

SELECTIONS  
FROM  
THE CQ  
RESEARCHER

# ISSUES IN RACE, ETHNICITY AND GENDER

Affirmative Action • Reparations • Redistricting  
Policing the Police • Racism and the Black Middle Class  
Environmental Justice • Income Inequality  
Diminishing Diversity of Language • Debate Over Immigration  
Hispanic-Americans' New Clout • The New Immigrants  
Native Americans' Future • Women in Sports • Gay Rights  
Boys' Emotional Needs • Roe v. Wade



# Issues in Race, Ethnicity and Gender

Selections from *The CQ Researcher*



A Division of Congressional Quarterly Inc.  
Washington, D.C.



CQ Press  
A Division of Congressional Quarterly Inc.  
1255 22nd Street, N.W., Suite 400  
Washington, D.C. 20037

(202) 822-1475; (800) 638-1710

www.cqpress.com

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⊗ The paper used in this publication meets the minimum requirements of the American National Standard for Information Sciences—Permanence of Paper for Printed Library Materials, ANSI Z39.48-1992.

Printed and bound in the United States of America

06 05 04 03 02 5 4 3 2 1

**A CQ Press College Division Publication**

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Photos: American Association of University Women: 272; AP/Wide World: 6, 8, 12, 21, 23, 26, 32, 36, 41, 66, 67, 133, 145, 155, 157, 161, 169, 171, 176, 228, 232, 236, 245; Environmental Justice Resource Center: 97, 98, 99, 102, 104, 107, 108, 109, 110; Reuters: 22, 31, 53, 55, 58, 69, 72, 83, 115, 118, 128, 162, 192, 195, 225, 238, 268, 287, 292; Barbara Sassa-Daniels: 207; ESPN: 230; Lock Haven University: 237; Hales Franciscan H.S.: 271; Nativity Mission School: 276; University of Michigan: 1, 4.

"At Issue" pieces: p. 279: Reprinted with permission of Patricia Dalton; p. 299: Copyright © 1997 by *The New York Times*. Reprinted by permission; p. 299: Copyright © 1996 by *The New York Times*. Reprinted by permission.

**Library of Congress Cataloging-in-Publication Data**

*in process*

ISBN: 1-56802-718-4



# Annotated Table of Contents

The 16 *CQ Researcher* articles reprinted in this book have been reproduced essentially as they appeared when first published. In a few cases in which important new developments have occurred since an article was published, these developments are noted in the following overviews, which highlight the principal issues that are examined.

## RACE

### Affirmative Action

A major battle over the use of race in college admissions may be headed for the U.S. Supreme Court. Unsuccessful white applicants to the University of Michigan's undergraduate college and law school are challenging policies that give an advantage to minority applicants. The university says the policies are needed to ensure racial and ethnic diversity on campus. A federal judge approved the current undergraduate admissions policy, but another judge struck down the law school's system. A federal appeals court will hear the two cases in October 2001. Both sides say the cases may reach the Supreme Court, which has not examined the issue since the famous *Bakke* decision in 1978 barred racial quotas but allowed colleges to consider race as one factor in admissions.

### Reparations

After the Civil War, efforts to compensate former slaves were blocked. Now calls are getting louder for payments to the descendants of slaves to help the nation come to terms with a gross historical injustice. But opponents worry that reparations would only widen the divide between the races. Meanwhile, survivors of the Nazi Holocaust have had considerable success in obtaining restitution from governments and corporations linked to Hitler's "final solution." Seeking reparations is not about money, they say, but about winning justice for the victims. But some Jewish Americans argue that the reparations movement has turned a historical tragedy into a quest for money. Other mistreated groups recently have picked up the call for reparations, including World War II "comfort women" and Australian Aborigines.

### Redistricting

The release of 2000 Census figures in December 2000 kicked off one of the fiercest political battles the nation has faced: the redrawing of congressional

districts based on population changes. The delicate job — whether by state legislators or members of special commissions — invariably is accompanied by intense pressure from partisan political interests whose power may shift along with the boundary lines. In addition to partisan considerations, state legislators may redraw boundaries to suit their own political ambitions. And ethnic and racial minorities may push for districts that will ensure them greater political power. Meanwhile, lawsuits from interest groups are likely to threaten virtually any new districts, especially ones where minority groups comprise the majority.

### Policing the Police

Police departments around the country are on the defensive because of accusations of abuse of authority. Los Angeles is being rocked by a corruption scandal involving planted evidence and shooting unarmed suspects. New York City officers have been convicted of torturing a suspect and covering up the crime but acquitted in the shooting death of an unarmed civilian. State and local law enforcement agencies are accused of using "racial profiling" in traffic stops. Critics say stronger controls are needed. Law enforcement groups say most police obey the law and that the abuses are being exaggerated. Meanwhile, the U.S. Supreme Court is set to consider a controversial law aimed at partly overturning the famous *Miranda* decision on police interrogation.

### Racism and the Black Middle Class

Despite steady growth in the black middle class over the past thirty years, many African-Americans still believe they face race-based obstacles. As a result, they argue that affirmative action is still necessary to give even highly qualified blacks a fair chance at getting ahead. Others dispute the notion that discrimination is a serious problem and warn that the policy will hurt rather than help blacks by giving them a disincentive to



work hard. At the same time, another debate rages over black flight to the suburbs. The American dream of a house in the suburbs only recently has become reality for many African-Americans. But some members of the black community say that successful blacks should move back to the cities in order to help disadvantaged African-Americans left behind.

### **Environmental Justice**

Toxic-waste dumps, sewage-treatment plants and other pollution sources rarely are found near middle-class or affluent communities. Inner-city neighborhoods, rural Hispanic villages and Indian reservations are far more likely to suffer. But a burgeoning new movement is helping poor communities across the country to close the door on unwelcome dumps and factories. Charging that they are victims of environmental racism, activists are winning court battles on the ground that siting polluting facilities among disadvantaged people violates Title VI of the 1964 Civil Rights Act. But business representatives and residents of some affected minority communities say that the movement is stifling their opportunities for economic development and growth.

### **Income Inequality**

The gap between the incomes of poor and wealthy citizens is larger in the United States than in any other industrialized country. Last year, for the first time in almost two decades, low unemployment and increases in the minimum wage helped boost the earnings of Americans at the bottom of the pay scale. But tax policies and the use of stock options as part of corporate executives' compensation packages are helping to divert a growing portion of the nation's wealth to the richest Americans and away from the poor and the middle class. If the current economic boom continues, unskilled workers and those at the low end of the compensation pool will continue to benefit, experts say. But the disparity in Americans' incomes is not likely to disappear.

## **ETHNICITY AND IMMIGRATION**

### **Diminishing Diversity of Language**

More than 6,000 languages are spoken in the world today. But some linguists believe that by

the end of the century the influence of globalization and new technologies like the Internet will have most people speaking one language — English. Other experts say that the most widely used tongues, like French, Arabic and Chinese, will remain in everyday use despite the growing popularity of English. While the experts disagree about the prospects for a global language, almost all are concerned that many more obscure tongues are on the verge of being lost forever. Meanwhile, some Americans believe that the United States is in danger of losing its native tongue and argue that English should be the nation's official language.

### **Debate Over Immigration**

More than 1 million immigrants enter the United States, legally and illegally, each year. Many experts credit the new arrivals with helping to create and sustain the nation's current economic prosperity. But others argue that while immigration gives employers access to a cheap and plentiful labor force, American workers suffer because the newcomers take jobs and suppress wage levels. Critics of the current policies call for stricter limits on immigration and a crackdown on U.S. employers who knowingly hire undocumented workers. But supporters of liberal immigration policies warn that severely limiting legal immigration will hurt the economy and that, in any event, employer sanctions are not effective.

### **Hispanic-Americans' New Clout**

Since 1990, the Hispanic-American population has grown from 22.4 million to 35.3 million, increasing by more than 50 percent in just 10 years. As their political clout grows, Latinos are making their presence felt. Democrats have corralled a large share of the Latino vote, but Republicans say Latinos are beginning to embrace GOP positions, such as opposition to bilingual learning, because it is not effectively teaching children to speak English. Others argue that bilingual education does lead to English proficiency and that any opposition to it among Latinos is probably misplaced anger over the poor state of public education in general.

### **The New Immigrants**

The history of the American "melting pot" reflects alternating tensions and accommodations between newcomers and the old guard. No



country on Earth, it is said, has absorbed immigrants in greater numbers or variety, or has done more to incorporate immigrants into the national culture. But in today's era of globalizing trade and mass communications, immigrants coming to the U.S. are more diverse in appearance and language than earlier generations of newcomers, more prosperous and more assertive about seeking changes in the cultural and political landscape. Critics charge that the American identity is threatened by the government's overly accommodating immigration policy. Defenders of new immigrants say that putting roadblocks to citizenship in the path of patriotic foreign-born residents is unnecessary and unjust.

### **Native American's Future**

American Indians have the highest unemployment, poverty and disease rates of any ethnic group in the country. Yet Indian leaders say Americans are indifferent to their plight, as reflected in recent funding cuts for Indian programs. Congressional budget-cutters argue that Indians should share the burden of balancing the federal budget, but Indian advocates say aid programs for Indians are cited — and protected — in scores of treaties between tribes and the federal government. Many tribes see the key to their survival in economic development fueled by revenues from gambling. But Indian advocates say that mounting efforts to curtail their casino operations and other moves toward self-determination are only the latest in a long history of violations of Indian sovereignty guaranteed in the Constitution.

## **GENDER ROLES AND VALUES**

### **Women in Sports**

From sandlot T-ball games to professional basketball, athletic opportunities for females continue to expand. Girls' participation is up dramatically in secondary schools, even in such unlikely sports as wrestling. More than 41 percent of varsity college athletes were women last year, and a record 4,400 females competed in the last Olympics, nearly half the total. However, success has come at a cost. Far fewer women are coaching, and men's sports are losing funds or being eliminated as the

impact of Title IX is felt. The landmark 1972 gender-equity law requires equal treatment of athletes at universities and secondary schools. Now, a new presidential administration may change its impact. Meanwhile, women's complaints have shifted to parity in scholarship money and playing facilities.

### **Gay Rights**

Vermont has become the first state to grant marriage-like status to gay and lesbian couples. Elsewhere in the country, however, opposition to same-sex marriage remains strong. Meanwhile, other gay-rights measures are gaining support despite continuing opposition from conservatives. Eleven states and some 124 municipalities have anti-discrimination legislation, and many school districts have allowed high school students to form "gay-straight alliance" clubs. On the military front, the Defense Department is promising a crackdown on anti-gay harassment but defending the "don't ask, don't tell" policy. The issues even divided the major presidential candidates during the 2000 campaigns: Democrat Al Gore backed gay-rights measures while Republican George W. Bush was opposed.

### **Boys' Emotional Needs**

The carnage committed in April 1999 by two boys in Littleton, Colorado, forced the nation to reexamine the nature of boyhood in America. Some psychologists contend that societal pressures on boys force them to suppress their most vulnerable emotions in service to a rigid idea of manhood. They say the result is a nation of boys depressed, failing in school and occasionally exploding with murderous rage. The new concern about boys follows a decade in which adolescent girls were thought to be suffering a loss in self-esteem and academic achievement, in part because teachers gave them less attention than boys. But now it is the boys who are falling behind and more likely to be in remedial classes, to be suspended and to drop out of school.

### **Roe v. Wade**

The Supreme Court's decision last year striking down a Nebraska ban on so-called "partial-birth abortion procedures" has taken the steam out of one of the anti-abortion movement's most powerful issues. The Court's decision rendered



invalid all of the 31 state bans and stalled the move to pass a similar ban in Congress. The decision was hailed as a victory by the pro-choice movement for upholding the principles of the Supreme Court's landmark 1973 *Roe v. Wade* ruling guaranteeing the right to an abortion. But

the surprisingly slim 5–4 majority on the ruling means the judicial climate favoring *Roe* could be reversed if just one justice from the majority retires and is replaced by a justice sharing President George W. Bush's strongly pro-life views.



# Preface

The American people are, simply put, a diverse bunch. Whether a man or a woman, of African or European descent, a Daughter of the American Revolution or an immigrant new to this country, external differences separate U.S. citizens and can lead to cultural and policy conflicts. Whether debating the merits of gays in the military or the subtle influences of racism, a multitude of perspectives must be considered when studying these sensitive matters. *Issues in Race, Ethnicity and Gender* does not champion a particular point of view. Instead, through balanced accounts, instructors can thoroughly and fairly explore opposing sides of some of today's most controversial and most personal issues. Students will be challenged to weigh in and form their own opinions on such topics as affirmative action, abortion and immigration.

This reader is a compilation of 16 recent articles from *The CQ Researcher*, a weekly policy brief that brings into focus the often complicated and controversial issues on the public agenda. *The CQ Researcher* makes complex issues less intimidating. Difficult concepts are not oversimplified but are explained in plain English. Offering in-depth, objective and forward-looking reporting on a specific topic, each selection chronicles and analyzes past actions in addition to current and possible future maneuvering. *Issues in Race, Ethnicity and Gender* is designed to encourage discussion, to help readers think critically and actively about these vital issues and to facilitate future research. Real-world examples give a flavor of the substantive detail in a variety of areas while showing how these important issues at all levels of government — federal, state and local — affect all students' lives and futures.

This collection is organized into three sections—"Race," "Ethnicity and Immigration" and "Gender Roles and Values." Each section covers a broad range of policy concerns and will expose students to a wide range of subjects, from the growth of women in sports to the concerns of how redistricting will affect minority representation in Congress. We believe this volume will be an attractive supplement for courses in minority and gender issues in political science and sociology departments.

## ***The CQ Researcher***

*The CQ Researcher* was founded in 1923 under a different moniker: *Editorial Research Reports*. ERR was sold primarily to newspapers, which used it as a research tool. The magazine was given its current name and a design overhaul in 1991. Today, *The CQ Researcher* is still sold to many newspapers, some of which reprint all or part of each issue. But the audience for the magazine has shifted significantly over the years, and today many libraries subscribe. Students, not journalists, are now the primary audience for *The CQ Researcher*.

People who write for the *Researcher* often compare the experience with that of drafting a college term paper. Indeed, there are many similarities. Each article is as long as many term papers—running about 11,000 words—and is written by one person, without any significant outside help.

Like students, staff writers begin the creative process by choosing a topic. Working with the publication's editors, the writer comes up with a subject that has public policy implications and for which there is at least some controversy. After a topic is set, the writer embarks on a week or two of intense research. Articles are clipped, books ordered and information gathered from a variety of sources, including interest groups, universities and the government. Once a writer feels well informed about the subject, he or she begins a series of interviews with experts—academics, officials, lobbyists and people working in the field. Each piece usually requires a minimum of 10 to 15 interviews. Some especially complicated subjects call for more. After much reading and interviewing, the writer begins to put the article together.

## ***Chapter Format***

Each issue of the *Researcher*, and therefore each selection in this book, is structured in the same way, beginning with an introductory overview of the topic. This first section touches briefly on the areas that will be explored in greater detail in the rest of the chapter.

Following the introduction is a section that chronicles the important debates currently going on in the field. The section is structured around a number of "Issue



Questions,” such as “Should the use of racial profiling be prohibited?” or “Should same-sex relationships be legally recognized?” This section is the core of each selection; the questions raised are often highly controversial and usually the object of argument among those who work and think in the field. Hence, the answers provided by the writer are never conclusive. Instead, each answer details the range of opinion within the field.

Following these questions and answers is the “Background” section, which provides a history of the issue being examined. This look back includes important legislation, executive actions and court decisions from the past. Readers will be able to see how current policy has evolved.

An examination of existing policy (under the heading “Current Situation”) follows the background section. Each “Current Situation” provides an overview of important developments that were occurring when the article was published.

Each selection concludes with an “Outlook” section, which gives a sense of what might happen in the near future. This part looks at whether there are any new regulations afoot, anticipates court rulings and considers possible legislative initiatives.

All selections contain other regular features that augment the main text. Each selection includes two or three sidebars that examine issues related to the topic. An “At Issue” page, from two outside experts, provides opposing answers to a relevant question. Also included is a chronology that cites important dates and events and an annotated bibliography that details some of the sources used by the author of each article.

### **Acknowledgments**

We wish to think the many people who were helpful in making this collection a reality. First is Tom Colin, editor of *The CQ Researcher*, who gave us his enthusiastic support and cooperation as we developed this collection. He and his talented staff of editors have amassed a first-class library of *Researcher* articles, and we are privileged to have access to that rich cache. We also acknowledge the advice and feedback from the scholars who commented on our plans for the volume. In particular, we thank Louis DeSipio at the University of Illinois at Urbana–Champaign, Regina Freer at Occidental College, F. Chris Garcia at the University of New Mexico, Daniel Holliman at Syracuse University and Dean Robinson at the University of Massachusetts.

Some readers of this collection may be learning about *The CQ Researcher* for the first time. We expect that many readers will want regular access to this excellent weekly research tool. Anyone interested in subscription information or a no-obligation free trial of the *Researcher* can contact CQ Press at [www.cqpress.com](http://www.cqpress.com) or at (800) 638-1710.

We hope that you are as pleased with *Issues in Race, Ethnicity and Gender* as we are. We welcome your feedback and suggestions for future editions. Please direct comments to Charisse Kiino, in care of CQ Press, 1255 22nd Street, NW, Suite 400, Washington, DC 20037, or by email at [ckiino@cqpress.com](mailto:ckiino@cqpress.com).

— *The Editors of CQ Press*



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# 1 Affirmative Action

KENNETH JOST

Jennifer Gratz wanted to go to the University of Michigan's flagship Ann Arbor campus as soon as she began thinking about college. "It's the best school in Michigan to go to," she explains.

The white suburban teenager's dream turned to disappointment in April 1995, however, when the university told her that even though she was "well qualified," she had been rejected for one of the nearly 4,000 slots in the incoming freshman class.

Gratz was convinced something was wrong. "I knew that the University of Michigan was giving preference to minorities," she says today. "If you give extra points for being of a particular race, then you're not giving applicants an equal opportunity."

Gratz, now 24, has a degree from Michigan's less prestigious Dearborn campus and a job in San Diego. She is also the lead plaintiff in a lawsuit that is shaping up as a decisive battle in the long-simmering conflict over racial preferences in college admissions.

On the opposite side of Gratz's federal court lawsuit is Lee Bollinger, Michigan's highly respected president and a staunch advocate of race-conscious admissions policies.

"Racial and ethnic diversity is one part of the core liberal educational goal," Bollinger says. "People have different educational experiences when they grow up as an African-American, Hispanic or white."

Gratz won a partial victory in December 2000 when a federal judge agreed that the university's admissions system in 1995 was illegal. But the



University of Michigan

*First-year engineering students at the University of Michigan-Ann Arbor gather during welcome week last year. A federal judge ruled in December 2000 that the school's race-based admissions system in 1995 was illegal but that a revised system adopted later was constitutional. The case is widely expected to reach the Supreme Court.*

ruling came too late to help her, and Judge Patrick Duggan went on to rule that the revised system the university adopted in 1998 passed constitutional muster.

Some three months later, however, another federal judge ruled in a separate case that the admissions system currently used at the university's law school is illegal. Judge Bernard Friedman said the law school's admissions policies were "practically indistinguishable from a quota system."

The two cases — *Gratz v. Bollinger* and *Grutter v. Bollinger* — are now set to be argued together late next month before the federal appeals court in Cincinnati.<sup>1</sup> And opposing lawyers and many legal observers expect the two cases to reach the Supreme Court in a potentially decisive showdown. "One of these cases could well end up in the Supreme Court," says Elizabeth Barry, the university's associate vice president and deputy general counsel, who is coordinating the defense of the two suits.

"We hope the Supreme Court resolves this issue relatively soon," says

Michael Rosman, attorney for the Center for Individual Rights in Washington, which represents plaintiffs in both cases. "It is fair to say that there is some uncertainty in the law in this area."

The legal uncertainty stems from the long time span — 23 years — since the Supreme Court's only previous full-scale ruling on race-based admissions policies: the famous *Bakke* decision. In that fractured ruling, *University of California Regents v. Bakke*, the high court in 1978 ruled that fixed racial quotas were illegal but allowed the use of race as one factor in college admissions.<sup>2</sup>

Race-based admissions policies are widespread in U.S. higher education today — "well accepted and entrenched," according to Sheldon Steinbach, general counsel of the pro-affirmative action American Council on Education.

Roger Clegg, general counsel of the Center for Equal Opportunity, which opposes racial preferences, agrees with Steinbach but from a different perspective. "Evidence is overwhelming that racial and ethnic discrimination occurs frequently in public college and university admissions," Clegg says.<sup>3</sup>

Higher-education organizations and traditional civil rights groups say racial admissions policies are essential to ensure racial and ethnic diversity at the nation's elite universities — including the most selective state schools, such as Michigan's Ann Arbor campus. "The overwhelming majority of students who apply to highly selective institutions are still white," says Theodore Shaw, associate director-counsel of the NAACP Legal Defense Fund, which represents minority students who intervened in the two cases. "If we are not con-

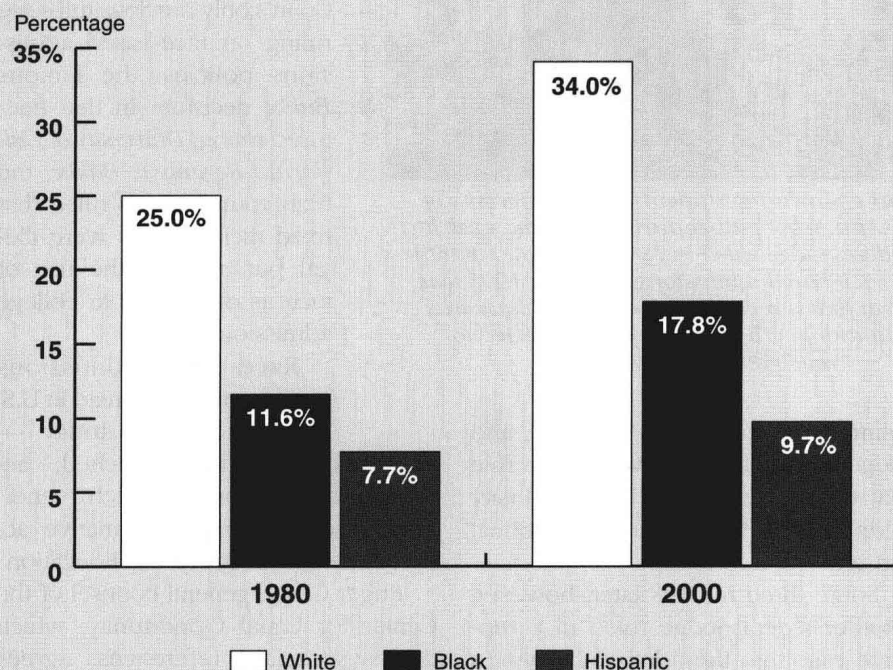
From *The CQ Researcher*,  
September 21, 2001.



## Despite Progress, Minorities Still Trail Whites

*A larger percentage of young adult African-Americans and Hispanics have completed college today than 20 years ago. But college completion rates for African-Americans and Hispanics continue to be significantly lower than the rate for whites. Today, the national college completion rate — 30 percent — is more than triple the rate in 1950.*

**Percentages of College Graduates, Ages 25–29**



Source: U.S. Department of Education, "Digest of Education Statistics," 2001 edition (forthcoming)

scious of selecting minority students, they're not going to be there."

Opponents, however, say racial preferences are wrong in terms of law and social policy. "It's immoral. It's illegal. It stigmatizes the beneficiary. It encourages hypocrisy. It lowers standards. It encourages the use of stereotypes," Clegg says. "There are all kinds of social costs, and we don't think the benefits outweigh those costs."

The race-based admissions policies now in use around the country evolved gradually since the passage of federal civil rights legislation in the mid-

1960s. By 1970, the phrase "affirmative action" had become common usage to describe efforts to increase the number of African-Americans (and, later, Hispanics) in U.S. workplaces and on college campuses.<sup>4</sup> Since then, the proportions of African-Americans and Hispanics on college campuses have increased, though they are still underrepresented in terms of their respective proportions in the U.S. population. (See chart, p. 3.)

Michigan's efforts range from uncontroverial minority-outreach programs to an admissions system that ex-

plicitly takes an applicant's race or ethnicity into account in deciding whether to accept or reject the applicant. The system formerly used by the undergraduate College of Literature, Science and the Arts had separate grids for white and minority applicants. The current system uses a numerical rating that includes a 20-point bonus (out of a total possible score of 150) for "underrepresented minorities" — African-Americans, Hispanics and Native Americans (but not Asian-Americans). The law school's system — devised in 1992 — is aimed at producing a minority enrollment of about 10 percent to 12 percent of the entering class.

Critics of racial preferences say they are not opposed to affirmative action. "Certainly there are some positive aspects to affirmative action," Rosman says, citing increased recruitment of minorities and reassessment by colleges of criteria for evaluating applicants. But, he adds, "To the extent that it suggests that they have carte blanche to discriminate between people on the basis of race, it's not a good thing."

Higher-education officials respond that they should have discretion to explicitly consider race — along with a host of other factors — to ensure a fully representative student body and provide the best learning environment for an increasingly multicultural nation and world. "Having a diverse student body contributes to the educational process and is necessary in the 21st-century global economy," Steinbach says.

As opposing lawyers prepare for the appellate arguments next month in the University of Michigan cases, here are some of the major questions being debated:

### ***Should colleges use race-based admissions policies to remedy discrimination against minorities?***

The University of Michigan relies heavily on high school students' scores on standardized tests in evaluating applications — tests that have been wide-



ly criticized as biased against African-Americans and other minorities. It gives preferences to children of Michigan alumni — who are disproportionately white — as well as to applicants from “underrepresented” parts of the state, such as Michigan’s predominantly white Upper Peninsula.

Even apart from the university’s past record of racial segregation, those factors could be cited as evidence that Michigan’s current admissions policies are racially discriminatory because they have a “disparate impact” on minorities. And the Supreme Court, in *Bakke*, said that racial classifications were constitutional if they were used as a remedy for proven discrimination.

But Michigan is not defending its racial admissions policies on that basis. “Every public university has its share of decisions that we’re now embarrassed by,” President Bollinger concedes. But the university is defending its use of race — along with an array of other factors — only as a method of producing racial diversity, not as a way to remedy current or past discrimination.

Some civil rights advocates, however, insist that colleges and universities are still guilty of racially biased policies that warrant — even require — explicit racial preferences as corrective measures.

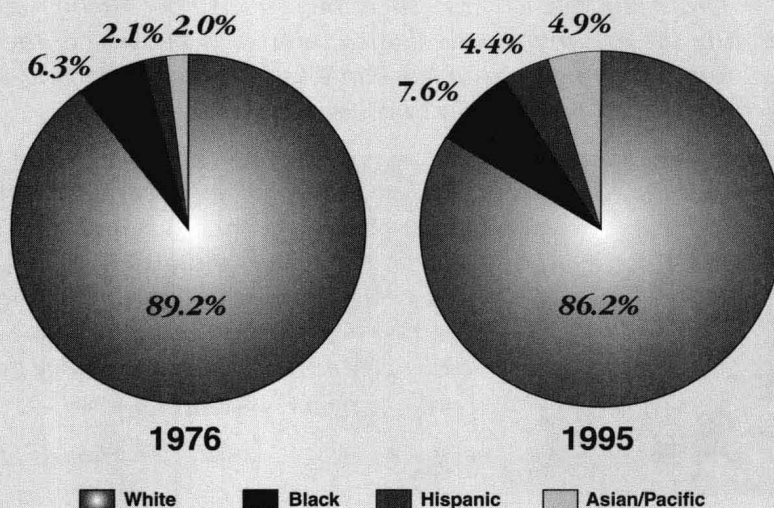
“Universities should use race-conscious admissions as a way of countering both past and ongoing ways in which the admission process continues to engage in practices that perpetuate racism or are unconsciously racist,” says Charles Lawrence, a professor at Georgetown University Law Center in Washington.

Opponents of racial preferences, however, say colleges should be very wary about justifying such policies on the basis of past or current discrimination against minorities. “The Supreme Court has been pretty clear that you can’t use the justification of past societal discrimination as a ground for a race-based admissions policy at an institution that did not itself discriminate,”

## Minority Enrollments Increased

*African-Americans and Hispanics make up a larger percentage of the U.S. college population today than they did in 1976, but they are still underrepresented in comparison to their proportion of the total U.S. population. Hispanics comprise 12.5 percent of the population, African-Americans 12.3 percent.*

**Percentages of Whites and Minorities at U.S. Colleges and Universities**



*Note: Percentages do not add to 100 due to rounding.*

*Source: U.S. Dept. of Education, “Digest of Education Statistics,” 2001 edition (forthcoming)*

says Stephen Balch, president of the National Association of Scholars, a Princeton, N.J.-based group of academics opposed to racial preferences.

Balch defends alumni preferences, the most frequently mentioned example of an admissions policy that disadvantages minority applicants. “It’s not at all unreasonable for colleges and universities to cultivate their alumni base,” Balch says. In any event, he adds, “As student bodies change, the effect of that policy will change.”

For his part, Rosman of the Center for Individual Rights says racial preferences are not justified even if colleges are wrong to grant alumni preferences or to rely so heavily on standardized test scores. “If you have criteria that discriminate and are not

educationally justified, then the appropriate response is to get rid of those criteria, not to use ‘two wrongs make a right,’” Rosman says.

Minority students intervened in both the undergraduate and law school suits to present evidence of discrimination by the university and to use that evidence to justify the racial admissions policies. In the undergraduate case, evidence showed that the university refused to desegregate fraternities and sororities until the 1960s, allowed white students to refuse to room with black students and did not hire its first black professor until 1967. The evidence also showed that black students reported continuing discrimination and racial hostility through the 1980s and into the ‘90s.