

[Transcript] The Realignment / 387 | Richard Kahlenberg: Class-Based Solutions to America's Housing and Education Problems

Marshall here. Welcome back to The Realignment.

Today's episode is with Richard Collenberg, author of Excluded, House Knob Zoning, Nimbism, and Class Bias, Build the Walls We Don't See. We cover a lot in this episode. Richard's focus on YIMBY, aka Yes In My Backyard, ideas to make housing in good, opportunity-promoting neighborhoods more affordable and accessible.

How the legacy of RFK's 1968 presidential campaign informs his views on potential to build a cross-racial coalition focused on class, why he favors class-based affirmative action after the Supreme Court overturned race-based production last month, and how education policy shapes all of this from K through 12 up to the higher education level. A huge thanks to the Foundation for American Innovation for supporting this podcast. Hope you all enjoy this conversation.

Richard Collenberg, welcome to The Realignment.

Well, thanks so much for having me, Marshall.

I want to start towards the beginning of your book. You point out that a lot of your beliefs on the intersection of racial, class interest, potential for new coalitions in this country really stem from your early engagement in interest in RFK's campaign, Robert F. Kennedy in 1968. Obviously, listeners are going to be aware of the fact that RFK Jr. is making his own run for the Democratic nomination right now, but let's just go back to 1968. Like, why is that race important? What was the promise which obviously did not come about due to his assassination? Take us from there. Yeah. Well, thanks for raising that. I wrote my thesis in college about Bobby Kennedy's 1968 campaign, and honestly, it's informed every everything I've written since then. I mean, it was such an exciting moment for the country. You had Bobby Kennedy, who was a strong champion of civil rights, a strong support among black and Hispanic voters, was in 1968 also able to appeal to working class whites who now have gone deeply into the Republican Party. Donald Trump did better with that population than really any presidential candidate previously. He brought together working class Black people, working class Hispanic people, former George Wallace voters, and he did so with a common appeal based on their class disadvantage. So he didn't hide from his support for civil rights. That was very important to him. But at the same time, he was able to communicate in a way that Democrats have not been able to in recent years. Two working class white voters that he recognized they had a raw deal to, and that these groups had had much more in common than they had than they had that separated them. And the tragedy for me is that for generations, right wing politicians have pursued, divide, and conquer politics, tried to divide these populations by race, and now some of my fellow liberals have in part at least bought into that and said that it doesn't, you know, there are certain voters who are beneath us and we shouldn't even try to go after working class white voters. And I think that's a huge problem for the country and Stymie's efforts to try to make political change in the country.

You know, something I'm really curious about is normally the what ifs, alternate histories aren't particularly useful. But thinking through that RFK, MLK, even George Wallace coalition and the potentials that could have had to remaking American politics, I'm wondering how the pit falls in such a coalition could inform how we think of race and class coalitions today.

In the sense that if it's 1968, we are, you know, it's the year before we go on the moon, there's still faith in American government to achieve different things. Vietnam was not,

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Vietnam was obviously divisive, but it was not quite as divisive as it eventually became. You had less of a scarcity mentality, because this is right before the like, really hard times of the 1970s. This is before the crime wave, which really puts a culture or aspect when it came to white and black interest in mind, then of course, you don't have the the desegregation, busing issue, which really impacts like working class communities. So how do you think the RFK coalition, as it went into the 1970s, let's say in this alternate universe where it successfully wins the presidency, how could have sustained those culture war hits? Because I think that's how we could think about criticism 2020 dynamics as well too. That's a great question. I, if it's all right, I might push back a little bit on the on the premise. Please do. That's the purpose. Okay. So in 1968, you know, during the presidential campaign that Bobby Kennedy ran, we had the, you know, the tragic assassination of Dr. King in April. And that follow up following that came, you know, rioting throughout the country. And so the number one issue for voters in 1968, when Kennedy was running, was, was rioting and crime. I mean, that's, so we're at the center of the culture reports right there in, in May, June of 1968, when, when Kennedy was running this campaign. And, and it was interesting to see how Kennedy handled that because, you know, he knew who, which groups were the biggest victims of crime. And it wasn't, it wasn't upper middle class white liberals. It was, it was working class people, black people, Hispanic people, to a lesser extent, working class white people. And so he actually took a pretty, you know, what would be seen as a conservative position on crime. I mean, he used the word law and order, which coming out of the mouth of, of, you know, George Wallace did have strong racial connotations coming out of Kennedy's mouth that had a different sense that, you know, of course we need, I mean, what's the alternative to law and order, literally, it's lawlessness and disorder. And Kennedy took a very hard line on crime. He understood the, the roots of the anger and wanted to address the anger and the hurt that came after Dr. King's assassination. But at the same time, he was also, you know, deeply worried about the impact of, of crime and disorder on working class communities, including working class black communities. And so he, he used that language. And when Richard Nixon was watching one of Kennedy's speeches, he turned to a friend and said, oh my God, this is, this is terrible. You know, they think that Bobby Kennedy is tougher on crime than I am. And so, so I think Kennedy was dealing with the challenges that, you know, the, the, the very issues that were, have been used by the right to divide working class people. And, and he confronted it head on. And I think in an intelligent way. I mean, the key insight was that he, he recognized we grapple with racial issues. We have to make sure that we don't retreat in any way on making progress on race or racial equality. But that there were also underlying issues of class that weren't being talked about as much and that needed to be addressed. So, so you're, you know, to get back to your question, you know, it would have been, it would have been challenging for, for any politician, including Bobby Kennedy to continue to, to keep that coalition together, given all the device of issues that are raised. But I think he was well equipped to, to handle it and, and probably would have taken a somewhat different tack than, than most Democrats have. And we're obviously speaking to the book here, because you actually open with this reference to Kennedy, so I'm not just pulling this out of nowhere, but I kind of want to reflect something to you and get your pushback to it. I found, especially the start of the book, very depressing. From the

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perspective of a outsider, like I work in national security policy, mostly, who's followed education debates since the 1990s, like when I was born. And my quick summary of education policy debates is if it's the 90s, we're talking about school uniforms and like ways that we could like change at the cultural affect of schools to promote higher achievement, fix the achievement gap. If it's 2000s, we're talking about accountability. So that's no child left behind. We're not holding these poor schools accountable enough. If we could do that, could improve the outcomes. And if it's the 2010s, there's a focus on race to the top. So that's infusing federal funds into these state and local districts. That's also a focus on changing the structure. So that's charter schools, school choice, et cetera, et cetera, et cetera. All of these educational gap focused areas are focused on the schools and the students where they are. When you're writing this book and you're focused on zoning and people being cut out of these districts of high achieving schools, the kind of implicit point you may seem to be making is that the project of we can just fix these schools where they are, we could provide opportunity wherever people need it, has basically failed over the course of my life now that I'm 31. Is that a way of interpreting what you're saying when you're focusing on how devastating exclusionary policies are?

Well, yes and no. So I definitely think it's worth investing in high poverty segregated schools to try to make them better. But at the same time, the fundamental social science findings have been consistent for 60 years. The biggest predictor of academic achievement is the socioeconomic status of the family you come from. And that's part of why during COVID, we saw big increases in the gaps between rich and poor and between black and white students because family is the biggest predictor of achievement. And there are things we can do. We can try to increase the minimum wage so that families are less stressed and can devote more time to their kids. We can build labor unions, but in essence, that's not education policy per se. The second biggest predictor of academic achievement is the socioeconomic status of the classmates in a school you attend. So all the things that we think about is making up a good school, strong teachers, having an active set of parents in the school, having positive peer influences, people are going to encourage your academic achievement. All of those things relate to the socioeconomic status of the school. And most school districts and all of education reform, as you've been describing, take that off the table and they say, we're going to accept economically segregated schools as a given and we're going to do our best. And as I say, I'm forward doing our best where we can. But ultimately, we've ignored this fundamental driver of academic achievement. So low income students, given the right circumstances, can do amazing things. But there are decades of research to suggest concentration of the poverty are not good for education. And that comes back to housing. I've labored in the education fields for three decades. And I guess I'm a slow learner because now I'm focused at least as much on housing. And I think that's maybe one fundamental message of the book is that if you care about education, then the instinct is, okay, I got to focus on the school board. I've got to focus on what the state legislature is doing on education issues. I think you should spend at least as much time on what the housing folks are up to, because that's what decides who gets to live where, what schools students can attend. I guess the question is, why do you frame the housing issue as one relating to snobby upper middle class liberals who are engaging in elitist behavior? Why is that an important part of understanding the story? Well, I think there's a sense among, at least among policy people. I think a lot of well-read people will say

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that the fundamental housing divide is racial. And in many respects, that's true. I mean, throughout our history, that's what's been, you know, we had racial zoning, we had racial redlining, we had, you know, all sorts of policies based on race. And Richard Rothstein, who wrote *The Color of Law*, did a great job of establishing that that's what's happened in the 20th century. And I think people therefore say, well, yes, but we passed the 1968 Civil Rights Fair Housing Act, and therefore, you know, we've addressed that issue. And what they don't recognize

is that we have intense class segregation in this country, and that it is perfectly legal for communities to discriminate based on income by saying, well, you know, anyone's welcome to live here so long as they can afford a single family home, because we're going to make it illegal to build anything else. And by the way, you know, as long as you can afford that single family home on a half-acre lot, it's rank class discrimination that has a big racial impact to it. But I think that most Americans, when they think about segregation, the most visible form is racial segregation, it's still a big problem. But we've got rising class segregation. So since 1970, racial segregation between black and white people has declined by about 30%. Class segregation, meanwhile, has doubled. And so I think this is part of what we don't recognize. We assume that people cluster by class because, well, some neighborhoods are more expensive than other neighborhoods, so rich people live there, and poorer people live somewhere else. But what that misses is that, you know, these wealthy, exclusive communities have built walls using local zoning laws to exclude and keep people out. And that I don't think it's as shameful as racial discrimination, but it's almost as shameful to discriminate based on class. When I've written about this issue, I get, you know, the reader response is fascinating because in the comments, people are not, they either don't say or not allowed to say, I don't want black people living next to me, I don't want Hispanic people living next to me. But it's perfectly fine for them to say, I don't want poor people around me. You don't understand what poor people are like. I had one guy who said, you know, their dogs bark louder than the dogs of middle class. I mean, it's absurd, the stereotypes that people have, but that's why I focus on class in this question. In addition to the larger themes we talked about with Bobby Kennedy.

I think what's interesting to me here is the philosophical question, which is, what is the philosophical limit of yin-bi-est thought in the sense that if we are purely deciding to organize our society based on efficiency, why have a limit on how many floors of apartments you could build in the first place, right? Because I have plenty of Trump-aligned conservatives who are very, very, very nimby. And their worst nightmare has been, these are people who worked in the administration, is explicitly, we're going to see the suburbs turned

into hellish urban landscapes, like buddy, buddy, buddy, but I live in Austin, like I, you know, there's a three-story apartment a few blocks away from me. It doesn't impact my life. I think that's totally great. That's not a like 15-story thing that changes the actual character of the neighborhood. But I would say there's a difference between a three-story and a eight-story or an 11-story. So how should we think about, at a philosophical level, how far should we go in favor of being open to new forms of housing while also admitting that it'd be reasonable to not want an 11-story apartment building? Right. Well, finding that sweet spot is the goal here.

I don't think we're at it right now. Right now, we're at the point where, you know, we have

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entire communities that ban multifamily housing. I have a new study about Skarsdale, New York. You know, they're less than half a percent, half of one percent of the housing is multifamily. That's not the right balance. I completely agree with you. There are, you know, scale matters, and we don't want a system where we're going to have a free-for-all and place large towering apartments in smack in the middle of residential neighborhoods. But I would say we, well, I mean, I've proposed an Economic Fair Housing Act that would give people who are of modest means a chance

to sue in federal court. And the burden would be on the locality to explain why they have the rules that they do. And in my view, single-family exclusive zoning would fall. You know, I don't think there is a powerful rationale for saying you can't have a duplex in a particular community. If you get to the point where you're talking about, you know, eight stories, well, there might be very legitimate reasons not to have that. So I don't have a simple answer for you as to what distinguishes them. But I think right now we're at the far extreme where we're prioritizing exclusion over the kind of the reasonable limits that one would want to place on changes to housing. I love that answer, actually, because you actually did give me the answer there in the sense that you gave a framework for thinking this through in the sense that if I'm just sitting here as the housing czar of Austin, the question isn't, well, there's no threat that an eight-story apartment building is about to blot out the sun in South Austin. The issue is actually that not enough people have access to affordable housing in the first place. So we think about it as a spectrum. It's clearly oriented towards one or the other. And if we ever got to the point where there's a debate about, hey, do we add that fifth gigantic apartment building that fundamentally changes the character in each of our neighborhood, we'd have a different conversation. But understanding how in your community, where you lie on that spectrum is a great starting point. So let's actually just make this a little clearer because this could get jargon-centric pretty quickly. But just what is multifamily housing? What is a duplex? If you're just thinking of your typical suburban American neighborhood, what differentiates a neighborhood that has those features from just

a single family neighborhood in the first place? Right. So multifamily just means there's more than one family who can live in a particular property. And so a duplex, which is basically a single family home that's divided in two, has two separate doors, that would not be a single family home. A triplex would be three units, four plex will be four units. And so what many of the reforms are aimed at today is making available that so-called missing middle housing, the duplexes, the triplexes, the quads, that would allow for more people to live in a community, more people to access the public schools without completely changing the character of the neighborhood and allowing for much, much larger developments. What degree are a lot of these issues caused by the fact that it seems as if we're fighting over a fixed pie, a fixed set of houses versus, hey, maybe we make it so we could build new communities, et cetera, et cetera, et cetera. Maybe there are more levitons we can make as if it's in the late 1940s. How much of that is the issue here? Maybe it's not that we need to have my South Austin neighborhood reconfigured, it's that we should have better public transportation or better highways, freeways, et cetera, and we could build new communities that would live cheaper housing. How should we think about that part of it? Yeah. Well, that's in essence what we do today, is rather than allow for more units in a particular kind of desirable community that already has transportation that's

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not far from desirable jobs, we push people further and further out. So there is a new leviton that goes up on the outskirts of a metropolitan area. And then you have people commuting. They have the number of, they call them super commuters. People are on the road for an hour or more. Has increased. And that's bad for the environment. It's bad for marriages. It's bad for kids because people are driving instead of being with their children. And so that has been the solution. I mean, people have to live somewhere. And so we've been pushing it further and further out outside of metropolitan areas. And the notion of zoning reform would suggest, wait a minute, there are a lot of desirable communities that are very close to jobs. They have good public schools. Why don't we open them up a little bit more? Not by tearing down all the single family homes, but by allowing homeowners to expand somewhat. So you can have a more technical jargon ADU, an accessory dwelling unit. So basically like a backyard apartment or a garage apartment, I have a nephew who lives in one of those in San Diego and he could never afford to live in the communities living in, but he can afford an accessory dwelling unit. So I think that's what we're looking at. Building more homes where people want to live, not forcing them to the periphery of communities. I'd love to understand the range of... Once again, I'm not saying you're censoring anyone here, but I think it's important to understand there's a range of acceptable limits on what communities can do internally to structure their character or decide how they look, but don't cross over. So for example, I'm looking at moving and I'm going to buy a house next year. So I'm looking at communities and one of the HOAs has a restriction on neon colors of painting the house. So if I was super into the Barbie movie, I couldn't do the bright Barbie pink next week if I lived there. And in that case, South Austin has plenty of really brightly colored houses. There are people who wouldn't like that restriction and they would therefore live elsewhere. I think that's a perfect example of how communities can determine democratic or what they look like. And at the end of the day, tough cookies if you can't have your lime green house, the example they give. On the other hand, a great one you bring up in the book is with certain multifamily dwellings in wealthier communities, they make it so that the actual apartments themselves or the duplexes have to have more expensive, exciting or brick that if you were just a layperson walking around the neighborhood, I don't think you would notice. You wouldn't say, hmm, is that the mid tier from Home Depot versus the really, really bark investment level? Talk about those more unreasonable ones where you see this really falling into. Yes. Well, I think those are two great examples. And so as the title of the book suggests, I'm opposed to snob zoning, not to zoning or to, in this case, some sort of HOA, homeowners association regulation. Though, you know, there are reasonable limits that can be placed on what people can do with their property. But when you start getting into things like expensive siding, it begins to look a lot more suspiciously as if this is a device to exclude. And in the book, I make the analogy between the poll tax in voting, an effort to exclude people from voting, and more reasonable accommodations or requirements around voting. So I think there are ways to draw that line. And we want to smoke out, what's the intention here? Why is this law being put in place? And when it gets too expensive siding, that looks less strictly aesthetic and more like a way of screening out undesirable neighbors. That's the arbitrary barrier aspect. I guess my quick defense of, you know, snobby upper middle class liberals would basically be, if I'm sitting from their perspective, it

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feels as if they, a certain grand bargain didn't come about. By that, which I mean, I'm an upper middle class liberal, I pay heavy taxes, I'm okay with that, because I'm okay if those taxes go to disproportionately support like a poorer school in the school district, or I'm in favor of supporting programs like the EITC, or this, this, this, this, and that, like you're in favor of like bigger government, the bigger social welfare state, etc, etc, etc. It seems as if if we are acknowledging the limits of the ability of those policies to ameliorate the conditions of lower middle class to poor people in this country, if I were one of these middle class liberals, I would say Richard, that wasn't the deal. Now you're saying because we can't fix things where they are, I all of a sudden am a, I'm a kin, not a racist, but I'm a kin or I'm the spiritual descendant of an anti segregationist, of an anti desegregation person in the 50s, or am I, I'm a Irish American who's pelting rocks at a busing scheme in the 70s. That's just where I feel as if like the, the pushback and the frustration would be, like the real lack of a, the breakdown of the bargain there. Yeah, well, it's, I don't think that bargain is, is sustainable. I mean, it's, it's not, yes, in your example, an upper middle class family is paying more in taxes, but the money isn't going to poor kids. It's, it's going to the community schools and in, at least in, in much of the Northeast and other parts of the country, those school districts are very small. You know, it's different in parts of the South where the school districts are countywide, but, but it isn't in fact providing resources to economically disadvantaged students. I mean, to give the Starsdale example, 0% of the students in Starsdale public schools are eligible for subsidized lunch, 0%. Nationally, it's about 50% of students. So, so the, the taxes in Starsdale are not going toward, toward lower income students. That's number one. The other is, you know, it just ignores this huge body of research that suggests who you go to school with matters. And, and as long as we segregate by economic status or by race, we're not, we're not providing genuine equal opportunity. So, so it's a, it's, it's a bad bargain, I guess. If that's the bargain that, that liberals tried to strike, I think it's a, it's a bad one. Part of the reason I want to talk about, you know, emphasize the class aspect of this is that, you know, I've lived in, in neighbor upper middle class neighborhoods that are, you know, highly educated liberal neighbors. And, and they, I think if you said to them, they're being racist, they wouldn't, they would deny that and they would say, no, I, I actually love the fact that there's this, there's a black doctor who moved into the neighborhood and they might be genuine about that. But, you know, if they wanted working class people to move in of any race, and maybe particularly if they're, if they were black, then, then I think you'd see fierce resistance. I want people to, I just think that, that liberals like me and my friends need to look in the mirror and say, there's something going on here that's, that's not right. And that's, that's not a good, a good bargain to, to strike. And when, you know, when it was, when we did have racial zoning in Baltimore, you know, in the 19, early 1900s, the mayor talked about quarantining black populations and, you know, that there was, there was a, there was such a distaste. And, and you get the sense that there is an effort to quarantine low income working class people in this country that continues to exist. And, and I'm, I'm hoping that the book will try to make people aware of that, that similar dynamic going on. And this is where the failures of 70s racial civil rights policy becomes problematic. If the issue is, I'm understanding it, your articulation is that you really want diverse

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school populations in order to have economic opportunity, have the education system work. Why isn't the answer just to bust? So not along racial lines, but busts along class lines.

Isn't that a solution to what you're describing?

I don't think so for a couple of reasons. I mean, one is, you know, busing. We did try busing for racial desegregation. And in certain parts of the South, it actually had very positive effects. But in much of the country, it didn't. There was white flight. It was counterproductive.

And people with means just left the public schools or moved to a suburb that was not part of the busing. So you can't just compel it. And so I've spent, you know, 20 or 30 years working on efforts to use public school choice. So, you know, could be charter school, could be a magnet school or another school choice. And then saying, you know, we should consider economic disadvantage as a factor in deciding who gets into this oversubscribed school.

And I continue to support those efforts. So they're voluntary and they're school-based.

What that misses is a couple of things. One is that

when students, economically disadvantaged students, leave their neighborhood to attend an economically integrated school and then return home, they still face a disadvantage that is associated with neighborhood. Raj Chetty at Harvard has established, you know, the life chances of a young person are determined in large part by neighborhood. And so schooling only deals with half of the equation. The other piece is that whenever you have to transport students to a school, that garners huge pushback. So there is strong public support for the idea of racially and economically diverse schools in the abstract. Once there is a requirement that students go to schools further away, once, I use the word transportation, you use the word bussing.

I was phrasing this unfairly as possible. You know, once you have to travel,

then popularity declined significantly. So if you have more housing integration by class and by race, you can integrate neighborhood public schools. People like neighborhood public schools. And so this is a, it's another way of getting at the same issue in a more comprehensive fashion because there's one study in Montgomery County, Maryland that I cite in the book, and, you know, low-income

families because of an inclusionary zoning policy that allows low-income families to live in middle-class neighborhoods. Those kids did extremely well. And two-thirds of the reason was because they got to go to economically mixed schools. One-third was because they lived in the economically mixed neighborhoods. So this accomplishes more than just school integration does. So before we pivot into the last section, which is going to get at the broader higher education issues you've been focused on, I'd love to get just a straightforward kind of balanced understanding of how you see race and class in America today. So if we're looking at a young child, male or female, to what degree is race and then comma class going to determine their life prospects? And how does the balance between those two differ from like previous eras in American life that you think would be helpful to think about? So maybe the early 60s before the Great Society and the Civil Rights Act. Right. Well, that's a great question.

And I've been a participant in the debates about affirmative action. So this comes up all the time. And, you know, Sean Reardon at Stanford found that basically 60 years ago, if you looked at the achievement gap, which is in some measure a reflection of opportunity, the achievement gap between black and white students was twice as large as the income gap between rich and poor. And today that has flipped. It's a mirror opposite. Now the income gap between rich and poor

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is twice as large as the racial gap between black and white students in terms of academic achievement. And so the things have changed over time. And through the Civil Rights Movement, we've seen some progress on race. But class inequality has exploded. And our public policies, they don't think have caught up with that reality. So this is where we get into the post-affirmative action period. You're obviously we're involved in the legal case. You favor class-based affirmative action. Something that critics to your left have pointed out is that they are skeptical that conservatives will favor the class-based status quo. And I guess the reason why I am kind of in line with that critique is that if you listen to what a lot of, so for example, Vivek Ramaswamy on this podcast and Vivek is not going to be president, but he's pulling pretty favorably compared to Ron DeSantis, which is a whole other problem for Ron DeSantis world. But if you're listening to the way he talks about affirmative action, he says merit. Merit above all else. That's the intensity bit of the focus. If you look at a lot of the Asian American activists, they talk about merit. And it seems to me that if we get into it, the merit argument when it comes to class isn't that much different than the racial one, if that's purely what we're selecting for. So I'll let you respond about the broader critique. But I guess the real question that I'm trying to get to here is, what is the purpose of higher education? Because I think by determining what that purpose is, moving forward, because I favor the class-based things that you favor, I think it will be easier to adjudicate why the class-based thing is different than the racial pre-Supreme Court status quo, which the majority of the country did not favor. Because I think it's really important that now that we're past that, we find a way to integrate the class-based one into the merit framework, because I think that's where the strongest and most regret, because I just, and you know this, I know this, there is going to be an Asian American student five years from now who says, some poor white kid with lower SAT scores than me got into this top tier school, that is not any philosophically different than a black kid who had those lower scores 10 years ago, because at the end of the day, I deserve to be there. And for reasons that weren't up to me, I didn't choose my family, I didn't choose to get born into, I was hurt. So this isn't really easy for you to answer, right? Because I'm trying to figure, it's just different, I'd love you to reflect on what I just said. Yeah, well, you're raising some really important issues. So the way I see class-based affirmative action is providing a better approximation of genuine merit than no affirmative action. So you know, So just to make that precise, so your point is, if we lived in a world with just no affirmative action whatsoever, so no race, no class, you think a class-based situation would actually be a better approximation of meritorious achievement than one with just nothing out there at all? Absolutely. And the public is behind this. So two thirds of Americans support the idea that a student who comes from an underprivileged background went to inadequate schools, didn't have good health care, and managed to do very, very well, despite that, that in the long run, they actually have more potential, more to offer society than a student who scored a little bit higher on the SAT, but had everything given to them in life. They went to the best prep schools. They had access to SAT prep and, you know, a family that supported them every step of the way. People get that. They understand that that's a better approximation of merit. I think that it's a big mistake for some of my fellow liberals to run away from the

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idea of merit. People believe in merit. It's just that we have to define it in a fair way that recognizes obstacles overcome as well as where someone landed in the end. And so that's why I'm confident that in the end, even though my conservative friends haven't, you know, they haven't necessarily demonstrated an intense interest in helping underprivileged people historically, I think they will go along with this because they'll be on the wrong side of public opinion if they don't. And just as my fellow liberals were on the wrong side in supporting consideration of race. And I guess, given all that then, what was your is your is your point? Because, A, I think the, you know, folks at the Harvard admissions department would say we were we were doing that already. Richard, you know, we were if you gave me if you gave me a JD Vance, he got it, you know, he came, he comes from Appalachia, he goes to, you know, Ohio, you know, the Ohio State

University, he goes into the Marine Corps, we let him to the law school. What were they not doing already under the pre June 2023 status quo? Yeah, well, what we we know from the litigation, you know, precisely what counted in admissions. So I was an expert witness in the case, and there was another expert, Peter Arsidiakono, at Duke, who ran the numbers and and you can you can see what counts in admissions and and race counted a lot. Legacy status being a child of an alum counted a lot. And they did give a little bit of a bump up to working class students, first generation students, but it was it was much, much smaller than than the other bumps. So and the, you know, the preference for legacies or faculty children, which Harvard insisted that it had to keep that more than cancels out whatever benefit they gave to some small number of of working class students. I mean, at Harvard, you know, and at UNC, there are 15 times as many wealthy students as there are low income students, according to Raj Chetty. So they they did a fairly good job of trying to produce racial diversity, which I support. But they at the same time had exceedingly little socioeconomic diversity. And we know from other research by Caroline Hockspeed that that there are a lot of really talented low income and working class students who could do the work at selective colleges. It's just Harvard and UNC didn't want to spend the money

to bring them in, you know, 71% of the black and Hispanic and Native American students at Harvard came from the top one fifth socioeconomically of the black, Hispanic and Native American

population nationally. So that's a much cheaper way of bringing in racial diversity is you you bring in fairly well off underrepresented minority students to sit us alongside even wealthier white nation students and then call it a day. And to my mind, you know, we're the reason I got involved in the litigation is I think we can create a better future kind of a Bobby Kennedy future where you you do look at class disadvantage in a meaningful way and and get the racial diversity that's important to achieve without without all the divisiveness that came with the use of race and admissions. And this is and once again, this wasn't quite a, you know, a court case in that sense, but does the because you run the data on this does the class based focus.

Once you just does this focusing to the class based focus have enough overlap at a racial issue at a racial level where you're not concerned, you're just going to have a total collapse of racial diversity within these schools. Is that is that a correct way of summing it up?

Yes, yes. So we so we did run those numbers. And if it had resulted in huge declines in racial diversity, I would not have favored that approach. Because I do think racial diversity matters. So

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basically, when you do class based affirmative action at a place like Harvard, get rid of the legacy preferences, the preferences for for faculty, children and donors, you you end up decreasing white enrollment, some you decrease, excuse me, increase Asian enrollment, increase Hispanic enrollment. There was a modest dip in black enrollment from 14% to 10%. But what one important thing that they left out of the litigation, they did not give me and Peter Arsiakono access to data about the wealth of students and their families. And that's important because wealth, you know, there's a there is a you know, there's an income gap by race in America. There's a much, much larger wealth gap, because wealth captures the history of of enslavement of segregation of redlining, and the inability to to build up wealth wealth is passed down over generations. And so if we had had the access to wealth data, we would have seen better, better results for African American representation. So in in almost all respects, diversity increases when you move from from race to class, I didn't even mention that, you know, we don't go from we don't know no longer would have 15 times as many rich students as low income students, you'd see a much more representative socioeconomic makeup on the student body as well. And you yourself are a Harvard graduates, you're the proper person to ask this question to, what should we as a society expect from top tier Ivy schools like Harvard, because something that kind of frustratingly happens is you get this kind of silly discourse, especially on the American right about how like, oh, we need to seize their endowments, look at all the student debt, like Harvard is not the cost of the student debt problem. If you get into Harvard, I'm mostly sure it's a that's a very, very good investment of your time, resources, energy, etc, etc, etc. So I don't blame Harvard for, you know, the student debt problem. Like that said, like Harvard obviously has the student loans, those are backed by the federal government. There is like a wealthy endowment and that endowment in itself is like tax preference. So when we're talking about things like part of your formulation from like, what does a Bobby Kennedy America look like 23 years from now is the abolishment of the legacy admissions. Harvard would say, look, that's not covered by any if there's nothing unconstitutional about that. That's just a judgment call like we're making. So I guess my point is, how should we what can we expect from Harvard when it comes to things like that, where it purely seems to be a judgment call on their part to say no, like we like any club are going to give slight preferences to people who are associated with this institution. That's very normal. And we're willing to suffer the consequences for that when it comes to public opinion. How should we think about the expectation side of that? Well, I would say two things. One is I think Harvard will change in important ways because they genuinely do care about racial diversity. I mean, I think that's to their credit. They, you know, they say diversity is the hallmark of a Harvard education. So they can't walk away with this. So they've got to figure out new ways to get racial diversity. And that's why, to my mind, they are likely to embrace bigger, bigger consideration of socioeconomic disadvantage. And at the end of the day, I don't think legacy preferences will survive. If Harvard clings to it and says, even though this helps wealthy white students, we just need it, then I think it is appropriate to bring public pressure to bear. And I edited a book on legacy preferences called Affirmative Action for the Rich. And in that book, there were some legal theories advanced as to why both public and private institutions should stop using legacy preferences. At the public institutions, if you look at the history of the Eco Protection Clause, there's a lot of discussion about ancestry discrimination, of which racial discrimination

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is a subset. But the legacy preferences is basically ancestry discrimination. So I think at public institutions, there's an equal protection argument. There's also a civil rights law that suggests likewise that there would be, this is from the, I think it was from the 1890s, that there is an obligation of a place like Harvard not to discriminate based on ancestry. But I hope it won't come to that. I think instead, Harvard will just, I think they will, I hope they will relinquish it. And it was telling that the other day, the former president of Harvard, Larry Summers, who had defended legacy preferences said, okay, affirmative action is fallen. We've got to get rid of these preferences. So I think we'll see that change at many institutions. I think for this closing question, I should acknowledge that it's something unhelpful, which I mean, look, it's the case. So we should focus on Harvard, but the vast majority of students obviously do not attend Ivy Leagues. And the more our higher education conversation, as with the endowment tax thing I said earlier, is focused on these schools, I think the more confused one would be about the rest of the system. So if the first half of the conversation was summed up by you describing a vision of American housing that's going to be much more diverse in its form, so that there's more access, what's just like your broad closing vision on what a fairer, equitable, more effective higher education system would look like? Given all of this.

Yeah. And I agree with you that the obsessive focus on a tiny number of institutions is not helpful. I will tell you, I spent a lot of time working on community college issues. These are incredibly important institutions. They are the quintessential institutions of the aspiring middle class in America. And they are grossly underfunded. So any education researcher will tell you that students who have greater needs by all rights deserve greater, more resources. And in fact, the opposite happens. It happens at K through 12, but it happens much more pronouncedly. The inequality is much more pronounced at the higher education level. So I would like to see, I guess, higher education change more broadly in a couple of ways. One is, I'd like to see community colleges receive more resources from federal and state governments, because they are so important. And also to attract more middle class families, because if students from middle class and upper middle class families start going to community college in greater numbers, that will provide the political capital to make sure the funding remains. And then at the elites, I'd like to see, you know, that economic and racial integration as well. I spoke to a group of first generation college students at Harvard. And this was back in 2016. And these were students from, I think, eight different selective colleges. And it was the Bobby Kennedy vision. It was this beautiful group, multiracial group of working class students who were saying, you know, we know so many of our friends who are really talented and could be here, but aren't. And they pushed for it. And they pushed against legacy preferences. And that's the kind of vision that I'd like to see for America, for higher education, for K through 12 education. And I think that ironically, a conservative Supreme Court decision on race is going to help facilitate that broader, arguably progressive or liberal vision for America.

Well, I think that's an excellent place to end it. Richard, could you shout out the book? It's always helpful to hear that from the author and not just me in the introduction. Absolutely. I happen to have a copy right here. So it's excluded. House knob zoning and the NIMBYism class bias build the walls we don't see. And it's, yeah, it's just come out from public affairs for us. So, so thanks. Thanks for this opportunity to discuss those ideas. Thank you for joining me on the realignment.

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