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Here are the
clips on minority
enrollment/race.
You should know
that minority
enrollment is ~~is~~
actually up in the
school ~~POPS~~ is
doing the ~~spuck~~
at due to an
extensive recruitment
effort this year!
-JLS

Important



DAILY NEWS

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NEWS FOR FRIDAY, MAY 23, 1997

Sole Black Student in Entering Class at U. of Texas Law School Withdraws

By DOUGLAS LEDERMAN

The only black student to accept an offer of admission at the University of Texas at Austin's law school for this fall has withdrawn, saying the news media's attention would be too much to take.

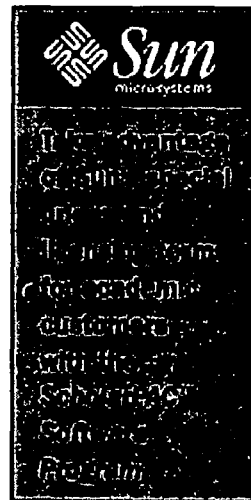
Forced by a federal-court decision last year to stop using race as a factor in admissions decisions, the Texas law school admitted 11 blacks out of the total of 991 students it accepted. In previous years, it typically had admitted scores of black students, enrolling 30 to 40 a year in entering classes that have averaged 500 students.

Of the 11 black students admitted this spring, only one remitted the deposit that guarantees a place in the class. But he telephoned the school's admissions director, Shelli Soto, this week and withdrew, citing the extensive attention by the news media about the dearth of black students there.

"He does not want to spend his law-school career in the spotlight and in a position where he is going to be the representative for his race," said Ms. Soto on Thursday. The student, whom the law school declined to identify, has decided to attend Cornell University's law school instead.

Ms. Soto said at least one other black student who had been admitted had told law-school officials that she was sending in a deposit, but they have not yet received it. Several black students could still decide to enroll, Ms. Soto said, and others could be admitted from the waiting list this summer.

The number of other minority students who have accepted offers of admission to the law school also is down. As of this week, only 14 Mexican-American students had reserved places in the class. Normally, the law school enrolls 40 to 60



"It is premature to say these are the end results," Ms. Soto said, "but we are not optimistic."

- "Only One Black Student Has Accepted Admission to U. of Texas Law School," 5/22/97
- "Number of Minority Students Admitted to U. of Texas Law School Plummets," 4/10/97

- ☐ A special section with background stories from *The Chronicle* and documents related to affirmative action in Texas

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12. The Chronicle of Higher Education

May 23, 1997

Minority Enrollments Rose in 1995, a Study Finds

Hispanic students had the largest gain — 4.6% — over the previous year

By BEN GOSE
WASHINGTON

Students from the nation's four largest minority groups enrolled in larger numbers at U.S. colleges and universities in 1995 than in 1994, according to an annual study to be released this week by the American Council on Education.

The total number of minority students rose 2.9 per cent, to about 3,496,000, in 1995, the latest year for which data are available. Minority students accounted for a quarter of all students in 1995.

Hispanic students gained the most. Their enrollment rose 4.6 per cent, to 1,094,000. The enrollment of American Indians increased 3.1 per cent, to 131,000, and the enrollment of Asian-Americans rose 3 per cent, to 797,000. Black enrollment was up 1.7 per cent, to 1,474,000 students.

The numbers in the report are based on data provided by the Education Department and other federal agencies.

Stanley O. Ikenberry, president of the education council, said he was pleased to see the numbers continue to rise but was worried that minority enrollment was growing at a slower pace than it had in the early 1990s.

"The trend lines are beginning to flatten out," he said. "That's our primary concern this year."

For the third straight year, total enrollment dipped despite gains among minority students. The tiny decline in total enrollment — about a tenth of 1 per cent — resulted from a drop among white students. In 1995, enrollment of white students fell 1.1 per cent, to 10,311,000.

Even so, the proportion of white people ages 18 to 24 who were attending college hit an all-time high of 43 per cent. Black and Hispanic people of this traditional college age each had a college-attendance rate of 35 per cent. Figures for Asian-Americans and American Indians were not available, the study's authors said.

In a section on graduation rates, the study shows that students in the two largest minority groups had a tough time earning diplomas. In 1994, the latest year for which degree-completion information is available, black students made up 10.7 percent of the undergraduate population at four-year institutions, but earned only 7.2 per cent of all bachelor's degrees. Hispanic students were 7.9 per cent of the undergraduate population that year, but they earned only 4.3 per cent of the bachelor's degrees.

Nonetheless, minority students showed progress in earning all types of degrees in 1994.

The number of associate's degrees they earned rose 9.8 per cent; bachelor's degrees, 8.5 per cent; master's degrees, 11.1 per cent; and professional degrees, 9.7 per cent.

The study offered more-recent data for doctoral degrees: Minority students earned 13.7 per cent more doctoral degrees in 1995 than in 1994.

This year's study examines Asian-Americans and Pacific Islanders in particular detail. The authors note that the term "Asian Pacific American" encompasses considerable variety, and that

students from some regions do not fit the high-achieving Asian stereotype.

While students of Chinese and Japanese descent from the ages of 18 to 24 enroll in college at rates far exceeding the average for all students, those of Pacific Island ancestry are less likely than average to enroll. For example, fewer than 30 per cent of people of Hawaiian or Samoan descent in that age group enroll in college.

The report shows that Asian Americans were twice as likely to earn degrees in science and mathematics as other students. But Kenyon S. Chan, chairman of the Asian-American-studies department at California State University at Northridge, noted that Asian-Americans, like students from other ethnic groups, were most likely to earn a degree in business.

"It would be wrong to assume that Asian-Pacific-American students are somehow linked genetically to science and math and can't do anything else," said Dr. Chan, a co-author of the special section on Asian-Americans.

Copies of the "Fifteenth Annual Status Report on Minorities in Higher Education," are available for \$24.95 from the American Council on Education, Publications Department M, One Dupont Circle, N.W., Washington 20036.

Additional data, including a comprehensive look at state-by-state enrollment numbers, is available in a report from the U.S. Department of Education, "Enrollment in Higher Education: Fall 1995." It can be found on the World-Wide Web at: <http://www.ed.gov/NCES/> ■

Dr. Hammond-Paludan says the commission's intent was to generate reliable data that would help win lawmakers' trust and make it easier to persuade them to support higher education down the road.

But the report was widely viewed as evidence that the commission had shirked its role of advocating on the colleges' behalf, and seemed to be functioning more as an arm of the executive branch. College officials criticized the study for making unfair, apples-and-oranges comparisons between their institutions and those outside the state. Dr. Speert, of William Paterson College, says the report led people to think of higher education only in terms of cost and tuition rates, and not "in terms of what it accomplishes or what it does for their region of the state."

The draft report, which the commission has yet to approve, probably would not have riled college officials as much had Governor Whitman not been

proposing for fiscal 1998 a higher-education budget of \$732-million, the same amount appropriated for the current fiscal year. With Republicans in control of the Legislature, the budget's chances of passage are good.

"They have a revenue problem, and they want to squeeze as much out of higher education as possible," says Mr. Greer, who leads the state-college group.

The state's nine four-year public colleges are especially irked by Governor Whitman's budget because it does not give them the additional \$13.5-million they need to cover the salary increases for faculty and staff members that were negotiated by the state. The colleges' boards of trustees have been discussing tuition increases of 9 to 15 per cent, sparking student protests on some campuses.

The restructuring law called for the state to consider relinquishing its control over labor contracts at the four-year colleges. These campuses argue that they

are the only group of colleges in the state without this power, and that their financial autonomy is undermined by the burdens placed on them when the state fails to cover the costs of the raises it gives their employees. But Governor Whitman has not yet tackled the issue, and, with a fall re-election campaign looming, she is not expected to risk the wrath of labor leaders by doing so.

In a statement issued last month, the state's Treasurer, Brian W. Clymer, said the colleges did not need to raise tuition and could cover the salary increases by dipping into cash surpluses or trimming waste. He has offered to send his staff members to campuses to identify savings.

Robert A. Scott, president of Ramapo College of New Jersey, says that he let Mr. Clymer's staff examine his operations, and that "virtually all of the ideas that were suggested were things that we had already done or were under way." ■

14. The Chronicle of Higher Education

May 23, 1997

Backers of Affirmative Action Seek Research to Bolster Cause

At meeting at Harvard, sympathetic lawyers tell scholars that their work will not sway many judges

By Douglas Lederman

Cambridge, Mass. — For two decades, colleges have taken for granted that it is not only legal, but just, to use affirmative action to diversify their student bodies and faculties.

But ever since a federal appeals court shattered that assumption more than a year ago by barring a Texas law school from using race as a factor in admissions decisions, college officials have been forced to wrestle with the knotty task of persuading judges, politicians, and the public that diversity is an essential goal, and affirmative action a valid way of achieving it.

A meeting of more than 150 academics, lawyers, and civil-rights advocates here this month showed just how tough a chore that may be, and how far academe is from accomplishing it.

Participants at the day-long conference, sponsored by Harvard

University's Civil Rights Project, assessed existing social-science research on the value of diversity — which they found wanting — and brainstormed about studies that might yet be done. They also exhorted each other to make the case for affirmative action in every possible setting.

But as legal experts picked apart the academic studies offered in support of affirmative action, civil-rights advocates and professors bristled as they realized how little room recent court decisions have left for justifying the use of racial preferences, no matter how passionately proponents believe affirmative action to be morally right.

"It's frustrating to be focusing on how we can come up with data and research that will make the case before a reactionary Supreme Court as to why they should continue to allow some

minuscule sliver of affirmative action," said Anthony M. Platt, a professor of social work at California State University at Sacramento. Supporters of affirmative action may be better off, he said, "focusing instead on reaching a larger group of Americans, not around narrow legal issues, but around a defense of democracy in higher education."

That idea appealed to many of the participants, who argued that the political fight over the future of affirmative action was, in the long run, more significant and promising than the continuing conflict in the courts. But legal experts in the group repeatedly reminded their colleagues that academe cannot afford to ignore the legal fight, now being waged on new fronts in Georgia and Washington State.

"The question of whether you can actually defeat this or turn it back, that's easy. If you don't do anything, you lose."

said Roger Wilkins, a George Mason University professor who worked alongside Thurgood Marshall in the Justice Department.

The conference was the third at Harvard since March 1996, when the U.S. Court of Appeals for the Fifth Circuit barred the law school at the University of Texas at Austin from considering race in admissions. By declaring that attracting a diverse student body was not a sufficiently compelling reason to use affirmative action, the Fifth Circuit repudiated the Supreme Court's 1978 decision in *Regents of the University of California v. Bakke*, on which most colleges have justified their use of race-based preferences.

At the first Harvard meeting, in May 1996, which was closed to the public, educators and lawyers plotted a strategy for defending affirmative action in academe.

The second meeting, which took place last month, focused on the impact that colleges' inability to use race in admissions would have on efforts to diversify their campuses, and whether using class or other race-blind substitutes would cushion the effect of not using race. The conclusions: The impact of bans on affirmative action will be great, and no adequate substitute for race exists. (More evidence of those trends came last week. The law school at the University of California at Berkeley announced that of the 792 students it had admitted for fall 1997, using new criteria that conform to the university's ban on race-based preferences, just 14 were black and 23 were Chicano. A year ago, it admitted 75 black applicants and 44 Chicano applicants.)

For this month's conference, which was aimed at developing research on diversity for use in court cases, the Harvard sponsors asked several scholars to report on existing studies of how diversity helps students learn and teachers teach, and to glean similar evidence from data bases.

Sylvia Hurtado, an assistant professor of education at the University of Michigan, unveiled a study showing that female and minority professors are more likely than white men to use cooperative learning and other techniques that, she said, help students learn.

But John A. Payton, a Washington lawyer who has defended affirmative action in several major cases, said such a finding would probably not convince a

judge of the merits of diversity. He suggested that a judge or opposing lawyer would challenge her argument by saying: If you believe that those techniques are beneficial, why not just require all professors to adopt them, rather than counting on only some minority professors to do so?

Legal experts poked similar holes in other pieces of research, disheartening some of the academics in attendance, who were confronted with the need to justify a concept they believe in implicitly.

But Christopher Edley, Jr., a Harvard law professor who with Gary Orfield, a Harvard education professor, co-founded the Civil Rights Project to grapple with issues of race in American society, said it was "really healthy for lawyers to tell the researchers, 'You're answering the wrong question' or 'You're presuming a more-sympathetic audience than we deal with.'"

Dr. Edley, who helped moderate the session and spent much of the day roaming the auditorium in white running shoes, microphone in hand, said he hoped that the day-long meeting would "generate as much fighting as possible."

"I would have liked a little more," he said afterward.

Dr. Orfield and others outlined the sort of evidence that scholars might develop to back up the idea that students of different races come to class with differing assumptions, leading them to test each others' views in ways that help all of them learn. "If you are a black Harvard law student and put on the wrong outfit and walk in the wrong neighborhood, you will be stopped by police" — something that would not happen to a white student, Dr. Orfield said. That black student's approach to a law-school discussion about illegal search and seizure would differ significantly from that of a white student, he said.

Dr. Edley said the Civil Rights Project planned to raise funds to commission such studies. He acknowledged, however, that even a mountain of such evidence might not persuade federal judges like those in the Texas case, who declared that race was no more relevant to a person's character and views than "physical size or blood type."

The lawyers who defended a blacks-only scholarship at the University of Maryland in 1994 presented more than

a dozen social-science studies in court, but the U.S. Court of Appeals for the Fourth Circuit dismissed this evidence in declaring the scholarship unconstitutional. Maryland could have "presented the Sermon on the Mount to the Fourth Circuit" and still lost, said Martin Michaelson, a Washington lawyer, at the Harvard meeting.

As much as they dislike being put on the defensive about affirmative action, some participants in the Harvard meeting said academe must seize the opportunity to make its case.

"One of the best arguments for diversity is that the most powerful learning takes place when students' viewpoints are challenged, and that's what's happening to us," said Richard H. Hersh, president of Hobart and William Smith Colleges. "We have to translate into public knowledge what we can prove about why diversity is good, yet be imaginative and inventive and honest enough to say, 'Okay, in what way have we been myopic? How have we been wrong?'"

Many of the participants argued that colleges had created at least part of the current dilemma for themselves by so clearly defining excellence as high scores on standardized tests, on which black and some other minority students on average score significantly lower than whites. Colleges have had to use "affirmative action to correct the problems we've inflicted on ourselves with our testing standards," Dr. Edley said. De-emphasizing the weight placed on such tests would make colleges less dependent on affirmative-action admission policies, he and others said.

What emerged most clearly from the session at Harvard, several participants said, was that higher education is just beginning to sort out a response to the legal and political tide against affirmative action. The answers to tough questions, they agreed, will be hashed out in additional meetings planned by the Civil Rights Project at Harvard, and in many other gatherings of lawyers, university officials, and researchers in the months and years to come.

What is not at all clear, they admit, is whether the answers will come fast enough to keep up with the stream of court challenges to affirmative action — and, when the answers come, whether they will satisfy skeptical judges and an uncertain public. ■

making sure there is a talented teacher in every classroom. He also wants to expand the Head Start program.

The state has boosted its teacher salaries from 49th in the nation to 32nd from 1990-95, and no other state has matched West Virginia's commitment to staff development during that period, Marockie said.

The state also pumped \$900 million into capital improvements since 1989, meaning about 70 percent of public school students in West Virginia are in new or renovated schools, he said.

Robert C. Byrd High School, built on a former strip mine in a hollow, will be used by the president as a model in preparing students for the 21st century.

The \$24 million school boasts 10 computer labs, the state's only "virtual reality" lab and Internet access that allows students to go anywhere in the world, said Chester Hall, director of

technology.

"We're not up in the hollow in the strip mine. We're anywhere in the world we want to go," he said.

Although not all students will receive classes on virtual reality, all are expected to graduate with some grasp of computers, and up to 70 percent of graduates go on to college.

Rebekah Squires, a student who helped put together the school's virtual reality tour, plans to study accounting at West Virginia University before going to law school.

But her computer training will come in handy regardless of the field she ultimately enters.

"No matter what job you go into, there are going to be advantages of using a computer," Squires said. "You can't live day-to-day and be totally computer illiterate."

Sophomore Nathanael Wentz agreed.

"Just about any field you're going to go into, you're going to use a computer," Wentz said. "Just being familiar with the computer in the workplace is tremendously useful."

Sen. Jay Rockefeller, D-W.Va., said the focus on computers is not misplaced. Six out of 10 jobs will require workers to know how to use computers by the year 2000, he said.

Rockefeller announced a \$2 million Department of Education grant for computers, software and training for teachers on the eve of Clinton's visit, the first by a sitting president in Clarksburg in 45 years.

"The bottom line of all of this is how well children do," Marockie said. "The children in West Virginia are demonstrating they are achieving at the top of the levels in reading and mathematics." ■

TRADE

10. Chronicle of Higher Education -- Academe Today

May 22, 1997

Only One Black Student Has Accepted Admission to U. of Texas Law School

By KARLA HAWORTH

Only one black student has accepted an offer of admission to the University of Texas at Austin law school so far this spring, compared with about 40 last year.

The school's dean blamed the drop in acceptance by black and Hispanic students on a federal court's decision last year that banned the consideration of race in Texas admissions.

Enrollment figures will not be official until the start of the fall term. But by this time last year, the law school had received many more tuition deposits from black and Mexican-American students, said M. Michael Sharlot, dean of the law school. Over the last decade, he said, the school has enrolled 30 to 40 black students and 40 to 60 Mexican-American students a year in entering classes that have averaged 500 students.

As of Wednesday, he said, only one black student had remitted the deposit that guarantees a place in the class. Only

14 Mexican-American students had reserved places in the class, Mr. Sharlot said.

In contrast, the number of Asian-American students who have reserved places has risen. Last year, Mr. Sharlot said, about 30 Asian-American students enrolled. This year, 41 have indicated that they would enroll.

Mr. Sharlot called the drop in black and Hispanic students a "disaster" for the University of Texas, which has been a leader in producing minority lawyers.

"This is the same pattern I think you'll find at Berkeley and U.C.L.A. and other schools that are operating under a ban of race-conscious affirmative action," Mr. Sharlot said.

Indeed, the University of California at Berkeley last week announced that the number of minority students offered admission to its law school, known as Boalt Hall, had plunged. The pool of black admittees fell to 14 from 75 last

year. Offers of admission to members of other minority groups, including Hispanic and American Indian students, declined as well.

Officials at the Universities of California and Texas blamed the sharp drops on policies banning affirmative action. In June 1995, the University of California's Board of Regents banned the consideration of race in decisions on contracting, hiring, and admissions throughout the nine-campus system. In March 1996, the U.S. Court of Appeals for the Fifth Circuit struck down the affirmative-action admissions program at the University of Texas at Austin's law school.

Aggressive efforts at recruitment may help increase the enrollment of minority students next year, Mr. Sharlot said. "But obviously, the only true solution is for the Supreme Court to take a case and announce a rule that would be of national application," he said.

11. Education Daily

May 22, 1997

TWO STATES TRYING TO EASE AFFIRMATIVE ACTION SQUEEZE

Texas and California, at the center of legal and political wrangling to end affirmative action, are both working to stem the resulting decline in minority college applications.

Gov. George Bush signed a law Tuesday that requires public universities to accept all Texas high school graduates in the top 10 percent of their class; it takes effect in 90 days.

"We want our state universities to reach out and include students in all walks of life," said Ray Sullivan, the governor's spokesman. "This [law] gives them the flexibility to do just that."

In the year since a federal court virtually eliminated racial preferences in Texas college admissions, minority applications to the University of Texas (UT) have fallen 25 percent.

But university officials fear the new law will create more problems than it solves.

Opportunity Not Enough

Bruce Walker, UT's director of admissions in Austin, said the state discontinued a "top 10 percent" rule about five years ago because it guaranteed admission to students who weren't prepared academically.

"It wasn't working," Walker said. "There's unevenness in [K-12] education across the state."

Since then, UT has used a broader range of admissions factors, including student essays and evidence of leadership skills. Walker said the law limiting admissions criteria to one academic standard "is going in the opposite direction."

He said the law might increase minority applications, but it won't increase minority enrollment unless the legislature adds at least \$25 million annually in student aid for those 16,000 applicants.

"If they can't afford it, they just won't come," Walker said.

He said UT will urge freshmen whom

the school would not have accepted previously, because they didn't meet academic standards, to take summer courses to prepare for college-level work.

"But it's still unclear whether we can require them to do that," Walker said.

The U.S. Fifth Circuit Court of Appeals ruled last year in *Hopwood v. Texas* (78 F.3d 932) that a college cannot consider race in admissions unless it is intended to correct continuing discrimination at that school (ED, March 21, 1996).

The U.S. Supreme Court declined to review the ruling, leaving it in place for Texas, Louisiana and Mississippi (ED, July 2, 1996). But the Education Department is encouraging colleges outside the Fifth Circuit to continue using race as one factor in admissions (ED, April 15).

Working With Schools

Meanwhile, the University of California at Los Angeles' law school has admitted 80 percent fewer black students and 32 percent fewer Hispanics from 1996 to this year, the first class to be affected by the school's abolishing race preferences in postgraduate admissions.

The ban on affirmative action in undergraduate admissions takes effect next year, following the state voters' approving Proposition 209 last fall.

A University of California (UC) task force on Tuesday recommended a three-part plan to recruit students at "educationally disadvantaged" high schools statewide. The report estimates that 80 percent of students at the targeted schools are minorities.

The panel says the university must focus on educational disadvantages, not low income, "to serve the goal of racial and ethnic diversity" legally in the wake of Proposition 209. It said poor-performing schools are a better indicator than income of who needs help.

In its draft report, the task force

recommends.

- Forming "school-centered partnerships" among each UC campus and public schools chosen for their poor academic performance, to establish standards and improve student achievement.

- Expanding academic outreach programs for K-12 students, and

- Creating an "information outreach" program to help students and their families prepare for college.

Among the goals are doubling the number of UC-eligible graduates at the disadvantaged schools within the next five years and tripling the number of "outreach contacts" with disadvantaged students and families.

The state and university allocated \$3.5 million for the 1997-98 school year to implement the plan. But educators say it will cost tens of millions of dollars more to be successful, and a state legislator has proposed \$20 million for outreach.

The task force says success will depend mainly on recruiting new teachers, retaining them and providing "ongoing professional development" for teachers at the partner schools.

The state education department estimated last year California will need between 17,000 and 30,000 new teachers each year over the next decade because of retirements and a new "baby boom" of students.

After a public comment period, each UC chancellor is to submit a detailed plan to the UC president by Jan. 1.

The American Council on Education says the rumblings of the upcoming limits on affirmative action in California and Texas are responsible for an overall slowing in the growth nationwide of minority students attending college in 1995 (ED, May 19).

The task force report is available at its Web site at <http://www.ucop.edu/acadaff/otf/cover1.html> — Dave Boyer ■

50. Dallas Morning News

May 22, 1997

Senators OK bill tracking colleges' minority enrollees **Officials say falling numbers alarming**

By Terrence Stutz / The Dallas Morning News

AUSTIN - Minority senators won approval of a bill Wednesday that they hope will put the spotlight on declining minority enrollments at leading Texas universities.

The legislation directs state officials to monitor minority participation at state colleges and universities in the wake of a court ruling that scrapped affirmative action programs in Texas higher education.

"This bill will serve as a constant reminder of how quickly the clock is being turned back," said Sen. Rodney Ellis, D-Houston, sponsor of the measure. "I hope we can get the public's attention. Texas is in for a hell of a rude awakening."

The bill must return to the House for consideration of Senate amendments.

Mr. Ellis and other minority senators said they were alarmed by reports from the University of Texas Law School that only one black student and 14 Hispanics have agreed to enroll for the fall.

Traditionally, the law school enrolls about 30 to 40 blacks and 50 to 65 Hispanics among the 500 new students who attend the school each fall.

UT officials have attributed the drop in minority enrollment to the court ruling. They also said more minority students may decide to attend the law school as admission has been offered to 11 black and 33 Hispanic students.

"If UT becomes all white . . . that doesn't reflect the face of Texas, and we ought to send the money where the people are," he said, suggesting that future higher education funds be redirected to schools that reflect the state's population.

Mr. Ellis also pointed to expected drops in minority enrollment at the University of Texas at Austin, Texas A&M University and other leading schools.

He and other minority senators said that besides the study required in the bill - which will be conducted by the Texas Higher Education Coordinating Board - they want U.S. officials to look at the issue of declining minority enrollments in Texas schools.

Tuesday, Gov. George W. Bush signed into law legislation aimed at diversifying enrollment in state universities in the wake of the court ruling. It would require public colleges and universities to guarantee admission to students who graduate in the top 10 percent of their high school classes.

UT System Chancellor William Cunningham and UT Law School Dean Michael Sharlot met with senators Wednesday to discuss minority enrollment.

"We are committed to doing everything humanly possible to have a diverse student population at the University of Texas," Mr. Cunningham told reporters.

"We are very disappointed with the numbers. We are doing everything we can to increase the number of minorities and to run a first-class educational enterprise."

Regarding the threat to seek cuts in funding for UT, Mr. Cunningham said, "It would be unfair to punish the student body as a whole because of the [court] decision."

That ruling from the 5th U.S. Circuit

Court of Appeals banned affirmative action at the UT law school. Attorney General Dan Morales has said all state universities are bound by the ruling.

Mr. Sharlot said the UT law school is "playing under a different set of rules than Harvard or Yale or Stanford" in trying to attract minorities.

"It is an enormous competitive disadvantage for us. But if we continue with aggressive recruiting . . . we might be able to turn this around."

In other action, the Senate sent a bill to Mr. Bush that would require the Texas Education Agency to develop an academic skills test for special education students.

Once the exam is developed, the scores will be used in the statewide accountability system that annually rates the performance of school districts and campuses.

The Legislature, facing adjournment June 2, acted on a number of fronts Wednesday.

Term papers

Selling term papers would become a crime in Texas, punishable by a fine of up to \$500, under a bill the House sent to Mr. Bush.

The bill would not impose a penalty on those who buy term papers to pass off as their own and would not apply to those offering term papers for free.

Sixteen other states have similar laws, designed to crack down on term paper factories that sell to college students who want to pay someone else to do their work. . . .

The Associated Press contributed to this report. ■

51. Dallas Morning News

May 22, 1997

Lone black law enrollee withdraws Media scrutiny at UT cited in his decision

By Aline McKenzie / The Dallas Morning News

The lone African-American student who had agreed to enter law school at the University of Texas at Austin next year has withdrawn, saying the media attention would be too much to take, officials said Wednesday.

The first-year student, whose name was not released, has instead decided to attend Cornell University in Ithaca, N.Y., UT admissions director Shelli Soto said.

"It's a result of all the news that he's been hearing," she said.

UT officials have anticipated a drop in minority admissions in the state-supported school since a court decision last year forbade using race as a factor in admissions.

Opponents of affirmative action have said the drop shows how much race had unfairly played a role in shaping the student body.

The drop in minority enrollment at the UT Law School and other state public universities has received widespread media attention.

Ms. Soto said that other admission offers were still pending and would probably not be settled until late June.

"This is awful; it's tragic," said Dallas Mayor Ron Kirk, a 1979 UT law school graduate.

Mr. Kirk said he believes the decision by the court and the subsequent interpretation by the attorney general

were incorrect. "I am utterly and profoundly disappointed," he said.

He said he didn't blame the student for the decision and wouldn't have wanted to be the only black student in a class.

"The state of Texas is going to lose a whole generation of talented" young minorities who will go to school elsewhere, he said.

Dallas City Council member Chris Luna, a 1986 UT law graduate, said, "This confirms my worst fear, which is some of our best and brightest will go elsewhere. No student will place himself under a microscope.

"Law school has enough pressure without the kind of pressure that's going to be placed on this student."

In addition to the lone black student, only a dozen Hispanic students have sent in tuition deposits to secure places in the fall class.

In the past, each class of about 500 has included about 30 to 40 African-American students and 50 to 65 Hispanics.

Mr. Luna said that this situation was "absolutely the fallout from the Hopwood decision" and said that he hoped it would "put pressure on judges and legislators to come up with a fix."

The Hopwood decision, issued last year by the 5th Circuit Court of Appeals, is named for lead plaintiff Cheryl

Hopwood, a white student who with three others sued UT, saying they had been denied admission on account of their race.

This year, the school considered undergraduate grades, entrance-exam scores, work experience, socioeconomic background and finances when offering admission and financial aid.

Gov. George W. Bush signed a bill into law Tuesday that will require universities to take the top 10 students or those in the top 25 percent of their high school classes. After fulfilling those academic requirements, universities will then have to consider race-neutral factors such as family background.

One local alumnus said he planned to start contacting other law school graduates Thursday "to see if there's anything we can do that would be in the best interests of the university and the state."

"I'm thoroughly surprised and disappointed," said William Mahomes Jr., 49, a Dallas attorney who graduated from law school in 1972. "I was shocked by the fact that there was only one student [enrolled] and even more so now that he or she has withdrawn. ... I didn't expect this kind of result."

Staff writers Jayne Noble Suhler and Stephen Power contributed to this report. ■

52. The Miami Herald

May 22, 1997

Proposal would end schools' choice of texts

By SABRINA WALTERS
Herald Staff Writer

Dade County School Board members will be asked today to put public school students on the same page — literally.

Board Vice Chairman Demetrio Perez Jr. is proposing that standard textbooks be used countywide for each subject at the various grade levels.

Currently, schools choose from among four state-approved textbooks for

each subject and grade.

The Dade teachers union opposes Perez's plan, saying limiting the choice would discourage creativity in the classroom.

"There are many questions about this concerning academic freedom and policies about choice," said Merri Mann, director of educational and professional issues for the United Teachers of Dade.

"A single textbook won't allow

teachers to get engaged. That's part of the art of teaching."

Perez, whose proposal is supported by district administrators, says it would save money and allow students who move from one school to another to keep up more easily.

More than one-third of Dade's 325,000 public school students transferred at least once this school year, according to Marilyn Neff, deputy

The Chronicle of Higher Education

Academe Today

DAILY NEWS

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NEWS FOR WEDNESDAY, MAY 21, 1997

U. of Cal. Told It Can Keep Diversity by Helping Poor to Prepare for College

By STEPHEN MARTIN

The University of California should step up its efforts to help disadvantaged students in the state prepare for college, a panel of educators and business leaders recommended Tuesday.

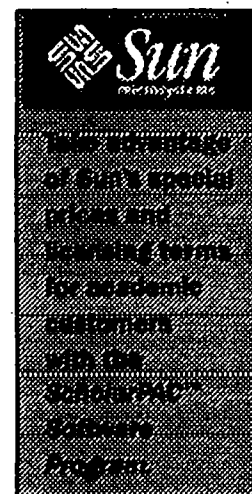
The panel was created in 1995, after the university's Board of Regents ordered that preferences based on race, ethnicity, or gender no longer be used in decisions on admissions, hiring, or contracting. In a report issued Tuesday, the committee outlined a three-part plan for reaching out to students who have received inadequate instruction before college. About 80 per cent of those students are black, Hispanic, or American Indian, according to the report.

The university, the panel found, could maintain campus diversity and improve opportunities for minority students by working with elementary and secondary schools to better train teachers; by helping to improve students' study skills; and by encouraging parents to become more involved with their children's schools.

A gap exists between the high standards required for admission to the university and the academic qualifications of students from disadvantaged backgrounds, said C. Judson King, the university's provost and senior vice-president for academic affairs. "This plan will narrow that gap significantly," he said.

Ward Connerly, who pushed his fellow members of the Board of Regents to ban racial preferences in the university system, said he was "supportive" of the panel's findings.

The panel's report is available on the World-Wide Web, at <http://www.ucop.edu/acadaff/otf/cover1.html>



Minority gains in college lose steam

DOCUMENT 1 OF 1

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LIFE

* Minority gains in college lose steam

Mary Beth Marklein

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USA Today

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- * WASHINGTON -- Minorities continue to make progress in higher
- * education, but their enrollment gains have slowed in recent years,
- and reversals on affirmative action policies may threaten progress
- * even further, college officials say.
- * Enrollment of minority students in higher education rose 2.9%
- between 1994 and 1995, the latest year for which statistics are
- * available, says the American Council on Education's (ACE) 15th
- * annual Status Report on Minorities in Higher Education, out today.
- That's lower than gains of 4.6% in 1994 and 7.1% in 1992, the
- study says.

Some data suggest that efforts by colleges to improve access for and retention of minorities in the late 1980s and early 1990s have paid off, but the slowdown in enrollment ``could be an early warning

- * signal of what may lie ahead," says ACE president Stanley Ikenberry.

Recent affirmative action rollbacks in California and Texas limit the ability of public institutions to promote diversity in the

- * student body, Ikenberry says. And on Wednesday, the University of California's Boalt Hall law school reported that admission of blacks dropped 81% for fall and Hispanic admissions fell 50%. This was the first class to be admitted under the UC system's race-neutral policies.

- * ``We in higher education face a substantial challenge if we are to ensure that (earlier gains by minorities) are not reversed," Ikenberry says.

The report also says minorities posted increases -- at rates far

- * higher than those of whites -- in degrees earned in 1995, but again at rates lower than in 1994. Minorities saw a 9.8% increase in the number of associate degrees; 9.7% in professional degrees, 8.5% in bachelor's degrees and 11.1% in master's degrees.

Among 25- to 29-year-old black men, the high school completion rate increased to 88.1% in 1995, from 82.9% a year earlier, largely

Source: USA Today, May 19, 1997

because of increases in the number earning the GED (General Educational Development) diploma. The corresponding rate for white men in 1995 was 86.6%. The rate for Hispanic men, at 55.7%, declined for the third straight year.

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would have said that need-based aid was the big trend," says David Breneman, dean of the education school at the University of Virginia in Charlottesville and a supporter of need-based aid. "But now, need has lost a bit of its panache."

The civil rights era of the mid-1960s and early '70s was a heyday for need-based college aid, and federal programs grew exponentially. Last year, state and federal governments and private institutions gave out a total of \$50 billion in college aid - nearly \$35 billion of it earmarked for poor students.

The merits of merit

But in recent years, this need-based aid has come under increasing attack. Conservatives and moderates argue that students should get aid the old-fashioned way - by earning it.

This viewpoint now may be gaining more widespread acceptance. A recent study indicates that merit scholarships may have a positive impact on student performance.

In the first academic study of its kind, researchers at Georgia State University tracked the recipients of Georgia's HOPE scholarships, which provide public-college tuition to students who maintain a 3.0 grade-point average. The study found that HOPE students tended to get better grades, take more classes, and were more likely to complete college than a matched sample of students who didn't receive aid.

"Basically, it comes down to rewarding behavior," says Daniel Bugler, a researcher at Georgia State University

and co-author of the study. "Somehow, just being named as scholars, with all the prestige and press coverage, students are more likely to think of themselves as college material and stick it out."

Even before seeing the results, some states had taken steps to follow Georgia's lead and create HOPE programs of their own. Florida created a college-tuition program for B students last year; Virginia passed a similar program this year. Five other states have considered HOPE-like programs this year.

There's no sign yet that state merit scholarships have taken tuition money away from need-based programs. Many of the new scholarships rely on state lottery proceeds or other sources of revenue.

But some critics worry that higher education may once again be becoming a bastion of the privileged few - especially once the idea becomes ingrained at the federal level, as now appears likely given the White House-congressional budget deal.

An education gap?

"In the world of limited government resources, I'm concerned that merit-based aid will be a substitute for need-based aid, rather than a supplement," says Jamie Merisotis, director of the Institute for Higher Education Policy, a Washington think tank. Historically, affluent students tend to perform better in school than poor students, and the danger of a strict merit-based system is that it could widen the gap between the

educational haves and have-nots.

Some critics also note that having an abundance of merit scholarships has the potential to create a conflict of interest for colleges during grading periods. Professors may feel pressured by the administration to give higher grades to borderline students, critics say, just to keep state and federal aid dollars rolling in.

Initial results from Georgia, however, indicate that grade inflation may not be a significant problem. With only 55 percent of the HOPE recipients still maintaining a B average after two years, there's a pretty big dropout rate, notes Dr. Bugler. "There are so many students who drop below the required 3.0 average that I suspect grade inflation is not the problem that it could be."

Merit scholarships could also have an inflationary impact on college tuitions, some say. "When you give a broad-based subsidy to a lot of students, nobody's going to let the families hold onto it," says Dr. Breneman.

From an economic standpoint, "you get more enrollment per dollar with need than with merit. Without [need-based financial aid], some kids wouldn't be there" at college, he says. As for middle-class students, merit scholarships "might influence where they go," whether prestigious Duke University or a school that is a bit less expensive.

"But basically these are kids who are likely to go to college anyway," Breneman says. ■

4. The New York Times.

05/19/97; Edition: Late Edition - Final; Section: Section B; National Desk; Page 8, Column 4

College Minority Enrollment Slowed in 1995

By KAREN W. ARENSON

Several years of rapid gains in the college enrollment of minority students gave way to more subdued growth in 1995, according to a report to be released today by the American Council on Education in Washington.

Education officials worry that the slowdown will turn into an actual decline after recent cuts in affirmative action programs in Texas and California.

"Our primary concern is that the trends continue in the right direction, and that the current turbulence over affirmative action in Texas and California does not create a stall or send

the trends in the wrong direction," said Stanley O. Ikenberry, the president of the council.

TD Gary Orfield, a desegregation expert at the School of Education and the Kennedy School of Government at Harvard University, saw a special significance in the report's findings.

"To see the enrollment rates slowing even before those policy changes occur suggests how incredibly high the stakes are in the reversal of affirmative action," Mr. Orfield said.

The council's study, "The 15th Annual Status Report on Minorities in Higher Education," showed a 2.9 percent

increase in overall minority enrollment in 1995, the most recent year for which data were available. In 1994, the gain was 4.6 percent, and in 1993, 7.1 percent.

African-American enrollments were up 1.7 percent in 1995 over 1994, to 1.5 million. Hispanic enrollments grew 4.6 percent to 1.1 million. Asian-American enrollment rose 3 percent, to 797,000 students. And American Indian enrollment was up 3.1 percent to 131,000. Total enrollment at colleges was 14.3 million.

The study did not address why minority enrollments had slowed, but educators said a stronger economy and

greater ease in finding jobs might have diverted some prospective students from college. They also cited higher tuitions and cuts in financial aid as possible obstacles. Donald Stewart, the president of the College Board, which administers many college and graduate school entrance tests, said some college officials expected a drop this fall in minority enrollment, particularly by black and Hispanic students in the West. Fewer minority students applied to public universities in Texas and California this spring, although those states have not fully imposed the cuts in affirmative action.

"It's not because of changes in admissions policies, but because of fears of changes in policies," Mr. Stewart said.

The study made clear that while college enrollment by white high school graduates had climbed significantly in 20 years — to 43 percent in 1995, up from 32 percent in 1975 — there was little or no improvement among minority groups.

Slightly more than 35 percent of black high school graduates from 18 to 24 years old were enrolled in college in 1995, three percentage points above the level in 1975. The rate for Hispanic graduates was 35 percent in both years,

though it has fluctuated in the 20-year period.

The number of black college students is at an all-time high, but William H. Gray 3d, the president of the United Negro College Fund, said this was not good enough. The percentage of blacks in college, Mr. Gray said, should match the level for all students. The report said that 42 percent of all 18- to 24-year-olds were in college in 1995.

Officials at the American Council on Education, an umbrella organization for the nation's colleges, universities and other education associations, said their research had highlighted a variety of problems.

One was the low high school graduation rates of Hispanic students.

In 1995, the latest year for which the council had data, fewer than 60 percent of Hispanic 18- to 24-year-olds had completed high school or earned an equivalent degree, significantly less than the 77 percent rate for African-American students and the 82 percent rate for whites.

"You can't make progress in opening education opportunities in higher education if they are not graduating from high school," said Mr. Ikenberry, the council's president.

Deborah Carter, associate director of the council's Office of Minorities in Higher Education and a co-author, with Reginald Wilson, of the study, pointed out that Hispanic students who complete high school enroll in college in similar proportions to black students — about 35 percent.

"Much more attention has to be paid to this issue," Ms. Carter said. "By 2015, the Hispanic population will be the largest ethnic minority in the United States. Not to attend to this issue would be a major travesty in terms of providing equal educational opportunity."

The council's report also highlighted problems among some Asian-American groups. Over all, 55 percent of Asian-Americans from 18 to 24 years old were enrolled in college. But among subgroups, the figures ranged from a high of 66 percent of Chinese-Americans to a low of 26 percent of Laotian-Americans.

"The Laotians, Cambodians and some Vietnamese and Filipino immigrants have some major hurdles in terms of language skills," Ms. Carter said, "and demonstrate some of the same at-risk characteristics that other low-income students face."

04:30 EDT May 19, 1997■

5. The New York Times

05/19/97; Edition: Late Edition - Final; Section: Section A; National Desk; Page 12, Column 5

Tenure Denial to a Woman Puts Harvard in an Uproar *Rejection From Leader Who Vows Diversity*

By SARA RIMER

CAMBRIDGE, Mass., May 18 — The denial of tenure to a brilliant young scholar at Harvard University is hardly a rare event. Indeed, decisions over tenure — the academic prize that confers a job for life — are often contentious, with all the political intrigue of, say, a White House Cabinet appointment.

But the decision last month by Harvard's president, Neil L. Rudenstine, to deny tenure to a rising star in the faculty of arts and sciences — Bonnie Honig, 37, an associate professor of political theory — has led to a firestorm of speculation and protest the likes of which has not been seen here in recent history.

Mr. Rudenstine's decision has raised sensitive questions over his attitude

toward affirmative action at a time when he has proclaimed the hiring of more tenured female faculty members to be one of his top priorities. The uproar, which has been front-page news in The Harvard Crimson and the talk of faculty meetings and dinners, provides a rare window into the byzantine tenure process at one of the world's most prestigious universities.

Professor Honig, who has published two books, with the manuscript for a third recently accepted by Princeton University Press, had cleared all the tenure hurdles save one: winning Mr. Rudenstine's approval. His decision, amid his administration's drumbeat for affirmative action, has mystified faculty members and students.

"I am personally very pleased with

Neil's statements about diversity, and the leadership he is taking on diversity," Mary C. Waters, a professor of sociology, said in an interview. "That's why it's such a complex issue. Here you've got this real liberal guy who says all the right things. And this case comes up that's just so perplexing."

The centerpiece of the protest, itself the subject of as much talk on campus as the president's decision, is a letter that 15 of the most senior and distinguished women on the faculty sent to Mr. Rudenstine asking him to reconsider and questioning his commitment to affirmative action.

At Harvard, where the senior faculty women are not known for their militance, where even tenured faculty members, men and women, are reluctant to criticize

10. Detroit Free Press

May 19, 1997

Minority growth slows on campus

BY PEGGY WALSH-SARNECKI AND MARYANNE GEORGE Free Press Staff Writers

The doors to higher education pushed open by students of color in recent years are closing a crack — a trend that warns of worse setbacks if attacks on affirmative action continue, the coauthor of a new national report says.

College enrollment of minority students in the United States rose 2.9 percent between 1994 and 1995, the latest year for which data was available. That was down from 4.6 percent the previous year and 7.1 percent in 1992, according to the 15th Annual Status Report on Minorities in Higher Education released today by the American Council on Education in Washington, D.C.

Minority students also posted smaller gains in college degrees earned between 1994 and 1995, the report said.

"That slowing down is coming at a time when minorities are growing in the population, so it's paradoxical," Reginald Wilson, the coauthor of the report, said Friday. "We suspect this is due to the strong attack on affirmative action that has been happening and is growing."

Educators said the recent anti-affirmative action moves follow years of increased animosity toward the programs.

In Michigan, a bill sponsored by state Rep. Penny Crissman, R-Rochester, would stop community colleges from race norming, or adjusting test scores to account for social and economic factors, and using preferential treatment in employment, promotions and contract awards.

Two weeks ago, four Republican state legislators promised to mount a legal challenge to affirmative action policies at the University of Michigan. Reps. David Jaye of Washington Township, Deborah Whyman of Canton Township, Michelle McManus of Lake Leelanau and Greg Kaza of Rochester Hills said they were seeking potential plaintiffs for a lawsuit.

In California, voters last year passed Proposition 209, prohibiting gender and race discrimination in education, hiring and contracting.

Subsequently, the regents of the University of California voted to end affirmative action in admissions, effective this year. One recently reported result: The

number of black students admitted to U-C's Boalt Hall law school has fallen 81 percent and the number of Hispanics, 50 percent.

And in Texas, colleges have been barred from considering race in admissions after a 1996 ruling by the U.S. Circuit Court of Appeals.

As a result, "the number of minority applicants to the University of Texas declined precipitously," Wilson said.

Overall in recent years, black students recorded the smallest enrollment gains of all minority groups nationally, the ACE report said.

Since 1990, black students' college enrollment rose by 18.2 percent, compared with a 39.6-percent jump for Hispanics, 39.2 percent for Asian Americans and 27.5 percent for American Indians.

The ACE report does not include a state-by-state analysis, but like their counterparts elsewhere, students of color in Michigan have had steady enrollment gains in raw numbers.

In fall 1991, for example, they comprised 18.7 percent of 262,246 students enrolled in 15 public universities. By fall 1995, it was 20.4 percent of 258,996 students, the latest statistics available from the Presidents Council of the state universities.

But the rate of the gains appears to be stalling. At the University of Michigan, for example, minority enrollment rose 6.8 percent in 1992, 1.2 percent in 1995 and 0.7 percent in 1996.

Wayne State University, which draws a significant percentage of students from predominantly black Detroit, saw a 6-percent dip in minority enrollments in 1994 and again in 1996. But black students have remained 21 percent to 23 percent of WSU's overall enrollment.

"Given all the negative publicity around affirmative action and affirmative action issues, I think a lot of minority students will say, I don't want to be bothered with this — who wants the hassle?" said John Matlock, U-M vice provost and director of the office of academic multicultural initiatives.

Enrollments at historically black colleges and universities are rising, he noted.

But Matlock said affirmative action probably isn't the only factor in the overall enrollment slowdown. More students choose work over college when the economy is good, he said, and college costs are rising.

"But I don't want to discount the assault in terms of affirmative action nationwide," he said Friday. "I think it does have a chilling effect on students in terms of where they go to college."

The controversy swirls around what is fair in choosing among applicants. Affirmative action critics maintain all applicants should be evaluated equally. Advocates say some students need special consideration.

Colleges and universities have traditionally used more than grades and test scores in selecting students, Tom Healey, WSU's director of strategic planning, said Friday.

This year, U-M officials extended the deadline for high-ability applicants to file the personal essays that are part of the application process. But minority students in the group were allowed to have slightly lower test scores than other students.

Lee Bollinger, who became U-M president Feb. 1, after the deadline was extended, said he would not have approved it on that basis.

"It would be better to extend the deadline for all applications," he said Friday.

U-M officials say race is one of many factors considered in admissions and defend the university's policies as legal and constitutional.

But their view has been challenged by one of their own, philosophy professor Carl Cohen. He said his analysis of applicants with similar test scores and grade point averages in 1994 shows that minorities were more likely to be accepted at U-M and its law school than others.

"You cannot explain the evident preference given to minorities based on" factors such as athletic or musical ability or contributions to society, Cohen said Friday. "Race and ethnicity are the principal factors used at U-M," he said.

Bollinger said declining minority enrollment in California and Texas "contradicts the assumption of many that

diversity can be achieved without paying attention to race and ethnicity in admissions."

U-M's Matlock said the Census Bureau predicts minorities will make up almost half the U.S. population by the year 2050.

"We have to continue to open doors for a variety of students. I think that it's in the national interest," Matlock said.■

Minority Admissions Fall With Preferences Ban; ...

DOCUMENT 3 OF 3

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A Section

* Minority Admissions Fall With Preferences Ban; Steep Declines at Two States' Flagship Universities Raise Alarm on Campuses Nationwide
Rene Sanchez and Sue Anne Pressley
Washington Post Staff Writers

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05/19/97

The Washington Post

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Two of the nation's largest and most prestigious public universities are reporting a substantial decline in the number of minorities they are admitting in the first classes after the schools were barred from using race as a factor in picking students.

At both the University of California and the University of Texas, the effect of landmark new prohibitions on racial preferences has been swift and dramatic, and it is raising alarm on campuses nationwide about the consequences of losing affirmative action. At UCLA's law school, 21 black students have been selected for next fall's class -- an 80 percent drop from last year and the lowest number of African Americans offered admission since about 1970. At the UC-Berkeley law school, 14 blacks have been accepted in a class of 792, down from 75 last year. The decline among Hispanic students at each law school is similar. Graduate programs at the University of California were the first to be affected by the new race-neutral policy ordered by university regents.

The same patterns also are emerging at the University of Texas flagship campus in Austin -- where graduate and undergraduate programs were subject to new policies this year. Ten black students -- compared with 65 last year -- have been admitted for the fall to the law school, and nearly 400 fewer black and Hispanic students have been offered admission as undergraduates, a 20 percent decline. Meanwhile, the number of white and Asian American students being admitted at campuses in each state has risen sharply this spring.

"We're very distressed -- it's a huge drop," said Michael Rappaport, the dean of admissions at UCLA's law school. "And it's even worse than it appears because we'll be lucky to get even half of those students to come to the campuses."



Critics of affirmative action, however, called the new declines a sign of how much colleges have relied on double standards to boost * minority enrollment. "This should be a wake-up call for all schools," said Abigail Thernstrom, a senior fellow at the Manhattan Institute, a conservative think tank. "These numbers tell us that with affirmative * action policies, too many minority students who are not meeting standards are still being admitted."

Across the nation, university leaders are closely watching enrollment trends in California and Texas because public campuses there are the first sites under orders to dismantle affirmative action policies that have been in place for decades. Recent attempts in other states to enact similar bans have been blocked, but the issue has become one of the most contentious in higher education as affirmative action opponents continue to push their cause. Already, some * universities are revamping admission policies and expanding minority outreach programs to try to maintain student diversity even if forced to stop using racial preferences.

Colleges and universities have been reluctant to discuss precisely how they use race as a factor in admissions. Critics charge that some universities essentially have two sets of admissions pools, one for minorities and one for whites.

In a study released today, the American Council on Education, which represents more than 1,300 colleges and universities, reports * that even with affirmative action minority enrollment on campuses nationally is not growing as much as it was earlier this decade. It grew less than 3 percent last year, compared with 7 percent in 1992. * Stanley Ikenberry, the council's president, called the findings "an early warning signal" for colleges trying to preserve or improve * minority enrollment -- especially if the ban on racial preferences in California and Texas were to spread.

"We in higher education face a substantial challenge if we are * to ensure that these gains are not reversed," Ikenberry said.

Texas and California are in unique positions. In 1995, the University of California system's Board of Regents voted to drop race as a factor in admissions. The new policy takes effect with graduate students this fall and will affect undergraduate students beginning next year. Meanwhile, the 5th U.S. Court of Appeals, ruling in a case brought by a few white students denied entry to the University of Texas law school, last year barred public colleges in that state from considering the race of prospective students.

In the rest of the nation, public universities still adhere to a 1978 Supreme Court decision that allows them to use affirmative action in some circumstances in admissions and hiring. But campaigns to stop the use of racial preferences on campuses -- in some cases modeled after the examples set in California and Texas -- are growing nationwide.

"People on both sides of the civil rights battle believe there is a rollback afoot -- some are cheering and others are crying -- and affirmative action is the leading edge of that rollback," said Christopher Edley Jr., a Harvard law professor who has served as an adviser on affirmative action to President Clinton.

In Texas, the question of how to maintain and expand racial diversity on college campuses is an urgent problem. Minorities are already underrepresented on campuses in proportion to the size of their population statewide. The federal court decision -- commonly known as the Hopwood case after the last name of one of the white students who filed the lawsuit -- has left state and university officials struggling to adhere to it while not losing ground they have gained in student diversity in the last few decades.

But already there are signs that the Hopwood case may be * discouraging minority students from applying to Texas campuses -- a trend also evident in California.

At the University of Texas law school, the flash point of the affirmative action debate, applications from black students fell 42 percent this year. Among undergraduates, applications from blacks declined by 26 percent and applications from Hispanics by 23 percent. Similar patterns are apparent at Texas A&M, the nation's third-largest university with 42,000 students. Freshman applications from blacks dropped 13 percent there this year, and from Hispanics by 9 percent.

Those changes are alarming faculty. Patrick Woolley, one of two black professors at the University of Texas law school, said that he fears he may gaze across his first-year classes next fall and see virtually nothing but white faces.

"I'm concerned we're moving toward the resegregation of the law school," Woolley said. "Certainly even with affirmative action, no law school class has ever been brimming over with African Americans or Hispanics."

Some Texas officials are rushing to stop the decline by changing the emphasis in admission and financial aid procedures. Last week, the state Senate approved a bill requiring Texas colleges and universities to admit applicants who graduated in either the top 10 percent or top 25 percent of their classes. After that, officials would have to consider such race-neutral factors as economic status and family background.

In California, UC-Berkeley and other campuses are bolstering programs aimed at recruiting minorities and improving the academic qualifications of those who apply. Across the state, for example, only 5 percent of black graduates from public schools, and only 4 percent of Hispanic students, meet the university's admissions standards. That compares with 13 percent of whites.

In addition to programs that would boost minorities' academic qualifications, campus officials also are trying to put more emphasis

in their admissions criteria on the economic background of students.

Some advocates of affirmative action have expressed hope that doing that might be a subtle way to comply with the regents' order and maintain racial diversity. But the new admissions numbers for UC law schools suggest that the task may be much harder.

"We're seeing that trying to rely more in admissions on the disadvantaged background of a student simply won't cover it," UCLA's Rappaport said.

In the past, the University of Texas had in place a system that some say went too far in using race as a factor for admission. Beyond the consideration of grades and Law School Aptitude Test scores, different standards and lower cutoff points were used for blacks and Hispanics; in effect, applications from those students were placed in separate stacks. Terry Pell, an attorney with the D.C.-based Center for Individual Rights who represented Cheryl Hopwood, said the system was unfairly biased against her.

"She was somebody who came from a difficult background," he said. "She was married, she had two children, she worked extremely hard to get an undergraduate degree. . . . If you were looking for a student who had overcome a lot of adversity, she was it. Yet, she was turned down, solely because she was the wrong skin color."

Still, UT officials say that being unable to use race as even a minor factor in the admissions process could keep the number of
* minority students who are accepted lower than it has been in many years.

"The effect is going to be devastating," said Michael Sharlot, dean of the UT law school. "It is tragic because as one of the leading law schools in the nation, we have been enormously successful in terms of the numbers of African American and Mexican American lawyers we produced. This school has 650 African American alumni and 1,350 Mexican American alumni, and there is no law school in the country that has produced anywhere near as many Mexican American lawyers."

Ramiro Canales, a former migrant worker who just completed his second year of law school and is president-elect of the Chicano/Hispanic Law Students Association, said he fears that now "many Hispanic students are afraid. They are not applying here because they perceive the school to be racially hostile and that they can't compete."

Another student, Kyron Hayes, president of the Thurgood Marshall Legal Society, the association for black law students at UT, said, "It does seem like a step backward, maybe not in race relations
* but in minority opportunity. It may make other black students think no one wants them here, and that's just not true."

<http://www.washingtonpost.com>

GROWTH IN COLLEGE ENROLLMENT FOR MINORITIES SLOWS

Although the number of minority students pursuing higher education grew 2.9 percent from 1994 to 1995, that pace is well below **enrollment** advances in prior years, says a study being released today by the American Council on Education (ACE).

Minority **enrollment** had grown 7.1 percent from 1992 to 1993, and slowed to 4.6 percent from 1993 to 1994 (ED, June 10, 1996).

Overall higher education **enrollment** is down, the study says, because of lower numbers of college-age white students.

The study's authors attribute minorities' slower growth to statewide efforts in California to eliminate affirmative action and a court decision in Texas banning the use of race in admissions policies (ED, April 11). Both started in 1994, around the time ACE's **enrollment** data was collected.

"It's difficult for us to know how the rollback in affirmative action will work," said Deborah Carter, one of the study's authors and ACE's associate director for minority education.

ACE, however, says minority recruitment and retention programs over the past 15 years have paid off, increasing the number of students earning degrees.

In 1994, 16.8 percent of all bachelor's degrees were awarded

to minority students, up 1.2 percentage points from the previous year. The number of doctoral degrees awarded to minorities increased by 13.6 percent between 1994 and 1995, and by 67 percent since 1985.

Despite growing numbers of minorities in higher education, more attention needs to be paid to the diverse needs of Asian-Americans, says a supplement included in the ACE study.

"We're often treated as one lump sum and that's not the case," said Kenyon Chan, chairman of the Asian American Studies Department at California State University at Northridge, who prepared part of the supplement.

"Minorities In Higher Education 1996-97" is \$24.95 from American Council on Education, Publications Department M, 1 Dupont Circle NW, Washington, D.C. 20036, (202)939-9380. --

Rebecca S. Weiner

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WASHINGTON (AP) - Many American blacks who ...

DOCUMENT 7 OF 12

ASP9714000317

WASHINGTON (AP) - Many American blacks who quit high school are ...

348 Words

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05/18/97

The Associated Press

WASHINGTON

*Also ran in
Chicago Tribune
Baltimore Sun*

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WASHINGTON (AP) - Many American blacks who quit high school are finding ways to complete it by their late 20s, thus narrowing the black-white graduation gap, according to 1995 data released Sunday.

- * The report by the American Council on Education said blacks and whites aged 25 to 29 had almost the same rate of high school completion, about 87 percent, in 1995. In the younger age group, 18 to 24, the gap was wider.

The report said the gap may have closed because of the greater number of black people finishing high school requirements later in life through equivalency examinations. Just 10 years earlier, blacks had an 81 percent graduation rate, compared with 87 percent for whites.

Nonetheless, the council's analysis of census data showed that blacks and Hispanics finish college at a far lower rate than whites, and the rate of enrollment increases is slowing.

Hispanics also fell behind whites and blacks in finishing high school, with a rate of 57 percent.

The council, an umbrella group for colleges, universities and educational associations, included the figures in its 15th annual report on "Minorities in Higher Education." The report included figures on educational attainment for the first time this year.

Looking at college attainment, the report said that 26 percent of whites 25 to 29 had finished at least four years of college in 1995. For blacks, the rate was 15 percent. The percentages were the highest recorded for both groups since 1975. The rate of almost 9 percent for Hispanics was lower than in the 1980s.

- * A special section on Asian-Pacific Americans sought to dispel the myth of their being a "model minority."

Students from that group "are perceived as well-behaved, diligent high achievers who persevere and are educationally successful despite socioeconomic and linguistic obstacles," the report said.

It said, however, the stereotype conceals a wide range of educational experiences. The report noted the lack of even a

fifth-grade education in 1990 for large numbers of some groups, such as Hmong, Cambodians and Laotians.

College participation ranged from 66 percent for Chinese-Americans to 26 percent for Laotian-Americans.

I0607 * End of document.

restitution. San Diego's STAR (Sports Training, Academics, and Recreation) program recruits police, firefighters, and other adult volunteers to give kids after-school tutoring and athletic instruction.

Why not some significant federal encouragement for these kinds of anticrime efforts?

One response to predictions of a coming increase in youth crime is to simply get the courts and prisons ready.

Another is to recognize that these kids can be reached before crime becomes ingrained.

These aren't either/or options. Some of the former may be wise. To neglect the latter is foolish. ■

88. Christian Science Monitor

05/16/97; Edition: ALL 05/16/97; Section: UNITED STATES; Page 1

College Minority Admissions Drop: Effect of affirmative-action rollback even greater than expected

By Daniel Sneider

Staff writer of The Christian Science Monitor

Both supporters and foes of affirmative action have long argued that the imposition of race-blind university admission policies would alter the look of American campuses. Now the first evidence is in, and the results are even more dramatic than many predicted.

The admission of the first post-affirmative-action classes at prestigious law schools in California and Texas shows a steep decline in the number of minority students. In fact, the number of African-Americans offered admission in law schools at the University of California at Los Angeles and Berkeley dropped by 80 percent.

The numbers are intensifying the debate over the movement to roll back race- and gender-based preferences nationwide.

University of California graduate schools are the first to carry out a 1985 decision by the state Board of Regents to ban affirmative action in admissions. Last fall California voters passed Proposition 209, barring such policies in public higher education, employment, and business contracting. The California measure is now a model for similar moves in other states and in Congress.

"This is what a 209 world is going to look like - a legal profession with virtually no representation for the African-American, Latino, and native American communities," says Mark Rosenbaum of the American Civil Liberties Union of Southern California and a 209 critic.

While not cheering the lack of diversity, opponents of affirmative action see the statistics as proof of how pervasive race was in past admissions. "It's an utterly predictable result," says

Terry Pell, a spokesman for the Washington-based Center for Individual Rights.

Officials of the University of California law schools, who had strongly opposed the decision to end affirmative action, decried the move on Wednesday, when the numbers were released.

"This dramatic decline in the number of offers of admission made to non-Asian minority applications is precisely what we feared would result from the elimination of affirmative action," says Herma Hill Kay, dean of the University of California, Berkeley, law school.

The loss of racial and ethnic diversity is undeniable. Compared with 1996 admissions, UCLA has admitted 80 percent fewer blacks, 32 percent fewer Hispanics, and 60 percent fewer native Americans, while admissions of whites and Asians is rising. At Berkeley's Boalt Hall, which boasted one of the most diverse student bodies of top law schools, minority admissions have dropped from 20 percent to 7 percent. These results are mirrored at the University of Texas law school, which stopped using race-based criteria following a federal court decision last year.

Critics blame the schools for failing to develop alternatives to race in admissions criteria and having to rely solely on grades and scores in the law-school admissions test. "They've been using racial set-asides all along, and racial set-asides bring in large numbers of minority students who would not otherwise be admitted under a numbers-only admissions approach," says Mr. Pell.

Law schools, unlike many other graduate disciplines, rely heavily on test scores and grades. According to a recently published study of law-school applications, a solely numbers-based admissions policy would substantially

reduce minority entrants nationwide. Author Linda Wightman, a former official at the Law School Admissions Council, estimates that of the 3,485 blacks accepted by more than 160 law schools, only 687 would have been admitted based on tests and grades.

But such test scores are not an accurate measure of how well these students will do, argues the ACLU's Mr. Rosenbaum. Minorities admitted under the affirmative-action criteria did equally well when it came to graduation and passage of bar exams, the same study found.

And contrary to the criticism, the two California schools did make changes in their admissions policies in an attempt to create diversity based on nonracial criteria. UCLA tried to use economic and social deprivation as factors, believing this would help minority students.

Instead it yielded more admissions of poor whites and immigrants from places like Russia and Vietnam. It also led to the turning down of blacks and Latinos who had good numbers but were from wealthier families. "We have a very diverse class but not the same diversity," says Michael Rappaport, dean of admissions at the UCLA law school.

Anticipating that result, Berkeley tried to reduce the weight given to test scores and to expand the importance of personal histories. But this produced results only slightly better than looking purely at the numbers, says dean Kay.

University officials are worried not only by the lower admissions numbers but also by a drop in minority applicants, a phenomenon visible also at the University of Texas. Moreover, minority students are being more aggressively recruited by out-of-state and private universities than can offer affirmative-action-based aid and other incentives.

21. The Baltimore Sun

May 16, 1997

Census Bureau weighs adding a 'multiracial' category

Some Asians, Alaskans prefer it, survey finds

ASSOCIATED PRESS

WASHINGTON — Letting people call themselves multiracial reduces the number who consider themselves Alaskan or Asian but doesn't seem to change the number of blacks, whites or American Indians, the Census Bureau has found.

As mixed-race families become more common, the government is considering adding the option of "multiracial" to the current race categories on federal forms.

The Census Bureau estimated that the number of children in mixed-race families jumped from fewer than 500,000 to 2 million between 1970 and 1990.

The final decision on whether to add the new category will be made by the Office of Management and Budget, but the Census Bureau reported yesterday on the results of a complex test of various reporting options among 112,000 households.

Adding the multiracial category reduced the reporting of Asian or Pacific

Islander as a single race, bureau said. The same happened when the option of "mark all that apply" was offered and several racial categories were presented rather than asking people to pick just one.

But neither option affected the number of people reporting themselves solely as black, white or American Indian.

A group of households made up largely of American Indians and Alaskan natives showed mixed results. Including the multiracial choice reduced the number picking Alaska native, but had no effect on the American Indian total.

The question of if, and how, to add a multiracial choice to government statistics is sensitive. An individual with parents from different categories may not wish to choose one parental identity over the other.

But simply adding a "multiracial" category could cause problems in comparing current and older statistics,

and it might interfere with efforts to track minorities and prevent discrimination.

The census test was intended to gauge the effect of various options on how people reported themselves.

Other findings of the test included:

Substituting "native Hawaiian" for "Hawaiian" increased the number of people picking that category.

Giving people a choice between "Guamian" and "Guamian or Chamorro" made no difference in the number selecting that category.

Spelling out "American Indian" instead of using "Indian (Amer)" or "Alaska native" had no effect on the number checking that group.

Placing a question on whether a respondent is of Hispanic origin before the question of race increased the number who answered the Hispanic question. People of Hispanic background can be of any race. ■

22. Christian Science Monitor

May 16, 1997

College Minority Admissions Drop

Daniel Sneider. Staff writer of The Christian Science Monitor

SAN FRANCISCO — Both supporters and foes of affirmative action have long argued that the imposition of race-blind university admission policies would alter the look of American campuses. Now the first evidence is in, and the results are even more dramatic than many predicted.

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race- and gender-based preferences nationwide.

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University officials are worried not only by the lower admissions numbers but also by a drop in minority applicants, a phenomenon visible also at the University of Texas. Moreover, minority students are being more aggressively recruited by out-of-state and private universities than can offer affirmative-action-based aid and other incentives.

The problem may be compounded in the fall as minorities who are admitted choose to go elsewhere. "The numbers will not encourage minority students to come to a place where there are few students like themselves," says Mr. Kay. ■

23. The Financial Times

Qualification for headteachers launched

By Simon Targett
Education Correspondent

A new professional qualification for headteachers was launched yesterday by the teacher training agency.

Mr David Blunkett, education and employment secretary, welcomed it as "an important step in the government's plans to introduce a mandatory qualification for all new headteachers".

The government is keen to make the qualification compulsory following a report earlier this year by Ofsted, the education watchdog, which revealed there are about 3,000 "incompetent" headteachers in Britain's schools.

But teachers' unions, while supporting the qualification, warned that the government would have to provide

guaranteed funding totalling GBP 30m if the programme is to function properly.

The National Professional Qualification for Headship, which has been piloted in 22 centres across England and Wales, is designed to develop the leadership and management skills of aspiring headteachers.

The TTA has drawn on best practice from industry and business, as well as the education sector, and there will be a compulsory module on "strategic leadership and accountability".

Up to 9,000 places are expected to be available in the first year, and within an hour of the launch, the TTA had received 250 calls about the qualification, which is expected to become compulsory.

Some candidates, mostly deputy

headteachers, will be able to complete the qualification in one year, depending on experience. Other candidates could take up to three years to complete the training.

Mr David Hart, general secretary of the National Association of Head Teachers, said the scheme must be funded.

He said: "Any suggestion that candidates should use the school budget or 'dip into their own pockets' is totally unacceptable.

He said that since schools are already finding it very difficult to recruit headteachers in many parts of the country "the need to acquire a mandatory rigorous qualification might depress applications further". ■

56. Ft. Lauderdale Sun-Sintnel

May 15, 1997 Category: Local

Educators shift focus to toughen students

By TIM COLLIE

Staff Writer

Instead of trying to solve the social ills afflicting students, educators now are focusing on making them tough-minded enough to survive the divorce, drugs and violence around them.

The idea is known as "resiliency" and it's gaining ground among the educators and child welfare advocates who gathered Wednesday for an all-day conference on children's issues sponsored by the Children's Services Council of Palm Beach County.

Few educators would describe the resiliency theory as a retreat from dealing with seemingly intractable issues like teen pregnancy, single-parent families

and domestic violence.

But teachers can only go so far in resolving troubled home lives, and their limited time and resources may be best spent teaching children how to cope and prosper under adverse conditions, several conference participants said.

Underlying the theory is a growing body of research showing that many children actually thrive after experiencing ordeals such as war and poverty. Educators are now asking what qualities these children have and how those positive attributes can be successfully taught.

"Those of us who work with children know that we get children who come from such disadvantage, and they're able to function and successfully conform," said Alison Adler, director of the Safe Schools Center for the Palm Beach County School District. "And by conform I mean take some responsibility, and display some competency. Yet, they come from circumstances we'd describe as very deprived."

At its most basic, the resiliency theory involves setting and maintaining standards for behavior. It stresses activities and rules. ■

57. San Francisco Chronicle

May 15, 1997 Category: Local

Diversity Lessens At Boalt Hall

55 non-Asian minorities accepted; lowest in decade

By Pamela Burdman

Chronicle Staff Writer

The University of California at Berkeley's Boalt Hall School of Law announced yesterday that 55 students of underrepresented minority groups have been accepted to this fall's entering class — by far the lowest number to be admitted in more than a decade.

Although it is not yet known how many of those admitted — 39 Latinos, 14 blacks and 2 American Indians — will enroll at Boalt, they constitute just 7 percent of the 792 students who were admitted.

In contrast, last year Boalt accepted 815 students, and 162 — about 20 percent — were underrepresented minorities.

Because of the regents' 1995 decision

to ban the use of race and ethnicity in UC admissions, Boalt's admissions committee did not have access to information about applicants' race. The data was collected later from the organization that administers the Law School Admissions Test.

"I'm extremely distressed by this," said Boalt Hall Dean Herma Hill Kay yesterday. "This is what we thought would happen when the resolution was put in place, and it looks as though we were right."

The number of offers to underrepresented minorities was nearly double the number projected in a statistical analysis by a faculty committee last year.

But administrators remain concerned that the regents' policy may have sent a negative message to minority candidates. If so, it could erode the school's yield rate — the number of admitted students who actually enroll.

A group of minority students at Boalt are contacting some of the admitted students to encourage them to attend.

UCLA's law school saw a somewhat less dramatic drop in the number of non-Asian minorities who were admitted — 108 compared with 222 last year.

Last week, a group of Boalt students pushing for greater diversity urged their school to assign greater weight to socioeconomic factors — an approach that UCLA is already using. ■

Pakradouni, curriculum coach for Columbus Elementary School in Glendale. "You can see dramatic results almost instantly in kids' interest as well as teachers' enthusiasm."

While the benefits of smaller classes seem to make common sense, there is "no consistent evidence that smaller classes are better than larger ones with the range we normally see," says Eric Hanushek, an economist at the University of Rochester in New York. But educators here feel the California experiment - if it can be kept going financially - could provide that proof.

One hurdle will be finding qualified teachers. California hired an unprecedented number of "emergency waived" teachers with minimum acceptable levels of reading, writing, and math skills. Parent reactions have ranged from mild concern to outrage.

"Some of the teachers they've hired haven't seen a first- or second-grade classroom since they were in first or second grade themselves," says Day Higuchi, of the Los Angeles Unified School District's union. Noting that about 4,000 emergency waiver teachers have been hired, he says, "until the problem of training and hiring good teachers is worked out, it [may not be] the best learning environment for the kids."

Funding is another concern. The state legislature is now debating a \$500 million increase for next year, but this would only cover \$666 of the \$800 average statewide cost per student per year. Local districts must make up the shortfall.

To participate this year, "we've had to take a \$70,000 bite out of our general fund," says Bill Baker, financial director

of the Visalia School District in central California. "That will hurt us for the next few years."

But most administrators, educators, parents, and kids think the long-term prognosis is positive. "We found that 100 percent of teachers are behind this idea, and 97 percent of parents," says Doug Langdon, a researcher for the San Diego Unified School District, which has conducted polls to assess the first year there.

"The change from 32 classmates last year to 19 this year has been dramatic for my son," adds Suzanne LeDuke, whose son, Killian, is a first-grader at Dixie Canyon Elementary. "He has been able to establish a one-on-one relationship with a teacher who understands his strengths and weaknesses. That is just not possible with a brood of 32." ■

9. The Christian Science Monitor

May 13, 1997

Affirmative Action: Rollback That Isn't

Linda Feldmann, Staff writer of The Christian Science Monitor

WASHINGTON — The effort to roll back affirmative action may not be the juggernaut it once looked to be - despite a major boost last month from a federal appeals court in California.

In Washington, House Speaker Newt Gingrich (R) of Georgia is resisting pressure from within his party to act on legislation that would end race and gender preferences in federal programs.

In some states, meanwhile, efforts to curtail preferences in state hiring, contracting, and education are moving forward - but slowly. Activists are working to draft language, raise money, and gather signatures for ballot initiatives, but even supporters offer a measured assessment of how quickly these initiatives can be brought to voters.

"There's been a lot of talk," says John Miller, spokesman for the Center for Equal Opportunity, which opposes affirmative action. He sees only two states, Florida and Washington, that might be ready for the 1998 ballot.

In April, a three-judge federal panel in California unanimously ruled that the state's 1996 ballot measure to end racial and gender preferences in state hiring, contracting, and education was constitutional. California voters had

approved the initiative with 54 percent of the vote.

But even given that green light, some Republicans have been reluctant to seize the issue. Rep. J.C. Watts of Oklahoma, Congress's only black Republican, cautions that now is not the time to end the program. Speaker Gingrich, while opposing preferences, says he wants the GOP to do more to help minorities before curtailing affirmative action.

In an interview, Rep. Charles Canady (R) of Florida, Gingrich's main opponent on the issue, chided the Speaker: "The Speaker of the House says he's against preferences, but he's also unwilling to take legislative action to end preferences. He's not being consistent."

Until last week, Congressman Canady had no partner in the Senate to push for rollback legislation, but Sen. Orrin Hatch (R) of Utah has now been enlisted. He is taking a go-slow approach, calling for hearings to discuss the appropriate language for a bill.

Last week the Clinton administration took a little of the wind out of Republican sails when it proposed tightened criteria for the awarding of federal contracts to minority businesses. Conservatives complained that the

change was minor but allowed the administration to claim progress.

Political perils The problem with the affirmative-action issue for Republicans is that it does not lend itself to easy sound-bites. An effort to end "preferences" and "set-asides" could be characterized by the other side as an attempt to roll back opportunities for minorities and women. The GOP hopes to attract more minorities and does not want to appear insensitive.

The Republican Party - and Gingrich in particular - already suffers from an image of "meanness" from the last Congress, over issues such as the federal school-lunch program.

"Once we're labeled as harsh or mean-spirited, it's hard to get over that," says William Bradford Reynolds, a Justice Department official during the Reagan administration who stirred controversy in the 1980s for saying publicly that preference programs were wrong.

Still, Mr. Reynolds views affirmative action as a winning issue for Republicans, as long as the news media will let them make their case. The problem, he says, is that fewer people are harmed by affirmative action today than

were in the 1970s and '80s, so it's harder to drum up grass-roots support to fight it. In addition, say other analysts, today's low unemployment makes for fewer aggrieved people over hiring practices.

View from Florida In Florida, Orlando accountant John Barry is optimistic about his ability to put an initiative similar to California's on the ballot in November 1998.

But local political analyst Robert Joffe, a vice president at Mason-Dixon polling firm, notes that it's difficult in Florida to gather enough signatures to make the ballot without a lot of financial help, and he believes the business community will be reluctant to contribute. Top corporate leaders, he says, "have been speaking of affirmative

action in a more politically correct way lately than even civil-rights and left-wing activists. They're used to the current system, and they don't want to alienate markets."

Moreover, Jeb Bush - the GOP's top prospect for the Florida governor's race next year - has steered clear of the issue, as has the Florida Republican Party. ■

TRADE

10. The Chronicle of Higher Education [Academe Today]

May 13, 1997

Supreme Court Declines to Review Case on Student-on-Student Sexual Harassment

By DOUGLAS LEDERMAN

The Supreme Court on Monday let stand a lower court's dismissal of a lawsuit brought against a Texas school district for failing to stop students from sexually harassing their peers. The High Court's action distressed advocates of women's rights, who had hoped that it would send the message that colleges and schools must act to stop such harassment under federal laws that bar sex discrimination in educational institutions.

The Court's decision not to hear the case, which was announced without comment from the Justices, represented the second time in seven months that the Court had passed up an opportunity to weigh in on educators' obligation to stop students from harassing one another based on their sex. Both cases involved parents of female students in the Bryan Independent School District, in Bryan, Tex.

In the case whose appeal was denied

Monday, a woman identified in court documents as J.W. had sued the Bryan district over the treatment of her daughter at one of its middle schools. The lawsuit claimed that district officials had failed to act even though they knew that some male students at the school had physically and verbally abused J.W.'s daughter, by pinching her breasts, among other things. The lawsuit charged that the district's inaction violated Title IX of the Education Amendments of 1972, which bars sex discrimination at colleges and schools that receive federal funds.

A district court and the U.S. Court of Appeals for the Fifth Circuit had dismissed J.W.'s lawsuit, citing the Fifth Circuit's earlier rulings in the other case against the Bryan district, which the Supreme Court declined to hear in October. In that case, which was known as *Rowinsky v. Bryan Independent School District*, the Fifth Circuit ruled

that a school could be held responsible for failing to stop student-on-student sexual harassment only if it was shown to have treated harassment claims made by men differently from those made by women.

The U.S. Education Department published guidelines in March that said college and school officials must take "immediate and appropriate steps" to remedy student-on-student harassment once they learn about it. The guidelines specifically took issue with the Fifth Circuit's decision in the *Rowinsky* case, which Education Department officials said was "inconsistent" with nearly a decade's worth of rulings by the department's Office for Civil Rights.

The case acted on by the Supreme Court Monday is *J.W. v. Bryan Independent School District*, No. 96-1422. ■

11. Education Daily

May 13, 1997

JUSTICES TURN AWAY STUDENT HARASSMENT SUIT

For the second time in seven months, the U.S. Supreme Court has sidestepped the controversy over school districts' liability for students

sexually harassing students.

The justices, without comment, yesterday declined to review *J.W. v. Bryan Independent School District*

(96-1422), in which a federal appeals court held to its position that schools must simply treat harassment complaints by boys and girls equally (ED, March

UC Task Force Reaches Impasse / Regents' panel ...

DOCUMENT 1 OF 2

SFC9713500051

NEWS

UC Task Force Reaches Impasse / Regents' panel disagrees on how to

* diversify student body

Pamela Burdman, Chronicle Staff Writer

646 Words

4490 Characters

05/13/97

The San Francisco Chronicle

FINAL

A17

(Copyright 1997)

Two years ago, when they began an unprecedented experiment in the dismantling of affirmative action, the University of California regents set up a task force to explore new ways to help disadvantaged students meet UC's entrance requirements.

Composed of educators, business leaders, students and a few regents, the group was supposed to produce recommendations within six months of its creation -- detailing new ways to expand the pool of UC-eligible students without using race or ethnicity in the admissions process.

Nearly 18 months since its first meeting, the 35-member outreach task force still has not produced its report -- a testament to both the magnitude and the contentiousness of their task.

Now, a group of task force members unhappy with the current draft are threatening to write a dissenting report. They say the task force has offered no innovative approaches, while skirting critical questions about the role of race and ethnicity in shaping disadvantage.

"We weren't handed the task to come up with a political solution to this issue," said task force member Eugene Garcia, dean of Berkeley's school of education. "We were asked to give advice about * how we can have a diverse student body in the University of California."

UC administrators were set to ship copies of the report to high school principals around the state last week, saying it had the blessing of the entire task force. But they abruptly shifted course late last week, with a decision to have another round of revisions.

Still, the gist of the task force's recommendations has emerged in a series of draft reports, the latest of which reached committee members yesterday.

The drafts envision setting up regional partnerships pairing UC

campuses with low-performing schools, expanding existing academic enrichment programs and providing better and more timely information about UC to high school students.

Margaret Heisel, director of UC outreach, considers the plan a bold attempt to break new ground and believes most task force members agree.

"We're pulling together the whole arsenal of resources the university has in a comprehensive plan to bear on particular schools," she said. "That has great potential to make a difference in the number of people who are prepared for college and end up in good, solid programs.

"The chancellors have agreed to commit themselves to this project -- that's something that's never, ever been done."

However, some critics say the new draft doesn't go far enough to deal with concerns detailed in a series of letters to UC headquarters.

* One of the harshest evaluations came from Cecil Lytle, a UC San Diego provost.

"These are current initiatives . . . which have proven ineffective at creating and sustaining diversity of campuses even during the halcyon affirmative action era," wrote Lytle. "This report is a grab for consolidation and status quo, and I cannot sign it without substantial changes in attitude and focus."

Richard Russell, an alumni regent who serves on the task force, complained that the report fails to take the race and ethnicity issue head on. He worries that such an omission will only accentuate the * perception that UC's doors are closed to minority students.

The report clearly shows that average SAT scores of blacks and Latinos at all income levels lag behind their white and Asian American counterparts, a problem Russell says cannot be solved by focusing only on social and economic disadvantage.

Committee members have differed on the question of whether outreach programs can target by ethnicity, especially now that Proposition 209 has cleared its first legal hurdle.

Given all the divisions, some task force members had mainly praise for the report.

Wrote UC Riverside executive vice chancellor David Warren, "This was a tremendously difficult job of juggling a lot of often very conflicting viewpoints, and the result is a product that does this while at the same time staying very much on the high moral ground."

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Plans Seek More UC Pupils From Poorer Schools

DOCUMENT 5 OF 6

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Metro Desk

Plans Seek More UC Pupils From Poorer Schools

KENNETH R. WEISS

TIMES STAFF WRITER

2042 Words

14108 Characters

05/12/97

Los Angeles Times

Home Edition

A-1

Infobox; List

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The ban on affirmative action in admissions to the University of California has spawned a series of proposals seeking other ways of increasing the number of students drawn from the state's poorer-performing high schools.

The plans, including a proposed state constitutional amendment, would guarantee admission to the top-ranking students from each of California's 844 public high schools--the rich ones, the poor ones and those of every racial mix.

Some proposals would promise spots only to valedictorians while others would extend offers to the top 4%, or 6% or even 12.5% of each high school's graduating class. Proponents say such measures would improve the geographic distribution of UC students, inspire competition within lackadaisical high schools and reward disadvantaged students who now lose out to their wealthier counterparts in the competition for UC admissions.

Skeptics see another motivation: an attempt to skirt California's ban on racial preferences.

"If we stack the deck so we get so many students from South-Central Los Angeles and so many from Compton High, there is a question whether it is giving preferential treatment," said UC Regent Ward Connerly, the state's leading affirmative action foe. "That would run afoul of Prop. 209."

But UC President Richard C. Atkinson said last week that he believes "it's not a bad idea" to offer automatic admission to the top 4% of each high school's graduates--a plan that could fill a third of UC's freshman class. The remaining seats would be filled by open competition among all applicants.

"If you are saying that in a large high school the top four people in every hundred aren't UC eligible, I think they are," Atkinson said. "But

if you are saying, you are just doing that for racial diversity, I would say there are lots of reasons to do it."

Disparity in Admissions

There is statewide competition now for 24,500 freshman slots at the nine UC campuses.

Each year, 46,000 of the state's 259,000 graduating public high school seniors apply for the openings--pitting students from Beverly Hills High against those from Compton High.

Many of the most talented students end up going to private colleges.

- * Nevertheless, the state Department of Education notes a wide disparity in how high schools feed students to UC. The latest figures show Beverly Hills High, for instance, sending nearly 20% of its graduates there, while Compton sent only 1% of its graduates.

Some officials are concerned that such disparities will grow as UC eliminates affirmative action in undergraduate admissions next year. Race, ethnicity and gender were dropped as factors in graduate school admissions this year--even before voters in November approved Prop. 209, the ballot measure banning such preferences.

Since then, half a dozen plans have surfaced to reserve seats for students from all California public high schools. They range from Lt. Gov. Gray Davis' proposal to set aside slots for merely the top two students at each school to a constitutional amendment proposed by Sen. Teresa Hughes (D-Inglewood), which would offer admission to the top 12.5%.

A UC analysis of such a 12.5% plan estimated that it would boost the percentage of Latino students by more than half and slightly increase the number of African Americans, while decreasing the percentage of Asian Americans and whites.

The analysis also indicated that the 12.5% plan would lower academic standards--measured by grade point averages and SAT scores--for all groups. That prompted some second-guessing about any proposal to automatically admit such a large proportion of each high school's graduates.

"I don't believe the university would want us to lower our standards to accommodate other goals," said Dennis Galligani, UC's assistant vice president who oversees admissions.

But the idea of reserving seats for each high school--including the most troubled--has many backers, including the revered former UC president, Clark Kerr. "Someone who has things in their favor all of their lives doesn't deserve the same credit as someone who had to operate in difficult circumstances," Kerr said.

Such proposals are sure to be controversial, however.

- * Last summer, when UC San Diego proposed giving extra points to applicants from disadvantaged high schools, parents complained that it would penalize high-quality schools--and harm property values. "We scrapped the idea," said Richard Backer, an assistant vice chancellor.

Source: Los Angeles Times, May 12, 1997

"It got blown out of proportion."

Still, Lt. Gov. Davis defends as reasonable his plan to guarantee UC seats to the top two students at each high school, or perhaps four or five students. "We allow a 320-pound lineman to go to UCLA even if he doesn't meet all of the requirements," Davis said. "Let's do it for the top two people graduating from high school."

Senate leader Bill Lockyer (D-Hayward) did not go that far. On Jan. 19, while acting as governor--because Gov. Pete Wilson and Davis were out of state--he issued a proclamation calling on UC to provide "guaranteed enrollment" merely for high school valedictorians.

The proclamation has no force of law. Even a law passed by the Legislature could not dictate policy for the constitutionally autonomous University of California--unlike in Texas, where lawmakers are considering a measure to grant university admission to the top 10% at each high school.

So Hughes has introduced a measure to amend the California Constitution to specify that the top 12.5% from each high school be entitled to UC admission. Hughes said she also will soon ask the Senate and Assembly to set up a joint committee to explore ways to revise UC admission policies.

"The main reason to do this is to have the student population reflect the state's diversified population and give the opportunity to all students," she said. "This is a colorblind approach."

- * But her plan would benefit some minority students, according to computer simulations run by UC after the Board of Regents abolished affirmative action in 1995. Picking the top 12.5% of each high school's graduates based on grades and SAT scores, the study said, would increase "UC eligible" Latinos from 3.9% to 6.2% and African Americans from 5.1% to 5.5%. The percentage of Asian Americans would drop 6 percentage points, and white students about 2 points.

Saul Geiser, UC's manager of research and planning for student academic services, said the increase in black and Latino students was not as much as some proponents had wished. "If the hope is to produce a significant difference in racial and ethnic diversity, this isn't it," he said.

One reason is that the strategy would give automatic entrance not only to top students in inner-city schools but in small rural ones, which are predominantly white. Another is that many of the predominantly black or Latino high schools have had a sprinkling of Asian Americans or others who make up a disproportionate number of top achievers.

Learning From Sports Drafts

Rodolfo Alvarez, a UCLA sociologist proposing that 6% from each school be guaranteed enrollment, contends that the real effect would result over time as the prospect of automatic college admission inspires better performance in schools and becomes a source of neighborhood pride.

"If you guarantee the top 6%, think what it does to the community," he

Source: Los Angeles Times, May 12, 1997

said. "The local Rotary and Lion's clubs become enlivened and excited by knowing that some of their kids are going to the university."

Joining with a UC Santa Barbara sociologist, Alvarez in February began circulating a 17-page paper detailing a revised admissions strategy that he likens to the draft for pro sports teams: Each of UC's campuses would develop a list of feeder high schools from across the state, then make early admissions offers to their students.

If students did not get into the campus that they wanted, they could take their chances in the regular admissions cycle, competing with top talent across the state.

Hughes has been sufficiently intrigued by this approach that she wants to incorporate it--and the 6% figure--into her legislation. She recently held a strategy session with Alvarez and representatives from the NAACP and the Mexican American Legal Defense and Educational Fund.

UC administrators emphasize that they are committed to figuring out how to preserve a diverse student body without violating the regents' ban on racial preferences. They thus are focused on outreach to low-performing public schools to boost the preparation of disadvantaged students.

But Atkinson expressed interest in tinkering with admissions policy as well. "My original idea was to let the principals make the decision of selecting who is eligible," he said. "But there are a lot of problems with that. People didn't respond too well to that."

No Easy Alternatives

Before 1960, the university did reserve about 10% of its freshman class for special admissions--largely for students recommended by principals, said John A. Douglass of UC Berkeley's Center for Studies in
* Higher Education.

In the '60s, that was scrapped in favor of a more systematic compilation of grades and SAT scores. UC also began its affirmative-action programs, first inspired by the civil rights movement then fortified in 1974 when the Legislature declared that student bodies should reflect the racial and ethnic makeup of the state.

Preparing for the hordes of baby boomers entering colleges, the Master
* Plan for Higher Education mandated that the top 12.5% of high school graduates would be eligible for UC admission and the top 33.3% for admission to the California State University system.

But those percentages referred to all graduates statewide, not of each high school.

In reality, some schools produce few graduates who survive the competition for UC slots.

In Los Angeles County, for instance, 39 of the 171 public high schools sent fewer than 4% of their 1995 graduates to UC, according to the state
* Department of Education.

Orange County had six high schools--Valley, Century, Western, Anaheim and Santa Ana and Aliso Niguel--that fell below the 4% mark that year. In

Source: Los Angeles Times, May 12, 1997

Ventura County, Fillmore, Hueneme and Oxnard high schools sent fewer than 4% of its seniors to UC.

But other high schools--such as San Marino, South Pasadena and Sunny Hills in Fullerton--sent one-fourth of their seniors to UC. The lower ranking of these students could lose out if the process was changed to guarantee 4% admissions to every school.

Atkinson and others concede that any revision poses problems.

One of the thorniest is how the reserved seats would be distributed at various UC campuses. Standards for admission to UC Berkeley and UCLA are higher than for the other campuses, driven by demand. Should a reserved seat at UC Berkeley be awarded the same as to UC Riverside?

Another problem is that some high schools, often the small rural ones, don't offer all the courses--for instance in the sciences--UC requires for admission.

"We would have to assure that those students . . . would spend the summer in special remedial courses that would permit them to come up to speed," Atkinson said.

Despite such problems, the concept of setting aside seats for each school intrigues even those suspicious of its intent.

Connerly, the regent who orchestrated the affirmative action ban, said he is open to any strategy that might change the culture that discourages * poor children from pursuing higher education.

"If we can turn this around and make it cool to compete academically," he said, "it could have the impact of turning around the black community. . . . It's worth trying. If there ever was a time for us to try different things, this is it."

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Expanding Eligibility

University of California officials conducted a study to estimate the impact of a proposal to admit the top 12.5% of the graduates of each California high school. The conclusions: More black and Latino students would be eligible for UC and the eligible percentage of Asian American and white students would decline.

CURRENT ELIGIBILITY VS. PROTECTED ELIGIBILITY

	Current potential freshmen	Projected potential freshman
African American	5.1%	5.5%
Latino	3.9%	6.2%
Asian American	32.2%	26.0%
White	12.7%	10.6%

AVERAGE ACADEMIC INDEX SCORE

The plan would also diminish the academic profile of candidates for UC enrollment, with a drop in the academic index score for each racial and ethnic group. The score is based on a formula using grade-point averages and SAT scores.

Source: Los Angeles Times, May 12, 1997

	Current potential freshmen	Projected potential freshman
African American	6,515	5,797
Latino	6,537	5,911
Asian American	6,719	6,529
White	6,681	6,632
Total eligibility pool	6,677	6,443
Source: University of California		

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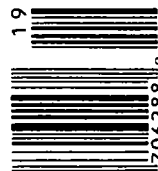
Newsweek

BRITAIN
**HOW BLAIR WON:
THE INSIDE STORY**

The Myth of **Quality Time**

**How We're
Cheating Our
Kids**

**What You
Can Do**



01134

ESSAY

The Color Bind

Thanks to a court order, a law school discovers that without an affirmative-action program its student body will be too white for comfort

BY ELLIS COSE

EVER SINCE A FEDERAL COURT outlawed affirmative action at the University of Texas, Austin, law school last year, promoters of "diversity" have prophesied disaster. Now, as the school admits its first post-affirmative-action class, their nightmare is coming to pass. If the end of affirmative action is not really analogous to the onset of Jim Crow, to many Latino and black students, the distinction seems hardly worth the trouble of making. As Diana Saldaña, president of the Chicano-Hispanic Law Students Association put it, "It took us 30 years to get here, and it took them 24 hours to dismantle any progress we have made."

Last year the highly ranked UT law school admitted a class that was 5.9 percent black and 6.3 percent Hispanic. This year (with roughly 80 percent selected, and the university projecting no huge shift in proportions of those yet to be picked), the black percentage stands at just over .7 and the Hispanic at just under 2.3. Angelyque Campbell, a black student completing work on a combined law and public-policy degree, believes that the school is in danger of becoming an "ivory white tower" that no longer values minority students. To Ward Connerly, who led the fight for the abolition of affirmative action in California state government, UT law school's numbers reveal something even more troubling. They reflect "the magnitude of the preferences we have been giving at many of our colleges ... and accentuate the tragedy of affirmative action." Such statistics, he says, should not inspire alarm but motivate people to "put their noses to the grindstone and get better prepared."

University officials, who feared a race-relations fiasco if no black law students matriculated, unleashed faculty members, alumni and other students to urge the few who were accepted to actually attend. As a result, at least one of the six blacks (and half of the 18 Mexican-Americans) admitted to

date seem to be planning to enroll. Still, the school will inevitably be a whiter place. If he has to face classes with no black students in them this fall, "I will be very depressed," confessed Patrick Woolley, a black assistant law professor, adding, "I'm very depressed about it now. As it is, even with affirmative action, there are only a handful of black students in a class of a hundred."

For affirmative action's champions, the whitening of UT's law school is an unsettling harbinger of what awaits selective schools across America. "I'm finding it difficult to avoid becoming an alarmist," confided Christopher Edley Jr., the Harvard law professor who served as president of the American Bar Association's affirmative-

Harvard education professor Gary Orfield to launch a major series of conferences largely devoted to reassessing affirmative action in today's society.

In some sense, UT law school brought the crisis on itself by putting an affirmative-action program in place that flagrantly flouted Supreme

action adviser. Although the Fifth Circuit Court decision technically is limited to scholarship and admissions programs at public institutions in Louisiana, Mississippi and Texas, some educators fear that the court's reasoning may eventually be broadly applied—not only to public universities in other states but to all universities (including prestigious private ones, such as Harvard) that receive government funds. Such concerns led Edley and



Court guidelines. Though initial sorting of applicants was done purely on the basis of grades and Law School Aptitude Test scores, the school went afiel by applying totally different standards and using radically different admissions procedures for blacks and Mexican-Americans than for whites and others. Four white applicants sued and won. Now they are back in court seeking \$5.5 million in damages.

The prospect for minority UT applicants outside the law school does not seem nearly as bleak—largely because other disciplines rely less on test scores and grades. (Thanks in part to a vigorous recruitment effort, admission offers to black freshmen at UT were only a bit lower than last year, and offers to Latinos have actually risen slightly.) Heavy dependence on test scores, however, is typical of selective law schools—as well as of medical schools and elite universities. And without some form of affirmative action, many blacks and Latinos who currently get into such institutions are certain to be excluded. Indeed, an analysis of 1990–91 law-school applicants just published in the New York Uni-

“I’m very depressed. As it is, even with affirmative action, there are only a handful of black students in a class of a hundred.”

—PATRICK WOOLLEY,
law professor

versity Law Review found that a colorblind test- and grades-driven admissions policy would decimate the ranks of Latino and black law students. Of the 3,435 blacks accepted by at least one of the more than 160 ABA-approved law schools in America, only 687 would have made it purely on the basis of their tests and grades, concluded Linda Wightman, a former official at the Law School Admissions Council. Colorblind policies, in other words, may lead to “levels of segregation not seen in a quarter century,” worries Jerome Karabel, a sociology professor at the University of California, Berkeley, and chief architect of that university’s affirmative-action program—which the regents voted in 1995 to abolish. That

vote (under-scored by last year’s anti-affirmative-action ballot initiative in California) has not yet fully taken effect within the UC system. Already, however, administrators there report that applications from Chicanos, blacks and American Indians have dropped. When the regents’ resolution is fully implemented, the numbers accepted are likely to plunge, conjectures Karabel on the basis of the university’s experience with Filipinos. In 1989, when Filipinos (then considered an underrepresented minority) were covered by affirmative action, 227 came as freshmen to UC, Berkeley. That year the university began to phase out special consideration for Filipino applicants, reasoning that their success in the California public-

school system demonstrated that they no longer need such assistance. By 1993 the number of freshmen matriculating had dropped to 54, where it has more or less remained ever since. Latinos and blacks, reasons Karabel, will probably be even harder hit, since their grades and test scores on average are lower than those of Filipinos.

Serious researchers dismiss the notion that affirmative action based on socioeconomic status can be much of a substitute. A wide-ranging statistical analysis by Thomas Kane of Harvard’s Kennedy School of Government demonstrates what critics have long assumed: since so many poor whites and poor Asians do relatively well on standardized tests, class-based but colorblind affirmative action is more likely to help them than it is to assist poor blacks and poor Latinos—at least as long as selective schools put so much stock in tests.

Foes of affirmative action think all the handwringing is unwarranted. Why worry, they say, if certain blacks and Latinos don’t get into first-rank schools? “We have no divine right as blacks to go to the University of Texas law school with lower SAT scores,” asserts Larry Elder, a KABC radio host whose conservative views have drawn fire from some fellow blacks. Elder and others believe that less well-prepared students can attend second- or third-rate institutions, where they are likely to flounder at any rate. Kane’s data suggest, however, that minority students may, in fact, not do better at such schools, that a high-quality educational institution can make up for a multitude of deficiencies. Minority students who go to selective schools are more likely to graduate than are their counterparts who are equally able but attend less prestigious institutions (excluding historically black colleges, which have relatively high graduation rates). One reason, believes Karabel, is that elite schools are generally not commuter schools, meaning students are less likely to have to put up with distracting noneducational influences. Such schools also are simply more likely to offer an atmosphere where both high academic achievement and careers are fostered.

Moreover, as supporters of affirmative action argue, public institutions have a much more complex agenda than simply admitting those who score best on tests. They are supposed to serve the public interest, which, among other things, means considering the needs of the taxpayers who support them. Claudia Valles, a Mexican-American and third-year law student at UT, Austin (and the first member of her family to go to college), observed that for people from backgrounds like hers, a state school with low tuition may be their only real shot at a good education. Why, she asks, should Mexican-Americans, who pay so much of Texas’s taxes, be denied that

opportunity? Saldaña, a third-year student and former migrant worker, makes much the same point: "I worked hard to get where I'm at. It offends me that an Anglo can take my seat because they're unwilling to consider my background."

The trade-off is particularly clear for medical school. A study last year by physicians at the University of California, San Francisco, found that few white doctors care to practice in minority communities. In fact, they were more likely to go to poor white areas than to affluent black and Latino neighborhoods. Barring a big change in behavior or residential patterns, a decrease in the numbers of blacks and Latinos in medical school will inevitably result in fewer doctors in communities of color. For critics such as Elder and Connerly, the answer is not affirmative action but a wholesale upgrading of schools and a massive readjustment of attitudes. "We need to do better in high school and better on aptitude tests. And I predict that we will," declares Elder. But that is not a short-term solution. So many educators (motivated largely by the desire to keep minority numbers up) argue for relying on broader measures of merit—such as motivation, talent and obstacles overcome—instead of focusing so much on the ability to do well on tests. Even the best of tests, they point out, are a limited measure of capability. Wightman's study, for example, found no real difference in either graduation or bar-passage rates between those minorities who would have been admitted without affirmative action and those admitted because of it. The problem, however, is convincing a skeptical public—and equally skeptical educators—that de-emphasizing tests would create a more just process.

Elder and Connerly are no doubt right that better schooling could theoretically render affirmative action in colleges obsolete. Connerly offers the guess that the process of upgrading education—and educational expectations—might take no more than two or three years, although conceding, when pushed, that it might perhaps take 10. In light of the awful state of inner-city public education, even the more conservative projection seems wildly optimistic. Still, for any number of reasons, people—at least those in the public eye—don't seem to get nearly as passionate about upgrading bad schools and improving conditions in poor communities as they do about tearing down affirmative action. But unless they do, 20 years from now America will be in the midst of a new debate as citizens across the political spectrum wrangle over why, even with affirmative action gone, huge gaps in educational achievement remain. ■



Tenderhearted tough guy: Royko in his lair

MEDIA

Chicago's Tribune

Mike Royko earned his clout as the voice of the little guy

MIKE ROYKO, THE CHICAGO LEGEND who died last week, once dedicated a collection of his newspaper columns to his "legmen." As Royko handed out the books at his home, he inscribed to Pat Wingert, now of *Newsweek*: "You were my best. Don't tell the others." It wasn't until Wingert saw the prideful look on the faces of the other acolytes that she realized that Royko, laughing loudly, had written the same to each.

Now we can tell all the others. Royko was the best. Every time someone took a dopey poll of American journalists to see which columnist had the most talent, he won. For more than 25 years, Royko pounded out five 1,000-word columns a week, when even three is a stretch for most. The best of them—from the 1960s and 1970s—stand up well against anything by H. L. Mencken, Jimmy Breslin, Walter Lippmann or any other columnist in this century. Even when he spent every word of a column knifing someone, the reader always knew who he was for: the little guy, out for a little justice and a little laugh.

Royko embodied Chicago as much as Herb Caen, who also died this year, embodied San Francisco. But Royko was hardly a gossip or a booster. He often suggested that Chicago's official motto, *Urbs in*

Horto (City in a Garden), should be changed to *Ubi est Mea?* (Where's Mine?). His depiction of boodling judges, dozing ward heelers and the late mayor Richard J. Daley in countless columns and the 1971 best seller "Boss" will endure as central source material for how machine politics lived and died in midcentury America.

The son of a Ukrainian father and a Polish mother, Royko grew up above his father's saloon, where he met people with names like "Slat Grobrik" (his imaginary alter ego). His most famous column was probably the one he wrote in 1979 after his first wife, Carol, whom he had met at the age of 9, died of a brain aneurysm. Its memorable ending: "If there's someone you love but haven't said so in a while, say it now. Always, always, say it now."

But sentiment was the exception. Mostly, Royko's brilliant moodiness made him an equal-opportunity tormentor: Jerry Brown ("Governor Moonbeam") or "Jesse Jetstream" Jackson got it one day, Reaganite greedheads or gun nuts the next. His talent made him the last of journalism's Untouchables. In 1974 he wrote of a speech delivered by his own Chicago Daily News publisher, Marshall Field: "It is not, by any means, the most foolish speech I've ever read. There are at least three or four others that I can recall as being more foolish." Field ate it.

In recent years, Mexicans, blacks and gays ignored Royko's strong civil-rights history and protested what they considered his slurs against them in the Chicago Tribune. Royko, always crotchety but no bigot, hadn't really changed. The culture had. He was proud to be politically incorrect, but toward the end it pained him that his satire was misunderstood.

The years of dangling Pall Malls and 3 a.m. benders took their toll, and Royko died of a brain aneurysm at 64. He went out the way he once said he'd hoped to, like Ted Williams, hitting a home run his last time up. In his final column, he explained that his beloved Cubs were cursed not, as legend has it, by a Billy goat owned by Royko's bartender but by former owner P. K. Wrigley, who was slow to hire black ballplayers. "It had nothing to do with a goat's curse," he concluded. "Not unless the goat wore a gabardine suit and sat behind a desk in an executive suite." Funny. Angry. The best.

JONATHAN ALTER with
JOHN MCCORMICK in Chicago

25. Academe Today

May 12, 1997

Backers of Affirmative Action Seek Strategy to Win Support for Their Cause

By DOUGLAS LEDERMAN

Cambridge, Mass. — More than 150 academics, lawyers, and civil-rights advocates gathered here Friday to begin plotting a strategy for persuading judges, politicians, and the public that it is legal and just for colleges to use affirmative action to promote diversity.

The day-long conference, sponsored by Harvard University's Civil Rights Project, achieved mixed results. The participants, all of whom seemed to favor affirmative action, shared ideas for producing social-science research that might build support for it in the courts and elsewhere.

But the civil-rights advocates and professors in the crowd also realized that the narrow boundaries that recent court decisions have set for justifying the use of racial preferences leave little room for doing so, no matter how passionately they believe affirmative action to be right.

"It's frustrating to be focusing on how we can come up with data and research that will make the case before a reactionary Supreme Court as to why they should continue to allow some minuscule sliver of affirmative action," said Anthony M. Platt, a professor of social work at California State University at Sacramento. Supporters of affirmative action may be better off, he said, "focusing instead on reaching a larger group of Americans, not around narrow legal issues, but around a defense of democracy in higher education."

That idea appealed to many of the participants, who argued that the political fight over the future of affirmative action was, in the long term, more significant and promising than the current battle in the courts. But the legal experts in the group sought repeatedly to remind their colleagues that academe must step up its fight in the courts, which it is losing badly, they said.

The conference was the third sponsored by Harvard since March 1996, when the U.S. Court of Appeals for the Fifth Circuit, in a case known as

Hopwood v. Texas, barred the law school at the University of Texas at Austin from using race as a factor in admissions.

By declaring that the desire to attract a diverse student body was not a sufficiently compelling reason to use affirmative action in admissions, the Fifth Circuit directly challenged the Supreme Court's 1978 decision in *Regents of the University of California v. Bakke*, on which most colleges have justified their use of race-based preferences.

In 1996, at the first of the Harvard conferences, which was closed to the public, educators and lawyers bemoaned the lack of social-science evidence colleges could use to prove the value of diversity to their campuses. Friday's conference was aimed at starting to fill that void but showed that that will be an uphill climb.

One researcher, Sylvia Hurtado of the University of Michigan, unveiled a new study showing that female and minority professors were more likely than white men to use cooperative learning and other techniques that, she said, helped students learn.

But John A. Payton, a lawyer in Washington, D.C., who has defended affirmative action in several major lawsuits, said such a finding would do little to persuade a judge or opposing lawyer of the merits of diversity. Mr. Payton told Ms. Hurtado that he imagined a judge would respond to her argument by saying: If you believe those techniques are beneficial, why not just require all professors to adopt them, rather than counting on only some minority professors to provide them?

Legal experts drilled similar holes in other pieces of research, disheartening some of those in attendance. "It seems as if nothing may be enough to convince some of those federal judges," said Jorge Chapa, associate dean of the graduate school at the University of Texas at Austin.

Many of the participants argued that

the colleges had created at least part of the current dilemma for themselves by depending so heavily on standardized-test scores in admitting students. By defining excellence through students' scores on such tests, on which black and some other minority students score significantly lower on average, colleges have had to use "affirmative action to correct the problems we've inflicted on ourselves with our testing standards," said Christopher Edley, Jr., a Harvard law professor who is co-director of the university's Civil Rights Project.

Mr. Edley and the other co-director, Gary Orfield, a professor of education, ended the day by exhorting those gathered here to build and make the case to people inside and outside academe that students benefit from being educated in a diverse setting and that employers want to hire students who have learned how to work with people of other races.

Dr. Orfield seemed to strike the most powerful chord of the day with a presentation that sought to challenge what he called the Hopwood court's statement that using race in admissions was "no more rational on its own terms than would be choices based upon the physical size or blood type of applicants." Using a series of simple charts, Dr. Orfield sought to reveal the great differences between black and white Americans today, showing black people with far higher rates of unemployment and incarceration, and white people with far greater wealth, among other things.

The Fifth Circuit court, in Hopwood, and some other tribunals have dismissed arguments about such societal discrimination, but one person attending the meeting, Isabelle Katz Pinzler, the acting Assistant U.S. Attorney General for civil rights, said evidence of continuing racial discrimination could be used in other courts and, more importantly, in the political debate about affirmative action, to persuade Americans that race still does matter. ■

a while - to the unobservant - that we had disappeared. Now we have tenure, and the work of reshaping the universities has begun in earnest."

Unfortunately, Parini's vision of what college education should be has percolated throughout entire college curricula. Nowhere are half-witted

education ideas given greater currency than in education departments, and for good reason. By and large, education departments represent the academic slums of any university. Education majors tend to have the lowest SAT scores, and their professors tend to have the least academic respectability -

making both easy prey to fads and half-baked ideas.

Educational-reform measures that do not address methodological rot, teacher incompetency and leftist indoctrination will bring disappointing results, regardless of the amount of money spent. ■

70. The Washington Post

05/07/97; Edition: FINAL; Section: OP-ED; Page A21

Affirmative Action: Beyond Diversity

By Owen M. Fiss

Even the friends of affirmative action are divided. Some see it as a way of creating a broad variety of viewpoints in cultural spheres such as the university. Others see it as an exercise in compensatory justice. For them, affirmative action is an effort to rectify the wrongs of the past by giving certain groups an additional advantage in competing for the prized positions of society.

I count myself as a defender of affirmative action, most clearly as it applies to blacks. Yet both familiar rationales seem wanting. They were constructed in the 1970s and '80s to appeal to the broadest constituency, but they mask the real reasons for affirmative action and, in fact, render that policy vulnerable to the attacks it is now undergoing.

The diversity rationale seems shallow and lacking the compelling quality needed to justify the hardships created by preferential treatment. It has little appeal outside the university context — for example, among production workers or guard-rail contractors. Even in the university, diversity seems an incomplete justification, since it doesn't provide any basis for choosing what kinds of diversity we should favor. Why, we are left to wonder, should we give a plus to blacks but not to members of religious groups that might be underrepresented?

The rationale of compensatory justice has the compelling quality lacking with diversity, but it falters because of the lack of identity between the victims of the wrongs committed and the recipients of the preferential treatment — and

between the perpetrators of those wrongs and the people who bear the cost of the remedy. Nor are we told why the compensation should take the form of preferential treatment.

Rather than thinking of affirmative action in terms of diversity or compensation, we should see it as a structural remedy for a structural problem: as a means of eradicating the caste structure that now mars our society and that has its roots in slavery and the segregation of Jim Crow. By giving blacks a greater share of the privileged positions of society, affirmative action improves the relative position of the group that lies at the bottom of the heap. It aims to end the racial ordering of American society.

The structural rationale is like the compensatory one inasmuch as it builds on history. But it does so in a markedly different way. In the structural one, slavery and Jim Crow are viewed not as the reasons for the remedy but instead as the causes of the social structure that needs to be changed. Affirmative action is concerned with the present, with eliminating any form of caste that exists in the here and now.

As such, affirmative action should extend not just to blacks but to any group currently subordinated in society. Even immigrants who only recently arrived in this country and did not suffer past wrongs at the hands of American society would be eligible for affirmative action if they constitute a subordinated group comparable to blacks. (Such a result would not be supported by the compensatory rationale.)

Even as a form of distributive, rather

than compensatory, justice, affirmative action will work its own wrongs. For blacks who obtain the prized positions, doubts are created in the minds of some, including those who occupy high positions of power and prestige, as to whether they would be where they are without preferences. For rejected white applicants, there is the frustration of not being able to attend particular schools or obtain specific jobs. In addition, these applicants suffer a hurt that blacks know all too well — the hurt that comes from being judged unfavorably on a criterion unrelated to individual merit and over which they have no control.

These grievances should never be forgotten nor trivialized, but they do not constitute a reason to turn away from affirmative action. In an imperfect world, a great transformation cannot be achieved without pain and sacrifice — and even a certain measure of individual injustice. Surely this must be the great lesson of the American Civil War.

Asking for such sacrifices is an extraordinary request, and our capacity to make such a request depends on two conditions. One is that the cause involved is so noble and so worthy as to justify the suffering the remedy will inflict. The other is that there is no other way. To support affirmative action in the face of the individual wrongs that it will no doubt cause, we must believe, as Justice Blackmun once put it, that we cannot eradicate caste without the system of preferences that affirmative action entails — that, ultimately, we cannot get beyond racism without taking race into account.

The writer is Sterling professor of law at Yale Law School. ■

USA Today

April 30, 1997

Colleges see fewer minorities apply

By Mary Beth Marklein

USA TODAY

LOS ANGELES - Students from nearby high schools are enjoying this taste of college life as they tour the UCLA campus. But even as they visit the library, walk through the gym where Magic Johnson practices and discuss how to be a "holistic student," many of them suspect their chances of getting in are slim and getting slimmer. And it hurts.

"If they say, 'You're not good enough,' that's going to be real hard," says Juan Rivas, 17, a junior with a B average who plans to study business.

His fears may not be unfounded. He and most of the students touring the campus this day will get no boost for being minorities now that there's a ban on affirmative action in admissions, imposed by the University California Board of Regents and poised to go into effect for students entering in fall 1998.

For years, California campuses and hosts of other universities around the country have used race as one factor among many in selecting students for admission. They defend the policy as a way to right past wrongs against underrepresented minorities and as a way to build a community that's reflective of society. But the regents' action in California - and a major court decision in Texas - have halted the use of race as an admissions factor in those states. Now higher education leaders nationwide are starting to see the impact:

For the nine public universities of California campuses, fall 1997 applications from underrepresented minorities are down 5%, even as overall applications went up 2.6% over fall 1996. Officials say the ban mostly will affect black, Hispanic and Native American students. Applications and enrollments of underrepresented minorities are down at the University of Texas, which is looking at new ways to enroll such students after a federal appeals court ruling last year barred racial preferences. It admitted 192 more freshmen for this fall, bringing the total to 10,651, but only the numbers of whites and Asian-Americans increased. The number of admitted black students dropped 107, to 314; Hispanics dropped 235, to 1,333. Applications alone by black and Hispanic students fell by 24% and 22%, respectively, while overall applications were down 13%. The University of Colorado, fearing legal challenges such as those raised in Texas, is broadening a financial aid award that benefited black students to include factors such as economic need or whether other family members have attended college.

Together, these developments are creating "just a deadening effect on the part of a number of minorities in terms of whether they think college will even be open to them," says James Appleberry, president of the American Association of State Colleges and Universities in Washington. "Many parents and students think they will not be able to get a college or university education, and so they don't even try."

In California, UC number crunchers predict that ultimately enrollment of underrepresented minorities could drop by 50% to 75% at UC campuses, and in some systems two most competitive schools.

Those prospects are stirring emotions among students. On Monday, campus police used pepper spray and batons on UC-Berkeley students protesting Proposition 209, a much broader anti-affirmative action initiative whose fate is still unknown. Voted into state law last November, it has been tied up in a stop-and-go series of legal challenges and could end up before the U.S. Supreme Court. But even without 209, which would affect all public schools, the UC ban remains.

"They're taking away something that was so precious to us," says UCLA sophomore Willie Novoa, who protested the regents' actions in marches and campus sit-ins, and who lobbied voters to reject 209. "I feel helpless," he says.

But sophomore Lisa Williams, who also fought the changes, is itching to fight some more. "This country is due for a revolution," she says.

Supporters of affirmative action say it helps make up for decades of discrimination against women and minorities. More than a nudge?

But those who support the ban say minorities are getting more than the nudge allowed by a 1978 Supreme Court decision, *Regents of the University of California vs. Bakke*.

"Colleges have been saying they're using race as one of many factors, (but) the reality is it's the sole factor when it gets used," says Ward Connerly, the regent who spearheaded the change. And, he says, if underrepresented groups, which compose about a third of UCLA's undergraduate population (Asian-Americans and whites make up the rest), haven't yet achieved parity, "Doesn't it suggest that what we've been doing really hasn't been working?"

Indeed, the more pertinent issue, many suggest, is not that underrepresented minorities aren't admitted, but that many aren't eligible.

This year, for instance, UCLA received 25,000 applications for 3,600 spots for first-year students. Of the 10,000 letters of acceptance that went out in early April, the students averaged a 4.14 grade point average (GPAs can climb over 4.0 with extra points given for honors courses) and 1,303 SAT scores - "and most aren't coming from underrepresented groups," says Thomas Lifka, assistant vice chancellor of student academic services.

Meanwhile, minority enrollments in the less expensive, less selective 22-campus California State University system have been increasing. Last fall, the number of black freshmen at CSU rose 15% over the previous year, and the number of Hispanic freshmen rose 6%. That has led some to speculate that many students feel unwelcome at the University of California.

UCLA officials seek to allay such fears. The regents "did not change the fundamental mission of the university to guarantee a place at one of its campuses for every UC-eligible student," says Winston Doby, vice chancellor of student affairs.

Yes, he says, "I'm concerned we're going to lose our diversity in the short run." But for now, he urges students who stand little chance of getting into UCLA to "look at realistic alternatives," such as the less competitive UC-Davis or UC-Riverside.

~~As it always has, UCLA will continue admitting 60% of applicants on academic achievements alone.~~

This spring, for the remaining 40% of the slots for fall 1997, a team of admissions staffers and qualified volunteers examined 17,955 applications, one by one, for evidence of leadership, extracurricular interests and performance in the face of educational and economic hardship. Admissions officials always have read some submissions, but primarily to judge students on the borderline academically.

Looking for surrogates?

UCLA officials call it a "holistic" approach that focuses on future potential rather than past achievement. But such talk disturbs UCLA junior Jason Steele, state chairman of the California College Republicans, which supported the regents and Proposition 209. "We're going to have to watch them very carefully," he says of administrators. "They're scheming in any way possible to have affirmative action anyway."

Lifka disputes such suggestions. "To search for surrogates is in conflict with the spirit of what the regents did," he says. Besides, he adds, "There isn't a good surrogate for race."

A panel of sociologists told Texas higher education officials much the same thing. Basing admissions on class would bring in as many whites as underrepresented minorities. Even so, state legislators are considering bills that would give a nod to low-income families as a way to enroll more minorities.

Some UCLA outreach programs, which aren't affected by the regents' policy but could be affected by Proposition 209, do focus on economic factors that ultimately benefit minorities such as Juan Rivas. He's at UCLA this day through a program funded by the Job Training Partnership Act.

"What we have to do is be clever enough to develop programs that don't have a gender and ethnic base but that include underrepresented groups," says Mary Keipp, program manager of UCLA's 9-year-old Community Based Learning Program. It invites students from low-income neighborhoods to UCLA to consider college as part of their career goals. "Even if they can't come to UCLA, maybe we can open up their minds to going to some sort of college," she says.

No one's suggesting such efforts alone can solve the racial disparities. Even so, "We cannot get discouraged," says UCLA freshman Katynja McCory, an outreach volunteer. "It may not occur in our lifetime, but these are the roots that we're planting right now." ■

UCLA student group works to retain blacks, ...

DOCUMENT 3 OF 8

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LIFE

UCLA student group works to retain blacks, Hispanics

Mary Beth Marklein

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04/30/97

USA Today

FINAL

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LOS ANGELES -- While UCLA administrators sort out the do's and don'ts of affirmative action in admissions, a group of students is working to make sure minority students stay in school once they enroll.

* "Recruitment numbers mean nothing if you can't keep them and graduate them," says Kimi Lee, executive director of the University of California Student Association. "For a lot of underrepresented groups, once they get to a university, they feel isolated."

Like admission rates, retention rates for black and Hispanic students at UCLA are lower than those of white and Asian-American students. For instance, of those students who entered UCLA as a freshman in fall 1990, 54.3% of black students and 66.4% of Hispanics had graduated by 1996. Asian-Americans and whites each had graduation rates of just over 81%.

The numbers might have been lower if not for UCLA's Campus Retention Committee, a student-run organization that offers peer counseling, mentoring, study groups and other support to struggling minority students and summer programs for dismissed students.

But while recent attacks on affirmative action have prompted anger and disappointment among volunteer students, "I see an eagerness to try to find new ways to address what continues to be a problem," says Mandla Kayise, assistant director of the community programs office that advises the committee. "A lot of the students have stepped up their efforts. A lot more students have signed up" to help.

UCLA's program, funded through mandatory student fees of \$15 a year, has been around for almost 10 years. Now, other schools,
* including UC-San Diego, are trying to launch similar programs.

And two years ago, UCLA's volunteers began adapting some of the programs for local high school students. That remains important,

because even with racial preferences in admissions, only 4%-5% of Hispanic and black high school graduates in California are even eligible to apply to UCLA and other UC schools.

At the Campus Retention Committee's offices, volunteers talk about the need for underrepresented minorities to empower themselves and each other. That mission fits with strategies discussed by an Outreach Task Force, made up of representatives from each of the University of California system's nine campuses.

Instead of widening outreach to meet more potential students, the task force recommends deepening efforts to reach kids at a younger age and for a longer period of time. UCLA, for instance, would work with clusters of schools in nearby neighborhoods that are "low performing," or "educationally disadvantaged," says task force member Winston Doby, UCLA's vice chancellor of student affairs. "You work with whole systems . . . to strengthen the academic competitiveness of students in the pipeline."

Some argue that outreach alone won't be enough to increase and keep the numbers of underrepresented minorities in UC schools. But Kayise says such a prognosis "doesn't take into account the response of the communities where we work. And I think that response has been underestimated."

I0607 * End of document.

Dallas Morning News

April 28, 1997

Acting affirmatively

Texas needs new college admissions plan

Some Texas legislators believe they have a way to help Texas keep more minority students going to college here, not out of state. Their plan will require budget writers' help, however.

Because of a court ruling, race can no longer be used as a factor in recruiting or admitting students to state universities. Race cannot be used in determining financial aid either.

That unfortunate ruling sent lawmakers scrambling to prevent a "brain drain" as this legislative session began. Minority applications already are down sharply at several Texas colleges. That's troubling for a state whose population soon will become a majority of minority citizens.

While not perfect, a plan from Sens. Royce West, D-Dallas, and Teel Bivins, R-Amarillo, could help stop an exodus. The Texas Senate recently passed the package, which awaits House consideration. Under the plan, 50 percent of university classes in the eight Texas schools that use selective criteria would gain admission through traditional means: class standing, grade point averages and standardized test scores.

Forty percent would enter using additional factors. They include the applicant's socioeconomic background and school activities. Schools likewise could examine whether the applicant's school is "low-performing."

Also, if a student finishes in the top 10 percent of his or her high school graduating class, he or she would be automatically eligible for college admission in Texas. Some graduating classes are not very competitive. Perhaps legislators should limit this category to the top 5 percent of students, making the prize a greater honor.

The reforms in this bill use factors other than race in evaluating students. Whether they will expand minority enrollments is uncertain. But Texas must do something. That's why the Texas House should pass this bill, or fold it into a similar bill by Rep. Irma Rangel, D-Kingsville.

Budget writers also must appropriate enough financial aid to make this approach work. The proposed state budget falls short here. Sen. Bill Ratliff and Rep. Rob Junell, the top budget writers, should rectify this problem. Without adequate help, Texas universities will lose both students of color and those without the means to attend college. Both would be deplorable for a state in evolution. ■

The proposals are "not flashy stuff, but it's real," said Richard DeColibus, president of the 5,000-member Cleveland Teachers Union in a district with a \$150 million debt, high dropout rates and shoddy buildings.

The suggestions include a lower teacher-student ratio, all-day kindergarten, stricter discipline and greater parent and community involvement in schools.

If those changes are made, DeColibus said at a morning news conference, "We'll work with any governance, including the mayor."

The union has steadfastly proposed a legislative proposal that would abolish the elected school board and give Cleveland Mayor Michael White control of the district.

DeColibus, joined by Ron Marec, president of the parent Ohio Federation of Teachers, said the union's proposed improvements were based on educational research, such as the need for disciplined, orderly classes to promote learning.

Rick Ellis, a spokesman for the school district, said many of the ideas had merit

but the issue of cost could not be avoided.

"That's what the people in state government are trying to figure out: What is the cost? How do you pay for it?" Ellis said.

The union's wish list was drafted at the suggestion of state Rep. Amy Salerno, R-Columbus.

Salerno is chairwoman of the House Select Committee on School Governance, which held a public forum on the schools Thursday night at Cuyahoga Community College.

The committee listened for about four hours while 70 Cleveland residents testified on the various proposals for governing the schools.

Of the five bills under consideration by the committee, parents and other residents focused on the one that would turn over much control of the state's largest school district to White.

Proponents of the plan said giving the mayor the power to appoint a new school board would establish accountability and return some local control to a district that has been under the control of a federal

court for decades.

"We have tried everything else and we have failed," said resident Ceola King. "So what's wrong with trying something new? Our children deserve a chance."

Those supporting the mayoral-control plan said immediate action was necessary because the district was in an economic and educational crisis.

"We face a public education emergency," said the Rev. Otis Moss, pastor of Olivet Institutional Baptist Church. "We need emergency action."

It is possible that the committee will vote on one of the proposals next week. Curt Steiner, chief of staff to Gov. George Voinovich, said he was working with lawmakers to find consensus on which bill will be moved from committee.

"This is not about Mike White; it's about the future of the kids in Cleveland," said Steiner.

A federal judge placed the district under state control two years ago because of mismanagement and poor student performance. ■

Associated Press

04-25 3:57a

Educators cheered by poll showing support for college diversity programs

By TIM KLASS Associated Press Writer

SEATTLE (AP) - Affirmative action in student admissions. Recruitment of minority faculty. Classes that stress cross-cultural cooperation. Courses reconstituted to draw from worldwide sources.

Despite hot debate over such programs, efforts to promote racial, cultural and ethnic diversity on college campuses enjoy wide voter support, a survey indicates.

The poll conducted for the Ford Foundation in Washington state, a potential pilot study for surveys nationwide, shows conservatives as well as liberals support educational diversity, especially to prepare students better for employment in a multicultural world, University of Washington president Richard L. McCormick said.

"This poll demonstrates that we're in sync with the broad public perspectives on this issue," McCormick said. "The fundamental point is that diversity means

academic excellence."

In the 71-question telephone survey of 600 randomly selected registered voters throughout Washington, more than 70 percent agreed that diversity improves the teaching, learning and extracurricular climate on campus.

Nearly two-thirds agreed that the nation is growing apart, rather than together, and that colleges should prepare students to "get along in a diverse environment."

"These results represent considered opinion," said Stuard Elway, president of Elway Research Inc., which did the polling March 6-13. "This is not an issue that our respondents hadn't thought about before."

McCormick and Elway were joined at a news conference Thursday by John Eshelman, acting president of Jesuit-supported Seattle University, the presidents of three community colleges and Edgar Beckham, coordinator of the foundation's Campus Diversity Initiative.

"For us, the commitment to diversity

is not a fad. It is not political correctness. It is a moral imperative," Eshelman said. "This gives me great hope for our future."

Beckman said the findings generally followed sentiments voiced in two forums in Seattle in March last year. Two similar forums were conducted in Philadelphia in July, and follow-up polls may be conducted in Pennsylvania and nationwide, he added.

The findings were far from unanimous. More than three-fourths said stressing diversity is ineffective "because learning mutual respect and understanding has to start well before college."

To the statement, "There is little purpose to recruiting a diverse student body because students separate themselves into groups by race on campus anyway," response was split 47 percent on each side with the rest undecided.

More direct questions on affirmative action were deliberately omitted.

Beckham said.

"That is not what we were interested in," he said.

The purpose was to learn "how people value diversity as an educational resource and in terms of educational outcomes" rather than assess views on what should be done to advance those goals, choices traditionally left to individual institutions, Beckman explained.

Noting recent bans on educational affirmative action in California and elsewhere, Beckman said he hoped the poll would bolster programs "in the majority of states where the law of the land continues to support positive, deliberate steps that are meant to increase the diversity in higher education."

Questions involving educational quality resulted in some of the sharpest divisions.

Fifty-three percent disagreed with the statement, "Diversity education is nothing more than political correctness, which hinders true education," and 54

percent rejected the statement that diversity is results in admission and graduation of "students who wouldn't otherwise make it" - potentially less than half in each case because of the 4.1 percent margin of error.

"No one is saying there's unanimity on this issue," said McCormick, "but those who are in the minority have for too long in recent years dominated discourse about it."

"You'd think, to judge from what politicians say on the stump, from a handful of court decisions, that the American people have turned full sail and whole-heartedly and completely against diversity in education - and this poll sets to rest that impression..."

"Most people think that diversity and academic excellence go together."

Limiting the sample to registered voters probably contributed to higher than typical levels of education - 75 percent beyond high school and 40 percent with at least a bachelor's degree

- and household income. 40 percent over \$40,000 a year, Elway said.

More than three-fourths, 78 percent, identified themselves as white, 4 percent black, 3 percent each Asian and Hispanic, 2 percent Indian and 7 percent other or racially mixed.

Politically, 33 percent said they were more conservative than liberal, 22 percent very conservative, 26 percent more liberal than conservative, 13 percent very liberal and less than 7 percent moderate.

"In most cases, there are not significant differences across the demographic categories," Elway said. "We looked across the board, and the responses were pretty uniform."

While previous surveys lacked enough similar questions to show clearly how public sentiment has shifted, the pollster added "my speculation is that we are seeing more acceptance (of diversity programs) than we might have 10 or 15 or 20 years ago."■

Associated Press

04-25 4:03a

State's schools stand to lose \$2 million in reading, math money

tp2lid

LITTLE ROCK (AP) - Arkansas will lose about \$2 million in federal school funding this fall because of a drop in the number of students in a reading and math program for poor children.

Arkansas is one of 14 states that will lose part of its Title I funds from the federal government. Federal funding for the programs in Arkansas will total \$71.3 million during the next school year.

Title I money pays for teachers, summer programs and curriculum

changes aimed at helping poor children improve their math and reading skills.

In most other states, the number of poor students increased. Sixteen states will see increases of 10 percent or more in their Title I funds, the federal Education Department said this week.

Connecticut, where the gap between rich and poor school districts is among the greatest in the country, will get nearly 30 percent more funding. Iowa suffers the biggest drop - 6.2 percent.

In 1994, Congress called for the use of updated census estimates to distribute Title I money. Without that requirement, money would have been sent out for next year on the basis of poverty estimates taken in 1989.

While Title I money is intended to help poor children, any child with reading or math problems can be eligible for the classes, said Clarence Lovell, associate director for Title I at the state Education Department.■

Associated Press

04-25 4:07a

Volunteers painting U.S. maps on playgrounds

AP Photo JNO101 of April 24 tp2hou

JONESBORO, Ark. (AP) - At 100 Arkansas schools, geography soon could be taught on the playground.

Volunteers on Thursday began painting 20-by-30-foot U.S. maps on playgrounds on school yards across the state. They hope to paint 100 maps in

100 days.

A group including current and retired Southwestern Bell employees paints the maps and gives the schools geography-oriented lesson plans and games. It painted a map Thursday at University Heights Elementary in Jonesboro.

The painters need the ground's surface temperature to be above 50 degrees for more than 12 hours before beginning their work. Using a template, they outline the states, then paint the states different colors.

It takes eight volunteers about six hours to finish a map.■

develop volunteerism programs in their communities.

"That," said Powell, "will be the real

proof of the value of the summit." ■

TRADE

The Chronicle of Higher Education [Academe Today]

April 25, 1997

In "Times" Ad, 62 Top Universities Endorse Use of Race in Admissions

By DOUGLAS LEDERMAN

In a large advertisement in Thursday's New York Times, the presidents of 62 leading research universities endorsed the continued use of race as a factor in admissions decisions.

The members of the Association of American Universities tend to focus their attention on research issues, but at their annual meeting last week, they approved a statement "On the Importance of Diversity in University Admissions." The statement was printed in full in the advertisement.

The endorsement came despite a series of court rulings and state referenda

that have undermined admissions policies that take applicants' race into account.

Among the chief executives signing the statement were the chancellors of six campuses of the University of California system. Its Board of Regents voted in July 1995 to bar all of the system's campuses from considering race in admissions, hiring, and contracting.

Ward Connerly, a regent who led the push for the new policy and for a successful ballot measure that would ban racial preferences statewide, called the involvement of the California campuses

in the ad an "outrage" and a "direct contradiction of the will of the people of California and the regents of California."

He added: "These people are paid to carry out the policies of the institution that has hired them. If they don't feel comfortable doing that, they should resign."

Spokesmen for the California chancellors said that while the leaders had endorsed the published statement, they would carry out the university's new policy. ■

Education Daily

April 25, 1997

IDEA BILL WOULD NEVER ALLOW SCHOOLS TO CUT OFF SERVICES

A bipartisan plan negotiated by congressional staff would explicitly prohibit schools from ceasing services to disabled children, effectively overturning a federal appeals court decision.

The draft bill developed behind closed doors would clear the haze of existing law, codifying the Education Department's position that special education students are guaranteed services regardless of any misbehavior related or unrelated to their disability.

The U.S. Fourth Circuit Court of Appeals ruled this year that under the existing Individuals with Disabilities Education Act (IDEA), a disabled child can forfeit his right to an education through bad conduct (ED, Feb. 7).

A summary of the bipartisan

agreement obtained by Education Daily says schools would be authorized to discipline disabled students in the same way they punish nondisabled students, if the misbehavior is not a manifestation of the student's disability: "provided that there not be a cessation of educational services."

Policy Turnaround

The IDEA amendments draft—released in summary form to lobbyists late Wednesday—represents a dramatic about-face from earlier GOP bills in the House and Senate that would have allowed schools to cease services when offenses are unrelated to the student's disability (ED, Jan. 30).

But it is unclear if this sets the stage for a quick, painless renewal of IDEA or will lead to battles on the House and

Senate floors over discipline policy.

Rep. Frank Riggs, R-Calif., said last month that he would "insist" that IDEA allow states to cease services to disruptive disabled pupils (ED, March 20).

His staff declined to comment on the plan yesterday beyond saying Riggs was pleased with the compromise.

As expected, the IDEA draft would provide greater flexibility to schools striving to discipline disabled students, allowing them to be moved to alternative placements for 45 days for weapons and "knowing" drug offenses (ED, April 21).

But the plan doesn't satisfy some general school groups' wish for more sweeping discretion.

"It doesn't allow unilateral alternative placements in cases of assault."

Associated Press

04-24 1:44a For Release 10 a.m. EDT

Other countries making strides in educating work force

WASHINGTON (AP) - Education gains by other countries may be helping whittle the U.S. lead in worker productivity.

"The education of the work force, according to at least some measures that contribute to economic success, is growing more rapidly in other countries than in the United States," the Education Department's National Center for Education Statistics said in a report today.

The report took care not to put too much stress on the role of education, saying that financial investment clearly has been behind gains by countries catching up most quickly with the United States. Other factors are technological

innovation, foreign trade and government regulation.

Still, growth in education appears to have accounted for an estimated 10 percent to 20 percent of U.S. productivity growth in the last few decades, the report said.

Rather than presenting new information, the report assembled previously gathered data from a number of sources. The report followed recommendations by a congressional panel for the department to look at a variety of statistics and provide analysis and commentary.

Productivity is the national value of goods and services divided by the number of workers or hours worked. As

of 1990, the United States still led Canada, France, Germany, Italy, Japan and Britain. However, those other countries were making steady gains.

Among the educational trends cited:

-Young adults in Japan and Germany now are finishing high school at about the same rate as those in the United States. Young adults in Canada and Britain are catching up.

-The proportion of Americans getting a college education is still the highest, although the rate among young adults - those 25 to 34 - is comparable in Japan.

-Still, U.S. students trail students from many other countries in mathematics and science achievement. ■

The New York Times

04/24/97; Edition: Late Edition - Final; Section: Section A; National Desk; Page 27, Column 1

62 Top Colleges Endorse Bias In Admissions

By KAREN W. ARENSON

In an unusual policy statement on the value of diversity in higher education, the Association of American Universities, a prestigious circle of 62 of the nation's leading research universities, adopted a resolution this month supporting the right of colleges to use affirmative action in their admissions procedures.

The statement, which is contained in an advertisement in The New York Times today, expressed the group's "strong conviction concerning the continuing need to take into account a wide range of considerations — including ethnicity, race and gender — as we evaluate the students whom we select for admission." (This page.)

Neil L. Rudenstine, the president of Harvard University, proposed last year that the association consider the issue.

"The higher education community generally," Dr. Rudenstine said, "and our group of 62 universities in particular, had not said anything about our position. We

thought we should be on the record when things are still more fluid."

Despite bans in California and Texas on using race in admissions, many educators say affirmative action remains the best way to insure diversity on their campuses. The association's statement said the actions in California and Texas, together with public debate about diversity, created "substantial uncertainty about the future representation of minority students within our student bodies."

Dr. Rudenstine said members of the association were concerned that there was a widespread misunderstanding that college admissions were based on test scores and grades and little else.

"But it's more complicated than that," he said, adding that Harvard used race, sex and ethnicity, along with many other factors like character and leadership, in seeking a diverse student body.

A Supreme Court decision allows colleges to take these factors into account, he said, "as long as there are no

quotas or two-track systems and there is a consistency of attention to individual applicants, not groups."

Robert M. Berdahl, the president of the University of Texas and a member of the association, was less optimistic about the potential impact of the group's position. It was his campus that was the object of the lawsuit involved in the ruling by the United States Court of Appeals for the Fifth Circuit that barred the use of race as a factor in admissions.

"I don't think it will change the Fifth Circuit's ruling, Proposition 209 or the views of the regents in California," Dr. Berdahl said, referring to the California ballot initiative that banned the use of race and sex preferences in affirmative action programs run by the state. "But it does give me a reference point by saying that I'm not alone on this."

Dr. Berdahl is leaving Texas to become Chancellor at the University of California at Berkeley this summer.

04:13 EST April 24, 1997 ■

Associated Press

04-24 4:37a

Top U.S. universities endorse affirmative action in admissions

By SARA SILVER
Associated Press Writer

NEW YORK (AP) - A group of the country's most prestigious universities has adopted a resolution defending its right to use race, ethnicity and gender as criteria for selecting students, according to an advertisement published today in The New York Times.

The Association of American Universities, which includes 62 of the top research institutions in the United States, adopted the resolution during its annual meeting April 14 in Washington, D.C.

Calling diversity a "value that is central to the very concept of education

in our institutions," the group backed admissions policies "consistent with the broad principles of equal opportunity and equal protection."

The group said bans in California and Texas on using race in admissions, and a general debate about the goals of affirmative action, "have all combined to create substantial uncertainty about the future representation of minority students within our student bodies."

The group said it did not support admission quotas or the acceptance of students who do not meet admissions criteria.

But it rejected the use of "narrow" definitions of merit, and said that

students benefit from studying with others whose backgrounds are different than their own.

"If our institutional capacity to bring together a genuinely diverse group of students is removed - or severely reduced - then the quality and texture of education we provide will be significantly diminished," the group's advertisement said.

The group includes most members of the Ivy League, private colleges such as the Massachusetts Institute of Technology, Vanderbilt University and leading public universities such as the University of Texas, Austin and the University of California, Berkeley. ■

Philadelphia Inquirer

April 24, 1997

Republicans and Democrats hit Clinton education tax plan

The package was criticized as inflationary. Its effect on low-income students was called too limited.

By Rob Wells
ASSOCIATED PRESS

WASHINGTON — The Clinton administration's education tax package was sharply criticized at a Senate hearing yesterday, with Republicans charging it would further inflate tuition costs and Democrats saying it wouldn't do enough to help low-income students.

The Senate Finance Committee heard some horror stories about rising tuition. One dental student said she would graduate from the State University of New York at Buffalo with \$90,000 in debts.

Senate Finance Committee Chairman William V. Roth Jr. (R., Del.) said tuition at a four-year college increased 234 percent between 1980 and 1995. "This is leading to alarming levels of debts for our young people," Roth said.

The hearing focused on the Clinton administration's education tax package, which includes a \$1,500 college tax credit, a maximum \$10,000 college tax

deduction, early withdrawals from Individual Retirement Accounts for college expenses, and tax incentives for student-loan forgiveness. The package will cost \$38.4 billion through 2002, the Treasury Department has said.

Witnesses told the panel the Clinton education credits would inflate tuition costs by effectively subsidizing a portion of college costs.

Roth is advocating his own tax-cut package that would let students deduct interest from their student loans, improve tax treatment of state pre-paid tuition plans, and let people save for education using Individual Retirement Accounts.

Defending the Clinton package was Deputy Treasury Secretary Lawrence Summers, who urged Roth not to "let the fear of inflation prevent us from providing assistance."

"The fact that families are getting a little help is not a reason why tuitions will increase

I don't think this program would be a

substantial material factor in tuition costs," Summers said in an interview after the hearing.

Summers said the \$38 billion package primarily was aimed at middle-class taxpayers, but the administration is proposing to increase the Pell Grant program, which is aimed at lower-income people, by \$1.7 billion next year and \$40 billion over five years.

"We're making it possible for kids to go to college without taking on crushing debts," Summers said. He added that the Clinton plan "addresses the middle-class hollow in many colleges," referring to student bodies composed of wealthy students whose families can afford tuition and low-income students who qualified for financial aid based on need.

Sens. Richard H. Bryan (D., Nev.) and Bob Graham (D., Fla.) closely questioned Summers about how the education package helps low-income people gain access to college.

"Are we talking about a program that

The New York Times

04/23/97; Edition: Late Edition - Final; Section: Section B; National Desk; Page 7, Column 4

Seeking New Approaches for Diversity

By PETER APPLEBOME

Bans on affirmative action in California and Texas are producing the most concerted efforts since the landmark Bakke ruling in 1978 to develop alternative approaches that will maintain diversity in higher education without using race as a factor.

In Texas, for example, the Legislature is considering two measures — one that will admit the top 10 percent of graduates from all state high schools, another that will use a combination of rankings of high school seniors and consideration of economic disadvantage to maintain racial and ethnic diversity.

Because nearly all high schools in the state are dominated by a single race — black, white, or Hispanic — using a percentage of graduates of all high schools would allow the relative segregation to foster diversity in higher education. Some form of the legislation is considered likely to pass, and Dan Morales, the Texas Attorney General, said he considered the legislation constitutional and consistent with court directives banning the use of race in admissions.

Experts disagree heatedly on whether accounting for economic disadvantage or coming up with innovative admissions plans can substitute for race. But evidence is mounting that the bans on affirmative action in Texas and California, and under consideration elsewhere, will sharply cut the number of minority students at prestigious undergraduate and professional schools. "Texas had two choices," said State Senator Royce West, a Democrat, about the aftermath of last year's ruling by the United States Court of Appeals for the Fifth Circuit in Hopwood v. Texas, barring the use of race as a factor in admissions. "We could just follow Hopwood and say, 'To hell with diversity,' or we could be pro-active and creative in trying to zero out its effects, which is what we're doing. I don't believe affirmative action is dead in the U.S. But it is broken, and we're trying to fix it."

At the University of Texas Law School, where the Hopwood suit was filed in 1992 by four whites who had been denied admission, about 800 students, or 80 percent of the fall 1997 class, have been admitted so far. Of those 800 students, only 6 are black and 18 are Mexican-American. Last year 65 black students and 70 Mexican-Americans were admitted.

Undergraduate acceptances at the entire University of Texas fell to 314 black and 1,333 Hispanic applicants this year, from 421 black and 1,568 Hispanic applicants in 1996.

In California, although affirmative action in undergraduate admissions does not end until next year, white applicants to the University of California system, the state's most demanding, rose 10.4 percent this year. The number of Asian applicants rose 10.8 percent but applications fell 7.7 percent for blacks and 5.8 percent for Hispanics. In California medical schools, applications from black students have dropped by a quarter and by Hispanic students by a third over the last two years.

Some experts say it is too early to deduce long-term effects and that the declines in Texas and California could mean minority applicants are going elsewhere. But studies indicate that other bans on affirmative action would have a similar impact.

For instance, a national study of law school admissions by Linda F. Wightman, published in April's New York University Law Review, found that admissions based on just test scores and grades would return law schools to the overwhelmingly white classes not seen since the 1960's.

Ms. Wightman's study, for example, found that 26 percent of black law school applicants are currently admitted. Using just test scores and grades, 3 percent would be, she said. Now, 32 percent of Hispanic applicants are admitted, compared with Ms. Wightman's estimate of 9 percent in the future.

Similarly, a recent analysis of trends at the University of California by Jerome Karabel, a sociologist at the University of California at Berkeley, concludes: "Colorblind policies are likely to lead to a substantial resegregation of American higher education."

The main alternative being discussed is affirmative action based on class and criteria other than race.

"Using race per se is no longer sustainable from a moral, political or legal perspective, so we need to look to alternatives," said Richard Kahlenberg, a fellow at the Center for National Policy who wrote "The Remedy: Class, Race and Affirmative Action," (Basic Books, 1996).

"If you come up with a definition of class that is comprehensive and looks at a variety of factors, you can come up with a system that is fair and provides racial diversity."

But skeptics say class and economic disadvantage are already used in admissions and that the question is not whether you can include poverty or other factors, but whether you can use race as well.

And many experts say that even though blacks and Hispanics tend to be disproportionately poor, using class without race will do little to foster racial and ethnic diversity.

Thomas Kane, an economist at the John F. Kennedy School of Government at Harvard University, says that black and Hispanic students are three times as likely as whites to have family incomes below \$20,000. But because they

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Thomas Kane, an economist at the John F. Kennedy School of Government at Harvard University, says that black and Hispanic students are three times as likely as whites to have family incomes below \$20,000. But because they

are a minority of the population and of students with high grades and high test scores, only one in six students who are likely to be admitted to a selective institution using a low-income preference will be black or Hispanic.

"If colleges think that class will keep the same racial diversity on campus, they are kidding themselves," he said.

The Texas House of Representatives has passed a plan that would admit all students in the top 10 percent of their high school class to the state university of their choice. Proponents say it would make the relatively segregated high schools an engine of integration in higher education, would reward merit, and would insure diversity not just in terms of race but between rural and urban areas throughout the state.

A more complicated plan, approved by the State Senate, would require that half of university admissions be based solely on a combination of test scores, grades and class rank: 40 percent on academic qualifications and broadly defined economic or social disadvantages and 10 percent on other factors, ranging from athletic to musical abilities.

"They're both steps in the right direction," Mr. Morales said. ~~He~~ **consider them race-neutral and** believe they would **withstand any constitutional challenge.**"

Both measures affect undergraduate admissions at state schools, not professional schools, where insuring diversity in small law or medical school classes is considered much more challenging.

Michael Sharlot, the dean of the University of Texas Law School, said one measure being contemplated would identify college seniors who had performed better in college than had been anticipated by their initial test scores. Those students would then be given a stipend to pay for an L.S.A.T. prep test, which can cost as much as \$800. The students would be selected on a race-neutral basis. But one assumption behind the plan is that minority members often do not perform as well as white students on standardized tests.

No money has been set aside for any of the measures.

Using economic disadvantage in admissions, for instance, would put new burdens on universities to provide financial aid. And, as has already happened in California where competition for top state schools is far greater, they could run into political opposition if minority applicants take slots that traditionally go to white students, or the children of alumni. And Mr. Karabel said that in California, where schools are more diverse, the Texas plans would either have little effect or would likely benefit Asian students rather than blacks and Hispanics.

California universities have vowed to work to attract minority students but the Board of Regents, not the State Legislature, holds most of the power to shape university policies. The regents have been key opponents of affirmative action.

But even two attorneys who represented the plaintiffs in the Hopwood case, Steven W. Smith and Terry Pell, said the outlines of the plans before the Texas Legislature seemed appropriate and that the goal of insuring genuine diversity in higher education was a worthy one.

"I don't think the goal should be to sneakily get around Hopwood," said Mr. Pell, an attorney with the Center for Individual Rights. "But I think states should be trying a lot of different approaches, being pro-active and aggressive and not throwing up their hands and saying the only alternative is test scores or race."

But critics of the Hopwood decision say that although some of the alternatives are worthy, they cannot overcome the limitations of excluding race as a factor.

"These are good approaches," said Michael A. Olivas, a law professor at the University of Texas, "but they won't produce the kind of diversity you had before Hopwood. In the end, race is the only proxy for race."

05:15 EDT April 23, 1997■

Classified staff positions, which receive an hourly wage and differ from exempt staff, are not included in the policy.

Classified jobs have been a sore spot

because they are rare and valued by current employees, said Jane H. Baillargeon, Staff Affairs chairwoman.

If faculty spouses fill classified jobs,

she said, that cuts into opportunities for current employees to advance to higher paying positions. ■

Associated Press

4-15 10:49p

Republicans take House speaker to school over his proposals

By DENNIS CONRAD

Associated Press Writer

SPRINGFIELD, Ill. (AP) - Republicans took House Speaker Michael Madigan to school Tuesday. And before it was over, the Democrat who has ruled the Illinois House for 13 of the last 15 years suffered two embarrassing defeats.

With GOP lawmakers largely resisting, his proposals on homework and dress codes fell short of passage in the chamber where Democrats have a slim two-seat majority.

The bills would have required school boards to draw up their own policies on uniforms and dress codes and a policy regarding doing homework, said Steve Brown, Madigan spokesman.

Madigan complained to reporters afterward about the lack of support from Republicans but also reiterated his support for an idea popular with many GOP lawmakers in talks over what should be in a school-funding reform measure.

"I'm prepared to vote to eliminate teacher tenure as part of a broad legislative package," he said.

Madigan had begun pushing the

homework and class uniform ideas since he was sworn in as speaker in January. The proposals flew out of a House committee last month on bipartisan 13-1 and 14-0 roll calls.

With Republicans ridiculing the bills and suggesting Madigan had no serious plan for reforming education, the proposals received only as many as 52 favorable votes on the House floor - eight short of the 60 necessary.

GOP critics noted that Madigan could not name one school district that doesn't now have a dress code policy and said his homework proposal did not even have a provision to ensure enforcement.

"When I first heard about this bill, I had visions of homework police riding forth .. knocking on the doors of children at 8:30 at night and saying, 'I'm here to inspect your homework,'" cracked Rep. William Black, R-Danville, "If you don't have it, you may be guilty of a felony."

Madigan said his bills were defeated because Republicans had decided to make it a "party position" during a closed-door meeting before the votes.

"What I'd like to know, what are they for?" the Chicago lawmaker said. "They

haven't spoken in favor of the governor's (school-funding reform) plan, as I have."

Republican Gov. Jim Edgar has embraced a proposal that would cut property taxes \$1.5 billion and generate \$1.9 billion through state taxes or budget cuts. The extra \$400 million would go for schools to assure that per pupil spending in all districts is at least \$4.225 - a widely accepted minimum standard.

Brian Timpone, a spokesman for House Minority Leader Lee Daniels, R-Elmhurst, said Edgar's proposal is not a full plan because the details have not been fleshed out. And Timpone said Daniels does not believe in raising general taxes to produce a net gain in revenue for school operations.

Timpone said Daniels has said any reform package should include property tax relief, combined state and local per-pupil spending of at least \$4.225 using existing state resources, a \$1 billion public works program for schools paid with higher gambling taxes, and accountability measures such as an overhaul of the teacher tenure law.

Madigan used a parliamentary maneuver to reserve his right to call his bills again in the session. ■

Associated Press

4-16 1:05a

House approves two bills aimed at diversifying schools

By PAULINE ARRILLAGA

Associated Press Writer

AUSTIN (AP) - The Texas House has approved two bills that aim to diversify enrollment at public universities in the wake of a court ruling eliminating race as a factor in college admissions.

Supporters said the measures would ensure that all students, regardless of race

or ethnicity, are granted the opportunity to attend college.

But opponents called the legislation a back-door approach to restoring race-based preferences akin to those struck down last year by a federal appeals court.

"We're giving preferences, and that's exactly what the Hopwood case was all

about," said Rep. Charlie Howard, R-Sugar Land, referring to the lawsuit in which four white students argued the University of Texas law school's admissions policy unfairly favored minorities.

The 5th U.S. Circuit Court of Appeals agreed, and state Attorney General Dan Morales has since directed all public

universities to adopt race-neutral policies for admissions, financial aid and scholarships.

A bill that Morales said would fit that mold was tentatively approved by the House Tuesday.

The measure establishes uniform admission procedures under which universities would be required to admit applicants who graduated in either the top 10 or 25 percent of their classes.

After filling those slots, universities would have to consider, in addition to academic performance, race-neutral factors such as economic status and family background.

Proponents said the measure would give students of all backgrounds a better chance at gaining admission to college.

"This measure is about opportunity. It cuts across all ethnic lines," said Rep. Hugo Berlanga, D-Corpus Christi.

The bill's sponsor, Rep. Irma Rangel, D-Kingsville, said, "This bill has nothing to do with picking one student over another."

But Rep. Frank Corte said the bill sends the message that social status takes priority over academics.

"We're telling the young people across

the state that they don't have to do good in high school to go to college," said Corte, R-San Antonio, who tried unsuccessfully to amend the bill to require universities to automatically admit students who score high on standardized tests.

Morales, who ignited a furor among minority groups when he said the Hopwood ruling must apply to all public universities, called Rangel's measure a good compromise.

"It would really be helpful in terms of addressing the fallout of the 5th Circuit decision," he said. "The bill would be constitutional and would withstand a legal challenge."

Al Kauffman, regional director of the Mexican American Legal Defense and Educational Fund, which represents minority interests in lawsuits against the state, also praised the measure.

"It will allow students from all around the state to attend Texas colleges and universities," he said.

The Senate passed a similar bill last week. Rangel's measure still faces final approval by the House before heading to the Senate for consideration.

Another bill that also attempts to

diversify colleges and universities won final House approval.

That measure would require colleges and universities to admit a certain number of undergraduates through open enrollment, meaning the only requirement for admission would be a high school diploma or the equivalent.

Colleges with more than 30,000 students would have to admit 1 percent of their undergraduates through open enrollment, while schools with fewer than 30,000 students would be required to admit 2 percent through the process.

The bill's sponsor said it targets students who, for example, make good grades but fair poorly on standardized tests or who had to work through high school to supplement their family's income.

"All we're asking is for a few hundred students out of a few hundred thousand to be given a shot," said Rep. Tony Goolsby, R-Dallas.

But others said the bill, like Ms. Rangel's, would reward bad students.

"It sends a horrible message to kids that work hard ... a D-minus equals their efforts," said Rep. Joe Nixon, R-Houston. ■

Associated Press

4-16 2:11a

Women likely to join Citadel boards

By BRUCE SMITH
Associated Press Writer

CHARLESTON, S.C. (AP) - The Citadel's governing board is encouraging women to run for board seats but will not actively recruit candidates, board chairman Jimmy Jones says.

The board wants to become more diverse but "it's not going to be an affirmative action seat. It's going to be someone who desires to step forward and seek it as the men have," he said.

The school announced Tuesday two women will join the formerly all-male Advisory Council to the Board of Visitors, which has no legal authority over college policy.

The women have been approached but have not yet accepted the seats. Retired Army Gen. Jack Merritt, the council chairman, said he hoped to release the

names by the end of the week.

The Citadel, after a protracted court fight, dropped its all-male admissions policy last year and enrolled four female cadets. Two of the women dropped out after a semester, alleging they had been hazed and harassed.

The military college said 35 women have now been accepted for the class of cadets that will enroll this August.

While the advisory council can invite women members, members of the Board of Visitors are, under state law, elected by alumni or state lawmakers or appointed by the governor.

"If someone is qualified, we would welcome them," Jones said.

The board includes seven Citadel graduates elected by the General Assembly, three members elected by

alumni and one at-large member appointed by the governor.

As a practical matter, there has never been a female voting member, though state Education Superintendent Barbara Nielsen is an ex-officio member.

Jones said there is a vacant alumni seat and the next election for a lawmaker-appointed seat is next year.

While the school was first opened to female cadets just last fall, women have attended night and graduate classes since the 1960s.

"We have a great, great group of female graduates from the professional and business college and the graduate school," Jones said. "We are certainly hopeful someone can be identified in that group of people and they will seek the opportunity to serve The Citadel." ■

NATIONAL

Associated Press

04-15 1:05a

Riley sees federal education funds at work in Vermont

With AP Photo

By AARON NATHANS

Associated Press Writer

SOUTH BURLINGTON, Vt. (AP) - U.S. Education Secretary Richard Riley pushed for higher standards at an education conference in South Burlington. "If we as a nation and the state of Vermont want to increase the educational capacity of young people, we have to understand the meaning of standards," said Riley, who was in Vermont Monday to check up on how the state was using federal education funds.

Riley was at a daylong education and work force development conference attended by educators from across Vermont.

Goals 2000, a federal program designed to improve student academic achievement, was signed into law three years ago. Vermont is one of nine states that are allowed to waive program requirements under certain circumstances and put the money where it sees fit.

Several Vermont politicians were at the conference, vocal among them Sen.

James Jeffords, chairman of the Senate Labor and Human Resources Committee.

Some point to Jeffords' committee as an important step in endorsing Riley's proposed funding for education.

It is estimated that Vermont will have \$1.6 million to work with this year in Goals 2000 money, up from \$1.2 million last year.

Riley met with representatives of three Vermont schools to hear firsthand how their programs were working.

Montpelier High School representatives explained to Riley their internship program, which has University of Vermont students co-teach the class with the teacher as mentor.

"We consider our interns co-professionals instead of students," said Ed Pelkey, English teacher at Montpelier High School.

Peacham's elementary school explained its "reading recovery" program that helps students catch up in reading classes, as well as a student community service program.

The Goals 2000 money has allowed Peacham to also have teachers make a

home visit for each student at least once a year.

And the Winooski School District uses Goals 2000 money to fund such programs as community involvement in strategic planning and establishing learning standards.

Robert Pequignot, principal of the John F. Kennedy Elementary School in Winooski, said the Goals 2000 funds are important to activate the state's resources.

"We certainly have a great number of resources and training in the state, if you have money," Pequignot said.

Jeffords spoke about the challenges ahead in education, saying the U.S. was lagging behind countries like Japan, Singapore and Germany.

"We have a real education crisis in this country, and we haven't made much progress toward solving it," said Jeffords.

Riley said math and science education could use some improvement, but gave U.S. students high marks in reading.

"As I move around the country, there's a real change taking place," Riley said. "The American people are getting very serious about education." ■

The New York Times

April 15, 1997

In Shift, U.S. Tells Texas It Can't Ignore Court Ruling Barring Bias in Collage Admissions

By PETER APPLEBOME

A month after warning Texas that it could lose federal financing if it ended affirmative-action programs in its university system, the Department of Education has reversed itself and now says that Texas and two neighboring states must comply with a year-old federal court decision banning the use of race as a factor in admissions and scholarships.

The change of heart came after Texas

education officials found themselves caught between conflicting Education Department and federal court directives, and after Texas political representatives in Washington had reacted furiously to what they saw as an Education Department directive to ignore a federal court order banning affirmative action. Separately, Walter Dellinger, the acting solicitor general of the United States, wrote an unusual retort to the Education Department, saying the appeals court

decision banning affirmative action was the law in Texas.

The Education Department's reversal also comes at a time when there are increasing indications that efforts to roll back affirmative action could produce a drop in minority enrollment at prestigious universities and professional schools.

At the University of Texas Law School, for instance, of the 791 students admitted thus far for the fall 1997 class,

about 80 percent of the class, just 5 were black and 18 were Mexican-American. Last year 65 blacks and 70 Mexican-Americans were admitted. Undergraduate acceptances at the university, the state's most prestigious public university, fell from 421 blacks and 1,568 Hispanic applicants in 1996 to 314 blacks and 1,333 Hispanic applicants this year.

The change in the Education Department's position on affirmative action in the Texas university system is being viewed as an embarrassment for the department and a setback for critics of the 1996 Hopwood vs. Texas ruling in which the 5th U.S. Circuit Court of Appeals said that Texas and the two other states in its jurisdiction, Louisiana and Mississippi, could not use race as a factor in admissions and scholarships.

The Clinton administration has been a consistent supporter of affirmative-action policies. Officials in both the Education and Justice Departments say that they believe the Hopwood case was wrongly decided, but that for now it is the law in the 5th Circuit.

The mixed signals in Texas reflect the uncertainty nationally about the future of affirmative action. Many experts say the mixed signals make it increasingly important for the Supreme Court to clarify its views on when and in what forms affirmative action is permissible.

Michael Sharlot, dean of the University of Texas Law School, said, "It's enormously important, not just in the selfish view of Texas, which is just being transformed by following the Hopwood decision, but in terms of how important the question is for the whole

country."

The current controversy began with a March 18 letter to Texas legislators from Norma Cantu, assistant secretary of education for civil rights and a former regional director of the Mexican-American Legal Defense Fund.

Earlier, the Texas attorney general, Dan Morales, had delivered a broad opinion that said the Hopwood decision banned any use of race in admissions and scholarships in the 5th Circuit. The Hopwood ruling said that the Supreme Court's 1978 Bakke decision, which allowed race as one factor among others, was no longer valid. The Supreme Court declined to hear the case, leaving Hopwood in effect only in Texas, Louisiana and Mississippi.

Ms. Cantu, in a statement that drew widespread skepticism from legal experts, said Hopwood applied only to the facts in place at the University of Texas Law School in 1992 when the suit was filed. And she warned that the federal government could cut off \$500 million in higher education aid if a planned review of desegregation efforts in Texas by the Education Department found vestiges of segregation and if the state failed to use all possible remedies, including affirmative action, to correct them.

The letter created enormous confusion among state officials wondering how to deal with conflicting positions. Sen. Phil Gramm, R-Texas, in a letter of his own to Education Secretary Richard Riley, said Ms. Cantu's directive had left the state "in a withering legal crossfire," and threatened to hold up financing for the Education Department if Ms. Cantu's

letter was not retracted.

"In her zeal to pursue a political agenda, will Ms. Cantu be available to pay the fines and serve the sentence for contempt if she is successful in forcing Texas universities to flout the federal court's ruling?" Mr. Gramm's March 27 letter read.

Last Thursday, citing "confusion" about the federal government's position on the Hopwood ruling, Dellinger wrote a letter to the general counsel of the Education Department saying Hopwood was the law in Texas and must be followed.

On Friday, Ms. Cantu reversed herself and wrote State Sen. Rodney Ellis, a Democrat, that, absent further legal review, the Hopwood ruling prohibited race-conscious affirmative action for the purpose of insuring diversity.

An Education Department spokesman, Rick Miller, said Ms. Cantu's original letter reflected different court rulings on affirmative action, and though its view of affirmative action in Texas was incorrect, it reflected only a difference of legal interpretation. There was no intended threat to withhold federal aid. "There was never a partisan or political agenda," he said.

But Terry Pell, a lawyer with the Center for Individual Rights, which filed the Hopwood case on behalf of applicants who did not gain admission to the University of Texas Law School, said Ms. Cantu's letter was an effort to ignore a federal court order.

"She told them to essentially forget Hopwood and follow Bakke or I cut off your federal funds," Pell said. "She was telling them to disobey the law." ■

Chicago Tribune

April 15, 1997

U.S. CEDES TO COURT ON AFFIRMATIVE ACTION

EDUCATION DEPARTMENT REVERSES RULING ON RACE-BASED ADMISSIONS

By New York Times News Service
Web-posted Tuesday, April 15, 1997;
6:02 a.m. CDT

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Education has reversed itself, saying Texas and two neighboring states must comply with a year-old federal court decision banning the use of race as a factor in admissions and scholarships.

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and Justice Departments say that they believe the Hopwood case was wrongly decided, but that for now it is the law in the 5th Circuit.

The mixed signals in Texas reflect the uncertainty nationally about the future of affirmative action. Many experts say it is increasingly important for the Supreme Court to clarify its views on when and in what forms affirmative action is permissible.

Michael Sharlot, dean of the University of Texas Law School, said, "It's enormously important, not just in the selfish view of Texas, which is just being transformed by following the Hopwood decision, but in terms of how important the question is for the whole country."

The current controversy began with a March 18 letter to Texas legislators from Norma Cantu, assistant secretary of education for civil rights and a former regional director of the Mexican-American Legal Defense Fund.

Earlier, the Texas attorney general, Dan Morales, had delivered a broad opinion that said the Hopwood decision banned any use of race in admissions and scholarships in the 5th Circuit. The Hopwood ruling said that the Supreme Court's 1978 Bakke decision, which allowed race as one factor among others, was no longer valid.

The Supreme Court declined to hear the case, leaving Hopwood in effect only in Texas, Louisiana and Mississippi.

Cantu, in a statement that drew widespread skepticism from legal experts, said Hopwood applied only to the facts in place at the University of

Texas Law School in 1992 when the suit was filed.

She warned that the federal government could cut off \$500 million in higher education aid if a planned review of desegregation efforts in Texas by the Education Department found vestiges of segregation and if the state failed to use all possible remedies, including affirmative action, to correct them.

The letter created enormous confusion among officials wondering how to deal with conflicting positions.

Sen. Phil Gramm (R-Texas), in a letter of his own to Education Secretary Richard Riley, said Cantu's directive had left the state "in a withering legal crossfire," and threatened to hold up financing for the Education Department if Cantu's letter was not retracted.

"In her zeal to pursue a political agenda, will Ms. Cantu be available to pay the fines and serve the sentence for contempt if she is successful in forcing Texas universities to flout the federal court's ruling?" Gramm's March 27 letter read.

Last Thursday, citing "confusion" about the federal government's position on the Hopwood ruling, Dellinger wrote a letter to the general counsel of the Education Department saying Hopwood was the law in Texas and must be followed.

On Friday, Cantu reversed herself and wrote State Sen. Rodney Ellis, a Democrat, that, absent further legal review, the Hopwood ruling prohibited race-conscious affirmative action for the purpose of insuring diversity. ■

Associated Press

04-15 12:37p

Clinton honors Robinson, recognizes Woods' victory

By SONYA ROSS
Associated Press Writer

NEW YORK (AP) - Using baseball's Jackie Robinson and golf's Tiger Woods as examples, President Clinton today urged young people to "do just what the champions do" and prepare for the day when they, too, transcend barriers in pursuit of their dreams.

The president went to Andries Hudde Junior High School in Brooklyn to address an anti-smoking rally. Somehow, he wed that message to his other purpose

for being in the city: to observe the 50th anniversary of Robinson's rise to first baseman for the Brooklyn Dodgers, which integrated baseball.

"In the days when Jackie Robinson broke into baseball, someone had to make a decision that this racial prejudice was a stupid, dumb thing," Clinton said. "But ... he still had to play baseball. He had to maintain his dignity, waiting for that chance and never knowing for sure it was going to come.

"Think what a downer it would have

been," Clinton asked the students, if they were offered the chances given to Robinson and Woods - and they had failed to develop their skills in baseball or golf.

"Even with no barriers, not everybody is going to be able to play baseball like Jackie Robinson did," the president said. "But you can all have some dream. You've got to do just what the champions do. You have to work for it. And you've got to take care of your mind and your body."

show the use of certain drugs among teens is increasing. For instance, a recent University of Michigan study showed that among 8th graders marijuana use tripled from 6 percent to 18 percent between 1991 to 1996.

"There is not a scientifically sound study that shows DARE prevents kids from using drugs," said Joel H. Brown, director of Educational Research Consultants, Berkeley, Calif.-based firm that conducted the three-year study for the state education department.

"Kids want to have real discussions of drugs—not just hear 10 ways to Just Say No," said Brown, adding that the \$3 million study, though confined to California youths, was the biggest of its kind in the nation. "When kids get old enough they reject those messages and the ones bringing the message."

Brown's findings are similar to those in several other studies.

In 1991, a report prepared by the Chapel Hill, N.C.-based Triangle Research Institute for the U.S. Justice Department concluded that DARE was largely unsuccessful in preventing drug

use among youngsters, despite the program's popularity.

In a 1993 study, the U.S. General Accounting Office issued a report criticizing the federal government for failing to introduce drug-awareness programs that identified strategies other than those using the no-use theme.

Officials at DARE America and the California Department of Education strongly dispute Brown's contentions.

Ralph Lochridge, spokesman for DARE, said numerous studies, including one released two years ago by Ohio State University, show that DARE is succeeding in getting kids to resist drugs over the short term. The failure results from a lack of involvement among parents and community groups to reinforce what DARE is teaching, he said.

"DARE is not a magic bullet—it's just one little piece," Lochridge said. "The problem is that the parents of these kids are Baby Boomers who experimented with drugs themselves. They are reluctant to send a clear message about the dangers of drug use."

Jana Kay Slater, a research and evaluation consultant for the California Department of Education, said the department decided against publishing Brown's report and that it did not agree with all its conclusions.

The Justice Department report on crime prevention programs recommends that more drug-prevention and other anti-crime efforts devote more resources to communities where substance abuse and violence occur more frequently.

The report said some programs showed promise, including increased police patrols in high-crime areas, drug treatment in prisons and home visits by social-service workers for infants in troubled families.

Officials at DARE say they already have launched a pilot program called DARE Plus, an after-school program that offers chess, gardening clubs, tutorial help and recreational activities in several inner-city schools.

The programs are being operated in New York, Los Angeles, Washington, D.C., and at Dett School on Chicago's Southwest Side. ■

The Sacramento Bee

04/15/97; Section: MAIN NEWS

TEXAS AFFIRMATIVE ACTION BAN OK'D

By Peter Applebome
New York Times

A month after warning Texas it could lose federal financing if it ended affirmative-action programs in its university system, the U.S. Department of Education has reversed itself and now says Texas and two neighboring states must comply with a year-old federal court decision banning the use of race as a factor in admissions and scholarships.

The change came after Texas education officials found themselves caught between conflicting Education Department and federal court directives, and after Texas political representatives in Washington had reacted furiously to what they saw as an Education Department directive to ignore a federal court order banning affirmative action.

Separately, Walter Dellinger, the acting solicitor general of the United States, wrote an unusual retort to the Education Department, saying the appeals court decision banning affirmative action was the law in Texas.

The Education Department's reversal also comes at a time when there are increasing indications that efforts to roll back affirmative action could produce a drop in minority enrollment at prestigious universities and professional schools.

At the University of Texas Law School, for instance, of the 791 students admitted thus far for the fall 1997 class, about 80 percent of the class, just five were African American and 18 were Latino. Last year 65 African Americans and 70 Latinos were admitted.

The change in the Education Department's position on affirmative action in the Texas university system is being viewed as an embarrassment for the department and a setback for critics of the 1996 Hopwood vs. Texas ruling, in which the 5th U.S. Circuit Court of Appeals said that Texas and the two other states in its jurisdiction, Louisiana and Mississippi, could not use race as a factor in admissions and scholarships.

One of the plaintiffs in the case was

Cheryl Hopwood, a white graduate of California State University, Sacramento, who was rejected for admission to the University of Texas Law School.

The Clinton administration has been a consistent supporter of affirmative action policies. Officials in the Education and Justice departments say that they believe the Hopwood case was wrongly decided, but that for now it is the law in the 5th Circuit.

The mixed signals in Texas reflect the uncertainty nationally about the future of affirmative action. Last week, a three-judge panel of the 9th U.S. Circuit Court of Appeals upheld California's Proposition 209, a 1996 initiative that prohibits discrimination and preferences based on race or gender in the employment, contracting and educational programs of state and local agencies.

The current controversy began with a March 18 letter to Texas legislators from Norma Cantu, assistant secretary of education for civil rights, and a former official of the Mexican-American Legal

Defense and Educational Fund.

Earlier, Texas Attorney General Dan Morales had delivered a broad opinion that said the Hopwood decision banned any use of race in admissions and scholarships in the 5th Circuit. The Hopwood ruling said that the Supreme Court's 1978 Bakke decision, which allowed race as one factor among others, was no longer valid. The Supreme Court declined to hear the case, leaving Hopwood in effect only in Texas, Louisiana and Mississippi.

In the Bakke case, four justices said

it was illegal for the University of California, Davis, Medical School to discriminate in favor of minorities in the admissions process. Four other justices said such affirmative action was legal to make up for past discrimination.

Cantu, in a statement that drew widespread skepticism from legal experts, said Hopwood applied only to the facts in place at the University of Texas Law School in 1992 when the suit was filed. And she warned that the federal government could cut off \$500 million in higher education aid.

The letter created enormous confusion among state officials wondering how to deal with conflicting positions. Sen. Phil Gramm, R-Texas, in a letter of his own to Education Secretary Richard Riley, said Cantu's directive had left the state "in a withering legal cross-fire," and he threatened to hold up financing for the Education Department if Cantu's letter was not retracted.

On Friday, Cantu reversed herself and wrote that, absent further legal review, the Hopwood ruling prohibited race-conscious affirmative action. ■

The New York Times

04/16/97; Edition: Late Edition - Final; Section: Section B; National Desk; Page 9, Column 1

Mixed Results for Public School Proponents

By PETER APPLEBOME

JACKSON, Miss. — No one is saying that the future of public education comes down to a group started by 20 parents here in Mississippi's capital.

But as big-city schools continue to lose white and middle-class minority students and as alternatives to public education like systems using school vouchers continue to hover on the horizon, there is an intriguing glimpse of American education in that group, Parents for Public Schools.

The group, which got its start in 1989 at a gathering of mostly affluent white parents in the living room of Dick Molpus, who was then Mississippi's Secretary of State, began with a simple idea: If parents want to support and nurture public schools, they should put their children in them. Out of that idea has grown a national organization that now includes minority parents and has 50 chapters in 22 states. The chapters work on a long-term basis to upgrade public education in entire communities or school districts.

Despite some successes, however, Parents for Public Schools is also a case study in the limits of good intentions when it comes to revitalizing public education.

Although the group's growth is a signal that many others want to embrace its philosophy that healthy public schools are fundamental to the nation's future, even here in Jackson the percentage of whites in the schools continues to dwindle.

In the 1988-89 school year, black

students made up 77 percent of the district, and white students 23 percent. Now the district's 32,414 students are 87.7 percent black and 11.6 percent white. Of the four elementary schools with a substantial white enrollment — where much of the group's energy was originally focused — all have seen a significant decline in the percentage of whites in recent years.

And such declines are occurring throughout the country, as highlighted by a recent study by the Harvard Graduate School of Education, which found the fastest rate of school resegregation since the Supreme Court's landmark 1954 ruling in *Brown v. Board of Education*.

"There are a lot of people in the country in a lot of different roles who are in a sense desperate for ways to make public education work, so I think an organization like this has enormous potential," said M. Hayes Mizell, a member of the group's board who works on education with the Edna McConnell Clark Foundation in New York. "But a broad philosophical kind of support for education will only take you so far. And that's why unless you really come to grips with an improvement agenda, and you really strike at the heart of what education is all about, the general notion of supporting public education can take you only so far."

In some ways, the growth of Parents for Public Schools has been remarkable. Its 50 chapters are in places as diverse as Greenville, S.C.; Waco, Tex.; Ellenville, N.Y.; Teaneck, N.J.; Los Angeles, Cincinnati and Cleveland. Beyond

enrolling their children in local public schools, members of the group focus on concerns like bond issues, overcrowding or alternative schools. Through conferences, literature and joint planning, members share information on common education problems and strategies for addressing them.

In Cincinnati, the chapter helped organize support for two successful bond issues in recent years, and has organized a public rally for public education.

Brewster Rhoads, vice president of the Cincinnati chapter, said, "I think it's absolutely essential that parents become more involved than they've ever been, not just in supporting their own kids' school, but also in making sure that the community at large rededicates itself to making sure that public schools work."

In Jackson, members of Parents for Public Schools say the continued shift in the racial balance of the schools reflects in part the growth of the black population.

"If it wasn't for Parents for Public Schools, this would probably be an all-minority district today," said Kelly Butler, the group's executive director. "We put a thumb in the dike even if we didn't completely reverse the tide."

Consequently, the group has changed its focus from recruiting white parents to building alliances of parents of different races and economic backgrounds to find solutions to problems in the schools.

Here in Jackson, for example, the chapter president is white but the chairman of the task force that deals with specific issues is black, and the board is

AFFIRMATIVE ACTION LIMITS LIKELY AFTER COURT RULING

Schools and colleges that were already scaling back affirmative action programs may be forced to limit them even further, in light of a federal appeals court ruling this week.

From student aid to high school outreach, many observers believe schools must continue to shift their emphasis from race-based programs to efforts that target a larger segment of "disadvantaged" students.

The U.S. Ninth Circuit Court of Appeals on Tuesday upheld California's Proposition 209, which outlaws affirmative action in public college admissions and state hiring (ED, April 8). The decision is expected to spur similar initiatives in up to a dozen other states.

Supporters of race and gender preferences are discouraged by a nationwide erosion of diversity in student enrollment at schools and colleges, while foes say affirmative action is all but dead.

"Racial and gender preferences are on their way out," said Jennifer Nelson, executive director of the American Civil Rights Institute (ACRI) in Sacramento, Calif. ACRI founder Ward Connerly, a regent at the University of California, spearheaded the state's constitutional amendment outlawing affirmative action.

Down But Not Out

But Reginald Wilson, senior scholar for the American Council on Education, says there is still room for affirmative action in education.

"The announcement of its death is premature," Wilson said.

"But certainly it does not bode well. [Affirmative action] is being narrowly defined and will be harder to implement."

Wilson pointed to the scholarships only for black students at the University of Maryland, which the U.S. Fourth Circuit Court of Appeals rejected in *Podberesky v. Kirwan* (38 F.3d 147) because the school did not link recent racial problems to past segregation (ED, Oct. 31, 1994).

After the U.S. Supreme Court declined to review the case, the university opened the scholarships to all

students.

Wilson said the result has been that about half of the free tuition now goes to black students.

Such scholarships won't disappear, Wilson said, but schools "may say, 'We'll give them to disadvantaged students instead.' Other states will do the same thing."

He said that's a setback for black students. "It will narrow down the number of minorities that will have the opportunity to go to these fine schools."

Complaint Brought Changes

A conservative group that challenged Maryland's minority scholarships, the Washington Legal Foundation, also prompted the Education Department to investigate minority student aid at a Florida university in a case that ED settled recently.

Florida Atlantic University's Martin Luther King Scholarship was restricted to black applicants since 1984, but the school recently changed its criteria so that race is only one factor in deciding who gets the aid.

ED's Office for Civil Rights said the race-based scholarship was "legally supportable," but OCR advised the school that using race as a "plus factor," instead of making race the sole eligibility criterion, could "strengthen the legal support" for the program.

The university's new criteria for the scholarship include financial need, grade point average and community service.

OCR says the new policy complies with ED's five-point guidance on race-targeted financial aid, specifically a section that says schools may use student aid to promote diversity as long as the program is "narrowly tailored" (ED, Feb. 24, 1994).

Changing Climate

But that policy is in doubt elsewhere. At the University of Texas, officials are blaming a 23 percent drop in minority applications partly on a 1996 federal court ruling that struck down a university law school admissions policy that considered race as a factor.

The U.S. Fifth Circuit Court of Appeals ruled in *Hopwood v. Texas* (95-1773) that diversity doesn't justify using race as an admissions factor (ED, March 21, 1996).

Norma Cantu, ED's assistant secretary for civil rights, has said colleges may still consider race and ethnicity in admissions, student aid and dropout prevention to promote diversity (ED, March 27). But Texas Attorney General Dan Morales says state colleges can consider those factors only if bias is still present and the remedies are "narrowly tailored."

The Supreme Court declined to review *Hopwood* because the law school already had abandoned the policy, although two justices expressed an interest in hearing a case involving an active issue (ED, July 2, 1996).

The justices might grant themselves that opportunity next year in *Board of Education of Piscataway v. Taxman* (96-679), in which a white teacher is challenging a New Jersey school board's decision to fire her in favor of a black teacher with the same seniority and qualifications (ED, Jan. 22).

The High Court has asked the Clinton administration for its opinion in the case, but the justices have not yet decided whether to grant a review.

Even if the justices accept the case, however, arguments wouldn't take place until the Court's 1997-98 term.

Helping Hand Retracted

Absent any more guidance from the Court, Nelson said the national trend to curtail affirmative action also will eliminate outreach programs targeted only at minorities.

She said about 30 percent of the University of California's outreach programs in high schools are aimed only at minorities.

Isabelle Garcia, a lobbyist for the National Education Association, said students and educators still need programs to overcome barriers. "Affirmative action is still as important in education today as it was yesterday," she said.

—Dave Boyer■

Now for the Real School Work

BB approval clears the way for addressing problems of learning

The painters started work at Vine Street Elementary School near Hollywood Wednesday, just hours after 71% of the voters surprisingly approved a \$2.4-billion repair and construction bond measure for the Los Angeles Unified School District. Proposition BB was the first L.A. school bond measure to overcome the Proposition 13 requirement of approval by two-thirds of those voting, a hurdle that until Tuesday had seemed insurmountable.

Mayor Richard Riordan's reelection bid had been expected to draw a low turnout of mostly conservative voters who tend to distrust the beleaguered school district and traditionally oppose any property tax hike. But Riordan, a longtime advocate of public education who often backs his views with his personal checkbook, actively urged support of the bond measure. The Los Angeles school board also reduced skepticism by approving a citizen oversight committee to help ensure that the bond money would be efficiently spent as the voters intended.

Latino voters helped propel Proposition BB to victory, going to the polls at more than double their rate of participation in the last mayoral election and eclipsing the percentage of black voters for the first time in the city's history. Many first-time Latino voters were motivated, according to exit polling for Spanish-language media, by last year's federal welfare reform, which cut off government assistance to many legal immigrants, and by the 1984 statewide voter approval of Proposition 187, which

would ban public services, including education, to illegal immigrants. (It is now stalled in the courts). Latino voters are a natural constituency for the public schools here because their children make up nearly 70% of LAUSD enrollment.

In the San Fernando Valley, there was one divisive, last-ditch effort to defeat the proposition. A group led by Assemblyman Tom McClintock (R-Northridge) cynically warned that the bond measure would discourage efforts to break up the massive school district. More voters were apparently persuaded by another Valley political leader, former Assemblyman Richard Katz, who tirelessly helped direct the political campaign that supported the measure.

Proposition BB funds will cost the average homeowner roughly \$66 per year, allowing the district to pay for pressing physical needs such as wiring every classroom for computers, providing air-conditioning at the hottest schools, performing maintenance work that has been put off for years and building classrooms to meet rising enrollments.

When a new school superintendent is chosen soon, he or she can concentrate more on the district's 670,000 students and less on how to fix leaking roofs, broken toilets, falling ceiling tiles and cracked asphalt on deteriorating campuses.

The retiring superintendent, Sid Thompson, says he used to lie awake at night trying to figure out how to make the numbers add up. Now that Proposition BB has passed, the real work of educational repair also can begin.

AMERICAN STATESMAN (AUSTIN, TX)

APR 10 1987

A 14

Uphold affirmative action

The courts have been busily dismantling the progress toward educational integration. We have gone backward so fast that it is almost as though the 1954 Brown vs. Board of Education ruling had just happened. Do we have to wait for the reappearance of separate "white" and "colored" drinking fountains before we figure out we're going in the wrong direction?

Harvard Graduate School of Education researchers have found that the nation's schools are becoming resegregated at a clip unequalled since Brown vs. Board. The New York Times reported this week. As the federal courts have made it easier to abandon desegregation, integration has deteriorated in the public schools. Aiding the retrograde movement is the probability that many parents don't see integration as an educational goal, some analysts told the Times.

But integration of the schools and improvement of educational opportunity are inseparable. Segregation is bad for American education and bad for America.

This society needs to reaffirm affirmative action as a remedy for the lingering effects of past practices and to help ensure that America is one nation, not several.

Efforts are needed at every level to put our national feet back on the path of progress. If there were no other indicator of how quickly progress can be reversed, this one would suffice: Last year the University of Texas law school offered admission to 98 Asian Americans, 70 Mexican Americans, 11 Native Americans, 66 African Americans and 25 other minorities. This year, the school has made nearly 80 percent of its admission offers for the fall, and offers

went to only 75 Asian Americans, 18 Mexican Americans, seven Native Americans, five African Americans and 12 other minorities.

That precipitous plunge is primarily due to one appeals court ruling. In 1986, the 5th U.S. Circuit Court of Appeals held that a separate admissions committee to consider black and Mexican American applicants was discriminatory. Texas Attorney General Dan Morales followed it up with a disputed interpretation of the ruling that has prohibited Texas colleges and universities generally from using race as a factor in

admissions and financial aid policies.

Certainly UT and other institutions should explore every creative way to give consideration to minorities without violating the law, including giving weight to those who have financial need, or are the first in their family to go to college, or who have some special ability.

But more than that, the Legislature should challenge the court ruling by enacting laws that attempt to overcome the

The Legislature should challenge the court ruling by enacting laws that attempt to overcome the high bar the court has raised to affirmative action.

high bar the court has raised to affirmative action. Morales himself has endorsed a measure by state Rep. Irma Rangel, D-Kingsville, that would allow a student's race to be considered under certain circumstances. It would allow the Legislature to declare that past acts of discrimination have a residual effect today. Colleges and universities could then consider race or ethnicity in admissions for five years.

Go for it. If the courts turn it back, pass another bill. Meantime, Congress and the president should work together on laws that will overcome the courts' determined attempt to turn back the clock.

**Class Action: Need, as a Substitute
For Race Preferences, Is Just as Hot an Issue**

**Texas Warmed to the Idea, Then Projections Showed
Minorities Falling Behind --Convolutions at Lowell High
By G. Pascal Zachary**

The fight over class may not be a class act.

When a federal court last year stopped Texas from admitting students to its universities on the basis of race, the state hardly flinched. It figured minority enrollments could still be maintained at current levels by switching to preferences for poor or socially disadvantaged students.

But some now worry this won't be the case. Recently, a panel of sociologists, advising Texas Education Commissioner Kenneth Ashworth, predicted that substituting income or a mix of socioeconomic factors for race would cut the number of blacks and Hispanics admitted to state universities by half.

A class-based system would draw on a pool of blacks and Hispanics roughly equal to the current number of applicants. But half of the pool would be considered to be no more disadvantaged than whites in the same situation — and thus would likely lose spots to whites who traditionally have better grades and test scores.

The finding has touched off a furor among those already upset by the growing legal assault on traditional affirmative-action programs, and it is fueling attempts by some Texas legislators to either circumvent or blunt class-based affirmative action. In the state House, one pending bill would require admission of the top 10% of each high school, assuring the entry of students at largely black and Hispanic schools regardless of their national test scores. The Senate is pondering a radical proposal that would set aside fully 40% of university admissions for poor or disadvantaged students, but would widen the definition of

such disadvantage so much that many middle-class minorities would still have a chance to qualify.

State Sen. Royce West, an African-American Democrat from Dallas, defends the tactic, saying he only supports class-based preferences as a means of increasing the chances that more minorities will be enrolled. "I won't divide middle-class and lower-class minorities," he says. "I won't do that."

Not everybody in the Lone Star State feels that way, of course. "It is inappropriate that a wealthy minority child be given a preference over an impoverished Anglo," says Texas State Sen. Teal Bivins, a white Amarillo Republican who believes a class-preference system is workable.

Clearly, the idea of substituting class for race in education is a hot one. Most civil-rights advocates hate the concept, but the courts are increasingly pushing for alternatives to sweeping race-based programs. Earlier this week, in fact, a three-judge panel on San Francisco's Ninth Circuit Court of Appeals upheld California's ban, enacted by voters last year, on racial and gender preferences in state hiring and school-admissions policies.

A vanguard of educators, fearing legal challenges, is already moving toward class criteria. Last year, an elite public high school in San Francisco adopted needs-based criteria for admitting a fifth of its freshmen; the University of Virginia has opened to all low-income students a scholarship previously only available to blacks; and Colorado asked its biggest university to award certain scholarships on the basis of socioeconomic background, not race.

Substituting class for race is

appealing to some people because it preserves the most desirable feature of affirmative action — improving opportunities for the needy — and removes the most controversial aspect — apportioning benefits according to the size of racial and ethnic groups. Last October, presidential candidate Robert Dole endorsed the idea. House Speaker Newt Gingrich has spoken favorably about it. Even some Democrats, such as Sen. Joseph Lieberman of Connecticut, are intrigued.

Proponents insist that class-based preferences offer a way out of the political quagmire of affirmative action, and they also point to the need to more directly address a widening education gap between more-affluent students, of any race, and poorer ones. According to a study of government and university data by Thomas Mortenson, an educational analyst in Iowa City, Iowa, a youth whose family income was in the top quartile was four times more likely in 1979 to have earned a bachelor's degree than one whose family income was in the bottom quartile. By 1994, the wealthier youth was 10 times more likely to gain a degree than the poor one.

"Switching to class from race would be a grand bargain that satisfies both liberals and conservatives," says Richard Kahlenberg, a fellow at the Center for National Policy and author of "The Remedy: Class, Race and Affirmative Action."

But as the Texas episode shows, most members of minority groups and most liberals are strongly opposed to any system that markedly decreases preferences for blacks and Hispanics, even if they are middle class.

More...

They feel the effects of discrimination are still so pervasive and myriad that even well-off members of minorities need special consideration.

So controversial is the subject in liberal communities that some who support the notion are reluctant to say so. "It's a great idea because it would extend opportunity to those who need it," says one liberal member of Congress. "But I won't even mention it in public because the civil-rights lobby — my friends and supporters — would clobber me."

Practical problems also loom. A massive infusion of low-income students into public universities would require "a costly increase in financial aid," says Thomas Kane, a Harvard University economist who has studied the question. In Texas alone, aid levels will have to double or even triple to absorb more low-income students. Moreover, few children who are truly impoverished, in a rural backwater or a devastated inner city, have the preparation needed to survive at an elite college or high school.

"If we use class, we can admit all the minority students we want, but my fear is that we will end up admitting the lowest-income, least-educated, least-prepared minority students," says Mr. Ashworth, the Texas education commissioner. This could worsen a "negative stereotype, that the minorities we have aren't ready to compete," he adds.

Nonetheless, schools that wish to maintain diverse enrollments may have no alternative but to adopt class-based admissions. The federal courts, led by the U.S. Supreme Court, seem bent on permitting racial preferences only to remedy proven discrimination. The scramble in Texas came after a federal appeals court ordered the University of Texas Law School to stop taking the race of its applicants into account. The University of Colorado this year stopped awarding black-only financial aid, fearing a legal challenge.

"There are ways to reach disadvantaged students without using race as a factor," says Gale Norton, Colorado's attorney general.

But finding those ways takes work — and a willingness to stick with the race-neutral rules in the face of entrenched opponents who may resort to subterfuge. Indeed, the experience of San Francisco's Lowell High School illustrates just how hard it is for government to maintain its resolve even when it publicly adopts class preferences.

Unlike other public schools in the city, Lowell admits students competitively, based on a combination of test scores and grades. A 1983 court order, however, mandated that the district achieve better racial balance in its schools. One effect was to limit Chinese-American students, who made up the largest group of high-scoring applicants, to roughly 40% of the class. This meant that hundreds of Chinese applicants with higher scores than whites and other Asians were denied entry. Many black and Hispanics, meanwhile, were admitted with lower scores than either whites or Asians.

In response to a lawsuit, the school board last year established a single cutoff score for all races, but set aside 20% of the freshman class for those with lower scores. The criteria for selection in the set-aside group was supposed to be a mix of socioeconomic factors that included living in public housing, income level and "extenuating" circumstances, such as a violent trauma. To be considered for admissions under this value-added program, an applicant still had to post a minimum test score.

The plan, initially at least, defused the controversial test-score issue which had upset Chinese-Americans. Some blacks and Hispanics also embraced it, under a theory that it would help ease what some saw as the "stigma" attached to such students who had been admitted with lower test scores.

Monique Woodford, an African-American who was admitted to Lowell without the aid of affirmative action, ran into the stigma as a sophomore. She recalls a Chinese-American classmate telling her, "People don't expect you to do any good. You're only here to fill a quota." The new system would be

less likely to be viewed as a free ride for blacks, Ms. Woodford, now a senior, thought.

To select its "value-added" students, an admissions committee, composed of parents, students, teachers and administrators, devised a detailed numerical formula. Four points were given for poverty and another four points for social disadvantage, out of a maximum of 13 points. For example, a student could gain two points if family income fell below \$18,600 (for a family of four), another two points for living in public housing or qualifying for a free school lunch.

The new process resulted in about 55 disadvantaged white and Asian students winning admission to Lowell, virtually none of whom would have been admitted under the old formula. Lilian Meng, a Chinese-American, was accepted a year ago despite having a score that would have disqualified her in the past. The daughter of Chinese immigrants who don't speak English, Ms. Meng speaks English impeccably. When she received her acceptance letter, "I was so surprised I screamed at the top of my lungs."

But the school district was purposely vague about how black and Hispanic students would be treated under the set-aside program. In a motion adopted by the school board, the district was given authority to give "special consideration" to minority students. In interviews, district officials now concede that, in fact, all 136 black and Hispanic applicants who were admitted under the set-asides were exempted from socioeconomic screening. This group accounted for 78% of all blacks and Hispanics admitted last year.

"They never went through the process," confirms Marsha Cohen, who chairs Lowell's admissions committee. She says the district told her that "in order to have enough" black and Hispanic students, "it made no sense to review their files."

That decision smacks of hypocrisy to some. "The new system is a facade," says Amy Chang, who helped Chinese-Americans mount a lawsuit against the earlier admission process. "Whatever criteria they use

More...

whether it's socioeconomic or not — should be race-blind."

School officials defend the decision, saying the new program didn't restrict their authority to admit students on the basis of race alone. Steve Philips, a schoolboard member and an African-American, says flatly that "the point is not to weed out middle-class blacks." (Of Lowell's 2,700 students, 10.6% are Hispanic and 4.7% are black, significantly below the percentages of the city's school-age population).

This month, Lowell once again reviewed applicants for the fall. This time, the admissions committee scored black and Hispanic students for socioeconomic factors, but the data — relevant for all other students in the set-aside program — were ignored. Black and Hispanic students defend the practice, saying they feel isolated even with the additional numbers from racial preferences. "We still need a lot more of 'us' around," says Allier Zelaya, a senior whose parents hail from Nicaragua.

But Lowell's experience underscores the suspicion of some that class-based preferences might be used simply as a cover for the continuation of race-preferences in admissions. "There's a lot of mendacity going on," asserts Mr. Kahlenberg, an advocate of the class-based approach.

In Texas, for instance, lawmakers openly talk about trying to craft an admissions formula that will "zero out" the effect of the legal ban on race preferences. In order to do so, however, they must define socioeconomic disadvantage so broadly that even many middle-class blacks and Hispanics may safely fall under the rubric and thus receive an admissions boost. Criteria proposed in the pending Senate bill include "whether the applicant is bilingual," attended a "low-performing" high school, or is "a resident of a geographic region of the state in which recognized socioeconomic indicators" are below average.

At the University of Colorado, officials are trying to blunt the effect of the shift away from explicit race preferences by adding money to a pool of funds for which black candidates must now compete with

all other groups. The one-third increase is designed to leave black recipients with the same amount of scholarships, says Jerry Sullivan, director of financial aid.

Not all of these programs are trying to evade the impact on racial minorities. The University of Virginia is quietly biting the bullet: of 53 former "black-only" scholarships given out last fall, nine went to whites, three to Asians and one to a Hispanic. "In the climate of today we have to broaden the recipients, and be more sensitive to other low-income and socially disadvantaged populations," says John Blackburn, Virginia's dean of admissions.

But, overall, doubts about the experiments in class-based preferences abound. The regents of California's university system, for example, have ordered the campuses to stop using racial criteria next year. But Ward Connerly, a regent and well-known opponent of race-based affirmative action, doesn't trust the admissions officials. He wants the names of applying students removed from applications so the admissions staff won't be able to detect Hispanic surnames.

Rep. Charles Canady, the sponsor of federal legislation to ban racial preferences, likes class preferences but fears that they will be used by affirmative-action advocates to simply extend the life of racial ones. And that, the Florida Republican says, "would be a mistake."

Applications by minorities down sharply

State's largest universities see drop in wake of Hopwood case

By LYDIA LUM
Houston Chronicle

Minority applications to some of Texas' largest universities have dropped dramatically this year, and officials are blaming the decline on race-neutral policies in admissions and financial aid.

Educators believe that as scholarships are given out in the coming weeks, black and Hispanic applicants may opt for out-of-state schools, which still consider ethnicity.

"There's no chance we can go on competing successfully in drawing qualified minorities if things continue this way," said Michael Sharlot, dean of the University of Texas School of Law, where the Hopwood case began.

In that case, the 5th U.S. Circuit Court of Appeals last year found unconstitutional the UT law school's former admissions policy,

which had considered whites and minorities separately.

That ruling has been interpreted to mean that race can no longer be considered in admissions and financial aid decisions at public colleges in Texas.

Educators warn that surveys may be skewed because college applicants don't have to disclose their ethnicity. At Texas A&M University, for instance, the number of applicants not disclosing their race has climbed 104 percent. Texas colleges still solicit the information for Department of Education statistics.

But officials still are alarmed by a 43 percent drop in black applicants to the UT law school, Sharlot said. Meanwhile, educators aren't as alarmed at the 15 percent decrease in Hispanic applicants because it is close to the overall national decline of 15 percent, he said.

Sharlot said that despite intense

recruiting efforts, "obviously, we weren't as effective. Some of our competitors are bad-mouthing us, telling minorities not to come to Texas because they are not welcome."

"This is definitely a case of blaming the victim," he said.

Not everyone agreed with Sharlot's assessment. Geoff Henley, a UT law school graduate, said the race-neutral policies "mean just one thing, and that's openness."

Speaking to a civil rights advisory group this past weekend in Austin, Henley recounted how law school officials used to separate applicant files based on ethnicity.

"We like the notion of equal opportunity, but equal protection applies to everyone," he said. "That's not a bad thing. That's not a novel thing, either."

Joseph Horn, a UT psychology professor, told the Austin panel that a majority of UT students as well as a majority of Americans echoed Henley's view.

Horn cited several national polls that indicated a majority of the public rejected racial preferences. He also said a 1993 poll of UT students showed that 78 percent believed that minorities should not be given preferential treatment.

Horn called the Hopwood ruling an "important reaffirmation of sound democratic government."

"An aversion to race preferences makes good sense and is good law," he said.

But University of Houston law professor Laura Rothstein, also speaking to the group in Austin, said she already has had a taste of what a classroom is like with fewer minorities.

She said that because only two black students are in her property law class this year, the discussion on housing discrimination was much less fiery than in years when more minorities attended.

"The issue of race didn't come up as it has in the past because there was no one there to bring it up," Rothstein said. "All of the students in my class were harmed because of

that loss. Affirmative action doesn't just benefit minorities, it benefits all students."

At the UH Law Center, the number of black applicants dropped by 39 percent this year, said Rothstein, also head of the admissions committee. She said the decline among

Hispanic applicants was 19 percent.

UH still is accepting applications for first-time freshman students. But so far, the interest from blacks and Hispanics has kept pace with that of last year, officials said, crediting the diversity mostly to the fact that more than 65 percent of its students come from Harris County.

But elsewhere, the number of undergraduate minority applicants has fallen.

At UT-Austin, applications from blacks fell 24 percent and from Hispanics by 22 percent. Also, UT officials warned against pinning all of the blame on the Hopwood case, saying that a new essay requirement probably deterred many not-so-serious students.

The total number of UT applicants fell 13 percent, including 14 percent for whites.

Yet Texas A&M President Ray Bowen said any drop for whatever reason could be significant because of the scarcity of minorities on some campuses.

At Texas A&M this year, applications from blacks fell 10 percent and from Hispanics 7 percent. Bowen called the drop in black applicants "especially critical" since blacks now make up only 3 percent of current enrollment.

"There's no question that Hopwood is upsetting people," Bowen said. "People are thinking they shouldn't bother to apply here when Harvard and everyone else is making them better offers."

Clinton urged to join admissions debate

State senators ask president to take stand to protect rights of minority students applying for college.

By NICOLE FOT

EXPRESS-NEWS AUSTIN BUREAU

A21

AUSTIN — A group of state senators, led by Sen. Gregory Luna, D-San Antonio, is urging President Clinton to protect the rights of minority students by stepping into the debate over the use of racial preferences at Texas state universities.

In a letter dated Thursday, 12 senators asked the president to take a stand against the possible "resegregation" of state colleges. Sens. Frank Madia, D-San Antonio, and Judith Zaffirini, D-Laredo, were among those to sign the letter.

"We are currently witnessing an unprecedented free fall of minority applicants and admissions in Texas public universities that will take us back to the days of negligible minority participation in publicly funded education," their letter said.

A similar letter was sent to Clinton and signed by members of the House Mexican American Caucus.

In an interview, Luna said he hoped Clinton would stand behind

recent comments by assistant Education Secretary Norma Cantu that appeared to suggest Texas universities could lose federal aid if they follow Texas Attorney General Dan Morales' ruling that they must eliminate race and ethnicity as criteria for admissions.

But earlier this week, the Education Department shied away from the position, saying reports had mischaracterized letters from Cantu to state officials.

Education officials indicated to U.S. Sen. Phil Gramm this week

that Texas was not at risk of losing its \$1.8 billion in federal funds.

Meanwhile, Morales continued to take heat over his opinion that a 5th Circuit Court of Appeals ruling that the University of Texas Law School admissions policy discriminates applied to all state colleges.

"I realize that Attorney General Morales has a different opinion," Luna said. "I'm disappointed, and I think he's had bad advice. He's tied himself into a corner."

During testimony this week to the Senate Education Committee,

Morales stood his ground.

He also offered to meet with the U.S. Education Department to work out any disputes that may have resulted from his ruling.

The committee gave approval to a bill that seeks to use academic and socioeconomic factors in university admissions decisions.

Although a few expressed doubts, senators generally were optimistic the bill would allow universities to achieve diversity while not using ethnicity and race as specific criteria for admissions.

'This is not a time for race-baiting'

Lee, Ellis respond to Gramm in college admissions debate

By JO ANN ZURIGA
Houston Chronicle

126A

U.S. Rep. Sheila Jackson Lee and state Sen. Rodney Ellis joined forces Friday to support affirmative action in admission policies at Texas universities.

"This is not a time for race-baiting, but instead a time to look at what is best for our state and our nation," Lee said.

"We should not be dividing ourselves over simple questions. Do we need diversity? Yes. Is diversity legal? Yes," she said at a news conference held at Texas Southern University.

Lee and Ellis' response was the latest in a flurry of events this week surrounding the Hopwood ruling, which found as unconstitutional the University of Texas law school's



U.S. Rep. Sheila Jackson Lee

'We should not be dividing ourselves over simple questions. Do we need diversity? Yes. Is diversity legal? Yes.'

former practice of considering whites and minorities separately.

It started Monday when Norma Canán, assistant secretary for civil rights in the U.S. Department of Education, sent state Attorney General Dan Morales a letter disagreeing with his position that the Hopwood ruling should apply to all state colleges, not just UT law school.

On Thursday, U.S. Sen. Phil

Gramm, in a letter to Education Secretary Richard Riley, demanded that the education department change its position.

Lee and Ellis on Friday were responding to Gramm's remarks.

They said they conducted the conference at the historically black campus to show how vestiges remain of "separate, but equal" institutions of earlier segregation when

race was not neutral.

Ellis said a coalition of state legislators last month wrote a letter to the Department of Education to determine the amount of federal funds that are at stake if the new "race-neutral" policies in Texas violate Title VI of the Civil Rights Act of 1964.

"The legislators pointed to a statistical analysis prepared by the Texas Higher Education Coordinating Board that found such "race-neutral" policies will result in a 40 percent to 50 percent reduction in minority enrollment at Texas colleges.

"If there is a direct assault of Title VI, there will be a resurrection of the civil rights movement unprecedented," Ellis said.

Title VI of the Civil Rights Act prohibits discrimination by universities who receive federal funds.

BOSTON GLOBE MAR 30 1997 C 6

Education secretary will give keynote at literacy event

U.S. Secretary of Education Richard R. Riley will be the keynote speaker at a symposium on literacy that will feature prominent figures in American education on May 12 at the John F. Kennedy Library in Boston.

"Literacy in America/Making the Grade for Our Children," sponsored by The Boston Globe as part of the newspaper's celebration of its 125th anniversary in 1997, will feature two panel discussions. The first will be a critical look at the issue of literacy and its public policy implications; the second an exchange on what kinds of teaching techniques have worked well and how to construct successful programs.

Gail Harris of Boston's WABU-TV (Ch. 68) will be the moderator of the event on Monday, May 12, from 2:30 p.m. to 5:30 p.m. at the library.

Globe chairman and publisher William O. Taylor expressed the hope that the symposium would make a significant contribution to the cause of literacy.

"We have attracted some of the nation's leading experts on literacy, and we hope to raise the level of discussion on the subject at this symposium," he said.

In addition to the secretary of education, panelists will be:

■ Thomas W. Payzant, superintendent of Boston Public Schools.

■ Carol Raseo, director, America Reads, a national

literacy campaign of the U.S. Department of Education.

■ Lester C. Thurow, professor of management and economics, Massachusetts Institute of Technology.

■ Jeanne S. Chaff, professor emerita, Harvard Graduate School of Education.

■ Dr. Rosemina Indrisano, chairman, department of developmental studies and counseling at Boston University.

■ Betsy Nelson, executive director, Boston Partners in Education, an organization that trains volunteers to assist in schools.

■ Dr. Perri Klass, medical director, Reach Out and Read, Boston Medical Center, which supplies young patients with books.

■ Sara Lawrence Lightfoot, professor and author, Harvard Graduate School of Education.

■ Mary Curtis, director, Literacy Center, Father Flanagan's Boys' Town.

The symposium will have a live audience of some 400 at the John F. Kennedy Library, and will reach a national audience through the Massachusetts Corporation for Educational Telecommunications, or MCET. The event will be broadcast live to all schools in Massachusetts, as well as to MCET's membership in 27 other states.

MCET provides daily satellite broadcasts to students and educators.

Keep campuses diverse

OUR VIEW Recent challenges are undermining gains. Pursuing college diversity is constitutional and right.

Nobody said overcoming the nation's shameful history of racial segregation and discrimination would be easy. But the errors of educators, meanderings of courts and opportunism of politicians don't help.

Take the University of Texas Law School, the most prestigious in the nation's second-largest state. It's caught between a runaway federal appeals court, a politically ambitious attorney general and a business-as-usual federal bureaucracy.

Texas Law School was off-limits to non-whites for most of its 114-year history. But under court orders and federal prodding, the school admitted minorities starting in 1950, eventually establishing an aggressive affirmative action program to attract them.

But the school blew it. As if a law school couldn't find a good lawyer, officials in the '80s established precisely the kind of racial quota system which had been outlawed by the Supreme Court in 1978.

Unfortunately, it took a 1992 lawsuit by four unsuccessful white applicants to get the error corrected. Texas Law's selection process was redesigned to conform to the Supreme Court's guidelines, which permit

racial diversity to be one factor among many considered in admissions decisions.

The case had a life of its own, however. Last year, two appeals court judges usurped the high court's prerogative and rewrote the law. Rejecting a still-valid and recently restated Supreme Court decision, they ordered the school to end affirmative action.

Now Texas Attorney General Dan Morales, who's widely suspected of having his eye on higher office, has gone the runaway judges one better. He's advised all state colleges and universities to do the same.

Last week the U.S. Department of Education told Texas officials just the opposite: They could lose \$500 million in federal education money unless they maintain affirmative action programs. Cited: A 1992 court ruling requiring continued effort to root out discrimination and make Texas campuses more accessible to minorities.

The need for ongoing efforts is dramatized by a sharp drop-off this year in applications from blacks and Hispanics at all of

Don't force diversity

OPPOSING VIEW Clean up misguided affirmative action. Put race beyond the reach of bureaucrats.

By Terence J. Pell

The action of a mid-level civil rights bureaucrat last week demonstrates that the administration's policy of "mend it, don't end it" actually is more accurately described as massive resistance.

Norma Cantu, the Clinton appointee in charge of the Education Department Office for Civil Rights, threatened to cut off federal aid to the state of Texas unless it continues racial preference programs struck down last year by a U.S. Court of Appeals in the case of *Hopwood vs. Texas*.

Cantu shows how easily the idea of mending affirmative action can get turned on its head. Instead of deferring to the courts' authority to weed out unconstitutional racial preference programs, Cantu fights to preserve all forms of affirmative action, no matter how illegal.

While Cantu's defiance is singular in its audacity, it is in keeping with the administration's general failure to "mend" affirmative action. Despite Clinton's promise to "review" all racial preferences, almost no federal preference has been changed. Even programs that impose a 100% race quota have escaped unscathed.

If Cantu was serious about mending affirmative action, she would carry out her sworn duty to obey judicial decisions, not evade them. The Supreme Court has permitted programs that are closely tailored to remedy identifiable actions of previous discrimination. However, few existing affirmative action programs fit this description.

Instead, they purport to address "societal" discrimination and to promote "diversity" — goals so vague it's impossible to tell when or if they ever will be met. Such programs are indistinguishable from permanent set-asides — "spoils" designed only to mollify angry constituents. This is the sort of affirmative action program the *Hopwood* court struck down in Texas and that Cantu now wishes to resurrect through bureaucratic intimidation.

"Mend it, don't end it" has become the slogan of the '90s that "Separate but equal" was to the 1950s. Just as proponents of racial segregation then tried to evade Supreme Court decisions they didn't like, proponents of affirmative action are now engaged in a similar, futile effort to turn back the clock. It is high time to make a clean sweep and to put race beyond the reach of the state — once and for all.

Terence J. Pell is a lawyer with the Center for Individual Rights, which litigated Hopwood vs. Texas, and a former deputy assistant secretary for policy in the Education Department Office for Civil Rights.

Texas' top institutions. The story's the same in California, where politically driven attacks on affirmative action have sent a message that minorities aren't welcome.

In a nation that institutionalized racism for centuries, the relatively recent commitment to equality is far too fragile to abandon all affirmative action. Non-quota pursuit of campus diversity is constitutional. And it's the right thing to do.

Judge Clark's despair

Some players in the Kansas City school desegregation case greeted this week's court ruling with great enthusiasm, but there is little in this ruling for students, parents and taxpayers to celebrate. As he relinquishes his jurisdiction over the case, U.S. District Judge Russell G. Clark offers an appalling picture of the Kansas City school system, declares that rapid corrective action is needed, and says he doesn't think the district's leaders are up to the job.

The judge's damning summary: "While there is some good teaching and learning going on in (Kansas City) schools, there is a great deal of poor teaching and little learning in many schools."

Surveying this wreckage, Missouri Attorney Jay Nixon declared: "Obviously, we won." But this doesn't change the fact that public education is, ultimately, a state responsibility. If the school district collapses, the state will have to pick up the pieces.

Clark approved an agreement that allows the state to buy itself out of the desegregation case, but the missing ingredient in this agreement was a long-range plan to keep the district opera-

tional. Even as Nixon was congratulating himself, state legislators were trying to figure out what to do next.

District officials said they were "very encouraged and gratified" by the judge's order. That's an odd reaction, to say the least, to the judge's dismal summary of the district.

Clark pointed to the lack of such basics as an instructional program, a school security plan and "true budgeting." He complained about classes being too large. The administration is also too large, he said, and district costs were way out of line with other school systems.

It is hard to know what to make of Clark's suggestion that state officials or a "special master" should step in to save the Kansas City district. The agreement he was approving, after all, was supposedly designed to restore local control to the district.

Clark's order gives district and state officials some time to make massive reforms and put together responsible plans for the future of Kansas City's schools. But, as he points out, there's no time to waste.

The Dallas Morning News

Thursday, March 27, 1997

AFFIRMATIVE ACTION

Race should be part of admission 'basket'

Norma Cantu's warning should be taken as a challenge to improve matters in Texas. She's the U.S. Education Department official who told Texas Attorney General Dan Morales that state universities do not need to stop using race or ethnicity as one of several factors in determining admission or offering financial aid.

After the recent Hopwood vs. Texas ruling, which concerned a previous University of Texas Law School admissions practice, Mr. Morales ruled that state universities could not use race as a variable in recruiting and admitting students or awarding them with financial aid. What applied to UT Law School must be true statewide, he said.

Several Texas college presidents balked, warning of a brain drain. They feared minority students may leave Texas to go elsewhere. They also worried that minority applications to state universities would decline.

Some preliminary data support their concern. Texas A&M University, for example, reports that African-American applications are down 10 percent from 1995. Hispanic applications are also down 7 percent. Overall applications are up at A&M, however.

This data is worth considering as Texas officials respond to Ms. Cantu's letter. Texas cannot afford a brain drain, especially since minority students are a fast-growing part of Texas' population.

Likewise, the state cannot afford to lose up to \$1.8 billion in federal education aid over its lack of affirmative action policies. Ms. Cantu, who says the Hopwood case concerns only University of Texas Law School policies, warns that Texas should maintain affirmative action policies at other state universities. Otherwise, Texas may violate the 1964 Civil Rights Act, which would trigger a loss of federal higher education aid.

So what needs to happen?

Attorney General Morales should confer with Ms. Cantu, as well as with university officials, in drafting new guidelines. Race should not be the only factor guiding an admission or scholarship. But state schools should be able to include race as one of several factors used to determine admissions and financial help.

Almost all states do that now anyway. Why should Texas be in an unfavorable position? Ms. Cantu's letter creates an opportunity to move all Texas students forward.

Universities Report Less Minority Interest After ...

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Section B; National Desk

* Universities Report Less Minority Interest After Action to Ban Preferences

By PETER APPLEBOME

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AUSTIN, Tex., March 18 -- After decisions to dismantle affirmative action programs at public universities in California and Texas, applications from blacks and Hispanic students are down significantly at both states' most prestigious universities and professional schools, leading to fears that the initiatives will result in a long-term decline

* in minority enrollment.

Following a Federal court decision in the Hopwood reverse-discrimination case here and the California Board of Regent's decision to ban affirmative action in admissions, both states are seeing * sharp declines in minority applications, with the greatest drops in applications to medical and law schools and flagship campuses like the one here.

Students and college officials attribute the drop to tighter admissions standards, worries on the part of prospective students about * a smaller minority presence on campus and the elimination of race-based scholarships.

Though many students say the new policies will not affect their college choices, others say they think the door to higher education is not as open as it once was.

"My mother would not allow me to apply to U.T. because of the Hopwood decision," said Tanya Holloway, an Austin high school senior who is black. "She didn't think I would get fair treatment there."

Total undergraduate applications to the campus here fell 13 percent, which officials attribute partly to a new essay required on the application. Applications from blacks fell 26 percent. Applications from Hispanics fell 23 percent.

The University of Texas Law School, against which Cheryl Hopwood and three other white students filed a lawsuit claiming that they had not

not admitted because minorities had got preferential treatment in admissions, saw applications from blacks fall 42 percent this year.

In California, though a record number of students applied to the
* state university system, the number of minority applicants fell for the second year in a row: the number of black applicants fell 8.2 percent; for Hispanic applicants, the drop was 3.7 percent, and for American
* Indian applicants, 9 percent. Minority applications to medical school plummeted 23 percent this year.

Applications to the California system rose 1.6 percent over all, with the biggest increase, 5.1 percent, coming from Asian-Americans. Asian-Americans had been excluded from race-based initiatives because of their disproportionately high numbers in higher education, and many had complained that the affirmative action initiatives in the California system had denied them the educational opportunities they had rightly earned.

The affirmative action ban goes into effect for professional schools this year and for undergraduate applicants next year. But education experts say it has received so much attention it is affecting students at both levels already.

Supporters and critics of affirmative action agree that the immediate result of ending the programs could be to reduce diversity at the top public universities of two of the nation's most diverse states.

"In general, many of our fears have been borne out," said the University of Texas president, Robert M. Berdahl, who becomes Chancellor of the University of California at Berkeley this summer. "We only have applications to go by for now, but the pattern we're seeing is very sobering. We're still committed to achieving diversity in education. I'm not saying it will be impossible, but we will lose ground, and it will be some time before we recover what we've lost."

At the University of Texas, whites make up 65 percent of the student body, Hispanics 15 percent, blacks 4 percent and Asian-Americans 12 percent. Of the state's 18-year-olds, 51 percent are white, 32 percent Hispanic, 14 percent black and 2 percent Asian-American.

"There is no question in my mind that what's happening in both states is related to Hopwood and the Regents' decision," said Deborah Carter, associate director in the office of minorities in higher

* education at the American Council on Education.

But not everyone agrees about the repercussions.

Ward Connerly, the University of California regent who proposed the
* end to affirmative action, said the drop in minority applications had been expected and reflected the degree to which racial preferences had unfairly shaped admissions.

"This is just basic logic," Mr. Connerly said. "If you've been given a substantial preference based on race and you take it away, the numbers are going to drop. But just because you're not going to get a preference doesn't mean you're not welcome."

He said it was more important to focus on improving educational opportunities for blacks and Hispanics across the board, rather than on giving preferences to a few.

The Texas Attorney General, Dan Morales, who has been bitterly criticized for his narrow interpretation of what is allowed under the Hopwood ruling, said part of the blame should rest on the alarmist message being put out by Texas universities.

"What these university administrators ought to be saying is, 'We are committed; we are steadfast; we are going to continue this march toward diversity regardless of whether Hopwood is out there,' " Mr. Morales said. "That is what should be communicated to these applicants instead of the predictions of doom and gloom, the predictions of resegregation."

- * Some minority students are torn, fearing a decrease in diversity and a lessening of their own prospects but are mindful that some will think that being admitted under affirmative action programs tarnishes their own credentials.

"It scares me personally because I wonder what it will mean for me," said Carolina Ornelas, a University of Texas senior who plans to apply to pharmacy school. "But then you wonder if you got in because of your record or because of race. So it helps and it hurts."

Education officials in both states say they are increasingly concerned about the long term.

"I think that a lot of people hostile to affirmative action who see our entering class next year might have second thoughts," said Michael Sharlot, dean of the University of Texas Law School. "We're a public law school with the function of preparing people to serve not just as providers of legal services but as civic leaders. For us to go from the leading provider of Mexican-American and black lawyers in the country to a vastly reduced role is just awful."

One of every 11 Mexican-American lawyers in the United States was trained at the University of Texas Law School, Mr. Sharlot said. This year, applications from Hispanic students are down 14 percent, matching the overall decline, while black applications are down 42 percent.

The affirmative action program at the Texas law school, like the University of California's program, had allowed for the admission of black and Hispanic students with lower entrance-test scores and grades.

Although the Hopwood case threw out any use of race as a consideration in admissions, the Texas Attorney General interpreted the ruling to also ban race-based scholarships. Admissions officers say that has hindered the recruitment of minorities.

- * Bruce Walker, the university's admissions director, said the decline in minority applications was a marked departure from recent, relatively stable trends, but he was wary of drawing long-term lessons.

"We think some applicants got scared off by the essay," Mr. Walker said. "We expect the numbers to come back. How much they'll come back

for minorities right now is anyone's guess."

It is not yet clear whether the application trends will translate
* into lower minority acceptances and enrollments. Some black and Hispanic students bound for college are apparently applying instead to less prestigious state schools and to private ones, national education experts say.

"I looked back at our trends over the last 24 years," said Dr. Michael Drake, Associate Dean of Admissions at the University of California at San Francisco School of Medicine, where applications from underrepresented minorities dropped to 493 this year from 638 last year and 722 in 1995. "If you look at the drop from 722 to 493, that has never happened in our history."

* Interviews in California and Texas with minority high school students thinking about college and with university students thinking about graduate and professional schools provided a wide range of responses.

Marlen Whitley, a black student recently elected as the student body president at the University of Texas, said he planned to go to law school. Before the Hopwood ruling, he had Texas high on his list. Now he plans to look elsewhere so he can "get away from all the drama that's happened here."

Similarly, Bruce Rideaux, a senior from Beaumont, Tex., said that if he were applying to college now, he would probably not apply to the University of Texas. "There are 50,000 students here and so few of them are black," Mr. Rideaux said. "With all this going on, I probably would have gone to a predominantly black or a smaller university."

At Oakland Technical High School in California, Ernestina Gallegos, a Hispanic senior with a 3.65 grade point average, said she was applying to the elite schools in the University of California system. She said she doubted that the affirmative action debate would affect her chances.

"Sometimes affirmative action is kind of biased," she said. "I've seen kids with really low S.A.T.'s and G.P.A.'s get in, while other kids who worked really hard got left out. I didn't think about it. It wouldn't be a problem for me whether or not affirmative action would be there."

But Michael Lampkins, a senior with a B plus average who is black, said he had always wanted to go to U.C.L.A. but now doubted that he could get in. He is applying to historically black schools instead.

"I think the Regents are kind of going back to that good old separate but equal," Mr. Lampkins said.

What the ultimate impact on educational opportunity will be is unclear. Still, Mr. Connerly, a fierce opponent of affirmative action, and Dr. Berdahl, a staunch defender, both agree that affirmative action addresses just part of the problem.

In Texas, Dr. Berdahl said, there are 36,000 18-year-old African-Americans. Of those, 24,000 graduate from high school, 12,000 go

to school past high school, 6,000 take the Scholastic Assessment Test, and only 1,000 get scores that make them competitive at the University of Texas.

"Clearly, if affirmative action at best can help one thirty-sixth of the kids, the only solution ultimately is to enlarge the number of kids in the pool," he said. "If society is saying affirmative action isn't the answer, then it's up to us to take ownership of the problem and enlarge the pool. In the end, that's the only answer."

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