

1. The New York Times

01/29/98Section: National Desk; Section A; Page 20, Column 5

Minority Applications Rise In California, Easing Fears

By WILLIAM H. HONAN

Despite fears that abandoning affirmative action policies in California would sharply decrease the number of minority applicants to the University of California system, there has been a small but significant increase in applications from blacks, Mexican-Americans, Indians and Filipino-Americans, largely reversing a two-year decline, the university reported yesterday.

Applications fell among Hispanic students other than Mexican-Americans, among Asian-Americans and among whites.

Over all, applications from high school seniors seeking admission next fall increased by 8 percent from last year, the largest one-year jump in a decade.

Applications, though significant, do not necessarily translate into acceptances or enrollments since in recent years college-bound students have been applying to many schools.

Nevertheless, university officials did not hide their pleasure with the new report.

"We're somewhat surprised and very, very pleased," said Meredith Khachigian, chairwoman of the university's Board of Regents. "We kept hearing that there was a

perception out there that minorities were no longer welcome, and while that's not true we know that a perception can sometimes become a reality."

Mexican-American applications increased by 10.1 percent to 5,239 in 1998 from 4,759 in 1997; American Indian, 9.3 percent (to 386 from 353); African-American, 3.1 percent (to 1,965 from 1,905), and Filipino-American 0.5 percent (to 2,389 from 2,377). Applications from other Hispanic students fell by 3.1 percent (to 1,691 from 1,745). Applications from whites and other groups declined 10 percent (to 19,264 from 21,409) and applications from Asian-Americans declined 1.8 percent (to 11,629 from 11,848).

Carla Ferri, director of undergraduate admissions, said the decrease in whites and other groups and Asian-Americans might be because more of those students declined to state their ethnicity. Students who declined to state their ethnicity increased by more than 200 percent, Ms. Ferri said.

The heated national debate over affirmative action reached its climax in July 1995 when the California Board of Regents voted to eliminate race, sex and ethnicity as criteria for admission, hiring and the letting of contracts throughout the university system.

Two years later, voter approval of Proposition 209, the California Civil Rights Initiative, backed the regents by barring race, sex and ethnicity-based quotas and discrimination in all state activities.

These developments, together with the Hopwood v. Texas ruling, which held that colleges and universities could not use race in deciding which applicants to take, had a stunning impact on graduate school applications and admissions in California. Today, out of 268 first-year students enrolled at the law school of the University of California at Berkeley, only one is black. From the 1970's to 1992 when a variety of affirmative action programs were in effect, about 10 percent of each entering law school class tended to be Mexican-American and 5 percent black.

Ward Connerly, the black businessman and regent who proposed to terminate the preference programs at the university, called the report "a validation."

"Those who said the University of California was being boycotted because we abandoned diversity are proved wrong," Mr. Connerly said. "Western civilization did not end."

Some observers were skeptical about the accomplishment. Patrick M. Callen, president of the Higher Education Policy Institute based in San Jose, said, "To say that we're doing well without considering Latinos is to exclude the fastest growing population group in the state."

Ms. Ferri said the single-year surge reported yesterday might be attributed to several factors, including a 5 percent growth in the number of college-age students in California and vigorous recruiting.

She said the recruiting, or outreach, was motivated by "a worrisome decline, a softening, in applications over the past two years."

This trend was counteracted, Ms. Ferri said, by "informational outreach" to high school guidance counselors, community colleges and such mailings as the more than 13,000 letters from the University of California system's president, Richard C. Atkinson, to academically promising students from underrepresented groups, urging them to apply.

"Our mandate from regents," Ms. Ferri said, "was that they didn't want us to use gender, race and so forth as criteria, but they did want diversity among academically prepared and excellent students. So that's what we went after."

"You've got to realize," she continued, "that we were also helped by population growth, cost factors and the other intangibles that lead students to apply to a college."

Ms. Khachigian said: "Now the job is to get these students to enroll. They're highly qualified and are being sought after by the best institutions around the country. We want them here." ■

Texas 10% Admissions Plan. Texas has passed legislation that automatically qualifies any student in the top 10% of his or her graduating class for admission to the University of Texas or another school within the U.T. system. An appealing aspect of this initiative is that it will promote diversity within the UT system without the need for typical affirmative action policies in admissions, an approach sharply limited in the Fifth Circuit by the Hopwood decision. However, this general approach could be criticized in that students may finish in the top of their high school class without having met rigorous academic standards, and thus may not be well prepared for college.

from the Mormon Church after she refused to renounce her lesbianism. The church, a dominant influence in this state, holds that sex is permissible only between a husband and wife.

A demand by parents that the board allow them to pull their children from classes whose teachers they view as unfit role models.

The possibility that Weaver will be fired by this small-town district.

Weaver's orientation came to light after a student, hesitant about attending a volleyball camp Weaver ran, asked her if she was gay. Shortly afterward, district officials told her she could no longer coach the girls' volleyball team, which she had led to four state championships.

They also presented Weaver, who last year left her husband of 15 years and later moved in with a woman, with a memo reminding her to keep her mouth shut. She filed her lawsuit in response.

This week, Hilton, who has five children in the district, kicked off an emotional school board debate on the situation by handing over petitions signed by more than 2,600 parents, affirming their "strong belief in traditional morality." Many parents here feel it is their right to insist that public schools teach morality as well as academics.

It was Hilton who helped draft the law barring discussion of homosexuality in schools, adopted last year after intense controversy over a gay student club at a Salt Lake City school.

In the aftermath of that controversy, a handful of Utah teachers have proclaimed their homosexuality without repercussions. All teach at schools in and around Salt Lake City, the state's most tolerant area.

Spanish Fork is a small town, committed to its traditions.

"Roots are deep here," said Kari Malkovich, a resident. "People have portrayed us as having our heads in the sand, but most of the women in my community are college graduates who have chosen to stay home with our children."

Once an isolated farm town, Spanish Fork has grown dramatically. It is becoming a bedroom community to nearby Provo, and its appearance reflects the transition.

The sycamore-shaded Main Street still has a Western-wear store with a life-size plastic horse on the roof, but Taco Bells and Hogi Yogis are replacing formica-table cafes, and llamas graze on the lawn of the Krishna temple just outside town.

The changes aren't always welcome. Sheila Raboy, one of the few who spoke in support of Weaver at Wednesday's school board meeting, said the difference between Salt Lake City and Spanish Fork, "is that these people haven't learned to be civilized about their prejudices. They haven't learned to work within the Constitution."

At the board meeting, most parents were there to urge the board to let parents pull their children from classes whose teachers they viewed as unfit role models. Although their proposal did not mention Weaver by name, she was clearly its target.

"What if," said Hilton, "our young ladies . . . were in a locker room with a staff member who had announced a sexual preference for members of the same sex?"

Kayleen Kidman, who has had three daughters play on the volleyball team, chided Hilton for raising that specter. While Kidman emphasized that she neither accepted nor supported Weaver's lifestyle, she added: "I also see past the

blinding fear that has been generated by these concerned citizens."

Supporters of Weaver responded with loud applause to such comments; opponents stood and cheered for their speakers.

"I don't think we have anything to be ashamed of, simply because we may not be as open-minded as some people want us to be," said Ray Morley, whose 13th child is preparing to graduate from Spanish Fork High.

The school board won't act on any proposals until the state determines how to respond to Weaver's lawsuit, a decision it is likely to delay until next month. Spanish Fork High's new trimester begins in a week, but Weaver said that so far, only a couple of students have dropped her psychology class. Meanwhile, citing legal restrictions, board members won't discuss the case.

Wednesday, before the meeting, Weaver and her partner, Rachel Smith, 33, sat in a living room adorned with a wilting bouquet of red roses, sent by supporters. "A lot of people have told me they don't agree with my lifestyle, but that they agree people should stay out of my business," Weaver said.

Right now, her business, in addition to dealing with a full-time job and what seems like full-time publicity, is trying to create a life with Smith.

The two live with their combined seven children, sharing custody with their ex-husbands. Weaver and Smith each are one of 10 children, and say the controlled chaos of a large family suits them.

It's the public chaos that they can't stand. "The funny thing is," said Weaver, "I've never been the kind of person to talk to people about it [her sexual orientation]. And yet, all of a sudden, the whole nation knows." ■

52. Associated Press

11-14 0:15a Category: Local

Study finds no impact of landmark ruling

By MICHAEL RAPHAEL
Associated Press Writer

STATE COLLEGE, Pa. (AP) - An analysis of 30 years of medical and law school admissions finds that a 1978 landmark affirmative action ruling by the U.S. Supreme Court did not significantly affect minority enrollment.

The Bakke decision, which struck

down the use of quotas but approved the use of race as a factor in admissions, was expected by both critics and boosters of affirmative action to greatly affect black and Hispanic students.

Instead, two researchers found, admission rates were either stagnant or slightly elevated during the years before and after the high court decision.

"The best guess (from minority

leaders) was that this was going to hurt," said John Gruhl, a co-author of "Does Bakke Matter?" "Affirmative action hadn't been in practice in education for so many years and there was a lot of feeling it wasn't an institutionalized part of the procedure yet.

"What happened is that the people in the schools, they were sufficiently committed to affirmative action and

Affirmative Action in Admissions

minority progress."

Gruhl, a professor of political science at the University of Nebraska-Lincoln, and Susan Welch, dean of the College of Liberal Arts at Penn State, obtained enrollment records for 164 law schools and 118 medical schools in the United States.

The statistics show a large increase in applications and enrollment from 1965 to 1975; the number of black medical students jumped from 200 to 1200 for example. But during the years before and after the Bakke decision, from 1975 through 1985, enrollment was almost stagnant, then jumped again in the early 1990s.

"A lot of decisions that are landmark have impact on law but don't have as much impact on human behavior as you would think," Ms. Welch said.

The researchers also asked admissions officers whether they were affected by the Bakke ruling. Almost every official heard of the decision, but less than 20 percent said it had a "significant" or "somewhat" of an impact on enrollment

decisions.

A strong majority said the ruling had no impact at all.

While the Bakke decision didn't appear to affect enrollment, the researchers suggest that the Civil Rights Act of 1964, a growing black middle class and a large increase in the number of college-educated minorities in the last decade were more influential factors.

Since many academic doors were either open or opening at the time of Bakke, the authors argued that many administrators chose to simply "tidy up their procedures," Gruhl said. Instead of setting aside a certain number of spots in the incoming class, officials picked and chose as they went along.

"They tried to circumvent, not by disregarding, but by coming up with new ways around it," Gruhl said.

The authors include the Bakke study along with a look at the history of minority admissions in their new book, "Affirmative Action and Minority Enrollments in Medical and Law School," to be published in early 1998 by

Michigan Press.

Tim Ready of the Association of American Medical Colleges said the researchers' results ring true. "If there was any effect ... I suspect it may have occurred even prior to the decision, as the case was coming up through the courts," he said.

Allan Bakke, a white engineer, applied twice to the medical school at the University of California at Davis. Twice he was denied, although some minority applicants with lower test scores and grades than Bakke were admitted.

Bakke sued, claiming reverse discrimination and a violation of his Fourth Amendment rights. The Supreme Court announced a divided ruling on Regents of the University of California vs. Bakke.

Four justices ruled against the use of quotas and race. Four others found both to be valid. It was Justice Louis Powell's compromise opinion, which allowed race - but not quotas - to be used in the admissions process that ultimately made case law. ■

53. Philadelphia Inquirer

November 14, 1997 Category: Local

Clerics angry at how Girard College is run

They said "institutional racism" led to cutbacks while the school's endowment was growing.

By Dan Stets and Marc Kaufman
INQUIRER STAFF WRITERS, page A1

A group of 11 major church leaders issued a statement yesterday accusing the Board of City Trusts of "flawed stewardship" in running Girard College. The group said it believed that "institutional racism" and "political corruption" had hurt education of students at the residential school in North Philadelphia.

The church leaders said they found it "greatly disturbing" that the school's budget has been cut in recent years, while its endowment has increased substantially. The leaders were responding to a series of articles in The Inquirer earlier this week.

Responding for the Board of City Trusts, board member Dominic M. Cermele said that the statement was "based on a lot of misinformation. Unfortunately they have reached

incorrect conclusions based on that information."

He said the Girard College managers would like to meet with church leaders to "fully discuss their concerns at their earliest convenience."

In a related development, the Girard College Alumni Association announced yesterday that it was considering suing the board and was seeking legal advice on how to ensure that Girard College would get more money. About 3,000 graduates of Girard College are members of the association.

"Over the years, many of us ex-Girardians have had an uneasy but strong sense that things at Girard were not quite as positive as they appeared," said Williams C. Bispels, a former president of the alumni association. "It seemed to us that the social and academic skills of present Girard students were not what they should be."

Religious leaders who signed the statement yesterday included those from the Evangelical Lutheran Church, the Episcopal Church, the African Methodist Episcopal Church, the Presbyterian Church, the Quakers, Baptists and United Methodists, as well as the Black Clergy of Philadelphia and Vicinity.

The religious leaders said they were "appalled that persons on the Board of Trusts would be involved in individual investment decisions." They urged the Board of City Trusts to "remove itself immediately" from anything but a supervisory role of Girard Estate investments and to "delegate the detail of that investment to those who cannot profit from their choices, only from their labor."

They urged that the board fund Girard College — a school for orphans established under the will of Stephen Girard in 1848 — so that it could be

COMMENTARY

58. San Diego Union-Tribune

November 21, 1997

Determining who is UC eligible

Peter Schrag

Last week's report from CPEC, California Postsecondary Education Commission, about the number of California students eligible for the University of California and the California State University, was generally interpreted as bad news or, at best, "confusing." One newspaper called the news "alarming."

In fact, it was largely good news, and if it hadn't been read through the distorting prism of the debate about racial preferences in admissions, it might have been seen as such. More important, while UC officials are doing contortions to preserve ethnic diversity without the use of preferences, the CPEC report gives them a broad hint about where to start: Drop a required set of tests that UC almost never considers anyway.

The CPEC report showed that more California high school students than ever are taking and passing the A-to-F course requirements in basic academic disciplines required by the University of California; more are taking the familiar verbal and math tests of the SAT I exam; fewer are dropping out; more are taking and passing Advanced Placement exams; and more are potentially eligible for UC than ever before.

What caused the alarm was a decline between 1990 and 1996 in the percentage of those who are considered fully eligible under UC's paper criteria, including a decline in the percentage of eligible blacks and Latinos which is what got most of the attention. But that drop was attributable almost entirely to the fact that a smaller proportion took the SAT II tests, the subject-matter achievement tests, which UC requires applicants to take but which it almost never uses in making its admission decisions.

If UC dropped the SAT II tests as a requirement, or required them only for students with marginal records, the eligibility rate students who have high-enough grades in the required high school courses, and the required SAT I test scores would jump from 11.1 percent to 20.5 percent of the high school class. That would be the highest it's ever been, and half again as high as the 12.5 percent that the state master plan calls for. Such a change would increase the percentage of UC-eligible black high school graduates from last year's dismal 2.8 percent to a much more respectable 6.8 percent, and the percentage of eligible Latinos from 3.8 to 7.8. (Of course, if that were done, there would immediately be "alarming" warnings that UC didn't have enough space to handle all those who are eligible).

One can speculate why students don't take the achievement tests — bad counseling, decisions to apply only to colleges that don't require the SAT II, lack of confidence. But as one UC committee after another scratches its collective head about how to do outreach, and how to de-emphasize the SAT I (or drop the test altogether) in order to increase minority enrollment, wouldn't it make more sense to drop the SAT II, which, in all but a small number of cases, is little more than a formality?

At CSU, it's a somewhat different story. There, the decline in the percentage of eligible students is largely attributable to the percentage who did not complete all high school courses required for admission.

But since CSU's requirements the number of serious academic courses a student must pass in high school increased considerably during the six

years since the last eligibility survey, the main reason for the decline may not be poor performance but higher standards. And, in fact, even with those higher standards, and with a much larger proportion of students coming from poor and limited English-speaking households, the percentage of CSU-eligible high school graduates is higher than it was a decade ago.

Of course, none of these things portray an ideal picture. Some high schools still don't offer a full complement of required advanced courses in the major academic fields, particularly in lab science, or offer them so intermittently that students have a hard time taking them all. In some, the label on the course advanced algebra, physics, college-prep English literature may promise far more than it really delivers. In some, the teaching is wretched and the equipment and facilities even worse. Minorities are still seriously underrepresented at UC.

But in what it tells about academic substance, the CPEC report is mostly good news. If a lot of politicians and most of the education establishment were not seeing everything connected with university admissions in terms of race, it might have been recognized as such.

The report underlines the need for a broader review of the admissions process, not for the sake of enrolling more blacks and Latinos, which is what seems to be driving it now, but to determine just what the university would like its freshmen to know and be able to do. One of the ironies of Proposition 209 and the regents' decision to ban race preferences is that at this moment, race seems to have become a bigger issue in admissions policy-making than it ever was in the bad old days. ■

67. Associated Press

11-14 4:11a Category: Local

UT Law School unveils news admissions criteria

By RENAE MERLE
Associated Press Writer

AUSTIN (AP) - The University of Texas' law school has revamped its admission policy again, this time identifying applicants from socioeconomically disadvantaged backgrounds.

It is the latest attempt by the school to counter the effects of an appeals court ruling banning affirmative action from admissions decisions.

"We very much hope that we are able to increase minority enrollment," said Cynthia Estlund, associate vice president for academic affairs at the law school. "But we can't tell ahead of time what change the new admissions policy is going to make."

Under the new policy, released Wednesday, Law School Admissions Test scores and undergraduate grade point averages will still be considered along with several new factors, including a "commitment to public service, leadership."

The criteria includes an essay about personal challenges or disadvantages faced. "We are expanding our vision of what is important for future lawyers," she said.

Any distinct experiences that are not already "well-represented in the student body" also will be considered in the application process, in addition to

whether an applicant is from an underserved region of the state or has a socioeconomically disadvantaged background.

"There is a sense that all regions of this state are not well represented in this school," she said.

The new criteria will be considered for applicants to fall 1998.

In 1992, four law school applicants sued after they were denied admissions, while minorities with lower test scores were admitted. They claimed that the law school's affirmative action policies constituted reverse discrimination.

The U.S. 5th Circuit Court of Appeals agreed in a decision known as Hopwood sending minority enrollment plummeting.

This fall's freshman class includes four blacks and 26 Mexican Americans. That is compared to the 31 blacks and 42 Mexican Americans that were admitted last year.

"We're hoping to end up with a more diverse class," Estlund said. "But this just one of many ways."

She added that the law school is also hoping to see results from beefed up minority recruitment efforts.

"We have been trying to respond to the concerns inside the law school and outside the law school about what we're doing," she said.

The effects of Hopwood also are

being felt across the state as minority enrollment at Texas' four public law schools declined 23 percent for blacks and 19 percent for Hispanics.

"The new UT law 1/8 school admissions criteria for 1998 is definitely a good start and a step in the right direction," said Rep. Kino Flores, D-Mission. "UT must build on this to ensure that access to higher education reaches everyone in Texas."

Flores has pushed for a new law school branch at the University of Texas-Pan American that would allow law students to complete two years in Edinburg, then finish at the UT law school in Austin.

Vincent Lazaro, general counsel for the Hispanic Association of Colleges and Universities, said he congratulates the law school on its efforts.

"However it is not going to accomplish what needs to be done," Lazaro said. "It is not going to achieve the level of diversity that was at the law school before the decision."

He said any improvements in minority enrollment would be marginal. "But anything will certainly be better than the numbers that we saw during the first year of Hopwood," Lazaro said.

Lazaro added that the emphasis on socioeconomic background is futile. "It is not interchangeable with race not should it be," he said. ■

68. Associated Press

11-14 6:33a Category: Local

Bilingual education opponents turn in first of ballot-qualifying signatures

LOS ANGELES (AP) - Advocates of English-only instruction in California schools turned in their first batch of what they claim are more than 700,000 signatures supporting a ballot measure to remove bilingual instruction from state education.

Millionaire businessman Roy Unz, author and sponsor of the proposed initiative, and co-sponsor Gloria Matta Tuchman, an Orange County schoolteacher, displayed more than a dozen cartons of petitions Thursday,

which were later handed to the Los Angeles County registrar of voters.

"We're advocating common sense," said Unz, a software entrepreneur. "We're advocating teaching English to the children as quickly as possible when they start school."

The removal of bilingual education has sparked furious debate. In California, schools must teach English to non-English-speaking students while learning math, science and other subjects in their own language, if necessary. About 25 percent of California

schoolchildren - 1.4 million - are not proficient in English. Most of these speak only Spanish.

The proposal sponsored by Unz and Tuchman, dubbed "English for the Children," would end financing for bilingual education, which cost the state \$319 million last year. The proposal would virtually ban immigrant pupils under age 10 from learning in their native language, favoring a method called "English immersion."

Children not fluent in English would receive about a year of special help and

CA Bilingual initiative

then move into mainstream classes. The plan would also hold teachers and school officials liable for violating its provisions and calls for the state to spend \$500 million to tutor adults in English.

Earlier this month, 86 percent of voters endorsed a plan to remove bilingual education in the Orange Unified School District. The Nov. 4 vote was considered a barometer measuring support and opposition of the program.

Unz and Tuchman's proposal is well-financed, with supporters raising

\$470,000 for the campaign, including \$270,000 Unz loaned himself, state records show.

Other backers include conservative groups including \$48,000 from Fieldstead & Co., an Irvine group linked to Christian conservative causes; \$1,000 from Nobel Prize-winning economist Milton Friedman; \$10,000 from the Jacobs Engineering Group of Pasadena; and \$25,000 each from Florida businessmen Harry Teasley and William A. Dunn.

Unz's opponents concede his measure will probably qualify for the June ballot but promise the initiative will suffer a resounding defeat.

"How truthful are those signatures when people have been told, 'Do you want your children to learn English?' Who wouldn't sign that?" said Maria S. Quezada, president of the California Association for Bilingual Education. "I think that's fraudulent. It's based on very false misconceptions and representations of the program." ■

69. The Daily Oklahoman

November 13, 1997

3 Cited Schools Say They Left Loan Program

By Jim Killackey
Education Editor

Officials from three Oklahoma post-secondary schools cited by the U.S. government Wednesday for having unacceptably high student loan default rates say they already have left the loan program.

The schools that had a default rate of more than 40 percent in 1995 are Central State Beauty Academy, Oklahoma City, 100 percent; Central Oklahoma Area Vocational-Technical School, Drumright, 50 percent; and CC's Cosmetology College, Hugo, 47 percent.

The owner of Central State Beauty Academy disputed the government's figures, saying that his school had two of 40 students default in 1992, the last year the school participated in the program.

A school's 100 percent default rate "is impossible ... ridiculous," Harold Fisher said Wednesday.

Schools "have no control over the loans, but the defaults reflect back on us," said Judy Robinson, Drumright vo-tech assistant superintendent.

She said the vo-tech dropped out of the federal student loan program in 1993. The school was cited because two of four students defaulted on loans in 1989 and 1990, Robinson said. The school still is eligible for federal grants, which do not require repayment.

CC's College in Hugo stopped using student loans two years ago. "Schools don't borrow the money, students do," said owner Chiquita Carter.

She said some graduates of her school are working, but won't repay the loans.

Carter said the state should do a better

job of enforcing a 1996 law that revokes or suspends professional licenses and commercial driver's licenses of defaulted borrowers who do not have an approved payment plan in place.

The federal government gets its default data by focusing on borrowers scheduled to begin their loan repayments in 1995 and who defaulted in that year or 1996. Students have 10 years to pay off the loans.

Colleges, universities, and trade schools whose students have default rates of 25 percent or more for three straight years may be cut off from student loan programs. Schools with a one-year default rate of more than 40 percent may face cutoff of restrictions, as well.

Borrowers who default on federally guaranteed loans face repercussions, including the withholding of federal or state income tax refunds, wage garnishments, reports to credit bureaus, and litigation.

Oklahoma's student loan default rate is 12.4 percent, with an average default of \$3,500.

The national average default rate is 10.4 percent.

State regents' officials said Wednesday that Oklahoma's current 12.4 percent default rate had dropped from 19.8 percent in 1991. The national default rate was as high as 22.4 percent in 1990.

Higher education Chancellor Hans Brisch noted Wednesday that default rates for guaranteed loans continue to drop despite a 44 percent increase in the Oklahoma student loan volume: from \$184.9 million in 1989 to \$266.6 million

in 1995.

Since 1966, Oklahoma students have defaulted on some 44,500 government-guaranteed loans worth \$155 million. More than \$1.5 billion has been loaned to Oklahoma students in the past 31 years.

Default Rates

The following are public and private post-secondary institutions in Oklahoma and their federal student loan default rates for 1995. The default rate is the percentage of federal student loan recipients at the school who defaulted in the first or second year of repayment:

East Central University, Ada, 10.9.
Aladdin Beauty College 9, Altus, 26.0.
Western Oklahoma State College, Altus, 20.3.
Northwestern Oklahoma State University, Alva, 8.9.
Oklahoma Northwest Area Vocational-Technical School, Alva, 14.3.
American Beauty Institute, Ardmore, 0.0.
Southern Oklahoma Area Vocational-Technical Center, Ardmore, 36.8.
Bartlesville Wesleyan College, Bartlesville, 7.0.
Tri-County Area Vocational-Technical School, Bartlesville, 0.0.
Southern Nazarene University, Bethany, 8.8.
Southwestern College of Christian Ministries, Bethany, 21.9.
University of Biblical Studies and Seminary, Bethany, 0.0.
Broken Arrow Beauty College, Broken Arrow, 8.0.
Western Oklahoma Area Vocational-Technical School, Burns Flat, 5.3.
Aladdin Beauty College 12, Chickasha, 35.5.
University of Science and Arts of Oklahoma, Chickasha, 11.8.
Eastern Oklahoma County Area Vocational Center, Choctaw, 0.0.
Claremore Beauty College, Claremore, 24.2.
Rogers University, Claremore, 13.2.
Central Oklahoma Area Vocational-Technical School District, Drumright, 50.0.
Red River Area Vocational-Technical School, Duncan, 28.6.
Southeastern Oklahoma State University, Durant, 13.7.
University of Central Oklahoma, Edmond, 9.2.
Canadian Valley Vocational-Technical School, El Reno, 8.3.
Redlands Community College, El Reno, 21.8.
Enid Beauty College, Enid, 10.1.

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"However it is not going to accomplish what needs to be done," Lazaro said. "It is not going to achieve the level of diversity that was at the law school before the decision."

He said any improvements in minority enrollment would be marginal. "But anything will certainly be better than the numbers that we saw during the first year of Hopwood," Lazaro said.

Lazaro added that the emphasis on socioeconomic background is futile. "It is not interchangeable with race not should it be," he said. ■

68. Associated Press

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Bilingual education opponents turn in first of ballot-qualifying signatures

LOS ANGELES (AP) - Advocates of English-only instruction in California schools turned in their first batch of what they claim are more than 700,000 signatures supporting a ballot measure to remove bilingual instruction from state education.

Millionaire businessman Roy Unz, author and sponsor of the proposed initiative, and co-sponsor Gloria Matta Tuchman, an Orange County schoolteacher, displayed more than a dozen cartons of petitions Thursday,

which were later handed to the Los Angeles County registrar of voters.

"We're advocating common sense," said Unz, a software entrepreneur. "We're advocating teaching English to the children as quickly as possible when they start school."

The removal of bilingual education has sparked furious debate. In California, schools must teach English to non-English-speaking students while learning math, science and other subjects in their own language, if necessary. About 25 percent of California

schoolchildren - 1.4 million - are not proficient in English. Most of these speak only Spanish.

The proposal sponsored by Unz and Tuchman, dubbed "English for the Children," would end financing for bilingual education, which cost the state \$319 million last year. The proposal would virtually ban immigrant pupils under age 10 from learning in their native language, favoring a method called "English immersion."

Children not fluent in English would receive about a year of special help and

CA Bilingual initiative

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LAW-SCHOOL FINDINGS

Minority Enrollment Would Drop Without Preferences, Study Says

By Kim Strosnider

A new study has found that minority enrollment in law schools would plunge without the use of affirmative action in admissions.

The study, based on a review of thousands of applications to law schools, found that if admissions decisions had been made only on the basis of grades and scores on the Law School Admission Test -- the primary criteria used to evaluate white applicants -- only 3 per cent of the applications from black students would have resulted in admissions offers. Currently, 26 per cent of black students' applications to law schools -- many of which use affirmative action -- result in offers of admission; the figure for white applicants is the same.

If affirmative action were abandoned, the study found, the "admit rates" of other minority groups would fall as well: to 15 from 26 per cent for Asian-American applicants; to 9 from 32 per cent for Mexican-Americans; and to 6 from 24 per cent for Puerto Ricans.

The study was conducted by Linda F. Wightman, now an associate professor of education at the University of North Carolina at Greensboro. At the time she analyzed the data, she was vice-president for testing, operations, and research at the Law School Admission Council.

Dr. Wightman studied thousands of applications to law schools in 1991. She then followed 23,000 successful applicants through their bar examinations, surveying 6,000 of them more than once.

In an interview, she said the study should generate support for affirmative action by showing that most students admitted under such policies succeed. "The most important impact that a study like this will have is to put real data in people's hands to replace the anecdotes," she said.

The study did find differences in the rates at which students admitted as a result of affirmative action were admitted to the bar. Dr. Wightman divided students into two groups: those who would have been admitted had law schools made decisions based solely on grades and test scores, and those who probably would have been rejected without an affirmative-action policy.

Slightly more than 90 per cent of the black law-school graduates who would have been admitted on the

basis of grades and test scores passed the bar, while the figure for those who would not have been admitted on the basis of those criteria was 72.9 per cent. For white students admitted on the basis of grades and test scores, the bar-exam passing rate was 96.6 per cent.

The gap between bar-passage rates for Puerto Ricans was also large: 95.5 per cent for those who would have been admitted on the basis of grades and test scores and 72.5 per cent for those who would not.

For other minority groups, the rates were similar for those admitted without regard to race and those admitted under affirmative-action policies: 94.2 and 88.2 per cent, respectively, for Asian-American graduates and 92 and 87 per cent for Mexican-American graduates.

Dr. Wightman's study will appear in the April edition of the *New York University Law Review*. Once it is published, reprints will be available through electronic mail from Kathy McGeady, of the Law School Admission Council, at kmcgeady@lsac.org

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Ignoring Advice, U. of Houston Offers Race-Based Scholarships

By Peter Schmidt

The University of Houston System plans to continue offering scholarships based on race, despite warnings by the Texas Attorney General that the federal courts have barred it from doing so.

The system's chancellor, William P. Hobby, last week said he intended to keep such scholarship programs in place because the question of their legality remained unsettled. "The whole matter is still up in the air," he said.

The chancellor's decision was one of several developments that appeared to be putting pressure on Attorney General Dan Morales to do more to help the state's public colleges deal with a controversial court decision that threatens their affirmative-action efforts.

At issue is the precise meaning of a ruling by the U.S. Court of Appeals for the Fifth Circuit in *Hopwood v. State of Texas*. That decision, which the Supreme Court let stand in July, held that the goal of maintaining a diverse student body did not justify the use of racial preferences in admissions at the University of Texas law school.

In August, Mr. Morales sent guidelines to Texas colleges indicating that the *Hopwood* ruling barred the use of racial preferences in admissions and financial-aid decisions. The Texas Higher Education Coordinating Board and several individual colleges initially agreed to accept his advice, even though it was not delivered in the form of a formal legal opinion. Some legal experts accused Mr. Morales of interpreting the court's decision too broadly.

Several black and Hispanic activists have criticized Mr. Morales for seeming too eager to curtail affirmative-action programs. At the same time, the coordinating board has repeatedly asked him to put his interpretation of *Hopwood* in a formal legal opinion. Such an opinion not only would carry more legal weight, but would put the Attorney General solidly in the corner of the board and the colleges if they were sued for taking actions he advised.

So far, Mr. Morales has not given colleges "a legal opinion that carries the force of law, that forces us to do things a different way," said Teri Flack, a spokeswoman for the coordinating board.

Leonard Rauch, the board's chairman, noted that many race-based scholarship programs in Texas are

required under state law. "We want to know whether we should follow the Legislature or follow Morales," he said.

Last week, a spokesman for the Attorney General said Mr. Morales was considering giving the colleges more-formal legal guidance.

Lawyers for the Houston system have never accepted the Attorney General's interpretation of the *Hopwood* decision. Noting that the Fifth Circuit's decision applies only to Louisiana, Mississippi, and Texas, they have advised Houston officials to keep race-based scholarships in place until the matter is settled nationally.

The coordinating board this month appeared to clear the way for other colleges to take a similar stand. Voicing frustration over Mr. Morales's failure to provide it with a formal legal opinion on *Hopwood*, it said individual colleges and universities should decide for themselves what state and federal law requires. Although the board initially said it would stop using race as a factor in its own scholarship programs, thus far it has taken no formal action to do so.

Robert M. Berdahl, president of the University of Texas at Austin, said last week that his institution would continue to follow Mr. Morales's guidelines. But Ray M. Bowen, president of Texas A&M University, said he and his peers had asked Mr. Hobby about the legal rationale for keeping race-based scholarships in place.

"Emotionally, I hope he is right," Dr. Bowen said. "I think the position he takes is interesting, and I hope it sustains and becomes the norm in the state."

The Center for Individual Rights, a non-profit legal group in Washington that helped represent the white law students who sued Texas in *Hopwood*, warned last week that public colleges that disregard Mr. Morales's advice run the risk of being sued. "It sounds strange to me that state institutions should be disregarding the advice of the state Attorney General," said the group's spokesman, Robert D. Alt. "It would also seem to me to be something of a dangerous maneuver."

Mr. Rauch asserted that following the Attorney General's guidance on *Hopwood* would be "a detriment" to colleges in his state. "Some of the better minority students will not go to school in Texas, because they can't get the scholarships they need," he said.

Lisa Guernsey contributed to this article.

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IN THE STATES

Texas Attorney General Bars Affirmative Action at Colleges

By Lisa Guernsey

Texas Attorney General Dan Morales issued an opinion last week ordering public colleges in the state to stop considering race in any institutional policies.

The opinion reiterates advice he gave to the colleges last summer, but, unlike those guidelines, it holds the force of law. He wrote it in response to prompting by the University of Houston System for answers to questions about financial-aid programs and for a legally binding opinion. Without an opinion from the Attorney General, the system would continue to offer race-based financial aid, the system's chancellor, William P. Hobby, had said.

Mr. Morales based his opinion on a 1996 decision of the U.S. Court of Appeals for the Fifth Circuit, which includes Texas, Mississippi, and Louisiana. It held that a race-based admissions program at the University of Texas at Austin's law school could not be legally justified, either as a remedy for past discrimination or as a way to achieve diversity.

Mr. Morales wrote that the decision's "restrictions would generally apply to all internal institutional policies, including admissions, financial aid, scholarships, fellowships, recruitment and retention, among others."

In answer to a question from Mr. Hobby about race-restricted scholarships that are privately sponsored, Mr. Morales wrote that such programs would have to be analyzed individually to determine how closely they are "entwined" with state practices.

In some cases, where college involvement would be minimal, Mr. Morales said, such programs might be legal.

In a statement last week, Mr. Hobby said the Houston system was now "bound" by the opinion. "We will make any adjustments we need to comply with the Attorney General's ruling," he said.

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IN THE STATES

Number of Minority Students Applying to U. of Cal. Plunges

By Karla Haworth

The University of California system has received a record high number of applications for admission next fall, but the number of minority applicants has dropped sharply, according to data released last week.

The nine-campus system received 46,682 applications, an increase of 1.6 per cent over last year. Although the number of white applicants grew by 1 per cent and the number of Asian-American applicants by nearly 3 per cent, the number of black applicants dropped almost 11 per cent. Applications were down 15 per cent for American Indians, 5 per cent for Mexican Americans, and 7 per cent for Latinos.

Richard C. Atkinson, president of the university system, said he was pleased about the record number of applicants. Still, he said, "I am concerned about the decline in applications among underrepresented students. We are hopeful that our effort to expand university outreach to better prepare all California students for university study will reverse this decline."

Some observers attributed the decline to attacks on affirmative action in California. Last fall, voters passed an amendment to the state constitution that, if upheld in the courts, would bar public colleges and other state agencies from using racial preferences in, among other activities, admissions and hiring. A federal judge has blocked the state from enforcing the measure, known as the California Civil Rights Initiative, until courts decide whether it is constitutional.

In 1995, the University of California's Board of Regents voted to end racial and gender preferences in hiring, admissions, and contracting throughout the system. Before the vote, university officials predicted that adoption of such a policy would lead to drops in black and Hispanic enrollment and increases in Asian-American enrollment.

The plan to eliminate racial preferences in admissions was to have taken effect last month, but university officials said they would continue to use race as a factor in admitting students for next fall because of the challenges to the law.

Last week university officials attributed the drop in minority applications to changes in student aspirations, better student aid at other colleges, and several other factors, which Dennis Galligani, assistant vice-president for student academic services, described as "complex."

Bo Thoreen, legislative director of the University of California Student Association, said the affirmative-action debate had discouraged minority students from applying to the university.

"There's been a real change in the climate," he said. "This is, in all likelihood, a result of the intangible effects of C.C.R.I. and the regents' eliminating race and gender from their considerations."

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NOTA BENE

"Color Blindness and the End of Affirmative Action"

At an early age, Bryan K. Fair was a self-described "expert on racial poverty."

Recalling his childhood, he says that when he should have been learning to read, write, and play with other kids, he was "hungry, cold, and learning about being black." Mr. Fair, the author of *Notes of a Racial Caste Baby: Color Blindness and the End of Affirmative Action* (New York University Press; 211 pages; \$24.95), was born in 1960, the eighth of ten children of a single mother in a poor, black neighborhood in Columbus, Ohio.

The family received welfare to supplement her meager income, and as the food stamps ran out, meals of spaghetti or chili at the beginning of the month became sugar or mayonnaise sandwiches by its end.

Now an associate professor of law at the University of Alabama, Mr. Fair uses his life experience to begin a defense of the justice and necessity of "remedial affirmative action." The author benefited from affirmative-action programs at Duke University and at the law school at the University of California at Los Angeles.

He sharply challenges the notion that affirmative action is equivalent to reverse racial discrimination. No affirmative-action policy in the United States excludes white men from any occupation, limits them to unskilled jobs, or denies them educational opportunities, he argues. None prevents them from voting or dilutes their voting strength to below that of their percentage in the population, he adds.

Mr. Fair writes that Americans who criticize the programs of the last three decades "cannot close their eyes to the other eighteen decades of their constitutional history when a rigid color line was the rule and white men and their families were America's affirmative action babies."

For him, "color blindness" is a myth that permits Americans to continue to live as if they were in a fairy tale. "It allows us to act as if our history never happened," he writes.

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UMass Students Seize Building in Protest on Minority Issues

Amherst, Mass. — A group of students at the University of Massachusetts took over an administration building here last week, protesting what they said was the university's slow progress in recruiting and retaining minority students and professors.

After a campus rally, the students seized the controller's office in the Goodell Building and were still inside after four days. Estimates of the number of students involved in the takeover ranged from 60 to 175, depending on whether students or administrators were counting.

The protesters issued a list of 16 demands calling for, among other things, a scholarship fund for low-income students. "We wish the administration would act more promptly on this," said Cassandra Jean-Denis, a sophomore. She spoke via cellular phone from inside the building, whose service had been cut. Outside, students set up a World-Wide Web page to promote their cause.

Patrick J. Callahan, a university spokesman, said minority enrollment had increased by 5.3 percentage points since 1992, when a group of students negotiated an agreement with the university. Now minority students account for 16.3 per cent of the enrollment. The campus has also hired more minority professors, he said.

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Lawsuit Attacks Race-Based Policies in U. System of Georgia

Litigation could affect admissions policies, desegregation programs, and black colleges

By Patrick Healy

The University System of Georgia was thrust back into the desegregation wars last week, when 11 residents of the state filed a class-action lawsuit charging that racial segregation persisted at the system's 19 universities because of such policies as affirmative action.

The seven white and four black plaintiffs, among them alumni and students of the universities, demanded that the system eliminate the racial identifiability of its historically black and predominantly white colleges and that the campuses stop considering race in admissions, hiring, and other decisions.

The lawsuit is a significant addition to college civil-rights cases because it intertwines both desegregation and affirmative action. It is also in the hands of lawyers who have broad experience fighting government policies based on race.

The plaintiffs claimed that the university system perpetuated the separation of students by race through affirmative-action policies that were meant to weed out vestiges of segregation. They said these "token" remedies, such as remedial education and race-conscious admissions practices, reinforced the racial identifiability of the system's universities. In 1994 at least 88 per cent of the students at the three historically black universities were black, while white students made up between 71 and 97 per cent of the populations at the 16 predominantly white universities, according to the complaint.

"The remedy they have now is obviously not effective," Matthew C. Billips, one of three lawyers representing the plaintiffs, said of the colleges. "All it does is discriminate against innocent applicants on the basis of race while having no effective consequence on eliminating segregation."

Stephen R. Portch, chancellor of the university system, credited campus affirmative-action efforts with increasing educational options for all Georgia college students. He said he found the lawsuit "puzzling"

because its goals appear to be at cross-purposes.

"On the one hand it says you shouldn't use race in admissions, and on the other hand it says we have institutions at which we have to change the racial compositions of our students," Dr. Portch said.

The system's campuses continue to move away from the days of segregation, the chancellor said, noting that some public white universities have student populations that come close to reflecting the state population of Georgia, which is 27 per cent black. He said all students have the freedom to choose colleges that are best for them, and that no vestiges of segregation remain to inhibit their choice.

The plaintiffs believe otherwise. Their lawsuit claimed that because so many of the students at the three black colleges are black, all 19 universities continue to be racially identifiable. It charged that the system allowed the black colleges to admit large proportions of black students who need remedial education, thereby allowing these campuses to retain an "access" mission that is popular with black students and faculty members.

Dr. Portch said the system had not tried to steer black students to these colleges. Of the more than 30,000 black students who attend system universities, only about 28 per cent are enrolled at the three historically black institutions.

Mr. Billips, the plaintiffs' lawyer, contended that state and college officials, both black and white, had tacitly agreed to support affirmative-action measures to protect their self-interests and avoid a more forceful approach to desegregation.

The lawsuit states: "The use of race in admitting students at these institutions has been employed for the purpose and has had the effect of deflecting attention from the need for realistic desegregation; persuading influential black legislators and citizens to not seek a truly desegregated higher education system; and as a token effort designed to appease black citizens rather than achieve an effective end to the on-going racial identifiability of institutions of public education."

Since 1989, when the federal government declared the Georgia system desegregated, the state has avoided the sort of legal battles that Alabama, Louisiana, and Mississippi have faced over the future of their public black colleges. Georgia also watched as Maryland and Texas were successfully sued over affirmative-action programs that were defended as remedies to past segregation.

Now the Georgia system finds itself in court accused on both fronts -- of perpetuating vestiges of racial segregation, and of violating civil rights in its attempt to wipe out the vestiges. As one lawyer for the university system said in anticipation of the lawsuit, "We thought we'd escaped and done everything right in Georgia."

The system received a warning last April, however, that its campuses could be vulnerable to this kind of lawsuit. Michael Bowers, the Republican Attorney General of Georgia, told the campuses to stop using race as a factor in admissions decisions, citing recent rulings by the U.S. Supreme Court and other federal judges that put limits on government affirmative-action programs. He also said he would not defend policies that he believed were illegal.

After a review, the system decided to keep the programs. Dr. Portch said last week that the campuses had developed "contingency plans" for admissions if a court order forced them to disband their affirmative-action programs.

Regardless of his past concerns about admissions policies, Mr. Bowers said he would defend the system, as "required" under state law. He declined to comment on the lawsuit, except to note that he still believed the state was bound by court decisions that restricted affirmative-action programs.

Experts on desegregation cases were skeptical last week about some of the plaintiffs' claims. But they also believe that Georgia and other states are vulnerable to this kind of lawsuit because they have not done enough to desegregate.

"Racial identifiability of campuses continues to be a problem that we can't overlook," said N. Joyce Payne, who studies black-college issues at the National Association of State Universities and Land-Grant Colleges. "When you look at the extent to which both sets of institutions have integrated in these states, it suggests we haven't done a great job."

Robert Davis, a law professor at the University of Mississippi, disputed the plaintiffs' claim that the racial identifiability of campuses was evidence of persistent segregation. He said the Supreme Court decision in 1992 that established guidelines for higher-education desegregation did not order states to close historically black colleges simply because many black students chose to attend them.

"There have to be additional policies that the state is responsible for to support a complaint that vestiges remain," Mr. Davis said. "Racial percentages of students, in and of themselves, are not enough."

Several experts also doubt that a college-desegregation plan could be effective without measures such as race-based admissions or financial-aid policies. Both are used in Alabama, Mississippi, and several other states for this purpose. Robert Kronley, a desegregation analyst at the Atlanta-based Southern Education Foundation, said Georgia would not be well served if it scrapped those policies.

"If our ultimate objective is to provide for student-centered education for all students, where student choice of institutions and their success in them are not governed by race, we have to understand that there's going to be some utility in race-sensitive remedies," Mr. Kronley said.

The plaintiffs contend that such remedies have violated the civil rights of prospective students and employees of the system who are not black. Two of the plaintiffs are white students who applied for admission to the University of Georgia and were rejected, they claim, because of an affirmative-action plan that admitted minority students with test scores that were lower than theirs.

The lawyers plan to argue that race-conscious admissions practices at the system's colleges do not comply with the 1995 Supreme Court decision, in the case *Adarand Constructors Inc. v. Peña* that the Georgia Attorney General has also cited. Last year, the U.S. Court of Appeals for the Fifth Circuit used that decision to rule that the University of Texas at Austin law school had used an illegal affirmative-action plan to benefit black applicants.

As a result, all public universities in Texas plan to stop using race as a factor in their admissions and financial-aid decisions.

The lawsuit alleged that while white students had been barred from Georgia's premier public universities because of affirmative action, black students had been segregated into three campuses that specialize in remedial education. The complaint cited 1994 data showing that entering freshmen did not have average combined SAT scores of more than 708 at any of the three black colleges, whereas no other four-year institution had an average score below 822.

While not proposing specific desegregation remedies, the suit suggested potential ones by charging that the university system had failed to develop proper policies. The complaint implied that systemwide admission, recruitment, and retention policies could be designed to end the racial identifiability and "academic inferiority" of the black colleges. The suit also asserted that duplication of academic programs and lax faculty hiring and tenure practices had preserved segregation.

The plaintiffs' lawyers asked for an immediate injunction to bar system campuses from using race as a criterion in admissions and faculty-employment decisions.

The complaint was filed in the U.S. District Court for the Southern District of Georgia by A. Lee Parks, a white lawyer who received national attention in 1995 after he persuaded the Supreme Court to strike down majority-black voting districts in Georgia.

The plaintiffs themselves are an unusual mix. They include a black alumna of a predominantly white public college who teaches in an after-school enrichment program; a white teacher who is an alumna of a historically black college in the Georgia system, Fort Valley State University; a white instructor at Fort Valley State; two white students who claim they were rejected for admission to the University of Georgia because of racial preferences given to minority students; and a black couple who had a child enrolled in a system institution.

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Universities Report Less Minority Interest After ...

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* Universities Report Less Minority Interest After Action to Ban Preferences

By PETER APPLEBOME

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AUSTIN, Tex., March 18 -- After decisions to dismantle affirmative action programs at public universities in California and Texas, applications from blacks and Hispanic students are down significantly at both states' most prestigious universities and professional schools, leading to fears that the initiatives will result in a long-term decline

* in minority enrollment.

Following a Federal court decision in the Hopwood reverse-discrimination case here and the California Board of Regent's decision to ban affirmative action in admissions, both states are seeing

* sharp declines in minority applications, with the greatest drops in applications to medical and law schools and flagship campuses like the one here.

Students and college officials attribute the drop to tighter admissions standards, worries on the part of prospective students about

* a smaller minority presence on campus and the elimination of race-based scholarships.

Though many students say the new policies will not affect their college choices, others say they think the door to higher education is not as open as it once was.

"My mother would not allow me to apply to U.T. because of the Hopwood decision," said Tanya Holloway, an Austin high school senior who is black. "She didn't think I would get fair treatment there."

Total undergraduate applications to the campus here fell 13 percent, which officials attribute partly to a new essay required on the application. Applications from blacks fell 26 percent. Applications from Hispanics fell 23 percent.

The University of Texas Law School, against which Cheryl Hopwood and three other white students filed a lawsuit claiming that they had not

not admitted because minorities had got preferential treatment in admissions, saw applications from blacks fall 42 percent this year.

In California, though a record number of students applied to the
* state university system, the number of minority applicants fell for the second year in a row: the number of black applicants fell 8.2 percent; for Hispanic applicants, the drop was 3.7 percent, and for American
* Indian applicants, 9 percent. Minority applications to medical school plummeted 23 percent this year.

Applications to the California system rose 1.6 percent over all, with the biggest increase, 5.1 percent, coming from Asian-Americans. Asian-Americans had been excluded from race-based initiatives because of their disproportionately high numbers in higher education, and many had complained that the affirmative action initiatives in the California system had denied them the educational opportunities they had rightly earned.

The affirmative action ban goes into effect for professional schools this year and for undergraduate applicants next year. But education experts say it has received so much attention it is affecting students at both levels already.

Supporters and critics of affirmative action agree that the immediate result of ending the programs could be to reduce diversity at the top public universities of two of the nation's most diverse states.

"In general, many of our fears have been borne out," said the University of Texas president, Robert M. Berdahl, who becomes Chancellor of the University of California at Berkeley this summer. "We only have applications to go by for now, but the pattern we're seeing is very sobering. We're still committed to achieving diversity in education. I'm not saying it will be impossible, but we will lose ground, and it will be some time before we recover what we've lost."

At the University of Texas, whites make up 65 percent of the student body, Hispanics 15 percent, blacks 4 percent and Asian-Americans 12 percent. Of the state's 18-year-olds, 51 percent are white, 32 percent Hispanic, 14 percent black and 2 percent Asian-American.

"There is no question in my mind that what's happening in both states is related to Hopwood and the Regents' decision," said Deborah Carter, associate director in the office of minorities in higher

* education at the American Council on Education.

But not everyone agrees about the repercussions.

Ward Connerly, the University of California regent who proposed the
* end to affirmative action, said the drop in minority applications had been expected and reflected the degree to which racial preferences had unfairly shaped admissions.

"This is just basic logic," Mr. Connerly said. "If you've been given a substantial preference based on race and you take it away, the numbers are going to drop. But just because you're not going to get a preference doesn't mean you're not welcome."

Source: New York Times, March 19, 1997

He said it was more important to focus on improving educational opportunities for blacks and Hispanics across the board, rather than on giving preferences to a few.

The Texas Attorney General, Dan Morales, who has been bitterly criticized for his narrow interpretation of what is allowed under the Hopwood ruling, said part of the blame should rest on the alarmist message being put out by Texas universities.

"What these university administrators ought to be saying is, 'We are committed; we are steadfast; we are going to continue this march toward diversity regardless of whether Hopwood is out there,' " Mr. Morales said. "That is what should be communicated to these applicants instead of the predictions of doom and gloom, the predictions of resegregation."

* Some minority students are torn, fearing a decrease in diversity and a lessening of their own prospects but are mindful that some will think that being admitted under affirmative action programs tarnishes their own credentials.

"It scares me personally because I wonder what it will mean for me," said Carolina Ornelas, a University of Texas senior who plans to apply to pharmacy school. "But then you wonder if you got in because of your record or because of race. So it helps and it hurts."

Education officials in both states say they are increasingly concerned about the long term.

"I think that a lot of people hostile to affirmative action who see our entering class next year might have second thoughts," said Michael Sharlot, dean of the University of Texas Law School. "We're a public law school with the function of preparing people to serve not just as providers of legal services but as civic leaders. For us to go from the leading provider of Mexican-American and black lawyers in the country to a vastly reduced role is just awful."

One of every 11 Mexican-American lawyers in the United States was trained at the University of Texas Law School, Mr. Sharlot said. This year, applications from Hispanic students are down 14 percent, matching the overall decline, while black applications are down 42 percent.

The affirmative action program at the Texas law school, like the University of California's program, had allowed for the admission of black and Hispanic students with lower entrance-test scores and grades.

Although the Hopwood case threw out any use of race as a consideration in admissions, the Texas Attorney General interpreted the ruling to also ban race-based scholarships. Admissions officers say that has hindered the recruitment of minorities.

Bruce Walker, the university's admissions director, said the decline
* in minority applications was a marked departure from recent, relatively stable trends, but he was wary of drawing long-term lessons.

"We think some applicants got scared off by the essay," Mr. Walker said. "We expect the numbers to come back. How much they'll come back

for minorities right now is anyone's guess."

It is not yet clear whether the application trends will translate
* into lower minority acceptances and enrollments. Some black and Hispanic students bound for college are apparently applying instead to less prestigious state schools and to private ones, national education experts say.

"I looked back at our trends over the last 24 years," said Dr. Michael Drake, Associate Dean of Admissions at the University of California at San Francisco School of Medicine, where applications from underrepresented minorities dropped to 493 this year from 638 last year and 722 in 1995. "If you look at the drop from 722 to 493, that has never happened in our history."

* Interviews in California and Texas with minority high school students thinking about college and with university students thinking about graduate and professional schools provided a wide range of responses.

Marlen Whitley, a black student recently elected as the student body president at the University of Texas, said he planned to go to law school. Before the Hopwood ruling, he had Texas high on his list. Now he plans to look elsewhere so he can "get away from all the drama that's happened here."

Similarly, Bruce Rideaux, a senior from Beaumont, Tex., said that if he were applying to college now, he would probably not apply to the University of Texas. "There are 50,000 students here and so few of them are black," Mr. Rideaux said. "With all this going on, I probably would have gone to a predominantly black or a smaller university."

At Oakland Technical High School in California, Ernestina Gallegos, a Hispanic senior with a 3.65 grade point average, said she was applying to the elite schools in the University of California system. She said she doubted that the affirmative action debate would affect her chances.

"Sometimes affirmative action is kind of biased," she said. "I've seen kids with really low S.A.T.'s and G.P.A.'s get in, while other kids who worked really hard got left out. I didn't think about it. It wouldn't be a problem for me whether or not affirmative action would be there."

But Michael Lampkins, a senior with a B plus average who is black, said he had always wanted to go to U.C.L.A. but now doubted that he could get in. He is applying to historically black schools instead.

"I think the Regents are kind of going back to that good old separate but equal," Mr. Lampkins said.

What the ultimate impact on educational opportunity will be is unclear. Still, Mr. Connerly, a fierce opponent of affirmative action, and Dr. Berdahl, a staunch defender, both agree that affirmative action addresses just part of the problem.

In Texas, Dr. Berdahl said, there are 36,000 18-year-old African-Americans. Of those, 24,000 graduate from high school, 12,000 go

to school past high school, 6,000 take the Scholastic Assessment Test, and only 1,000 get scores that make them competitive at the University of Texas.

"Clearly, if affirmative action at best can help one thirty-sixth of the kids, the only solution ultimately is to enlarge the number of kids in the pool," he said. "If society is saying affirmative action isn't the answer, then it's up to us to take ownership of the problem and enlarge the pool. In the end, that's the only answer."

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U. of Mass. Accepts Students' Demands to End 6-Day Sit-In

Amherst, Mass. -- Student protesters at the University of Massachusetts ended a six-day takeover of an administration building this month after winning many of their demands.

About 175 students who had taken over the Goodell Building emerged after the administration agreed to 21 demands, including increasing the enrollment of minority students, offering more financial aid to needy students, and giving minority students a greater voice in the selection of minority professors.

University administrators said they would work toward a goal of having minority students make up 20 per cent of the undergraduate student body. Now, about 16.3 per cent of the students are members of minority groups. The state's minority population is about 12.4 per cent.

Patrick J. Callahan, a campus spokesman, said the students had been granted amnesty, because they had engaged in "good faith" discussions with officials and behaved responsibly while occupying the building.

Jubilant students said their protest had been aimed at forcing officials to make more progress on goals they had set in 1992 with a coalition of minority students.

The Massachusetts Association of Scholars issued a statement asking "Who's in charge?" and criticizing the university for giving in to the students' demands.

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WAYS & MEANS

U. of California Regent Pushes for Anonymous Applications

A member of the University of California's Board of Regents has proposed that the university system begin tracking applicants by their Social Security numbers instead of their names to avoid giving admissions officers clues to their race.

Ward Connerly, the architect of a successful campaign last year to approve an anti-affirmative-action referendum in California, said he thought the university should stop even asking applicants for their names or their gender. Such information should become relevant, he said, once students have been admitted to the university.

Mr. Connerly said the proposal arose from his concern that admissions officers would scrutinize applicants' names in an attempt to determine their race, thus making an end run around the regents' policy, approved in June 1995, that aims to remove race as a factor in the admissions process.

Rick Malaspina, a spokesman for the university's president, Richard C. Atkinson, said Dr. Atkinson would review Mr. Connerly's proposal, especially to see what complications might arise if names were dropped from applications. He said the university tracks all material relating to an application — including transcripts and test scores — by the applicants' names.

Mr. Connerly contended that an admissions officer often could guess an applicant's race or ethnicity just by glancing at his or her name. "Jamal Washington" is probably a black guy," he said. "Pablo Gonzales" is probably Latino."

Robert Laird, director of undergraduate admissions at the Berkeley campus, told the *San Jose Mercury News* that "erasing a person's name leaves us open to satire and mockery."

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New Lawsuits May Help Decide Legality of Affirmative Action

Some experts expect more bans on racial preferences; others predict a repudiation of the "Hopwood" ruling

By Douglas Lederman

The other shoe has dropped. Ever since last March, when the U.S. Court of Appeals for the Fifth Circuit barred the University of Texas law school from using race as a factor in admissions, college officials have held their breath, wondering when and where the next affirmative-action lawsuit would land and what effect it would have.

They now have an answer to the first question: The University of Washington School of Law and the University System of Georgia were hit this month in federal courts with separate lawsuits challenging admissions policies that take race into account (*The Chronicle*, "[A Lawsuit Against Georgia University System Attacks a Range of Race-Based Policies](#)" and "[Suit Challenges Affirmative Action at U. of Wash.](#)" March 14).

Opinions on the potential impact of the cases are as varied as views on the legality and morality of affirmative action itself.

Some legal experts predict that federal courts will continue to rein in the use of racial preferences. Others believe the courts will find that the judges in the Texas case exceeded their authority in declaring invalid the Supreme Court's 1978 decision in *Regents of the University of California v. Bakke*.

What is most needed, almost all observers agree, is a case that can give the Supreme Court the chance to decide whether *Bakke* is still the law of the land. An appeals-court decision that clashes with the Texas ruling would give the highest Court the conflict over legal interpretation that it typically seeks to resolve.

"If the Fifth Circuit was right, there are no legitimate affirmative-action plans," says Samuel Issacharoff, a professor at the University of Texas who helped defend the law school in *Hopwood v. Texas*. "If the Fifth Circuit was wrong, we have to figure out what it is that *Bakke* still allows for."

The present situation, in which colleges in Texas, Mississippi, and Louisiana must hew to the more-restrictive standard laid down by the Fifth Circuit while institutions in the rest of the country are still abiding by *Bakke*, is untenable, Mr. Issacharoff says.

Both the critics and supporters of affirmative action say it was inevitable that more lawsuits would be filed in the wake of *Hopwood*, since it left unresolved so many questions about an area of law -- the use of race in admissions -- that had been largely unexplored in the courts for two decades.

In striking down an admissions policy that the Texas law school had already discontinued, the three-judge panel of the Fifth Circuit declared that colleges could no longer rely on the *Bakke* decision to justify using racial preferences to achieve a diverse student body.

The Fifth Circuit's ruling declared that the law school, which altered its policy as the case went to trial in 1994, had illegally used separate committees to evaluate black and Mexican-American applicants on the one hand and all other applicants on the other, and had set different minimum standards for the two groups.

It also undercut Justice Lewis F. Powell's opinion in the *Bakke* case, which, while barring colleges from setting quotas or using separate standards or processes to admit minority students, allowed them to use race as a "plus" factor, as long as minority applicants were compared directly to non-minority applicants.

In the months since the *Hopwood* decision, officials of many colleges have reviewed their affirmative-action policies. But few outside the three states in the Fifth Circuit have altered policies aimed at enhancing the diversity of their students.

"Most of the institutions are very deeply committed to promoting and protecting student diversity," says Martin Michaelson, a lawyer in Washington, D.C., who works with many colleges. "You do not see an abandonment of those efforts."

However, college officials have taken pains to distinguish their own admissions policies from those rejected in the *Hopwood* decision and to compare them favorably to the sort upheld in the *Bakke* case.

"It is my sense that few, if any, schools have the type of program that Texas had prior to the district court's opinion," says Carl C. Monk, executive director of the Association of American Law Schools. Most affirmative-action programs, he and others say, assess applicants individually, rather than as members of a specific group, and use the same standards and procedures for all applicants.

"It is extraordinarily clear that the admissions system in use at Texas in 1992 was unconstitutional," says Barbara B. Aldave, dean of the law school at St. Mary's University in Texas. But she freely acknowledges that St. Mary's is disregarding the Fifth Circuit's edict against using race in any way, on the basis that an appeals court "cannot overrule the Supreme Court."

She adds: "We and most other schools honestly do what Justice Powell says you can legally do: take race and ethnicity into account as a 'tipping' factor."

Michael S. Greve, of the Center for Individual Rights, the non-profit law group that represents the white student who is suing the University of Washington's law school, says lawyers who want to challenge affirmative-action programs have many options. "It's like shooting fish in a barrel, in that there are more institutions than we could possibly handle," he says.

Mr. Greve predicts that other federal courts will agree that "*Bakke* is not the law of the land," given the recent decisions in which the Supreme Court and other federal courts have made it much more difficult to justify the use of preferences based on race. Many college officials note, however, that those key cases involved contracting and hiring decisions in fields other than education, and that the courts have typically

shown more support for the use of race-based measures in education itself.

Even if other courts are unwilling to go as far as the *Hopwood* panel, Mr. Greve says, they will find that many colleges that claim they abide by the *Bakke* standard actually give far more weight to race than they admit. Much of the coming legal wrangling, he and others say, may be fought over how closely these specific affirmative-action programs comply with the standards set out in *Bakke*. "A lot of times, what they say they're doing is one thing, when what they're really doing is another," Mr. Greve says.

Officials at the University of Washington law school insist that their program will stand up to such scrutiny, now that, with the help of Mr. Greve's center, Katuria A. Smith has sued them.

Ms. Smith applied to the university's law school in 1994 and was rejected because of its "racially discriminatory procedures and practices," according to her lawsuit.

The suit does not specify what those practices were, and the dean, Roland L. Hjorth, would not comment beyond a written statement that the law school considers race as "one among many factors." The statement said: "We are confident the policy will withstand careful legal scrutiny and we intend to defend it vigorously."

Mr. Hjorth's predecessor, Wallace D. Loh, who is named in the lawsuit, outlined the university's admissions process in a 1995 opinion piece in *The Seattle Times*. The law school, he wrote, considers each applicant individually, looking at academic credentials and at "factors believed to enhance the richness of the student body and the educational environment," including such things as "racial origin," activities or accomplishments, and "special talents."

Using that process, the law school increased the proportion of minority students in its entering classes from 17 per cent in 1989 to 33 per cent in 1995, when Dr. Loh left to become an administrator at the University of Colorado at Boulder.

Such an approach would not pass muster under *Hopwood*, but, by assessing each applicant individually and weighing race as one among several factors, it could provide a good test of whether the *Bakke* standard is still the law, legal experts say.

If the University of Washington becomes the test case, history will repeat itself. In 1974, the Supreme Court was asked to decide whether the university's law school had illegally denied admission to a white student, Marco DeFunis, while minority students with lower grades and test scores had been admitted. A trial court ruled in Mr. DeFunis's favor and ordered him admitted to the law school; an appeals court later reversed that decision. But because Mr. DeFunis was in his last semester at Washington's law school, the Supreme Court declared that the case was moot and declined to rule on its merits.

Four years later, the Justices issued the decision in *Bakke* that is now under fire.

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Judge Clark's despair

Some players in the Kansas City school desegregation case greeted this week's court ruling with great enthusiasm, but there is little in this ruling for students, parents and taxpayers to celebrate. As he relinquishes his jurisdiction over the case, U.S. District Judge Russell G. Clark offers an appalling picture of the Kansas City school system, declares that rapid corrective action is needed, and says he doesn't think the district's leaders are up to the job.

The judge's damning summary: "While there is some good teaching and learning going on in (Kansas City) schools, there is a great deal of poor teaching and little learning in many schools."

Surveying this wreckage, Missouri Attorney Jay Nixon declared: "Obviously, we won." But this doesn't change the fact that public education is, ultimately, a state responsibility. If the school district collapses, the state will have to pick up the pieces.

Clark approved an agreement that allows the state to buy itself out of the desegregation case, but the missing ingredient in this agreement was a long-range plan to keep the district opera-

tional. Even as Nixon was congratulating himself, state legislators were trying to figure out what to do next.

District officials said they were "very encouraged and gratified" by the judge's order. That's an odd reaction, to say the least, to the judge's dismal summary of the district.

Clark pointed to the lack of such basics as an instructional program, a school security plan and "true budgeting." He complained about classes being too large. The administration is also too large, he said, and district costs were way out of line with other school systems.

It is hard to know what to make of Clark's suggestion that state officials or a "special master" should step in to save the Kansas City district. The agreement he was approving, after all, was supposedly designed to restore local control to the district.

Clark's order gives district and state officials some time to make massive reforms and put together responsible plans for the future of Kansas City's schools. But, as he points out, there's no time to waste.

The Dallas Morning News

Thursday, March 27, 1997

AFFIRMATIVE ACTION

Race should be part of admission 'basket'

Norma Cantu's warning should be taken as a challenge to improve matters in Texas. She's the U.S. Education Department official who told Texas Attorney General Dan Morales that state universities do not need to stop using race or ethnicity as one of several factors in determining admission or offering financial aid.

After the recent Hopwood vs. Texas ruling, which concerned a previous University of Texas Law School admissions practice, Mr. Morales ruled that state universities could not use race as a variable in recruiting and admitting students or awarding them with financial aid. What applied to UT Law School must be true statewide, he said.

Several Texas college presidents balked, warning of a brain drain. They feared minority students may leave Texas to go elsewhere. They also worried that minority applications to state universities would decline.

Some preliminary data support their concern. Texas A&M University, for example, reports that African-American applications are down 10 percent from 1995. Hispanic applications are also down 7 percent. Overall applications are up at A&M, however.

This data is worth considering as Texas officials respond to Ms. Cantu's letter. Texas cannot afford a brain drain, especially since minority students are a fast-growing part of Texas' population.

Likewise, the state cannot afford to lose up to \$1.8 billion in federal education aid over its lack of affirmative action policies. Ms. Cantu, who says the Hopwood case concerns only University of Texas Law School policies, warns that Texas should maintain affirmative action policies at other state universities. Otherwise, Texas may violate the 1964 Civil Rights Act, which would trigger a loss of federal higher education aid.

So what needs to happen?

Attorney General Morales should confer with Ms. Cantu, as well as with university officials, in drafting new guidelines. Race should not be the only factor guiding an admission or scholarship. But state schools should be able to include race as one of several factors used to determine admissions and financial help.

Almost all states do that now anyway. Why should Texas be in an unfavorable position? Ms. Cantu's letter creates an opportunity to move all Texas students forward.

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New Graduate-Admissions Policy at U. of Cal. Is Called Biased

By Peter Schmidt

Several civil-rights groups charged last week that the University of California -- through its new policy of not using racial and gender preferences in graduate-school admissions -- is illegally relying on other criteria that systematically discriminate against minority and female applicants.

In a complaint filed with the U.S. Education Department's Office for Civil Rights, the groups alleged that the university's graduate and professional schools have begun violating federal civil-rights laws by emphasizing admissions criteria that favor "non-minorities and males." The criteria include consideration of standardized-test scores, past professional experience, and the reputation of the institutions at which the applicants received their undergraduate education.

"We are seeing declines in the enrollment of women and minorities in U.C. medical schools, in colleges of engineering, in law schools, and in business schools," said Joseph Jaramillo, a lawyer for the Mexican American Legal Defense and Educational Fund. His organization was joined in filing the complaint by the NAACP Legal Defense Fund, the California Women's Law Center, and a San Francisco-based group called Equal Rights Advocates.

The advocacy groups alleged that the discriminatory impact of the university's policies is amplified by pressure on its officials to bring about significant declines in minority and female enrollments, to show that the university is complying with bans on racial and gender preferences approved by the Board of Regents in July 1995.

Susan Thomas, a lawyer for the university, called this assertion "unfounded" and "unfair."

University officials were analyzing the complaint last week and declined to respond. They maintained, however, that the admissions standards used by the graduate programs were not discriminatory. And they said the university was seeking other ways to insure diversity in these programs, which stopped using race- and gender-based preferences in January.

The advocacy groups have asked the Office for Civil Rights to investigate the university system and to prohibit it from using graduate-admissions policies that are biased against minority and female applicants. Although the university has long used admissions criteria on which many minority candidates do poorly, the effect had been softened by affirmative-action preferences that helped disadvantaged applicants, the complaint said.

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Texas Colleges Told They May Consider Race in Admissions

By Douglas Lederman

Colleges in Texas are not bound by a federal appeals-court ruling last March that barred the University of Texas law school from using race as a factor in admissions, the Education Department's top civil-rights official said in a letter last week.

But the analysis by Norma V. Cantu, Assistant Secretary for civil rights, was swiftly dismissed as flawed by several legal observers.

Ms. Cantu's statements came in a letter in which she responded to questions from a group of Texas legislators about the decision by the U.S. Court of Appeals for the Fifth Circuit in *Hopwood v. Texas*. Besides striking down the Texas law school's affirmative-action admissions process, the three-judge panel also declared invalid the Supreme Court's 1978 decision in *Regents of the University of California v. Bakke*, which permitted colleges to use diversity to justify the use of racial preferences.

Most legal observers have interpreted the Fifth Circuit's ruling to bar all colleges in the state from considering race in admissions. Texas's Attorney General issued a formal opinion advising colleges to stop using race in admissions and financial-aid decisions, and most public and some private institutions in the state have complied.

But in response to a question from state lawmakers about whether or not *Hopwood* applied to public and private colleges in Texas, Ms. Cantu said *Bakke* was still the law of the land, even in Texas. She cited a friend-of-the-court brief that the Justice Department filed this winter in a similar lawsuit challenging the admissions process at the University of Texas's College of Education, which a federal court dismissed this month. The brief, Ms. Cantu said, argued that the *Hopwood* ruling applied only to the Texas law school, "and should not be used to invalidate the affirmative action admission program" used by the education college to attract a diverse student body.

Ms. Cantu's assessment brought predictable ridicule from the Center for Individual Rights, a non-profit legal group that helped represent the white plaintiffs in the *Hopwood* case. "If Ms. Cantu were in the private sector and wrote a letter like that to one of her clients, there is ironclad cause for legal malpractice," said Michael S. Greve, the center's executive director.

Even lawyers at the University of Texas who fought the *Hopwood* ruling said that while they wished the

decision did not apply to them, they dared not follow Ms. Cantu's advice. "In studying both the Fifth Circuit opinion and the Attorney General's advisory opinion, I think it has broader application than simply at the law school," said Ray Farabee, general counsel to the University of Texas system.

Samuel Issacharoff, a law professor at Texas who helped to defend the law school, noted that the Fifth Circuit threatened compensatory and punitive damages against college officials who defied the court and considered race. "*Hopwood* is the positive law of the Fifth Circuit, and any institution that would disregard it does so at tremendous, tremendous peril," he said.

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Keep campuses diverse

OUR VIEW Recent challenges are undermining gains. Pursuing college diversity is constitutional and right.

Nobody said overcoming the nation's shameful history of racial segregation and discrimination would be easy. But the errors of educators, meanderings of courts and opportunism of politicians don't help.

Take the University of Texas Law School, the most prestigious in the nation's second-largest state. It's caught between a runaway federal appeals court, a politically ambitious attorney general and a business-as-usual federal bureaucracy.

Texas Law School was off-limits to non-whites for most of its 114-year history. But under court orders and federal prodding, the school admitted minorities starting in 1950, eventually establishing an aggressive affirmative action program to attract them.

But the school blew it. As if a law school couldn't find a good lawyer, officials in the '90s established precisely the kind of racial system which had been outlawed by Supreme Court in 1978.

Unfortunately, it took a 1992 lawsuit by four unsuccessful white applicants to get the error corrected. Texas Law's selection process was redesigned to conform to the Supreme Court's guidelines, which permit

racial diversity to be one factor among many considered in admissions decisions.

The case had a life of its own, however. Last year, two appeals court judges usurped the high court's prerogative and rewrote the law. Rejecting a still-valid and recently restated Supreme Court decision, they ordered the school to end affirmative action.

Now Texas Attorney General Dan Morales, who's widely suspected of having his eye on higher office, has gone the runaway judges one better. He's advised all state colleges and universities to do the same.

Last week the U.S. Department of Education told Texas officials just the opposite: They could lose \$500 million in federal education money unless they maintain affirmative action programs. Cited: A 1992 court ruling requiring continued effort to root out discrimination and make Texas campuses more accessible to minorities.

The need for ongoing efforts is dramatized by a sharp drop-off this year in applications from blacks and Hispanics at all of

Don't force diversity

OPPOSING VIEW Clean up misguided affirmative action. Put race beyond the reach of bureaucrats.

By Terence J. Pell

The action of a mid-level civil rights bureaucrat last week demonstrates that the administration's policy of "mend it, don't end it" actually is more accurately described as massive resistance.

Norma Cantu, the Clinton appointee in charge of the Education Department Office for Civil Rights, threatened to cut off federal aid to the state of Texas unless it continues racial preference programs struck down last year by a U.S. Court of Appeals in the case of *Hopwood vs. Texas*.

Cantu shows how easily the idea of mending affirmative action can get turned on its head. Instead of deferring to the courts' authority to weed out unconstitutional racial preference programs, Cantu fights to preserve all forms of affirmative action, no matter how illegal.

While Cantu's defiance is singular in its audacity, it is in keeping with the administration's general failure to "mend" affirmative action. Despite Clinton's promise to "review" all racial preferences, almost no federal preference has been changed. Even programs that impose a 100% race quota have escaped unscathed.

If Cantu was serious about mending affirmative action, she would carry out her sworn duty to obey judicial decisions, not evade them. The Supreme Court has permitted programs that are closely tailored to remedy identifiable actions of previous discrimination. However, few existing affirmative action programs fit this description.

Instead, they purport to address "societal" discrimination and to promote "diversity" — goals so vague it's impossible to tell when or if they ever will be met. Such programs are indistinguishable from permanent set-asides — "spoils" designed only to mollify angry constituents. This is the sort of affirmative action program the *Hopwood* court struck down in Texas and that Cantu now wishes to resurrect through bureaucratic intimidation.

"Mend it, don't end it" has become the slogan of the '90s that "Separate but equal" was to the 1950s. Just as proponents of racial segregation then tried to evade Supreme Court decisions they didn't like, proponents of affirmative action are now engaged in a similar, futile effort to turn back the clock. It is high time to make a clean sweep and to put race beyond the reach of the state — once and for all.

Terence J. Pell is a lawyer with the Center for Individual Rights, which litigated *Hopwood vs. Texas*, and a former deputy assistant secretary for policy in the Education Department Office for Civil Rights.

Texas' top institutions. The story's the same in California, where politically driven attacks on affirmative action have sent a message that minorities aren't welcome.

In a nation that institutionalized racism for centuries, the relatively recent commitment to equality is far too fragile to abandon all affirmative action. Non-quota pursuit of campus diversity is constitutional. And it's the right thing to do.

'This is not a time for race-baiting'

Lee, Ellis respond to Gramm in college admissions debate

JO ANN ZURIGA
Houston Chronicle

B26A

U.S. Rep. Sheila Jackson Lee and state Sen. Rodney Ellis joined forces Friday to support affirmative action in admission policies at Texas universities.

"This is not a time for race-baiting, but instead a time to look at what is best for our state and our nation," Lee said.

"We should not be dividing ourselves over simple questions. Do we need diversity? Yes. Is diversity legal? Yes," she said at a news conference held at Texas Southern University.

Lee and Ellis' response was the latest in a flurry of events this week surrounding the Hopwood ruling, which found an unconstitutional the University of Texas law school's



'We should not be dividing ourselves over simple questions. Do we need diversity? Yes. Is diversity legal? Yes.'

U.S. Rep. Sheila Jackson Lee

former practice of considering whites and minorities separately.

It started Monday when Norma Cantu, assistant secretary for civil rights in the U.S. Department of Education, sent State Attorney General Dan Morales a letter disagreeing with his position that the Hopwood ruling should apply to all state colleges, not just UT law school.

On Thursday, U.S. Sen. Phil

Gramm, in a letter to Education Secretary Richard Riley, demanded that the education department change its position.

Lee and Ellis on Friday were responding to Gramm's remarks.

They said they conducted the conference at the historically black campus to show how vestiges remain of "separate, but equal" institutions of earlier segregation when

race was not neutral.

Ellis said a coalition of state legislators last month wrote a letter to the Department of Education to determine the amount of federal funds that are at stake if the "race-neutral" policies in Texas violate Title VI of the Civil Rights Act of 1964.

The legislators pointed to a statistical analysis prepared by the Texas Higher Education Coordinating Board that found such "race-neutral" policies will result in a 40 percent to 50 percent reduction in minority enrollment at Texas colleges.

"If there is a direct assault of Title VI, there will be a resurrection of the civil rights movement unprecedented," Ellis said.

Title VI of the Civil Rights Act prohibits discrimination by universities who receive federal funds.

BOSTON GLOBE MAR 30 1997 C 6

Education secretary will give keynote at literacy event

U.S. Secretary of Education Richard E. Riley will be the keynote speaker at a symposium on literacy that will feature prominent figures in American education on May 12 at the John F. Kennedy Library in Boston.

"Literacy in America/Making the Grade for Our Children," sponsored by The Boston Globe as part of the newspaper's celebration of its 125th anniversary in 1997, will feature two panel discussions. The first will be a critical look at the issue of literacy and its public policy implications; the second an exchange on what kinds of teaching techniques have worked well and how to construct successful programs.

Gail Harris of Boston's WABU-TV (Ch. 68) will be the moderator of the event on Monday, May 12, from 2:30 p.m. to 5:30 p.m. at the library.

Globe chairman and publisher William O. Taylor expressed the hope that the symposium would make a significant contribution to the cause of literacy.

"We have attracted some of the nation's leading experts on literacy, and we hope to raise the level of discussion on the subject at this symposium," he said.

In addition to the secretary of education, panelists will be:

■ Thomas W. Payzant, superintendent of Boston Public Schools.

■ Carol Raseo, director, America Reads, a national

literacy campaign of the U.S. Department of Education.

■ Lester C. Thurow, professor of management and economics, Massachusetts Institute of Technology.

■ Jeanne S. Chaff, professor emerita, Harvard Graduate School of Education.

■ Dr. Rosemina Indrisano, chairman, department of developmental studies and counseling at Boston University.

■ Betsy Nelson, executive director, Boston Partners in Education, an organization that trains volunteers to assist in schools.

■ Dr. Perri Klass, medical director, Reach Out and Read, Boston Medical Center, which supplies young patients with books.

■ Sara Lawrence Lightfoot, professor and author, Harvard Graduate School of Education.

■ Mary Curtis, director, Literacy Center, Father Flanagan's Boys' Town.

The symposium will have a live audience of some 400 at the John F. Kennedy Library, and will reach a national audience through the Massachusetts Corporation for Educational Telecommunications, or MCET. The event will be broadcast live to all schools in Massachusetts, as well as to MCET's membership in 27 other states.

MCET provides daily satellite broadcasts to students and educators.

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Guarding Diversity Programs From Political and Judicial Attack

By Derrick Bell

The recent jubilation felt by supporters of affirmative action in the wake of a U.S. district judge's order enjoining enforcement of California's anti-affirmative-action initiative, Proposition 209, should not replace the deep concern that followed last year's decision in *Hopwood v. State of Texas*. In *Hopwood*, the United States Court of Appeals for the Fifth Circuit found the state's interest in diversity insufficiently compelling to justify considerations of race in the law-school admissions process. I believe that even while they fight to protect existing affirmative-action programs, advocates must devise new approaches to achieve and maintain diversity in student bodies, faculties, and administrative ranks.

In fact, I believe that we must insulate our diversity programs from political and judicial attack by eliminating racial and gender classifications and giving greater emphasis to characteristics that we know, from our affirmative-action experience, can predict academic success for many who do not have high grades and test scores.

Despite the too-common view that admissions officers drag minority-group students off the streets without regard to qualifications, thereby excluding more-qualified whites, most affirmative-action programs actually follow the advice from testing services not to place undue reliance on test scores. They do review other predictors of academic success. These include, as Leigh Taylor, dean of the Southwestern University School of Law and chairman of the Law School Admissions Council, has put it: "life experience, community service, motivation, character, demonstrated leadership ability, and educational disadvantages overcome."

A diverse student body, which even die-hard opponents of affirmative action concede has value, can be sought through a balancing of social and economic background, geographical location, and consideration of the applicants' interests, viewpoints, and experiences. In short, affirmative action can become officially what it actually is in practice at many schools: a program that brings in students previously excluded by class, as well as by race.

More than two decades ago, I sounded a similar call for revised direction when school-desegregation efforts encountered increasing resistance that was no longer limited to people deeply committed to racially segregated schools. For the most part, my advice was ignored until it was too late for civil-rights advocates to use the waning legal leverage of the 1954 *Brown v. Board of Education of Topeka* decision to gain political support for new strategies giving priority to educational effectiveness, rather than simply assuming that racially balanced schools would achieve that result.

Affirmative-action programs are now caught in a morass of opposition and uncertainty similar to that

engendered by school-desegregation programs. Even discounting the Fifth Circuit panel's obvious distaste for minority-admissions programs, one must wonder, after reviewing the Supreme Court majority's hardly more supportive decisions in recent affirmative-action cases, whether the Fifth Circuit doesn't have an accurate fix on the future of these programs. More than ample evidence exists to suggest a general retreat on civil rights, one that keeps anti-discrimination laws on the books, but leaves them as politically unenforceable as was the Equal Protection Clause of the Fourteenth Amendment during most of the first century of its existence.

Adopted in the post-Civil War years to protect the citizenship rights of blacks, the Equal Protection Clause for almost a century proved to be of far greater value to major financial interests — such as railroads and other corporations — than it was to black citizens. Aided by favorable judicial interpretations that viewed corporations as "persons" covered by the Equal Protection Clause, these entities used the provision to insulate their exploitation of land, labor, and resources from states seeking to rein it in.

Now, in affirmative-action litigation, we again see courts interpreting the Equal Protection Clause to shield white majorities from the modest efforts by Congress and state legislatures to remedy some racial discrimination, discrimination that is continuing and growing more open, more blatant.

What accounts for this cyclical pattern of advancement and loss in black rights? The Derrick Bell Pre-Memorial Principle of Racial Loss and Gain offers one answer. The principle has two parts.

The first is the *racial-loss phenomenon*: Society is always willing to sacrifice the rights of black people to protect important economic or political interests of whites. The classic example is the Framers' decision to ignore the contradiction posed by the Constitution's guaranteeing freedom to all while containing provisions recognizing and protecting slavery, which were accepted to insure the support of slave owners.

The Hayes-Tilden Compromise is another example of this phenomenon. To resolve a serious dispute between the North and South over which candidate had won the Presidential election of 1876, a special commission negotiated a settlement that awarded the Presidency to Rutherford B. Hayes, while returning political control to the South and thus ending Reconstruction. The plan averted a renewal of the Civil War, but sacrificed the newly gained rights of Southern blacks.

Then there is *Plessy v. Ferguson*. The Supreme Court's "separate but equal" ruling is infamous less because it gave segregation the status of Constitutional law than because it sacrificed black rights to gain the support of whites for business-oriented economic policies toward the end of the 19th century — policies that were harming a great many white people. In effect, whites were comforted in their economic distress by government assurance, via Jim Crow laws, that they retained a social status superior to that of blacks.

The second part of my principle is the *racial-gain phenomenon*: The laws — and society — recognize the rights of blacks and other people of color only when such recognition serves some economic or political interest of greater importance to whites than helping members of minority groups. Lincoln's reluctant issuance of the Emancipation Proclamation to help the faltering effort to save the Union is an example of this in action. Similarly, after World War II, when the United States was trying to win the allegiance of mostly non-white, third-world nations, it discovered that practicing Jim Crow at home made it tough to advocate democracy abroad. The *Brown v. Board of Education* decision, by promising to close the gap between the country's ideals and its practices, provided an immediate boost to America's foreign-policy efforts.

But while the Jim Crow signs came down after prolonged battles in the courts and on the streets, society quickly devised means to limit the substantive value of the pro-civil-rights legal decisions and the new civil-rights laws enacted in the 1960s. Disenchantment set in when it became obvious that racial equality for blacks meant more than merely condemning blatant segregation in Deep South towns. It meant, as well, adopting remedies requiring some whites to surrender their expectations of racial privilege.

In the early 1970s, a great many corporations, government agencies, and educational institutions decided that affirmative-action programs were a relatively inexpensive response to the urban rebellions of the late '60s, particularly those sparked by the assassination of Martin Luther King, Jr. The programs were not intended to alter fundamentally the patterns of admissions, hiring, and promotions enjoyed by well-off or well-connected whites. Minority-admissions and -hiring policies were designed to bring some blacks, Hispanics, and women (not too many, you understand) into previously all-white and mostly male domains. Some of these programs worked better than others, but they all served the interests of the sponsoring institutions as much, and usually more, than they did the previously excluded who were let in the door.

But as the job market tightened in the 1980s and '90s, and anxiety about their future well-being increased, more and more whites opposed such programs — whatever their effectiveness. This opposition was encouraged by politicians at every level who were quite willing to win elections by blaming the nation's economic malaise on affirmative-action programs.

Given the nation's history of using blacks and other minority groups as scapegoats for serious economic problems, it is not surprising that a majority of whites, particularly white men, have been rather easily convinced that their well-being is eroding — not because of policy decisions such as corporations' downsizing work forces to insure high profits for investors — but rather by blacks, whom they see as using racial discrimination as an ever-ready excuse to demand preferences while disdaining performance.

Even if the Supreme Court does not ban all affirmative action in the next few years, it is likely to continue tightening the scope of such programs. This will certainly not lessen, and could swell, the hostility that many whites feel toward minorities, immigrants, and the poor. In many institutions and businesses, the controversy over affirmative action already has led managers to reduce their programs to little more than a line at the bottom of their letterheads. The tightening of the job market will hasten this trend, whatever the final outcome of litigation on this issue.

Throughout the nation's history, making minority groups and immigrants scapegoats has served as a convenient and comforting substitute for the economic well-being and social status that most whites lack. And as long as many whites ease their insecurities by fixating on the supposed inadequacies of blacks, they do not see that the corporate monopolizing of the technological revolution is creating an ever-widening chasm in wealth, income, and opportunity among citizens, as well as steadily eliminating jobs — the cornerstone of the nation's stability.

Sadly, then, the presence of affirmative action serves as a smokescreen for the real causes of job anxiety. The growing reliance on automation, the importation of cheap foreign labor, and the deportation of jobs to third-world countries all have worsened Americans' prospects for secure jobs. And yet in the Clinton Administration, only the former Secretary of Labor, Robert Reich, was willing to point an accusatory finger at the nation's largest corporations, whose downsizing tactics are ruining the lives of millions in order to maintain or enhance profit levels. As a result, we see growing numbers of once-employed and now-unemployed or under-employed skilled workers — white-collar, blue-collar, executive, and professional.

We who advocate social reform need to turn more of the spotlight on the roots of these corrosive economic uncertainties. Unfortunately, we tend to grant litigation a larger role in reform efforts than judicial decisions realistically can achieve -- particularly in the long term. Civil-rights groups commit an inordinate amount of their always-limited resources to litigation and lawyers and, in the process, tend to usurp the stage from grassroots political, union, and community leaders who may have strategies for addressing economic and other pragmatic issues. Further, such grassroots leaders and their troops are essential to minimizing the effects of an adverse court ruling and, paradoxically enough, are even more important in the wake of a favorable judicial decision.

Faye Wattleton, former president of Planned Parenthood, reports in her recent book, *Life on the Line* (Ballantine, 1996), that the political guru David Garth warned pro-choice advocates in the wake of *Roe v. Wade*: "The Supreme Court decision did more than just legalize abortion, it neutralized you. It robbed you of your rallying cry, your most provocative issue, your activist identity." Garth urged Planned Parenthood to become active politically, lobbying for laws that would secure the right of choice recognized by the Supreme Court, but the group's leaders resisted this recommendation. The anti-abortion forces, on the other hand, were energized by the decision and did become politically active. The results of their efforts are all too plain.

Judicial approval of affirmative action in its earlier years, as ambivalent as that approval often was, caused us advocates to relax and rely on our victories in court to translate automatically into acceptance by society. It didn't happen with abortion rights and, with some happy exceptions, it did not happen with affirmative action, either. Victory in social-reform litigation, as Garth pointed out, can lead to a passivity that undermines the follow-up action needed to give life to a cause and meaning to a belief.

We should strive to win in the courts, but we must use defeat as motivation for further individual and collective struggle, not as a signal to concede defeat to a wavering Supreme Court. The challenge is to undergird our commitment not to one strategy -- affirmative action -- but rather to the goal of helping anyone excluded from social opportunity because of a disadvantaged background.

To do this we should use diversity plans that identify overlooked talent whatever the applicants' race, color, or gender.

Derrick Bell is a visiting professor at the New York University Law School and the author of several books, most recently Gospel Choirs: Psalms of Survival in an Alien Land Called Home (BasicBooks, 1996). This article is adapted from a lecture at Loyola Law School, Los Angeles, to be published in its law review.

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Title: Guarding Diversity Programs From Political and Judicial Attack

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Clinton urged to join admissions debate

senators ask president to take stand to protect rights of minority students applying for college

By Nicole Foy

NEWS AUSTIN BUREAU

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AUSTIN — A group of state senators, led by Sen. Gregory Luna, D-San Antonio, is urging President Clinton to protect the rights of minority students by stepping into the debate over the use of racial preferences at Texas state universities.

In a letter dated Thursday, 12 senators asked the president to take a stand against the possible "re-segregation" of state colleges. Sens. Frank Medina, D-San Antonio, and Judith Zaffirni, D-Laredo, were among those to sign the letter.

"We are currently witnessing an unprecedented free fall of minority applicants and admissions in Texas public universities that will take us back to the days of negligible minority participation in publicly funded education," their letter said.

A similar letter was sent to Clinton and signed by members of the House Mexican American Caucus.

In an interview, Luna said he hoped Clinton would stand behind

recent comments by assistant Education Secretary Norma Cantu that appeared to suggest Texas universities could lose federal aid if they follow Texas Attorney General Dan Morales' ruling that they must eliminate race and ethnicity as criteria for admissions.

But earlier this week, the Education Department shied away from the position, saying reports had mischaracterized letters from Cantu to state officials.

Education officials indicated to U.S. Sen. Phil Gramm this week

that Texas was not at risk of losing its \$1.8 billion in federal funds.

Meanwhile, Morales continued to take heat over his opinion that a 5th Circuit Court of Appeals ruling that the University of Texas Law School admissions policy discriminates applied to all state colleges.

"I realize that Attorney General Morales has a different opinion," Luna said. "I'm disappointed, and I think he's had bad advice. He's tied himself into a corner."

During testimony this week to the Senate Education Committee,

Morales stood his ground.

He also offered to meet with the U.S. Education Department to work out any disputes that may have resulted from his ruling.

The committee gave approval to a bill that seeks to use academic and socioeconomic factors in university admissions decisions.

Although a few expressed doubts, senators generally were optimistic the bill would allow universities to achieve diversity while not using ethnicity and race as specific criteria for admissions.

Applications by minorities down sharply

State's largest universities see drop in wake of Hopwood case

By LYBIA LUM
Houston Chronicle

Minority applications to some of Texas' largest universities have dropped dramatically this year, and officials are blaming the decline on race-neutral policies in admissions and financial aid.

Educators believe that as scholarships are given out in the coming weeks, black and Hispanic applicants may opt for out-of-state schools, which still consider ethnicity.

"There's no chance we can go on doing successfully in drawing and minorities if things continue this way," said Michael Sharlet, dean of the University of Texas School of Law, where the Hopwood case began.

In that case, the 5th U.S. Circuit Court of Appeals last year found unconstitutional the UT law school's former admissions policy,

which had considered whites and minorities separately.

That ruling has been interpreted to mean that race can no longer be considered in admissions and financial aid decisions at public colleges in Texas.

Educators warn that surveys may be skewed because college applicants don't have to disclose their ethnicity. At Texas A&M University, for instance, the number of applicants not disclosing their race has climbed 104 percent. Texas colleges still solicit the information for Department of Education statistics.

But officials still are alarmed by a 48 percent drop in black applicants to the UT law school, Sharlet said. Meanwhile, educators aren't as alarmed at the 15 percent decrease in Hispanic applicants because it is in line with the overall national decline, he said.

Sharlet said that despite intense

recruiting efforts, "obviously, we weren't as effective. Some of our competitors are bad-mouthing us, telling minorities not to come to Texas because they are not welcome."

"This is definitely a case of blaming the victim," he said.

Not everyone agreed with Sharlet's assessment. Geoff Henley, a UT law school graduate, said the race-neutral policies "mean just one thing, and that's openness."

Speaking to a civil rights advisory group this past weekend in Austin, Henley recounted how law school officials used to separate applicant files based on ethnicity.

"We like the notion of equal opportunity, but equal protection applies to everyone," he said. "That's not a bad thing. That's not a novel thing, either."

Joseph Horn, a UT psychology professor, told the Austin panel that a majority of UT students as well as a majority of Americans echoed Henley's view.

Horn cited several national polls that indicated a majority of the public rejected racial preferences. He also said a 1993 poll of UT students showed that 76 percent believed that minorities should not be given preferential treatment.

Horn called the Hopwood ruling an "important reaffirmation of sound democratic government."

"An aversion to race preferences makes good sense and is good law," he said.

But University of Houston law professor Laura Rothstein, also speaking to the group in Austin, said she already has had a taste of what a classroom is like with fewer minorities.

She said that because only two black students are in her property law class this year, the discussion on housing discrimination was much less fiery than in years when more minorities attended.

"The issue of race didn't come up as it has in the past because there was no one there to bring it up," Rothstein said. "All of the students in my class were harmed because of

that loss. Affirmative action doesn't just benefit minorities, it benefits all students."

At the UH Law Center, the number of black applicants dropped by 59 percent this year, said Rothstein, also head of the admissions committee. She said the decline among

Hispanic applicants was 19 percent.

UH still is accepting applications for first-time freshman students. But so far, the interest from blacks and Hispanics has kept pace with that of last year, officials said, crediting the diversity mostly to the fact that more than 65 percent of its students come from Harris County.

But elsewhere, the number of undergraduate minority applicants has fallen.

At UT-Austin, applications from blacks fell 34 percent and from Hispanics by 22 percent. Also, UT officials warned against pinning all of the blame on the Hopwood case publicity, saying that a new essay requirement probably deterred many not-so-serious students.

The total number of UT applicants fell 13 percent, including 14 percent for whites.

Yet Texas A&M President Ray Bowen said any drop for whatever reason could be significant because of the scarcity of minorities on some campuses.

At Texas A&M this year, applications from blacks fell 10 percent and from Hispanics 7 percent. Bowen called the drop in black applicants "especially critical," since blacks now make up only 3 percent of current enrollment.

"There's no question that Hopwood is upsetting people," Bowen said. "People are thinking they shouldn't bother to apply here when Harvard and everyone else is making them better offers."



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NEWS FOR THURSDAY, APRIL 10, 1997

Number of Minority Students Admitted to U. of Texas Law School Plummets

By KARLA HAWORTH

The number of minority students offered admission to the University of Texas at Austin's law school plummeted this year, university officials said Wednesday. The plunge was particularly marked among black students, who saw their number drop from 65 last year to just 5 this year. Officials blamed the decline on a 1996 court decision that banned affirmative action at the university.

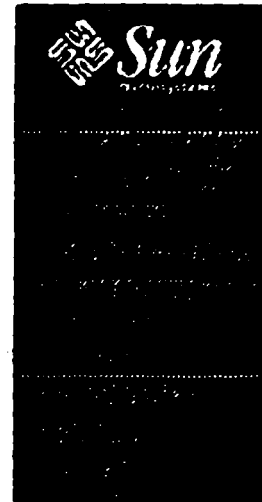
The law school has completed 79 per cent of an expected 1,000 admission offers, said Michael Sharlot, the law school's dean. He said the remaining 21 per cent probably would not change the overall statistics. Mr. Sharlot said he expected the rest of the offers to be made within two weeks.

In 1996, the law school made 1,105 offers of admission. Of those, 841 went to white students, 93 to Asian-American students, 70 to Mexican-American students, 65 to black students, 11 to American-Indian students, and 25 to other minority students, according to the law school.

Out of the 791 offers extended so far this year, 674 are white students, 75 Asian-American students, 18 Mexican-American students, 7 American-Indian students, 5 black students, and 12 other minority students.

"I'm very unhappy," Mr. Sharlot said in an interview Wednesday. "This is a school that for the past decade has produced more Mexican-American and African-American lawyers than any other school in the United States. To go from playing such a significant role in producing leaders of the bench and the bar to being almost kept out of the process is tragic, especially for a state school of law."

Officials attributed the decline in offers of admission to minority



students to last year's ruling by the U.S. Court of Appeals for the Fifth Circuit in *Hopwood v. Texas*. In that case, four white applicants sued the University of Texas law school, saying that they had been denied admission even though they had achieved higher grade-point averages and Law School Admission Test scores than had minority applicants who had been accepted.

The appeals court subsequently barred the law school from considering race in admissions. After the *Hopwood* ruling, the University of Texas at Austin, like other public colleges in the state, revised its admissions policies, for both undergraduate and law-school applicants. The university now gives more consideration to students' essays, personal achievements, and special circumstances they faced in high school.

Last week, University of Texas officials also attributed to the *Hopwood* decision a big drop in the number of undergraduate applications from minority students. The officials reported a 13-per-cent drop in all applications, but applications from black students were down 24 per cent and those from Hispanic students fell 22 per cent.

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**Class Action: Need, as a Substitute
For Race Preferences, Is Just as Hot an Issue**

**Texas Warned to the Idea, Then Projections Showed
Minorities Falling Behind --Convolutions at Lowell High**

By G. Pascal Zachary

The fight over class may not be a class act.

When a federal court last year stopped Texas from admitting students to its universities on the basis of race, the state hardly flinched. It figured minority enrollments could still be maintained at current levels by switching to preferences for poor or socially disadvantaged students.

But some now worry this won't be the case. Recently, a panel of sociologists, advising Texas Education Commissioner Kenneth Ashworth, predicted that substituting income or a mix of socioeconomic factors for race would cut the number of blacks and Hispanics admitted to state universities by half.

A class-based system would draw on a pool of blacks and Hispanics roughly equal to the current number of applicants. But half of the pool would be considered to be no more disadvantaged than whites in the same situation -- and thus would likely lose spots to whites who traditionally have better grades and test scores.

The finding has touched off a furor among those already upset by the growing legal assault on traditional affirmative-action programs, and it is fueling attempts by some Texas legislators to either circumvent or blunt class-based affirmative action. In the state House, one pending bill would require admission of the top 10% of each high school, assuring the entry of students at largely black and Hispanic schools regardless of their national test scores. The Senate is pondering a radical proposal that would set aside fully 40% of university admissions for poor or disadvantaged students, but would widen the definition of

such disadvantage so much that many middle-class minorities would still have a chance to qualify.

State Sen. Royce West, an African-American Democrat from Dallas, defends the tactic, saying he only supports class-based preferences as a means of increasing the chances that more minorities will be enrolled. "I won't divide middle-class and lower-class minorities," he says. "I won't do that."

Not everybody in the Lone Star State feels that way, of course. "It is inappropriate that a wealthy minority child be given a preference over an impoverished Anglo," says Texas State Sen. Teal Bivins, a white Amarillo Republican who believes a class-preference system is workable.

Clearly, the idea of substituting class for race in education is a hot one. Most civil-rights advocates hate the concept, but the courts are increasingly pushing for alternatives to sweeping race-based programs. Earlier this week, in fact, a three-judge panel on San Francisco's Ninth Circuit Court of Appeals upheld California's ban, enacted by voters last year, on racial and gender preferences in state hiring and school-admissions policies.

A vanguard of educators, fearing legal challenges, is already moving toward class criteria. Last year, an elite public high school in San Francisco adopted needs-based criteria for admitting a fifth of its freshmen; the University of Virginia has opened to all low-income students a scholarship previously only available to blacks; and Colorado asked its biggest university to award certain scholarships on the basis of socioeconomic background, not race.

Substituting class for race is

appealing to some people because it preserves the most desirable feature of affirmative action -- improving opportunities for the needy -- and removes the most controversial aspect -- apportioning benefits according to the size of racial and ethnic groups. Last October, presidential candidate Robert Dole endorsed the idea. House Speaker Newt Gingrich has spoken favorably about it. Even some Democrats, such as Sen. Joseph Lieberman of Connecticut, are intrigued.

Proponents insist that class-based preferences offer a way out of the political quagmire of affirmative action, and they also point to the need to more directly address a widening education gap between more-affluent students, of any race, and poorer ones. According to a study of government and university data by Thomas Mortenson, an educational analyst in Iowa City, Iowa, a youth whose family income was in the top quartile was four times more likely in 1979 to have earned a bachelor's degree than one whose family income was in the bottom quartile. By 1994, the wealthier youth was 10 times more likely to gain a degree than the poor one.

"Switching to class from race would be a grand bargain that satisfies both liberals and conservatives," says Richard Kahlenberg, a fellow at the Center for National Policy and author of "The Remedy: Class, Race and Affirmative Action."

But as the Texas episode shows, most members of minority groups and most liberals are strongly opposed to any system that markedly decreases preferences for blacks and Hispanics, even if they are middle class.

More...

They feel the effects of discrimination are still so pervasive and myriad that even well-off members of minorities need special consideration.

So controversial is the subject in liberal communities that some who support the notion are reluctant to say so. "It's a great idea because it would extend opportunity to those who need it," says one liberal member of Congress. "But I won't even mention it in public because the civil-rights lobby — my friends and supporters — would clobber me."

Practical problems also loom. A massive infusion of low-income students into public universities would require "a costly increase in financial aid," says Thomas Kane, a Harvard University economist who has studied the question. In Texas alone, aid levels will have to double or even triple to absorb more low-income students. Moreover, few children who are truly impoverished, in a rural backwater or a devastated inner city, have the preparation needed to survive at an elite college or high school.

"If we use class, we can admit all the minority students we want, but my fear is that we will end up admitting the lowest-income, least-educated, least-prepared minority students," says Mr. Ashworth, the Texas education commissioner. This could worsen a "negative stereotype, that the minorities we have aren't ready to compete," he adds.

Nonetheless, schools that wish to maintain diverse enrollments may have no alternative but to adopt class-based admissions. The federal courts, led by the U.S. Supreme Court, seem bent on permitting racial preferences only to remedy proven discrimination. The scramble in Texas came after a federal appeals court ordered the University of Texas Law School to stop taking the race of its applicants into account. The University of Colorado this year stopped awarding black-only financial aid, fearing a legal challenge.

"There are ways to reach disadvantaged students without using race as a factor," says Gale Norton, Colorado's attorney general.

But finding those ways takes work — and a willingness to stick with the race-neutral rules in the face of entrenched opponents who may resort to subterfuge. Indeed, the experience of San Francisco's Lowell High School illustrates just how hard it is for government to maintain its resolve even when it publicly adopts class preferences.

Unlike other public schools in the city, Lowell admits students competitively, based on a combination of test scores and grades. A 1983 court order, however, mandated that the district achieve better racial balance in its schools. One effect was to limit Chinese-American students, who made up the largest group of high-scoring applicants, to roughly 40% of the class. This meant that hundreds of Chinese applicants with higher scores than whites and other Asians were denied entry. Many black and Hispanics, meanwhile, were admitted with lower scores than either whites or Asians.

In response to a lawsuit, the school board last year established a single cutoff score for all races, but set aside 20% of the freshman class for those with lower scores. The criteria for selection in the set-aside group was supposed to be a mix of socioeconomic factors that included living in public housing, income level and "extenuating" circumstances, such as a violent trauma. To be considered for admissions under this value-added program, an applicant still had to post a minimum test score.

The plan, initially at least, defused the controversial test-score issue which had upset Chinese-Americans. Some blacks and Hispanics also embraced it, under a theory that it would help ease what some saw as the "stigma" attached to such students who had been admitted with lower test scores.

Monique Woodford, an African-American who was admitted to Lowell without the aid of affirmative action, ran into the stigma as a sophomore. She recalls a Chinese-American classmate telling her, "People don't expect you to do any good. You're only here to fill a quota." The new system would be

less likely to be viewed as a free ride for blacks, Ms. Woodford, now a senior, thought.

To select its "value-added" students, an admissions committee, composed of parents, students, teachers and administrators, devised a detailed numerical formula. Four points were given for poverty and another four points for social disadvantage, out of a maximum of 13 points. For example, a student could gain two points if family income fell below \$18,600 (for a family of four), another two points for living in public housing or qualifying for a free school lunch.

The new process resulted in about 55 disadvantaged white and Asian students winning admission to Lowell, virtually none of whom would have been admitted under the old formula. Lilian Meng, a Chinese-American, was accepted a year ago despite having a score that would have disqualified her in the past. The daughter of Chinese immigrants who don't speak English, Ms. Meng speaks English impeccably. When she received her acceptance letter, "I was so surprised I screamed at the top of my lungs."

But the school district was purposely vague about how black and Hispanic students would be treated under the set-aside program. In a motion adopted by the school board, the district was given authority to give "special consideration" to minority students. In interviews, district officials now concede that, in fact, all 136 black and Hispanic applicants who were admitted under the set-asides were exempted from socioeconomic screening. This group accounted for 78% of all blacks and Hispanics admitted last year.

"They never went through the process," confirms Marsha Cohen, who chairs Lowell's admissions committee. She says the district told her that "in order to have enough" black and Hispanic students, "it made no sense to review their files."

That decision smacks of hypocrisy to some. "The new system is a facade," says Amy Chang, who helped Chinese-Americans mount a lawsuit against the earlier admission process. "Whatever criteria they use

More...

whether it's socioeconomic or not — should be race-blind."

School officials defend the decision, saying the new program didn't restrict their authority to admit students on the basis of race alone. Steve Philips, a schoolboard member and an African-American, says flatly that "the point is not to weed out middle-class blacks." (Of Lowell's 2,700 students, 10.6% are Hispanic and 4.7% are black, significantly below the percentages of the city's school-age population).

This month, Lowell once again reviewed applicants for the fall. This time, the admissions committee scored black and Hispanic students for socioeconomic factors, but the data — relevant for all other students in the set-aside program — were ignored. Black and Hispanic students defend the practice, saying they feel isolated even with the additional numbers from racial preferences. "We still need a lot more of 'us' around," says Allier Zelaya, a senior whose parents hail from Nicaragua.

But Lowell's experience underscores the suspicion of some that class-based preferences might be used simply as a cover for the continuation of race-preferences in admissions. "There's a lot of mendacity going on," asserts Mr. Kahlenberg, an advocate of the class-based approach.

In Texas, for instance, lawmakers openly talk about trying to craft an admissions formula that will "zero out" the effect of the legal ban on race preferences. In order to do so, however, they must define socioeconomic disadvantage so broadly that even many middle-class blacks and Hispanics may safely fall under the rubric and thus receive an admissions boost. Criteria proposed in the pending Senate bill include "whether the applicant is bilingual," attended a "low-performing" high school, or is "a resident of a geographic region of the state in which recognized socioeconomic indicators" are below average.

At the University of Colorado, officials are trying to blunt the effect of the shift away from explicit race preferences by adding money to a pool of funds for which black candidates must now compete with

all other groups. The one-third increase is designed to leave black recipients with the same amount of scholarships, says Jerry Sullivan, director of financial aid.

Not all of these programs are trying to evade the impact on racial minorities. The University of Virginia is quietly biting the bullet: of 53 former "black-only" scholarships given out last fall, nine went to whites, three to Asians and one to a Hispanic. "In the climate of today we have to broaden the recipients, and be more sensitive to other low-income and socially disadvantaged populations," says John Blackburn, Virginia's dean of admissions.

But, overall, doubts about the experiments in class-based preferences abound. The regents of California's university system, for example, have ordered the campuses to stop using racial criteria next year. But Ward Connerly, a regent and well-known opponent of race-based affirmative action, doesn't trust the admissions officials. He wants the names of applying students removed from applications so the admissions staff won't be able to detect Hispanic surnames.

Rep. Charles Canady, the sponsor of federal legislation to ban racial preferences, likes class preferences but fears that they will be used by affirmative-action advocates to simply extend the life of racial ones. And that, the Florida Republican says, "would be a mistake."

Now for the Real School Work

BB approval clears the way for addressing problems of learning

The painters started work at Vine Street Elementary School near Hollywood Wednesday, just hours after 71% of the voters surprisingly approved a \$2.4-billion repair and construction bond measure for the Los Angeles Unified School District. Proposition BB was the first L.A. school bond measure to overcome the Proposition 13 requirement of approval by two-thirds of those voting, a hurdle that until Tuesday had seemed insurmountable.

Mayor Richard Riordan's reelection bid had been expected to draw a low turnout of mostly conservative voters who tend to distrust the beleaguered school district and traditionally oppose any property tax hike. But Riordan, a longtime advocate of public education who often backs his views with his personal checkbook, actively urged support of the bond measure. The Los Angeles school board also reduced skepticism by approving a citizens oversight committee to help ensure that the bond money would be efficiently spent as the voters intended.

Latino voters helped propel Proposition BB to victory, going to the polls at more than double their rate of participation in the last mayoral election and eclipsing the percentage of black voters for the first time in the city's history. Many first-time Latino voters were motivated, according to exit polling for Spanish-language media, by last year's federal welfare reform, which cut off government assistance to many legal immigrants, and by the 1994 statewide voter approval of Proposition 187, which

would ban public services, including education, to illegal immigrants. (It is now stalled in the courts). Latino voters are a natural constituency for the public schools here because their children make up nearly 70% of LAUSD enrollment.

In the San Fernando Valley, there was one divisive, last-ditch effort to defeat the proposition. A group led by Assemblyman Tom McClintock (R-Northridge) cynically warned that the bond measure would discourage efforts to break up the massive school district. More voters were apparently persuaded by another Valley political leader, former Assemblyman Richard Katz, who tirelessly helped direct the political campaign that supported the measure.

Proposition BB funds will cost the average homeowner roughly \$68 per year, allowing the district to pay for pressing physical needs such as wiring every classroom for computers, providing air-conditioning at the hottest schools, performing maintenance work that has been put off for years and building classrooms to meet rising enrollments.

When a new school superintendent is chosen soon, he or she can concentrate more on the district's 670,000 students and less on how to fix leaking roofs, broken toilets, falling ceiling tiles and cracked asphalt on deteriorating campuses.

The retiring superintendent, Sid Thompson, says he used to lie awake at night trying to figure out how to make the numbers add up. Now that Proposition BB has passed, the real work of educational repair also can begin.

AMERICAN STATESMAN (AUSTIN, TX)

APR 10 1997

A 14

Uphold affirmative action

The courts have been busily dismantling the progress toward educational integration. We have gone backward so fast that it is almost as though the 1964 Brown vs. Board of Education ruling had just happened. Do we have to wait for the reappearance of separate "white" and "colored" drinking fountains before we figure out we're going in the wrong direction?

Harvard Graduate School of Education researchers have found that the nation's schools are becoming resegregated at a clip unequalled since Brown vs. Board. The New York Times reported this week. As the federal courts have made it easier to abandon desegregation, integration has deteriorated in the public schools. Aiding the retrograde movement is the probability that many parents don't see integration as an educational goal. Some analysts told the Times.

But integration of the schools and improvement of educational opportunity are inseparable. Segregation is bad for American education and bad for America.

This society needs to reaffirm affirmative action as a remedy for the lingering effects of past practices and to help ensure that America is one nation, not several.

Efforts are needed at every level to put our national feet back on the path of progress. If there were no other indicator of how quickly progress can be reversed, this one would suffice: Last year the University of Texas law school offered admission to 98 Asian Americans, 70 Mexican Americans, 11 Native Americans, 66 African Americans and 26 other minorities. This year, the school has made nearly 80 percent of its admission offers for the fall, and offers

went to only 75 Asian Americans, 18 Mexican Americans, seven Native Americans, five African Americans and 12 other minorities.

That precipitous plunge is primarily due to one appeals court ruling. In 1996, the 5th U.S. Circuit Court of Appeals held that a separate admissions committee to consider black and Mexican American applicants was discriminatory. Texas Attorney General Dan Morales followed it up with a disputed interpretation of the ruling that has prohibited Texas colleges and universities generally from using race as a factor in admissions and financial aid policies.

Certainly UT and other institutions should explore every creative way to give consideration to minorities without violating the law, including giving weight to those who have financial need, or are the first in their family to go to college, or who have some special ability.

But more than that, the Legislature should challenge the court ruling by enacting laws that attempt to overcome the

The Legislature should challenge the court ruling by enacting laws that attempt to overcome the high bar the court has raised to affirmative action.

high bar the court has raised to affirmative action. Morales himself has endorsed a measure by state Rep. Irma Rangel, D-Kingsville, that would allow a student's race to be considered under certain circumstances. It would allow the Legislature to declare that past acts of discrimination have a residual effect today. Colleges and universities could then consider race or ethnicity in admissions for five years.

Go for it. If the courts turn it back, pass another bill. Meantime, Congress and the president should work together on laws that will overcome the courts' determined attempt to turn back the clock.

The Chronicle of Higher Education

Academe Today

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U.S. and Texas Officials Clash Over Affirmative-Action Ruling

By Douglas Lederman

Almost to a person, college officials in Texas hope that Norma V. Cantu is right. But most of them believe she's wrong.

In a series of letters to state officials in Texas last month, Ms. Cantu, the Assistant Secretary of Education for civil rights, contended that a year-old federal appeals-court ruling barring the University of Texas law school from using race as a factor in admissions did not prohibit other colleges in the state from doing so.

That conclusion clashes with the view of many legal observers and — most important to the college officials — the formal guidance of the Texas Attorney General, Dan Morales, who has declared that the ruling of the U.S. Court of Appeals for the Fifth Circuit in *Hopwood v. State of Texas* prevents all public colleges in the state from taking race into account in decisions about admissions and financial aid.

Ms. Cantu also suggested in her letters that the federal government could cut off aid to Texas colleges if an impending desegregation review by the Education Department's Office for Civil Rights finds vestiges of past discrimination in the Texas higher-education system and if the state — citing the *Hopwood* decision — refuses to use racial preferences to correct it.

"I hope her opinion has the effect of softening the stance within the Attorney General's office," said Ray M. Bowen, president of Texas A&M University. But Mr. Morales, he said, "sets the boundaries for what we can do legally. He's not just another person out there with an opinion. Ms. Cantu's opinion is important, but she doesn't have the power of policy for us on this matter right now."

Advocates for affirmative action, many of whom have complained that Attorney General Morales acted too swiftly and broadly in banning the use of affirmative action in admissions and financial-aid decisions, welcomed Ms. Cantu's advice.

Mr. Morales himself sent a letter to Education Secretary Richard W. Riley last week challenging Ms. Cantu's interpretation as "legally flawed." He offered to "personally brief you — point by point — on the Fifth Circuit's decision and to explain why your Department's interpretation of the *Hopwood* ruling is in error."

Senator Phil Gramm, a Texas Republican, went further in his own sharply worded letter to Mr. Riley. He urged the Secretary to "retract immediately" Ms. Cantu's position, which he said had put the state's colleges in a "withering legal crossfire" by suggesting that aid could be cut off. "Which of two feuding branches of our government are they to follow, risking punitive action from the other? In her zeal to pursue a political agenda, will Ms. Cantu be available to pay the fines and serve the sentence for contempt if she is successful in forcing Texas universities to flout the federal court's ruling?"

In an interview, Ms. Cantu said she was "in no way asking any Texas university to ignore the Fifth Circuit." But her letter does say that Texas colleges may still use racial preferences to promote diversity among their students, as permitted by the U.S. Supreme Court's 1978 decision in *Regents of the University of California v. Bakke*, which the Fifth Circuit judges ostensibly overruled.

Ms. Cantu cited a brief that the U.S. Justice Department filed in January opposing an affirmative-action lawsuit filed by a white student who had been rejected by the University of Texas College of Education. In it, the Justice Department argued that the Fifth Circuit panel did not need to consider the validity of the *Bakke* ruling to decide the *Hopwood* case. The court therefore exceeded its authority in declaring that *Bakke* no longer is the law in the Fifth Circuit, Ms. Cantu and lawyers for the Justice Department contended, and so colleges can continue to abide by the 1978 decision.

Some legal experts said Ms. Cantu's position was reasonable. "It's a very aggressive position that you'd take in trying to change the decision or narrow it, but it's not irrational," said Harry Reasoner, a Houston lawyer who helped represent the University of Texas in the *Hopwood* case.

Most legal observers interviewed last week said Ms. Cantu's legal analysis was off base. "When a circuit court decides a legal issue, it's the law of the circuit, and every district court, every other panel of the Fifth Circuit, is bound by that," said Gabriel J. Chin, an assistant professor of law at Western New England College law school.

Other scholars said lawyers cannot pick and choose among court decisions to decide which ones to follow. "If the Fifth Circuit had told School Board A that it could not consider race in deciding which students should attend which school, Norma Cantu would be furious if School Board B said, 'We're not the named party in that suit, so we don't have to desegregate,'" said M. Michael Sharlot, dean of the University of Texas law school.

Even if Ms. Cantu is correct from a purely philosophical standpoint, Mr. Chin and others said, colleges in Texas would be mistaken to follow her advice, given the Attorney General's conflicting guidance and the Fifth Circuit's threat of legal damages for institutions or individuals that disregard its ban on racial preferences. "Texas is not going to say, 'We're told we might face personal, unlimited liability, but, what the heck, let's disobey because Norma Cantu says we can,'" said Mr. Chin.

Most troubling to some legal experts was the suggestion in Ms. Cantu's letters that Texas colleges risk losing federal funds if they abide by *Hopwood*. In a letter responding to questions from state legislators, she wrote that if the government were to find that Texas colleges were still discriminating against minority students, "an institution or higher-education system that failed to take appropriate remedial measures" could lose all federal aid.

While the *Hopwood* decision leaves open the possibility that colleges could use affirmative action to eliminate vestiges of discrimination, it sets strict limits on their doing so. So Ms. Cantu could be setting up a situation, legal observers say, in which the federal government orders a Texas college to use race-based preferences to end discrimination in a way that the *Hopwood* court does not permit.

"I really wonder about the appropriateness of the Department of Education imposing a financial penalty on a school" for obeying a federal court order, said Deborah C. Malamud, an assistant professor of law at the University of Michigan.

She and others also said it was possible that Ms. Cantu had invoked the idea of a cutoff of federal funds -- which most consider unlikely -- precisely to invite a legal challenge by Texas that might get the issues in *Hopwood* back before the federal courts. Texas, they said, could seek a court order giving it relief from even the threat of a cutoff, forcing a court to decide whether the Fifth Circuit's ruling barred Texas colleges from using racial preferences.

A spokesman for the Education Department, Rick Miller, said the agency had no plans for any cutoff of funds to Texas colleges. "If one was perceived, it certainly wasn't intended," he said. He would not comment on any possible intention on Ms. Cantu's part to force a fight in the courts.

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Title: U.S. and Texas Officials Clash Over Affirmative-Action Ruling

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The Chronicle of Higher Education

Academe Today

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Related document:

The full text of a statement by the U.S. Education Department finding that various scholarships offered by Florida Atlantic University for minority students do not violate federal anti-bias laws.

Florida Atlantic U. Alters Race-Based Aid at Urging of U.S.

By Douglas Lederman

Florida Atlantic University has altered several scholarship programs that it had reserved exclusively for minority students. The scholarships will now be available to students of all races -- a change made at the urging of the U.S. Education Department.

The change was described in a letter from the department's Office for Civil Rights outlining its agreement with the university. The letter was released last week by the Washington Legal Foundation, a non-profit public-interest center that had complained to the department in 1990 about a scholarship program at Florida Atlantic that was reserved exclusively for black students.

The foundation argued that the Martin Luther King Scholarship, which the university had created to increase the representation of black students, unconstitutionally discriminated against whites. The complaint prompted a review of minority scholarships by the civil-rights office in the Bush Administration. In December 1990, the office declared all race-exclusive scholarships to be illegal. The Clinton Administration reversed that stance in 1994.

During its review of the King scholarship, the Education Department discovered three other scholarship programs at Florida Atlantic that had been set aside for non-white students. Two were limited to black, Hispanic, Asian, and American Indian students and the third to black South Africans.

In the letter to the Washington Legal Foundation, the civil-rights office said it had told Florida Atlantic officials that they could "strengthen the legal support" for the scholarship programs by using race as one factor in awarding them, rather than as a requirement for eligibility. The Clinton Administration's 1994 policy on race-based scholarships permits a college to limit scholarships to members of one race, but only if it does so in a narrowly tailored way that fosters diversity and does not restrict access to financial aid for other students.

A spokeswoman for Florida Atlantic, Lynn Laurenti, said that in deciding to alter the programs last fall, the university had agreed to "give this method of increasing our minority enrollment a fair try."

She added: "We believe that using race as a weighted factor will still permit us to build our minority population."

Under terms of the agreement, Florida Atlantic will open the King scholarship to all students, who will be assessed based on their financial need, grade-point average, record of community service, and race. A program for minority engineers will also be opened to all students. Another program aimed at talented minority students will be opened to all students from disadvantaged backgrounds, and the scholarship for black South Africans will be available to South African students of all races.

Richard A. Samp, a lawyer with the Washington Legal Foundation, said he wondered whether Florida Atlantic's change in policy would actually result in a change in practice.

"They changed the program in theory, but we'll have to see whether there is any change in who ends up getting the scholarships," he said. Florida Atlantic is just beginning to assess the first group of students who will be considered for the scholarships under the new criteria.

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NOTE BOOK

New Mexico Urged to End Separate Minority-Student Offices

If a group of conservative scholars gets its way, minority students at the University of New Mexico will have to go through college without separate student-services offices for American Indian, black, and Hispanic students.

The New Mexico Association of Scholars, which is affiliated with the National Association of Scholars, says such services amount to university-sponsored segregation and create a "balkanized" campus. The association asked the university's Board of Regents to abolish the offices. The board has not responded.

"The university shouldn't divide its people up by ethnicity," says Dick Tomasson, chairman of the New Mexico group and a former sociology professor at the university.

University administrators say the offices are justified as retention tools for minority students, many of whom are the first in their families to attend college. Orcilia Zuniga Forbes, vice-president for institutional advancement, says these students and their families are "not familiar" with the ways in which a large university functions and need help in understanding financial aid and course listings.

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AFFIRMATIVE ACTION LIMITS LIKELY AFTER COURT RULING

Schools and colleges that were already scaling back affirmative action programs may be forced to limit them even further, in light of a federal appeals court ruling this week.

From student aid to high school outreach, many observers believe schools must continue to shift their emphasis from race-based programs to efforts that target a larger segment of "disadvantaged" students.

The U.S. Ninth Circuit Court of Appeals on Tuesday upheld California's Proposition 209, which outlaws affirmative action in public college admissions and state hiring (ED, April 8). The decision is expected to spur similar initiatives in up to a dozen other states.

Supporters of race and gender preferences are discouraged by a nationwide erosion of diversity in student enrollment at schools and colleges, while foes say affirmative action is all but dead.

"Racial and gender preferences are on their way out," said Jennifer Nelson, executive director of the American Civil Rights Institute (ACRI) in Sacramento, Calif. ACRI founder Ward Connerly, a regent at the University of California, spearheaded the state's constitutional amendment outlawing affirmative action.

Down But Not Out

But Reginald Wilson, senior scholar for the American Council on Education, says there is still room for affirmative action in education.

"The announcement of its death is premature," Wilson said.

"But certainly it does not bode well. [Affirmative action] is being narrowly defined and will be harder to implement."

Wilson pointed to the scholarships only for black students at the University of Maryland, which the U.S. Fourth Circuit Court of Appeals rejected in *Podberesky v. Kirwan* (38 F.3d 147) because the school did not link recent racial problems to past segregation (ED, Oct. 31, 1994).

After the U.S. Supreme Court declined to review the case, the university opened the scholarships to all

students.

Wilson said the result has been that about half of the free tuition now goes to black students.

Such scholarships won't disappear, Wilson said, but schools "may say, 'We'll give them to disadvantaged students instead.' Other states will do the same thing."

He said that's a setback for black students. "It will narrow down the number of minorities that will have the opportunity to go to these fine schools."

Complaint Brought Changes

A conservative group that challenged Maryland's minority scholarships, the Washington Legal Foundation, also prompted the Education Department to investigate minority student aid at a Florida university in a case that ED settled recently.

Florida Atlantic University's Martin Luther King Scholarship was restricted to black applicants since 1984, but the school recently changed its criteria so that race is only one factor in deciding who gets the aid.

ED's Office for Civil Rights said the race-based scholarship was "legally supportable," but OCR advised the school that using race as a "plus factor," instead of making race the sole eligibility criterion, could "strengthen the legal support" for the program.

The university's new criteria for the scholarship include financial need, grade point average and community service.

OCR says the new policy complies with ED's five-point guidance on race-targeted financial aid, specifically a section that says schools may use student aid to promote diversity as long as the program is "narrowly tailored" (ED, Feb. 24, 1994):

Changing Climate

But that policy is in doubt elsewhere. At the University of Texas, officials are blaming a 23 percent drop in minority applications partly on a 1996 federal court ruling that struck down a university law school admissions policy that considered race as a factor.

The U.S. Fifth Circuit Court of Appeals ruled in *Hopwood v. Texas* (95-1773) that diversity doesn't justify using race as an admissions factor (ED, March 21, 1996).

Norma Cantu, ED's assistant secretary for civil rights, has said colleges may still consider race and ethnicity in admissions, student aid and dropout prevention to promote diversity (ED, March 27). But Texas Attorney General Dan Morales says state colleges can consider those factors only if bias is still present and the remedies are "narrowly tailored."

The Supreme Court declined to review *Hopwood* because the law school already had abandoned the policy, although two justices expressed an interest in hearing a case involving an active issue (ED, July 2, 1996).

The justices might grant themselves that opportunity next year in *Board of Education of Piscataway v. Taxman* (96-679), in which a white teacher is challenging a New Jersey school board's decision to fire her in favor of a black teacher with the same seniority and qualifications (ED, Jan. 22).

The High Court has asked the Clinton administration for its opinion in the case, but the justices have not yet decided whether to grant a review.

Even if the justices accept the case, however, arguments wouldn't take place until the Court's 1997-98 term.

Helping Hand Retracted

Absent any more guidance from the Court, Nelson said the national trend to curtail affirmative action also will eliminate outreach programs targeted only at minorities.

She said about 30 percent of the University of California's outreach programs in high schools are aimed only at minorities.

Isabelle Garcia, a lobbyist for the National Education Association, said students and educators still need programs to overcome barriers. "Affirmative action is still as important in education today as it was yesterday," she said.

—Dave Boyer

NATIONAL

Associated Press

04-15 1:05a

Riley sees federal education funds at work in Vermont

With AP Photo
By AARON NATHANS
Associated Press Writer

SOUTH BURLINGTON, Vt. (AP) - U.S. Education Secretary Richard Riley pushed for higher standards at an education conference in South Burlington. "If we as a nation and the state of Vermont want to increase the educational capacity of young people, we have to understand the meaning of standards," said Riley, who was in Vermont Monday to check up on how the state was using federal education funds.

Riley was at a daylong education and work force development conference attended by educators from across Vermont.

Goals 2000, a federal program designed to improve student academic achievement, was signed into law three years ago. Vermont is one of nine states that are allowed to waive program requirements under certain circumstances and put the money where it sees fit.

Several Vermont politicians were at the conference, vocal among them Sen.

James Jeffords, chairman of the Senate Labor and Human Resources Committee.

Some point to Jeffords' committee as an important step in endorsing Riley's proposed funding for education.

It is estimated that Vermont will have \$1.6 million to work with this year in Goals 2000 money, up from \$1.2 million last year.

Riley met with representatives of three Vermont schools to hear firsthand how their programs were working.

Montpelier High School representatives explained to Riley their internship program, which has University of Vermont students co-teach the class with the teacher as mentor.

"We consider our interns co-professionals instead of students," said Ed Pelkey, English teacher at Montpelier High School.

Peacham's elementary school explained its "reading recovery" program that helps students catch up in reading classes, as well as a student community service program.

The Goals 2000 money has allowed Peacham to also have teachers make a

home visit for each student at least once a year.

And the Winooski School District uses Goals 2000 money to fund such programs as community involvement in strategic planning and establishing learning standards.

Robert Pequignot, principal of the John F. Kennedy Elementary School in Winooski, said the Goals 2000 funds are important to activate the state's resources.

"We certainly have a great number of resources and training in the state, if you have money," Pequignot said.

Jeffords spoke about the challenges ahead in education, saying the U.S. was lagging behind countries like Japan, Singapore and Germany.

"We have a real education crisis in this country, and we haven't made much progress toward solving it," said Jeffords.

Riley said math and science education could use some improvement, but gave U.S. students high marks in reading.

"As I move around the country, there's a real change taking place," Riley said. "The American people are getting very serious about education." ■

The New York Times

April 15, 1997

In Shift, U.S. Tells Texas It Can't Ignore Court Ruling Barring Bias in Collage Admissions

By PETER APPLEBOME

A month after warning Texas that it could lose federal financing if it ended affirmative-action programs in its university system, the Department of Education has reversed itself and now says that Texas and two neighboring states must comply with a year-old federal court decision banning the use of race as a factor in admissions and scholarships.

The change of heart came after Texas

education officials found themselves caught between conflicting Education Department and federal court directives, and after Texas political representatives in Washington had reacted furiously to what they saw as an Education Department directive to ignore a federal court order banning affirmative action. Separately, Walter Dellinger, the acting solicitor general of the United States, wrote an unusual retort to the Education Department, saying the appeals court

decision banning affirmative action was the law in Texas.

The Education Department's reversal also comes at a time when there are increasing indications that efforts to roll back affirmative action could produce a drop in minority enrollment at prestigious universities and professional schools.

At the University of Texas Law School, for instance, of the 791 students admitted thus far for the fall 1997 class,

about 80 percent of the class, just 5 were black and 18 were Mexican-American. Last year 65 blacks and 70 Mexican-Americans were admitted. Undergraduate acceptances at the university, the state's most prestigious public university, fell from 421 blacks and 1,568 Hispanic applicants in 1996 to 314 blacks and 1,333 Hispanic applicants this year.

The change in the Education Department's position on affirmative action in the Texas university system is being viewed as an embarrassment for the department and a setback for critics of the 1996 Hopwood vs. Texas ruling in which the 5th U.S. Circuit Court of Appeals said that Texas and the two other states in its jurisdiction, Louisiana and Mississippi, could not use race as a factor in admissions and scholarships.

The Clinton administration has been a consistent supporter of affirmative-action policies. Officials in both the Education and Justice Departments say that they believe the Hopwood case was wrongly decided, but that for now it is the law in the 5th Circuit.

The mixed signals in Texas reflect the uncertainty nationally about the future of affirmative action. Many experts say the mixed signals make it increasingly important for the Supreme Court to clarify its views on when and in what forms affirmative action is permissible.

Michael Sharlot, dean of the University of Texas Law School, said, "It's enormously important, not just in the selfish view of Texas, which is just being transformed by following the Hopwood decision, but in terms of how important the question is for the whole

country."

The current controversy began with a March 18 letter to Texas legislators from Norma Cantu, assistant secretary of education for civil rights and a former regional director of the Mexican-American Legal Defense Fund.

Earlier, the Texas attorney general, Dan Morales, had delivered a broad opinion that said the Hopwood decision banned any use of race in admissions and scholarships in the 5th Circuit. The Hopwood ruling said that the Supreme Court's 1978 Bakke decision, which allowed race as one factor among others, was no longer valid. The Supreme Court declined to hear the case, leaving Hopwood in effect only in Texas, Louisiana and Mississippi.

Ms. Cantu, in a statement that drew widespread skepticism from legal experts, said Hopwood applied only to the facts in place at the University of Texas Law School in 1992 when the suit was filed. And she warned that the federal government could cut off \$500 million in higher education aid if a planned review of desegregation efforts in Texas by the Education Department found vestiges of segregation and if the state failed to use all possible remedies, including affirmative action, to correct them.

The letter created enormous confusion among state officials wondering how to deal with conflicting positions. Sen. Phil Gramm, R-Texas, in a letter of his own to Education Secretary Richard Riley, said Ms. Cantu's directive had left the state "in a withering legal crossfire," and threatened to hold up financing for the Education Department if Ms. Cantu's

letter was not retracted.

"In her zeal to pursue a political agenda, will Ms. Cantu be available to pay the fines and serve the sentence for contempt if she is successful in forcing Texas universities to flout the federal court's ruling?" Mr. Gramm's March 27 letter read.

Last Thursday, citing "confusion" about the federal government's position on the Hopwood ruling, Dellinger wrote a letter to the general counsel of the Education Department saying Hopwood was the law in Texas and must be followed.

On Friday, Ms. Cantu reversed herself and wrote State Sen. Rodney Ellis, a Democrat, that, absent further legal review, the Hopwood ruling prohibited race-conscious affirmative action for the purpose of insuring diversity.

An Education Department spokesman, Rick Miller, said Ms. Cantu's original letter reflected different court rulings on affirmative action, and though its view of affirmative action in Texas was incorrect, it reflected only a difference of legal interpretation. There was no intended threat to withhold federal aid. "There was never a partisan or political agenda," he said.

But Terry Pell, a lawyer with the Center for Individual Rights, which filed the Hopwood case on behalf of applicants who did not gain admission to the University of Texas Law School, said Ms. Cantu's letter was an effort to ignore a federal court order.

"She told them to essentially forget Hopwood and follow Bakke or I cut off your federal funds," Pell said. "She was telling them to disobey the law." ■

Chicago Tribune

April 15, 1997

U.S. CEDES TO COURT ON AFFIRMATIVE ACTION

EDUCATION DEPARTMENT REVERSES RULING ON RACE-BASED ADMISSIONS

By New York Times News Service
Web-posted Tuesday, April 15, 1997;
6:02 a.m. CDT

A month after warning Texas that it could lose federal financing if it ended affirmative-action programs in its university system, the Department of

Education has reversed itself, saying Texas and two neighboring states must comply with a year-old federal court decision banning the use of race as a factor in admissions and scholarships.

The change of heart came after Texas education officials found themselves

caught between conflicting Education Department and federal court directives.

And Texas representatives in Washington had reacted furiously to what they saw as an Education Department directive to ignore a federal court order banning affirmative action.

Separately, Walter Dellinger, the acting U.S. solicitor general, wrote an unusual retort to the Education Department, saying the appeals court decision banning affirmative action was the law in Texas.

The Education Department's reversal also comes at a time when there are increasing indications that efforts to roll back affirmative action could produce a drop in minority enrollment at prestigious universities and professional schools.

At the University of Texas Law School, for instance, of the 791 students admitted thus far for the fall 1997 class, about 80 percent of the class, just 5 were black and 18 were Mexican-American. Last year 65 blacks and 70 Mexican-Americans were admitted.

Undergraduate acceptances at the university, the state's most prestigious public university, fell from 421 blacks and 1,568 Hispanic applicants in 1996 to 314 blacks and 1,333 Hispanic applicants this year.

The change in the Education Department's position on affirmative action in the Texas university system is being viewed as an embarrassment for the department and a setback for critics of the 1996 Hopwood vs. Texas ruling in which the 5th U.S. Circuit Court of Appeals said that Texas and the two other states in its jurisdiction, Louisiana and Mississippi, could not use race as a factor in admissions and scholarships.

The Clinton administration has been a consistent supporter of affirmative-action policies. Officials in both the Education

and Justice Departments say that they believe the Hopwood case was wrongly decided, but that for now it is the law in the 5th Circuit.

The mixed signals in Texas reflect the uncertainty nationally about the future of affirmative action. Many experts say it is increasingly important for the Supreme Court to clarify its views on when and in what forms affirmative action is permissible.

Michael Sharlot, dean of the University of Texas Law School, said, "It's enormously important, not just in the selfish view of Texas, which is just being transformed by following the Hopwood decision, but in terms of how important the question is for the whole country."

The current controversy began with a March 18 letter to Texas legislators from Norma Cantu, assistant secretary of education for civil rights and a former regional director of the Mexican-American Legal Defense Fund.

Earlier, the Texas attorney general, Dan Morales, had delivered a broad opinion that said the Hopwood decision banned any use of race in admissions and scholarships in the 5th Circuit. The Hopwood ruling said that the Supreme Court's 1978 Bakke decision, which allowed race as one factor among others, was no longer valid.

The Supreme Court declined to hear the case, leaving Hopwood in effect only in Texas, Louisiana and Mississippi.

Cantu, in a statement that drew widespread skepticism from legal experts, said Hopwood applied only to the facts in place at the University of

Texas Law School in 1992 when the suit was filed.

She warned that the federal government could cut off \$500 million in higher education aid if a planned review of desegregation efforts in Texas by the Education Department found vestiges of segregation and if the state failed to use all possible remedies, including affirmative action, to correct them.

The letter created enormous confusion among officials wondering how to deal with conflicting positions.

Sen. Phil Gramm (R-Texas), in a letter of his own to Education Secretary Richard Riley, said Cantu's directive had left the state "in a withering legal crossfire," and threatened to hold up financing for the Education Department if Cantu's letter was not retracted.

"In her zeal to pursue a political agenda, will Ms. Cantu be available to pay the fines and serve the sentence for contempt if she is successful in forcing Texas universities to flout the federal court's ruling?" Gramm's March 27 letter read.

Last Thursday, citing "confusion" about the federal government's position on the Hopwood ruling, Dellinger wrote a letter to the general counsel of the Education Department saying Hopwood was the law in Texas and must be followed.

On Friday, Cantu reversed herself and wrote State Sen. Rodney Ellis, a Democrat, that, absent further legal review, the Hopwood ruling prohibited race-conscious affirmative action for the purpose of insuring diversity. ■

Associated Press

04-15 12:37p

Clinton honors Robinson, recognizes Woods' victory

By SONYA ROSS

Associated Press Writer

NEW YORK (AP) - Using baseball's Jackie Robinson and golf's Tiger Woods as examples, President Clinton today urged young people to "do just what the champions do" and prepare for the day when they, too, transcend barriers in pursuit of their dreams.

The president went to Andries Hudde Junior High School in Brooklyn to address an anti-smoking rally. Somehow, he wed that message to his other purpose

for being in the city: to observe the 50th anniversary of Robinson's rise to first baseman for the Brooklyn Dodgers, which integrated baseball.

"In the days when Jackie Robinson broke into baseball, someone had to make a decision that this racial prejudice was a stupid, dumb thing," Clinton said. "But ... he still had to play baseball. He had to maintain his dignity, waiting for that chance and never knowing for sure it was going to come.

"Think what a downer it would have

been," Clinton asked the students, if they were offered the chances given to Robinson and Woods - and they had failed to develop their skills in baseball or golf.

"Even with no barriers, not everybody is going to be able to play baseball like Jackie Robinson did," the president said. "But you can all have some dream. You've got to do just what the champions do. You have to work for it. And you've got to take care of your mind and your body."

show the use of certain drugs among teens is increasing. For instance, a recent University of Michigan study showed that among 8th graders marijuana use tripled from 6 percent to 18 percent between 1991 to 1996.

"There is not a scientifically sound study that shows DARE prevents kids from using drugs," said Joel H. Brown, director of Educational Research Consultants, Berkeley, Calif.-based firm that conducted the three-year study for the state education department.

"Kids want to have real discussions of drugs—not just hear 10 ways to Just Say No," said Brown, adding that the \$3 million study, though confined to California youths, was the biggest of its kind in the nation. "When kids get old enough they reject those messages and the ones bringing the message."

Brown's findings are similar to those in several other studies.

In 1991, a report prepared by the Chapel Hill, N.C.-based Triangle Research Institute for the U.S. Justice Department concluded that DARE was largely unsuccessful in preventing drug

use among youngsters, despite the program's popularity.

In a 1993 study, the U.S. General Accounting Office issued a report criticizing the federal government for failing to introduce drug-awareness programs that identified strategies other than those using the no-use theme.

Officials at DARE America and the California Department of Education strongly dispute Brown's contentions.

Ralph Lochridge, spokesman for DARE, said numerous studies, including one released two years ago by Ohio State University, show that DARE is succeeding in getting kids to resist drugs over the short term. The failure results from a lack of involvement among parents and community groups to reinforce what DARE is teaching, he said.

"DARE is not a magic bullet—it's just one little piece," Lochridge said. "The problem is that the parents of these kids are Baby Boomers who experimented with drugs themselves. They are reluctant to send a clear message about the dangers of drug use."

Jana Kay Slater, a research and evaluation consultant for the California Department of Education, said the department decided against publishing Brown's report and that it did not agree with all its conclusions.

The Justice Department report on crime prevention programs recommends that more drug-prevention and other anti-crime efforts devote more resources to communities where substance abuse and violence occur more frequently.

The report said some programs showed promise, including increased police patrols in high-crime areas, drug treatment in prisons and home visits by social-service workers for infants in troubled families.

Officials at DARE say they already have launched a pilot program called DARE Plus, an after-school program that offers chess, gardening clubs, tutorial help and recreational activities in several inner-city schools.

The programs are being operated in New York, Los Angeles, Washington, D.C., and at Dett School on Chicago's Southwest Side. ■

The Sacramento Bee

04/15/97; Section: MAIN NEWS

TEXAS AFFIRMATIVE ACTION BAN OK'D

By Peter Applebome
New York Times

A month after warning Texas it could lose federal financing if it ended affirmative-action programs in its university system, the U.S. Department of Education has reversed itself and now says Texas and two neighboring states must comply with a year-old federal court decision banning the use of race as a factor in admissions and scholarships.

The change came after Texas education officials found themselves caught between conflicting Education Department and federal court directives, and after Texas political representatives in Washington had reacted furiously to what they saw as an Education Department directive to ignore a federal court order banning affirmative action.

Separately, Walter Dellinger, the acting solicitor general of the United States, wrote an unusual retort to the Education Department, saying the appeals court decision banning affirmative action was the law in Texas.

The Education Department's reversal also comes at a time when there are increasing indications that efforts to roll back affirmative action could produce a drop in minority enrollment at prestigious universities and professional schools.

At the University of Texas Law School, for instance, of the 791 students admitted thus far for the fall 1997 class, about 80 percent of the class, just five were African American and 18 were Latino. Last year 65 African Americans and 70 Latinos were admitted.

The change in the Education Department's position on affirmative action in the Texas university system is being viewed as an embarrassment for the department and a setback for critics of the 1996 Hopwood vs. Texas ruling, in which the 5th U.S. Circuit Court of Appeals said that Texas and the two other states in its jurisdiction, Louisiana and Mississippi, could not use race as a factor in admissions and scholarships.

One of the plaintiffs in the case was

Cheryl Hopwood, a white graduate of California State University, Sacramento, who was rejected for admission to the University of Texas Law School.

The Clinton administration has been a consistent supporter of affirmative action policies. Officials in the Education and Justice departments say that they believe the Hopwood case was wrongly decided, but that for now it is the law in the 5th Circuit.

The mixed signals in Texas reflect the uncertainty nationally about the future of affirmative action. Last week, a three-judge panel of the 9th U.S. Circuit Court of Appeals upheld California's Proposition 209, a 1996 initiative that prohibits discrimination and preferences based on race or gender in the employment, contracting and educational programs of state and local agencies.

The current controversy began with a March 18 letter to Texas legislators from Norma Cantu, assistant secretary of education for civil rights, and a former official of the Mexican-American Legal

Defense and Educational Fund.

Earlier, Texas Attorney General Dan Morales had delivered a broad opinion that said the Hopwood decision banned any use of race in admissions and scholarships in the 5th Circuit. The Hopwood ruling said that the Supreme Court's 1978 Bakke decision, which allowed race as one factor among others, was no longer valid. The Supreme Court declined to hear the case, leaving Hopwood in effect only in Texas, Louisiana and Mississippi.

In the Bakke case, four justices said

it was illegal for the University of California, Davis, Medical School to discriminate in favor of minorities in the admissions process. Four other justices said such affirmative action was legal to make up for past discrimination.

Cantu, in a statement that drew widespread skepticism from legal experts, said Hopwood applied only to the facts in place at the University of Texas Law School in 1992 when the suit was filed. And she warned that the federal government could cut off \$500 million in higher education aid.

The letter created enormous confusion among state officials wondering how to deal with conflicting positions. Sen. Phil Gramm, R-Texas, in a letter of his own to Education Secretary Richard Riley, said Cantu's directive had left the state "in a withering legal cross-fire," and he threatened to hold up financing for the Education Department if Cantu's letter was not retracted.

On Friday, Cantu reversed herself and wrote that, absent further legal review, the Hopwood ruling prohibited race-conscious affirmative action. ■

The New York Times

04/16/97: Edition: Late Edition - Final; Section: Section B; National Desk; Page 9, Column 1

Mixed Results for Public School Proponents

By PETER APPLEBOME

JACKSON, Miss. — No one is saying that the future of public education comes down to a group started by 20 parents here in Mississippi's capital.

But as big-city schools continue to lose white and middle-class minority students and as alternatives to public education like systems using school vouchers continue to hover on the horizon, there is an intriguing glimpse of American education in that group, Parents for Public Schools.

The group, which got its start in 1989 at a gathering of mostly affluent white parents in the living room of Dick Molpus, who was then Mississippi's Secretary of State, began with a simple idea: If parents want to support and nurture public schools, they should put their children in them. Out of that idea has grown a national organization that now includes minority parents and has 50 chapters in 22 states. The chapters work on a long-term basis to upgrade public education in entire communities or school districts.

Despite some successes, however, Parents for Public Schools is also a case study in the limits of good intentions when it comes to revitalizing public education.

Although the group's growth is a signal that many others want to embrace its philosophy that healthy public schools are fundamental to the nation's future, even here in Jackson the percentage of whites in the schools continues to dwindle.

In the 1988-89 school year, black

students made up 77 percent of the district, and white students 23 percent. Now the district's 32,414 students are 87.7 percent black and 11.6 percent white. Of the four elementary schools with a substantial white enrollment — where much of the group's energy was originally focused — all have seen a significant decline in the percentage of whites in recent years.

And such declines are occurring throughout the country, as highlighted by a recent study by the Harvard Graduate School of Education, which found the fastest rate of school resegregation since the Supreme Court's landmark 1954 ruling in *Brown v. Board of Education*.

"There are a lot of people in the country in a lot of different roles who are in a sense desperate for ways to make public education work, so I think an organization like this has enormous potential," said M. Hayes Mizell, a member of the group's board who works on education with the Edna McConnell Clark Foundation in New York. "But a broad philosophical kind of support for education will only take you so far. And that's why unless you really come to grips with an improvement agenda, and you really strike at the heart of what education is all about, the general notion of supporting public education can take you only so far."

In some ways, the growth of Parents for Public Schools has been remarkable. Its 50 chapters are in places as diverse as Greenville, S.C.; Waco, Tex.; Ellenville, N.Y.; Teaneck, N.J.; Los Angeles, Cincinnati and Cleveland. Beyond

enrolling their children in local public schools, members of the group focus on concerns like bond issues, overcrowding or alternative schools. Through conferences, literature and joint planning, members share information on common education problems and strategies for addressing them.

In Cincinnati, the chapter helped organize support for two successful bond issues in recent years, and has organized a public rally for public education.

Brewster Rhoads, vice president of the Cincinnati chapter, said, "I think it's absolutely essential that parents become more involved than they've ever been, not just in supporting their own kids' school, but also in making sure that the community at large rededicates itself to making sure that public schools work."

In Jackson, members of Parents for Public Schools say the continued shift in the racial balance of the schools reflects in part the growth of the black population.

"If it wasn't for Parents for Public Schools, this would probably be an all-minority district today," said Kelly Butler, the group's executive director. "We put a thumb in the dike even if we didn't completely reverse the tide."

Consequently, the group has changed its focus from recruiting white parents to building alliances of parents of different races and economic backgrounds to find solutions to problems in the schools.

Here in Jackson, for example, the chapter president is white but the chairman of the task force that deals with specific issues is black, and the board is

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

Classified jobs have been a sore spot

because they are rare and valued by current employees, said Jane H. Baillargeon, Staff Affairs chairwoman.

If faculty spouses fill classified jobs,

she said, that cuts into opportunities for current employees to advance to higher paying positions. ■

Associated Press

4-15 10:49p

Republicans take House speaker to school over his proposals

By DENNIS CONRAD

Associated Press Writer

SPRINGFIELD, Ill. (AP) - Republicans took House Speaker Michael Madigan to school Tuesday. And before it was over, the Democrat who has ruled the Illinois House for 13 of the last 15 years suffered two embarrassing defeats.

With GOP lawmakers largely resisting, his proposals on homework and dress codes fell short of passage in the chamber where Democrats have a slim two-seat majority.

The bills would have required school boards to draw up their own policies on uniforms and dress codes and a policy regarding doing homework, said Steve Brown, Madigan spokesman.

Madigan complained to reporters afterward about the lack of support from Republicans but also reiterated his support for an idea popular with many GOP lawmakers in talks over what should be in a school-funding reform measure.

"I'm prepared to vote to eliminate teacher tenure as part of a broad legislative package," he said.

Madigan had begun pushing the

homework and class uniform ideas since he was sworn in as speaker in January. The proposals flew out of a House committee last month on bipartisan 13-1 and 14-0 roll calls.

With Republicans ridiculing the bills and suggesting Madigan had no serious plan for reforming education, the proposals received only as many as 52 favorable votes on the House floor - eight short of the 60 necessary.

GOP critics noted that Madigan could not name one school district that doesn't now have a dress code policy and said his homework proposal did not even have a provision to ensure enforcement.

"When I first heard about this bill, I had visions of homework police riding forth ... knocking on the doors of children at 8:30 at night and saying, 'I'm here to inspect your homework,'" cracked Rep. William Black, R-Danville. "If you don't have it, you may be guilty of a felony."

Madigan said his bills were defeated because Republicans had decided to make it a "party position" during a closed-door meeting before the votes.

"What I'd like to know, what are they for?" the Chicago lawmaker said. "They

haven't spoken in favor of the governor's (school-funding reform) plan, as I have."

Republican Gov. Jim Edgar has embraced a proposal that would cut property taxes \$1.5 billion and generate \$1.9 billion through state taxes or budget cuts. The extra \$400 million would go for schools to assure that per pupil spending in all districts is at least \$4,225 - a widely accepted minimum standard.

Brian Timpone, a spokesman for House Minority Leader Lee Daniels, R-Elmhurst, said Edgar's proposal is not a full plan because the details have not been fleshed out. And Timpone said Daniels does not believe in raising general taxes to produce a net gain in revenue for school operations.

Timpone said Daniels has said any reform package should include property tax relief, combined state and local per-pupil spending of at least \$4,225 using existing state resources, a \$1 billion public works program for schools paid with higher gambling taxes, and accountability measures such as an overhaul of the teacher tenure law.

Madigan used a parliamentary maneuver to reserve his right to call his bills again in the session. ■

Associated Press

4-16 1:05a

House approves two bills aimed at diversifying schools

By PAULINE ARRILLAGA

Associated Press Writer

AUSTIN (AP) - The Texas House has approved two bills that aim to diversify enrollment at public universities in the wake of a court ruling eliminating race as a factor in college admissions.

Supporters said the measures would ensure that all students, regardless of race

or ethnicity, are granted the opportunity to attend college.

But opponents called the legislation a back-door approach to restoring race-based preferences akin to those struck down last year by a federal appeals court.

"We're giving preferences, and that's exactly what the Hopwood case was all

about," said Rep. Charlie Howard, R-Sugar Land, referring to the lawsuit in which four white students argued the University of Texas law school's admissions policy unfairly favored minorities.

The 5th U.S. Circuit Court of Appeals agreed, and state Attorney General Dan Morales has since directed all public

universities to adopt race-neutral policies for admissions, financial aid and scholarships.

A bill that Morales said would fit that mold was tentatively approved by the House Tuesday.

The measure establishes uniform admission procedures under which universities would be required to admit applicants who graduated in either the top 10 or 25 percent of their classes.

After filling those slots, universities would have to consider, in addition to academic performance, race-neutral factors such as economic status and family background.

Proponents said the measure would give students of all backgrounds a better chance at gaining admission to college.

"This measure is about opportunity. It cuts across all ethnic lines," said Rep. Hugo Berlanga, D-Corpus Christi.

The bill's sponsor, Rep. Irma Rangel, D-Kingsville, said, "This bill has nothing to do with picking one student over another."

But Rep. Frank Corte said the bill sends the message that social status takes priority over academics.

"We're telling the young people across

the state that they don't have to do good in high school to go to college," said Corte, R-San Antonio, who tried unsuccessfully to amend the bill to require universities to automatically admit students who score high on standardized tests.

Morales, who ignited a furor among minority groups when he said the Hopwood ruling must apply to all public universities, called Rangel's measure a good compromise.

"It would really be helpful in terms of addressing the fallout of the 5th Circuit decision," he said. "The bill would be constitutional and would withstand a legal challenge."

Al Kauffman, regional director of the Mexican American Legal Defense and Educational Fund, which represents minority interests in lawsuits against the state, also praised the measure.

"It will allow students from all around the state to attend Texas colleges and universities," he said.

The Senate passed a similar bill last week. Rangel's measure still faces final approval by the House before heading to the Senate for consideration.

Another bill that also attempts to

diversify colleges and universities won final House approval.

That measure would require colleges and universities to admit a certain number of undergraduates through open enrollment, meaning the only requirement for admission would be a high school diploma or the equivalent.

Colleges with more than 30,000 students would have to admit 1 percent of their undergraduates through open enrollment, while schools with fewer than 30,000 students would be required to admit 2 percent through the process.

The bill's sponsor said it targets students who, for example, make good grades but fair poorly on standardized tests or who had to work through high school to supplement their family's income.

"All we're asking is for a few hundred students out of a few hundred thousand to be given a shot," said Rep. Tony Goolsby, R-Dallas.

But others said the bill, like Ms. Rangel's, would reward bad students.

"It sends a horrible message to kids that work hard ... a D-minus equals their efforts," said Rep. Joe Nixon, R-Houston. ■

Associated Press

4-16 2:11a

Women likely to join Citadel boards

By BRUCE SMITH

Associated Press Writer

CHARLESTON, S.C. (AP) - The Citadel's governing board is encouraging women to run for board seats but will not actively recruit candidates, board chairman Jimmy Jones says.

The board wants to become more diverse but "it's not going to be an affirmative action seat. It's going to be someone who desires to step forward and seek it as the men have," he said.

The school announced Tuesday two women will join the formerly all-male Advisory Council to the Board of Visitors, which has no legal authority over college policy.

The women have been approached but have not yet accepted the seats. Retired Army Gen. Jack Merritt, the council chairman, said he hoped to release the

names by the end of the week.

The Citadel, after a protracted court fight, dropped its all-male admissions policy last year and enrolled four female cadets. Two of the women dropped out after a semester, alleging they had been hazed and harassed.

The military college said 35 women have now been accepted for the class of cadets that will enroll this August.

While the advisory council can invite women members, members of the Board of Visitors are, under state law, elected by alumni or state lawmakers or appointed by the governor.

"If someone is qualified, we would welcome them," Jones said.

The board includes seven Citadel graduates elected by the General Assembly, three members elected by

alumni and one at-large member appointed by the governor.

As a practical matter, there has never been a female voting member, though state Education Superintendent Barbara Nielsen is an ex-officio member.

Jones said there is a vacant alumni seat and the next election for a lawmaker-appointed seat is next year.

While the school was first opened to female cadets just last fall, women have attended night and graduate classes since the 1960s.

"We have a great, great group of female graduates from the professional and business college and the graduate school," Jones said. "We are certainly hopeful someone can be identified in that group of people and they will seek the opportunity to serve The Citadel." ■

The New York Times

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

Seeking New Approaches for Diversity

By PETER APPLEBOME

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

05:15 EDT April 23, 1997

Associated Press

04-24 4:37a

Top U.S. universities endorse affirmative action in admissions

By SARA SILVER
Associated Press Writer

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

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

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

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

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

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

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

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

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

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

Philadelphia Inquirer

April 24, 1997

Republicans and Democrats hit Clinton education tax plan

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

By Rob Wells
ASSOCIATED PRESS

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

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

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

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

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

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

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

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

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

I don't think this program would be a

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

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

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

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

"Are we talking about a program that

Associated Press

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

Other countries making strides in educating work force

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

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

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

innovation, foreign trade and government regulation.

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

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

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

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

Among the educational trends cited:

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

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

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

The New York Times

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

62 Top Colleges Endorse Bias In Admissions

By KAREN W. ARENSON

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

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

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

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

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

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

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

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

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

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

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

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

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

04:13 EST April 24, 1997 ■

The Chronicle of Higher Education

Academe Today

The Chronicle of Higher Education

Date: April 25, 1997

Section: Government & Politics

Page: A28

WAYS & MEANS

Colorado Agency Punishes 5 Colleges Lacking Minority Graduates

Support among many Colorado politicians for affirmative action is as thin as the Rocky Mountain air. Even so, a state agency is cracking down on five public colleges that do not meet one race-based policy.

The Colorado Commission on Higher Education, which oversees budgets for public colleges, has penalized five institutions for not awarding enough degrees to minority students in 1995-96. The commission and the campuses agreed in 1988 on annual goals for how many minority students should graduate at each campus.

According to the commission's plan, 10 per cent of the graduates of Colorado State University last academic year were supposed to be members of minority groups. Only 8.2 per cent were, so Colorado State must devote 1 per cent of its state appropriation -- \$658,000 -- to efforts aimed at helping more minority students graduate.

The four other campuses, which must spend between \$11,000 and \$67,000, are Mesa State and Western State Colleges, Trinidad State Junior College, and the University of Northern Colorado.

"Public pressure is important for them to keep up or improve their efforts," said Geri K. Reinardy, a spokeswoman for the commission.

Other state officials, however, take a dimmer view of the plan. Attorney General Gale A. Norton, a Republican, has advised campuses to end some race-based policies. And many Republicans backed a bill this year, which almost passed the General Assembly, that would have barred state agencies from having policies like the commission's.

Some college officials say that while they support affirmative action, the commission's formula is off the mark. "I prefer looking at issues of diversity in the broader context," promoting good-faith efforts and long-term goals, "which ultimately will translate into numerical change," said Dana S. Hiatt, who oversees affirmative-action programs at Colorado State.

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Title: Colorado Agency Punishes 5 Colleges Lacking Minority Graduates

develop volunteerism programs in their communities.

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

proof of the value of the summit." ■

TRADE

The Chronicle of Higher Education [Academe Today]

April 25, 1997

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

By DOUGLAS LEDERMAN

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

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

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

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

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

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

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

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

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

Education Daily

April 25, 1997

IDEA BILL WOULD NEVER ALLOW SCHOOLS TO CUT OFF SERVICES

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

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

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

A summary of the bipartisan

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

Policy Turnaround

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

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

Senate floors over discipline policy.

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

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

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

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

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

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

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

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

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

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

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

but the issue of cost could not be avoided.

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

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

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

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

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

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

court for decades.

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

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

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

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

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

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

Associated Press

04-25 3:57a

Educators cheered by poll showing support for college diversity programs

By TIM KLASS Associated Press Writer

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

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

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

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

academic excellence."

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

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

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

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

"For us, the commitment to diversity

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

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

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

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

More direct questions on affirmative action were deliberately omitted.

Beckham said.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Associated Press

04-25 4:03a

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

tp2lid

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

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

Title I money pays for teachers, summer programs and curriculum

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

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

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

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

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

Associated Press

04-25 4:07a

Volunteers painting U.S. maps on playgrounds

AP Photo JNO101 of April 24 tp2hou

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

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

100 days.

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

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

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

Dallas Morning News

April 28, 1997

Acting affirmatively**Texas needs new college admissions plan**

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

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

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

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

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

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

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

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

UCLA student group works to retain blacks, ...

DOCUMENT 3 OF 8

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LIFE

UCLA student group works to retain blacks, Hispanics

Mary Beth Marklein

481 Words

3493 Characters

04/30/97

USA Today

FINAL

06D

(Copyright 1997)

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

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

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

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

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

UCLA's program, funded through mandatory student fees of \$15 a year, has been around for almost 10 years. Now, other schools,

* including UC-San Diego, are trying to launch similar programs.

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

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

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

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

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

I0607 * End of document.

on such loans.

Sallie Mae, a stockholder-owned (NYSE) corporation, is the nation's leading provider of financial services for

postsecondary education needs. The corporation is the nation's largest source of funding and servicing support for education loans for students and their

parents. Gisela Vallandigham, 202/298-3147 Ross Kleinman, 202/298-3013 16:36 EDT APRIL 29, 1997■

DOW JONES NEWS SERVICE

04/29

Judge Gives U.S. Deadline In Sallie Mae 'Offset' Fee Case

WASHINGTON (Dow Jones)--A federal judge here gave the U.S. Department of Education until July 31 to decide on its final position with respect to the application of an existing 'offset' fee on Sallie Mae to student loans securitized by the firm.

The order is a sequel to a decision early this year by the federal appeals court here striking down the department's

interpretation of a 30 basis-point fee as the department sought to apply it to student loans securitized by Sallie Mae. The appeals court ordered the case remanded to a lower court, with orders to remand the matter to the **Department of Education**.

Sallie Mae, formally known as the Student Loan Marketing Association,

said it was pleased by the order handed down Tuesday by U.S. District Judge Stanley Sporkin. 'This means that the Secretary [of Education] must act promptly and any decision must be consistent with the Court of Appeals ruling,' said Sallie Mae General Counsel Timothy Greene.

6:20 PM■

USA Today

April 30, 1997

Colleges see fewer minorities apply

By Mary Beth Marklein
USA TODAY

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

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

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

For years, California campuses and hosts of other universities around the country have used race as one factor among many in selecting students for admission. They defend the policy as a way to right past wrongs against

underrepresented minorities and as a way to build a community that's reflective of society. But the regents' action in California - and a major court decision in Texas - have halted the use of race as an admissions factor in those states. Now higher education leaders nationwide are starting to see the impact:

For the nine University of California campuses, fall 1997 applications from underrepresented minorities are down 5%, even as overall applications went up 2.6% over fall 1996. Officials say the ban mostly will affect black, Hispanic and Native American students. Applications and enrollments of underrepresented minorities are down at the University of Texas, which is looking at new ways to enroll such students after a federal appeals court ruling last year barred racial preferences. It admitted 192 more freshmen for this fall, bringing the total to 10,651, but only the numbers of whites and Asian-Americans increased. The number of admitted black students dropped 107, to 314; Hispanics dropped 235, to 1,333. Applications alone by black and Hispanic students fell by 24% and 22%, respectively, while overall

applications were down 13%. The University of Colorado, fearing legal challenges such as those raised in Texas, is broadening a financial aid award that benefited black students to include factors such as economic need or whether other family members have attended college.

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

In California, UC number crunchers predict that ultimately enrollment of underrepresented minorities could drop by 50% to 75% at UCLA and UC-Berkeley, the system's two most competitive schools.

Those prospects are stirring emotions among students. On Monday, campus police used pepper spray and batons on UC-Berkeley students protesting

Proposition 209, a much broader anti-affirmative action initiative whose fate is still unknown. Voted into state law last November, it has been tied up in a stop-and-go series of legal challenges and could end up before the U.S. Supreme Court. But even without 209, which would affect all public schools, the UC ban remains.

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

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

Supporters of affirmative action say it helps make up for decades of discrimination against women and minorities.

More than a nudge?

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

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

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

This year, for instance, UCLA received 29,000 applications for 3,600 spots for first-year students. Of the 10,000 letters of acceptance that went out in early April, the students averaged a

4.14 grade point average (GPAs can climb over 4.0 with extra points given for honors courses) and 1,303 SAT scores - "and most aren't coming from underrepresented groups," says Thomas Lifka, assistant vice chancellor of student academic services.

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

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

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

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

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

Looking for surrogates?

UCLA officials call it a "holistic" approach that focuses on future potential rather than past achievement. But such

talk disturbs UCLA junior Jason Steele, state chairman of the California College Republicans, which supported the regents and Proposition 209. "We're going to have to watch them very carefully," he says of administrators. "They're scheming in any way possible to have affirmative action anyway."

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

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

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

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

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

Detroit News

April 24, 1997

Are schools failing black boys?

Educators and activists look for ways to keep African-American males from losing interest in class

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

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

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

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

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

70. The Washington Post

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

Affirmative Action: Beyond Diversity

By Owen M. Fiss

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

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

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

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

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

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

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

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

Even as a form of distributive, rather

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

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

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

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

The Chronicle of Higher Education

Academe Today

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IN THE STATES

Berkeley Students Protest Cal. Law Barring Affirmative Action

By Karla Haworth

About 40 students briefly took over the administration building at the University of California at Berkeley last week, fastening its doors and fire exits with bicycle locks to protest the university's plan to comply with Proposition 209.

The proposition, approved by California voters last year, bars public colleges and other government agencies from granting preferences based on gender or race.

Last month, a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit rejected a lower court's conclusion that Proposition 209 violated the U.S. Constitution's equal-protection clause and other federal laws. The measure is stayed while the plaintiffs -- a coalition of advocacy groups and minority-rights organizations -- appeal the panel's ruling to the full Ninth Circuit.

The Berkeley students entered the administration building after a noon rally at which speakers demanded that the University of California system refuse to comply with Proposition 209.

According to Jesus Mena, a university spokesman, the protesters disabled the building's elevator and secured the doors with U-style bicycle locks and nylon cord.

"It was really dangerous for this building," he said. "If there had been a fire, there was no way to get out."

After officials sliced through the locks with blowtorches, Mr. Mena said, the students moved to the building's foyer and began chanting. They tried twice to re-enter the main part of the building; the second time, "it was pretty clear that the students were ready for a full confrontation," Mr. Mena said. "They charged again, and the police pulled out the pepper spray."

Two officers also used their nightsticks to push back the protesters, said Mr. Mena. They arrested two students, and the rest were told they would face the same fate if they didn't leave, Mr. Mena said. By 3 p.m., the students had left the building. No one was injured.

Harmony Goldberg, a Berkeley junior and one of the protesters, said the students had been unnecessarily showered with pepper spray and beaten with nightsticks.

Ms. Goldberg said she was "amazed" at the level of violence. "We were just here trying to hold a peaceful

protest."

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The Chronicle of Higher Education

Academe Today

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IN THE STATES

Scholarship for White Students Challenged in Alabama Lawsuit

By Patrick Healy

A court-ordered scholarship program for white students at Alabama State University violates the constitutional rights of black students, one black student has charged in a lawsuit.

Jessie J. Tompkins, a black graduate student at Alabama State, applied last year for one of the new grants that were created in 1995 to diversify the historically black university. Mr. Tompkins says he was told that the money he sought had been set aside for whites.

"It's state-supported discrimination," said Mr. Tompkins, who sued the university in federal district court in March. Black students must earn good grades and meet other criteria to be eligible for aid from Alabama State, while most white students need only be admitted to receive a scholarship.

The grants were established in 1995 after a ruling by U.S. District Judge Harold L. Murphy in the state's college-desegregation case.

Judge Murphy directed Alabama to pay up to \$1-million annually for 10 years to each of the state's two historically black campuses, which would use the money to enroll more non-black students. At the time, 93 per cent of the students at Alabama State were black; this spring, 88 per cent were black.

Lawyers for the state have asked a federal judge to dismiss Mr. Tompkins's suit or transfer it to Judge Murphy. Robert D. Hunter, the state's lead lawyer in the desegregation case, said he believed the court-ordered scholarships would be upheld. But voluntary aid programs that use race as a factor could come under judicial scrutiny, he said, and may not fare well because of recent court decisions restricting affirmative action.

"All race-based scholarships could end up being on trial in the Tompkins case," Mr. Hunter said.

Mr. Tompkins and other black students at Alabama State have lodged a civil-rights complaint about the scholarships, which the U.S. Justice Department is now considering.

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Title: Scholarship for White Students Challenged in Alabama Lawsuit

25. Academe Today

May 12, 1997

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

By DOUGLAS LEDERMAN

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

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

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

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

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

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

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

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

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

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

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

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

Many of the participants argued that

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

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

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

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

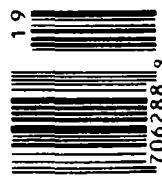
BRITAIN
**HOW BLAIR WON:
THE INSIDE STORY**

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ESSAY

The Color Bind

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

BY ELLIS COSE

EVER SINCE A FEDERAL COURT outlawed affirmative action at the University of Texas, Austin, law school last year, promoters of "diversity" have prophesied disaster. Now, as the school admits its first post-affirmative-action class, their nightmare is coming to pass. If the end of affirmative action is not really analogous to the onset of Jim Crow, to many Latino and black students, the distinction seems hardly worth the trouble of making. As Diana Saldaña, president of the Chicano-Hispanic Law Students Association put it, "It took us 30 years to get here, and now it took them 2½ hours to dismantle any progress we have made."

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

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

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

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

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

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

action adviser.

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



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

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

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

—PATRICK WOOLLEY,
law professor

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

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

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

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

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

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

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

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

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



Tenderhearted tough guy: Royko in his lair

MEDIA

Chicago's Tribune

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

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

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

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

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

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

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

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

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

JONATHAN ALTER with
JOHN MCCORMICK in Chicago

Plans Seek More UC Pupils From Poorer Schools

DOCUMENT 5 OF 6

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Plans Seek More UC Pupils From Poorer Schools

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

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

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

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

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

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

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

Source: Los Angeles Times, May 12, 1997

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

Disparity in Admissions

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

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

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

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

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

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

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

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

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

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

Such proposals are sure to be controversial, however.

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

Source: Los Angeles Times, May 12, 1997

"It got blown out of proportion."

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

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

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

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

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

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

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

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

Learning From Sports Drafts

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

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

Source: Los Angeles Times, May 12, 1997

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

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

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

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

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

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

No Easy Alternatives

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

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

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

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

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

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

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

Source: Los Angeles Times, May 12, 1997

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

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

Atkinson and others concede that any revision poses problems.

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

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

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

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

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

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

(BEGIN TEXT OF INFOBOX / INFOGRAPHIC)

Expanding Eligibility

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

CURRENT ELIGIBILITY VS. PROTECTED ELIGIBILITY

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

AVERAGE ACADEMIC INDEX SCORE

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

Source: Los Angeles Times, May 12, 1997

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

Source: University of California

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

DOCUMENT 1 OF 2

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NEWS

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

* diversify student body

Pamela Burdman, Chronicle Staff Writer

646 Words

4490 Characters

05/13/97

The San Francisco Chronicle

FINAL

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

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

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

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

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

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

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

The drafts envision setting up regional partnerships pairing UC

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

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

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

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

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

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

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

Richard Russell, an alumni regent who serves on the task force, complained that the report fails to take the race and ethnicity issue head on. He worries that such an omission will only accentuate the

* perception that UC's doors are closed to minority students.

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

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

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

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

I0607 * End of document.

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

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

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

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

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

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

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

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

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

9. The Christian Science Monitor

May 13, 1997

Affirmative Action: Rollback That Isn't

Linda Feldmann, Staff writer of The Christian Science Monitor

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

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

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

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

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

approved the initiative with 54 percent of the vote.

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

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

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

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

change was minor but allowed the administration to claim progress.

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

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

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

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

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

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

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

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

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

TRADE

10. The Chronicle of Higher Education [Academe Today]

May 13, 1997

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

By DOUGLAS LEDERMAN

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

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

In the case whose appeal was denied

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

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

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

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

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

11. Education Daily

May 13, 1997

JUSTICES TURN AWAY STUDENT HARASSMENT SUIT

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

sexually harassing students.

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

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

The Chronicle of Higher Education

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DAILY NEWS

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NEWS FOR THURSDAY, MAY 15, 1997

Minority Admissions Plummet at Berkeley's Law School

By KIM STROSNIDER

The number of minority students offered admission to the University of California at Berkeley's law school plunged this spring, with the pool of black admittees falling to 14 from 75 last year. In a statement released Wednesday, law-school officials blamed the sharp drop on the university's elimination of affirmative action.

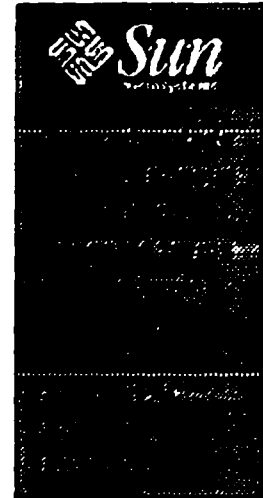
White and Asian-American students appeared to have been the beneficiaries of the new policy. The law school said that of 729 offers of admissions to next fall's entering class, 67.9 per cent were to white applicants, compared with 57.3 per cent last year. Asian applicants received 18.8 per cent of this year's offers from the law school, compared with 15.5 per cent a year ago.

Only 1.8 per cent of this spring's offers were to black applicants, compared with 9.2 per cent a year ago. Offers to other minority groups, including Hispanics and American Indians, declined as well.

This was the first admissions cycle in which the school, known as Boalt Hall, did not consider students' race or ethnicity in deciding whether to admit them. Admissions officers did so to comply with a 1995 resolution approved by the university system's Board of Regents.

Law-school officials said that the new policy was to blame for the statistics they released Wednesday. "This dramatic decline in the number of offers of admission made to non-Asian minority applicants is precisely what we feared would result from the elimination of affirmative action at Boalt," said Herma Hill Kay, dean of the law school.

Ms. Kay added that she regretted the sharp drop. "We must do everything we can to encourage those students of color who are



admitted to Boalt Hall to accept our offers of admission," she said.

To comply with the new policy, school officials asked Law Services, the non-profit corporation that administers the Law School Admissions Test, not to provide them with information about the race or ethnicity of applicants. After the admissions decisions had been made, the school sought the data so it could compare this year's offers with last year's.

The law school at the University of Texas at Austin reported a similar drop in offers to minority applicants this year, after it had eliminated affirmative action to comply with a court ruling. In March 1996, the U.S. Court of Appeals for the Fifth Circuit struck down the affirmative-action admissions program at the school.

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56. Ft. Lauderdale Sun-Sentinel

May 15, 1997 Category: Local

Educators shift focus to toughen students

By TIM COLLIE

Staff Writer

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

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

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

and domestic violence.

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

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

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

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

57. San Francisco Chronicle

May 15, 1997 Category: Local

Diversity Lessons At Boalt Hall

55 non-Asian minorities accepted; lowest in decade

By Pamela Burdman

Chronicle Staff Writer

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

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

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

Because of the regents' 1995 decision

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

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

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

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

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

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

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

The Chronicle of Higher Education

Academe Today

The Chronicle of Higher Education

Date: May 16, 1997

Section: Athletics

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SIDELINES

Texan Says Athletes Are Being Exempted From Race-Blind Policy

Ever since a federal appeals court in Texas ruled that universities could not consider race in the admissions process, Harold Dutton, a Democratic state legislator from Houston, has been looking for an opportunity to make a point.

Universities are continuing to make exceptions for minority students, he says -- but only for those physically gifted enough to qualify for athletics scholarships.

"We looked at the numbers of minorities on football teams and the number of minorities in the student bodies, and they didn't match up," says Reese Buggs, an aide to Mr. Dutton. Minority students -- black students in particular -- were overrepresented in the former category and underrepresented in the latter, he says.

"So what they are saying is that we will make exceptions and lower standards for football players, but not for people getting into the academic arena," Mr. Buggs says.

To remedy this perceived injustice, Representative Dutton introduced a bill under which the percentage of minority players on athletics teams at public universities could be no more than 10 points higher than the percentage of minorities at these colleges. The bill died in committee.

Undeterred, Mr. Dutton is now supporting a measure to ban athletics scholarships at public institutions. The bill has passed the House of Representatives, but it is expected to get little further.

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The Chronicle of Higher Education

Academe Today*The Chronicle of Higher Education*

Date: May 16, 1997

Section: Government & Politics

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WAYS & MEANS

North Carolina Student's Bias Lawsuit Dismissed as Frivolous

A federal judge in North Carolina has dismissed another affirmative-action lawsuit as frivolous.

The suit, which had been brought by Jack W. Daly, a law student at the University of North Carolina at Chapel Hill, challenged a state law that reserved eight seats on the North Carolina system's Board of Governors for women and members of minority groups. He said the law violated his constitutional right to equal protection.

U.S. District Court Judge Carl Horn said Mr. Daly had failed to prove that he suffered injury because of the law. The judge called it "highly unlikely" that Mr. Daly would "ever be a serious candidate" for a seat on the board, "even a seat strictly reserved for a white male."

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Title: North Carolina Student's Bias Lawsuit Dismissed as Frivolous

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Berkeley Bland

May 16, 1997

There was startling news out of the University of California this week. The first class to be admitted to the University's Berkeley School of Law since the elimination of affirmative action in the selection process showed an amazing 81% drop in black admissions from last year. Eighty-one percent! Hispanic admissions fell 50%. However, both Asian and white student admissions saw increases of 18% and 15% respectively.

Now I think you will agree that these are significant changes. And many of you also probably think that with the elimination of racial preferences, this new class of future lawyers should have significantly higher academic credentials. Right? Wrong.

The mean grade point average of this year's new students is 3.74 compared to 3.72 for last year. And this year's students averaged only one point higher on the Law School Admissions Test than last year's students. So the elimination of affirmative action at the Berkeley School of Law obviously won't result in an academically more qualified student body, only a less colorful and diverse one.

21. The Baltimore Sun

May 16, 1997

Census Bureau weighs adding a 'multiracial' category

Some Asians, Alaskans prefer it, survey finds

ASSOCIATED PRESS

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

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

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

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

Adding the multiracial category reduced the reporting of Asian or Pacific

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

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

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

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

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

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

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

Other findings of the test included:

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

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

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

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

22. Christian Science Monitor

May 16, 1997

College Minority Admissions Drop

Daniel Snider, Staff writer of The Christian Science Monitor

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

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

The numbers are intensifying the debate over the movement to roll back

race- and gender-based preferences nationwide.

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

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

and a 209 critic.

While not cheering the lack of diversity, opponents of affirmative action see the statistics as proof of how pervasive race was in past admissions. "It's an utterly predictable result," says Terry Pell, a spokesman for the Washington-based Center for Individual Rights.

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

"This dramatic decline in the number of offers of admission made to non-Asian minority applications is precisely what we feared would result from the elimination of affirmative action," says

Herma Hill Kay, dean of the University of California, Berkeley, law school.

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

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

Law schools, unlike many other

graduate disciplines, rely heavily on test scores and grades. According to a recently published study of law-school applications, a solely numbers-based admissions policy would substantially reduce minority entrants nationwide. Author Linda Wightman, a former official at the Law School Admissions Council, estimates that of the 3,485 blacks accepted by more than 160 law schools, only 687 would have been admitted based on tests and grades.

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

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

Instead it yielded more admissions of poor whites and immigrants from places like Russia and Vietnam. It also led to

the turning down of blacks and Latinos who had good numbers but were from wealthier families. "We have a very diverse class but not the same diversity," says Michael Rappaport, dean of admissions at the UCLA law school.

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

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

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

23. The Financial Times

Qualification for headteachers launched

By Simon Targett
Education Correspondent

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

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

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

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

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

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

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

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

Some candidates, mostly deputy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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GROWTH IN COLLEGE ENROLLMENT FOR MINORITIES SLOWS

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

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

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

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

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

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

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

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

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

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

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

Rebecca S. Weiner

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A Section

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

Washington Post Staff Writers

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

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

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

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

Source: Washington Post, May 19, 1997

ACE NEWS

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STUDENTS OF COLOR CONTINUE TO MAKE GAINS IN HIGHER EDUCATION, BUT PROGRESS SLOWS, ACE REPORT REVEALS

Washington, DC (May 19, 1997) -- Enrollment gains by students of color in higher education have slowed considerably after several years of rapid growth, a report released today by the American Council on Education (ACE) shows. While minorities continued to register increases in the number of students attending colleges and universities and receiving degrees during the period covered by the report, the findings raise concerns about the impact of more recent political and legal attacks on affirmative action.

The ACE study, *The Fifteenth Annual Status Report on Minorities in Higher Education*, reveals that students of color continue to make progress in higher education, but still lag significantly behind white students in the rate at which they enroll in college.

Overall enrollment of students of color rose by 2.9 percent between 1994 and 1995 (the latest year for which such data is available), compared with gains of 4.6 percent between 1993 and 1994 and 7.1 percent in 1992. Minority students registered increases of 9.8 percent in the number of associate degrees earned in 1995; 8.5 percent in the number of bachelor's degrees; 11.1 percent in master's degrees; and 9.7 percent in first-professional degrees. However, these gains were smaller than those posted in the previous year. In 1994, increases in degree attainment ranged from 12.4 percent in the number of master's degrees to 16.8 percent in the first-professional degree category.

In addition, while students of color made up 22.3 percent of all four-year undergraduates in 1994, they earned only 16.8 percent of all baccalaureates conferred that year.

-more-

Publication of the report was supported by a grant from The Coca-Cola Foundation, which has invested heavily since 1990 in programs and scholarships for students of color. "Building partnerships that provide access to higher education is critical to the success of today's students," said Michael Bivens, the foundation's education director. "We recognize diversity as a crucial and competitive advantage in an increasingly global marketplace that needs people with a variety of skills and experiences."

High School Completion

African Americans and Hispanics continue to trail whites in the rate at which they finish high school, as they have for the past two decades. The completion rate for 18- to 24-year-old whites was 81.9 percent in 1995, compared with 76.9 percent for African Americans and 58.6 percent for Hispanics.

The 1995 completion rate for African Americans was virtually unchanged from the previous year, but remains about 12 percentage points higher than the 64.8 percent recorded in 1975. The rate for Hispanics has fluctuated over time. The current rate is slightly above those recorded in the mid-1970s and two percentage points higher than in 1994, but below the 1993 rate of 60.9 percent.

College Participation and Enrollment

Nationally, the number of traditional college-age individuals (18- to 24-year-olds) peaked in 1981 and then went into a 10-year decline before leveling off. Much of the decrease was due to a drop in the number of whites in that age cohort, which in 1995 remained 12.2 percent lower than in 1981. The number of traditional college-age African Americans also dipped in the 1980s, then rose by 3 percent between 1990 and 1995. The Hispanic 18- to 24-year-old population climbed rapidly, increasing by 62 percent between 1985 and 1995 and by 31 percent since 1990.

Although fewer whites are enrolled in college, their numbers have not declined proportionate to their share of the population because of steady increases in their rates of participation in higher education. Enrollment rates for African Americans and Hispanics, on the other hand, have fluctuated over time.

- In 1995, 25- to 29-year-old whites and African Americans registered nearly identical high school completion rates (87.4 percent vs. 86.5 percent). This represented substantial progress from 10 years earlier, when African Americans trailed whites by more than 6 percentage points (86.8 percent vs. 80.6 percent). Hispanics continued to lag behind with a 1995 rate of 57.1 percent.

- Approximately 26 percent of all white adults ages 25 to 29 had completed at least four years of college in 1995, compared with 15.3 percent of African Americans and 8.9 percent of Hispanics. The 1995 figures are the highest recorded since 1975 for whites and African Americans. The rate for Hispanics has fluctuated over time, reaching 10 percent and slightly higher during much of the 1980s before dipping in the 1990s.

Degrees Conferred

The report's findings on degree attainment indicate that efforts by colleges and universities in the late 1980s and early 1990s to improve access for and retention of students of color have paid off. Minority students recorded gains in all four academic degree categories between 1993 and 1994 (the latest year for which data is available). Nonetheless, the increases were smaller than those registered in previous years.

- Students of color earned 16.8 percent of all bachelor's degrees in 1994, only 1.2 percentage points above the previous year, compared with the 2.2 percentage point increase between 1992 and 1993.

- Between 1993 and 1994, African Americans posted increases in the number of degrees earned in each of the four categories, but the rise at the baccalaureate level (7.3 percent) was the lowest among all ethnic minority groups. African-American students earned 9.7 percent more associate degrees in 1995; 10.9 percent more master's degrees; and 8.4 percent more first-professional degrees.

- Hispanic students recorded an 8.2 percent gain in associate degrees; 10.7 percent in bachelor's degrees; 11.7 in master's degrees; and 5 percent in first-professional degrees. American Indians experienced an increase of 13.6 percent at the associate level; 9.1 percent in baccalaureates; 20.6 percent in master's degrees; and 0.8 percent in first-professional degrees. The increases for Asian Americans were 12.2 percent in associate degrees; 8.2 percent baccalaureates; 10.1 percent master's degrees; and 14.2 in first-professional degrees.

status report - 7

ACE is the umbrella association for the nation's colleges and universities. Its membership includes about 1,600 accredited, degree-granting institutions from all sectors of higher education and nearly 200 national and regional higher education associations and organizations.

Copies of the *Fifteenth Annual Status Report on Minorities in Higher Education* are available for \$24.95, prepaid, from Publications Department M, American Council on Education, One Dupont Circle, Washington, DC 20036. For additional ordering information, or to pay by credit card, call (202) 939-9380.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

in their admissions criteria on the economic background of students.

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

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

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

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

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

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

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

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

<http://www.washingtonpost.com>

10. Detroit Free Press

May 19, 1997

Minority growth slows on campus

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The merits of merit

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

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

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

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

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

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

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

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

An education gap?

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

educational haves and have-nots.

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

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

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

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

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

4. The New York Times

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

College Minority Enrollment Slowed in 1995

By KAREN W. ARENSON

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

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

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

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

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

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

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

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

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

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

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

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

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

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

though it has fluctuated in the 20-year period.

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

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

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

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

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

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

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

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

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

04:30 EDT May 19, 1997■

5. The New York Times

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

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

By SARA RIMER

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

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

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

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

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

"I am personally very pleased with

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

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

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

Minority gains in college lose steam

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LIFE

* Minority gains in college lose steam

Mary Beth Marklein

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USA Today

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* WASHINGTON -- Minorities continue to make progress in higher education, but their enrollment gains have slowed in recent years, and reversals on affirmative action policies may threaten progress even further, college officials say.

* Enrollment of minority students in higher education rose 2.9% between 1994 and 1995, the latest year for which statistics are available, says the American Council on Education's (ACE) 15th annual Status Report on Minorities in Higher Education, out today.

That's lower than gains of 4.6% in 1994 and 7.1% in 1992, the study says.

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

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

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

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

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

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

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

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

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

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The Chronicle of Higher Education

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NEWS FOR WEDNESDAY, MAY 21, 1997

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

By STEPHEN MARTIN

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

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

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

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

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

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



51. Dallas Morning News

May 22, 1997

Lone black law enrollee withdraws

Media scrutiny at UT cited in his decision

By Aline McKenzie / The Dallas Morning News

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52. The Miami Herald

May 22, 1997

Proposal would end schools' choice of texts

By SABRINA WALTERS
Herald Staff Writer

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

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

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

each subject and grade.

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

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

"A single textbook won't allow

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

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

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

50. Dallas Morning News

May 22, 1997

Senators OK bill tracking colleges' minority enrollees

Officials say falling numbers alarming

By Terrence Stutz / The Dallas Morning News

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

That ruling from the 5th U.S. Circuit

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

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

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

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

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

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

Term papers

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

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

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

The Associated Press contributed to this report. ■

11. Education Daily

May 22, 1997

TWO STATES TRYING TO EASE AFFIRMATIVE ACTION SQUEEZE

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

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

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

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

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

Opportunity Not Enough

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

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

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

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

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

He said UT will urge freshmen whom

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

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

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

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

Working With Schools

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

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

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

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

In its draft report, the task force

recommends.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

technology.

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

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

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

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

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

Sophomore Nathanael Wentz agreed.

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

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

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

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

TRADE

10. Chronicle of Higher Education -- Academe Today May 22, 1997

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

By KARLA HAWORTH

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

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

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

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

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

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

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

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

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

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

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

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

The Chronicle of Higher Education

Academe Today

The Chronicle of Higher Education

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Texas's State Colleges to Admit Top 10% of High-School Classes

By Patrick Healy

The Texas Legislature has voted to require public universities to admit all students who graduate in the top 10 per cent of all public and private high-school classes in the state. Governor George W. Bush, a Republican, is expected to sign the legislation, which was designed to reverse a decline in minority applications to the universities.

The bill has university officials deeply concerned. It would radically change how their undergraduate classes are selected and would sharply reduce the influence that admissions officials have over whom they accept.

For example, the legislation would require the University of Texas at Austin to admit students in the top-10-per-cent bracket regardless of their standardized-test scores or extracurricular activities. Remaining slots would be filled by the next echelons of top-ranked students, or by applicants who stood out in other ways, such as bilingual speakers, community volunteers, and children of low-income families.

The number of applications from minority students plummeted at several Texas universities this year, after all of the state's public campuses stopped considering race as a factor in admissions and financial-aid decisions. That decision followed a federal appeals-court ruling last year striking down an affirmative-action admissions policy used by the law school at the University of Texas at Austin.

"The reductions have raised alarms across the state," said Steve Kester, an aide to Democratic state Senator Gonzalo Barrientos, the bill's sponsor. "The consensus is that the bill will help address the negative impact on minority enrollment."

As the Legislature's logic goes, the class-rank provision would give public universities a large pool of minority students, who form a majority in many high schools in the state's cities and southern counties.

But several university officials worried that some students who are in the top 10 per cent of their high-school classes will not be prepared to do work on highly competitive campuses, because of the differences in the quality of education offered in the state's wealthy and poor districts. That argument was

made by some members of the Texas Senate before it voted, 27 to 4, in favor of the bill.

State Senator Jane Nelson, one of the four Republican Senators who dissented, said the bill did not deal with the need for all Texas students to be academically prepared for college when they apply.

"School is about academics, but this bill includes a number of non-measurable, non-academic criteria," she said. "Applicants to Texas universities deserve to be judged equally on factors that are relevant and measurable."

Bruce Walker, director of admissions at the University of Texas at Austin, said the bill would force his campus to admit students who would be ineligible under current standards. Admissions officials at Austin now look at a student's academic record, standardized-test scores, essays, extracurricular activities, work and volunteer experience, and other factors. "This bill moves away from the direction we've been moving in," he said. "We've been trying to include more factors in our admissions decisions, but this bill gets it down to one factor for many students."

Many questions about the bill remain. With the automatic-admission provision, for instance, will applicants still need to write essays? If not, how will universities be sure that applicants have adequate writing skills? And what would happen if half of the estimated 18,000 students in the top 10 per cent of their high-school classes wanted to attend the University of Texas's flagship campus at Austin, which enrolls only about 6,000 undergraduates a year?

"There's a lot we still need to figure out," said Dr. Walker.

The bill also perplexed some college officials because it does not insure that eligible minority students will be able to afford to attend the universities. Because race-based aid is banned, the officials said, universities will need as much as \$60-million in new funds to accommodate minority students who qualify for admission under the new criteria but who may not be able to afford to attend. That issue will need to be addressed as the Legislature appropriates money for higher education in the coming months, the officials said.

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Title: Texas's State Colleges to Admit Top 10% of High-School Classes

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

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

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

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

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

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

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

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

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

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

14. The Chronicle of Higher Education

May 23, 1997

Backers of Affirmative Action Seek Research to Bolster Cause

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

By Douglas Lederman

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

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

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

Participants at the day-long conference, sponsored by Harvard

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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NEWS FOR FRIDAY, MAY 23, 1997

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

By DOUGLAS LEDERMAN

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

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

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

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

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

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



Mexican-American students a year.

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

Background stories from Academe Today's daily-update archive:

- ☐ ["Only One Black Student Has Accepted Admission to U. of Texas Law School."](#) 5/22/97
- ☐ ["Number of Minority Students Admitted to U. of Texas Law School Plummets."](#) 4/10/97

Information in depth:

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

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March, all 13 school finance measures on Bay Area ballots passed - campaign manager Robert Barnes said he is worried that "the right people who care most about schools won't turn out to vote."

"We need a high turnout among minority voters, gays and lesbians, women, liberals and renters. Those are the groups that are the hardest to get to vote in a special election," he said.

Of the \$50 million that would go to nine city college campuses, more than \$16 million is for electrical upgrades; \$19.5 million is for deteriorating

campuses; \$2 million would renovate child care facilities; \$1 million would make campuses handicapped-accessible; and \$10 million would purchase permanent sites for the Mission and Chinatown campuses.

Job skills for all

"City College, which is 60 years old, has never gone out for a bond measure," said Del Anderson, chancellor of City College. "We educate 85,000 students. We take everyone, regardless of SAT scores, and try to provide them with job skills. At any given time, we have 300 to

500 single parents, many on welfare, who would go to college if they had someone to take care of their kids."

Anderson said that facilities are so antiquated that if 25 computers in any given classroom were turned on at once, "it would start a fire."

"Our buildings are not up to standard, by any means," Anderson said. "We don't have the electrical systems, heating and ventilation we need. We don't have the environment or the technology we need to send our students on to work. That's the bottom line." ■

52. San Francisco Chronicle

May 28, 1997

UC Regents to Be Quizzed On Affirmative Action

Pamela Burdman, Chronicle Staff Writer, page A13

Attorneys challenging the University of California's affirmative action ban came a step closer yesterday to questioning UC regents about their controversial 1995 decision.

The development came in San Francisco Superior Court in a case filed on behalf of a student journalist by some of the state's most prominent civil rights and First Amendment attorneys.

Lawyers representing UC Santa Barbara student reporter Tim Molloy allege that Governor Pete Wilson and the regents broke the state's open-meeting law by locking in votes against affirmative action before a public vote was taken.

For nearly a year, the lawyers have been eager to depose Wilson and the regents. Opponents of the regents' policy hope the depositions will bolster their claim that Wilson pressured the regents to scuttle affirmative action to boost his short-lived presidential campaign.

In Judge David Garcia's courtroom yesterday, the two sides agreed to hold the depositions by the end of June. The

arrangement follows a recent ruling by Garcia — the second in six months — rejecting Wilson's and the regents' move to have the case dismissed.

But lawyers for Wilson and the regents still plan to take their case to the Court of Appeals for a third time. "This case has no merit, and there's no reason for it to go to trial," said Wilson spokeswoman Lisa Kalustian.

In the two previous rounds, higher courts let stand rulings by Garcia and another San Francisco judge that said the case could proceed.

The last time the regents had scheduled depositions, their attorneys canceled them a day before they were to begin, saying they were confident they would succeed in getting the case dismissed.

This time, UC attorney Jeffrey Blair says the regents plan to go ahead with the depositions.

"Their idea is delay, delay, delay, delay — and avoid justice," said Eva Jefferson Patterson of the Lawyers'

Committee for Civil Rights, one of the attorneys for the plaintiffs.

"They do not want to go under oath and answer questions as to whether the governor broke the law," she said.

If the plaintiffs win, the 1995 vote could be nullified and the regents forced to take another vote.

The 1995 vote banned preferences in UC's admissions, hiring and contracting decisions. It will take full effect during the next school year, when UC makes decisions on students applying to attend as undergraduates in 1998.

Since Molloy filed his suit in February 1996, voters approved Proposition 209. That measure extends the affirmative action ban to all aspects of state government and public education, but because of legal challenges, that measure is still blocked by the courts.

UC attorney Blair called the case a "tempest in a teapot" because if 209 is upheld, a re-vote by the regents would have no practical effect. ■

EDITORIAL

81. Houston Chronicle

May 29, 1997

AFTER HOPWOOD

The problem does not lie with Texas' top universities

Chafing under the impact of court rulings in the Hopwood case, some minority senators in the Legislature recently threatened to reduce funding for state universities with dwindling minority enrollments. Their threats increase the level of racial mistrust, already high, and the actions they threatened would punish all students, particularly the minority students that Texas schools are trying to recruit.

Barred by a panel of the 5th U.S. Circuit Court of Appeals, and subsequently by Texas Attorney General Dan Morales, from using race as a factor in admissions, Texas state institutions are limited in the tools they can use to encourage qualified minority students to enroll. Recruiters from the University of Texas, Texas A&M, the University of Houston and other selective schools visit high schools, mail brochures, offer financial aid to poor students and conduct a host of other activities to encourage minority students to prepare themselves for college and to apply to the

top state schools.

A dispassionate look at the numbers shows that low minority enrollment has little to do with Texas universities. It has everything to do with what takes place in the lives of minority students before they reach college age.

A proposal made by the chancellors of Texas colleges and universities to the Legislature, entitled "Back to Basics," makes the case:

Every year there are about 34,000 black 18-year-olds in Texas, but only 21,000 graduate from high school. Only 7,500 take the SAT test, essential for admission to a selective school, and less than 2,000 make the minimum score.

The numbers for Hispanics show the same sharply descending curve.

Minority senators can blame the public schools, which are failing to educate too many minority children; they can blame irresponsible or overworked parents; they can blame the students themselves for placing too low a value on education.

But the senators miss their mark by blaming the administrators of Texas' top colleges and universities. These educators have worked hard to enroll diverse student bodies and remain eager to admit ambitious students regardless of race.

In Texas, no student is denied an opportunity for higher education, either because of race or low test scores. Students who do poorly in high school can enroll in community college or other open-admissions institution, work hard and transfer to a top-flight four-year institution. Those who do so tend to do better academically than those who enrolled in four-year schools as freshmen.

There is one circumstance that no amount of affirmative action, legislation or ill-considered threats can overcome: If minority students fail to take the SAT test, complete high school and send in an application, they will not be admitted to the great institutions of higher learning that grace this state. ■

82. Seattle Times

May 28, 1997

An education legacy

Thirty-one years ago, on the eve of Seattle Community College registering its first class, a passerby might have wondered what hot band was coming to town. But would-be students were camped on the sidewalk to secure a seat in the classroom, not a performance hall.

That scene tells the story of what community college access and expansion meant then - and now - to citizens of the state.

Seattle's first community college opened just one year before an important milestone in the development of the state's system of higher education, passage of the Community College Act of 1967. Leaders who championed that

important step will be honored tomorrow in celebration of the 30th anniversary.

As the '60s began, what we now call community colleges were junior colleges administered by public school districts. Many communities, including Tacoma, had no two-year colleges.

By 1965, there was growing recognition of the unique role for these schools in providing post-high school training for young people and adults who could not, or chose not to, enroll at a four-year college or university.

Advocates were calling for a new statewide system of community colleges separate from local school districts. Then-Gov. Dan Evans, serving the first

of three terms, took on the battle. With bipartisan support from legislative leaders, the act creating a statewide community college system was passed.

Evans and more than a dozen state legislators from that era will be honored at tomorrow's dinner celebration in downtown Seattle. To mark the occasion, the Seattle Community College district, which is sponsoring the event, will inaugurate the Dan Evans Awards for Distinguished Teaching.

It is a fitting tribute to the vision and leadership that led to a system that today educates nearly 425,000 students every year. ■

The Chronicle of Higher Education

Academe Today

The Chronicle of Higher Education

Date: May 30, 1997

Section: Short Subjects

Page: A8

San Francisco State U. Students Protest for Right to Protest

San Francisco -- About 50 students at San Francisco State University rallied this month to protest what they believed was the administration's attempt to prevent a previous rally. That protest was to have been against Proposition 209, which would ban affirmative action in state agencies.

In another action, 10 students held a two-hour sit-in outside the president's office to urge him to violate the measure.

Officials said the students had misinterpreted a memo that the rally against Proposition 209 was "unauthorized." They said the memo was sent to avoid a scheduling conflict with another protest. The students later properly registered their rally.

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parents made union wages, and could pay for their tuition.

It was good enough for our Golden

Age. Why isn't it good enough now?

About the Author: Thomas Geoghegan,

a labor lawyer, is the author of "Which Side Are You On?" ■

79. Los Angeles Times

June 1, 1997

At Last, a UC Admissions Plan That Rewards Merit

By GEOFFREY TAYLOR GIBBS

Sometimes the simplest solutions are the most revolutionary. As legislators and University of California administrators work to preserve access to the university system in the Proposition 209 era, a new approach to achieving ethnic balance is gaining support. A number of policy-makers have recently proposed that UC admission should be guaranteed to the top-ranking graduates of each of California's 844 high schools. Because the high schools' student populations are diverse—some rich, some poor, some overwhelmingly Anglo, some overwhelmingly African American, Latino or Asian American—their top graduates will reflect that diversity. If this principle is adopted, not only will both sides of the affirmative-action debate have to face up to the fallacies of their positions, but also everyone with a stake in public education will have to evaluate where California's schools and universities are heading and what they should stand for.

Of the many proposals embodying this principle, the one with the best chance of implementation would offer automatic UC admission to the top 4% of each high school's graduates.

Neither this plan nor the others can accurately be called "affirmative action," as that term has come to be understood. Nevertheless, affirmative-action critics, while seeing some merit in the proposals, are skeptical. UC Regent Ward Connerly, for example, has warned that "if we stack the deck so we get so many students from South-Central Los Angeles and so many from Compton High, there is a question whether it is giving preferential treatment." Such treatment, Connerly contends, would violate Proposition 209.

Connerly and similarly minded critics of affirmative action have always insisted that "merit" should be the overriding, if not the sole, criteria for determining access to jobs and higher education. And their idea of merit has always been inseparably related to a particular vision of "fairness." Which is why it will be instructive to watch their reaction to a principle that, on

its face, seeks to reward merit and promote fairness.

After all, reserving UC slots for the top 4% of the students at each of the state's high schools is purely merit-driven. These students compete with classmates who generally share socioeconomic backgrounds and enjoy similar access to educational resources. If they excel, their reward will be admission to one of UC's nine campuses. If they fall short, they can't insist they didn't get a fair chance.

The principle would undoubtedly slightly favor students at schools such as Compton High, where only 1% of graduating students currently attend UC, over students at wealthier, higher-achieving schools such as Beverly Hills High, where more than 20% of each class registers at UC campuses. But isn't fairness asking each student to do the best he or she can under the circumstances, and rewarding those who succeed? Notably, even the 4%-admissions plan would only fill one-third of the slots in the UC's freshman class (primarily with Anglos and Asian Americans), leaving two-thirds open to competition among all graduating seniors.

Some will claim that the best students at some of the state's weaker high schools do not have what it takes to become productive UC students. But that presumption was recently challenged by the man ultimately responsible for turning out productive UC graduates, UC President Richard C. Atkinson. "If you are saying that, in a large high school, the top four people in every hundred aren't UC eligible, I think they are."

The simple notions of merit and fairness embedded in these new proposals will almost certainly cause problems for some affirmative-action supporters, who will be forced to make a hard trade-off between political correctness and practical outcomes.

One of the practical effects of affirmative action in college admissions has been to lower the admissions bar for African American and Latino students. At

any given multiethnic high school in California, an Anglo senior might need, at a minimum, a 3.7 grade-point average to get into the college of his choice. On the other hand, previous admission data at the same college might show that his African American and Latino classmates could expect to be admitted with, for example, a GPA of only 3.2. Few educators, parents or even students themselves would deny that if you set lower expectations for children, the likely result will be lower achievement.

From a strict historical perspective, it may not be "fair" to ignore centuries of relative disadvantage and demand that African American and Latino students compete straight-up with their Anglo classmates. From a practical perspective, however, implementing a uniform standard at schools where all students share similar economic backgrounds might spur African American and Latino academic achievement. Those who would insist otherwise will have to argue that black and brown students are inherently less intelligent and hard-working than their white and yellow counterparts.

Finally, the 4%-admission plan should spark a much-needed debate on the nature of public education, both at the high school and university levels. The focus will likely be both on UC's mission and on how access to the benefits of a UC education should be allocated. Should it be offered equally to all the state's 18-year-olds, or disproportionately to the already favored few?

Implementing the plan would also put on display the academic talents of the top 4% of each of California's high schools, along with the strengths and weaknesses of the high schools that produced them. Many already suspect that the results will reveal that we do not truly have a public education "system" but instead a multitiered education apparatus, in which unequal funding and preparation produce some of the world's best students but also some with virtually no useful skills. The ultimate impact of the 4%-admission plan, then, will be to squarely put a difficult set

are pushing for a cycle of self-fulfilling, self-perpetuating inadequacy. They claim that because their students are poor, their capacity to learn is hampered; because their capacity to learn is hampered, their schools should be held to a lower standard; because their schools would be held to a lower standard, neither the schools nor the students would ever be pressed or expected to show much improvement.

The superintendents wouldn't put it like that, of course. They just want the state to take into account the fact that their students start out behind students in more affluent districts. Their students may not have had the preparation for school that wealthier children did, and they may not benefit from the same support at home or the same respect for learning. Therefore, the superintendents

say, they should not be judged by the same standards.

One suggested alternative is to judge students not by where they end up but by how far they travel, relative to where they start. Accreditation decisions would be made not on absolute test scores but on the improvement made from the beginning of one school year to the end. That gauge could be acceptable for a while. But eventually, if the students from poorer families show gains year after year, they should be able to score as well as students everywhere in the state. Why not set high goals from the start? There should be no need to water down the standards or to lower the expectations.

Robert Bartman, the state's commissioner for elementary and secondary education, feels strongly about

keeping the standards high. He expresses his belief in four simple but powerful words: "All kids can learn." He should stick with that position.

A poor socioeconomic level may handicap students when they begin. But factors in the state school funding formula, plus programs such as Parents as Teachers, help compensate for that start. Every effort must be made to make each student achieve as much as possible; even more important, all boys and girls in Missouri classrooms should feel they have the potential to reach the stars. Superintendents who argue for lower expectations are cheating themselves and their students. They should be models for achievement, not for mediocrity. All children can learn. So should their elders. ■

67. The New York Times

06/01/97; Edition: Late Edition - Final; Section: Section 4; Editorial Desk; Page 16, Column 1 Category: Editorial

Segregation Anew

After dismantling affirmative-action programs, the public universities of Texas and California have witnessed ominous declines in black and Latino enrollment, raising fears that universities in these ethnically diverse states could one day become overwhelmingly white. Fearing rejection, many black and Latino students have decided not to apply at all. In addition, educators foresee a new minority "brain drain," as outstanding students who do win acceptance opt for rival states, driven away by fears of racial isolation. The new segregation endangers the social coherence of both Texas and California. Educators and political leaders will need to work vigorously to reopen educational access and avoid long-term division.

Most of the United States is governed by the Supreme Court's Bakke decision, which forbids quotas but permits schools to consider race in admissions decisions. However, Texas and California have eliminated any consideration of race, each for its own reasons. In Texas, the change results from a Federal court decision that threw out an admissions

system with separate procedures and panels for applicants of different races. In California, the rollback results from a 1996 ballot initiative that altered admissions policies. Because they nearly always came from worse schools than whites, black and Latino applicants were frequently admitted with lower test scores. Scores are only one predictor among many, and students often excel despite them. But under the Texas and California plans, race has been eliminated and test scores have been fetishized.

The drop-off in applications has been astounding. In California medical schools, applications from black students have dropped by a quarter and from Latino students by a third over the last two years. The University of Texas Law School, which has produced a large share of minority law graduates, accepted about 65 blacks students in 1996, but only 11 this year. Every one of those 11 opted to go elsewhere, some because of stories about declining minority enrollment.

Michael Sharlot, dean of the University of Texas Law School, says that trend could continue. He warns that

a dearth of minority lawyers in a state that is half minority will undermine confidence in the law and add to racial friction. Mr. Sharlot says outstanding minority students are deciding to bypass Texas, robbing it of a skilled and upwardly mobile minority community.

In Texas, angry legislators have passed a bill requiring universities to accept the top 10 percent of graduates from all state high schools. California has proposed a program to link universities with poor inner-city schools, in an attempt to improve public school instruction. In both states, it is coming home that minority students are being systematically disadvantaged by abysmal and segregated public schools. The states inflict the damage and have a moral obligation to find a remedy.

Meanwhile, college enrollment figures show there is no such thing as a "race neutral" admissions policy. If universities do not take disadvantage into account, many minority students will face the prospect of resegregation in higher education. ■

EDITORIAL

58. San Diego Union-Tribune

June 2, 1997 Category: Editorial

Emphasize proficiency

Education standards are difficult to raise

Gov. Bill Clinton's political resurrection during the 1980s was achieved in large part by his aggressive campaign to upgrade Arkansas' dismal public school system. During his second term as president, Clinton seems no less determined to lead the charge for national education standards.

The standards issue surfaces whenever politicians sense a national unease about how poorly U.S. students are faring when compared with their counterparts around the globe. That unease has been fairly constant since a presidential commission concluded 14 years ago that the nation was at risk because of its mediocre schools.

Clinton's call for voluntary national testing to gauge how students are performing comes as no surprise. After all, he was promoting the same idea as head of the National Governors' Association when George Bush was in the White House. Like many good intentions, however, this one never materialized. But Clinton aims to change

that by combining several existing programs and then gift-wrapping the package with some rhetorical flourishes.

What makes this standards gambit intriguing is its sheer audacity. Most of what Clinton is proposing already exists in one form or another.

He wants to use the National Assessment of Educational Progress (NAEP) fourth-grade reading test and eighth-grade math test and adapt them for use by the states. The testing process would be far less extensive than that proposed by Bush during the early 1990s. States that wished to participate could do so, while those opposed to the concept could decline.

The biggest drawback to Clinton's plan is the lowest-common-denominator factor.

Because NAEP tests are basic in nature, we would prefer an exam that places greater emphasis on proficiency. The downside in raising the academic bar, of course, is that some students will not be able to meet the loftier standards.

This would rile educational psychologists as well as many parents.

Consider, for instance, the fate of state Sen. Dede Alpert's bill to strengthen California's high school math, science and English requirements. The Coronado Democrat's common-sense measure was waylaid in the Senate Education Committee and cannot be revived until next year.

Critics worried that more-rigid classroom requirements might discourage low achievers and thus increase the dropout rate. As a result, the measure was shelved, despite widespread calls on both sides of the aisle for tougher standards.

Most Americans support the concept of testing students to see how they stack up against national standards. The challenge is to devise a test that is both academically sound and politically palatable. In light of the competing special-interest groups that have a stake in this process, that will be no small achievement — even for a master pitchman such as Bill Clinton. ■

59. Dallas Morning News

June 1, 1997 Category: Editorial

Hopwood aftermath

Texas must find ways to boost minority enrollment

Everyone in Texas should be concerned about the alarming impact of the Hopwood court decision on minority enrollment at the University of Texas Law School.

Unless a concerted effort is made to counteract the U.S. Fifth Circuit Court of Appeals ruling, the state may get stuck with a national reputation as being hostile to minority students.

As of last week, only one black college student had accepted admission to the fall term of the UT Law School, the state's largest and highest-ranked law school. Only 12 Hispanic college students had sent in tuition deposits to

secure their spots.

The drop stems directly from the U.S. Fifth Circuit Court of Appeals' 1996 decision in Hopwood vs. Texas, which barred consideration of race in the law school's admission process. The year before the Hopwood decision, as many as 30 to 40 black students and between 50 and 65 Hispanic students comprised the 500-member entering law school class.

To make matters worse, the lone black student has since declined the UT Law School offer and is now headed to Cornell Law School. The reason: the pressure of being the class' only black student and the certain media attention of

that rarefied status.

Law school officials say there's a glimmer of hope since the admission slots are not completely filled. The remaining 6 percent will be filled from a waiting list. Law school officials hope that some black students in the pool will agree to come.

But the officials probably shouldn't hold their breaths. Regrettably, the Hopwood decision has made UT Law School seem like hostile territory to qualified minority students. They are already exercising their options to go to more hospitable climates.

That could prove a stunning setback

not only for the Austin law school but for other Texas institutions that are struggling to deal with the ramifications of the Hopwood decision. A de facto quarantine of Texas colleges can only hurt the state.

That's one reason Texas must find ways to offset Hopwood's tragic impact.

A bill recently signed into law by Gov. George W. Bush will help some. It requires uniform admission policies to apply to applicants who graduate in the top 10 percent of their high school class. Colleges and universities could expand the pool to include students in the top 25 percent of a class. After that, race-neutral criteria could be the only factors considered.

This approach has several problems, though. Some Texas schools already have used this approach with no appreciable improvement in minority enrollment. The broader admission range also does not apply to Texas graduate schools.

Another option is to challenge the Fifth Circuit's ruling. Two Texas organizations are now considering a suit. They are waiting to see if the U.S. Supreme Court clarifies its position on affirmative action this month.

The high court might address the issue

in a case involving a high school which had to reduce its faculty. In choosing between two equally qualified teachers, the district kept a black teacher and dropped a white teacher, who alleged discrimination. The case has some peculiarities, but it could prove a vehicle for establishing clearer ground rules on affirmative action.

Three Texas universities (South Texas, Texas Wesleyan and St. Mary's) already are protesting Texas Atty. Gen. Dan Morales' interpretation that the Hopwood ruling means that universities cannot even include race in a "basket" of criteria. They are to be commended for trying to find a process that is fair to all students.

Eventually, what's needed is the legal latitude to allow race to be used as part of a basket, or assortment of criteria. The basket might also include family income level, gender, special abilities or disabilities, alumni ties, special interests, geographic distribution and honors - as well as traditional academic measures such as the LSAT scores and academic rankings.

Recent studies have shown that the increasing emphasis on test scores alone perpetuates discrepancies in minority

admissions. Racial and ethnic minorities from low-income families tend to score lower than Anglo students. Such tests help indicate whether a student can handle course work. But they are not a sure indicator either of ability or success. The tests must be part of the process, but should not be the only ranking mechanism.

Until the legal tangle can be sorted out, Texas must do more to boost minority enrollment at its campuses by making more scholarship money available to low-income students both at the undergraduate and graduate level. The state plans to kick in \$10 million for undergraduate students. That may not be adequate. Private foundations and philanthropists also should be searching for ways to provide more scholarships for qualified minority students.

Demographic projections show Texas will soon become a "majority-minority" state. That's another reason higher education must be made more accessible to minorities. If Hopwood's effects go unabated, the best and brightest minority students will leave Texas. Minority students outside Texas will not want to attend the state's institutions, either. Neither result is desirable. ■

60. Dallas Morning News

June 2, 1997 Category: Editorial

Unitary status

It is time for Dallas schools to get out of court

Summer is vacation time for Dallas schoolchildren. But it certainly won't be a time of rest and relaxation for school officials and their lawyers.

They have made a strong plea for the Dallas school district to be released from a federal desegregation suit that has dominated education decisions since the early 1970s.

The choice should not be that difficult for U.S. District Judge Barefoot Sanders. He granted the district unitary status in 1994, which basically declares that the Dallas schools are fully integrated.

But Judge Sanders extended federal supervision of the public school system for three more years to see if Dallas school officials could live up to their agreements.

The judge has ample information to

justify closing the desegregation case. The Dallas school district is providing equal education for students throughout the system. Millions of dollars have been invested in new school facilities in predominantly minority neighborhoods in recent years.

The final stumbling block is the court's order that faculties reflect the district's racial makeup. With Anglos comprising less than 14 percent of the student population, Judge Sanders should accept the district's plan to provide mixed-race faculties without a wholesale transfer of teachers.

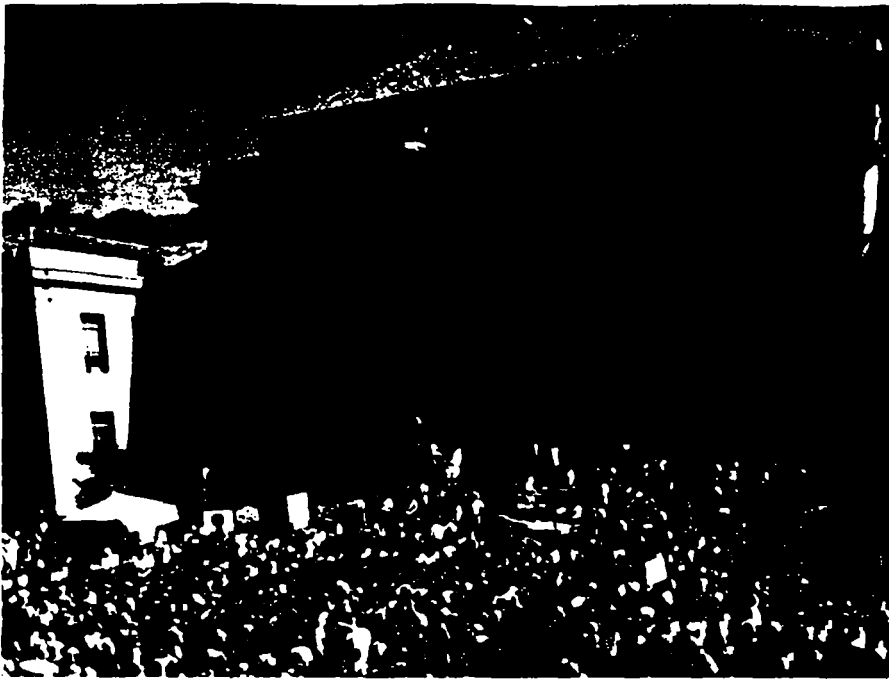
A quarter-century after the desegregation suit was filed, the Dallas school district still does not have the student population it did in the early 1970s. There are about 155,000 Dallas

students today compared to more than 180,000 in 1970.

It's time for Dallas Superintendent Yvonne Gonzalez and school trustees to work on programs that improve the school system and restore parents' confidence. And it's time to let school officials make these needed educational improvements without always having to look to the federal courts for guidance and approval.

The Dallas school district spends more than \$500,000 a year on court costs and legal fees to operate under federal jurisdiction. That money could be better invested in enrichment programs for the students.

Judge Sanders should release the district. It's the right thing to do for the children. ■



BATTLE OVER ADMISSIONS Demonstrators backed minorities in 1995 at Berkeley

implemented by the law schools this year won't apply to undergraduates until 1998.

Critics of affirmative action say the results in California and Texas bear out what they have been saying all along—that selective schools rely far too heavily on racial double standards. Some, like Abigail Thernstrom, co-author of a forthcoming book on race, used the new numbers to zero in on what she feels is the real problem: the public schools. "Our high schools graduate black and Hispanic students who are way behind whites and Asians in basic cognitive skills," she says. Admitting minorities with lower scores "lets these schools off the hook." That is why even such anti-affirmative-action crusaders as Ward Connerly, the University of California regent who led the Proposition 209 campaign, are calling for "outreach": targeted efforts to help minority high school students perform better. "I am in favor of things that will reach out to those families who have never had anyone go to the University of California or go to college," he told a TIME town meeting last week in Sacramento. The University of California is proposing such a program; it wants to spend tens of millions of dollars to mentor students in some of the state's poorest school districts.

In Texas, meanwhile, a group of minority state senators threatened to cut off funding for the University of Texas if it did not find a way to maintain minority enrollment, and the legislature just passed a bill that attempts to redress the problem by requiring state universities to automatically admit students in the top 10% of their high school classes and allowing the universities to consider "a variety of other factors" in assessing the top 15% to 25%. Some schools, such as the state-owned University of Houston law school, encourage applicants to write about their family background as a way around the requirement that the application contain no "race" box to check.

A recent study of 90,000 law-school applicants by Linda Wightman of the University of North Carolina at Greensboro illustrates both the challenge of recruiting minorities and the payoff. She found that of the 3,485 blacks accepted by law schools in 1991, just 687 would have been admitted only on the basis of board exams and grades. Yet these same minority students had graduation and bar-exam pass rates similar to whites'—and they had an incalculable value to the black community, as both professionals and role models.

—With reporting by Julie Grace/Sacramento

Back to the Future

Forced to scuttle affirmative action, law schools see minority enrollment plummet to 1963 levels

By S.C. GWYNNE AUSTIN

ANYONE CURIOUS TO KNOW WHAT America's universities might look like in the absence of affirmative action got a chilling glimpse of the future last week in California and Texas. The best law schools in both states—recently ordered not to consider the race of their applicants—said the number of blacks and Hispanics enrolling for next year had fallen to levels not seen in decades. At the University of Texas, which has produced more minority lawyers than any other school in the country—and where, typically, 30 to 40 blacks enter each year—only 11 blacks were accepted and none had enrolled; the number of Hispanics dropped from more than 50 to 14. In California the schools at both Berkeley and UCLA saw black admissions drop 80%, while the number of Hispanic students fell 50% and 32%, respectively.

What happened at these schools was a mystery to no one. Blacks and Hispanics generally do not do as well as whites and Asian Americans on law boards or have high grade-point averages, both factors which law schools—in the absence of other criteria, such as race—give enormous weight. "We foresaw this," says Michael Sharlot, dean of the U.T. law school, adding

that "one has to distinguish between a surprise and a tragedy. We warned the Texas legislature about this. It's a disaster."

In most of the U.S., the 1978 Bakke decision—prohibiting racial quotas but allowing schools to use race as a factor in admissions—remains the law of the land. Most schools see real value in maintaining a racially diverse student body. But Texas and California, for different reasons, find themselves on the leading edge of a movement to roll back even such nonquota efforts at affirmative action. The entire Texas university system was forced to change its policies when the Supreme Court let stand an appeals court's 1996 ruling in favor of four white students who sued U.T. law school for racial discrimination. This has caused significant drops in undergraduate minority admissions at U.T. and Texas A&M, the leading schools in the state system, and may result in an even greater drop-off in enrollment, since financial aid must also now be color-blind. In California's case, the impetus for revising its university admissions policies is Proposition 209, the successful 1996 ballot initiative. The changes

**Berkeley's
Boalt Hall
saw**

64. Associated Press

06-03 2:46a

UW students learning in the real world, serving others

SEATTLE (AP) - More and more these days, college students are going beyond the lab or the lecture hall and learning some of their lessons in the real world.

Hundreds of students at the University of Washington and other area colleges are earning course credits with volunteerism, called "service learning."

For example, Barney Gill, a 22-year-old UW zoology major, replanted a wetland - Bellevue's Mercer Slough Park - for "Chemistry Service Learning."

"It wasn't just some experience that I read out of a textbook," Gill said of the project he planned all quarter. "It was actually hands-on implementing a project and seeing it done, which is an experience a lot of students don't get."

The course was created five years ago by senior UW lecturer Deborah Wiegand to encourage science students to tutor or get involved in environmental projects.

Such work makes students "much more interested in what they're learning," Wiegand says.

The UW is one of 520 schools in Campus Compact, a national coalition of college and university presidents founded in 1985 to encourage community service. The organization estimates that 74 percent of its member schools offer service learning.

The UW offered 22 courses with a service learning component this year.

"It's not just about service. It really is about allowing students to be educated in a more holistic way," said Kim Johnson Bogart, director of the Edward E. Carlson Center, the UW's public service office.

This quarter, Travis White and five other students organized a park cleanup

and revegetation project for a course called "Community and Environmental Planning 120." Working with a nonprofit group called TREEmendous, White coordinated with Seattle's parks department and passed out fliers to rally volunteer support for last Saturday's cleanup project in West Seattle's Fairmount Park.

White, a 21-year-old architecture and landscape architecture major, will give an in-class presentation this week and then write a final paper.

"We're supposed to take what we're learning in the class and what we've been doing with the community service and integrate it in this final project," White said.

"I think it has helped me deal with more of the practical planning issues and to see how the community works on environmental planning."

In 1994, the Carlson Center received a two-year federal grant to make service learning part of an entire department, rather than leaving it to individual professors. The geography department was selected, and offered service learning in 11 courses this year, up from three last year.

Victoria Lawson, a geography professor who specializes in Latin America, was one of the first to participate. She wanted her students to be exposed to the realities of poverty, hunger and homelessness.

"I could see the power of the students being confronted with some of the issues I was discussing in a very human way," Lawson said. "It sort of hits them in the face, and then they're forced to grapple with it on a gut level."

The volunteer work has to make sense in the context of the course, she noted.

"It is not easy to integrate ground-level, experiential, powerful learning with intellectual learning. It's not good to just add service learning and stir," Lawson said.

Andria Roeber, a junior majoring in Latin American studies, chose to work for Green Guatemala, an all-volunteer organization working to improve the economic, agricultural and political lives of people in that Central American nation.

"After a while papers get really boring, we're doing so many all the time," said Roeber, 27. "This is more hands on."

Classmate Angelyn Frazer is working for the Northwest Immigrants Rights Project, a non-profit organization trying to provide legal advice for those grappling with immigration and welfare reform legislation.

"I know it's going to take me further, just having that knowledge," said Frazier, 30, who is considering studying immigration law. "I could walk into a law office probably in the next month and say, 'You need some help in immigration?'"

At Seattle University, service learning is part of 25 undergraduate courses. Last fall, 170 students put in 2,100 hours of service.

"It's part of our educational vision," said Mark Long, coordinator at the Roman Catholic school's volunteer center. "It's also part of the vision of what our students should be like after they've completed their time here."

Seattle Pacific University, a Christian school, also integrates service into its mission. Every year, SPU students perform 20,000 hours of community service in the Seattle area, and 120 students work outside the United States, said John van Keppel, associate director of campus ministries. ■

65. The Dallas Morning News

June 3, 1997

Diversity on campus addressed in session **Bills were response to Hopwood decision**

By Sylvia Moreno / The Dallas Morning News

AUSTIN - For the first time in recent history, lawmakers said, they made it their business to dictate college admissions policies to ensure diverse campuses across Texas.

This was the session, say some

legislators, that will be known simply as "post-Hopwood" - the buzz phrase conjuring up the federal court ruling that banned the affirmative action admissions policy at the University of Texas Law School.

That decision was subsequently interpreted by Attorney General Dan Morales to apply to all affirmative action policies at all public colleges and universities.

The case, known for lead plaintiff

Cheryl Hopwood, set the scene for legislative efforts this session to preserve standing for minorities, not only in higher education but also, in state hiring and contracting.

Faced with the legal ban on using race- and ethnicity-based methods to promote diversity, legislators sought to devise creative - and legal - ways to ensure that colleges reach out to minority students.

The answer to the conundrum was embodied in the "Top 10 percent" bill sponsored by Rep. Irma Rangel, D-Kingsville, and Sen. Royce West, D-Dallas.

Under the measure, already signed into law by Gov. George W. Bush, the state's public colleges and universities will have to offer admission to any Texas high school applicant who graduates in the top 10 percent of his or her class. Colleges may opt to offer automatic admission to students in the top 25 percent of their classes.

Under the bill, students other than those who qualify for automatic admission will be selected based on "race-neutral" criteria that include a student's socioeconomic background, leadership potential, parents'

education level and the student's extracurricular activities, including jobs held during school to support the family.

"I think that that bill can be useful," said Al Kauffman, a senior attorney for the Mexican-American Legal Defense and Educational Fund. "But it's going to take a lot of work to continue to monitor the universities."

A second, more controversial, admissions bill aimed at "leveling the playing field" for minority students made it out of the Legislature over the weekend. The bill has been sent to Mr. Bush, but his office has said the governor is undecided on whether to sign it.

That measure would require public colleges and universities to apply the same grade point average admissions standard to all students.

The bill, written by Rep. Ron Wilson, D-Houston, was filed in response to the Hopwood decision, which halted minority recruiting - except for that of athletes, who are often admitted to UT and Texas A&M, for instance, on the basis of athletic prowess rather than academic skills.

The bill crystalized the issue of race in

the legislative debate, forcing an emotional soliloquy by one Houston legislator over whether Texas' top schools value minority students more for their running ability or vertical leaps than for their academic potential.

Neither of the admissions bills, however, deals with entrance standards for graduate or professional schools.

The Legislature also passed a bill requiring the Texas Higher Education Coordinating Board to monitor minority admissions, scholarships and graduation rates at state colleges and universities in the wake of the Hopwood decision. The bill was sent last week to Mr. Bush, whose spokeswoman said Monday that he was still considering it.

The session also opened with a clear message from the Republican-controlled Senate that state-endorsed minority contracting and minority hiring programs were in jeopardy this year.

In the end, the goals set in the budget six years ago to promote state agencies' hiring of minority members and to increase minority participation in state-issued contracts remained intact. ■

66. Associated Press

06-03 3:07a

Governor to ask Legislature to create boarding school

b

ST. PAUL (AP) - Gov. Arne Carlson said he plans to ask the 1998 Legislature for money to create a boarding school for adolescents who need to get away from their home environments.

"We need to open up more kinds of schools. We need specialty schools, boutique schools," Carlson said.

Carlson made his comments Monday after a tour of Totem Town, a juvenile correctional facility in St. Paul operated by Ramsey County.

Carlson's concept of a boarding school would not be a correctional facility and would not be operated by the state Department of Corrections, said Janet Entzel, assistant commissioner for the Corrections Department.

As envisioned, it would provide structured living and learning on a year-round basis for adolescents. Some might be referred by the courts, but not as part of a penalty or punishment. The boarding school also could be an

alternative to foster care for some children, Ms. Entzel said. No site has been determined.

The governor said the boarding school could be established as a charter school, an independently organized school, which operates free of many state educational constraints.

Carlson has repeatedly criticized what he considers a monolithic public school system that differs little from district to district. ■

67. Detroit Free Press

June 3, 1997

Police to reward kids for being good

BY LOUIS S. CLOTMAN Free Press Staff Writer

This summer 7-Eleven is breaking the ice between kids and cops.

Starting this week, 33 law-enforcement

agencies in southeast Michigan will be launching a massive manhunt for kids who perform random acts of goodness — from wearing a helmet while in-line skating to picking up litter, wearing a seat belt or

getting involved in community events or projects.

Their reward: a coupon for a 12-ounce Slurpee from 7-Eleven.

The initiative, called Operation Chill,

57. The Dallas Morning News

June 5, 1997

Texas professional schools see few minorities

Decline in fall numbers linked to court decision

By Jayne Noble Suhler / The Dallas Morning News

Some of the state's most prestigious medical, dental and law schools will have few, if any, minorities in their new fall classes.

This could have a profound long-term impact on the state because of the great need for doctors, dentists, lawyers and other professionals in minority communities, educators and others say.

Though enrollment is down for all ethnicities at some state graduate schools, some educators say the sharp decline of minority students is a direct result of a court order that prohibits committees from considering race as a factor for admissions.

"The danger is that as a result of the constraints placed on us, if we do not do a better job diversifying the class by next year, we run the very real risk of educating too few physicians who will be motivated, willing and interested in providing medical services to large segments of the population," said Bill Neaves, dean of the University of Texas Southwestern Medical School at Dallas.

Dr. Neaves said studies show that students from poor, minority or rural areas often return there to practice. Many of those areas don't have enough doctors to serve the population.

"The probability is that at least some significant number of those students will in fact go back, while virtually zero students from more affluent, suburban areas that are well-covered medically will do that," he said.

Southwestern has offered fall admission to only three blacks, only one of whom has sent in a tuition deposit. In 1996, 21 black students were offered admission. Admission has been offered to seven Hispanic students compared with 11 in 1996.

The University of Texas School of Law has offered places in the fall class to 11 black students and 33 Hispanic students, down from 65 blacks and 70 Hispanics last year.

The school was in danger of having

no black students in its class after the sole student who had enrolled decided to go elsewhere.

Since then, however, three blacks have sent in tuition deposits, said Shelli Soto, the law school's admissions director.

Ms. Soto was not aware of any study showing that black and Hispanic lawyers tend to practice in underserved areas. However, she said that no matter where minority lawyers end up working, they are role models for young people.

"They still say to other minorities 'you can do this too,'" she said.

The medical school at Texas A&M University Health Science Center in College Station made no offers to black students for the fall, compared with seven last year. It has offered seven Hispanic students admission, compared with 23 last year, school officials said.

"We did increase the number of interviews we did this year to accommodate for the very high quality of students in the applicant pool but not enough" to raise the number of offers made, said Filomeno Maldonado, director of admissions for the medical school.

Some programs will continue to offer admission to students throughout the summer, but most class rosters are set.

At Dallas' Baylor College of Dentistry, a part of the Texas A&M University system, three blacks were accepted into the fall class, down from seven offers made in fall 1996. Sixteen Hispanic students have been offered admission, compared with 27 last year.

"I am devastated by it, and disheartened, but I'm not going to stop looking at how we can continue to find ways to offer opportunities to the highly qualified minorities now being rejected," said Claude Williams, who is black and the director of multicultural services at the school and an orthodontist with a private practice in Oak Cliff.

"There is a critical need for [minority]

practitioners, particularly specialists," Dr. Williams said. "I'm ready to retire, and I have no African-American replacement."

Offers to minority students have been curtailed by a court decision issued last year by the 5th U.S. Circuit Court of Appeals. It abolished the race-based admissions policy at the UT law school. The decision is called Hopwood after the lead plaintiff, Cheryl Hopwood, a white student who sued the law school for reverse discrimination after being denied admission in 1992.

The court ruled that race could not be a factor in admissions or other university decisions. Texas Attorney General Dan Morales subsequently interpreted the ruling to apply to financial aid, scholarships, fellowships, and recruitment and retention programs targeted at specific minority groups at all state-run institutions.

Opponents of affirmative action have said that the drop in applicants was expected and reflects the degree to which racial preferences shaped past admissions. Many people say that using measures such as test scores and grades is the fairest way of determining admission.

Some educators warn that it is too early to tell whether it is a softening of affirmative-action policies or a cyclical decline in applications to medical and law schools that is contributing to the transformation of the ethnic makeup of many programs.

With fewer students to choose from overall, it's difficult to point to the court decision as the sole reason for a decline, some educators say.

"I don't think you can make a general assumption from these figures at this time," said Barbara Ewalt, manager of admissions at Texas Tech medical school, where the enrollment offers also are down. "I think it's the sort of thing we'll have to study over a couple of years."

Admissions based only on quantitative measures don't always predict how good

43. Kansas City Star

June 6, 1997

It takes perseverance to make it through KC schools

By BARBARA SHELLY Columnist

Lincoln Prep, Kansas City's premier academic high school, graduated 102 students Monday night.

There should have been more. The stage was big enough. The school is big enough. It's the faith of the students and the confidence of the city that is lacking.

In Kansas City, the triumphs and tragedies of public education are never more apparent than at graduation time.

A large ceremony is one with 150 graduates. The district hasn't yet compiled the final size of its class of 1997, but administrators expect the numbers to be in the same range as last year, when 1,132 students graduated from 10 high schools.

That's little more than 1,000 graduates from a school district in a mid-sized city which has spent \$1.8 billion in 11 years on the nation's most expensive desegregation program. That's less than half the students who started ninth grade four years ago.

Quick, class. How do you spell DISGRACE?

If the continuing upheaval in the district is a tragedy, the graduates themselves are triumphs.

They have been the subjects of educational experiments which have yet to work. Many have attended demoralized schools with demoralized staffs.

They survived, and some of them

prospered.

Commencements are always bittersweet, and Lincoln Prep's was particularly so this year.

A popular senior, Gesina Dewberry, died of cancer in April. David Biggins, a junior, drowned in a hotel swimming pool while attending a track meet last week.

"You have stared tragedy in the face, and helped each other to survive," Carl Boyd, the commencement speaker, told students.

He pointed out accomplishments: Three-fourths of the graduating students have been on the honor roll; they received more than \$1.5 million in college scholarships.

And yet the ceremony held clues that morale is flagging at Lincoln.

Valedictorian Scott Johnson drew a blast of applause when he alluded in his speech to "this vicious policy of putting administrative decisions over educational quality."

Students, parents and faculty have complained this year that budget cuts and staffing shortages undercut the academic program.

Kansas City can't afford this. The academic strength of Lincoln Prep has traditionally kept the children of well-educated, middle-income families in

the district. Take away that pillar and the structure totters even more.

The district desperately needs a strong academic track and it needs to raise expectations for all students in all schools.

Federal Judge Russell G. Clark noted in his damning court order earlier this year that he was appalled when administrators confessed they'd observed students napping in class, and did nothing about it.

Desegregation attorney Arthur Benson no longer refers to the district's dropout rate. He calls it the "force-out rate."

"The teaching and learning that goes on in the high schools is so poor that it does not surprise me that students are so bored and frustrated they do not stay in school," Benson said.

School board President Ed Newsome, who disagreed with Benson on many things, said the district must "raise the expectations throughout all the schools," and the tougher the curriculum the better.

The challenge is to go beyond talk. It will take a Herculean effort in the face of deep budget cuts and conflicting educational philosophies.

But there is such a thing as perseverance and light at the end of the tunnel.

Ask this year's graduates. ■

EDITORIAL

44. Detroit News

June 5, 1997

Is Academia Resegregating?

Drops in minority enrollment at the universities of Texas and California are provoking alarm among proponents of racial preferences. They fear that hostility to affirmative action is driving minorities away from American campuses, undermining decades of efforts to create diverse student bodies. But we suspect the drop-off shows something quite different, though hardly less disturbing.

The declines in California and Texas come in the wake of several events. First

the University of California's regents decided to ban preferential admissions practices, followed by voter approval last fall of Proposition 209, which bans race-based preferences in all state hiring. Also last year a U.S. Court of Appeals ruled in a case known as Hopwood that the University of Texas Law School was using a quota system that was unfair to white applicants. The court declared that "diversity" by itself was not a legitimate criteria in admissions, absent a showing of

deliberate discrimination.

Admissions of blacks at California law schools promptly plummeted 25 to 80 percent. Declines of 28 to 50 percent were reported for Hispanic students. (Admissions of Asian-Americans have continued to climb, however.) Meanwhile, the University of Texas admitted only 10 black students in its law school, compared with 65 last year. And not one of the 10 enrolled.

Advocates of racial preferences, hoping

that higher courts will overturn these decisions, are using these figures to raise the specter of resegregation. But there is no evidence that these schools are any less welcoming to minority applicants who meet normal admissions criteria. The decline appears to say less about a resurgence of racism than about the failure of the educational system to produce qualified candidates for higher education.

It's also worth noting that a decline in minority enrollments at some top-ranked universities preceded both the Hopwood decision and California's ballot initiative. A quick look at figures from the Michigan Department of Education, for example, shows that minority enrollments at the Ann Arbor campus of the University of Michigan, the most academically

demanding of all Michigan universities, declined from 12.93 percent in 1993 to 12.76 percent in 1995. The gain at Michigan State University, another challenging institution, has been a modest 0.39 percent.

Yet the number of "underrepresented" minorities in Michigan's public universities has gone up: It was 11.41 percent in 1993 and 11.81 in 1995 - the latest year for which figures are available. Eastern Michigan University has shown an impressive gain of 2.34 percentage points for the same period.

These figures suggest that some minorities, realizing they have been handicapped by their own educational background, may be opting for universities where they have a better chance of

success. Such education critics as economist Thomas Sowell have long castigated elite universities for engaging in practices that set up many minority students for failure.

Rather than trying to perpetuate practices that were always intended to be temporary, America's leading public universities should direct their intellectual firepower at reforming K-12 systems and offering cost-effective enrichment programs that help the disadvantaged of all races. Preferential practices, if pushed too far, only invite a dangerous social backlash that could set back minority progress by decades. They are no substitute for making sure that all kids are better prepared to take advantage of the rigors of higher education. ■

45. New York Post

June 6, 1997

CUNY: Not just English

The inability of hundreds of City University students on the threshold of graduation to demonstrate even passing familiarity with written English underscores how far CUNY has fallen.

Administrators at Hostos, Manhattan, Bronx and LaGuardia community colleges now admit they were prepared to grant degrees to students who failed an English competency test that shouldn't baffle a fifth-grader. This scheme was stopped only when CUNY's new board of trustees stepped in with a "no English, no diploma" rule.

Board Chairwoman Anne Paolucci is irritated with the university's principal administrators over CUNY's willingness to graduate functionally illiterate students, as well she should be.

Granting diplomas to unqualified students constitutes fraud: It undercuts the value of the parchment earned by qualified graduates, and it cheats potential employers who assume that CUNY degrees mean something.

Meanwhile, despite efforts at reform, there's continuing evidence that the university's four-year institutions are failing in their mission as well, with implications that touch all areas of the city.

Take one vital sector: public schools.

CUNY has long been the principal source of new teachers for the city's schools — it feeds more than 3,000 a year into the system.

But CUNY grads, not to put too fine a point on it, have been performing miserably on the state's teacher-licensing examinations. Only 62 percent passed the liberal-arts test last year — compared with 83 percent of all new grads who took it statewide. Only 77 percent passed the pedagogy element, compared to 90 percent in colleges overall.

Some 1,100 graduates of City College — once considered CUNY's flagship institution — took the two tests in 1996; a scant 40 percent passed the liberal-arts portion, while only 48 percent mastered the teaching-skills test.

And many of those who fail the exam end up on Board of Ed payrolls anyway, where they teach for years, officially with part-time — or "per-diem" — status.

So a bitter cycle has been generated: CUNY, which has been drawing unqualified students from New York's public schools, is sending back into city classrooms unqualified graduates to teach.

CUNY grads fare poorly, relative to

their peers, on other real-world benchmarks. For instance, only 56 percent of CUNY Law School-Queens College grads passed the bar on the first attempt last year, compared to the 80 percent average pass rate for all law schools in the region.

Moreover, according to a U.S. News & World Report survey, a scant 60 percent of CUNY law grads last year could find work in their field — one of the lowest success rates in the nation.

What explains all this? CUNY is fond of pointing out that its student body is "disadvantaged" — which is to say, poor.

This might be persuasive, if it weren't for the fact that CUNY students have always largely been poor (indeed, CUNY was once known, for good reason, as "the poor man's Harvard").

In any event, there's no excuse for knowingly turning out unqualified graduates. A clean-up of the English-literacy mess at the community colleges apparently is at hand — but CUNY's work can't end there.

We trust that Chairwoman Paolucci and her fellow trustees — including the courageous Herman Badillo — will see that the job gets done. ■