


Government Should Not Legitimate Systemic-Racism Confessions

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Denizens of the nation's colleges and universities take perverse pride in proclaiming that America – including higher education – embodies systemic racism. More insidious than mere racism – individuals or groups discriminating based on race, color, or national origin – structural or systemic racism is said to inhere in society's unwritten norms, shared beliefs, basic political institutions, and private associations. To hear university administrators, cutting-edge professors, and legions of up-and-coming graduate students tell it, systemic racism targets and injures blacks, Latinos, and other non-Jewish and non-Asian minorities on campus.

If at this late date – 60 years after passage of the 1964 Civil Rights Act, which prohibits racial discrimination in public places – systemic racism plagues America's campuses, university administrators and professors should hang their heads in shame and resign in disgrace. Instead, they act as if leveling such grave charges against their institutions – and themselves – reflects perspicacity and high-mindedness: They discern evils built into social and political life and lurking on their campuses that those who have not earned degrees from their esteemed colleges and universities cannot grasp.

If systemic racism is the blight that academic experts claim, then President-elect Donald Trump's administration and the new House and Senate Republican majorities might contribute to liberal education's reform by bringing Title VI complaints against them. The Civil Rights Act's Title VI “prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.” Most selective colleges and universities receive substantial federal funds – tens and even hundreds of millions of taxpayer dollars a year for student aid and faculty research. Since Title VI contains no exceptions to its prohibition on raced-based discrimination, it also bars racism that is systemic. Thinking along these lines, in 2020, Secretary of Education Betsy DeVos attempted to hold Princeton University accountable for the systemic racism it claimed was lodged there.

Entertaining and instructive as was her gambit, the Trump administration should not repeat it. That's because systemic racism does not plague the nation's colleges and universities, and government should not legitimize frivolous claims that it does.

In a Sept. 2, 2020, letter to the university community, Princeton President Christopher Eisgruber discussed “plans to combat systemic racism at Princeton and beyond.” His letter was prompted by the May 2020 killing of George Floyd by Minneapolis police officers seeking to subdue and arrest Floyd, and the ensuing protests, violent riots, and occupation and destruction of public property that summer. The university was obliged to “ask how Princeton can address systemic racism in the world,” as well as “how to address it within our own community,” wrote Eisgruber. While emphasizing that “for at least the past fifty years, this University has committed itself to becoming more inclusive,” he confessed that Princeton had a long way to go: “Racism and the damage it does to people of color nevertheless persist at Princeton as in our society, sometimes by conscious intention but more often through unexamined assumptions and stereotypes, ignorance or insensitivity, and the systemic legacy of past decisions and policies.” Furthermore, “[r]acist assumptions from the past also remain embedded in structures of the University itself,” Eisgruber stressed.

The Department of Education took Eisgruber seriously. In a Sept. 16, 2020, letter, Robert King, Assistant Secretary in the Office of Postsecondary Education, wrote to Eisgruber that Princeton “has repeatedly represented and warranted to the U.S. Department of Education that the university was in ‘compliance with Title VI of the Civil Rights Act of 1964.’” Yet Eisgruber, King argued, “admitted Princeton’s educational program is and for decades has been racist.”

That stunning admission raised several serious concerns in the Education Department. First, “Princeton’s nondiscrimination and equal opportunity assurances in its Program Participation Agreements from at least 2013 to the present may have been false.” Second, “Princeton perhaps knew, or should have known, these assurances were false at the time they were made.” And third, “Princeton’s many nondiscrimination and equal opportunity claims to students, parents, and consumers in the market for education certificates may have been false, misleading, and actionable substantial misrepresentations.”

These serious concerns impelled the Education Department to investigate racism at Princeton. The investigation, King explained, would involve extensive records production. It would include a transcribed interview with Eisgruber and with “[a] designated corporate representative with knowledge regarding the bases and accuracy of Princeton’s assurances” to the government about university compliance with Title VI. And it would require formal answers to written questions revolving around the statement in Eisgruber’s letter that “Racism and the damage it does to people of color...persist at Princeton” and his assertion that “[r]acist assumptions from the past also remain embedded in structures of the University itself.”

Assistant Secretary King warned that, depending on the investigation’s outcome, the department might “consider measures against Princeton,” including a fine.

Five months later, in February 2021, in his annual State of the University letter, Eisgruber derided the Education Department's investigation as "bogus" and triumphantly reported that the department had closed it in January before leaving office. In addition, he condemned "[t]he Trump administration's specious theory" according to which "any institution that recognized the impact of systemic racism thereby confessed to having violated federal anti-discrimination laws."

Eisgruber's February 2021 letter deceived the Princeton community. His initial September 2020 letter had not merely asserted that systemic racism does harm but also maintained that Princeton is part of the system. Moreover, the Trump administration had not terminated the investigation because, as Eisgruber implied, its legal theory was "pure baloney."

According to a then-senior official in the Education Department, had Trump won reelection, the investigation would have proceeded and likely found that Princeton had violated Title VI. The department ended the investigation because the incoming Biden administration might well have completed it only to conclude that Princeton had fulfilled its Title VI obligations.

Trump's secretary-of-education nominee, Linda McMahon, may be tempted to reopen the Princeton investigation. After all, the DeVos Education Department performed an important service by amusingly exposing Princeton's muddled thinking about race. And Eisgruber has not retracted his accusation about systemic racism at Princeton.

McMahon should resist the temptation. Further attempts to punish Princeton for the discrepancy between its assurances that it complies with Title VI and its insistence that it perpetuates systemic racism would give credence to Princeton's false and self-serving accusations against itself.

In 2020, Eisgruber provided one concrete example of Princeton's systemic racism, which only illustrated the charge's fatuousness. The university, he lamented, hosted "nine departments and programs organized around European languages and culture, but only a single, relatively small program in African studies." Home to some 1.5 billion people, Africa deserves rigorous study. Yet Princeton's concentration on European languages is easily explained without appeal to bigotry, systemic or otherwise.

While liberal education encompasses study of other civilizations, it must begin with and work through exploration of the civilization of which it is a part. Moreover, European literature, philosophy, religion, society, and politics – energized by the convergence of, and conflicts between, biblical faith and classical Greek thought – gave birth to the modern tradition of freedom. This many-sided tradition rests on the conviction that human beings are by nature free and equal and developed the idea that just government derives from the consent of the governed. Well-rooted in the modern tradition of freedom, America's founders fashioned a rights-protecting democracy that has secured the nation's freedom for almost two and a half centuries and has vindicated a form of government that appeals to peoples and nations

across the globe. Accordingly, well-rounded study of freedom and democracy in America and the Western civilization of which it is a part properly stand at the center of liberal education in America.

Systemic racism has afflicted the United States. Slavery and Jim Crow will forever stain the great American experiment in freedom. Eisgruber rightly worries about their enduring effects.

But the abundant evidence of African-American achievement since the NAACP court victories that culminated in *Brown v. Board of Education* (1954) and the 1960s civil rights movement undercuts the claim that systemic racism persists. “In the last 75 years, a vast black middle class has developed,” Brown University Professor of Economics Glenn Loury observes. “There are black billionaires. The influence of black people on the culture of America is stunning and has global resonance. Some 40 million strong, black Americans are the richest and most powerful population of African descent on the planet.”

Princeton and universities around the country want to have it both ways. They contend that they comply with Title VI prohibitions on racial discrimination to preserve the flow of taxpayer dollars. Yet they maintain that they harbor systemic racism so that, in the name of social justice and to comply with Diversity, Equity, and Inclusion program dictates but contrary to Title VI, they can allocate educational benefits based on race.

DeVos’ Education Department showed that university officials don’t really believe that systemic racism is racism and that it violates civil rights. That’s why President Eisgruber could contend that Princeton both sustains systemic racism and honors Title VI’s ban on racial discrimination.

Eisgruber’s incoherent opinions on race sow confusion. They promote virtue signaling and moral grandstanding. And, by turning students – those taught that they suffer from systemic racism and those blamed for perpetuating it – against one another and both camps against the university, his assertions undermine the civility, toleration, and reasoned discourse crucial to liberal education.

Nevertheless, the Education Department should not pursue the DeVos gambit. Taking seriously now Princeton’s self-congratulatory pronouncement about detecting systemic racism on its campus would neither help the university clarify its thinking and policies nor educate the nation. Instead, the Trump administration should concentrate on fostering free speech, safeguarding due process, and ensuring equality under law in higher education while combating the well-documented surge of campus antisemitism.

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