

The Great Race Debate

SUPREME COURT TO CONSIDER ROLE OF AFFIRMATIVE ACTION IN COLLEGE ADMISSIONS ... AGAIN

BY KIMBERLY DAVIS

When the U.S. Supreme Court takes up *Fisher v. Texas* in the fall — its first major consideration of affirmative action policies in higher education since 2003 — scholars, legal experts and university administrators say the policies that are the basis of affirmative action in the nation's colleges and universities may be coming to an end.

While acknowledging the impossibility of predicting the court's decision, Los Angeles City College President Jamillah Moore — the author of *Race and College Admissions: A Case for Affirmative Action* — thinks that the addition since 2003 of four new members to the nine-member court, most of whom are considered more conservative than their predecessors, means that affirmative action policies “may not have a warm reception by the court.”

Abigail Fisher, a White student, sued the University of Texas in 2008, insisting that the university denied her admission because of her race. The top 10 percent of students in Texas high schools are automatically admitted to the state's university system, which does not consider race but nonetheless results in a diverse student population because so many high schools have racially homogenous populations. Fisher just missed being among the 10 percent at her Sugar Land, Texas, high school and was then placed in a separate applicant pool. That pool can be admitted based on what some have called a complicated system where race does play a role.

Much has changed since the 2003 *Grutter v. Bollinger* decision, which found that colleges and universities could use race as a factor in admissions decisions but could not use a rigid point system to increase minority enrollment, as per the Supreme Court's decision in the *Gratz v. Bollinger* case, which was argued concurrently with *Grutter*. Justice Sandra Day O'Connor, who wrote the majority opinion in *Grutter*, has retired, and there are five conservative justices on the Court who may want to exclude

race as a factor altogether. Both sides have said such a decision would decrease the number of African-American and Hispanic students at colleges and universities across the country.

“By saying, in *Grutter*, that diversity is a compelling state interest — meaning, it's good for everyone, not just minorities — the court made an irrefutable endorsement of diversity's inherent value to society,” says Peter Aranda, executive director and CEO of the Consortium for Graduate Study in Management, a nonprofit coalition of business schools, Fortune 500 and other corporations. “There's a much broader range of viewpoints and life experiences on campus than ever before. If the justices dilute or, worse, overturn *Grutter*, they will set this country back decades.

Meanwhile, one minority group could benefit greatly if the Supreme Court were to strike down race-based admissions policies — Asian-Americans. Indeed, advocacy groups have long argued that there is a de facto quota system in place that limits the number of Asian-American students on campuses that do take race into consideration, as this population — on average — boasts higher standardized test scores and grade point averages than any other racial group. Asian-Americans are overrepresented — relative to the U.S. population — at top universities in the United States. Several academic studies have shown that this student population must meet a higher academic standard for admission than any other racial group.

“It's likely that if race is no longer considered in admissions, Asian-Americans as a

whole, will benefit,” says Richard Kahlenberg, senior fellow of the Century Foundation, a think tank that analyzes economic, political and social issues.

Bias against Asian-Americans?

In February, the U.S. Justice Department announced that it was investigating a civil rights complaint alleging that Harvard and Princeton universities discriminated against an Asian-American student from California based on race or national origin. The complaint has since been dropped, but a probe into admissions policies started in 2008 by Princeton continues.

“I have no doubt in my mind that there is a quota on Asian-American students, although no college worth its salt would be willing to admit it because it would be breaking the law,” says former Delaware Lt. Gov. S.B. Woo, president of the 80-20 Educational Foundation, an organization seeking equal justice for Asian-Americans. “If we really want to fight against racial discrimination, we cannot do it based on very solidly proven racial discrimination against a small group of people — such as Asian-Americans.”

While admitting that it is a “complex issue,” Woo says he is delighted at the prospect of the Supreme Court reviewing the case, as other academic studies, particularly one by Stanford University, have shown that Blacks and Hispanics are hurt by being admitted to elite colleges and universities for which they are ill-prepared. “As it turns out, [these race-based admissions policies are] hurting an entire group — a generation of Black and Hispanic students,” says

Woo, a former physics professor who was born in Shanghai, China. “When we saw that, we felt morally on the high ground to speak up.”

Aranda says the Asian-American perspective is a “valid concern,” as historically some colleges and universities enforced a quota on the number of Jewish candidates that could be admitted — an equation that Asian-American advocates use often to make their case. But there is a larger issue regarding qualifications beyond test scores and high school grades. “The issue is much more complicated than whether or not Asian-Americans are more qualified than Hispanic Americans or African-Americans or any other candidates for that matter,” says Aranda, who is of Mexican, Native American and Jewish heritage. “It has to do with what complement of student body is going to give the best educational experience for all students involved.”

In other words, college admissions are an art, not a science — often based on an holistic review of the entire application pool and candidate application.

There are many misconceptions about how race is and isn’t used to determine who gains acceptance to the nation’s colleges and universities. Historically, populations were excluded from some institutions of higher learning based on race and gender.

Affirmative action policies were designed and put in place to “level the playing field” for those populations that have historically been discriminated against.

After the Michigan cases, diversity advocates had another reason to tout the importance of admitting students from different racial backgrounds. Author Eileen Kugler, who is White, says those reasons still exist. Kugler, president of Embrace Diverse Schools, and a speaker on valuing difference, says research shows that diversity is a positive for students and faculty. Students not only learn to work in collaborative groups with people who are different, but they also learn to think more deeply and question more. Professors value people from different backgrounds in their classrooms.

“I think there’s a benefit to having a di-

verse environment,” says Kugler, who wrote *Debunking the Middle-Class Myth: Why Diverse Schools Are Good for All Kids*. “If you assume that this is a benefit to the entire university environment, there’s a valid reason for trying to balance your incoming class in terms of race and ethnicity.”



Clockwise from top left: Jamillah Moore, Eileen Kugler, Peter Aranda and David Hawkins

The role of class

Kahlenberg, who is an advocate for that diverse environment, says it is time for colleges and universities to move toward an admissions model based on class or economic status, which will, in turn, capture racial diversity. Kahlenberg says his research has shown that the primary obstacle to higher education is economic and that the “wealth gap” created by a history of racial discrimination in the United States can explain the gap in test scores and high school grades. He says his sense is that the Supreme Court will, at the very least, “cut back” on what universities are allowed to do with regard to race.

“The reality is that we’ve got a very conservative Supreme Court,” says Kahlenberg, editor of *Rewarding Strivers: Helping Low-Income Students Succeed in College*. “We want to find creative ways to capture the fact that racial discrimination has occurred and continues to occur in this

country, but in a way that will satisfy the Supreme Court.”

The admissions process is somewhat shrouded in secrecy, which leads to a lot of frustration for those on both sides of the affirmative action debate in college admissions. David Hawkins, the director of public policy and research for the National Association for College Admission Counseling, or NACAC, says this veil — in some cases — can be difficult to pierce. Often, he says, those areas that are not entirely transparent can have more to do with the measures beyond standardized test scores and grades in the selective admissions process.

“One of the misperceptions that people have about selective admission is that these offices line up the applicants they have and cut off the very top academic qualifiers and only accept people who are at the top of that spectrum,” says Hawkins, who insists that NACAC does not offer blanket support of affirmative action policies at colleges and universities. “In reality, they determine a point below which they feel like applicants can’t succeed. Once they get that pool of applicants that are qualified, they may employ a variety of different methods to arrive at their admitting class.”

Hawkins says it will be logistically impossible for admissions officers to admit all qualified applicants based on standardized test scores and grade point average alone — which do not always correlate to success in college. Colleges and universities would have to be prepared to admit thousands more students.

So why then is this still an issue? Why is the use of race in college admissions still a question? Moore, who is African-American, says it has more to do with a lack of available resources limiting access to higher education in the United States.

“I think, unfortunately, there are those who want to look at that problem of access as centering on race as though someone is doing something wrong or inappropriate,” says Moore, who earned her doctorate in international and multicultural education from the University of San Francisco. “Also, the issue of race seems to conjure up a lot of emotion. If people are uncomfortable with it, there must be something wrong with it. That’s not really the case. The use of race is not synonymous with inadequacy.” ■