CRT as described above, and provide a clear, practical delineation of the importance of holistically considering how racial inequity has become embedded within an institution’s structure when attempting to eliminate that inequity; and

Whereas, it is the judgment of Council that CRT constitutes a valuable tool for the holistic analysis of how social, governmental, and private institutions can undertake actions that ultimately have profoundly differing impacts along racial lines, and that therefore perpetuate a cycle of racial stratification in our society; and

Whereas, it is further the judgment of Council that it is necessary to remain cognizant that many of our nation’s systems and vital institutions - including the legal system, the political process (including the right to vote and equitable opportunity to seek office), the primary, secondary, and post-secondary educational systems,

access to healthcare, environmental protection, community planning, and even the availability of fundamentally necessary day-to-day institutions such as grocery stores and non-predatory banking services - were created when people of color were denied full participation in American society and, as many critical race theorists have noted, CRT calls for a reordering of society and a reckoning with the structures and systems that intersect to perpetuate racial inequality; and

Whereas, as with any approach to considering complex social justice issues, CRT can be misunderstood and misapplied, and it has been distorted and attacked even as it continues to evolve with the hope that its recognition that the same policies, structures, and scholarship that can function to disenfranchise and oppress so many also holds the potential to emancipate and empower many; and

Whereas, it is the judgment of Council that it is vitally important to the continued viability of Allegheny County that we continuously strive to fully understand and resolve issues of racial and other inequity, and that doing so in an effective fashion requires that we provide our future leaders with every tool available to enable them to comprehensively evaluate the factors that have given rise to such inequity;

The Council of the County of Allegheny therefore hereby moves as follows:

Allegheny County Council hereby urges school districts within Allegheny County to include Critical Race Theory perspectives in their curriculum as a means of providing students with an additional tool for comprehensively evaluating the role of race and racism in society.