

United States Senate

WASHINGTON, DC 20510

October 22, 2020

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Dear Attorney General Barr,

I write to bring your attention to an alarming trend of apparent racial segregation in schools in the United States. These cases appear to violate Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race in federally funded programs or activities.¹ I urge the Department of Justice to investigate these and similar cases as part of our nation's commitment to equality before the law.

On September 8, the Center for Social Justice and Inclusion at the University of Michigan-Dearborn hosted two virtual “cafes,” or online discussion groups, that were segregated on the basis of race, with moderators also segregated on the basis of race. The cafes were advertised as opportunities for students “to gather and discuss their experience” on campus and in the world as members of a particular racial group.

This discussion series included separate events for “BIPOC” students—a politically correct neologism that stands for “Black, Indigenous, and People Of Color”—and “non-POC,” or white, students. In plain English, the University of Michigan appears to have created “whites-only” and “non-whites-only” events, in a manner reminiscent of the doctrine of racial segregation overturned by *Brown v. Board of Education*. The University of Michigan's chancellor later apologized for the events and reaffirmed the school's “commitment to an inclusive campus community.”² The school now maintains the race-based events “were never intended to be exclusive or exclusionary for individuals of a certain race.”³

Similarly, on August 7, the University of Kentucky's Bias Incident Support Service hosted segregated training sessions for resident assistants, “one for RAs who identify as Black, Indigenous, Person of Color and one for RAs who identify as White.”⁴ The training for non-white students was called “Healing Space for Staff of Color,” while the training for white students was called the “White Accountability Space.” While resident assistants received invitations to both trainings, they were “expected to attend only one that corresponds best to your

¹ Any organization that receives loans through the Paycheck Protection Program authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act, Pub. L. 116–136) is required to follow the provisions of Title VI, as implemented by the Small Business Administration in 13 C.F.R. Part 112.

² Grasso, Domenico, “*Reaffirming our commitment to an inclusive campus community*”, University of Michigan-Dearborn (Sept. 10, 2020). <https://umdearborn.edu/offices/external-relations/key-issues/virtual-cafes>.

³ “*Virtual Cafes*”, University of Michigan-Dearborn, (Sept. 9, 2020). <https://umdearborn.edu/offices/external-relations/key-issues/virtual-cafes>.

⁴ Clark, Chrissy, “*University of Kentucky Segregates Residential Assistant Training by Race*”, Washington Free Beacon (Oct. 5, 2020). <https://freebeacon.com/campus/university-of-kentucky-segregates-residential-assistant-training-by-race/>.

identity,” according to an email from the University. Students who attended the “whites-only” meeting were provided with supplementary materials that listed “common racist behaviors and attitudes of white people.” One of the examples on the list was segregation.

Sadly, there is evidence that segregation is a growing trend, especially on college campuses. A report released last year by the National Association of Scholars compiled hundreds of instances where college campuses have established or allowed programs or activities that are segregated on the basis of race, color, or national origin.⁵ That includes segregated residence halls, commencement ceremonies, cultural centers, student and alumni groups, “safe spaces,” and even classes.

College administrators often rationalize these forms of racial segregation, claiming they give members of certain racial groups, especially minority groups, spaces where they can discuss shared concerns and issues. Thus, these defenders attempt to portray racial segregation as a tool to further diversity. Some defenders of these practices further claim that segregated facilities and events protect racial minorities from racism that supposedly is endemic in our nation’s schools.

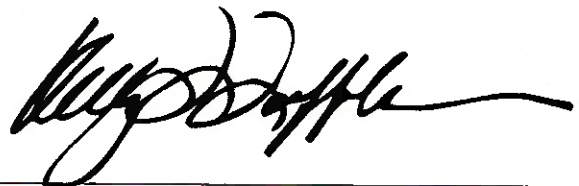
Whatever the rationale, the effect of racial segregation is to divide the student body on a college campus, creating racial or ethnic enclaves. This practice heightens racial consciousness while discouraging students from thinking of themselves as part of one nation that encompasses members of all races.

Racial segregation is antithetical to our nation’s creed, expressed in the Founding documents, that “all men are created equal.” Segregation also is illegal under multiple federal laws, including Title VI of the Civil Rights Act of 1964. The Act states that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”⁶ The practices outlined above appear to violate the plain text and intent of the Civil Rights Act. I thus urge you to investigate these and similar cases of racial segregation in our nation’s schools, enforcing the law as written and bringing offenders into “prompt and full compliance” with the law.⁷

Sincerely,



Tom Cotton
United States Senator



Kelly Loeffler
United States Senator

⁵ Don J. Pierre & Peter Wood, “*Neo-Segregation at Yale*”, National Association of Scholars (April 2019).
https://www.nas.org/storage/app/media/Reports/NeoSeg%20at%20Yale/NeoSegregation_at_Yale.pdf

⁶ Civil Rights Act of 1964, title VII, 42 U.S.C §§ 2000d et seq.

⁷ 28 C.F.R. § 50.3.

cc: **The Honorable Betsy D. DeVos**
Secretary of Education

The Honorable Eric S. Dreiband
Assistant Attorney General, Civil Rights Division