

Affirmative Action



Illegal Immigration



Race in America



Latinos' Future



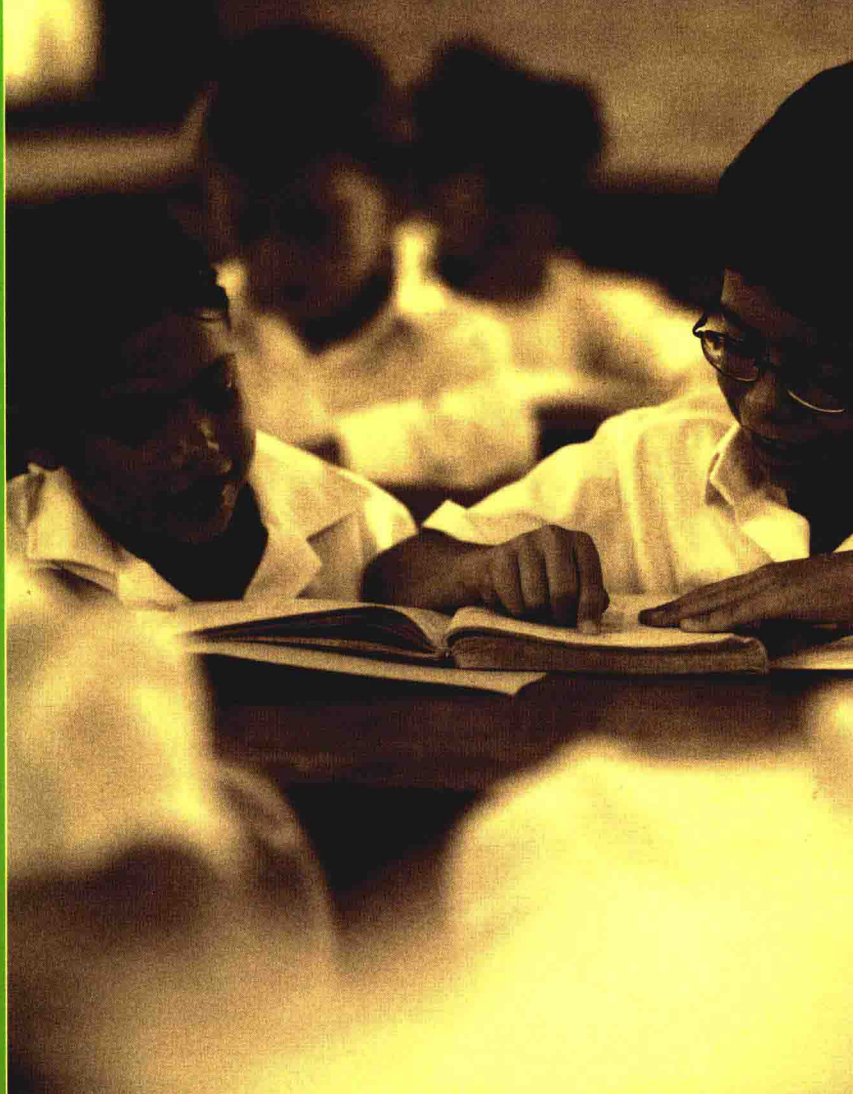
School Desegregation



American Indians



AND MORE...



# ISSUES IN RACE AND ETHNICITY

SELECTIONS FROM THE CQ RESEARCHER



# Issues in Race and Ethnicity

T H I R D   E D I T I O N



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# Annotated Contents

The 12 *CQ Researcher* reports reprinted in this book have been reproduced essentially as they appeared when first published. In the few cases in which important new developments have since occurred, updates are provided in the overviews highlighting the principal issues examined.

## RACE

### **Affirmative Action**

A major battle over the use of race in college admissions ended with split decisions from the U.S. Supreme Court. The high court rulings came in suits by unsuccessful white applicants to the University of Michigan's undergraduate college and law school. They challenged policies that gave an advantage to minority applicants. The university said the policies were needed to ensure racial and ethnic diversity on campus. The Supreme Court upheld law school policies that gave individualized consideration to each applicant, but it ruled that the undergraduate admissions system operated too much like a racial quota. Officials at Michigan and other elite universities said the rulings would result in only minor changes in admissions policies. But former Justice Sandra Day O'Connor called for minority preferences to end in twenty-five years.

### **Race in America**

Many people believe the end of legal discrimination gave African-Americans the same chance of success as other Americans. And by any measure, blacks' social, economic and political standing has

vastly improved since the civil rights upheavals of the 1950s and 1960s. Yet, by all the same measures — wealth, income, life expectancy, school success, crime rates — blacks lag far behind whites. Many African-Americans — and many whites — say discrimination, whether due to institutional habits or deliberate prejudice, prevents them from attaining jobs and homes equal to those enjoyed by whites. The 2003 Supreme Court decision upholding affirmative action heartened many blacks. But racially tinged incidents — notably the response to Hurricane Katrina in 2005 — periodically shatter the complacency of all Americans about race.

### Redistricting Disputes

Disputes over partisan redistricting, or gerrymandering, date back to the nation's earliest days, and the once-a-decade process was as contentious as ever following the 2000 census. New computer technology now gives map drawers unprecedented precision to make districts nearly impregnable by stuffing them with party loyalists. Republican-drawn maps in some key states helped the GOP gain House seats in the 2002 midterm congressional elections, which saw significantly less turnover than in similar elections during the last 30 years. Then, in an unusual move, Republicans reopened the redistricting process in Colorado and Texas, prompting the Democrats to try to get mid-decade remappings declared unconstitutional. However, a deeply divided Supreme Court in April 2004 upheld a redistricting plan that sought to give the Republican Party an edge in Pennsylvania's congressional races. The court also refused to bar court challenges to such partisan redistricting in future cases. Some citizens' groups say that using independent bodies to redraw the maps would ensure partisan fairness, competitiveness and stability.

### School Desegregation

In April 2004, the nation celebrated the fiftieth anniversary of the Supreme Court's landmark decision declaring racial segregation in public schools unconstitutional. But the promise of equal educational opportunity for all offered by the once-controversial *Brown v. Board of Education* ruling is widely viewed as unfulfilled. Today, an increasing percentage of African-American and Latino students attend schools with mostly other minorities — a situation that critics blame on recent Supreme Court

decisions easing judicial supervision of desegregation plans. Black and Latino students also lag far behind whites in academic achievement. School-desegregation advocates call for stronger steps to break down racial and ethnic isolation and to upgrade schools that serve minority students. Critics of mandatory desegregation, however, say stronger accountability, stricter academic standards and parental choice will do more to improve education for all students.

### Black Colleges

Before the 1950s, most black Americans had little choice but to attend colleges and universities founded for blacks. The outlawing of segregation over fifty years ago gave black students more education options, and many took them. But the nation's 103 historically black colleges and universities (HBCUs) still enroll about 14 percent of African-American students. Supporters say black colleges offer important educational and social benefits over predominantly white institutions. Some critics, however, say many HBCUs are academically inferior institutions and do not prepare students for living in a diverse society. Whatever their advantages or disadvantages, many black colleges are in trouble today because of shaky finances and sagging enrollments.

### Reparations Movement

After the Civil War, efforts to compensate former slaves were blocked. In recent years, calls have gotten louder for payments to the ancestors 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. In January 2004, an Illinois federal court dismissed a lawsuit brought by slave descendents against corporations said to have profited from slavery, but the court still left the door open for further litigation. 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 have picked up the call for reparations, including World War II "comfort women." In November 2002, the Australian government offered reparations to Queensland Aborigines.

## 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. For the last twenty-five years, a movement to combine environmental and human rights concerns has sought to help 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 grounds 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. And the cause of environmental justice has lost some momentum, in part because of a lack of enforcement at the federal level, but also because environmental activists have turned their attention to other issues such as global warming.

## Rebuilding New Orleans

Five months after Hurricane Katrina flooded most of New Orleans, some 80 percent of the “Crescent City” remained unrepaired. Damage was estimated at \$35 billion. Most schools and businesses were still closed, and two-thirds of the 460,000 residents had moved out. How many will return remains troublingly uncertain. Questions about who will help the city’s poorer residents — many of them African-American — hang over the city, along with concern about how much of New Orleans’ storied popular culture will survive. Meanwhile, as a new hurricane season approaches, efforts to repair and strengthen the protective system of levees, canals and pumps lag behind schedule.

# ETHNICITY AND IMMIGRATION

## Illegal Immigration

More than 10 million illegal immigrants live in the United States, and 1,400 more arrive every day. Once concentrated in a few big states like Texas and California, they are rapidly moving into non-traditional areas such as the Midwest and South. Willing to work

for low wages, the migrants are creating a backlash among some residents of the new states, which have seen a nearly tenfold increase in illegal immigration since 1990. While illegal immigrants only make up about 5 percent of the U.S. workforce, critics of the nation’s immigration policies say illegal immigrants take Americans’ jobs, threaten national security and even change the nation’s culture by refusing to assimilate. But immigrants’ advocates say illegal migrants fill the jobs Americans refuse to take and generally boost the economy. Proposals for increased immigration controls and a guest-worker program have divided Congress even as massive demonstrations in cities across the country have polarized the issue among the public.

## Latinos’ Future

Latinos have moved ahead of African Americans to become the nation’s largest minority. But while Hispanics already exert enormous influence on American life their political clout has yet to catch up. An intense congressional debate brought tens of thousands of Latinos to the streets in 2006 in support of immigrant rights, but an equally powerful backlash has kept them from achieving the legislative goal of amnesty for many illegal aliens. Politicians are wary of offending the sensibilities of such a fast-growing segment of the population — and Latinos in recent years have spread far beyond the traditional ends of the immigrant journeys in states such as California, New York and Florida. Hispanics say their widely praised work ethic, high rate of English-language fluency and proud self-identification as Americans show they already embrace the nation’s values. Still, they have engendered a good deal of fear because of post-September 11 concerns about border security, as well as anxiety that illegal immigrants are driving down wages because of their willingness to work for sub-minimum wages. Latinos are clearly an increasingly important force in U.S. political life and the national economy, but equality of income, educational attainment and complete cultural acceptance remain, for the time being, elusive.

## Gang Crisis

Once an urban problem, street gangs have now infiltrated U.S. communities large and small. Gang experts say at least 21,500 gangs — with more than 731,000

members — are active nationwide. Long-established domestic gangs like the Bloods and the Crips remain powerful, but the problem has worsened dramatically in recent years. Heavy immigration, particularly from Latin America and Asia, has introduced highly violent gangs like Mara Salvatrucha and the Almighty Latin Kings Nation. Bound by tight ethnic and racial ties, they often stymie police investigations by assaulting or killing potential witnesses. Having already diversified from illegal drugs into auto theft, extortion, property crimes and home invasion, some East Coast gangs have begun trafficking in fraudulent identification papers that could be used by terrorists. While experts agree gangs are more pervasive than ever, few agree on a remedy. Proposed legislation would increase penalties for gang membership and gang crimes, but critics say it won't solve the problem.

### **American Indians**

Winds of change are blowing through Indian Country, improving prospects for many of the nation's 4.4 million Native Americans. The number of tribes managing their own affairs has increased dramatically, and an urban Native-American middle class is quietly taking root. The booming revenues of many Native American-owned casinos seem the ultimate proof that Native Americans are overcoming a history of mistreatment, poverty and exclusion. Yet most of the gambling houses don't rake in stratospheric revenues. And despite statistical upticks in socioeconomic indicators, Native Americans are still poorer, more illness-prone and less likely to be employed than their fellow citizens. Meanwhile, tribal governments remain largely dependent on direct federal funding of basic services — funding that Native-American leaders and congressional supporters decry as inadequate. But government officials say they are still providing essential services despite budget cuts.



# Preface

As minority populations continue to grow, and concerns about U.S. border security and immigration intensify, issues in race and ethnicity resonate ever more profoundly with Americans. These topics confound even well-informed citizens and often lead to cultural and political conflicts, because they raise the most formidable public policy questions: Are blacks still economically disadvantaged due to racism? Should illegal immigrants in the United States be allowed to acquire legal status? Is the federal government neglecting Native Americans? To promote change and hopefully reach viable resolution, scholars, students and policymakers must strive to understand the context and content of each of these issues, as well as how these debates play out in the public sphere.

With the view that only an objective examination that synthesizes all competing viewpoints can lead to sound analysis, this third edition of *Issues in Race and Ethnicity* provides comprehensive and unbiased coverage of today's most pressing policy problems. It enables instructors to fairly and comprehensively uncover opposing sides of each issue, and illustrate just how significantly these issues impact citizens and the government they elect. This book is a compilation of twelve recent reports from *CQ Researcher*, a weekly policy backgrounder that brings into focus key issues on the public agenda. *Researcher* fully explains complex concepts in plain English. Each article chronicles and analyzes past legislative and judicial action as well as current and possible future maneuvering. Each report addresses how issues affect all levels of government, whether at the local, state or federal level, and also the lives and futures of all citizens. *Issues in Race and Ethnicity* is designed to promote in-depth discussion, facilitate further research and

help readers think critically and formulate their own positions on these crucial issues.

This collection is organized into two sections: “Race” and “Ethnicity and Immigration.” Each section spans a range of important public policy concerns. These pieces were chosen to expose students to a wide range of issues, from political gerrymandering to illegal immigration. Over half of the reports are new to this edition, including four updated reports, “Race in America,” “Environmental Justice,” “Illegal Immigration” and “Latinos’ Future.” We are gratified to know that *Issues in Race and Ethnicity* has found a following in a wide range of departments in political science and sociology.

## CQ RESEARCHER

*CQ Researcher* was founded in 1923 as *Editorial Research Reports* and was sold primarily to newspapers as a research tool. The magazine was renamed and redesigned in 1991 as *CQ Researcher*. Today, students are its primary audience. While still used by hundreds of journalists and newspapers, many of which reprint portions of the reports, *Researcher’s* main subscribers are now high school, college and public libraries. In 2002, *Researcher* won the American Bar Association’s coveted Silver Gavel award for magazine excellence for a series of nine reports on civil liberties and other legal issues.

*Researcher* staff writers — all highly experienced journalists — sometimes compare the experience of writing a *Researcher* report to drafting a college term paper. Indeed, there are many similarities. Each report is as long as many term papers — about 11,000 words — and is written by one person without any significant outside help. One of the key differences is that writers interview leading experts, scholars and government officials for each issue.

Like students, staff writers begin the creative process by choosing a topic. Working with *Researcher’s* editors, the writer identifies a controversial subject that has important public policy implications. After a topic is selected, the writer embarks on one to two weeks of intense research. Newspaper and magazine articles are clipped or downloaded, books are ordered and information is gathered from a wide variety of sources, including interest groups, universities and the government. Once the writers are well informed, they develop a detailed outline, and begin the interview process. Each report

requires a minimum of ten to fifteen interviews with academics, officials, lobbyists and people working in the field. Only after all interviews are completed does the writing begin.

## CHAPTER FORMAT

Each issue of *Researcher*, and therefore each selection in this book, is structured in the same way. Each begins with an overview, which briefly summarizes the areas that will be explored in greater detail in the rest of the chapter. The next section, “Issue Questions,” is the core of each chapter. It chronicles important and current debates on the topic under discussion and is structured around a number of key questions, such as “Is discrimination still a problem in the United States?” and “Does illegal immigration hurt American workers?”

These questions are usually the subject of much debate among practitioners and scholars in the field. Hence, the answers presented are never conclusive but detail the range of opinion on the topic.

After “Issue Questions” is the “Background” section, which provides a history of the issue being examined. This retrospective covers important legislative measures, executive actions and court decisions that illustrate how current policy has evolved. Next, the “Current Situation” section examines contemporary policy issues, legislation under consideration and legal action being taken. Each selection concludes with an “Outlook” section, which addresses possible regulation, court rulings and initiatives from Capitol Hill and the White House over the next five to ten years.

Each report contains features that augment the main text: two to three sidebars that examine issues related to the topic at hand, a pro-versus-con debate between two experts, a chronology of key dates and events and an annotated bibliography detailing major sources used by the writer.

## ACKNOWLEDGMENTS

We wish to thank many people for helping to make this collection a reality. Tom Colin, managing editor of *CQ Researcher*, gave us his enthusiastic support and cooperation as we developed this third edition. He and his talented staff of editors and writers have amassed a first-class library of *Researcher* reports, and we are for-

fortunate to have access to that rich cache. We also thankfully acknowledge the advice and feedback from current readers and are gratified by their satisfaction with the book.

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

or toll-free at 1-866-4CQ-PRESS (1-866-427-7737).

We hope that you will be pleased with the third edition of *Issues in Race and Ethnicity*. We welcome your feedback and suggestions for future editions. Please direct comments to Charisse Kiino, Chief Acquisitions Editor, College Division, CQ Press, 1255 22nd Street, N.W., Suite 400, Washington, D.C. 20037, or [ckiino@cqpress.com](mailto:ckiino@cqpress.com).

— *The Editors of CQ Press*



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# 1

## Affirmative Action

Kenneth Jost



First-year engineering students at the University of Michigan—Ann Arbor gather during welcome week. 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 went before the Supreme Court in 2003.

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 recalls. "If you give extra points for being of a particular race, then you're not giving applicants an equal opportunity."

Gratz went on to earn a degree from Michigan's less prestigious Dearborn campus and a job in San Diego. But she also became the lead plaintiff in a showdown legal battle in the long-simmering conflict over racial preferences in college admissions.

On the opposite side of Gratz's federal court lawsuit was Lee Bollinger, a staunch advocate of race-conscious admissions policies who served as president of the University of Michigan for five-and-a-half years before leaving in June 2002 to assume the presidency of Columbia University.

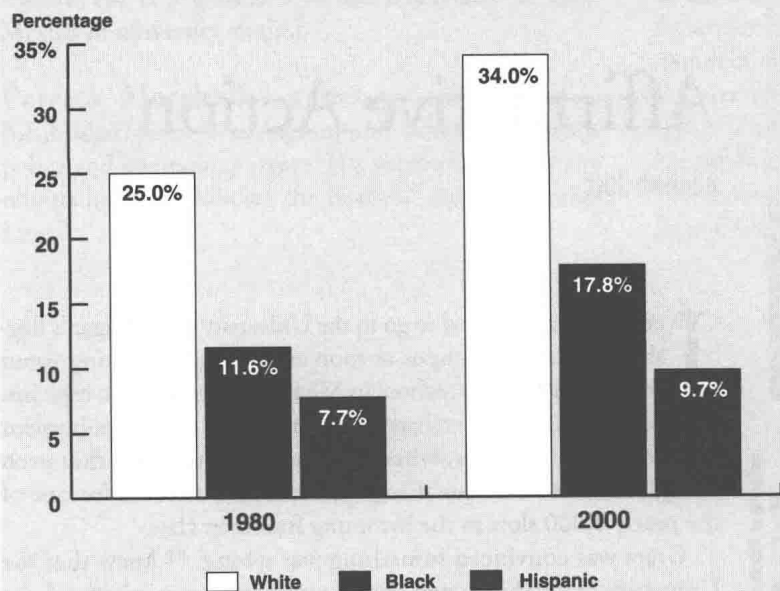
"Racial and ethnic diversity is one part of the core liberal educational goal," Bollinger says. "People have different educational experiences when they grow up as an African-American, Hispanic or white."

Gratz won a partial victory in December 2000, when a federal judge agreed that the university's admissions system in 1995 was illegal. The ruling came too late to help her, however, and Judge Patrick Duggan went on to rule that the revised system the university adopted in 1998 passed constitutional muster.

## 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.

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

The decision came in a suit filed by Barbara Grutter, who unsuccessfully sought admission to the law school in December 1996 while in her 40s after having raised a family and worked as a health care consultant. Grutter, who is white, blamed her rejection on minority preferences used by the law school.

The two cases — *Gratz v. Bollinger* and *Grutter v. Bollinger* — went on to be argued together before the federal appeals court in Cincinnati and then again before the

U.S. Supreme Court. Then, in a dramatic day at the high court, the justices issued companion rulings on June 23, 2003, that upheld the law school's policies, but struck down the college's system.

The law school system satisfied constitutional standards, Justice Sandra Day O'Connor wrote in the 5-4 decision, because it was narrowly tailored to achieve the goal of attaining a diverse student body. Writing for a different 6-3 majority, however, Chief Justice William H. Rehnquist said the college's admissions system was unconstitutional because it awarded minority candidates a fixed numerical bonus without individualized consideration of the applicants' backgrounds and records.<sup>1</sup>

The rulings were aimed at resolving legal uncertainty stemming 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>

After *Bakke*, race-based admissions policies became widespread in U.S. higher education — "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,