

Five Takeaways From Nikole Hannah-Jones's Essay on the 'Colorblindness' Trap

How a 50-year campaign has undermined the progress of the civil rights movement.



By Nikole Hannah-Jones

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Last June, the Supreme Court ruled that affirmative action in college admissions was not constitutional. After the decision, much of the discussion was about its impact on the complexions of college campuses. But in an essay in *The Times Magazine*, I argue that we were missing the much bigger and more frightening story: that the death of affirmative action marks the culmination of a radical 50-year strategy to subvert the goal of colorblindness put forth by civil rights activists, by transforming it into a means of undermining racial justice efforts in a way that will threaten our multiracial democracy.

What do I mean by this? Here are the basic points of my essay:

The affirmative-action ruling could bring about sweeping changes across American society.

Conservatives are interpreting the court's ruling broadly, and since last summer, they have used it to attack racial-justice programs outside the field of higher education. Since the decision, conservative groups have filed and threatened

lawsuits against a range of programs that consider race, from diversity fellowships at law firms to maternal-health programs. One such group has even challenged the medical school of Howard University, one of the nation's pre-eminent historically Black universities. Founded to educate people who had been enslaved, Howard's mission has been to serve Black Americans who had for generations been systematically excluded from American higher education. These challenges to racial-justice programs will have a lasting impact on the nation's ability to address the vast disparities that Black people experience.

Conservatives have co-opted the civil rights language of 'colorblindness.'

In my essay, I demonstrate that these challenges to racial-justice programs often deploy the logic of "colorblindness," the idea that the Constitution prohibits the use of race to distinguish citizens and that the goal of a diverse, democratic nation should be a society in which race does not determine outcomes for anyone. Civil rights leaders used the idea of colorblindness to challenge racial apartheid laws and policies, but over the last 50 years, conservatives have successfully co-opted both the rhetoric and the legal legacy of the civil rights era not to advance racial progress, but to stall it. And, I'd argue, reverse it.

Though the civil rights movement is celebrated and commemorated as a proud period in American history, it faced an immediate backlash. The progressive activists who advanced civil rights for Black Americans argued that in a society that used race against Black Americans for most of our history, colorblindness is a goal. They believed that achieving colorblindness requires race-conscious policies, such as affirmative action, that worked specifically to help Black people overcome their disadvantages in order to get to a point where race no longer hindered them. Conservatives, however, invoke the idea of colorblindness to make the case that race-conscious programs, even to help those whose race had been used against them for generations, are antithetical to the Constitution. In

the affirmative-action decision, Chief Justice John G. Roberts Jr., writing for the majority, embraced this idea of colorblindness, saying: “Eliminating racial discrimination means eliminating all of it.”

The Supreme Court’s decision undermines attempts to eliminate racial inequality that descendants of slavery suffer.

But mandating colorblindness in this way erases the fact that Black Americans still suffer inequality in every measurable aspect of American life — from poverty to access to quality neighborhoods and schools to health outcomes to wealth — and that this inequality stems from centuries of oppressive race-specific laws and policies. This way of thinking about colorblindness has reached its legal apotheosis on the Roberts court, where through rulings on schools and voting the Supreme Court has helped constitutionalize a colorblindness that leaves racial disparities intact while striking down efforts to ameliorate them.

These past decisions have culminated in *Students for Fair Admissions v. Harvard*, which can be seen as the Supreme Court clearing the way to eliminate the last legal tools to try to level the playing field for people who descend from slavery.

Affirmative action should not simply be a tool for diversity but should alleviate the particular conditions of descendants of slavery.

Part of the issue, I argue, is that the purpose of affirmative action got muddled in the 1970s. It was originally designed to reduce the suffering and improve the material conditions of people whose ancestors had been enslaved in this country. But the Supreme Court’s decision in the 1978 *Bakke* case changed the legally permissible goals of affirmative action, turning it into a generalized diversity program. That has opened the door for conservatives to attack the program for focusing on superficial traits like skin color, rather than addressing affirmative

action's original purpose, which was to provide redress for the disadvantages *descendants of slavery* experienced after generations of oppression and subordination.

Working toward racial justice is not just the moral thing to do, but it is also crucial to our democracy.

When this country finally abolished slavery, it was left with a fundamental question: How does a white-majority nation, which wielded race-conscious policies and laws to enslave and oppress Black people, create a society in which race no longer matters? After the short-lived period of Reconstruction, lawmakers intent on helping those who had been enslaved become full citizens passed a slate of race-conscious laws. Even then, right at the end of slavery, the idea that this nation owed something special to those who had suffered under the singular institution of slavery faced strident opposition, and efforts at redress were killed just 12 years later with Reconstruction's end. Instead, during the nearly 100-year period known as Jim Crow, descendants of slavery were violently subjected to a dragnet of racist laws that kept them from most opportunities and also prevented America from becoming a true democracy. During the civil rights era, when Black Americans were finally assured full legal rights of citizenship, this question once again presented itself: In order to address the disadvantage Black Americans faced, do we ignore race to eliminate its power, or do we consciously use race to undo its harms? Affirmative action and other racial-justice programs were born of that era, but now, once again, we are in a period of retrenchment and backlash that threatens the stability of our nation. My essay argues that if we are to preserve our multiracial democracy, we must find a way to address our original sin.

Nikole Hannah-Jones is a domestic correspondent for The New York Times Magazine focusing on racial injustice. Her extensive reporting in both print and radio has earned a Pulitzer Prize, National Magazine Award, Peabody and a Polk Award. More about Nikole Hannah-Jones