

A LOOK AT...

# Law School and

*"The rollback of affirmative action is slamming shut the door of higher education on a new generation, while those who have not yet put forward any other alternatives."*

—President Clinton, Sept. 25, 1995

## Hard Facts About Falling Minority Admissions

By John H. Bunzel

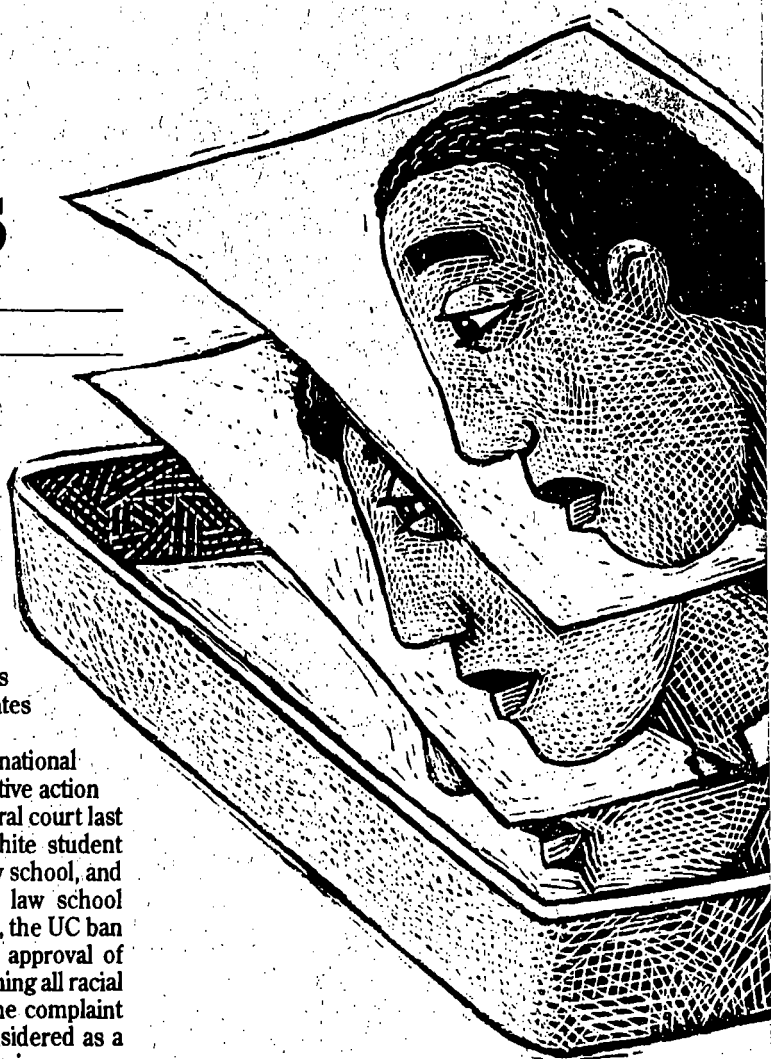
In the wake of the University of California's ban on affirmative action preferences, the U.S. Department of Education's Office of Civil Rights has opened an investigation into allegations that the new admissions policies at the university's three law schools are racially discriminatory. The investigation resulted from a formal complaint, filed by several California civil rights groups, which alleges that UC's decision to prohibit consideration of race or gender in its admissions policies effectively discriminates against black and Latino applicants.

The dispute is just one aspect of the larger national debate over law school admissions and affirmative action that has grown in the past year. In Texas, a federal court last year ruled in favor of Cheryl Hopwood, a white student denied admission to the University of Texas law school, and ordered that the use of race as a factor in law school admissions there be discontinued. In California, the UC ban on affirmative action was mandated by voter approval of Proposition 209, a statewide ballot initiative banning all racial preferences in state government programs. The complaint of California civil rights groups should be considered as a first response to the new era of colorblind admissions.

Some facts are not in dispute in California. Blacks and Latinos were admitted to this fall's entering class at the three UC law schools at a far lower rate than were whites. At Boalt Hall, the law school for the UC-Berkeley campus, there were only 14 blacks among the 792 students accepted for admission this year—an 80 percent drop from last year, when 75 students were offered admission. All but one of the 14 blacks chose to go elsewhere.

These are disheartening figures, but are they evidence of "severe discrimination"?

Critics say yes, citing the way admissions officials evaluate the grades of applicants' undergraduate education. Applicants to Boalt Hall are ranked according to a formula



## A Black Law S

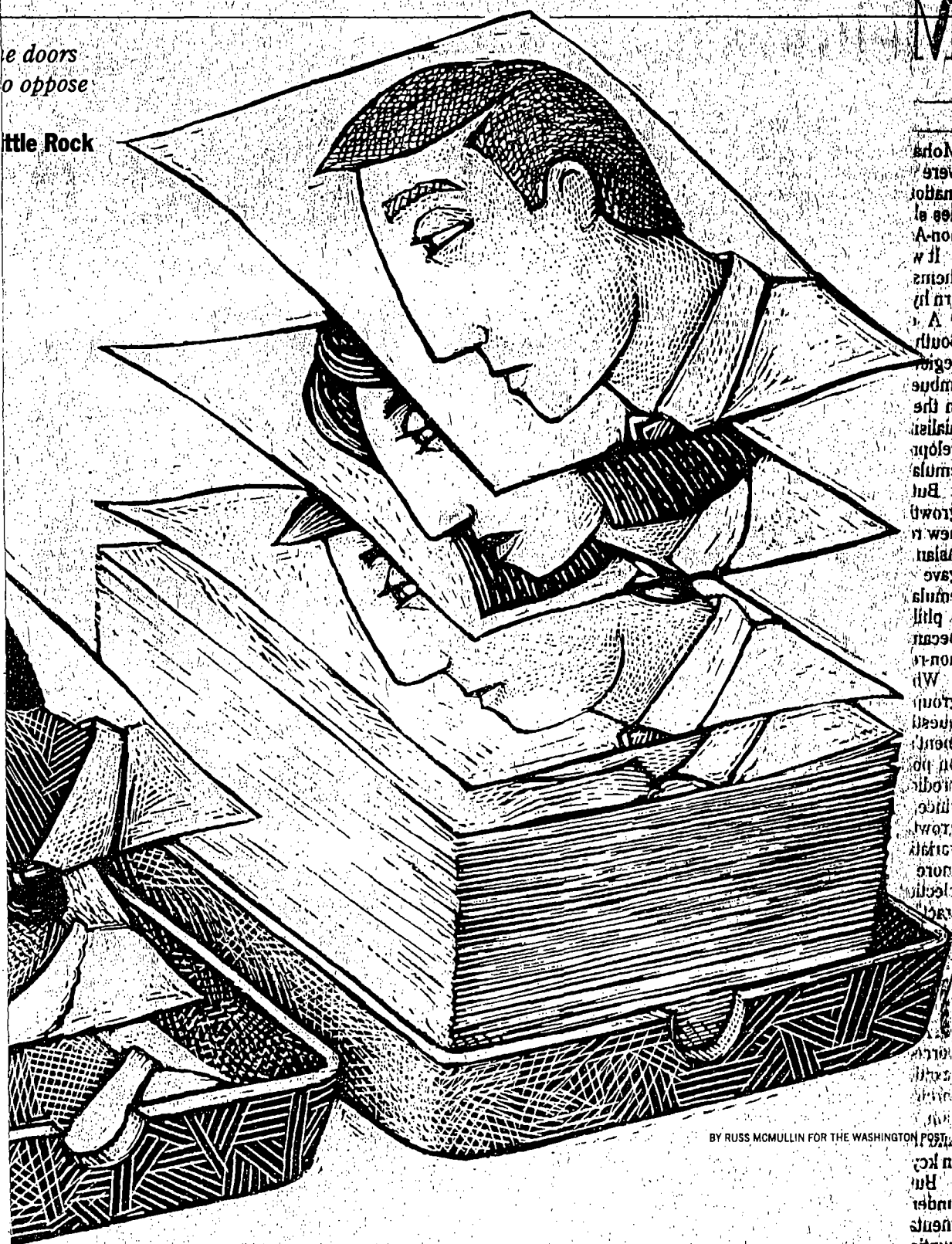
By Sophia A. Nelson

The fall of 1991 was a bittersweet time in my life. I was 24 years old, and I had realized my childhood dream—of becoming a student at one of the nation's most prestigious law schools. I was there, in part, as a beneficiary of

# Affirmative Action

the doors  
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Little Rock



BY RUSS MCMULLIN FOR THE WASHINGTON POST

## Student's First Trials

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that assigns every college a "rank number" based on how its students perform on the standardized law board exam (the LSAT), and how common a certain grade point average (GPA)—say a 3.6—is at that school. Under the Boalt formula, students from schools ranked 79 and above—e.g., Johns Hopkins (87.5), Harvard (86.5) and Pomona (85.0), among others—have points added to their GPAs. Those from schools ranked 72 to 78.9—Illinois (78.0) and Boston College (77.0), for example—receive no adjustment. Those whose schools ranked 71.9 and below—Miami (68.0) and Howard (57.5), along with 30 other schools that were similarly ranked—have their GPAs lowered a bit.

In practice, students who attend private, elite universities get "bumped up" and those from black colleges like Howard or from state schools like Cal State-Los Angeles (which has a high Latino enrollment) get downgraded. This, the critics say, makes it more difficult for minority students to gain admission and is, therefore, race discrimination.

**B**ut discrimination has traditionally meant unequal treatment, not unequal numbers. It is not racial discrimination to believe that an "A" from one school means more than an "A" from another. The student with a 3.5 GPA from a school with high academic standards could well be better qualified than the student with a 4.0 GPA from a school where standards are lower and the curriculum less demanding.

This is not the first time that Boalt Hall has been investigated. A federal inquiry in 1992 found that the law school was engaging in reverse discrimination by reviewing and classifying applicants partly on the basis of race and by keeping "waiting lists" solely by ethnic group. At that time, the federal agency ruled that efforts to diversify the student body must not be limited to the single factor of ethnic background. The policy was dropped. The recent complaint, of course, was prompted by the very opposite concern: that ethnic background should be decisive.

It is worth noting that at the same time affirmative action preferences are being discontinued, some of their defenders now claim that those who benefit from racial preferences perform just as well as the better-qualified students.

The data prove just the opposite. Consider who passes the bar exam after graduation from law school. As University of San Diego law professor Gail Heriot has pointed out, 81.3 percent of whites in California passed the bar the first time (in 1994) as compared to 53 percent of African Americans. The gap was even larger in New York state, where whites pass at a rate of 81.6 percent, as opposed to 37.4 percent of African American test takers. One study published in the April issue of the New York University Law Review also shows that "African American preference beneficiaries failed the bar at a rate almost three times that of non-beneficiaries of the same race, 27.1 percent versus 9.8 percent."

A careful federal inquiry would confirm that the problem of declining law school admission rates for African Americans begins long before they enter college. Blacks, for example, are three times as likely as whites to have high school grades of D, E or F, and are only one-third as likely to score in the A+ range, according to national SAT data. Blacks are only one-fourth as likely as whites to have a 3.75 GPA in high school or above, and are six times as likely to have a GPA of lower than 2.0. The Minority Databook reports that only seven blacks in the country scored high enough in 1988-89 to match the average LSAT score of Boalt Hall students, compared with 1,044 whites and 52 Asians. Rather than bickering over affirmative action, it is time to address the failure of educational preparation for minority students seeking higher education.

The fact that white students from the highest-scoring colleges with the best academic reputations are admitted to UC law schools in greater proportions than blacks or Latinos is not proof of race discrimination—especially not when race is no longer taken into account.

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*John Bunzel is a past president of San Jose State University, a former member of the U.S. Commission on Civil Rights and a senior research fellow at Stanford's Hoover Institution.*

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My thoughts about affirmative action are based on painful firsthand experience, not political ideology. On most issues, I've been a conservative Republican since my college days. I don't believe in looking back to slavery and Jim Crow to justify affirmative action; nor do I think we have yet become a "colorblind" society in which all men are created and treated equal. If that were the case, white men would not hold 95 percent of the top corporate and professional jobs while making up only 42 percent of the work force.

There's no question in my mind that students of diverse backgrounds—not just minorities, but poor whites, too—belong at the nation's top law schools. But in trying to remedy past discrimination, admission officers have created new inequities. They have opened the door to diversity without looking hard at a system that has shunned it for generations. As much as we minorities want to fit in, it's not easy to thrive in such an environment. During the first few weeks of school, I was in awe of how easily many of my classmates—particularly those whose parents were lawyers and judges—adjusted to the formal, imposing language of the law.

White students, meanwhile, see blacks from all income levels reaping benefits not available to them. This causes resentment toward black students, including those who did not benefit from affirmative action. The result is divisiveness, not diversity. That's why I believe we must look at class-based, rather than race-based, remedies.

My own law school journey began in the fall of 1990. I scored well above average for a "minority" on the LSAT, according to the Law School Data Admissions Service, but my undergraduate record at San Diego State University was only average. I was determined to make full use of my other assets—character references, perseverance, leadership abilities—to gain admission to the best law school that would take me. I was the first in my working-class family to attend a four-year university; I had my sights set on being the first to graduate from law school, too.

**T**he following spring, I was offered admission to three of the 11 schools to which I had applied. I chose Washington & Lee in Lexington, Va. I had been impressed by the school's small class sizes, its revered honor code system and the promise of an "open-door" policy between faculty and students. The school offered a generous financial aid scholarship program for eligible minority students, as part of its effort to attract a more diverse student body. The school seemed to be exactly what someone like me needed in order to thrive. I was one of 13 black students in a class of 128.

Most black students admitted to law schools in 1991 were there, like me, thanks to affirmative action. According to a recent University of North Carolina study, 3,485 blacks were admitted to law schools nationwide that year; without affirmative action programs, only 600 blacks would have been admitted. But while the percentage of minority students has increased, the percentage of minority lawyers has not kept pace. That's because, for many minorities, getting into law school is just the first step in an uphill battle.

I can't say what it feels like to be a black law student at Washington & Lee today. But that first semester, my 12 black peers and I struggled in every sense. We did not lack motivation or intelligence; what we lacked was the awareness and preparation necessary to succeed in an environment that was at times isolating, culturally foreign and even hostile. All of the other black students had attended outstanding universities. Two had attended preparatory high schools recognized for their academic excel-

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The difficulties I encountered during my first year were not unique. I have met black students and lawyers from all over the nation, many of whom expressed their own disappointment in their legal education. We felt we had been baited and hooked like fish, and then left to sink or swim after our captor had cut the line. This is the crux of the affirmative action debate—and I think it stems from the present policy's legal foundations.

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I wanted more than that; I wanted an education that would prepare me for practice. In the spring of 1993, I transferred to American University-Washington College of Law. I was one of only 10 blacks in a large class, but the learning environment was entirely different. There were a number of black faculty, one of whom now heads up President Clinton's Initiative on Race; all my professors seemed interested in my academic success. I began to excel both inside and outside the classroom.

My transfer gave me a new perspective on the problems with affirmative action as practiced by many universities. Any admissions policy that does not follow up with solid programs to help its students succeed (i.e., academic mentoring, faculty tutoring and sincere retention efforts), is a formula for failure. It results in resentment and hostility—directed at the so-called beneficiary.

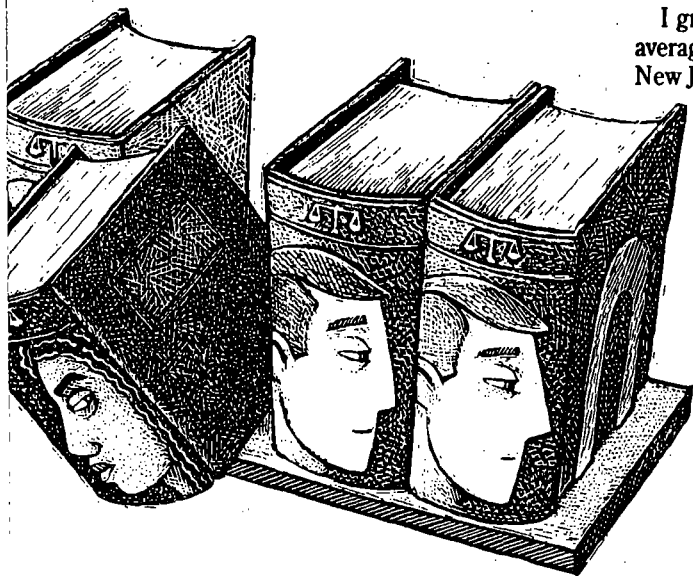
I graduated in 1994 with an above-average grade point average, and with a great job waiting in my home state of New Jersey in Gov. Christine Todd Whitman's administration. Within two years, I was a practicing attorney in a top South Jersey firm. At age 29, I became the first black, the first woman and the youngest person ever nominated by either major party for the U.S. House of Representatives in New Jersey's 1st Congressional District. Although I didn't win that election, there will be another day.

If admitting me to law school represented a risk, I also think it is fair to say that it has paid off—for me, for my alma mater and for society. Affirmative action, as it now stands, must be changed to make it work fairly. The irony is, though, that without this flawed process, I would not have realized my dream of becoming an attorney. To imagine a world without it, quite frankly, is to imagine a world where people like me might not exist.

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By Sophia A. Nelson

PHOTOCOPY  
PRESERVATION

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My thoughts about affirmative action are based on painful firsthand experience, not political ideology. On most issues, I've been a conservative Republican since my college days. I don't believe in looking back to slavery and Jim Crow to justify affirmative action; nor do I think we have yet become a "colorblind" society in which all men are created and treated equal. If that were the case, white men would not hold 95 percent of the top corporate and professional jobs while making up only 42 percent of the work force.

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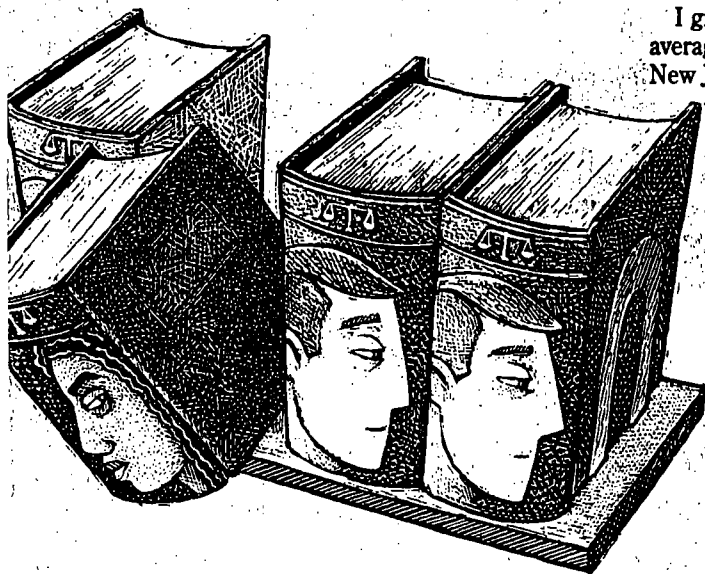
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# UC May Drop SAT Entry Requirement

## California System Fears Sharp Decline in Black, Latino Enrollment

By Michael A. Fletcher  
Washington Post Staff Writer

The University of California, one of the nation's largest public university systems, is considering dropping the SAT as an admission requirement in the face of dramatic evidence that its decision to eliminate race as a factor in picking students will produce steep declines in Latino and black enrollment.

The university task force charged with examining the issue recommended that the test be dropped after the group's projections showed that continued use of standardized tests would cause Hispanic enrollment to plummet as much as 70 percent at the system's flagship campuses, even as the state's Hispanic population continues to grow. Similar enrollment declines are predicted for African Americans.

The California system, with 166,000 students spread over nine campuses, became the center of a national debate over affirmative action in higher education after its board of regents two years ago voted to ban racial preferences in student admissions. That decision was reinforced last fall when California voters approved a statewide ban on government affirmative action programs.

But university officials faced renewed criticism after the first class of students admitted under those policies was far less diverse than in past years. In the current school year, the ban on racial preferences affects only students at the university system's law and professional schools. Next year, undergraduate students will be admitted to the UC system as well, based mostly on their high school grades and standardized test scores.

"How can we be effectively training the leaders of tomorrow when so many in this state are being denied access to a high-quality education?" said Eugene Garcia, dean of the University of California Berkeley School of Education and chairman of the Latino Eligibility Task Force.

Blacks and Latinos score far below the national average on the SAT. The national average on the SAT is 1016, according to the College Board, which administers the test. But the average score for Mexican Americans is 107 points lower. For African Americans, the average is 857, 159 points below the national average. Asians, meanwhile, average 1056; whites, 1052.

Yet a chorus of critics argues that

the tests do not accurately predict how students will perform in college.

"We did a study of Latino students in the UC system and we found there was very little correlation between academic success and SAT scores," said Raymond Paredes, a task force member and a UCLA vice chancellor.

A survey of several hundred Latino students found virtually no correlation between SAT scores and academic success at the university, Paredes said.

Others, however, say that the test provides a uniform measure for assessing students who graduate from

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—UC Dean Eugene Garcia

vastly different high schools with disparate means of evaluating students.

"The test is not biased. The test is measuring what is out there," said Gretchen W. Rigol, an executive director at the College Board. "Unfortunately, all students don't get an equal education. Not all students are taking the same rigorous academic regimen."

In Texas this year, a new law went into effect requiring students who graduate in the top 10 percent of their high school classes to be admitted to the state university of their choice. Those students will not be required to provide standardized test scores. In addition, such scores would be de-emphasized for other students applying to state universities in Texas. As in California, the use of race as a factor in university admissions was outlawed in Texas schools beginning this year.

Currently, about 15 percent of the nation's four-year schools do not require standardized tests as part of the admissions process, a number advocates say is growing.

"The test screens out a lot of black, Latino and some Asian kids who do

well in school," said Robert Schaeffer, public education director for FairTest, a group that advocates against the mandatory use of the SAT.

The College Board's Rigol argues that racial gaps in SAT performance reflect differences in academic performance rather than any racial or class bias. Moreover, she said, the SAT gives colleges a way of hedging against grade inflation. Last spring, for instance, 37 percent of the 1.1 million students who took the test prior to graduating in June had high school averages of A- or above.

Although no final decision has been made, school officials said the university is weighing the use of SAT scores closely and could make a decision sometime next spring.

"The regents expressed some interest in looking at the proposal as part of a larger look at overall admissions criteria," said Terry Colvin, a spokesman for University of California President Richard Atkinson.

California Gov. Pete Wilson (R) strongly denounced the task force recommendation to drop the test, calling it a step in the wrong direction.

The task force found that eliminating the SAT would increase the pool of Latinos eligible for admission by 59 percent, far more than it would increase the overall pool of eligible students.

### FOR MORE INFORMATION

To see average SAT scores in the Washington area, click on the above symbol on the front page of The Post's Web site at [www.washingtonpost.com](http://www.washingtonpost.com)

### CORRECTION

Tickets for "UMabatha: The Zulu Macbeth" are being sold by Protix, 703-218-6500. The phone number was incorrect in yesterday's Weekend section.

### CLARIFICATION

A story in Thursday's Business section said that Gannett Co.'s new Tysons Corner headquarters complex will include production facilities for USA Today. That newspaper's local printing operation will remain in Springfield.

## LOCAL

### 13. San Francisco Chronicle

August 18, 1997

## *How UC Admissions Have Been Reshaped*

### Recruiting without affirmative action

Pamela Burdman

Chronicle Staff Writer, page A1

Stark numbers have the power to galvanize, and in the debate over minority admissions at the University of California, nothing seems starker than Boalt Hall School of Law's revelation that none of the 14 African Americans admitted this year would be enrolling.

As the fall semester gets under way today, the Boalt numbers stand as a rallying point — both for those who fear a depletion of minorities in society's professional ranks and for those who applaud the return of merit-based admissions.

But elsewhere around the UC system, the situation is hardly as straightforward. As the university enters a new era of color-blind admissions, its law, business and medical schools are resorting to a wide array of strategies to keep up minority enrollment, with varying degrees of success.

While some schools, like Boalt, are fastidiously keeping ethnicity out of admissions decisions, some are aggressively recruiting minority applicants with fellowships and poolside barbecues, while others have devised creative formulas that give an edge to poor candidates with the right zip codes.

A close look at enrollment figures reveals no neat pattern. The UC Davis medical school expects a fivefold increase in "underrepresented minorities" — blacks, Latinos and American Indians — who benefited under the old system. Yet at Berkeley's Haas School of Business, the number of minorities will drop by more than half.

"We're in the middle of an ideological dispute about what is illicit discrimination and what is permissible consideration of race," said Boalt professor Rachel Moran, member of a faculty committee studying law school admissions. "We're in a period of uncertainty. That's reflected in the variance among schools in the results."

As debate over affirmative action

continues nationwide, UC has emerged as case study number one. Two years ago, UC regents voted to dismantle affirmative action in admissions. The changes won't affect undergraduates until next year, but graduate students entering this fall were the first to apply under the new rules.

With the nation's top professional schools under pressure to boost student diversity, competition for qualified applicants is keen. Without affirmative action, UC admissions officers now find themselves lacking a tool that most others are still using.

#### ONE BLACK IN NEW CLASS

At Boalt, the number of underrepresented minority candidates admitted dropped from 167 to 55. All but seven — including all 14 African Americans — chose to enroll elsewhere. The new class will have only one African American — a student who was admitted last year but deferred.

"It feels strange to be part of this class," said another incoming student, Alex Huneeus of San Francisco, who is Chilean. "It must be one of the first classes since the 1950s that is so lacking in diversity."

Huneeus, 29, turned down Yale to attend Boalt. "Part of my decision to go to Boalt was because it was a state school, and I thought there would be more diversity," she said. "I was pretty shocked and disappointed when I found out there wouldn't."

Minority enrollment is also way down at Berkeley's Haas School of Business. Last year, 54 blacks and Latinos were admitted, and 26 enrolled. This year, only 30 got in, and 11 plan to attend, according to preliminary figures.

As at Boalt, Haas officials said the minority applicants who are admitted without affirmative action are naturally the ones most aggressively courted by other schools.

"We're one of the five most selective

programs in the country," said Fran Hill, MBA admissions director at Haas. "The people we are admitting are so strong, they have a ticket to any business school in the country."

#### CAUTIOUS APPROACH

At UC's medical schools, minority enrollment was eroding well before the regents' vote, falling from a peak of 117 in 1992 to an expected 69 in this year's entering class.

Administrators say that intense public scrutiny had already forced them to become more careful about affirmative action in the admissions office. Davis, San Diego and Irvine, for example, used to review all affirmative action candidates in a separate pool — until a few years ago, lawyers advised them to stop.

This year, despite a 22 percent drop in minority applicants, the five medical schools expect to enroll almost as many minority students as last year — 69, as compared with 73.

Law schools tend to place considerable emphasis on applicants' test scores, and because average scores of African Americans and Latinos are lower, affirmative action played a greater role in admitting them. Medical schools, on the other hand, tend to conduct a more holistic review of their applicants — including interviews evaluating the personal qualities of these potential physicians.

"Those of us who are in medical education realize that test scores are not the sine qua non of a good physician," said Ernest Lewis, an associate dean at UC Davis' medical school. "Beyond that are drive, humanitarianism, the need and desire to help other people. Those are the kinds of things we look for."

#### ALTERNATIVE STRATEGIES

The number of first-year minority students at Davis plummeted from 31 in 1993 to 2 in 1996, and despite the regents' vote, Lewis was determined to

reverse that trend.

Although race was now off-limits, the regents had encouraged the use of socioeconomic considerations in admissions decisions. So Lewis and his team decided to take into consideration applicants' home zip codes, giving extra points to those from "medical service shortage areas," which tend to be poorer neighborhoods.

The number of minority candidates admitted dropped from 36 last year to 31, but while only two enrolled last year, 10 plan to enroll this year. "When we found ourselves having accepted some minority students through the new process," Lewis said, "we recruited hard."

Aggressive recruitment also seems to be making a difference at UCLA's Anderson Graduate School of Management. "We had to work very hard on the yield, because of the chilling effect of (the regents' policy)," said admissions director Linda Baldwin.

#### POOLSIDE BARBECUE

Last spring, faculty and alumni launched an energetic drive to recruit minority students — sweetening the deal with corporate money for minority fellowships and holding special recruitment events.

A poolside barbecue at the home of Henry Brandon, a wealthy black alumnus who lives in Los Angeles' Ladera Heights, an affluent African American neighborhood, apparently helped. "We felt it was a culturally specific way to get the candidates," said Baldwin.

Although UCLA admitted fewer underrepresented minorities — 49, down from 61 last year — the number who

decided to enroll barely dropped — from 31 to 28. One student turned down Harvard, Stanford, and Northwestern to come to UCLA.

#### WARM WELCOME

The UCSF School of Medicine has also managed to keep minority enrollment from falling, despite a significant drop in the number of applicants.

Michael Drake, associate dean for admissions, said he places a high priority on making minority applicants feel that they are welcome. For instance, when they visit the campus, they are interviewed by a fellow minority.

"I don't think they (the regents) told us we couldn't do that," said Drake.

Regent Ward Connerly, author of UC's new race-blind policy, disagrees. "That smacks of a form of racism," he said. "We don't do that with white students. It says that the people who are applying . . . somehow think of themselves first and foremost as blacks and Latinos. I don't buy that group-think mentality."

Connerly does not oppose other efforts to land qualified applicants who have already been accepted. "You're letting some of those who won the competition know that you want them to attend," he said. "I don't have any problem with that."

#### FOCUS ON BOALT

At Boalt, some students and faculty fault the school for not doing enough minority recruitment. "We've never needed to do that before," said Dean Herma Hill Kay. "Obviously we will have to try to find ways to do it."

But the future of minority recruitment efforts could hinge on Proposition 209, the anti-affirmative action measure passed last year, which is currently held up in the courts. If 209 is upheld, some legal experts say, minority-targeted recruitment could become illegal.

In the near term, most of the attention is likely to remain focused on Boalt, where declining minority enrollment is attracting federal scrutiny. The U.S. Office of Education is investigating the matter in response to a complaint from civil rights groups.

Some at the university see the falling minority numbers as proof that the old system was admitting less-qualified students simply because of their race. Martin Trow, an emeritus professor of public policy, said the drop in minorities at Boalt reveals "the true face of affirmative action — a pattern of gross racial and ethnic discrimination."

But some alumni and local lawyers plan to mark the start of school today with a polite protest against what they describe as the "resegregation" of the legal profession.

"I graduated in 1967 from a segregated high school in Mississippi," said Peter Benvenuti, a Boalt graduate and a partner at Heller, Ehrman, White & McAuliffe in San Francisco.

"It never occurred to me . . . that there would be any chance that my children, were they to go to the same law school, would complete that unfortunate cycle and end up in a racially segregated law school run by the state of California," Benvenuti said. "The prospect of that happening is shocking beyond words." ■

## 14. The State, Columbia SC

August 18, 1997

# *Court settles issue: Students may pray away — in silence*

By JAMES J. KILPATRICK  
Special to The State

If one legal issue in the whole field of "church and state" may now be regarded as settled, it is this: Public schools are free to mandate a minute of silence before classes begin each day, and during that minute of silence pupils are free to pray inaudibly to their hearts' content.

The issue never should have been in doubt, but for the past 12 years it has

kept bobbing up in the federal courts. Now, with an opinion by Circuit Judge R. Lanier Anderson in a Georgia case, the question may be put to rest.

In 1994, the Georgia General Assembly adopted its Moment of Silence in Schools Act. These were the three key provisions:

(1) In each public school classroom, the teacher shall conduct a brief period of quiet reflection for not more than 60

seconds.

(2) The moment of quiet reflection is not intended to be and shall not be conducted as a religious exercise, but shall be considered as an opportunity for silent reflection on the anticipated activities of the day.

(3) The foregoing provisions shall not prevent student-initiated voluntary prayers at schools or school-related events that are nonsectarian and

But Annenberg's gift is evolving so differently that skeptics also wonder if its goals are too vague. In New York, the money has been used to create small new schools that emphasize certain academic themes. In Philadelphia, it has been poured — some say lost — into the school superintendent's plan for higher academic standards. In Los Angeles, schools in the same neighborhoods are forming partnerships to share resources and deal with problems of student attendance.

Vartan Gregorian, the former president of Brown University and a close adviser to Annenberg, called the project's variety a healthy sign. Forcing school systems to use the same model would have been a doomed strategy, he said. In his judgment, the choice Annenberg made has forced competing interests in public education to find common ground on how to help students — or risk losing heaps of free money.

"No one has been excluded, and the dialogue about improving schools, which was once absent, is now incredible," Gregorian said. "This is a real catalyst for change. Even at sites that have fallen behind, it's certainly not from lack of effort."

Still, he is realistic about the obstacles that lie ahead for the project. "If we succeed only 30 percent of the time, that will still be a remarkable gain."

When other education officials look at how Annenberg's fortune is being spent,

however, they see wasted opportunities. Some call Annenberg's wariness about working too closely with school system leaders a serious mistake.

Michael Casserly, the executive director of the Council of Great City Schools, which represents the nation's largest urban districts, said that choice has created "mistrust and distractions" in some cities working with Annenberg.

"A lot of their agenda is on target, it's just how they're pursuing it," Casserly said. "It would be more helpful if they were working in harmony with school systems."

Annenberg has made donations to schools for decades, but the scope of his latest gesture is unrivaled. He also has challenged other philanthropists to give to public education, and some have responded. In San Francisco, another city receiving Annenberg money, the Hewlett Foundation has donated \$25 million to the cause.

Some of the cities with Annenberg grants are already past the midway point of their projects. Others are only just now beginning their work. But in most places, there is growing clamor to see more results.

Here on Chicago's west side at Galileo Academy, an elementary and middle school where most students are poor, teachers say they are confident the money will help.

What Annenberg is buying — Garcia, the full-time reading supervisor — is a

luxury it has never been able to afford. And it also has gained an outside partner, the nonprofit group Designs for Change, that is assisting students with reading.

"You can have all the good ideas in the world, but if you don't have someone coordinating all of it, it's not going to happen," said Alfonso Valtierra, Galileo's principal. "This is a whole new scenario now."

Last year, Garcia had to juggle her reading duties with teaching. But this year, since the stipend from Annenberg grew, she is working full time on the subject. Her role in classes is still evolving and at times that creates friction. "That's the hardest part," she said. But many teachers say they welcome her help.

Garcia focuses on students who are falling behind in reading. She works with community groups that want to supply books or tutors. She questions teachers like a coach about the rigor of their lessons.

Those are all only small steps, but at this school, like so many others in urban public education, progress is measured in even the slightest increments.

"Annenberg is expanding our horizons," said Jack Beven, a first-grade reading teacher. "We have a long way to go, but it's valuable to have another voice, another eye there helping you when you're trying to get these kids to learn." ■

## 9. The New York Times

10/14/97; Edition: Late Edition - Final; Section: Section A; National Desk; Page 24, Column 4

### *Group Suing U. of Michigan Over Diversity*

By ETHAN BRONNER

The University of Michigan, which has doubled its minority enrollment over the last decade through a strenuous diversification effort, is the object of a Federal lawsuit to be filed today asserting that its admissions policies are unconstitutional because they discriminate against whites.

The suit, in Federal District Court in Detroit, is by the Center for Individual Rights, the public interest law firm that won the Hopwood case last year, ending affirmative action based on racial preferences in admissions at the University of Texas. It names as defendants the University of Michigan, its president, Lee C. Bollinger, and his

predecessor, James Duderstadt, who instituted the plan to diversify, calling it the Michigan Mandate.

The case is part of a growing nationwide assault on affirmative action by those who contend that preferential admissions policies help unqualified nonwhites while discriminating against qualified whites.

"The racial preference policies at Michigan are more explicit and widespread than they were at Texas," said Terence J. Pell, senior counsel at the Center for Individual Rights, in Washington. "They have an admissions grid with very different results whether you are black or white, effectively a dual admissions policy. This is a pretty

extreme example but it is something which is going on at a lot of other schools."

Confidential admissions policy guidelines, publicized by a University of Michigan professor who had obtained them under the Freedom of Information Act, show a series of grids in which grades and standardized test scores are applied differently to whites and nonwhites.

For example, a white student with a grade-point average of 3.8 out of a possible 4.0 and combined Scholastic Assessment Test scores of 1,000 out of a possible 1,600 or an A.C.T. test of 21 out of 36 would be rejected, under the guidelines, whereas a black or Hispanic

applicant with those same results would be admitted.

The professor who obtained the documents, Carl Cohen of the philosophy department, said in a telephone interview that "the evidence is overwhelming and the conclusion indisputable" that "preference by race is given systematically at the University of Michigan to applicants for admission."

University officials vehemently deny this, saying that the grids serve only as a set of guidelines among many and are not rigid admissions barriers.

"There is no question that we are committed to diversifying our campus to reflect the diversity of our society and enrich the educational experience for all here," said Lisa Baker, associate vice president for university relations. "We have therefore recruited more students and faculty of color. But there are a number of factors that go into admissions decisions. Race is only one."

The use of diversity as a justification for affirmative action dates from a longstanding understanding of the 1978 Bakke case, in which the United States Supreme Court said that universities could not set aside places for minorities but could use race and ethnicity as factors in admissions. But the Fifth Circuit Court of Appeals, which overturned the Texas admission policy in

the Hopwood case, said that diversity was an insufficient basis for preferential admissions.

There had been talk of a lawsuit against the University of Michigan for several months, since a group of Republican state legislators urged residents who felt they had suffered discrimination to become plaintiffs.

One who responded was Jennifer Gratz, a white applicant with relatively strong credentials who was denied admission in 1995 to the University of Michigan at Ann Arbor.

Ms. Gratz, 20, who attended Southgate Anderson High School in Southgate, Mich., graduated with a grade-point average of 3.765 and an A.C.T. score of 25. According to the admissions grid, those numbers would put a white applicant on the waiting list and admit a black applicant.

Ms. Gratz, who was 13th in her class of 298 students, a cheerleader, homecoming queen and a mathematics tutor, was placed on the waiting list before being rejected. She is now a junior and math major at the University of Michigan at Dearborn, where she has made the dean's list several times.

"I knew of people accepted to Ann Arbor who were less qualified, and my first reaction when I was rejected was, 'Let's sue,' " she said in a telephone

interview yesterday. "My parents said we probably could but we didn't have the resources."

She said she is no longer seeking admission, only to get the policy changed.

The University of Michigan is one of a very few highly selective public universities, making it ripe for this kind of lawsuit. Moreover, the huge number of applications received by Michigan each year, 20,000, means that its admissions officers are more likely than others to draw on numerical cutoffs to help them wade through the pile. About 13,000 people are offered admission, with places for about 5,300 of them in the freshman class. The Michigan Mandate has brought minority enrollment from 12.7 percent in 1986 to just over 25 percent this year. The University of Michigan uses a combination of grades and test scores as guidelines for screening high school graduates for admission, with lower standards applied to underrepresented minority or other disadvantaged students than to majority students. Last year two sets of criteria were put in a grid that included codes directing some students to remedial programs. For clarity, each set is on its own grid; program codes are omitted. (Source: *University of Michigan LSA Freshman Guidelines*)■

## 10. Philadelphia Inquirer

October 14, 1997

### *Hispanics are struggling to make economic gains*

By R.A. Zaldivar

**INQUIRER WASHINGTON BUREAU**  
WASHINGTON — As a new American citizen, Jose Moreno knows he has to improve his English and get more training to fulfill his dream of a secure job with good benefits.

But to study, Moreno would have to cut back his hours as a parking attendant. And he and his wife support a family of six, including three children newly arrived from their native El Salvador.

"I'm a little stuck," said Moreno, 46, who lives in suburban Washington.

This month's census reports on income and poverty paint a picture of a Latino population in an economic bind, much as Jose Moreno is. The figures show that Latinos lag further behind whites than in previous decades, and by

some measures, they trail African Americans.

Experts fear that many Hispanics could be relegated to dead-end jobs in the evolving high-tech economy. Two key reasons: high dropout rates among U.S.-born and immigrant Latinos, and a stream of largely unskilled immigrants who cannot easily join the economic mainstream.

Hispanics number more than 29 million people — about 11 percent of the U.S. population. They are growing in number and visibility, from established centers in California, Texas, New York, Florida and Illinois, to newer communities in such places as rural North Carolina.

Nearly two-thirds of Hispanics are of Mexican origin. The other major groups

are Central and South Americans, who account for 13 percent, Puerto Ricans, 11 percent, and Cubans, 5 percent.

"While some positive things are happening in terms of economic status, we also see that there is a big proportion of the population that isn't doing well," said Sonia Perez, a policy analyst with the National Council of La Raza, a Latino advocacy group in Washington. "We have to be concerned that we don't wind up with a polarization."

According to census statistics, Latinos took the longest of any major ethnic group to benefit from the 1990s economic expansion.

The median income of Hispanic households went up in 1996 for the first time in seven years.

Despite that improvement, and despite

had been making progress toward that goal. But since 1994, there has been a regression, he said, because of the climate created by legal challenges and the fear of further challenges. Dr. Davidson, the study's co-author, said that part of the problem was a perception among those applying to medical school that California campuses are no longer receptive to them since the 1995 Regents decision. He said that applications to Davis from minority group members plummeted in 1996, recovering only slightly last year.

He said he was certain that he would find that higher percentages of minority graduates were serving underserved populations when he undertakes a study to break down the special admissions beneficiaries between minorities and others.

Dr. Davidson and Dr. Lewis acknowledged that their study will not stop the debate over affirmative action, but stated, "We have shown that a special consideration admissions process with a major emphasis on cultural diversity in

the student population at one school of medicine has been very successful in selecting students with the academic capability to succeed in medical school and provide a student population with broad cultural diversity." A study of about 600 student admitted to the University of California, Davis, Medical School under special preference from 1968 to 1987 found that they ended up with academic records similar to students who entered on academic merit alone. ■

## 2. Los Angeles Times

\* 10/08/97; Edition: Home Edition; Section: Metro; Metro Desk; Page B-2

# *An exploration of ideas, issues and trends in education*

## ***Tracking Affirmative Action Study at UC Davis Says Program Produced Good Doctors, but Report Draws Fire***

By KENNETH R. WEISS  
TIMES EDUCATION WRITER

Affirmative action students admitted to UC Davis Medical School with below-standard grades and test scores had to play catch-up during their first years in school but turned out to be just as competent doctors as regularly admitted students, according to a study released today.

The study, conducted by two UC Davis medical professors who support using race in admissions, examined the performance of medical students over two decades.

Their conclusion: Giving preference to ethnicity and other special qualities "yields powerful effects on the diversity of the student population and shows no evidence of diluting the quality of the graduates."

But the study, which appears today in the influential *Journal of the American Medical Assn.*, drew immediate criticism from affirmative action foes, who accused the authors of statistical "sleight of hand."

Gail Heriot, a University of San Diego law professor and a former campaign leader for Proposition 209—last year's state ballot measure that banned racial preferences—complained that the report lumped minority students with white students who also were admitted under special circumstances, thereby "diluting

the differences of affirmative action students . . . who wouldn't have been admitted except for their race."

Dr. Robert C. Davison, who co-authored the study with Dr. Ernest L. Lewis, defended the project as an accurate look at "a group of students who were offered admissions despite lower grades and [Medical College Admission Test] scores."

Their report points out that 46.4% of those students who entered through special admissions were white. They were admitted despite lower grades or test scores, the study said, because of qualities such as leadership ability or fluency in multiple languages, or because they had overcome poverty or physical disability.

Such special admissions criteria also won entrance for the vast majority of "underrepresented minority students," defined as blacks, Latinos and Native Americans.

The minority students made up 42.7% of the special admittees, but only 4% of regularly admitted students during the study period spanning 1968 to 1987. During that time, 356 of 1,784 students—an average of 20% of each incoming class—were admitted because of special considerations.

Such special admissions hit a low in 1977, the study noted, because of the landmark case that ensued when a white

student denied admission, Alan Bakke, sued the university. The U.S. Supreme Court subsequently ruled that the school's practice of reserving a certain number of seats for minorities was unconstitutional.

That forced the University of California and other schools to drop such set-asides and switch to a system that simply included ethnicity along with other criteria in admissions decisions—until last year.

Under a 1995 decision by the UC Board of Regents, the university's five medical schools, three law schools and other graduate programs now are barred from using race, ethnicity or gender in admissions. That policy has caused dramatic drops in the enrollment of blacks and Latinos at some professional schools, but not Davis. Its 93 incoming medical students this fall include five blacks, four Latinos and three native Americans.

The study published today reported that, over the two decades, the "special considerations" students were only slightly less likely to survive medical school than others. About 94% for those admitted under special considerations graduated, compared to 98% of the other students.

Among other findings:

The medical students admitted because of special considerations had considerably lower college grade-point

averages and scores on the Medical College Admission Test than other medical students. Specially admitted students had average GPAs of 3.06, compared to 3.5 for other students, and a mean score of 9.0 on the test, contrasted with 11.0 for regular admissions. The test is graded on a scale of 1 to 15.

While the specially admitted students lagged behind in the basic sciences courses in the first two years of medical school, they began to catch up in medical and surgical clinical courses in their third year.

The special-admissions students had a higher failure rate on the National Board of Medical Examiners test taken in medical school—which doctors must pass to obtain a license—and more often repeated the exam before passing.

But after graduation, both types of students had similar experiences in residency training programs and were "equally likely to receive honors evaluations."

An accompanying editorial in the AMA Journal praised the authors for demonstrating that "the number of fully qualified individuals in the applicant pool is much larger than formerly was thought." While "some specially admitted students have not been successful," it said, "the count is small compared with their overall numbers and their potential to increase medical care to patients most in need."

Dr. Randall Morgan, past president of the National Medical Assn. in Washington, which represents more than 22,000 African American physicians, said the study supports the group's views that medical schools should consider a person's race and other qualities in picking whom to train as doctors.

"We have not seen distinct correlation between grade-point average and medical tests with the performance as a physician," Morgan said. "More attention should be paid to the type of person, one's level of dedication and human sensitivity."

But Jennifer Nelson, executive director of the American Civil Rights Institute in Sacramento, which opposes affirmative action, latched onto one finding of the Davis study that failed to support other surveys, which have suggested that training more minority doctors helps fill the needs of poor communities. The Davis study said the "specially admitted" students went on to "nearly identical" practices as others.

When asked to estimate the ethnicity of their patients, those who got into medical school through special admissions said 55% of their patients were white and that 17% did not speak English—compared with a patient group that was 59% white and 13% non-English speaking for those who had been regularly admitted to medical school.

"It's illogical to think that letting someone in on the basis of their skin means they are going to work in the inner city," Nelson said.

"The much more logical way to attract medical students to work in inner cities is to do what the Army does: Ask them to commit to working in the inner city for a certain number of years for a break on their tuition."

(BEGIN TEXT OF INFOBOX / INFOGRAPHIC) Different Paths, Similar Careers A study of medical students at UC Davis over two decades

found that black and Latino students almost always were admitted under "special consideration" criteria—but so were many white students. The affirmative action students got lower grades in medical school than did those who entered by regular admissions, but went on to similar medical careers. \*

What sort of medical career they pursue

Private practice Special consideration graduates: 48% Other graduates: 46% \*

Health maintenance organization Special consideration graduates: 17 Other graduates: 13 \*

Academic medicine Special consideration graduates: 13 Other graduates: 11 \*

Military or Veterans Affairs Special consideration graduates: 1 Other graduates: 2 \*

Community clinic Special consideration graduates: 6 Other graduates: 5 \*

Hospital-based medicine Special consideration graduates: 3 Other graduates: 6 \*

Medical administration Special consideration graduates: 3 Other graduates: 1 \*

Continued training Special consideration graduates: 3 Other graduates: 6 \*

Other Special consideration graduates: 6 Other graduates: 9 \*

Course grades Molecular and cell biology Special consideration admissions: 2.65 Regular admissions: 3.21 \*

Pathology Special consideration admissions: 2.81 Regular admissions: 3.24 \*

Surgery Special consideration admissions: 2.73 Regular admissions: 3.13 \*

Medicine Special consideration admissions: 2.66 Regular admissions: 3.07 \*

Special Consideration Admissions Native American: 2.2% Asian: 10.9% Black: 16.0% Latino: 24.5% White: 46.4% \*

Regular Admissions Native American: 0.1% Black: 0.7% Latino: 3.4% Asian: 14.7% White: 81.1%

Source: UC Davis Medical School■

### 3. The Washington Times

October 8, 1997

## *Hillary tells D.C. school kids about her roof woes*

By Susan Ferrechio

THE WASHINGTON TIMES, page A1

Children in the D.C. public school system aren't the only ones getting rained on occasionally through leaky roofs, first lady Hillary Rodham Clinton told a group of pupils yesterday.

Mrs. Clinton, who spent the afternoon at Malcolm X Elementary in the Congress Park section of Washington's

Southeast quadrant, told pupils that the White House also had a faulty roof and that President Clinton on occasion had to fetch a bucket to catch rainwater leaking into the first family's residence.

Mrs. Clinton also took a dig at a decision issued by D.C. Superior Court Judge Kaye K. Christian, who ordered closed all schools undergoing roof repair.

A new roof was installed on the White

House this summer, "but nobody moved out," Mrs. Clinton said, and tours of the historic building were not canceled.

Mrs. Clinton was at the school to celebrate the system's acquiring \$42 million in proceeds from the privatization of the Student Loan Marketing Association, commonly known as Sallie Mae. School officials plan to use the money for roof repairs and other repairs

# NATIONAL

## 1. The New York Times

10/08/97; Edition: Late Edition - Final; Section: Section A; National Desk; Page 1, Column 1

# *Study of Doctors Sees Little Effect Of Affirmative Action on Careers*

By ETHAN BRONNER

In a report certain to fuel the debate over affirmative action, an extensive study of doctors trained at the University of California at Davis over a 20-year period found that those admitted with special consideration for factors like race or ethnic origin had remarkably similar postgraduate records and careers to those admitted on academic merit alone.

The report, published today in the *Journal of the American Medical Association*, found that students receiving admissions preferences — not all of them members of minorities — performed less well in the basic science courses of the first two years of training, were less likely to graduate with honors and more likely to repeat the certification examination to become doctors.

But the two groups graduated at essentially the same high rate and, following graduation, they followed parallel paths, completing residency training at the same rate, receiving similar evaluations by residency directors, selecting their specialties in the same percentages and establishing practices with almost the same racial mixes.

The research was undertaken by two professors of medicine at the Davis campus following the California Regents decision two years ago to bar any consideration of race or ethnicity in admitting students. In its decision, the Regents cited concerns about the quality of students admitted under affirmative-action programs, a fixture in higher education since the Supreme Court's landmark 1978 Bakke case, which originated at the Davis medical school.

Advocates of affirmative action praised the findings as proof that those who were given admission preferences have careers similar to those who were not.

"This is a highly significant study, what I would call a landmark study, which shows we should do more with

applicants from special circumstances who are not quite optimal tickets in their grade point averages and test scores," said Dr. William Jacott, head of the family practice department at the University of Minnesota medical school and a trustee of the American Medical Association.

Opponents of affirmative action remained unimpressed, pointing out that if the two graduating groups ended up practicing on a similar ethnic mix, one major argument put forward in favor of affirmative action — that minority populations will be better served by such graduates — loses its power.

The study was conducted by Dr. Robert C. Davidson of the Department of Family and Community Medicine at the Davis campus and Dr. Ernest L. Lewis, associate dean for student affairs and a member of the department of urology at Davis. Both have served for many years on the school's admissions committee and were granted access to school records for the admissions in question, those for students who began their studies between 1968 and 1987. They also wrote to the graduates' residency programs and directors as well as to the graduates themselves to assess post-graduate careers.

Their data contain several ambiguities because of the circumstances of admission over the years. For example, in the group admitted under special consideration, only 53.5 percent were members of minority groups. The rest were beneficiaries of such consideration because of experiences like volunteering in the community or serving in the Peace Corps, or previous careers like teaching or nursing. These students were admitted even though their undergraduate grades and test scores were below the standard required by the medical school.

In addition, 4 percent of the students admitted without preferences were members of minority groups.

"The thrust of the article is to blur the distinction between racial differences and special consideration," remarked Stephan

Thernstrom, a professor of history at Harvard and co-author, with his wife, Abigail, of a new book, "Black and White: One Nation Indivisible" (Simon and Schuster). "It is sloppy or slippery of them to suggest that this program has been highly successful without making a distinction between the population that receives special consideration for racial as opposed to nonracial reasons."

The study coincides with growing concern over the value, effectiveness and fairness of affirmative action nationwide. This is especially true in California, where, two years ago, the Board of Regents banned the use of race and ethnic origin in university admissions and where last year a referendum, Proposition 209, barred race and gender considerations in state hiring and promotion.

It was a 1978 case from the Davis medical school, *Regents of the University of California v. Bakke*, that laid out the United States Supreme Court's criteria for taking race into account in admissions.

In that case, Alan Bakke, a white medical school applicant, was denied admission because the school kept certain slots for minority members. The court ruled that such a policy was unconstitutional but added that race could be one of a number of factors considered for in admissions.

The Regents' 1995 decision effectively invalidated the Bakke ruling for California schools.

An editorial in today's issue of the *Journal of the American Medical Association* commenting on the study hailed the data as evidence that medical schools across the country must not be affected by the current political climate and should pursue affirmative action in their admissions.

The author of the editorial, Dr. Michael J. Scotti Jr., a vice president of the American Medical Association, said that medical schools had agreed through a partnership program to enroll 3,000 minority medical students by 2000, and

## 83. U.S. Newswire

*Smithsonian Institution to Launch Nationwide Education Initiative for K-6 Children*

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## 2 senators attack probe of race-blind admissions

By Carol Innerst

THE WASHINGTON TIMES

The chairman of the Senate Judiciary Committee is demanding that Education Secretary Richard W. Riley rein in his department's top civil rights official and kill her "politically motivated" investigation of the University of California's new race-neutral admissions policies.

Sen. Orrin G. Hatch, Utah Republican, sent Mr. Riley a scathing July 31 letter co-written by Sen. Mitch McConnell, Kentucky Republican and member of the Senate Labor and Human Resources Committee. The two accuse Norma Cantu, head of the Education Department's Office for Civil Rights (OCR), of riding "roughshod" over the "will of the people, the courts and the Constitution" in an effort to preserve race-based preferences.

"It appears that Ms. Cantu has developed a pattern and practice of threatening to cut off federal funds for higher education institutions that implement policies to end discriminatory racial preferences," the senators wrote.

They pulled out a threat of their own, saying the department's approach to affirmative action is likely to lead to congressional hearings and an amendment to prohibit the use of Education Department funds to investigate race-neutral policies.

The University of California's Board of Regents voted in July 1995 to ban racial preferences throughout the system. UC officials reported in May that the number of minority applicants admitted to its Berkeley, Davis and Los Angeles law schools for the fall term dropped from 946 to 685 in the first academic year in which race, ethnicity and sex

were dropped in the admissions process for graduate and professional schools.

Without affirmative action, 14 blacks and 39 Hispanics were admitted to Berkeley's Boalt Hall School of Law, compared with 75 and 78, respectively, last year. None of the successful black applicants chose to enroll at Boalt, where classes begin Monday.

A coalition of organizations led by the Mexican American Legal Defense and Education Fund, an organization with close ties to Miss Cantu, filed a complaint in March that triggered the OCR investigation and put \$1 billion in federal aid to the university in jeopardy.

Education Department spokesman Rick Miller said the two senators are "incorrect" in their allegations.

"We're not threatening the state or the system," he said. "We received a complaint from a group of civil rights organizations of a disparate impact caused by the present admissions policy, and by law we must look into such complaints. We're not investigating affirmative action."

President Clinton has denounced the University of California ban on affirmative action, but "this action is not part of that concern," Mr. Miller said.

Current UC admissions policies emphasize applicants' grades and test scores and factor in the strength of the undergraduate institution attended.

In the letter, the senators argue that "it is absolutely wrong to use federal tax dollars to investigate whether schools are discriminating by refusing to discriminate." They say the department's approach turns the principle of nondiscrimination "on its head by threatening schools that use race-blind admissions policies and objective

measures of merit, such as grades and test scores."

"If colleges can't use grades and test scores, what on earth can they use?" Mr. McConnell said in separate remarks.

"Nothing is more politically motivated than that letter," said Joseph Jaramillo, education staff attorney with the San Francisco regional office of the Mexican-American legal fund suing the university. "The letter is completely outrageous, inflammatory, and seeks to harass the Department of Education for conducting its mandatory duty to investigate discrimination."

"Racially neutral practices can discriminate."

Education Department regulations prohibit not only intentional discrimination, but admissions criteria and practices that have a discriminatory effect on members of any racial or ethnic group, Mr. Jaramillo said.

Aides to Mr. McConnell said the OCR has discretion regarding the complaints it investigates and targeted UC in an attempt to undermine its race-neutral policies.

A McConnell aide noted that the OCR's site on the World Wide Web [<http://www.ed.gov/offices/OCR/>] says: "When OCR receives your complaint, we decide whether, under applicable law and OCR policies and procedures, it is appropriate for OCR to proceed to complaint resolution."

The office earlier determined that complaints of sex bias at UC's law schools were unfounded.

Miss Cantu has attracted controversy before.

In March she told Texas education officials the state could continue to consider race and national origin in

10

college admissions despite a U.S. Court of Appeals' rejection of the use of racial preferences at the University of Texas Law School. In letters to Texas officials, she said state institutions risked the loss of federal funds if they failed to consider race in attempting to remedy past discrimination.

At the same time, the OCR reactivated an investigation into Texas'

desegregation efforts.

Miss Cantu backed off after Sen. Phil Gramm, Texas Republican, threatened to block some Education Department funding if the agency continued to pressure Texas colleges to flout the federal court ruling.

House Republicans, led by Education and the Workforce Committee Chairman

Bill Goodling of Pennsylvania, complained to Mr. Riley when Miss Cantu challenged an effort to raise school standards in Ohio. The OCR launched an investigation into an eighth-grade-level high school graduation test that a disproportionate number of black students failed. Ohio's test was found not to be discriminatory. ■

### 9. Associated Press

08-14 2:01a

## Clinton to order federal agencies to permit religious

# After affirmative action, what happens?

UNC Greensboro professor Linda Wightman has the data on diversity in decline

By FOON RHEE  
Staff Writer

It made national headlines when the top public law schools in California and Texas said they would enroll virtually no new black students this fall because of new bans on affirmative action.

It didn't surprise UNC Greensboro's Linda Wightman.

In fact, she predicted it in a study getting lots of national attention in the race preference debate.

And she says the same thing would happen in the Carolinas and other states if racial preferences ended in admissions. "Absolutely," Wightman says. "The student body would look dramatically different than it does now."

The bottom line: While black law school students graduate and pass the bar exam, many just don't have the highest test scores and grades to get in if race is entirely removed as an admissions factor.



Wightman

That decline in diversity would be a great loss, she says — to black students who would lose opportunities, to white students who would lose different views in class, to the legal profession and to the country.

"We are increasingly a multicultural society," Wightman says. "Any steps we take that make higher education institutions mostly white is a result under which everyone loses."

Wightman is looking for a "surrogate" for race in admissions — another factor that could be used to create a diverse student body.

To her dismay, she hasn't found one. In her study, she looked at giving added weight to:

■ **Socioeconomic background.** Many pundits and policy analysts argue that nearly the same number of black students and other minorities would be admitted if schools gave preference to those who overcome poverty and other hurdles.

"It does not," at least for law school applicants, Wightman says.

She found that black students with higher

grades and test scores come from the upper-middle class as well. She also found that there are poor white students who would also get a leg up.

And she found that giving enough weight to socioeconomic status to create a diverse student body would mean admitting students who are less well-prepared, widening the academic gap between white and black students.

■ **Undergraduate major.** Another theory is that black students are concentrated in certain majors, such as education. So they would get admitted more often if schools gave more credit for those majors.

But Wightman found that black students and other minorities applying to law school are scattered throughout lots of majors. "That didn't work either," she says.

■ **Selectivity of the undergraduate school.** Another idea: Give more weight to the selectivity of the applicant's college.

But she found that black applicants are scattered through all kinds of schools.

## LAW SCHOOL ADMISSIONS

Here's what happened to the number of black students after affirmative action policies ended at two top public law schools, and comparable figures for the Carolinas.

### University of California, Berkeley

1996 20

1997 1

### University of Texas, Austin

1996 31

1997 3

### UNC Chapel Hill

1996 38

1997 30

### USC, Columbia

1996 21

1997 15

Note: Figures are for students who enrolled in 1996 and those expected to enroll this fall.

SOURCES: The universities

Staff graphic

Please see **LAW SCHOOL** / page 4C

Bill - would you get hold of  
this article? Thanks. Elena cc: Bruce

Empirical Analysis of the Consequences of Abandoning Race as a

the reversal of two decades of affirmative action.

The University of California's

bringing hard data to the raging affirmative action debate.

"It's very much my role now," she says.

# After affirmative action, what happens? Professor's prediction is playing out

## LAW SCHOOL

Continued from page 1C

"None of these factors showed promise for helping to identify an ethnically diverse group of qualified students," her study says.

She says it's "very difficult" and subjective to find factors other than pure numbers — test scores and grade point averages — to use for admission decisions.

Wightman, 52, brought a wealth of experience from her job as vice president at the Law School Admissions Council, which administers the Law School Admissions Test. She joined UNCG in January as an associate professor of education research methodology, doing her studies and teaching graduate students in education and other fields.

The last few weeks, she and her study have won mention in national magazines such as Newsweek, Time and U.S. News and World Report. She's appeared on cable TV's CNBC and MSNBC, and on National Public Radio.

Her study, "The Threat to Diversity in Legal Education: An Empirical Analysis of the Consequences of Abandoning Race as a

Factor in Law School Admission Decisions," appeared in the New York University Law Review in April.

Looking at all law school applicants nationwide in 1990-91, it found that if test scores and grades alone decides who gets in, law schools would look like the largely white ones of 30 years ago. Only 10 percent of black applicants admitted under affirmative action would get in, she estimates.

Reality is proving even more dramatic than her prediction.

Two weeks ago, the University of California at Berkeley announced that it expects only one black student in this fall's new law school class of 270. That's down from 20 black students in last year's entering class.

The University of Texas at Austin said it expects three black students among 500 first-year students this fall — down from 31 in the class that started last year.

They are the top public law schools that provide many legal, business and political leaders in the nation's two biggest states.

Now, they're the pioneers in the reversal of two decades of affirmative action.

The University of California's

governing board voted in 1995 to eliminate race and gender as factors in admissions, a policy that takes effect with graduate students starting this fall and with undergraduates next year.

The U.S. Supreme Court last year upheld a ruling barring public colleges and universities in Texas, Louisiana and Mississippi from considering race in admissions.

So far, the Carolinas and other states haven't followed suit, though some politicians are pushing for race-neutral policies. Meanwhile, the number of black law school students isn't declining nearly as drastically.

Of 268 students accepted and considering attending UNC Chapel Hill's law school in the fall, 30 are black, compared to 38 in the class that started last fall. USC's law school in Columbia expects 15 black students to enroll in the fall, compared to 21 last year.

Wightman plans to continue her research into diversity in the legal profession. She's now looking at national bar exam results.

And she hopes to continue bringing hard data to the raging affirmative action debate.

"It's very much my role now," she says.

to expect campus security officers to record incidents in a campus-crime log within 24 hours, as the bill would require.■

## LOCAL

### 28. Los Angeles Times

• 07/18/97: Edition: Home Edition: Section: Metro Desk: Page A-3

## *UC Regents Panel OKs Minority Outreach Plan*

**Proposal would allocate \$120 million to attract black and Latino high school graduates.**

By AMY WALLACE TIMES EDUCATION WRITER

SAN FRANCISCO — A University of California Board of Regents committee unanimously approved a plan Thursday to double UC's annual spending on outreach programs—which seek to increase minority enrollment without using affirmative action—to \$120 million.

The plan, the result of 18 months of deliberations by a 35-member task force, is designed to increase the number of black and Latino high school graduates whose grades and standardized test scores make them eligible to enter UC from the current 4,200 per year to 8,500 over the next five years.

"The UC is one of the state's main avenues for social and economic mobility," said C. Judson King, UC's provost. "We need to serve that role. In short, people should be limited only by their abilities and desire, and not by social, environmental, economic and educational factors."

To make that ideal a reality, UC officials plan to target 50 underachieving or "educationally disadvantaged" high schools across California, as well as about 100 middle schools and 300 elementary schools.

The target schools would split an estimated \$370,000 a year to improve teaching skills. Officials said Thursday that they hope to cobble together the

additional \$60 million that is needed from several sources: the federal and state governments, private foundations and the targeted schools.

Currently, about 5% of black high school graduates and 4% of Latino graduates meet UC admission requirements. Nearly 13% of whites and 32% of Asian Americans are eligible.

The new outreach strategy—which also includes plans for teacher recruitment and retention programs and scholarships for disadvantaged students—comes almost exactly two years after the regents voted to ban the consideration of race and gender in UC admissions, contracting and hiring. In the wake of that vote, concern about maintaining diversity among the university's student body led to the formation of the outreach task force.

The panel's report won praise Thursday from Regent Ward Connerly, among others.

Connerly, who led the affirmative action rollback, said he supports the new initiatives and hopes they will "make more black and Latino students competitively admissible to [the University of California] starting in about five years than was the case in the past 20."

"I truly believe that history will say it was well worth the wait," Connerly said.

Although the full board is expected to

approve the committee's vote today, other regents were more muted in their praise. Lt. Gov. Gray Davis, who is a member of the board by virtue of his office, said he supported the goals of the plan but was not satisfied that it would make the university sufficiently diverse.

"Let's not kid ourselves. This is simply not enough," he said in a letter to the board, which was read aloud Thursday. Davis proposed that the UC system also adopt a proposal guaranteeing admission of the top two students of every public high school in California.

Critics, including former Regent Rick Russell, who wrote a dissenting 15-page minority report to the task force's recommendations, have said that even an infusion of millions of dollars will not solve the problems that racism has caused.

"The challenges that face us in light of the elimination of affirmative action cannot be addressed by UC outreach efforts alone," Russell wrote, calling the new report a rehash of existing policies.

The \$60-million cost projection for the program includes \$27.2 million for school outreach efforts, \$17.9 million for expanding academic programs that target black and Latino students but are open to all, and \$7.9 million for contacting students, families and schools about UC admission requirements.■

guidelines also state that having children out of wedlock is harmful to the children, the parents and society.

"There's no question that (pre-marital sex) has harmful effects," said Flip Benham, national director of

the anti-abortion group Operation Rescue. "It goes against God's plan for family and for marriage." ■

Race/ Minority Enrollment  
24  
Urban  
Tike V  
cc: Mike Cohen  
Elana Kagan

### 30. Sacramento Bee

July 3, 1997

## UC is urged to invest in poor schools: Double spending on outreach effort

By Stephen Magagnini  
Bee Staff Writer

A University of California task force on Wednesday recommended doubling its spending to \$120 million a year on outreach programs to increase minority enrollment without using affirmative action programs.

The goal is to more than double the number of African American and Latino high school graduates who are eligible to enter the state's premier public university from the current 4,200 per year to 8,500 over the next five years.

There remained uncertainties as to how UC would find an additional \$60 million to pay for the expanded outreach programs.

But in two weeks, the UC Board of Regents will vote on the proposal to target 50 underachieving or "educationally disadvantaged" high schools across California, as well as about 100 middle schools and 300 elementary schools that feed into those high schools.

The target schools, which would be selected by the UC campuses, would get an estimated \$370,000 a year to improve teaching skills, ideally increasing the number of students whose grades, standardized test scores and college preparatory classes would qualify them for admission to the UC system.

The proposal finalized Wednesday is designed to ensure a diverse student body without relying on affirmative action programs. Last year, the UC regents banned any program that gave special consideration to race and gender in university admissions.

"We've never had a comprehensive plan before that encompasses all the major influences on college preparation: parental support and involvement, quality of instruction and school services, appropriate curriculae,"

said Margaret Heisel, director of university outreach.

Currently, about 5 percent of black high school graduates and 4 percent of Latino graduates meet the admission requirements for UC. Nearly 13 percent of white graduates and 32 percent of Asian graduates are eligible.

Some members of the blue-ribbon task force charged with finding alternatives to racial preferences, however, said UC is doing little more than expanding programs that have had limited success in the past.

Rick Russell, an African American attorney who authored a dissenting 15-page minority report, said the proposed programs sidestep the issue of race and offer no guarantees that the students who benefit will be black or Latino.

"We don't want to talk about race, but that's the issue driving this," said Russell. "It's there, it's a problem, it's an 800-pound gorilla, it's underrepresented minorities — and it hasn't been addressed.

"People are going to look at this as a panacea, but I don't believe the numbers (the doubling of eligible black and Latino students) add up," he said. "There's a tidal wave of mostly Hispanic students coming, but now only 3.9 percent are eligible."

Several task force members said the problem was more than they could handle without help from captains of industry, lawmakers and the keenest educational minds in America.

"We are a state in peril in a nation at risk," said Karl Pister, former chancellor of UC Santa Cruz. "The enemy is the lack of access to quality education in the state of California. This is a crisis that calls for a Manhattan Project-type response."

But Bob Collins, vice president for instruction of the giant Los Angeles Unified School District, called the

proposed outreach programs revolutionary. "Going into 50 schools making fundamental changes has never been done before," he said. "There's a desperate need to have the entire system buy into standards and (standardized) graduation requirements."

In addition to \$18.5 million in teacher development programs, the proposal calls for:

Teacher recruitment and retention programs at a cost of \$6.2 million.

Scholarships for disadvantaged students at a cost of \$2.5 million.

Academic development programs such as MESA (Mathematics, Engineering, Science Achievement), AVID (Advancement by Individual Determination), and other programs designed to boost the performance and eligibility of individual disadvantaged students at a cost of \$17.9 million.

Informational outreach to students, families, teachers, counselors and recruitment programs at a cost of \$7.9 million.

Infrastructure needs such as information technology and program administration and evaluation at a cost of \$7.55 million.

The \$60 million plan — arrived at after 18 months of deliberations by a 35-member panel of experts — could be funded by private foundations and businesses, state and federal governments, and the partnership high schools themselves, said co-chair Dick Clarke, former chairman of Pacific Gas and Electric Co.

However, no specific funding suggestions were made Wednesday.

UC officials say about \$60 million is being spent now on outreach, of which about \$14 million comes from private sources. So far, about \$4.5 million has been promised in new outreach funding.

"The group of students we will be working with most intensively have

experienced educational disadvantage — a much less than average chance to get a good education," said Heisel. This includes students who are economically deprived; those whose parents don't have a college degree; and those whose high schools lack advanced placement courses and send few students on to UC campuses, Heisel said.

Local school boards, superintendents and principals will have to agree to the partnership, said Gary Hart, director of the Institute of Education Reform based

at California State University, Sacramento. Not every underachieving school will be willing to change its curriculum and teaching methods, Hart said: "Many people out there are in a state of denial."

The task force also recommended that the UC system marshal its vast resources to investigate why, for example, the average SAT score for African Americans whose families earn more than \$60,000 a year is lower than that of whites and Asian Americans

from the poorest families (below \$20,000 a year). While the task force acknowledged flaws in the SAT, it is still used as a primary indicator of a student's readiness for college-level work.

Why some students succeed and others don't "is one of the mysteries of life," said Meredith Khachigian, a UC regent who is among those who favor a multicampus research effort to help explain the predominant factors in academic success or failure. ■

## 31. The Detroit News

July 3, 1997

### *Education: Achievers take extra week of class work*

Associated Press

CHARLOTTE — With classes like "Flavors of French," "Music Mooves Me" and "African Arts," the Something Special Summer School is not the usual summer school.

About 250 gifted students are giving up a week of their vacations to participate in the program that offers innovative classes with a more hands-on focus.

"You get all these kids who want to be here, want to learn," said Jeri Andreau, a fourth-grade teacher who is working with kindergartners and first-graders at the summer school. "It's a delight. A week is not long enough."

Tim Vagts, principal at Charlotte's Weymouth Elementary School, revived the program two years ago after it was dropped by the Eaton Intermediate School District.

Eaton County schools always offered traditional summer school for struggling students, but Vagts wanted to offer more to top performers.

"With all the resources we put into at-risk students, it's important we put resources into these students as well," Vagts said. "And they are eager."

Nearly all students are from Eaton County, but Vagts hasn't turned away students from Lansing and other schools who have asked to take part. One student from Munising in the Upper Peninsula is staying with relatives in Charlotte while attending the school.

Katie Johnson, 12, a Charlotte Junior High seventh-grader, said classes like "Calligraphy Creations" — one of the 14 courses offered — make coming to school far more interesting than passing

the time at home.

"I've always liked school because I love learning," she said. "It's really fun."

Charlotte High School teacher Craig Snyder is taking a break from teaching chemistry and advanced biology to 11th- and 12th-graders to bring students closer to insects and butterflies.

He leads students on bug-hunting expeditions with giant nets and then has them identify, mount and preserve their specimens.

In another class, Snyder matches students with their own rats, which they can take home afterward — parents permitting.

"These are things I can't do during the school year," Snyder said. "They're not all academic-type things, but they're valuable learning experiences." ■

## 32. The Detroit News

July 3, 1997

### *Decentralize power, schools told*

#### **New Detroit report urges board to give principals more authority over financial, operational matters.**

By Charles Hurt / The Detroit News

New Detroit Inc. today proposes city education reforms intended to be a life raft from the business community to a sinking school district.

The report to Detroit's Board of Education recommends shifting power

from the central headquarters and six area offices to individual schools, giving principals more authority over financial and operational decisions, said two members of a New Detroit panel.

Eighteen community and business leaders convened by the urban coalition

have met since March to search for solutions to the district's chronic financial problems and bureaucratic snafus.

New Detroit President William Beckham declined to comment on the report before its release this morning.

Dealing  
Min  
enrollment

## 51. Los Angeles Times

\* 06/27/97; Edition: Home Edition; Section: Metro Desk; Page A-1

# UC Law School Class May Have Only 1 Black

By AMY WALLACE  
TIMES EDUCATION WRITER

Not one of the 14 black students admitted this year to UC Berkeley's Boalt Hall School of Law has decided to enroll, officials said Thursday, prompting the school's dean to call the numbers "a total wipeout."

The tally confirms some critics' worst fears about the ripple effect of UC's ban on affirmative action. Come August, when classes begin at Boalt, this jewel among California's public professional schools will probably have the same number of blacks in its 270-member, first-year class as the University of Mississippi had in 1962: one, a student who was admitted last year but deferred enrolling.

"Nobody's coming from this year's admits," Boalt Law Dean Herma Hill Kay said Thursday. Because UC offers less generous financial aid packages than private schools, she said, "the expectation was never very high. But I didn't think it'd be a total wipeout."

Richard Russell, one of three blacks on the 26-member UC Board of Regents, put it another way: "It's obvious that the resegregation of higher education has begun." Russell was not on the board when it voted in 1995 to ban consideration of race and gender in admissions; the ban goes into effect this year.

Last year, 20 black students enrolled in Boalt's first-year class. Kay said her faculty and administration hope that minority students will still enroll at Boalt "because we continue to welcome them." As the class firms up, it is possible that more underrepresented minorities on the waiting list will be offered slots.

But Kay said that if she were a black student weighing whether to attend Boalt, "I would certainly be very concerned about my ability to flourish here."

At the UCLA School of Law, the numbers were not so stark. The school admitted 21 blacks and 74 Latinos for

entrance this fall. On Thursday, Michael Rappaport, dean of admissions, said that to date, 10 blacks and 41 Latinos have said they will probably attend.

"The situation could have been worse [at UCLA], and to that extent I'm delighted it isn't," he said, stressing that some applicants could still change their minds. "But we're obviously distressed that numbers are down so significantly from prior years. Typically, we enroll 30 or 32 black students."

News of the numbers followed the disclosure in May that UC's law schools—working for the first time without race and ethnicity as admissions criteria—were accepting dramatically fewer underrepresented minorities than in past years. Opponents of affirmative action pointed to that sharp decline as evidence that black and Latino students were less prepared than whites and Asians.

"We are too politically correct to reach the conclusion: They are not as competitive to be lawyers and doctors," UC Regent Ward Connerly, who spearheaded the movement to remove race and gender from admissions criteria at UC, said at the time. He could not be reached Thursday.

The latest numbers seemed to indicate yet another effect of the ban on affirmative action in admissions—a ban that will be extended to undergraduates next year. There is increasing evidence, officials say, that some of the best prepared, most competitive students of all ethnicities are opting not to attend UC at all.

"We've already had some Caucasian students withdraw from our waiting list because they prefer to go to a school with a more diverse student body," said Kay, who added that she fears the education of the students who enroll this fall will suffer.

"Their training will be deficient in that they will no longer have the ability to engage in debate and dialogues with

members of disadvantaged groups who were here formerly," she said.

Officials said that of the 48 Latinos slated for entrance to Boalt this fall, 18 have indicated that they will attend, though those students could still change their minds. Both Native Americans who were accepted have opted not to attend Boalt. Last year, by contrast, 28 Latinos and four Native Americans enrolled in the first-year class.

As word of the numbers trickled out, reaction from faculty and students was resoundingly negative.

Robert Post, a white professor of constitutional law at Boalt, called the news "horrible, because one of the strengths of the law school was the fact that we were able to serve the diverse communities of California and play a part in the integration of the state. . . . [Without diversity] I will feel like I'm not performing part of my function."

Andrea Guerrero, co-chairwoman for La Raza Law Students Assn., which represents about 80 Latino students at Boalt, said the quality of legal education will be eroded.

"All Boalt students will suffer from the coming lack of diversity," she said, calling the present admissions policy "devastating. California cannot afford to lose its brightest minority students to more inclusive public and private schools in other states."

Joseph Jaramillo, staff attorney with the Mexican American Legal Defense and Educational Fund, said Boalt's numbers were further evidence of systematic exclusion of minorities.

"This demonstrates both the discriminatory and deterrent effect of eliminating affirmative action and keeping in place an admissions policy that is neither fair nor open," said Jaramillo, whose organization has a complaint pending before the U.S. Department of Education alleging that UC's admissions policies violate federal civil rights law. ■

school was forged after Rios wrote to Mayor Riordan in 1994 offering to donate surplus computers to the LAUSD. The mayor's office put him in touch with the LA's BEST program, which provides after-school activities to about 5,000 LAUSD students at 24 elementary schools in neighborhoods deemed most

vulnerable to gangs, drugs and crime.

"This program serves a lot of purposes," said Langdon Assistant Principal Phil Genino. "It teaches them computer literacy and it opens their eyes to a world beyond Langdon Avenue because they go to the company and

learn from real engineers."

Rios said he has been encouraging other businesses to get involved in similar programs. "To prepare our children for jobs in the future, the business community must get involved," he said. ■

## 49. Los Angeles Times

\* 06/27/97; Edition: Orange County Edition; Section: Metro; Zones Desk; Page B-2

### *Teachers' New Dress Policy Met With Criticism*

By HOPE HAMASHIGE

Sandals are out, and dress shoes are in. Men must wear ties. And women may not expose their midriffs.

Come July 1, Santa Ana teachers will have to adhere to a new dress code, even though some of them say they think it is far too restrictive.

"We are very disappointed," said Gladys Hall-Kessler, president of the Santa Ana Educators Assn.

New rules about shoes, ties and pants

will be particularly hard on elementary-school teachers, Hall-Kessler said, who lead their students in arts and crafts and conduct daily physical education classes.

But the majority of the Santa Ana Unified School District board members felt that formalizing dress standards for teachers would improve the quality of teaching.

"Dress does make a difference in the atmosphere at the schools," Trustee Rosemarie Avila said. "Teachers need to

command more respect. They need to be in a place of authority. I think it's a good step forward."

Teachers will have to comply with the new code, which forbids jeans on campus except for spirit days and on field trips.

Teachers who do not work in air-conditioned rooms also will be exempted on days when outside air temperatures exceed 90 degrees.

Hall-Kessler said the union plans to appeal the board's decision. ■

## 50. The Atlanta Journal-Constitution

June 27, 1997

### *Report says Georgia spending more on college students*

By The Associated Press

Georgia dwarfs the national average in the amount of aid it gives college students, who on average also spend less on tuition than their peers elsewhere, says the Southern Regional Education Board.

What gets the credit? The gambling-driven HOPE scholarship program.

"We keep saying we don't know of any state doing anything comparable to HOPE, and this confirms that," said Glenn Newsome, director of the scholarship program. "Everywhere I bump into higher education types, they can't believe it."

Georgia's amount of student aid from state and local programs is 12.2 percent, according to a SREB report. The average for southern states — where students are attending higher education in record numbers — is 4.9 percent, and the

national average 7.1 percent. Virginia is the closest SREB state, at 8.5 percent.

Also Georgia families spend a smaller share of their income on college tuition and fees, and Georgians get much more state student aid than families in other states, according to the Southern Regional Education Board's report on higher education trends.

"We're a relatively high income state with relatively low tuition," said Joseph L. Marks of the Atlanta-based SREB, who helped compile the SREB's "Fact Book on Higher Education."

Those trends are attributed to the state lottery-funded HOPE scholarship program, under which students with a "B" average can attend a state college or university tuition-free, or get a grant toward a private college education.

Also in the fact book:

Faculty members at four-year schools

in Georgia didn't see much increase in salaries between fiscal 1991 and fiscal 1996 although salaries on average dropped nationally and in SREB states, the report said. Georgia is in the midst of a four-year, 6 percent annual pay hike that's raising the state's standing.

More federal aid is coming in the form of loans instead of grants. SREB officials said loans make up 60 percent of federal financial aid packages to students, compared to 30 percent 25 years ago.

The statistics didn't paint a bright portrait of higher-education overall. Students on average are paying more for schooling because universities and colleges are passing on more costs to them, said Mark Musick, president of the SREB.

The fact book compares higher education in 15 Southern states with national trends. ■

## 21. The New York Times

06/28/97; Edition: Late Edition - Final; Section: Section 1; National Desk; Page 1, Column 5

# Minority Law School Enrollment Plunges in California and Texas

By PETER APPLEBOME

The leading public law schools in the nation's two most populous states will enroll hardly any new black students this year as the result of bans on affirmative action in Texas and California.

The University of California at Berkeley announced on Thursday that only one of the 17 black students admitted for this fall's entering class of 270 students plans to attend. The University of Texas says it has tuition deposits from three black students for 500 slots next year.

These numbers are causing consternation in two of the nation's most diverse and complex states, and they highlight in the most graphic way how big the stakes are in the nationwide battle over affirmative action.

"This is worse than our predicted worst-case scenario," said Herma Hill Kay, dean of the law school at Berkeley.

In fact, pending possible admissions from the waiting list, none of the 14 black applicants admitted to Berkeley law school this year plan to attend. The only black student planning to attend was admitted last year and deferred his enrollment until this fall. Two other black students who deferred their enrollment later decided not to attend.

Both schools reported substantial, though not as dramatic, drops in the numbers of new Hispanic students, while Berkeley reported an increase in Asian students. The other public law school in the two states that ranked in the top 20 nationally, UCLA Law School, reported a considerable drop in minorities students who are planning to attend, though the decline not as dramatic as those at Texas and Berkeley.

The Berkeley figures were first reported in the Los Angeles Times on Friday.

Enrollment figures will not be complete until students show up for class and waiting list applicants are added, but under current figures, it appears that the Texas law school will go from 31 black and 42 Hispanic students in the class that just finished its first year to 3 black and 20 Hispanic students in the class entering

this fall. Berkeley, under current figures, would go from 20 black and 28 Hispanic students in the Class of 1999 to one black and 18 Hispanic students in the Class of 2000. UCLA would go from 19 black students to 10 and from 45 Hispanics students to 41.

Both applications and acceptances showed sharp declines.

Officials attributed the stunning drop to a combination of higher admissions standards that have shut out minority applicants and the better financial incentives and more diverse environments that other elite schools can offer. The Texas and California schools traditionally provide much of the legal, business and political leadership of their states. Berkeley, UCLA and Texas are ranked among the top five public law schools and among the top 20 over all.

Experts say that the dropoff is particularly significant given the degree to which access to the top schools often means access to jobs and power in a legal career.

"The law is an extremely hierarchical and stratified profession," said Marjorie Shultz, a Berkeley law professor and a proponent of affirmative action. "I wish it were not, but it is. Where you go to school makes a huge difference in which opportunities you have, particularly the opportunities to shape the law, rather than routinized implementation."

A ban on affirmative action in admissions was approved by the California Board of Regents in 1995. Its implementation was phased in this year for professional schools and it will affect undergraduates next year.

In Texas, the changes are the result of a sweeping ruling last year by the United States Court of Appeals for the Fifth Circuit in the Hopwood v. Texas reverse discrimination suit. Texas Attorney General Dan Morales has interpreted the ruling as banning affirmative action in admissions, scholarships and outreach programs. The two other states in the Fifth Circuit, Mississippi and Louisiana, have not banned affirmative action because they are under desegregation orders.

Critics of the bans point to the declines as proof that ending affirmative action will have a disastrous effect on education and opportunity. Ms. Shultz of Berkeley, who called the figures "shocking and shameful," said that in a state as diverse as California, educational was needed for educational excellence.

"It's so stunning it's almost unbelievable," she said. "What do we think? The leading public university in the most diverse state and the most diverse educational system is going to just withdraw behind some siege wall and be a white institution? It's preposterous."

But supporters of the bans say the results only show how much racial preferences skewed admissions and how much work needs to be done to bring up minority achievement, particularly among blacks.

"The figures are not dropping for Asian students so you can't say the standardized tests are discriminating," said Ward Connerly, the California regent who led the assault on affirmative action. "The unfortunate thing we have to address is that we've been failing in making black students competitively admissible."

Ms. Kay, the law school dean, said some whites had also declined to attend, citing the apparent lack of diversity, and students interviewed today voiced disappointment with the enrollment figures.

"Blacks, whites and Latinos, all the students, are disappointed with the Regents and the way the school has handled it," said Mike Sobel, a 30-year-old white law student who just finished his first year at Berkeley.

Even Mr. Connerly, the prime architect of the affirmative action ban, said the figures were shocking.

"It's a bucket of cold water in the face," he said. "I am obviously concerned. I am petrified at the fact that we have as far to go as we do. You cannot look at the situation and come away from it with anything other than d i s m a y . . ."



## TRADE

### 22. Education Daily

July 1, 1997

## CLINTON COUNTEROFFER: \$44.9 BILLION IN EDUCATION TAX CUTS

**W**ith the House and Senate ready to start working next week on a compromise five-year tax package, President Clinton yesterday offered a new proposal that includes \$44.9 billion in education-related tax breaks.

Clinton's latest tax draft mirrors Democratic plans defeated in Congress last week, but offers some concessions while still seeking at least \$12 billion more for education than either chamber approved (ED, June 30).

The latest structure for Clinton's Hope Scholarship, a mainstay of his tax package, would offer the nonrefundable tax credit equal to 100 percent of the first \$1,000 in postsecondary expenses and 50 percent of the next \$1,000, for a maximum break of \$1,500 in each of the first two years of postsecondary education.

The president originally proposed a \$1,500 credit — equal to full costs — for each of the first two years for those earning a B- average. He dropped the grade requirement in earlier budget negotiations, but the House and Senate plans would further limit the tax credit.

The House-passed Hope Scholarship credit would be limited to half a student's out-of-pocket expenses, and the Senate's would allow the benefit to cover up to 75 percent of community college expenses and half of all other students' out-of-pocket costs, with all set at a maximum of \$1,500.

Clinton yesterday also scrapped his proposed \$10,000 annual tax deduction for postsecondary education. Instead, he's now seeking a nonrefundable tax credit equal to 20 percent of tuition and fees up to \$5,000 from fiscal 1998 through 2000, and \$10,000 thereafter. It would cover the third and fourth years of college, graduate programs and people returning to college to upgrade their skills.

Nonrefundable tax credits can be used only to reduce tax debt. Still, Clinton's tax credits would cost the federal

government an estimated \$34.5 billion over five years.

#### ED Optimistic GOP Will Bite

David Longanecker, ED's assistant secretary for postsecondary education, expressed optimism that GOP leaders will accept Clinton's compromise.

"The polls are showing that [education] is where folks want their tax cuts to go," he said in an interview yesterday.

"We're trying to find a compromise with which people can live."

The House tax plan would allow families to deduct up to \$10,000 annually tax-free from education savings accounts and state prepaid tuition plans. The Senate did not include any proposals related to the \$10,000 deduction.

The president also offered other education-related tax breaks that would be funded outside the \$35 billion he wants reserved for the Hope Scholarship and postsecondary tax credits.

The House-passed GOP plan would provide a total of \$31 billion over five years for all of its education-related proposals, while the Senate GOP plan would provide a total of \$32 billion in education tax breaks (ED, June 30).

#### Accepting GOP Positions

Clinton's new plan also adopts a Senate-passed proposal to grant a \$500 per-child tax credit for families with children under age 17 through 2002, and age 19 thereafter, if the money is placed in tax-free education savings accounts.

Clinton originally wanted to limit the child tax credit to children under age 13.

Added to Clinton's original plan to allow families to withdraw money tax-free from Individual Retirement Accounts for postsecondary education expenses, that would cost \$1.3 billion over five years.

Other education proposals in Clinton's revised tax plan include.

\* School construction tax credits for states to rebuild and modernize buildings

in empowerment zones or low-income communities, at a five-year cost of \$2.9 billion. The House and Senate did not include any school construction funds in their proposals.

\* A permanent extension of Section 127 of the tax code, which allows \$5,250 of tax-free employer provided tuition, at a cost of \$3.8 billion. Clinton originally proposed extending the credit through 2000. The House would extend it through the end of this year, while the Senate-passed plan would make it permanent; and

\* A deduction of up to \$2,500 annually of interest paid on student loans in the first five years of repayment, at a cost of \$1.8 billion. The Senate plan includes the same proposal at a five-year cost of \$1.1 billion, while the House does not have an interest-deduction proposal.

Clinton's plan also includes tax incentives for companies that contribute computer equipment to K-12 schools, which is included in the House plan, and would eliminate a cap on tax-exempt bonds that private nonprofit groups may issue.

The House plan would set a higher cap on the tax-exempt bonds, while the Senate would eliminate it.

The House plan also would phase-out tax-free tuition benefits employees receive at higher education institutions (ED, June 13).

The Senate plan lets teachers deduct the cost of training courses certified by their local education agency (ED, June 30).

The House and Senate are on a week-long break, but plan to start working out a compromise tax plan and balanced-budget package once they return July 7.

The House and Senate approved \$1.8 billion in cuts to the student loan programs in an effort to balance the budget by 2002 (ED, June 26).

— Rebecca S. Weiner ■

## 10. USA Today

07/23/97; Edition: FINAL; Section: LIFE; Page 07D

# *Race-blind policies signal segregational shift*

By Mary Beth Marklein

Boston University's law school offered Marisa Salazar a \$10,000 scholarship. Notre Dame and Baylor accepted her into their law schools. She is on waiting lists at Columbia and Georgetown.

But the law school Salazar really wanted, at the University of Texas at Austin, didn't want her.

"I am the Hopwood fallout," says Salazar, 22, of San Antonio, referring to Hopwood vs. Texas, the case that prompted the ban this year on racial preferences in admissions to Texas public institutions.

In Los Angeles, however, 18-year-old Danielle Smith has avoided getting caught up in the fallout from the University of California's policy banning affirmative action.

Smith, valedictorian of her Crenshaw High School class, was accepted at highly selective UC Berkeley and UCLA but enrolled at private Pitzer College in Claremont, Calif., which gave her a scholarship. She says the buzz over the affirmative action ban, which goes into effect next year for undergraduates but is already spurring changes in UC admissions, "really didn't have any effect on my final decision."

The experiences of Salazar and Smith illustrate how difficult it is to draw sweeping conclusions about the new rules on affirmative action and how they'll affect minority students. But when enrollment figures are tallied this fall in Texas and the UC system, one thing is certain: There will be more white and more Asian-American students than last year, and there will be fewer — in some cases dramatically so — underrepresented minorities, including blacks, Hispanics and Native Americans.

Opponents continue to fight the bans: The **U.S. Education Department** recently told civil rights groups in California, for instance, that it would investigate whether the new admission policies at three UC law schools discriminate against blacks and Hispanics.

But should affirmative action rollbacks continue, many fear the gap could widen more, creating "a fairly dramatic segregation," says Thomas Kane, a professor in Harvard's John F. Kennedy School of Government. "Elite colleges would become even more dominated by whites and Asian-Americans, (and) black and Hispanic enrollments at less selective public and private institutions would then increase."

And not just in California and Texas, bellwether states whose affirmative action bans in college admissions have begun to influence other states.

Enrollment numbers could change, but early figures show:

None of the 14 black students admitted to the University of California-Berkeley law school plans to enroll, but one black student who had deferred admission last year has enrolled this year. Neither of the two admitted Native Americans will enroll.

At the University of Texas law school, the percentage of underrepresented minorities has dropped from 15% last year to 5% this year among first-year students.

90% of students admitted to UCLA's law school are white or Asian-American, compared with 78% last year. About half of the underrepresented minorities admitted — 10 of 21 blacks, 41 of 73 Hispanics, and none of four American Indians — have said they will enroll.

At the flagship Austin campus of the University of Texas, a state where 39% of the population is of Hispanic origin or black, the freshman class, based on 7,074 deposits paid to date, will be 15% black and Hispanic, compared with nearly 19% last year.

The numbers trouble those who believe diversity of cultures enhances higher education. But there are compounding problems, too, says Drew University president Thomas Kean, a member of President Clinton's race commission.

In the not-too-distant future, minorities will make up the majority of the nation's workforce, he says. Yet a new Rand Corp. report says unless institutions control soaring tuitions, millions of students will be shut out of college by 2015. Most denied would be poor and minority students.

That, Kean says, is "not only a threat to the economy, but a threat to democracy itself."

Not everyone believes the situation is so dire. "Everybody's going to find a college. It's just not going to be the one they might have gone to," says Roger Clegg, general counsel of the Center for Equal Opportunity in Washington.

Community colleges, for example, which serve nearly half of all minority students in college, are working harder to reach minorities who might not have gone to college at all, says Norma Kent of the American Association of Community Colleges in Washington.

Also, some high school counselors in California and Texas noted heavier recruiting of their most talented minority students by schools unaffected by racial preference bans.

"The one good thing this whole affirmative action thing has done is made kids look beyond the UC system," says Cassandra Roy, counselor at Crenshaw High School, where 95% of students are black.

Many colleges, too, have a "heightened sense of awareness" of the effects of affirmative action, says Victoria Valle, admission director at the historically black Spelman College in Atlanta. She says the school's recruiting efforts in California

and Texas didn't change a lot but adds, "It would be foolish of us not to talk about what's going on."

Even if recruiters said nothing, some students got the message. The University of Michigan, Ann Arbor, courted Jose Pompa Garza of San Antonio with phone calls, videos and a handsome financial aid package. Garza, 18, enrolled at the University of Texas at Austin — his top choice — but the attention from Michigan almost changed his mind. "I thought I might be more appreciated somewhere else," he says.

His mother, Elizabeth Pompa Garza, a doctoral student at the University of Texas, is proud of her son but says he is lucky he had the choice. "When you've been discriminated against historically as a group, your opportunities are not the same," she says.

And, those opportunities narrow over time, says education professor Gary Orfield, co-director of the Harvard Civil Rights Project.

Professional schools, for instance, increasingly choose candidates from the nation's most selective undergraduate schools. And state flagships like those in Austin, Los Angeles and Berkeley tend to produce community leaders, Orfield says. If the schools grow overwhelmingly white and Asian, the future leaders graduating are "going to become very disconnected" from communities they serve, he says. Research shows, for instance, that minority doctors and lawyers are far more likely to serve minority clients and patients.

Moreover, Orfield says, growing resegregation, primarily of blacks and Hispanics in inner-city public schools, already threatens college access.

"When you put kids in schools that are less competitive, have fewer college prep courses and less-well-prepared teachers, those kids will be much less prepared for college. So you're raising the barrier for college and lowering the preparation at the same time," he says.

Terry Pell, an attorney for the nonprofit Center for Individual Rights in Washington, which represented the Hopwood plaintiffs, isn't convinced a ban on racial preferences hurts minorities. But he says college administrators have only themselves to blame for creating an atmosphere that sends "a very strong signal to minority youth that they can't possibly get in" without a boost.

There's no question the ban on affirmative action has been "a public relations nightmare," acknowledges Bruce Walker, admission director at the University of Texas at Austin. "It sort of ended up with us being the bad guys" even though the school fought the ban, he says.

He's encouraged, though, by this statistic: Although fewer underrepresented minorities applied this year compared with last year, the school admitted nearly the same proportion of black applicants — 54% compared with 55% last year — and a larger proportion of Hispanics, whose admission rate increased 6 percentage points, to 71%.

The same pattern appears to be occurring at UC Berkeley graduate programs (excluding the law school), where the number of underrepresented minorities admitted fell 17% from last year, but the admission rate of those who applied is down only 3%.

Some high school and college admission counselors interpret that as meaning the universities of California and Texas must convince minority students they're still welcome. But Salazar suggests that opportunity is lost.

"They could have been more outspoken about the injustice" of the Hopwood ruling, she says of the University of Texas, adding, "I don't really want to be at a school that isn't fighting for people's rights."

Ultimately, Harvard's Kane says, the solution will require an "unavoidable tradeoff. Everything else equal, I think we would all prefer race blindness. But then we see the results — dramatic segregation — and it concerns us," he says. "Rather than swing from one extreme to another, the trick is finding the level of segregation along with the degree of race consciousness that we're willing to live with."

Many other factors in college choice

Lots of variables come into play when a student — of any race or background — chooses a college. The influence of anti-affirmative action policies is not always clear-cut.

Norma Cruz, 18, a graduate of Crenshaw High School in Los Angeles, is heading to the University of La Verne in La Verne, Calif. Having achieved a grade point average of 3.76 and a class rank in the top 10, she applied to UC-Riverside, UCLA and several other schools. She got into all but UCLA, but by the time that rejection came, "I already had my mind set on a small school." La Verne, she says, "is a mixture of everything. All races are there. Everyone gets along with everybody. My friend goes there (and she says) nobody discriminates against you."

Crenshaw classmate Taaji Abdur-Raus-Madyun, 18, who dreamed since the ninth grade of going to UC-Berkeley, was admitted there but opted instead for Mills College, a smaller, private women's school in nearby Oakland.

"I decided I wanted to go to a school where I was wanted," she says. "I'm going to school to learn, not to fight everyone's battles. I can do that later."

Edwin Garay, 18, a senior at Thomas Jefferson High School in Los Angeles, was interested in UC schools but decided on California State University in San Diego after talking with a UC representative and deciding he was "not ready to go to UC."

Garay's 3.4 GPA is adequate, but his SAT score was 680, far below the acceptable minimum.

That's pretty typical at Thomas Jefferson, even among kids with higher grade point averages, says counselor Esther Walling. The highest SAT score this year, 1100, is "barely competitive," she says, noting that the students, 92% of them Hispanic and

most of them poor, "are not used to taking an SAT." She hopes to boost scores by encouraging her students to retake the test and helping them to prepare better.

Meanwhile, Garay plans to pursue a degree in electrical engineering; he says he may try to transfer to UCLA later.

Thomas Jefferson High School graduate Maria Parra, 18, wants to "venture out in the world," so she hopes to go to Smith College in Northampton, Mass., where she's on a waiting list. She was accepted to UCLA, University of Southern California and UC schools in Irvine, Davis and Santa Barbara. If Smith doesn't pan out, she'll go to Irvine, mostly because it offered the most financial aid but also because she wants to attend a small school. Affirmative action is irrelevant, she says: "If students do their work, they deserve what they get."■