

**AFFIRMATIVE ACTION in the NEW MILENNIUM: CAN DIVERSITY BE
ACHIEVED WITHOUT IT**

**An Analysis on Abolishing Affirmative Action in College and University Admissions: If
There is no Affirmative Action, What are the Alternatives?**

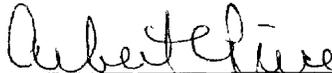
THE DEBATE CONTINUES...

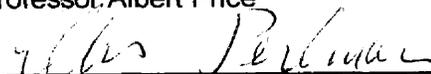
by

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First Reader: 
Professor Albert Price

Second Reader: 
Professor Ellis Perlman

“...I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.”

Rev. Dr. Martin Luther King, Jr.
“I Have A Dream” speech, August 1963

“We are not yet equals, and as to this country being a melting pot-either the Negro did not get into the pot or he did not get melted down.”

Supreme Court Justice Thurgood Marshall, 1978

“Unfortunately we do not live in a society that is truly color-blind, and until that day comes, affirmative action remains a necessary and vital tool towards equality.”

Coretta Scott King, widow of M.L King, Jr.
October, 1998

“For those who say preference systems are bad, I would love to take you through all the preference systems which are acceptable; mortgage deductions, veteran benefits, colleges eagerly awaiting students who can throw the football or donate a gym. So we are not against preference, we’re just against any preference that is related to the color of a person’s skin.”

General Colin Powell
November, 1997

“I do not believe we fight discrimination with more discrimination.”

J.C. Watts, Republican congressman
Oklahoma

“Preferential policies based on race have outlived their usefulness and cause more harm than good. Preferential programs send the wrong message to Blacks that they need assistance to be competitive simply because of their skin color.”

Brian Jones, President
The Center for New Black Leadership

“Our government should not be curing discrimination by discriminating. For all these years, we have taken a short-cut to grandma’s house, and that’s been called affirmative action.”

Ward Connerly, Regent
University of California

“I don’t ever want to be recognized or rewarded because of my skin color. It is a disservice to me. Affirmative action was a bridge that was necessary and it brought many of us across. But times are changing.”

Alveda C. King, niece of M.L. King, Jr., 1998

A SPECIAL “THANKS” to the FOLLOWING POSITIVE INFLUENCES in my LIFE...

First of all to God Almighty, to who all praises are due for restoring knowledge that I thought was long lost and giving me the strength and endurance that made the writing of this thesis possible.

All the civil rights heroes, living and dead, African American and White, who have made tremendous sacrifices to fight the injustices against all people, especially those of color.

My wife and best friend, Phyllis, for all your moral support, understanding and encouragement especially over the past three years. Thanks for “picking up the slack,” this allowed me to complete my degree requirements.

My daughters, Alyse and Lauren, for knowing when Daddy needed “peace and quiet!” Your patience and support throughout this endeavor has been greatly appreciated. Your mother and I are extremely proud of all your accomplishments thus far. Keep up the good work!

My family, especially my parents and siblings, for your words of encouragement and inspiration throughout my life, more importantly, over the past three years.

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My friends, for being so supportive and encouraging.

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Mr. Tavis Smiley of “BET Tonight” whom I have not met, for your thought provoking political commentaries that have raised not only my conscience level but the conscience level of all Americans to the issues that face America, especially African Americans and who also encourages us to “Keep the faith!”

--DEDICATION--

This thesis is dedicated to my daughters, Alyse and Lauren and the other African American youth who will enter the job market as the millennium progresses. I hope and pray that you will always remember the struggles and challenges your forefathers endured and overcame so that you and your friends can have an equal opportunity to pursue your dreams and aspirations. **Always remember, ..."the race is not given to the swift but to s/he that endures!" and "you can't live a 'Tommy Hilfiger' lifestyle on a 'Meijer-why pay more' education!"**

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ABSTRACT

On the national level, affirmative action has become a hot topic of debate over the past five to ten years. Political analysts claim it be one of the issues that have continually polarized America, pitting conservatives against liberals and dividing African Americans and Whites. Proponents claim if affirmative action is abolished, achievements and accomplishments made by minorities and women over the years will be diminished. They strongly believe that if affirmative action is ended, diversity, as we know it, will be severely affected. The number of African Americans and women on college campuses and ultimately, in the workplace, will decrease.

Opponents say affirmative action and “preferential treatment” programs are discriminatory, especially to members of unprotected groups, and are no longer needed. They claim America needs to move towards a “colorblind” society. They go so far as to claim that minorities and women should resent the implications and stigmas of affirmative action, it gives the impression that they were not qualified, race or gender was the only qualifying factor. Opponents strongly believe that opportunities should go to those best qualified for the position, race or gender should not be a qualifying factor. They contend that ending affirmative action will have little or no impact on the number of minorities and women in the workplace. They further claim affirmative action violates the Fourteenth Amendment and Title VII of the Civil Rights Act of 1964, which was enacted to prohibit discrimination on the basis of race, color, religion, gender or national origin.

Affirmative action has been the catalyst or impetus that has led to the increased numbers of minorities and women on college campuses and in the workplace. With the passage of the Civil Rights Act of 1964, America attempted to remedy the injustices previously done against minorities, especially African Americans. Employers, educational institutions and other entities set into motion affirmative action plans with the intent being to increase the number of African Americans and women on college campuses and in workplaces across the country. The intent was not only to increase the numbers (later referred to as “quotas”), but it was to remove the racial barriers to opportunities that qualified minorities and women previously encountered! With federal legislation in place, America was on her way to mending the wounds and scars caused by sharp edges of discrimination that had cut so deeply into her moral fabric.

The purpose of this paper is to analyze the impact of “ending” affirmative action, as we know it, on college admissions and diversity in America’s colleges and universities. What mechanism will be put in place to ensure that minorities and women will continue to have an equal chance or opportunity? What are the alternatives? The issue of affirmative action, especially in college and university admissions, must be addressed as America enters into the new millenium. If people of color, especially African Americans, are to continue to build upon the accomplishments and achievements in the workplace made by those before them, education is essential in order to have an equal opportunity or a “level playing field” to do so. With the recent adoption and passage of Proposition 209 in California, states are developing and adopting new “race neutral” policies to

“replace” affirmative action. Though somewhat new, researchers are now beginning to “test” the concept and effects of “race neutral” policies. It is my intent through recent case studies and literature reviews and a historical review of issues that led to the concept of affirmative action to discuss and analyze alternatives to affirmative action.

RESEARCH QUESTION: Can diversity be achieved without affirmative action? If affirmative action is abolished, what are possible alternatives?

Can diversity be achieved without affirmative action? This seems to be the \$1 million question. Most Americans believe in “equal opportunity for all” but as to how it is achieved or as to how to achieve a “level playing field,” the American opinion is somewhat divided. It is ironic that the challenges and issues related to the “ending or amending” of affirmative action come at a monumental period in American history, America is on the verge of a new millennium, the 21st Century! Since its inception, affirmative action has served as a mechanism to increase the presence of minorities and women on college campuses and in the workplace. Prior to its passage, there were very few minorities and women in high-level positions in the workplace. For minorities, especially African Americans, it was merely the color of their skin that deemed them unqualified; for women, it was their gender. With the fate of affirmative action hanging in the balance, several unanswered questions remain. Is America currently [really] attempting to achieve a “colorblind” society? Has America really worked towards achieving a “colorblind” society? What steps have been taken to achieve a “colorblind” society? All things being equal, will White corporate America give people of color a fair and equal opportunity in the employment arena? Has affirmative action really caused Whites to become victims of “reverse discrimination?” There are probably those who would answer “yes” without hesitation. One question that continually comes up in the debate on affirmative

action but has yet to be addressed: If there is no affirmative action, what mechanism will be put in place to ensure that people of color, especially African Americans, have an equal chance at employment, governmental contracts and other opportunities? What will ensure a “level playing field?” Putting the focus on educational opportunities: If affirmative action is “ended,” what are the alternatives? How will abolishing affirmative action affect diversity?

Given the recent Supreme Court rulings on affirmative action or “race preferential” programs at major colleges and universities, diversity in the workplace is threatened even more. These programs were developed and implemented to increase the numbers of women, African Americans and people of color at institutions of higher learning that previously denied them admission, a denial that was based on color or gender. Now, given an opportunity to receive an education at a college or university of their choice, African Americans, women and other minorities are able to pursue college degrees in career fields that were previously dominated by White men. To challenge or abolish these programs will have a significant impact on diversity in the workplace.

The above paragraph by no means is intended to lessen the importance, value or role of historically Black colleges and universities [H.B.C.U’s] which were at the forefront of educating African Americans to become the nation’s doctors, surgeons, etc. long before the adoption and passage of affirmative action. Simply stated, it was unfortunate that White corporate America did not recognize Black colleges and universities as “real” institutions of higher learning. It was believed that a Harvard or Yale degree would guarantee admission to corporate

America as opposed to a degree from Howard or Fisk University. To refuse an African American applicant because he/she attended Howard as opposed to Harvard was just another method to keep African Americans out of the workplace.

The Bakke decision was one of the first cases to challenge the constitutionality of affirmative action. In 1977, Alan Bakke challenged the “set-aside” programs of the University of California, claiming they violated his civil rights. He claimed that minorities with lower test scores were admitted to medical school while he was denied because he was White. In 1978, the Supreme Court agreed and ruled in favor of Bakke. This ruling is discussed in detail in the famous The Regents of the University of California v. Bakke, 1978¹ court case. The Court declared “race could not be the sole factor in UC admissions even though the intent or goal is to diversify the student body.” The Cheryl Hopwood v. The State of Texas, 1994² decision struck down affirmative action at the University of Texas. Ms. Hopwood, like Bakke, was denied admission to the University of Texas. She claimed “reverse discrimination,” stating that minorities with lower LSAT scores were accepted into the law school, whereas she was not. This was a violation of her civil rights. The recent adoption and passage of “Proposition 209” in California and “Initiative 2000” in the state of Washington have weakened the case for affirmative action even more.

The aforementioned are examples of some of the recent attacks on affirmative action. To understand affirmative action, one must first understand

the historical forces that led to its inception and passage. Affirmative action was developed and set into place to rectify the injustices of racial discrimination done against African Americans and other minorities for years. Discrimination grew out of the institution of racism. Racism has somehow embedded itself so deep into America's fabric that some claim it to be non-existent. There are those who admit racism exists but claim opportunities exist for all people regardless of color. This justifies the notion affirmative action is no longer needed as a remedy for equal opportunity. There are those who attempt to separate the issues, one cannot separate "affirmative action" and "racism," they are very much related and have become somewhat meshed together. Affirmative action exists because of the institution of racism, not because equal opportunity abounds for all. To begin to understand affirmative action, we must first understand the forces that shaped it.

LITERATURE REVIEW

HISTORICAL OVERVIEW:

When the topic of affirmative action comes up, a discussion on racism is imminent! It is somewhat difficult to discuss affirmative action and omit racism. African Americans today still feel and experience the effects of racism on a daily basis, the manifestations of racism are evident! Whether it is being watched as they shop in stores, hearing the clicking of door locks as Whites stop at intersections in African American neighborhoods or watching elderly White women clutch their purses as African American males enter the elevator, the examples are endless. As the discussion of racism heightens, a topic that America wants to forget rears its ugly head...slavery. The sentiment of White America seems to be "slavery was an ugly period in American history, it's over, things are better for African Americans today," let's get beyond it and focus on the current accomplishments of those currently in the workplace. For Black America, it's easier said than done, the effects and manifestations of racism still loom some two hundred years later.

To understand affirmative action as we've come to know it today, we must first understand the historical forces and issues that led to its inception and implementation. The following paragraphs briefly outline and highlight some of the relevant issues of past decades.

In the book, "An American Dilemma: The Negro Problem and Modern Democracy, 20th Anniversary Edition," Gunnar Myrdal gives a twenty year update

on the results of his earlier study published in the mid-forties. He conducted a study on the “Negro problem in America.”³ Though the initial edition was published in 1944, the essays are very relevant for today. In several well-thought-out essays, he addresses issues ranging from Negro culture to the Negro’s role in the political process. Some of the problems he recognizes and addresses are still stumbling blocks for overcoming racism today. He writes about the attitudes of both Whites and Negroes some eighty years after the Civil War. Understanding America’s “frame of mind” might give us some clearer insight on current attitudes of today.

Myrdal contends that to understand the attitude of America, particularly White America, during this period of time, the perception of the “Negro’s place [position or role] in America” must be taken into consideration. Negroes were “imported” to America as slaves for the sole purpose of inexpensive labor, solely for White men to make a profit on their crops. Negroes were not considered to be men or humans, simply regarded as “property.” America was still in her infancy. Agriculture was a booming industry during the 1800s with the chief crop being cotton. As America matured, technology became more “advanced.” The textile industry experienced tremendous growth and development in the late 1860s to the early 1900s. America braced herself for two major movements in her history, the “Industrial Revolution” and the “Great Depression.”

As the textile industry grew, America seemed to change. The demand for cotton was decreasing and the demand for material goods was increasing. Merchants were now benefiting from the textile industry, not the farmers; the

development of manufacturing industries was on the rise. The agricultural industry was losing its popularity. Those farmers that had become wealthy as a result of the “cotton picking” era were now losing their wealth to those individuals that had invested into the building of factories. With the abolishment of slavery and the freedom of the slaves in the mid-1860s, clearly “poor” White men felt threatened not only by the growth of the textile [manufacturing] industry but also by the newly acquired “rights and freedoms” of Negroes.

As America continued to grow and prosper, the “attitude of the Negro” was slowly changing. They were beginning to perceive their “position” as one that was equal to their White counterparts. This was a stark contrast to earlier perceptions. Negroes were now viewing themselves as “human beings” entitled to all “rights and privileges” therein. Though the thought of being equal to Whites started as an ember amongst partially dry brush, it slowly grew into a raging fire that encompassed Negroes across the country. Whites, especially the poor Southern farmers, were somewhat reluctant to accept the Negro as an equal.

History documents the horrendous acts committed against freed slaves following the “Emancipation Proclamation of 1863.” Whites murdered, lynched and hanged freed Negroes to keep them from actively pursuing and exercising their newly acquired rights. By utilizing this intimidation process, Whites frantically hoped to hold onto the power they felt they possessed over Negroes.

Just as the textile industry was about to “explode,” America experienced one of her most tragic eras in her history thus far, the Depression of the 1930s. People across the country lost everything including homes, land, jobs, savings

and most importantly, ...status. For some Whites, status was the only thing they had left after the “King Cotton” era waned [died]. For poor rural Whites, the loss of status was even more devastating. Even though Negroes were free, Whites still believed they were superior to the Negro. To a large number of Whites, the loss of status was unbearable. They felt the need to hold onto what “power” they possessed by “any means necessary.” This loss of power began to manifest itself through the violent acts of racism that followed; as stated earlier, history documents several of them.

It was during the 1930s that Gunnar Myrdal was commissioned by the Carnegie Corporation to conduct a study on race relations and racial attitudes in America. Some twenty years after its initial publication, Myrdal reflects on racial relations in the “20th Anniversary Edition.”

The 1950s saw a gradual increase in the number of Negroes in the “professional” workplace. The more popular professions were music and education [teaching]. Another profession that was growing was the medical field, Negroes were somewhat forced to open their own medical facilities and hospitals because Negro doctors were not allowed to practice in White hospitals due to segregation. During these times, Negro professionals relied heavily on the support of their own race because they received little or no support from their White counterparts. But a change was on the horizon!

The late 50s and 60s were turbulent and violent times in America. The *Brown v. The Board of Education, 1954* decision had outlawed segregation in public schools. There were sit-ins, marches, protests and civil unrest. Negroes

demanded equal rights and be treated as “human beings” and “first class citizens.” In response to the civil unrest that had kept America in newspaper headlines and television broadcasts across the world, Congress passed the “Civil Rights Act of 1964.” President Lyndon B. Johnson signed the act into law, thereby guaranteeing every American an “equal opportunity regardless of race, color or creed.” The 1964 Act prohibited “discrimination in public accommodations, employment, and education on the basis of an individual’s race, color, religion, nationality, or sex.”⁴

For Negro Americans, the 70s were the era of “Black Power!” They no longer wanted to be referred to as “Negroes.” With affirmative action plans set into motion, Blacks were now able to attend the predominately White colleges and universities that had previously denied them admission. In the workplace, especially on the federal level, Blacks were slowly placed into positions of authority. Blacks and women were slowly becoming more visible on college campuses and in entry and mid-level positions in the workplace. The “buzz word” on the federal level was “representative bureaucracy.” In the article, “An Inclusive Democratic Polity, Representative Bureaucracies and the New Public Management,”⁵ Rita M. Kelly outlines the importance of governmental agencies being “representative” of the clientele they serve. If a large percentage of an agency’s clientele is of a particular ethnic group, those in that group would feel more “comfortable” if served by “someone who is like or similar to them.” This by no means implies that someone outside that particular group cannot be sympathetic or understanding, just that the level of comfort is somewhat higher.

In the article, "Race-Based Preferential Treatment Programs: Raising the Bar for Establishing Compelling Government Interests," the authors feel it is necessary to differentiate between the terms *equal opportunity* and *affirmative action* in order to get a clearer understanding of affirmative action. They state, "Equal opportunity, in the strictest sense, means that *all individuals* must be treated *equally* regardless of race, religion, sex or national origin. Affirmative action is a far more complex matter, having different meanings for different people." Since affirmative action has not been clearly defined, it is interpreted differently. The following section attempts to provide a "*logical starting point*" to define what affirmative action encompasses. According to James Ledvinka, affirmative action may take any combination of the four basic forms.⁶

1. ***Recruitment of under represented groups.*** Actively seeking qualified women and minority applicants
2. ***Changing management attitudes.*** Attempting to eliminate conscious or unconscious prejudices held by management and supervisory personnel toward women and minorities in the workplace.
3. ***Removing discriminatory obstacles.*** Identifying employment policies and practices that place women and minorities at a disadvantage in the employer's workplace.
4. ***Preferential treatment.*** Giving preference to women and minorities in staffing positions.

The preferential treatment component tends to generate the greatest debate. Public opinion polls, taken since the 1970s, indicated that between two-thirds and four-fifths of all respondents opposed any programs that favor less qualified minorities and women or established quotas in hiring and promotion in the workplace or in college admissions and scholarships. Conversely, most

Americans are not opposed to more benign forms of affirmative action and support special training programs for minorities and women that enhance their qualifications for better jobs and college entrance. It appears that most Americans are not opposed to special efforts to find qualified African Americans, women and members of other “protected groups” and actively encourage them to apply for jobs and scholarships. The concern is that in the end, the most qualified applicant be awarded the job or scholarship.⁷

The Bakke and more recently, the Hopwood decision will have a profound and significant effect on major universities’ and colleges’ affirmative action plans. There are those who feel that, given the recent decisions, a decline in the number of African Americans and women on college campuses is imminent. In the article, “Texas’ Efforts to Cushion the Ban on Race-Sensitive Admissions,”⁸ it is predicted that in the Year 2000, only 5 African Americans will graduate from the University of Texas Law School. In 1990, the graduating class had 13 African Americans, down from 44 in 1986. The Class of 1986 was considered to be the “peak” year, graduating the largest class of African Americans ever. As a result of the Hopwood decision, the University of Texas has abandoned its’ race-sensitive affirmation action plan in 1997.

With the passage of Proposition 209, which bans affirmative action in college admissions in California, University of California officials predicted a decline in the numbers of African Americans and women being admitted to incoming classes.⁹ In its Class of 1997, the last year in which affirmative action programs were permitted, the University of California saw an increase of 14% at

its Berkley campus and a 32% increase at its Santa Barbara campus. Of the seven campuses, three reported a decrease in the number of African Americans; the Irvine campus reported a 12% drop and Los Angeles and San Diego reported 26% and 12% respectively.¹⁰

The ending of affirmative action plans at major universities will eventually have a “trickling down” effect on the numbers of African Americans in corporate America. Some claim the effects will be devastating. When major firms recruit potential graduate candidates, especially those with MBAs, they tend to look to the major universities for prospects. If affirmative action programs are ended, fewer African Americans will have an opportunity to obtain middle and high-level management positions within these corporations. Currently there are no African Americans CEOs at any of the nation’s 500 largest corporations, there are a handful holding other titles in the *executive suites* (italics added).¹¹ The author states, “Yet under the impetus of affirmative action, African Americans have made important strides into the lower levels of corporate management. In 1960, prior to the onset of affirmative action in corporate America, Blacks made up less than 2 percent of all executives, managers and administrators. Today, Blacks make up 7.2 percent of those positions. The elimination of affirmative action for admission to higher-rated business school would almost surely halt this progress dead in its tracks.”¹²

The banning of affirmative action at major universities will ultimately affect the number of African Americans and women in the workplace. These numbers will have an adverse effect on the strides and accomplishments of diversity in the

workplace. Affirmative action is largely responsible for the increased number of employment opportunities for minorities and women in the workplace.¹³

Jonathan Leonard states, "Affirmative action under Executive Order no. 11246 ranks among the most controversial of domestic federal policies. This study asks whether affirmative action has been successful in promoting the employment of minorities and females. It compares the change in demographics between 1974 and 1980 at more than 68,000 establishments and finds that both minority and female employment have *increased* (bold type and italics added) faster at establishments subject to affirmative action..."¹⁴ He contends that federal contractors with affirmative action obligations are more apt to increase employment opportunities for minorities and women more so than those that do not have an affirmative action obligation. This almost begs the question, "All things being equal, will White corporate America give people of color and women a fair and equal opportunity in the employment arena?" If affirmative action is abolished or done away with on the college level, what are the alternatives? What is going to ensure an equal opportunity in America? Studies seem to show that African Americans and women have greater employment opportunities with affirmative action plans in place as opposed to no affirmative action plan.

“You’ve got to know the shape of the river perfectly. It is all there is left to steer by on a very dark night...”

“Do you mean to say that I’ve got to know all the million trifling variations of shape in the banks of this interminable river as well as I know the shape of the front hall at home?”

“On my honor, you’ve got to know them better.”

--- Mark Twain, *Life on the Mississippi*

METHODOLOGY / RESEARCH DESIGN

Because affirmative action is such a sensitive and broad issue that encompasses several components, I thought it best to establish some parameters and a framework to work within. Affirmative action covers a wide gambit of topics including race, education and employment. By setting some boundaries, this will help me to stay focused on issues related to affirmative action programs in higher education.

In order to establish these constraints and yet get an overview of both sides of the argument, I chose two recent publications on affirmative action that have been regarded by other professionals as comprehensive and thought-provoking analyses (studies) of affirmative action. Stephen and Abigail Thernstrom authored the book, "America in Black and White," which has been highly praised by conservatives and opponents of affirmative action. Extremely conservative in approach, it clearly brings forth a strong case against affirmative action programs. William G. Bowen and Derek Bok, in their book "The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions," bring to light long-term benefits if affirmative action programs are kept in place. In both studies, the method of analysis was highly quantitative, using surveys, questionnaires, current databases and conducting personal interviews with participants. It is important to note that in both books, the information in databases is not intended to be representative, so no

generalizations can be drawn for the general population or institutions of higher learning.

For the purpose of this paper, I will present a historical perspective, arguments for and against affirmative action, a comparison of past and present arguments and will pose potential unresolved or unanswered questions that yet need to be addressed as a result of my initial review of the studies.

It becomes somewhat difficult, if not impossible, to discuss affirmative action and not include a discussion on the racism that has excluded minorities, especially African Americans, people of color and women from equal opportunities in the employment arena. Racism manifests itself in two dominant forms: "self-imposed" segregation (societal racism) and "institutional" racism. Self-imposed segregation is an individual choice or decision. The "White flight" to the suburbs during the 70s would be an example of self-imposed segregation. With the passage of fair housing laws that barred discrimination in housing, Whites migrated to the suburbs in large numbers. Whites believed that with the increased numbers of African Americans and other minorities moving into their neighborhoods, they could no longer feel safe and that crime would increase and the values of their properties would decrease. Their perception of well-being was threatened. With the mass exodus of Whites to the suburbs, the majority of those remaining in the cities were poor Whites and minorities who could not afford to move to expensive housing subdivisions and developments that sprung up around the perimeter of cities.

Studies on college campuses have shown that even though a diverse student body is desired, students of the same ethnic group tend to congregate and interact with one another. African American students tend to eat with other African Americans, Asian students tend to converse with other Asian students and so forth. The comfort level of students tends to be greater when they interact with other students that “look like them.” Self-imposed segregation is a societal issue; one cannot pass legislation or force an individual to live or interact in an environment in which he/she does not feel comfortable.

“Institutional racism is systematically structured and made legitimate by Whites in America. Its’ intent is to exclude or ostracize those groups, especially African Americans, that fall outside the “dominant” or “majority” group.”¹⁵ It has become a part of the American political and economic system and is continually perpetuated in the power and privileges White America exercises over African Americans and other minorities.¹⁶ There was a point in American history in which African Americans were considered to be property and later “two-thirds” a man. Even today, institutional racism continues to be a barrier to opportunities. Because this type of racism has roots in the political system, it can be controlled if not eradicated. The entire political system is based on the Constitution of the United States, which declares “all men are created equal.” The phrase, “*all men are created equal*,” has taken on a new meaning since its inception.

Keeping with the premise that all men are created equal, America is in a position to pass and enforce legislation to guarantee all Americans, regardless of their race, creed or religion, their inalienable rights as set forth by the

Constitution. Because all men are created equal, every man has the right to pursue the “American dream,” the opportunity to provide a better life for his family. In cases where injustice overrules the principles and morals as set forth by the Constitution, legislation must be adopted and enacted. In order for laws to be enforced and to assure equal rights for all, some mechanism has to be put into place to encourage entities to provide equal opportunities for all with no regard for race, creed or religion. For those who knowingly chose or just simply refuse to allow equal opportunity for all, there needs to be some type of deterrent or punishment. Affirmative action is such a mechanism; legislation was adopted and passed to ensure equal opportunities for all. It grew out of the civil unrest that plagued our country in the mid-fifties. In the past, the American judicial system has served as the legal battleground to persecute those entities that violated anti-discrimination legislation.

Critics and opponents claim that affirmative action has “done more harm than good” and has outlived its usefulness. By conducting a secondary research analysis, with a focus on college admissions, I will identify and discuss alternatives that are being developed in response to critics who claim that it is time to “end affirmative action.” I will address the concept of “race-neutral” policies, the pros and cons and analyze the results have been obtained and documented since its enactment. If affirmative action is abolished, can “race-neutral” policies be effective in college admissions and achieving a diverse workplace?

RESEARCH DESIGN and ANALYSIS:

Brown v. The Board of Education, 1954 was one of the earliest cases to challenge the “separate but equal” rule that had become a way of life for most Americans. *Plessy v. Ferguson, 1896* sustained the principle of “separate but equal” as it pertained to public facilities and accommodations.¹⁷ The “separate but equal” doctrine had clearly segregated the races. The Supreme Court upheld the “separate but equal” doctrine in its’ decision in the *Plessy* case; Southern whites were elated. Southern states quickly passed legislation to ensure that segregation continued.¹⁸ North Carolina and Virginia passed laws that forbade all fraternal organizations that permitted members of different races to address each other as “brother.” Alabama made it unlawful for White female nurses to care for Black male patients. Though somewhat extreme, a New Orleans’ ordinance segregated White and “Colored” prostitutes in separate districts. It seemed that segregation was to become a way of life.¹⁹

Attorney Thurgood Marshall of the National Association for the Advancement of Colored People presented a compelling case in challenging the “separate but equal doctrine.” He declared that Negro children were the true victims of this policy.²⁰ He contended that Negro children could not receive a quality education under current segregated conditions. Southern states, as a whole, spent three times as much per White pupil as per Negro one. The states of Georgia and Mississippi spent five times as much.²¹ Negro students were forced to learn in an environment that included crowded, dilapidated classrooms

with outdated textbooks whereas their White counterparts were afforded the luxury of sprawling, well-maintained modern buildings with updated textbooks. Southern Whites defended their actions by pointing out the “dangers of educating Negroes.”²² In a surprising ruling, the Supreme Court declared that “separate but equal” was not applicable in public education and ordered that states develop and implement a “plan to desegregate public schools in the South.”

The current irony is that the *Brown v. The Board of Education* decision that ordered public schools to be desegregated in the 1950s has come full circle in 1999. Some ten years later, with the passage of the Civil Rights Act of 1964, “separate but equal” was no longer constitutional. What was once an accepted way of life was now unlawful; White Americans had to accept the Negroes as citizens of the United States with all rights and privileges. This was unacceptable for a large number of Whites who began to leave the cities in large numbers in the early 70s. This self-imposed segregation has led to inner-city school districts largely populated by African Americans and other minorities while suburban school districts tend to boast a large White population. Statistics tend to show that the suburban district expenditures per student tend to be somewhat higher than inner-city school districts. Given the fact that schools are still “segregated,” one cannot help but wonder if *Brown v. The Board of Education* will be revisited in the new millennium.

Southern Whites were strongly opposed to integration of public schools. In fact, some were quite vocal in their opposition. Despite their opposition, integration was slowly becoming a reality. With integration of public education,

institutions of higher learning were soon to follow suit. Colleges and universities began developing and implementing “affirmation action” plans to make amends and restitution for the previous injustices against minorities, especially African Americans, and women. African Americans were now being admitted to prestigious colleges and universities across the country. There was a noticeable increase in the number of African Americans in predominantly White institutions of higher learning in both the North and South.

Affirmative action programs came with a huge price, the perceived exclusion of White males. In 1976, Allan Bakke, a 35-year White male was denied admission to the University of California Medical School for a second time. Despite the fact that his age and the number of years since his college graduation were to his disadvantage, Bakke challenged the “set-aside” programs at the University of California, claiming they violated his civil rights (for case details, contact www.affirmativeaction.doc.com). He contended that African Americans with lower MCAT scores and grade point averages (GPAs) were admitted whereas he was denied. The state Supreme Court upheld the University of California’s “set-aside” programs. Bakke filed an appeal and was granted a hearing by the United States Supreme Court. The U.S. Supreme Court overturned the lower court ruling and declared that “race can not be the sole factor” in determining admission even if the university’s intent is to achieve diversity in its’ student body. The Bakke decision was regarded as the beginning of the battle to abolish affirmative action.

With the Bakke decision setting a legal precedent, the attack on college and university affirmative action plans was gaining momentum. The battle became intensified. College and university officials vehemently defended their affirmative action plans claiming they were necessary to ensure “diversity and a quality exchange of ideas” on college campuses.²³

Affirmative action was dealt yet another blow by the Supreme Court in 1994 with the Cheryl Hopwood v. The University of Texas decision. Ms. Hopwood applied for admission to the University of Texas Law School and was ultimately denied. She graduated from California State University at Sacramento with a 3.8 GPA and scored in the top tier of candidates for admission to University of Texas on the LSAT. Even though her credentials were impressive, University of Texas officials claimed that because she did not attend an “academically competitive school,” her academic grades were discounted.²⁴ When it was discovered that minorities with lower grades and LSAT scores were admitted, Ms. Hopwood was contacted and asked to be a plaintiff in a “reverse discrimination” lawsuit against the University of Texas. Lawyers claimed that if affirmative action was intended to increase the presence of women and minorities on campus, Ms. Hopwood was a worthy recipient of its benefits. She and other White students sued the University claiming “reverse discrimination” and violation of their civil rights and won. The Hopwood decision is regarded as the precedent for affirmative action cases in the new millenium.

Opponents’ arguments against affirmative action have changed immensely over the years. At the onset of affirmative action, opponents were

concerned with and warned of the “dangers of educating the Negro.” The belief was that given the “inferior intellectual make-up of the African American, it was senseless and useless to educate him.” The fear was that if African Americans became educated, they would begin to believe that they were capable of being equal to Whites. African Americans would begin to demand equal rights and privileges that had been afforded exclusively to Whites. Given the racial climate of America in the 50s and 60s, Whites felt threatened by the idea of African Americans being equals, an “educated Negro” was a threat to the American society and way of life.

With the Hopwood decision as proof, opponents of affirmative action attempt to make their case based on “merit,” and not race. Studies have shown that African Americans tend to score lower than their White counterparts on standardized tests such as the Scholastic Aptitude Test (SAT), the Law School Aptitude Test (LSAT) and the Medical College Aptitude Test (MCAT).²⁵ In 1976, the first year a comparison of test scores was made, on the average combined SAT test score, African Americans tended to score 258 points below Whites. In 1995, even though African Americans fared better, the difference was still 200 points. When reviewing test scores for individual sections (math and verbal), the mean for African American test-takers is lower.²⁶

Using these statistics, opponents tend to draw the conclusion that African Americans are not “qualified” to attend institutions of higher learning because test scores indicate they are not prepared to compete with their fellow counterparts. Studies also have shown that in some instances, African Americans who gain

admission to predominantly White colleges and universities may have lower GPAs than some Whites who were denied admission. There are cases in which African Americans did not have the minimum GPA recommended for admission. Opponents claim that affirmative action tends to set up African Americans for failure instead of competition. They contend that African Americans drop out before completing degree requirements because they were “unqualified” initially.

Opponents contend that when students who attain high GPA and SAT test scores are denied admission, it is simply because they are White. A student’s academic accomplishments (qualifications), not his/her race should “merit” college admission. They claim that the additional “preference points” students receive as a result of their race put White students at a disadvantage. They tend to disregard the “preference points” awarded to veterans and legacies [applicants whose parent(s) are alumnus(alumni) of the school to which he/she is applying]. This leads opponents to claim that as a result of affirmative action, Whites have become victims of “reverse discrimination.”

Using test score data as the basis for their argument, opponents of affirmative action claim low test scores are an indication that African Americans are not “qualified” to compete on the collegiate level. College affirmative action programs place African Americans in an environment for which they are unprepared. Those opposed to affirmative action say that standardized tests are a reliable indicator of success on the college level because they test an applicant’s ability to reason out situations that are unfamiliar to them.²⁷ They claim “affirmative action programs and policies in higher education rest upon the

optimistic assumption that a student's past record has little predictive value."²⁸

Opponents say that those who favor affirmative action have an unrealistic expectation that once students who have low scores are put in a competitive environment, they will suddenly perform at a higher level. Opponents strongly disagree with this notion.

Opponents of affirmative action claim that as a result of the number of spaces "set aside" for African Americans and other minorities, a number of White applicants are being denied the opportunity to attend college. In most cases, they claim, those Whites who were denied were "qualified" based on their academic record and high tests scores. The "set-aside" affirmative action programs lower the number of total available spaces in college and university admissions. Opponents say Whites have become victims of affirmative action, simply because of their race.

Supporters of affirmative action programs have basically maintained the same argument throughout the years. Affirmative action programs are necessary because institutionalized racism has been and continues to be a barrier to equal opportunity in America's institutions, including education. Even though angry White mobs no longer *physically* stand in front of and block the doors to institutions of higher learning, subtle overtones of racism still abound. To those who claim that African Americans are not admitted on "merit," proponents strongly denounce and contradict the validity of standardized tests such as the SAT. Those who support affirmative action claim that standardized tests tend to be somewhat culturally biased. They make reference to the fact that very few

African Americans or people of color are involved in the test development. Supporters even claim that the exclusion of African Americans is intentional, the intent being to limit or exclude African Americans from the collegiate arena. Those in favor of affirmative action vow to fight its dismantling or abolition “tooth and nail.” To those who claim that African Americans are not admitted on their own “merit,” supporters disavow such notions and respond there is more to a “well-rounded” applicant than high grades and test scores. To those who claim that racial preferences are wrong and discriminatory, proponents say preferences are given to legacies (children of alumni) and veterans and these do not cause such a stir. The battle continues.

Proponents claim that affirmative action programs are largely responsible for the increase of African Americans in the workplace, especially in mid-to-upper level management positions in corporations across the country.²⁹ Affirmative action on the collegiate level has made it possible for African Americans to attend predominantly White colleges and universities that had previously denied them admission.

The validity of standardized test scores is an issue that sharply divides supporters and opponents of affirmative action. Those who oppose affirmative action claim the test scores are reliable indicators of an applicant’s success and level of preparedness to perform well in a college setting. Because of the competitive nature of the collegiate environment, opponents believe the higher the test score, the greater the chance an applicant will fare well in college. African Americans have typically scored lower on standardized tests than Whites.

This leads opponents to believe that African Americans are not “qualified” to compete and may not fare well in a collegiate setting.

Supporters are quick to dispute this argument. They say the “test score comparison system” is seriously flawed. They do concede that on a national level, African Americans are very underrepresented at the higher SAT levels and very over-represented at the lower levels. However, this only shows that African Americans will have substantially lower average SAT score even if a college or university were to use precisely the same SAT cut-off in admitting White and African American students. For example, if the cut-off SAT score is 1100, White students would still have higher average SAT scores than African Americans because more Whites tend to score at the upper end of the SAT distribution.³⁰ This does not mean that African American students are not “qualified,” it simply implies that a greater number of them probably scored in the 1100-1200 as opposed to the 1400-1500 range.

In addition to the misconception mentioned in the previous paragraph, the number of institutions of higher learning that actually take account of race in making admission decisions is relatively small. Even though there is no single method of identifying the number of such schools, it is estimated that only about 20-30% of all the four-year colleges and universities fall into this category.³¹ Nationally, the vast majority of undergraduate institutions accept all qualified candidates with no regard to race or special status.³²

Supporters also make reference to the applicant pool. In 1989, a study of five institutions was conducted regarding the information on the applicant pool for

the incoming freshmen class of 1989. For the available 5,166 spaces, over 40,000 applications were received; of that number, approximately 2,300 identified themselves as being “Black” or “African American.” A relatively small number of African Americans usually apply for admission as compared to Whites. When opponents claim that spaces “set-aside” for African Americans and people of color reduce the number of spaces for “more qualified” White students, proponents are leery of these statistics because the number of African Americans who apply is low to begin with.³³

An applicant with a GPA of 1.5 does not apply to a college or university whose minimum GPA for admission is 3.2 or better. The converse holds true also. Most students are well aware of the academic requirements of the college or university prior to their request for admission.³⁴ They are fairly confident in their ability to succeed at the university of their choice. They have been strongly encouraged by family members, teachers, counselors or even college recruiters, to apply for admission. These students, on the whole, would not apply to these institutions of higher learning if they failed to meet or exceed the minimum requirements.

Affirmative action programs on college and university campuses continue to be a hot topic of debate, with a large percentage of the argument centering on the issue of what determines “most qualified” and “merit.” In higher education, opponents of affirmative action claim race, not “merit,” has been the determining factor and are strongly opposed to race being a deciding factor. Supporters, on the other hand, claim the statistics are being manipulated so as to give the

impression that African Americans are not “qualified” but in reality African American students are prepared to compete with their White counterparts.

The issue of affirmative action raises many unresolved questions. Have affirmative actions programs been effective in increasing the numbers of African Americans attending America’s colleges and universities? Are standardized tests reliable indicators of a student’s performance? If studies show that African American applicants tend to score on the lower end of the distribution of SAT scores more so than their White counterparts, are African Americans receiving a “quality education?” Does more money need to be spent on inner-city schools so as to raise test scores? Even though the scores fall on the lower end of the distribution, do the scores satisfy the minimum requirements for admission? Has the graduation rate for African Americans increased as a result of affirmative action programs? Should race be a factor in college and university admissions? What about preferences for legacies and veterans, should they be abolished also? Are “race-neutral” admissions and policies a proactive approach to amend affirmative action or will they be challenged in the new millenium? Or more importantly, would it be more appropriate to begin a sincere and honest dialogue on race and develop policies that are proactive and potential solutions to address the race issue? These questions must be acknowledged and addressed if some type of compromise is to be developed.

Now that I have set forth a basic understanding of both sides of the argument, the following section will outline and analyze the results and opinions obtained in recent case studies and writings on affirmative action.

CASE STUDIES ANALYSIS and RESULTS:

In 1960, there were 227,000 African Americans enrolled in institutions of higher learning in the United States. The majority of those enrolled attended historically Black colleges and universities in the South. A significant number of African Americans attended state-operated two and four-year colleges in the urban areas of the North, there were virtually no Blacks enrolled at the nation's highest-ranked private colleges and universities. Many state-operated flagship universities in the South remained predominantly White.

With the passage of federal anti-discrimination legislation in the sixties, the number of African Americans enrolled in college began to increase. By 1970, the number had increased to 417,000, an increase of 83% based on 1960. "The percentage increase of Black enrollment in higher education during the seventies, a period in which affirmative action programs were in widespread use, was twice the increase as during the sixties, before affirmative action was widely used in the admissions process at most of our colleges and universities."³⁵

Affirmative action programs are credited with the increase in the number of African Americans enrolled in colleges and universities across the country.

During the late sixties and early seventies, many of the nation's prestigious private colleges and universities in the North implemented affirmative action programs with the intent being to increase the number of African Americans on campus. Institutions in the South began more concerted efforts in the late seventies and early eighties. By 1982, there were 1,101,000 African

Americans enrolled in college campuses across the nation. This was an increase of 164% over the 1970 enrollment figures.

The affirmative action programs instituted and implemented at Harvard College played a vital role in the increased enrollment of African American students. In 1957, only two African Americans were enrolled in its freshmen class, which numbered 1000. The number of African Americans enrolled slowly began to increase during the mid-sixties. In the late sixties, Harvard embarked upon its affirmative action plan; by 1969, 121 African Americans were enrolled in the freshmen class, up from 23 in the Class of 1968. It is important to note that with the exception of two instances, since affirmative action programs were instituted at Harvard, there have been over 100 African Americans in each freshmen class.³⁶

At Emory University in Atlanta, Georgia, no African Americans were admitted prior to the early sixties. Emory University did not make a concerted effort to diversify its' student body until the early to mid-seventies. As late as 1980, African Americans comprised only 3% of the student body population. The African American student population ranked as one of the lowest of any of the nation's premier universities. Since that time, Emory has implemented and maintained strong affirmative action admissions and recruitment programs. African Americans now make up 10% of the student body population, an increase of 240% over the 1980 enrollment numbers. Emory is credited with having the greatest percentage increase at any major high-ranking college or university for the period of 1980-1996. The increase in the African American

enrollment is the direct result of a conscious decision by the Emory administrators to diversify its' student body by actively recruiting African American students through its' affirmative action programs.³⁷

The story is similar at the University of Virginia. In 1976, African Americans comprised less than 4% [425 students] of the student population at the Charlottesville campus. By 1983, enrollment jumped to over 1000 students, an increase of 147%. In 1993, there were 1,366 African American students on campus. Even though the increase was not substantial between 1983-1993, as a result of affirmative action programs, the African American student population tripled over the period of 1976-1991.³⁸

The University of California was among the first in the nation to abolish affirmative action in its admissions. Fifty to seventy-five percent (up from 40-60%) of UC admissions were to be based solely on merit.³⁹ Part of the intent was to eliminate the "negative stigma" associated with African American and other minority students admitted to its' campuses. The perception was that African Americans and other students of color were admitted primarily on the basis of race and not their merit. Previously published data and reports indicated that African American students tended to score lower on standardized SAT tests than their White counterparts, thereby deeming them "unqualified" for admission. The Board of Regents of the university sought to develop and implement alternatives to its' current affirmative action programs that were now being challenged in court by Whites who were denied admission to its' university

system. To counter the attacks, the Regents determined that race would no longer be a factor in the University of California's admissions.

During its initial year of implementation in 1998, the number of African Americans enrolled decreased dramatically. At the UC-Berkeley campus, ninety-eight (98) African American students were enrolled compared to 224 in 1997 when affirmative action and race-sensitive programs were still in effect. The University of California-Los Angeles (UCLA) reported 131 African Americans in its' freshmen class, down from 304 in 1997.⁴⁰ Clearly the abolishing of affirmative action programs had a negative impact on African American enrollment. However, it is important to note that in early April of 1999, UC-Berkeley admissions office reported that it had admitted 30% more minority students than in 1998.⁴¹ At the time of the printing of the referenced article, the breakdown of each minority group was unavailable.

African American student enrollment figures at some of the nation's highest-ranked graduate and professional schools that have eliminated affirmative action programs also reflect a drastic decrease. The Boalt Hall Law School at UC-Berkeley reported only one African American in its first year class of 1998; one year earlier, 20 were enrolled.⁴² University officials report that for the upcoming law school class, minority student admissions have increased at a rate comparable to increased undergraduate admissions.⁴³ It is hoped that with an increase in admissions, more minority students will enroll. At The University of Texas Law School, enrollment figures for African Americans are down. In its first-year class of 1997, only five were enrolled, down from an average of 30 in

each of its first-year classes for the past 10 years. In contrast, Harvard Law School boasts that its' affirmation action and recruitment programs are largely responsible for Harvard graduating 52 African Americans per year, a level that has remained fairly constant for the past 25 years, beginning with 1974.⁴⁴ On the whole, even though opponents of affirmative action claim abolishing affirmative action will not adversely affect minority college admissions, early reports tend to show otherwise.

Affirmative action programs are a significant factor in the increase of graduation rates for African Americans. Before presenting case studies data and results, I will set forth a definition of "*graduation rate*;" it shall be defined as "all entering students who complete degree requirements within six years." In 1960, only 3.1% of Blacks, aged 25-29, held a four-year college degree, in 1970; the percentage increased to 7.3. As the affirmative action programs of the late sixties and early seventies were implemented and took effect, by 1975, 10.7% held college degrees, more than triple the percentage of 1960. There was a modest increase between 1980-1990, from 12.4% to 12.7%. By 1999, over 14% of African Americans, aged 25-29, held four-year college degrees, more than quadrupling the numbers of 1960.⁴⁵ Should affirmative action policies continue to be abolished at college and university campuses across the country in the upcoming years, it will be interesting to see statistics for the African American graduation rate percentage for the year 2010.

Affirmative action programs have definitely had a tremendous impact on the nation, especially in the workplace, be it "white or blue-collar." With the

increased enrollment figures and graduation rates of African Americans, the number of African Americans in the workplace has increased. In 1960, prior to the onset of affirmative action programs on college and university campuses and in corporate America, African Americans made up less than 2% of all executives, managers and administrators. Today, African Americans make up 7.2% of these positions.⁴⁶ However, it is still unfortunate that despite the development of affirmative action programs, there are still very few African American CEOs at any of the nation's 500 largest corporations. Critics claim that affirmative action has outlived its usefulness but recent reports and case studies show that "the jury may still be out" and America is still awaiting the decision.

CONCLUSIONS

ALTERNATIVES to AFFIRMATIVE ACTION:

It is not the intent of this paper to resolve the issues and problems associated with affirmative action; both sides, in their own right, present compelling arguments. It appears that racially sensitive topics seem to heighten racial tensions, occasionally raise human awareness or consciousness, but rarely bring forth solutions. The battle over affirmative action policies and programs at colleges and universities is evidence of this. However, the question remains: Should affirmative action be eliminated? If so, what are effective alternatives?

Opponents of affirmative action propose and encourage America's colleges and universities to develop "race-neutral" admission policies and programs. The University of California has implemented an admission program in which it grants admission to California seniors who graduate in the top 4% of the class of their respective high schools. Texas has implemented a similar program for its' state high school graduates; the state of Florida is soon to follow.

Opponents of affirmative action believe that recent "race-neutral" programs implemented by the state colleges and universities are effective alternatives to current affirmative action policies and programs. They claim the criteria are relatively simple in nature. If a high-school senior graduates near the top in his/her class and meets the school's academic requirements, he/she is

eligible for admission to the state university system. This applies to all the high schools in the state, whether rural, urban or suburban.

Even though it is somewhat premature to determine the success or failure of these newly implemented policies, critics already claim that “race-neutral” policies and programs are ineffective in a society in which race matters. Several socio-economic factors also begin to come into play. Inner-city school officials claim the educational system is unfair in that in some cases, inner-city schools have limited resources in comparison to their suburban counterparts and the expenditure per pupil tends to be somewhat higher for suburban schools. They also maintain there is a limited number of advanced placement courses available to inner-city school students. Without the advance courses, inner-city students are at a disadvantage. Because a disproportionately large number of inner-city families are “barely surviving” on low paying jobs that require longer work hours, parental involvement on the high school level tends to be lower as compared to parental involvement in suburban schools. Various studies support the claim that the higher the level of parental involvement during a student’s academic career, the greater the chance of the student’s success in college, and ultimately, the workplace. These and other factors bolster critics’ claims that “race-neutral” policies are not viable alternatives to affirmative action.

Governor Jeb Bush, in his efforts to eliminate affirmative action in Florida, has developed and is waiting for the approval to implement his “*The One Florida Plan*,” patterned after the University of California plan implemented in 1997. The concept is simple. The “talented” 20% of Florida high school graduates would be

guaranteed admission to Florida's public universities, the drawback being it may not be at the campus of the student's choice.⁴⁷ Critics and university admission officials fear that minority enrollment at Florida's flagship universities will decline almost 50% (approximately 700 students) if Bush's plan is implemented.⁴⁸

After the elimination of affirmative action in California, first year enrollment figures showed a decrease in minority enrollment at its flagship campuses. Florida university officials fear the same thing could happen at its flagship campuses.

The intent of Bush's plan is to "remedy opportunities to increase minority participation in the state's colleges and universities."⁵⁰ "The One Florida Plan" hopes to expand opportunity by setting and achieving the following objectives:

- ***Implement the A+ Plan.*** The A+ Plan for Education places a command focus on improving low-performing schools serving low-income and minority students and promoting achievement among the bottom 25% in every school in the state.
- ***Make Preliminary Scholastic Aptitude Test (PSAT) available to all tenth graders.***
- ***Partner with The College Board to assist in identifying, motivating and better preparing students in low-performing schools.***
- ***Increase the availability of advanced placement courses in low-performing schools.***
- ***Target utilization of Florida Online High School,*** another means of providing advanced college preparatory coursework opportunities in lower-performing schools. The network offers advanced courses to students with access to a computer.

- ***Create post-secondary “opportunity alliances.”*** Each public and private university, college and community college in Florida will be challenged to adopt at least two low-performing middle and high schools and provide tutoring, mentoring and other support services to students.
- ***Implement a “Mentoring Initiative.”***
- ***Create an “Equity in Educational Opportunity Task Force” whose responsibility will be to evaluate the inequities in opportunity between schools and make the appropriate recommendations to eliminate them.***

The plan will expand diversity by eliminating race and ethnicity as a factor in college admissions. It will rely on other “race-neutral” socio-economic factors in admissions decisions such as income level, geography, special talents and whether an applicant is a first generation college student, etc.⁵¹ Given recent racial and demographic, etc. statistics, critics claim that these “race-neutral” factors are still embedded in or based on race. African American and other minorities tend to have lower family incomes than their White counterparts. They also tend to be concentrated in the inner cities in somewhat older and dilapidated housing stock with fewer opportunities and resources. At issue here is the definition of “race-neutral” and if factors are as “unbiased” as intended.

In response to the *Hopwood* decision, the state of Texas instituted a “race-neutral” admission policy similar to the model developed and set forth by the state of California. All Texas high school graduates finishing in the top 10% of their class would be granted admission to the state university system. As in the plan implemented by California, the intent of the “race-neutral” policy was not

only to eliminate affirmative action in university admissions, but to develop and implement programs that eliminate the inequalities that have existed among state high schools. After affirmative action was abolished, first year enrollments figures showed a significant drop among African American students. At the state flagship universities, Texas A&M and University of Texas, the decrease in minority enrollment was even more drastic than the statewide average. This drop was of great concern to university officials in their quest to obtain a more diverse student body. Minority enrollment levels, in the undergraduate schools, have subsequently increased and are above the “*pre-Hopwood*” levels. At the graduate and professional school levels, the numbers have yet to increase.⁵² Upon review of recent enrollment figures, the University of Texas has filed an appeal of the *Hopwood* decision. The Texas Attorney General’s office has since joined the university in its appeal efforts. Although it continues its “race-neutral” admissions policies, the University of Texas is considering other alternatives to affirmative action.

The University of Texas, along with other state university systems, has shown a strong interest in the “strivers” approach to admissions developed by the Educational Testing Service (ETS). Other universities that have expressed an interest in this approach include the University of Florida, the University of Virginia and the University of Washington. They all tend to be extremely concerned about minority enrollment and the issue of diversity, especially at their flagship campuses.

The “strivers” approach is a model that “provides a statistical basis for identifying and accepting motivated applicants whose test scores have been depressed because of their difficult family backgrounds and poor high schools.” College applicants who score between 1000 and 1200 on the Scholastic Aptitude Test (SAT), which is deemed to be a borderline score range for many selective colleges and universities, but manage to exceed the historical average for students from similar backgrounds by at least 200 points, would fall in the category of “strivers.”⁵³ Students of this caliber tend to be serious about career goals and have continuously proved their intent by maintaining good grades in spite of their surroundings. Students in this category have a relatively good chance of being quite successful in a college environment. College and universities tend to try to identify this type of student in their recruitment efforts. In addition to test scores, the following factors are considered in identifying those students whose achievements, when viewed in the context of their socio-economic status, personal background and academic environment, suggest they would be successful in college.⁵⁴

- ***Race and Ethnicity (Optional)***. Five categories: Asian/Pacific Islander, Black not Hispanic, Hispanic, Native American/Alaska Native, White not Hispanic.
- ***Family socioeconomic status***. Socioeconomic status of the student’s family. This is an index of the education of parents, occupation and total family income.
- ***School socioeconomic status***. If the student attends a school where more than 50 percent of the students received a subsidized lunch.

- **Low College Bound School.** The student attends a school where less than 50 percent of its previous year graduates entered a four-year college.
- **Urban.** The school is in an urban setting
- **Rural.** The school is in a rural setting
- **Region.** The location of the school by census region.
- **Rigorous.** The student attends a school that offers rigorous academic courses.
- **Age.** Whether the student is two (or more) years older than peers.
- **Core Course GPA.** An average of student's grades for the core courses in English, mathematics, science, social studies, computer science and foreign languages.

Dr. Anthony P. Carnevale, the ETS official who directs the work on admissions models, explains why African American and Latino students emerge in such large numbers. It is "because there's a higher concentration of African Americans and Hispanics in these disadvantaged groups."⁵⁵ In addition to college and university admissions officials, civil rights advocates who are looking for new or alternative approaches to affirmative actions have expressed a strong interest in the "strivers" model.

William Goggins, an independent Washington, D.C., researcher, has developed a similar model to address race-neutral admissions. He has created a "merit index" which gives students credit for exceeding the average SAT scores of their high school classmates.⁵⁶ A student's "merit index" will be determined by "how much higher (or lower) the applicant's SAT score is from the average score

at his/her high school.” The merit index approach has three basic steps, with the third step being optional. College and university admissions officials initially identify a “likely admit” pool based on test scores, merit index, GPA and class rank. Secondly, they identify a “near final” pool decided by individual consideration of each application. Thus far, the admissions process has been conducted with no regard to race or ethnicity. The third step, which is optional, tends to generate controversy. Goggin suggests that a “final admit” pool be developed by using race and ethnicity as a plus factor as suggested by Supreme Court Justice Lewis Powell’s opinion in the *Bakke* case. It is important to note that the Supreme Court ruled that “race cannot be the sole factor” in college and university admissions but could be considered if the intent is to remedy injustices done to particular ethnic groups or to develop a “diverse” student body. Since the intent of race-neutral policies is to eliminate the use of race as a factor in admissions, if the third step is not utilized in the process, the “final admit” pool will be determined by the first two steps.

Critics have already attacked the “strivers” and “merit index” approaches to college admissions before their implementation. Even Carnevale and Goggin concede that their approaches do not address the issue of diversity on college and university campuses. Carnevale, referring to the “strivers” approach, states, “It won’t substitute for the diversity we’re getting with affirmative action as currently practiced... It’s a little more than halfway there.”⁵⁷ Even though the use of race is optional, Carnevale contends that if race is not included, “strivers would capture less than half of the African Americans who selective colleges currently

admit,” especially those from upper-middle-class families. Goggins sadly admits that the “merit index” incurs some of the same problems. When responding to the diversity issue as it pertains to the “strivers” method, he says, “It doesn’t salvage all the students you would get by using preferences... It doesn’t help save the middle and upper-class student of color.”⁵⁸

There appears to be a high level of interest among college and university admissions officials in the “strivers” approach but there is just as much apprehension. “The theory sounds interesting. I’m guessing it would help,” states Bill Kolb, admissions director for the University of Florida, the flagship university in the state of Florida. The state of Florida is considering placing an initiative on the ballot to ban affirmative action sometime this year. Kolb observes, “Certainly there is concern that the ballot initiative will succeed, and we’ll have to find ways to build our community besides race.”⁵⁹ Jack Blackburn, dean of admissions at the University of Virginia, calls the model “very interesting” and notes that Mr. Goggins has visited the Charlottesville campus to explain his approach in detail.⁶⁰

Tim Washburn, director of admissions and records at the University of Washington in Seattle, says, “We’ve already embraced the concept embodied in the strivers concept.” when referring to university admissions.⁶¹ Voters in the state of Washington approved the ban on affirmative action in 1998. In response to this, in its admissions, the University of Washington took into consideration whether applicants came from high poverty schools or did better on the SAT than would be expected based on grade point average. Despite the use of these

factors, the number of African Americans in the freshman class of 1999 declined by more than one-third. The decline of African American students on its campus is of great concern to admissions officials. For this reason, the University of Washington has expressed interest in the social indicators included in the strivers model.

Washburn warns that using social disadvantages as a replacement for race in the admissions process may not be effective because “Proportionately, you’ll find more minorities who have these experiences but, numerically, you’ll find more White students.”⁶² Opponents of affirmative action have expressed some grave concerns about the strivers model. Terrence Pell, senior counsel of the Center for Individual Rights (CIR), states, “I think if schools boost the SAT scores based on the race of the applicant, that is going to be problematic.”⁶³ The CIR has led a strong legal attack on affirmative action in college and university admissions over the past couple of years.

Roger Clegg, general counsel of the Center for Equal Opportunity, agrees and contends that, “Even if a college chooses a facially neutral set of criteria, if the reason they have chosen those criteria is because it is known it will advantage a particular racial group, that is discrimination.”⁶⁴ Jay Greene, a government professor at the University of Texas, challenges the validity of the entire approach claiming, “Adjusting for disadvantages doesn’t change that people aren’t prepared, it explains why they may not be prepared.” Kevin Gonzalez, an ETS spokesman, agrees, “Nothing changes your score. The circumstances under which it might be looked at would be adjusted.”⁶⁵ Even

though there are no concrete data yet available on the success or failure of the approach, the “strivers” method has come under attack. Both Carnevale and Goggins are working to quantify a definition of academic “merit” that can be agreed upon by the general population. Carnevale sums it up best when he says, “It’s a sense of merit based on not just where you are, but how far you had to go to get there.”⁶⁶

AUTHOR’S CONCLUDING STATEMENTS:

A recent study conducted at the University of Michigan determined that there is a positive relationship between diversity and academic achievement. The Thursday, March 18, 1999 edition of the “Flint Journal” reports that the study suggests “diverse environments lead to a better academic achievement.” Pat Gurin, the UM psychology professor who organized the study claims, “Diversity is crucial for students to be leaders in a multiracial environment.” Researchers found “that students in a diverse environment had increased scores on a test used to measure complex thinking, more motivation to achieve, greater intellectual self-confidence and engagement, and the highest level of interest in graduate degrees.” The UM analysis is the first national study to quantify the positive effects of diversity. The results of the study will be used in the University of Michigan’s defense of its’ affirmative action programs which have come under attack and are currently being challenged in court. The University of Michigan study will probably spark a strong interest on the part of other colleges and

universities to conduct their own studies in hopes of defending and continuing their affirmative action efforts. Though recent studies results are relatively new, there appears to be strong case for the continued use of affirmative action programs in America's colleges and universities. The affirmative action debate continues...

Race and racism is a sensitive subject that has divided America since its' founding. It is a topic that most Americans would like to ignore in hopes that it will go away. It is almost as if racism shares similar traits to cancer, it goes into remission for periods of time but when it reappears, it becomes even more difficult to fight. It hides undetected in the most subtle "nooks and crannies" of American society but slowly festers until it begins to destroy everything around it. Once detected, often too late, it has already destroyed even the most delicate sections of society.

It is crucial that America addresses the issue of affirmative action and takes a stand to keep it intact. If America is the "melting pot" that some Americans tend to brag or claim it to be, affirmative action is the "buffering agent" or "catalyst" that ensures all cultures are "blended evenly." If America is to be a "salad bowl" that some Americans want it to be, affirmative action is the "salad dressing" that clings to and enhances the "flavor" of each culture. Affirmative action is necessary if America is to continually confront and meet the challenges of the future and build upon its accomplishments thus far. All Americans, given an equal opportunity or level playing field, can make a significant contribution to America's future.

The issues surrounding affirmative action are far more complex and greater than the scope of this paper. One thing becomes apparent; affirmative action programs are largely responsible for the increased numbers of African Americans on America's college and university campuses. This is especially true at state flagship and prestigious college campuses across the country. The increased number of African Americans at flagship and prestigious college and university campuses has had a tremendous positive impact on diversity in the workplace. When corporate America recruits for its' entry-level executive positions, it tends to focus its' efforts on America's most highly rated and prestigious college and university campuses. Students graduating from these universities tend to make up a large percentage of the recruitment pool. With the increased number of African Americans attending and graduating from these universities, it increases the number of African Americans in the pool. There is a greater chance that some of them will be interviewed and selected for these positions. As a result, there are more African Americans currently serving in corporate positions that were previously denied them. If the number is to continually increase, affirmative action programs must be an integral part of college admissions.

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