

M E M O R A N D U M

September 29, 1997

From: Martin Michaelson

Re: Emerging trends in higher education

For a series of upcoming talks on the weighty subject of the future of higher education, I assembled some data that may interest you. The attachment depicts various demographic trends that have a range of implications, not least for legal risk management. Possible effects on university legal work will be summarized in a future memorandum.

If the demographers are to be credited, it appears that American higher education will be bigger, more located in the south and west, more public, more attended by full-time students, more undergraduate in focus, more female across the board, more perplexed about how to enroll black and hispanic-Americans in sufficient numbers, more necessary for economic security, more strapped for resources to support both teaching and research, and more challenged to stay ahead of the rest of the world. A basic question is whether the massive investment will be made that will be required to enroll the extraordinarily large number of college-age low income citizens. Another unknown is whether institutional resistance to distance-learning and to higher student-teacher ratios will abate sufficiently to permit enrollments to grow without corresponding growth of fixed costs. Increased tension between on the one hand Americans' high educational aspirations and, on the other, resources inadequate to meet them is likely to generate plenty of tough new work for administrators, faculty, those who shape public policy, and university lawyers.

Attachment

EMERGING TRENDS IN HIGHER EDUCATION **INPUTS, OUTPUTS, VALUES**

"U.S. higher education will be shaped more deeply by societal forces beyond its control than by any reforms of its own making. Restructuring will take place; institutions will become more efficient; students will continue to delight and dismay their elders; faculty members and administrators will face closer scrutiny and more regulation; and, colleges and universities may not be more pleasant places to work and conduct research than they have been in the past. Within higher education, reformers will continue to seek changes that adapt their institutions to the fluctuating social, political, and economic climate. Yet, while reformers will accomplish some significant changes, developments in the larger society will -- as they have in the past -- have a profound influence."

- Malcolm G. Scully (Managing Editor, The Chronicle of Higher Education), "Postsecondary Education and Society: The Broader Context," in Timothy R. Sanford, ed., Preparing for the Information Needs of the Twenty-First Century, No. 85 New Directions for Institutional Research (Spring 1995)

THE NATION'S POPULATION

BY 2010, THERE WILL BE 5 MILLION MORE 18-24 YEAR OLDS

Resident Population Projections, by Age and Sex: 1996 to 2050

(In thousands, except as indicated. As of July. See headnote, table 3.)

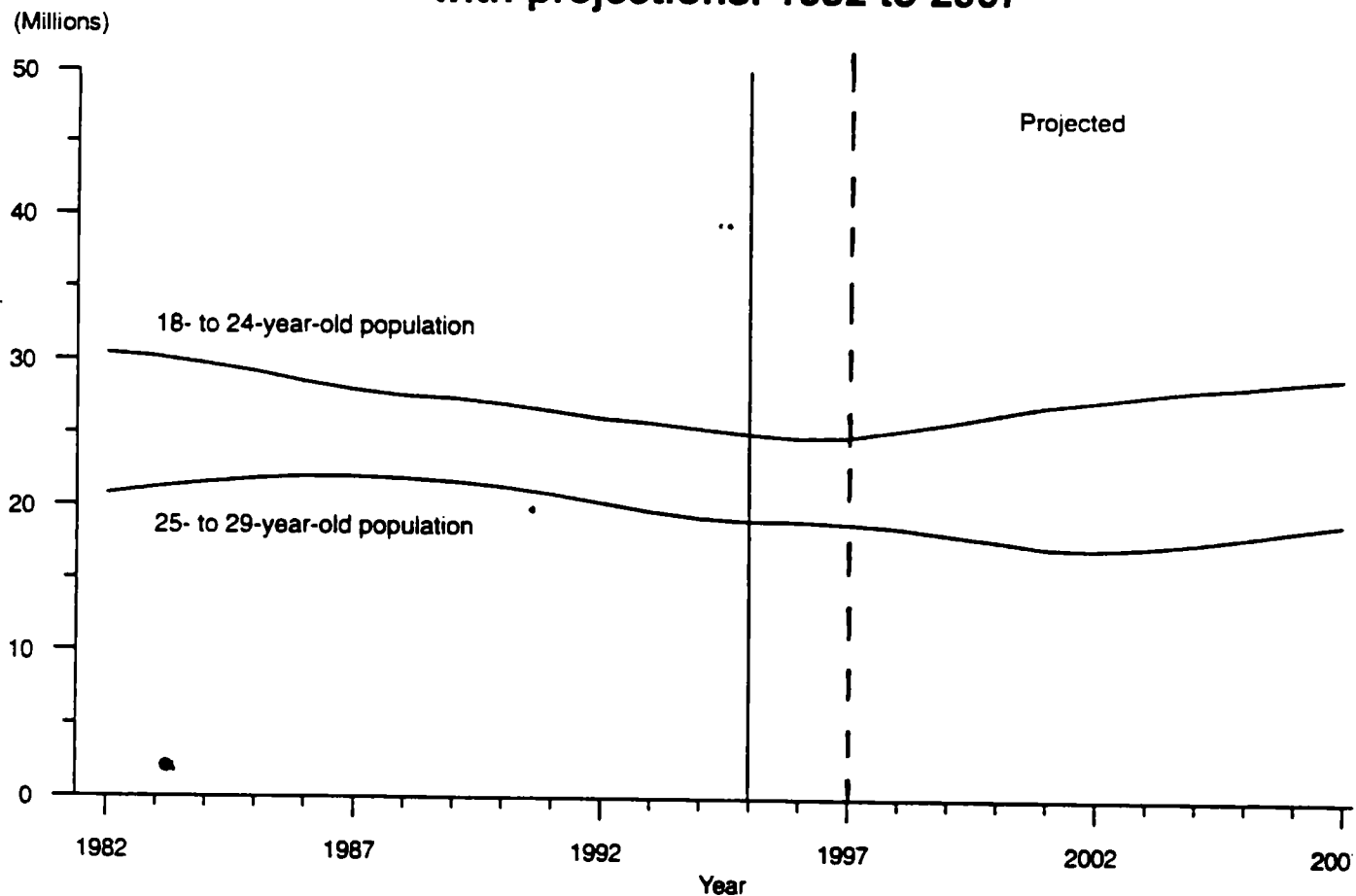
YEAR	Total	Under 5 years	5 to 13 years	14 to 17 years	18 to 24 years	25 to 34 years	35 to 44 years	45 to 54 years	55 to 64 years	65 to 74 years	75 to 84 years	85 years and over
TOTAL												
Lowest series	264,869	19,282	34,781	15,150	24,573	40,325	43,283	32,320	21,341	18,663	11,419	3,731
1996	266,733	18,945	35,138	15,420	24,584	39,500	43,858	33,542	21,772	18,465	11,680	3,831
1997	268,396	18,626	35,487	15,428	24,972	38,530	44,257	34,432	22,585	18,286	11,851	3,943
1998	269,861	18,295	35,658	15,547	25,423	37,518	44,450	35,580	23,260	18,068	12,019	4,044
1999	271,237	17,943	35,790	15,602	25,876	36,740	44,364	36,840	23,798	17,974	12,162	4,148
2000	276,990	16,896	34,366	16,667	27,491	35,095	41,365	40,992	29,145	17,943	12,465	4,566
2005	281,468	16,663	31,950	16,319	29,050	36,393	37,049	42,589	34,393	20,245	11,912	5,005
2010	288,807	17,168	30,998	14,331	26,671	40,067	36,640	35,487	39,642	29,219	13,598	4,987
2020	291,070	16,450	31,454	14,631	25,111	36,312	40,222	35,075	32,948	33,483	19,610	5,776
2030	287,685	16,200	30,164	14,405	25,849	35,018	36,489	38,475	32,631	27,827	22,376	8,250
2040	282,524	16,330	30,124	13,925	24,810	35,604	35,185	34,868	35,747	27,700	18,588	9,642
Middle series:												
1996	265,253	19,403	34,809	15,167	24,616	40,371	43,311	32,341	21,360	18,685	11,440	3,747
1997	267,645	19,229	35,206	15,463	24,690	39,624	43,930	33,591	21,816	18,511	11,723	3,862
1998	270,002	19,117	35,609	15,503	25,180	38,757	44,389	34,520	22,662	18,365	11,925	3,996
1999	272,330	19,041	35,846	15,661	25,710	37,876	44,661	35,717	23,378	18,186	12,129	4,124
2000	274,634	18,987	36,043	15,752	26,258	37,233	44,659	37,030	23,962	18,136	12,315	4,259
2005	285,981	19,127	35,850	16,986	26,358	36,305	42,165	41,507	29,606	18,369	12,898	4,899
2010	297,716	20,012	35,605	16,894	30,138	38,292	38,521	43,564	35,283	21,057	12,680	5,671
2020	322,742	21,979	38,660	16,965	29,919	42,934	39,612	37,740	41,714	31,385	15,375	6,460
2030	346,899	23,066	41,589	18,788	31,826	42,744	44,263	38,897	36,348	37,406	23,517	8,455
2040	369,980	24,980	43,993	19,844	34,570	45,932	44,159	43,530	37,739	33,013	28,668	13,552
2050	393,931	27,106	47,804	21,207	36,333	49,365	47,393	43,494	42,368	34,731	25,905	18,223
Highest series:												
1996	265,646	19,510	34,838	15,186	24,660	40,429	43,349	32,362	21,376	18,704	11,465	3,766
1997	268,577	19,483	35,277	15,507	24,798	39,761	44,024	33,644	21,853	18,552	11,775	3,902
1998	271,647	19,563	35,735	15,581	25,352	39,004	44,561	34,615	22,728	18,434	12,011	4,063
1999	274,865	19,726	36,039	15,780	26,004	38,264	44,932	35,868	23,482	18,290	12,257	4,225
2000	278,129	19,955	36,300	15,909	26,651	37,766	45,038	37,241	24,105	18,276	12,490	4,399
2005	295,318	21,350	37,266	17,318	29,064	37,599	43,197	42,119	29,997	18,723	13,367	5,317
2010	314,571	23,649	39,195	17,467	31,248	40,275	40,302	44,738	36,018	21,696	13,465	6,518
2020	357,702	27,273	46,855	19,641	33,084	45,836	42,878	40,263	43,473	32,937	17,007	8,456
2030	405,089	30,818	52,876	23,276	38,886	49,091	48,519	42,895	39,398	40,270	26,861	12,198
2040	458,444	35,901	60,446	26,000	44,069	57,362	51,925	48,560	42,258	37,096	33,907	20,920
2050	518,903	41,213	70,000	30,005	49,683	64,279	60,324	51,967	47,950	40,319	32,070	31,093
MALE (middle series)												
1996	129,522	9,927	17,823	7,790	12,516	20,165	21,490	15,798	10,162	8,323	4,478	1,049
1997	130,712	9,839	18,024	7,941	12,550	19,774	21,808	16,409	10,390	8,266	4,621	1,089
1998	131,883	9,780	18,232	7,961	12,787	19,325	22,044	16,860	10,805	8,224	4,730	1,134
1999	133,039	9,740	18,355	8,042	13,063	18,869	22,184	17,446	11,150	8,171	4,839	1,179
2000	134,181	9,712	18,454	8,090	13,338	18,535	22,181	18,092	11,433	8,180	4,937	1,228
2005	139,785	9,786	18,353	8,724	14,359	18,014	20,891	20,304	14,166	8,408	5,306	1,473
2010	145,584	10,243	18,232	8,679	15,313	18,990	18,993	21,325	16,922	9,752	5,363	1,771
2020	158,021	11,259	19,813	8,718	15,201	21,319	19,466	18,347	20,120	14,791	6,845	2,141
2030	169,950	11,813	21,311	9,653	16,171	21,214	21,775	18,854	17,441	17,878	10,819	3,021
2040	181,261	12,788	22,534	10,192	17,573	22,808	21,723	21,139	18,093	15,796	13,522	5,103
2050	193,234	13,877	24,488	10,893	18,462	24,533	23,352	21,150	20,403	16,699	12,342	7,036
FEMALE (middle series)												
1996	135,731	9,476	16,966	7,377	12,100	20,209	21,820	16,543	11,198	10,362	6,962	2,697
1997	136,933	9,389	17,182	7,522	12,139	19,850	22,122	17,182	11,426	10,246	7,102	2,773
1998	138,119	9,336	17,377	7,542	12,373	19,432	22,345	17,659	11,857	10,141	7,194	2,862
1999	139,291	9,302	17,492	7,619	12,647	19,007	22,476	18,271	12,228	10,015	7,290	2,945
2000	140,453	9,274	17,589	7,662	12,920	18,699	22,478	18,938	12,529	9,956	7,377	3,031
2005	146,196	9,341	17,498	8,262	13,909	18,291	21,273	21,203	15,440	9,961	7,592	3,426
2010	152,132	9,768	17,373	8,215	14,824	19,301	19,527	22,240	18,362	11,305	7,317	3,899
2020	164,721	10,719	18,847	8,247	14,717	21,615	20,146	19,393	21,594	16,594	8,530	4,319
2030	176,949	11,253	20,278	9,135	15,655	21,529	22,488	20,044	18,907	19,529	12,699	5,433
2040	188,719	12,192	21,459	9,652	17,006	23,125	22,436	22,391	19,646	17,216	15,146	8,449
2050	200,696	13,229	23,316	10,314	17,871	24,832	24,041	22,344	21,965	18,032	13,563	11,188
PERCENT DISTRIBUTION (middle series)												
2000	100.0	6.9	13.1	5.7	9.6	13.6	16.3	13.5	8.7	6.6	4.5	1.6
2010	100.0	6.7	12.5	5.9	9.9	12.7	14.7	14.5	10.4	6.4	4.5	1.7
2020	100.0	6.7	12.0	5.7	10.0	12.9	12.9	14.6	11.9	7.1	4.3	1.9
2030	100.0	6.8	12.0	5.3	9.7	13.3	12.3	11.7	12.9	9.7	4.8	2.0
2050	100.0	6.9	12.1	5.4	9.7	12.5	12.0	11.0	10.8	8.8	6.6	4.6

Source: U.S. Bureau of the Census, Current Population Reports, P25-1130.

Source: Statistical Abstract of the United States, 1996.

MORE 18-24 YEAR OLDS, FEWER 25-29 YEAR OLDS

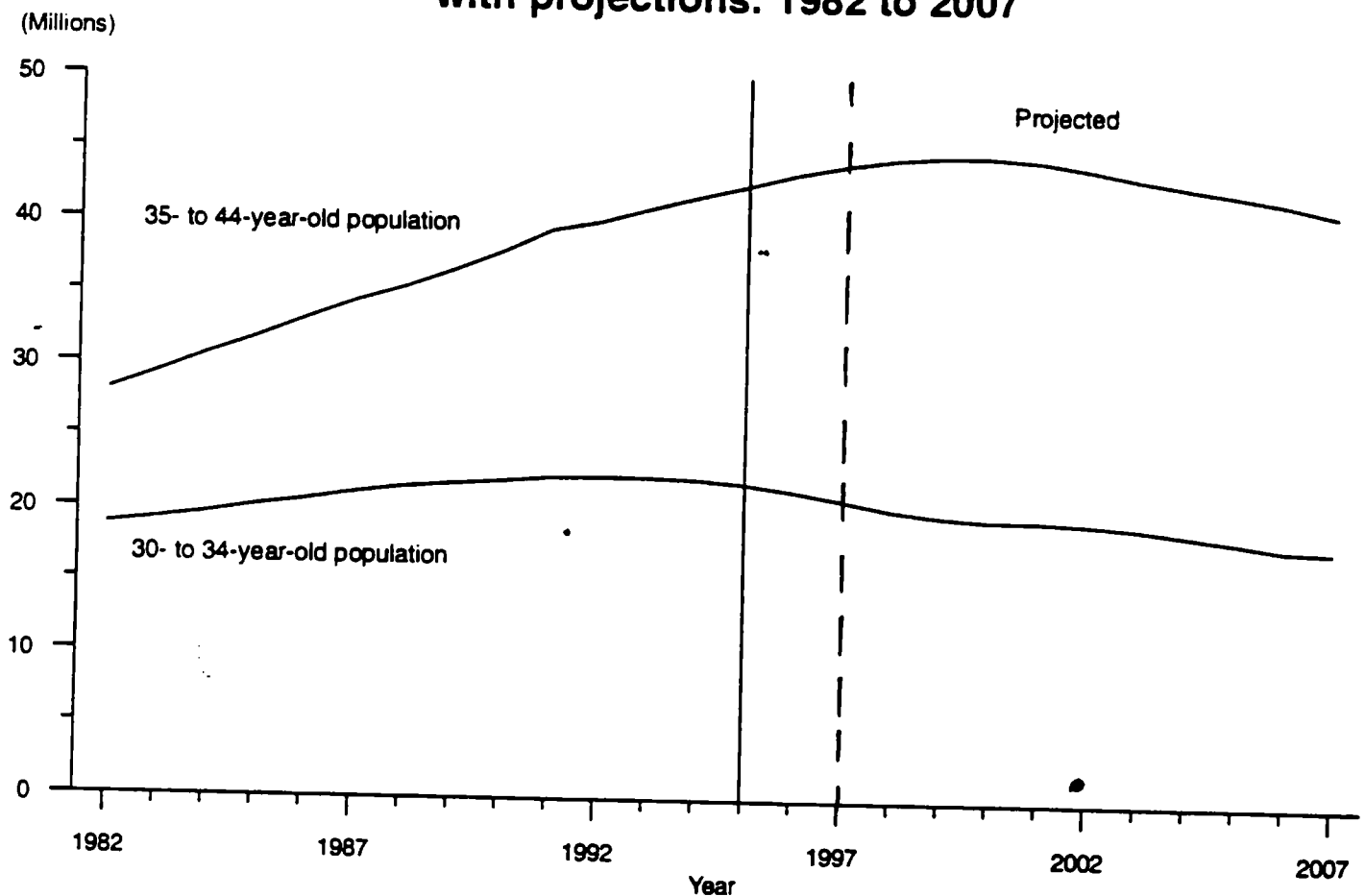
**College-age populations (18-24 years and 25-29 years),
with projections: 1982 to 2007**



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007
(1997).

FEWER 30-34 YEAR OLDS, MORE 35-44 YEAR OLDS

**College-age populations (30-34 years and 35-44 years),
with projections: 1982 to 2007**



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007 (1997).

FIVE-SIXTHS OF THE POPULATION INCREASE 2000-2010 WILL BE IN THE SOUTH AND WEST

State Population Projections: 2000 to 2010

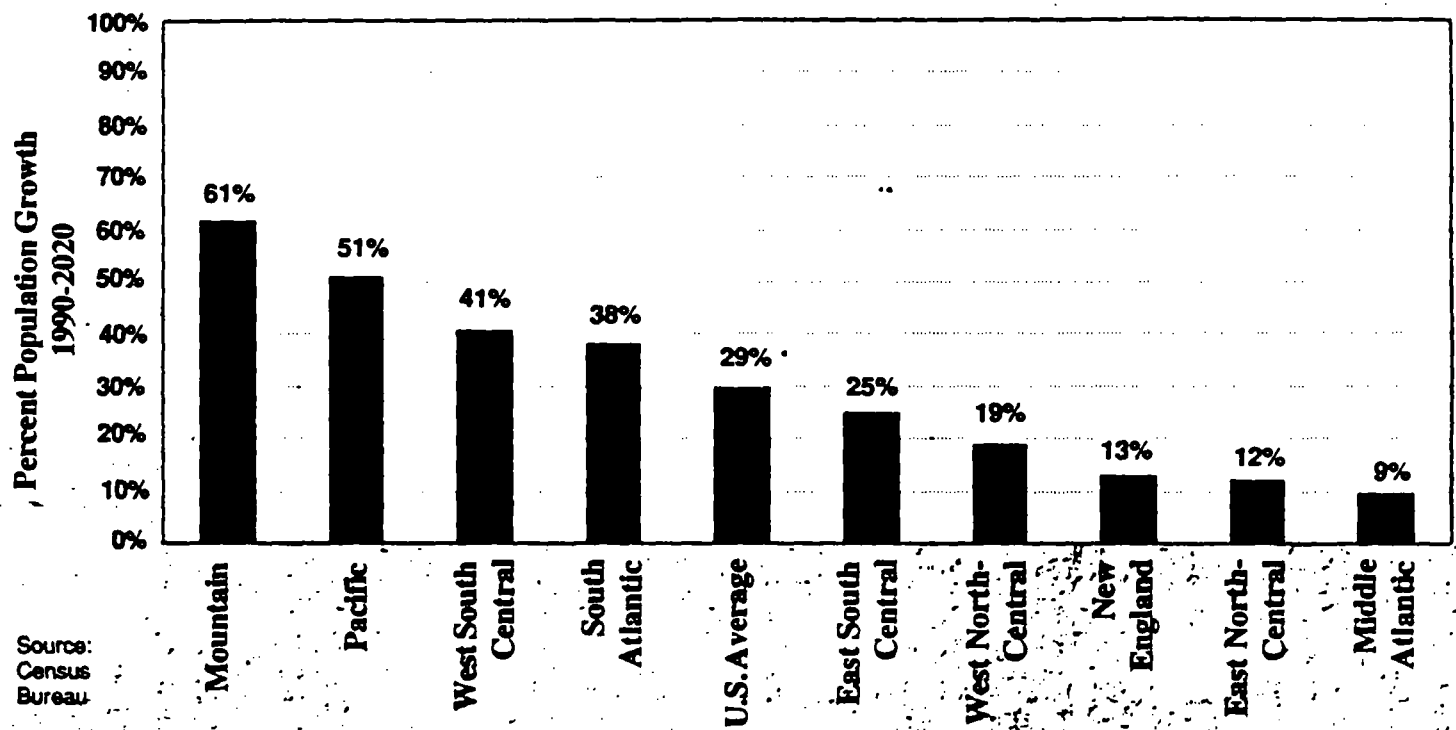
(in thousands) As of July 1. Series A, B, C, and D reflect different interstate migration assumptions. Series A is the preferred series model. For explanation of methodology, see text, section 1.

REGION, DIVISION AND STATE	Series A			Series B			Series C			Series D		
	2000	2005	2010	2000	2005	2010	2000	2005	2010	2000	2005	2010
U.S.	276,242	288,283	300,430	276,242	288,283	300,431	276,239	288,287	300,431	276,239	288,286	300,430
Northeast	51,884	52,472	53,301	53,210	54,151	55,102	52,329	53,279	54,225	54,582	56,418	58,183
N.E.	13,216	13,406	13,755	14,025	14,408	14,785	13,507	13,868	14,212	13,996	14,392	14,751
ME	1,240	1,265	1,309	1,323	1,357	1,413	1,288	1,332	1,375	1,270	1,286	1,300
NH	1,165	1,215	1,280	1,274	1,355	1,429	1,204	1,281	1,350	1,163	1,186	1,207
VT	592	607	623	623	649	675	605	625	644	596	609	620
MA	5,950	5,991	6,097	6,254	6,372	6,495	6,032	6,140	6,249	6,401	6,605	6,785
RI	998	1,009	1,034	1,060	1,072	1,115	1,022	1,047	1,072	1,065	1,096	1,126
CT	3,271	3,319	3,412	3,491	3,578	3,658	3,356	3,443	3,522	3,501	3,610	3,713
M.A.	38,668	39,066	39,546	39,185	39,743	40,317	38,822	39,411	40,013	40,586	42,026	43,432
NY	18,237	18,348	18,546	18,504	18,666	18,856	18,321	18,547	18,799	19,838	20,808	21,761
NJ	8,135	8,338	8,562	8,267	8,482	8,681	8,165	8,431	8,677	8,413	8,746	9,075
PA	12,296	12,380	12,438	12,414	12,595	12,780	12,336	12,433	12,537	12,335	12,472	12,596
Midwest	63,836	65,193	66,333	62,610	63,709	64,953	63,664	64,798	65,982	64,075	65,900	67,716
E.N.C.	44,806	45,620	46,259	44,013	44,717	45,506	44,769	45,495	46,242	45,220	46,528	47,805
OH	11,453	11,587	11,659	11,238	11,361	11,500	11,430	11,544	11,661	11,479	11,705	11,913
IN	6,045	6,190	6,286	5,922	6,066	6,212	6,032	6,155	6,274	5,929	6,065	6,187
IL	12,168	12,417	12,652	11,974	12,180	12,424	12,153	12,378	12,621	12,533	13,035	13,541
MI	9,759	9,898	10,033	9,614	9,698	9,803	9,826	9,992	10,160	10,040	10,356	10,666
WI	5,381	5,528	5,629	5,265	5,412	5,567	5,328	5,426	5,526	5,239	5,367	5,498
W.N.C.	19,030	19,573	20,074	18,597	18,992	19,447	18,895	19,303	19,740	18,855	19,372	19,911
MN	4,824	4,986	5,127	4,733	4,873	5,020	4,814	4,955	5,096	4,756	4,909	5,068
IA	2,930	2,965	2,981	2,867	2,902	2,946	2,885	2,872	2,868	2,912	2,971	3,032
MO	5,437	5,592	5,760	5,313	5,392	5,489	5,459	5,622	5,788	5,406	5,521	5,638
ND	643	657	676	633	635	642	622	621	626	663	680	698
SD	770	796	815	737	757	781	750	766	786	749	776	805
NE	1,704	1,752	1,793	1,660	1,697	1,742	1,681	1,706	1,734	1,680	1,725	1,773
KS	2,722	2,825	2,922	2,654	2,736	2,827	2,684	2,761	2,842	2,689	2,790	2,897
South	97,244	102,364	107,385	96,576	101,382	106,120	96,931	101,911	106,852	94,503	98,001	101,445
S.A.	50,005	52,708	55,321	50,015	52,762	55,422	50,517	53,667	56,737	48,004	49,521	50,976
DE	759	789	815	757	795	834	770	810	850	727	743	758
MD	5,322	5,548	5,782	5,334	5,552	5,762	5,420	5,718	6,008	5,334	5,553	5,763
DC	537	547	577	545	539	545	549	564	584	640	669	697
VA	7,048	7,398	7,728	7,060	7,423	7,760	7,106	7,515	7,902	6,854	7,097	7,318
WV	1,840	1,844	1,842	1,811	1,815	1,827	1,783	1,746	1,720	1,830	1,836	1,835
NC	7,617	8,002	8,341	7,588	8,009	8,416	7,616	8,040	8,455	7,169	7,314	7,438
SC	3,932	4,122	4,311	3,924	4,107	4,287	3,976	4,178	4,378	3,808	3,908	3,998
GA	7,637	8,111	8,553	7,678	8,188	8,679	7,664	8,206	8,732	7,249	7,510	7,758
FL	15,313	16,347	17,372	15,318	16,334	17,312	15,633	16,890	18,108	14,393	14,891	15,411
E.S.C.	16,762	17,383	17,941	16,357	16,868	17,412	16,633	17,163	17,697	16,252	16,622	16,962
KY	3,989	4,086	4,160	3,883	3,962	4,050	3,927	3,984	4,046	3,913	3,993	4,064
TN	5,538	5,791	6,007	5,399	5,626	5,857	5,513	5,750	5,980	5,222	5,313	5,392
AL	4,485	4,674	4,856	4,375	4,521	4,677	4,471	4,644	4,818	4,357	4,472	4,580
MS	2,750	2,832	2,918	2,700	2,759	2,828	2,722	2,785	2,853	2,760	2,844	2,926
W.S.C.	30,477	32,273	34,123	30,204	31,752	33,286	29,781	31,081	32,418	30,247	31,858	33,507
AR	2,578	2,679	2,782	2,557	2,653	2,751	2,546	2,629	2,716	2,489	2,540	2,592
LA	4,478	4,627	4,808	4,424	4,509	4,604	4,343	4,398	4,471	4,592	4,769	4,947
OK	3,382	3,520	3,683	3,366	3,469	3,578	3,259	3,294	3,352	3,353	3,438	3,524
TX	20,039	21,447	22,850	19,857	21,121	22,353	19,633	20,760	21,879	19,813	21,111	22,444
West	63,278	68,254	73,411	63,846	69,041	74,256	63,315	68,299	73,372	63,079	67,967	73,086
Mountain	16,890	18,087	19,093	16,339	17,486	18,625	16,391	17,357	18,331	15,718	16,526	17,359
MT	920	962	996	894	941	993	867	880	899	859	882	906
ID	1,290	1,385	1,454	1,200	1,285	1,373	1,229	1,281	1,335	1,158	1,219	1,282
WY	522	559	596	512	541	571	483	485	491	495	514	534
CO	4,059	4,309	4,494	3,957	4,224	4,477	3,851	4,017	4,183	3,729	3,867	4,000
NM	1,823	1,956	2,082	1,780	1,894	2,005	1,776	1,892	2,009	1,737	1,836	1,939
AZ	4,437	4,763	5,074	4,320	4,604	4,891	4,404	4,772	5,136	4,201	4,417	4,645
UT	2,148	2,318	2,462	2,079	2,244	2,413	2,063	2,177	2,294	2,076	2,254	2,442
NV	1,691	1,835	1,935	1,597	1,753	1,902	1,718	1,853	1,984	1,463	1,537	1,611
Pacific	46,388	50,167	54,318	47,507	51,555	55,631	46,924	50,942	55,041	47,361	51,441	55,727
WA	6,070	6,570	7,025	6,025	6,564	7,087	6,054	6,477	6,898	5,539	5,770	6,005
OR	3,404	3,645	3,876	3,340	3,573	3,812	3,396	3,571	3,753	3,151	3,253	3,360
CA	34,888	37,771	41,085	38,062	39,138	42,255	35,490	38,749	42,075	36,689	40,288	44,076
AK	699	745	781	732	809	880	658	706	754	666	716	769
HI	1,327	1,436	1,551	1,348	1,471	1,597	1,326	1,439	1,561	1,316	1,414	1,517

Source: U.S. Bureau of the Census. Current Population Reports, series P25-1111.

Source: Statistical Abstract of the United States, 1996.

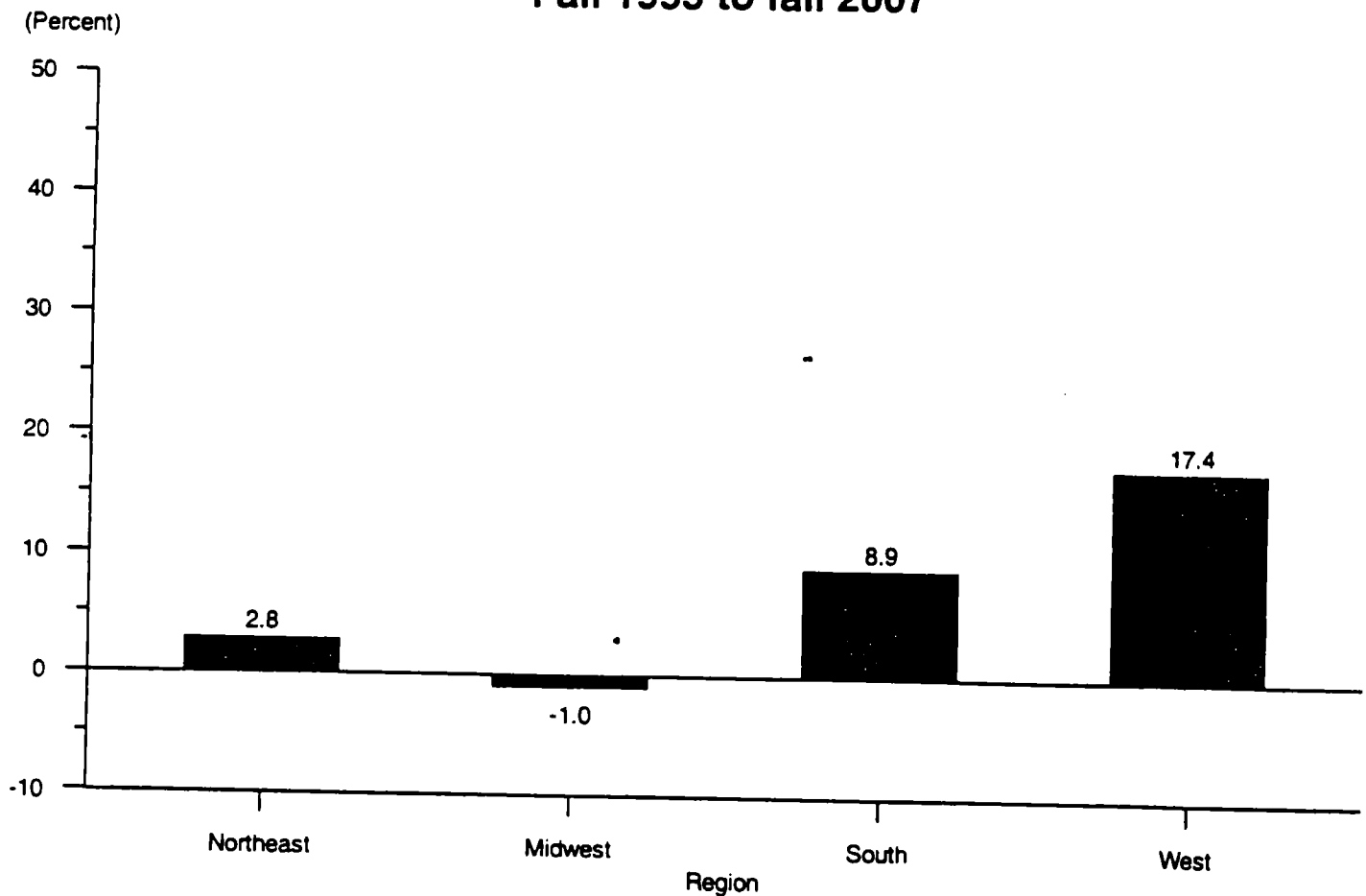
POPULATION GROWTH IN THE WEST AND SOUTH OUTSTRIPS THE REST OF THE NATION



Source: 2020: Work and Workers in the 21st Century (The Hudson Institute) (1997).

**MORE THAN 90% OF INCREASED PUBLIC SCHOOL
ENROLLMENT WILL BE IN THE SOUTH AND WEST**

**Percent change in public K-12 enrollment, by region:
Fall 1995 to fall 2007**



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007 (1997).

COLLEGE AND UNIVERSITY ENROLLMENT

**THE PERCENTAGE OF AMERICANS WITH FOUR YEARS OF
COLLEGE HAS MORE THAN QUADRUPLED
IN THE PAST HALF-CENTURY**

**Number of Years of School Completed in the United States:
25 and Over and 25-29 Cohorts¹**

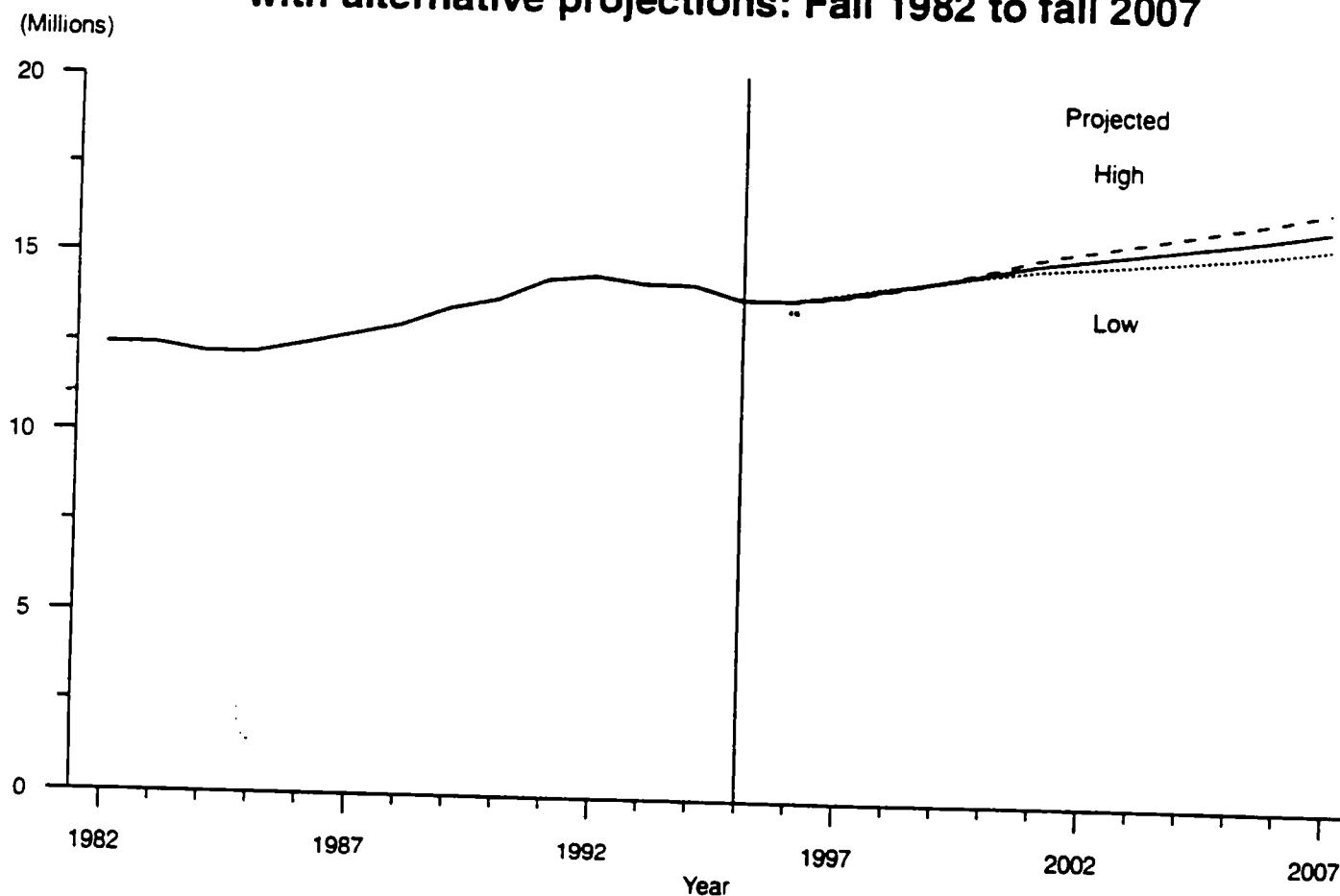
Age of Cohort	Less than 5 years	4 years of high school or more	4 years of college	Median
25 and over				
1940	13.7	24.5	4.6	8.6
1950	11.1	34.3	6.2	9.3
1960	8.3	41.1	7.7	10.5
1970	5.3	55.2	11.0	12.2
1980	3.4	68.6	17.0	12.5
1990	2.4	77.6	21.3	12.7
25-29				
1940	5.9	38.1	5.9	10.3
1950	4.6	52.8	7.7	12.1
1960	2.8	60.7	11.0	12.3
1970	1.1	75.4	16.4	12.6
1980	0.8	85.4	22.5	12.9
1990	1.2	85.7	23.2	12.9

¹Source: Develen, Gerald (ed.). 1991. Condition of Education. Washington, D.C.: US Department of Education; Snyder, T.M. 1993. Digest of Educational Statistics. National Center of Educational Statistics. Washington, D.C.: US Department of Education.

Source: Philip D. Gardner, Collegiate Employment Research Institute, Michigan State University, "Demographic and Attitudinal Trends: The Increasing Diversity of Today's and Tomorrow's Learner" (1994).

POST-SECONDARY ENROLLMENT WILL STEADILY INCREASE

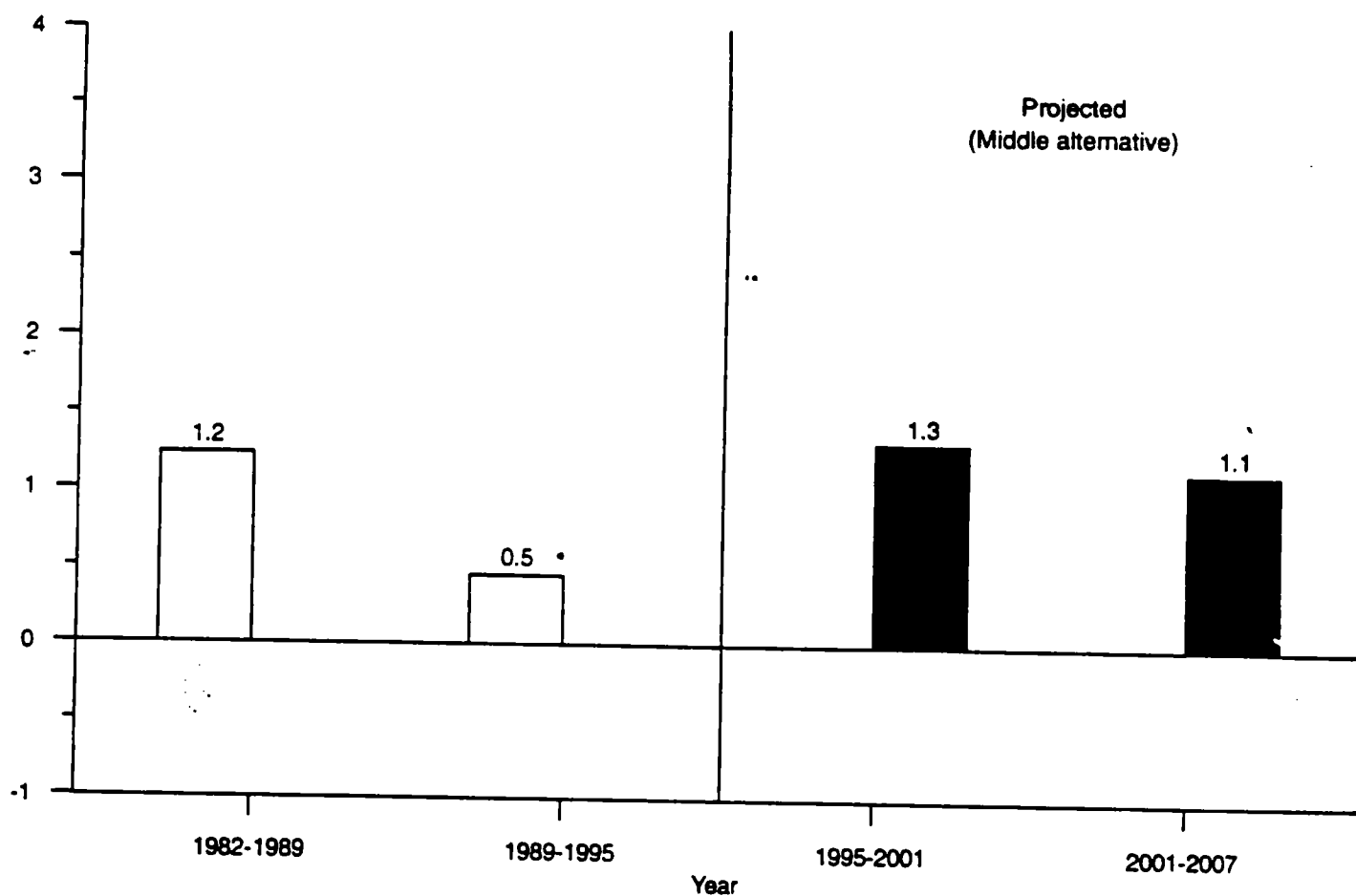
**Enrollment in institutions of higher education,
with alternative projections: Fall 1982 to fall 2007**



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007 (1997).

ENROLLMENT WILL INCREASE AS FAST AS IN THE 1980'S

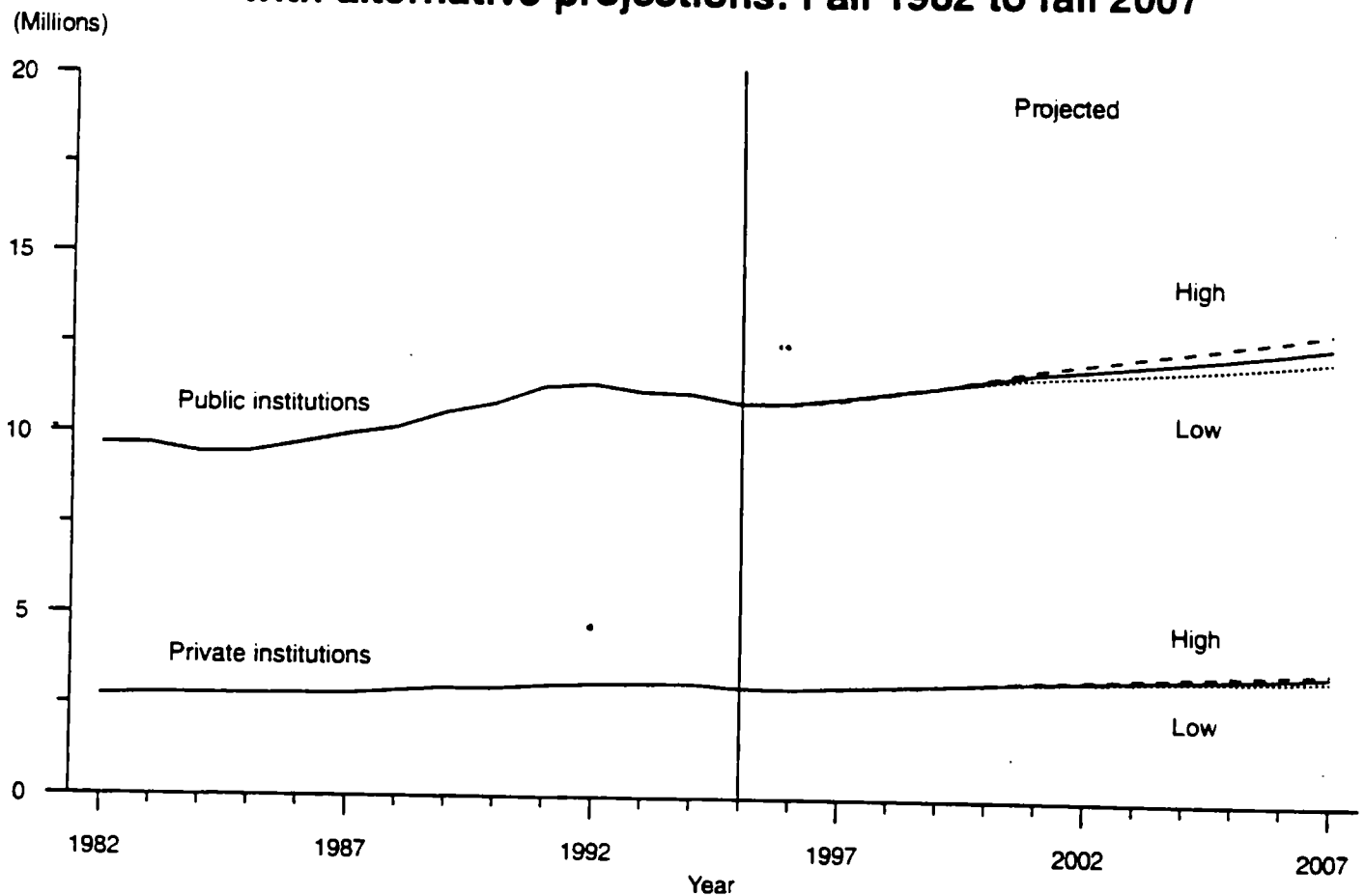
Average annual growth rates for total higher education enrollment
(Average annual percent)



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007
(1997).

PUBLIC INSTITUTIONS WILL ABSORB MUCH OF THE INCREASED ENROLLMENT

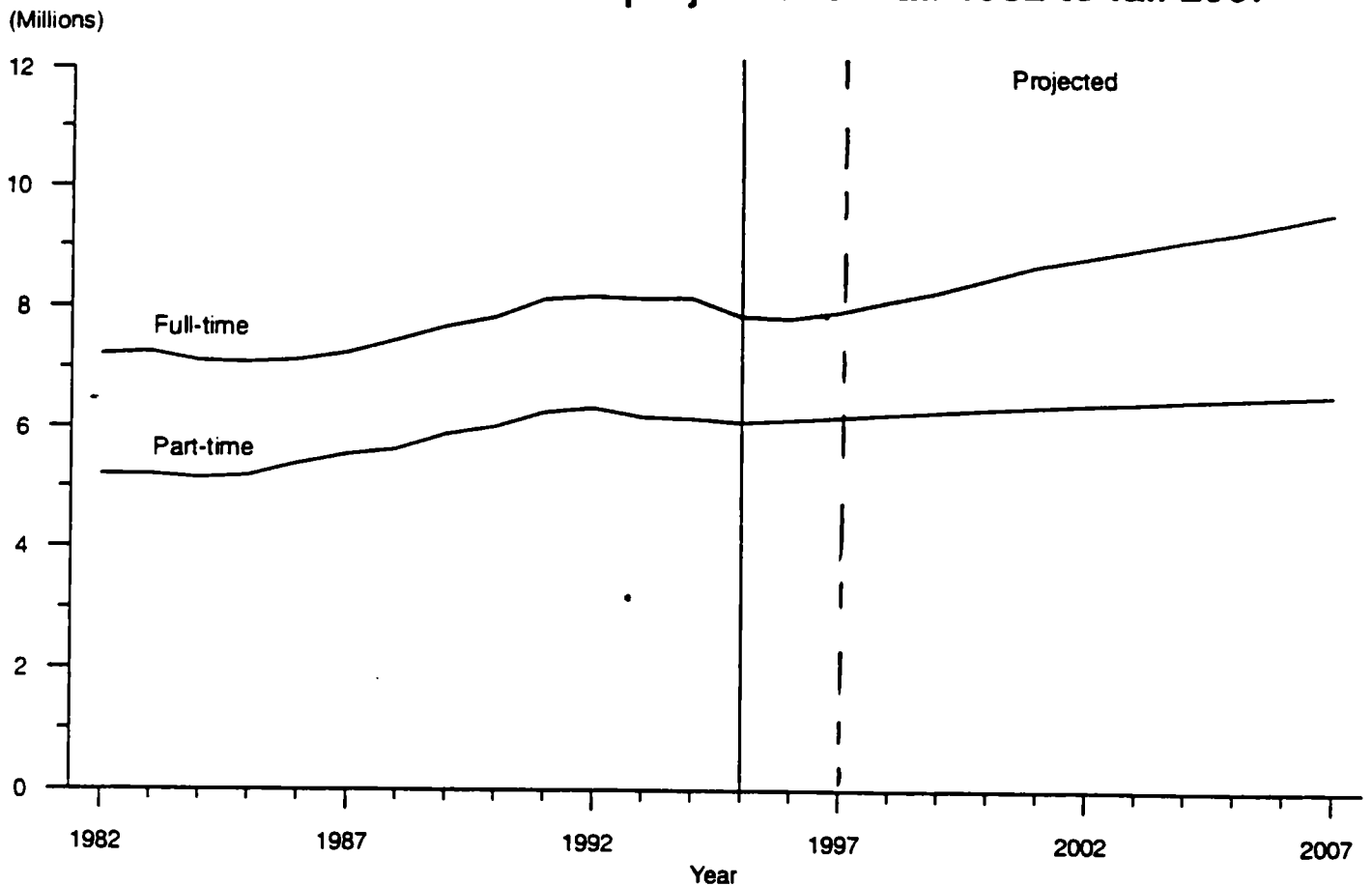
**Enrollment in institutions of higher education, by control of institution
with alternative projections: Fall 1982 to fall 2007**



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007 (1997).

THERE WILL BE RELATIVELY MORE FULL-TIME STUDENTS

**Enrollment in institutions of higher education, by attendance status,
with middle alternative projections: Fall 1982 to fall 2007**

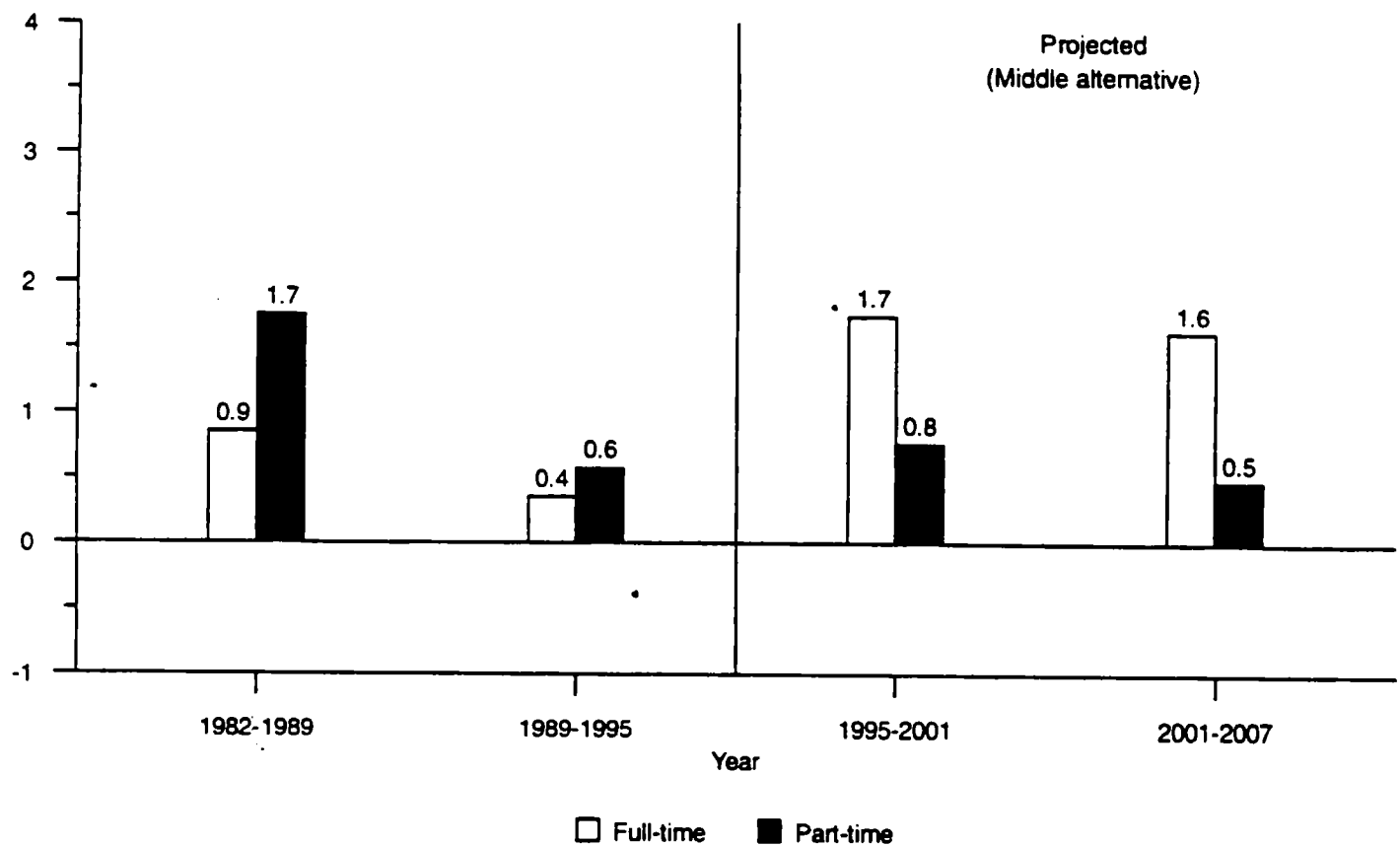


Source: U.S. Dept. of Education, Projections of Education Statistics to 2007 (1997).

MOST OF THE ENROLLMENT INCREASE WILL BE FULL-TIME STUDENTS

Average annual growth rates for total higher education enrollment, by attendance status

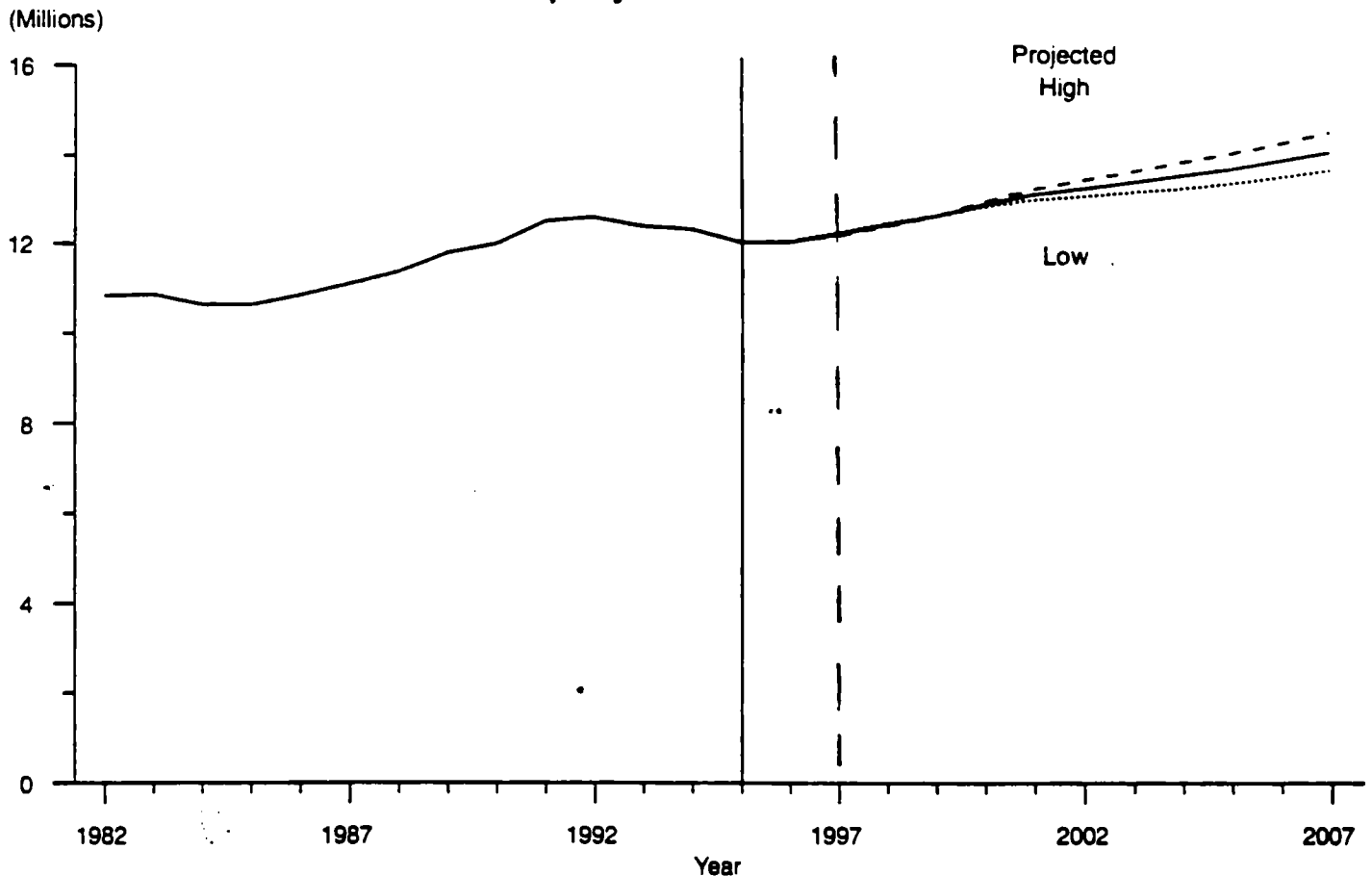
(Average annual percent)



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007 (1997).

MOST OF THE INCREASED ENROLLMENT WILL BE UNDERGRADUATE

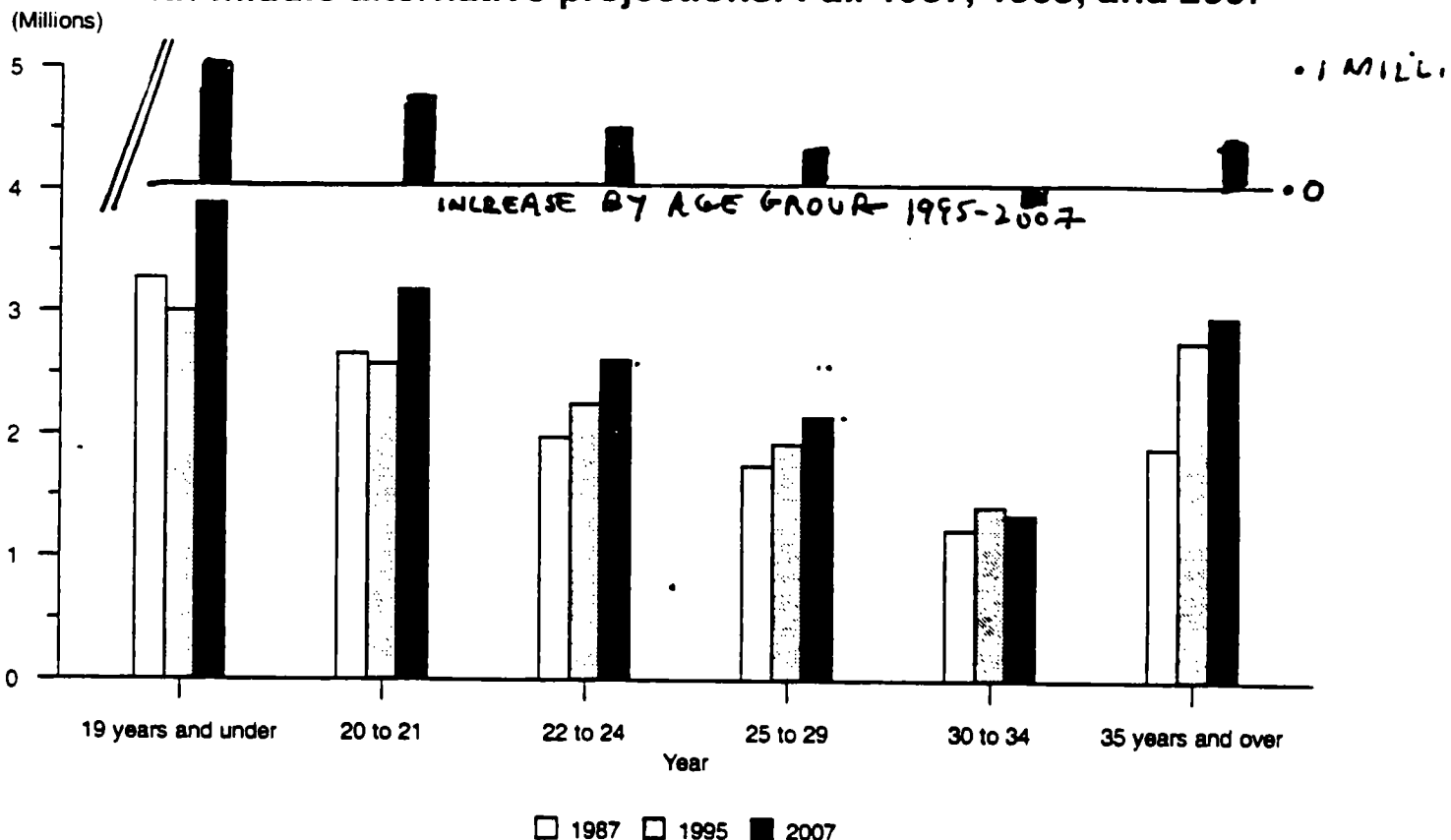
**Undergraduate enrollment in institutions of higher education,
with alternative projections: Fall 1982 to fall 2007**



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007
(1997).

STUDENTS 21 AND YOUNGER WILL ACCOUNT FOR MOST INSTITUTIONAL EXPANSION

**Enrollment in institutions of higher education, by age group,
with middle alternative projections: Fall 1987, 1995, and 2007**

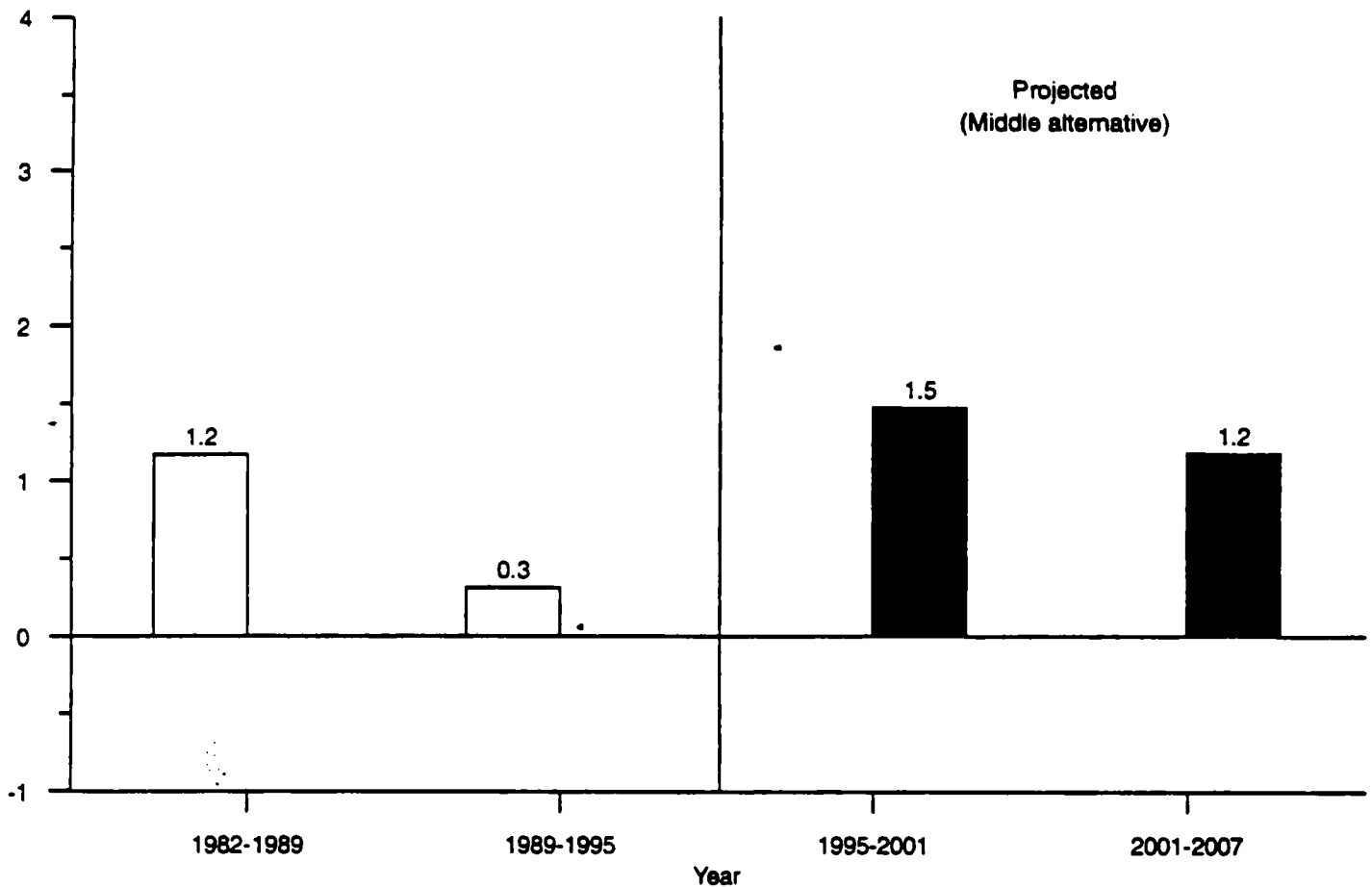


Source: U.S. Dept. of Education, Projections of Education Statistics to 2007 (1997).

COLLEGE ATTENDANCE WILL SURGE AS IT DID IN THE 1980'S

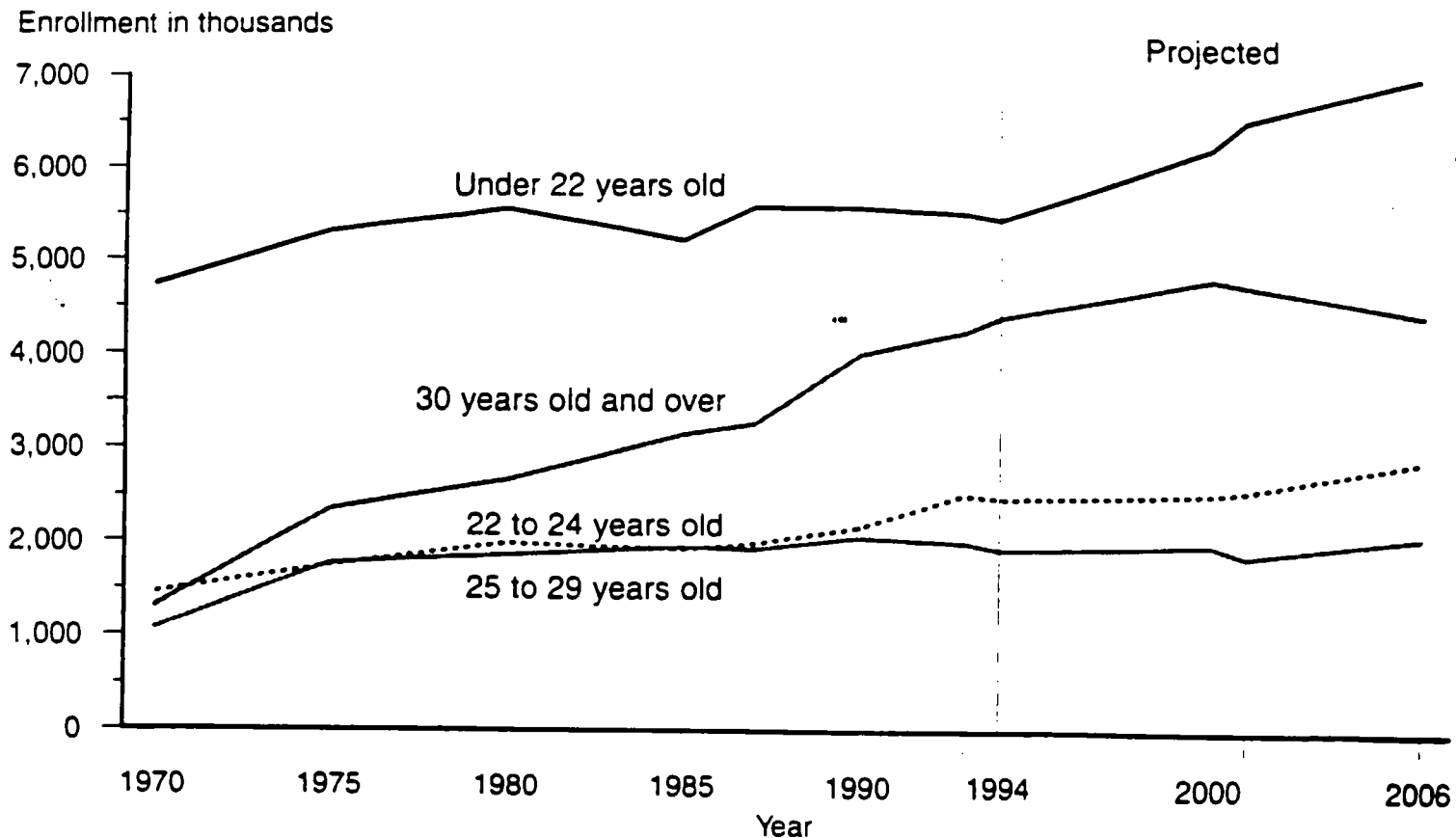
Average annual growth rates for undergraduate enrollment

(Average annual percent)



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007 (1997).

Enrollment in institutions of higher education, by age: Fall 1970 to fall 2006

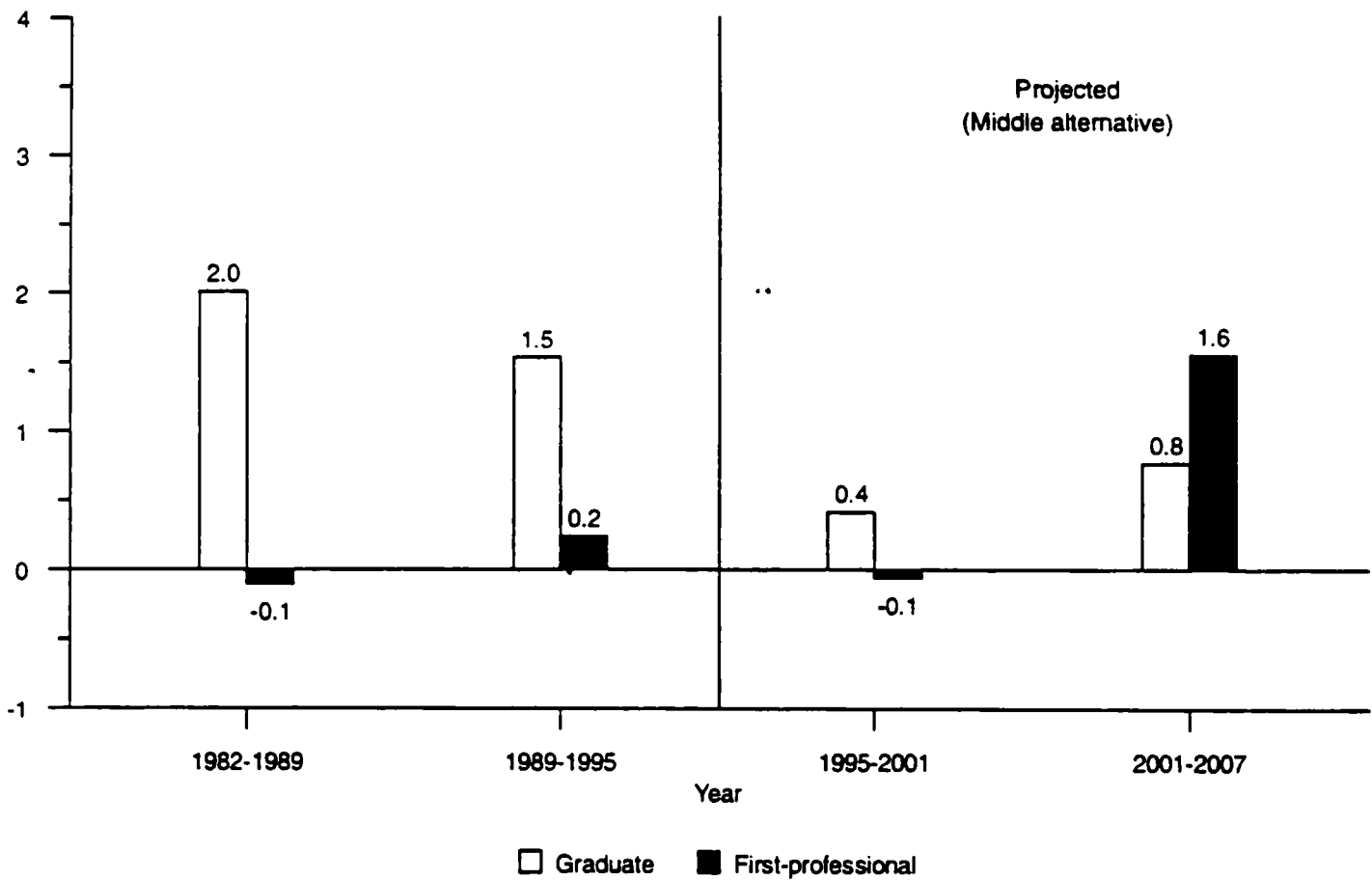


SOURCE: U.S. Department of Education, National Center for Education Statistics, "Fall Enrollment in Institutions of Higher Education" surveys; Integrated Postsecondary Education Data System (IPEDS), "Fall Enrollment" surveys; Projections of Education Statistics to 2006, and U.S. Department of Commerce, Bureau of the Census, Current Population Reports, Series P-20, "Social and Economic Characteristics of Students," various years.

Source: U.S. Dept. of Education, Digest of Education Statistics (1996)

ENROLLMENT AT PROFESSIONAL SCHOOLS WILL HOLD STEADY, THEN GROW

Average annual rates of change for postbaccalaureate enrollment
(Average annual percent)



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007 (1997).

MORE OF ALL DEGREES, EXCEPT PH.D.'S, WILL BE AWARDED

Earned Degrees Conferred, by Level and Sex, With Projections: 1950 to 2006

[In thousands, except percent. Beginning 1960, includes Alaska and Hawaii. See *Historical Statistics, Colonial Times to 1970*, series H-751-763 for similar data. See also Appendix III]

YEAR ENDING	ALL DEGREES		ASSOCIATE'S		BACHELOR'S		MASTER'S		FIRST PROFES- SIONAL		DOCTOR'S	
	Total	Percent male	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
1950 ¹	497	75.7	(NA)	(NA)	329	103	41	17	(NA)	(NA)	6	1
1960 ¹	477	65.8	(NA)	(NA)	254	138	51	24	(NA)	(NA)	9	1
1965	660	61.5	(NA)	(NA)	282	212	81	40	27	1	15	2
1970	1,271	59.2	117	89	451	341	126	83	33	2	26	4
1975	1,666	56.0	191	169	505	418	162	131	49	7	27	7
1980	1,731	51.1	184	217	474	456	151	147	53	17	23	10
1985	1,828	49.3	203	252	483	497	143	143	50	25	22	11
1986	1,830	49.0	196	250	486	502	144	145	49	25	22	12
1987	1,823	48.4	191	245	481	510	141	148	47	25	22	12
1988	1,835	48.0	190	245	477	518	145	154	45	25	23	12
1989	1,873	47.3	186	250	483	535	149	161	45	26	23	13
1990	1,940	46.6	191	264	492	560	154	171	44	27	24	14
1991	2,025	45.8	199	283	504	590	156	181	44	28	25	15
1992	2,108	45.6	207	297	521	616	162	191	45	29	26	15
1993	2,167	45.5	212	303	533	632	169	200	45	30	26	16
1994, prel.	2,222	45.4	217	314	535	647	186	205	45	31	26	16
1995, proj.	2,247	45.3	216	314	535	657	195	210	45	32	27	16
2000, proj.	2,287	45.3	212	326	539	652	208	220	50	34	28	19
2004, proj.	2,451	44.6	222	354	580	708	212	240	55	36	24	21
2005, proj.	2,473	44.4	223	356	585	717	212	245	55	36	23	21
2006, proj.	2,497	44.2	224	360	591	725	212	250	55	37	22	21

NA Not available. ¹ First-professional degrees are included with bachelor's degrees.

Source: U.S. National Center for Education Statistics, *Digest of Education Statistics*, annual; and *Projections of Education Statistics to 2006*, annual.

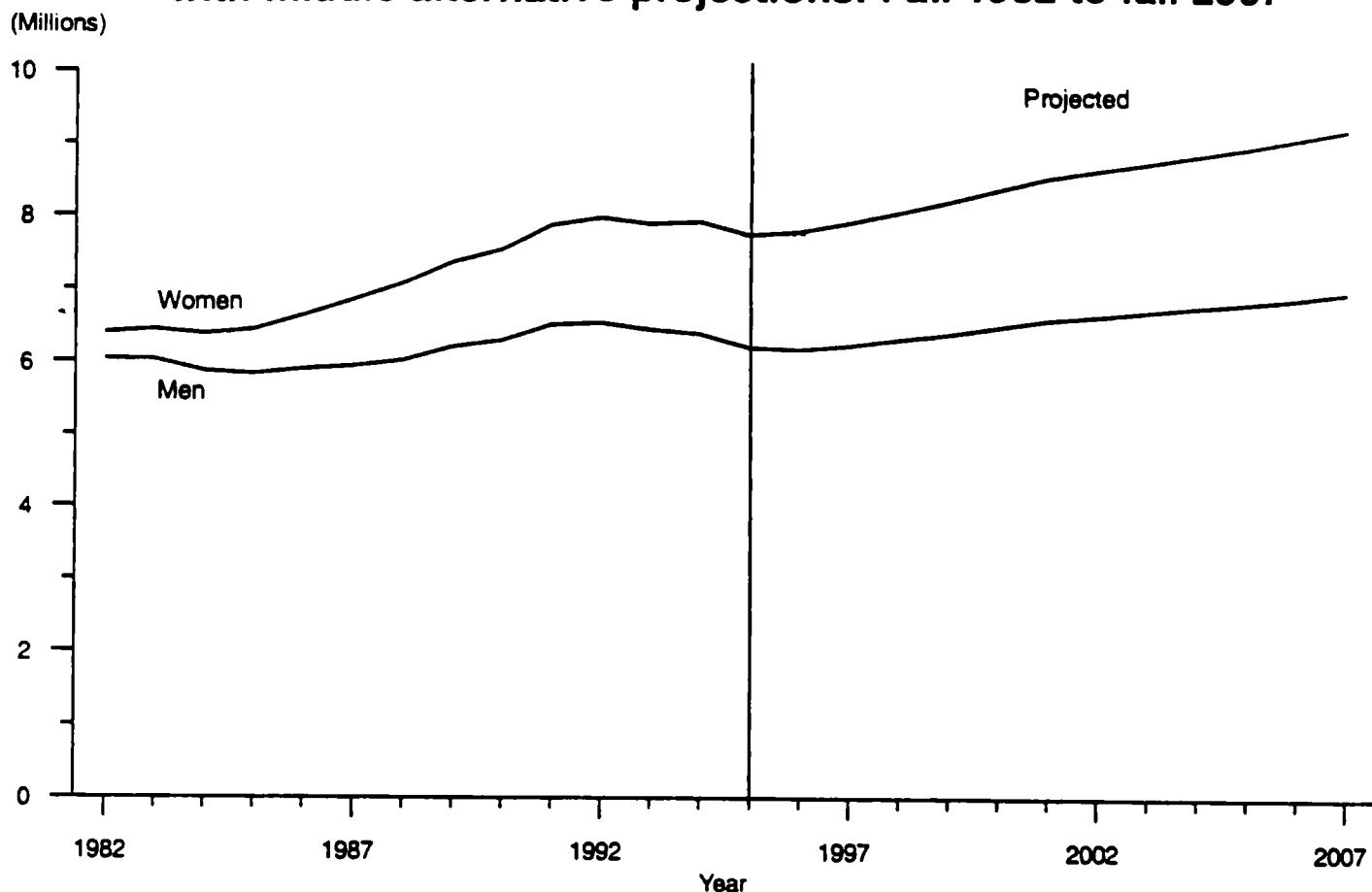
1.3

Source: Statistical Abstract of the United States, 1996.

WOMEN AND MEN

**INCREASINGLY, WOMEN WILL ENROLL
MORE THAN MEN**

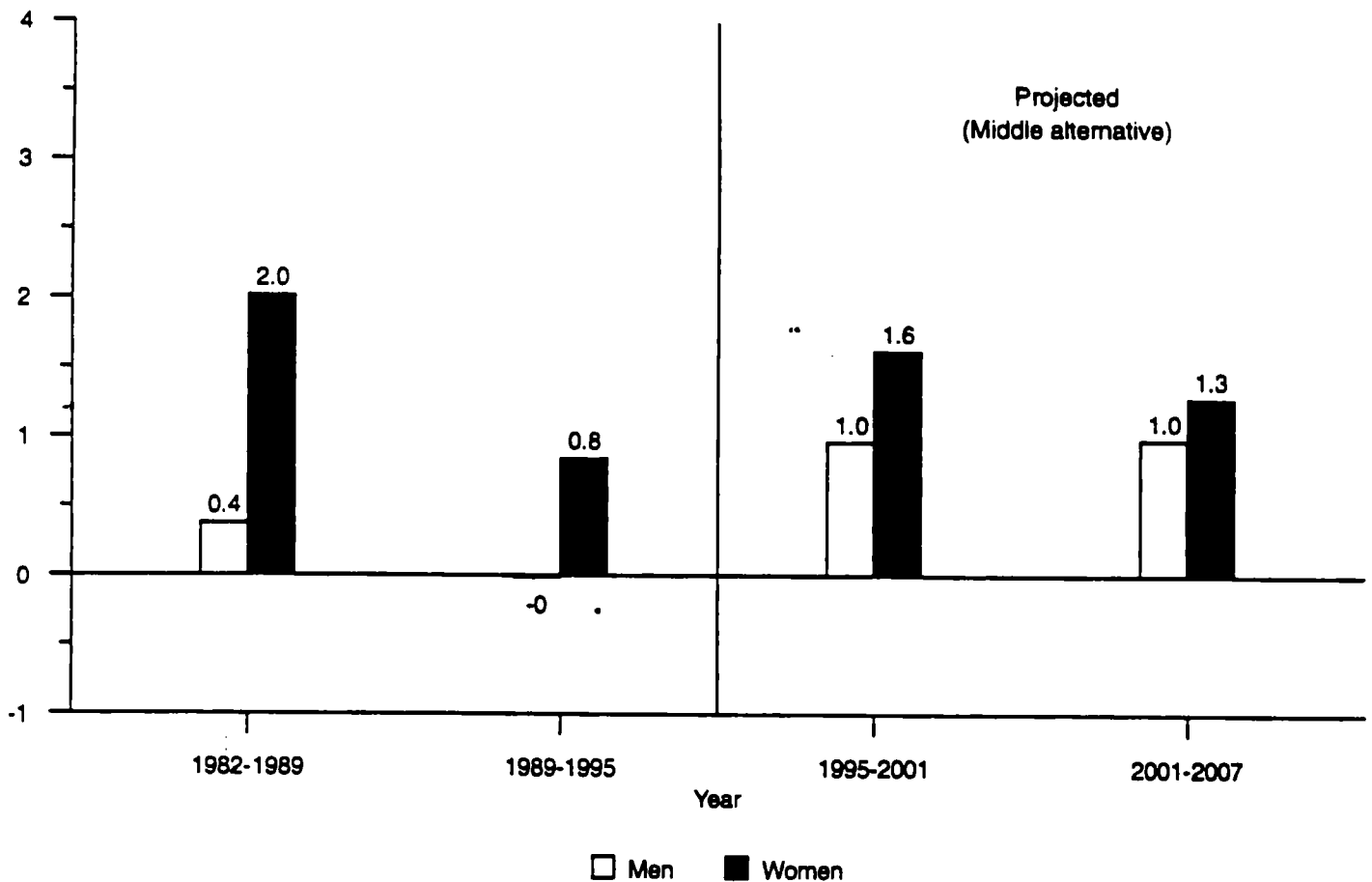
**Enrollment in institutions of higher education, by sex,
with middle alternative projections: Fall 1982 to fall 2007**



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007 (1997).

FOR EVERY 20 MORE MEN ENROLLED
THERE WILL BE PERHAPS 27 MORE WOMEN

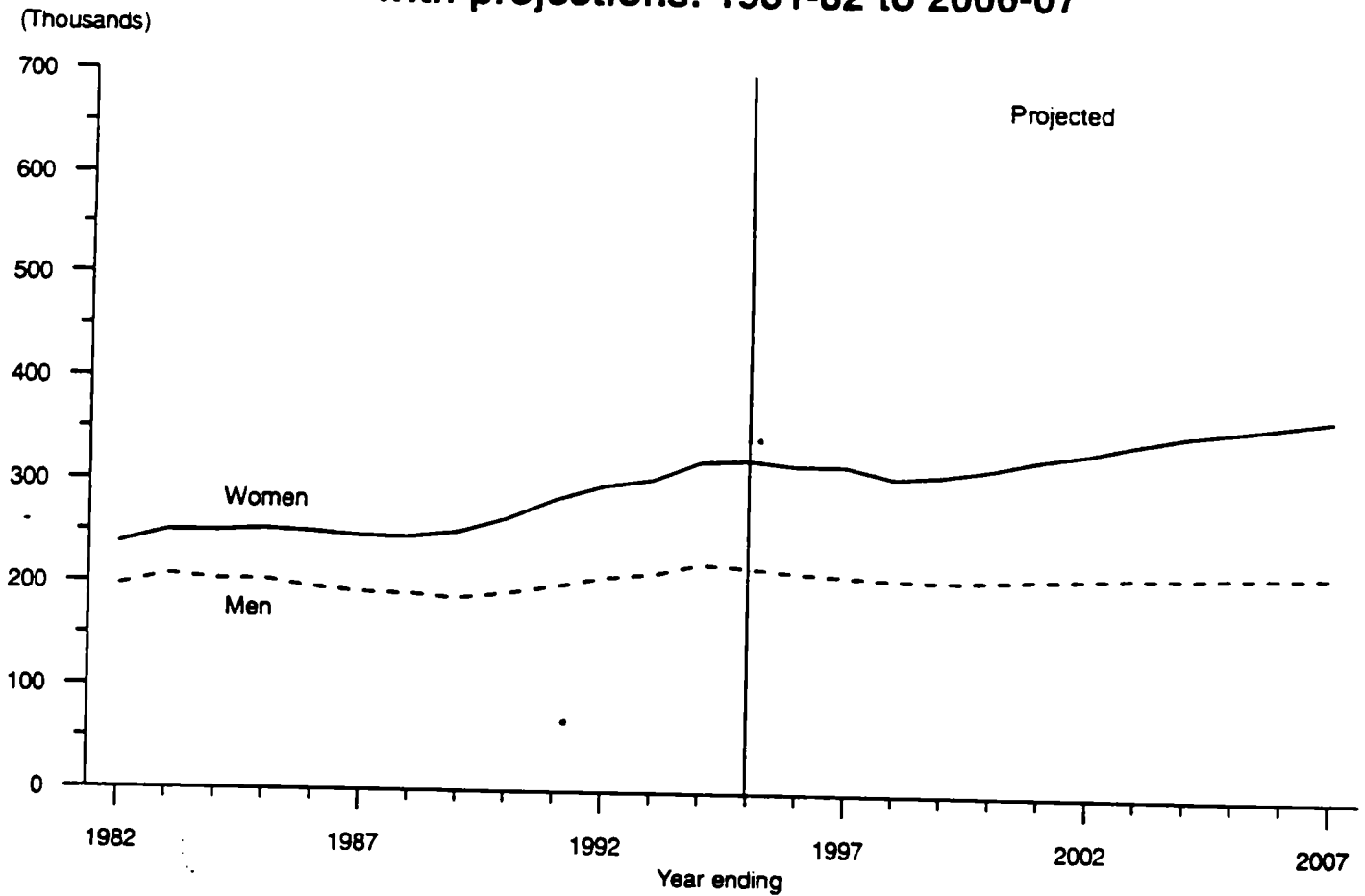
Average annual growth rates for total higher education enrollment, by sex:
(Average annual percent)



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007 (1997).

WOMEN WILL ATTEND COMMUNITY AND JUNIOR COLLEGES IN GREATER NUMBERS

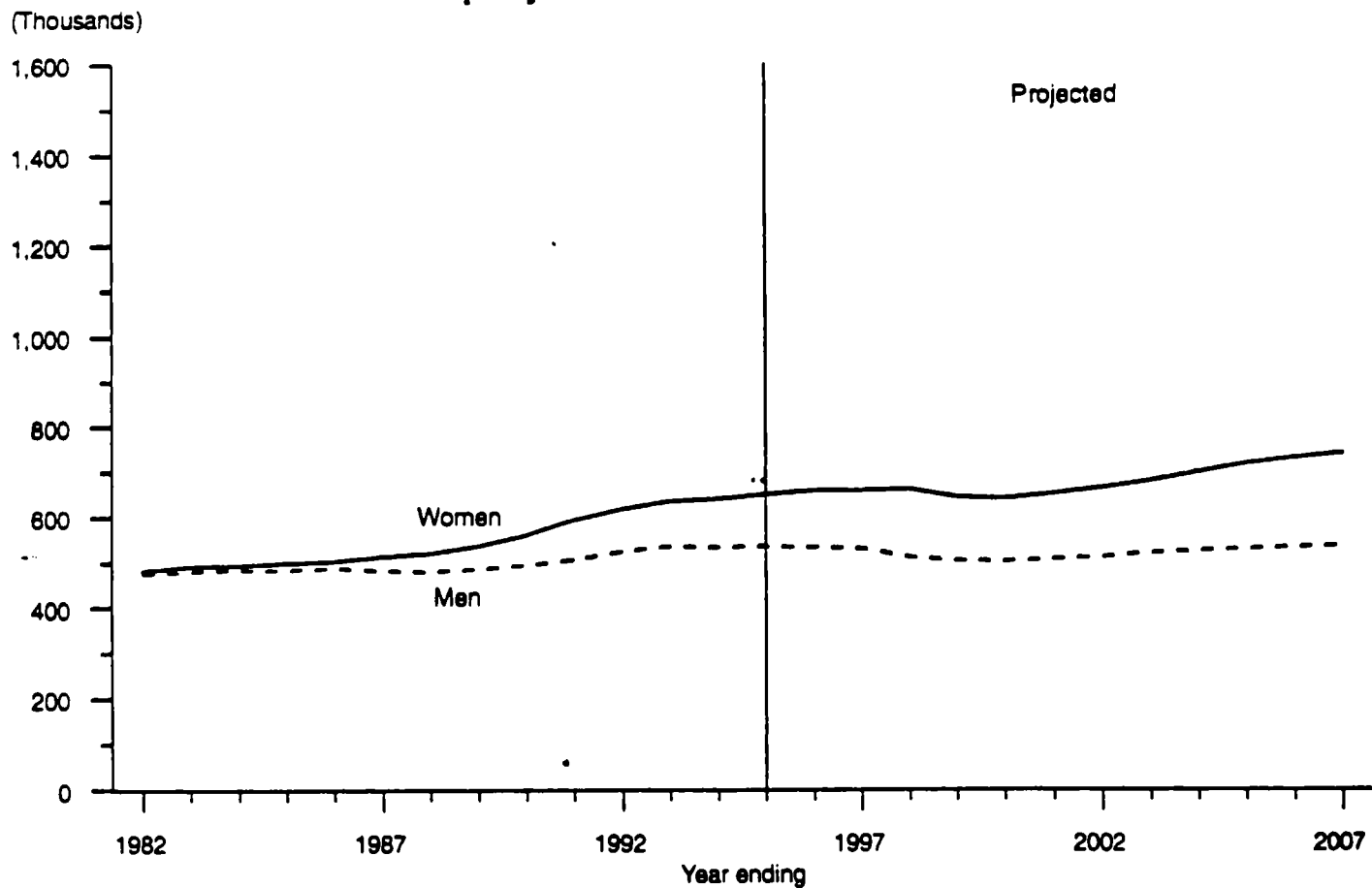
**Associate degrees, by sex of recipient,
with projections: 1981-82 to 2006-07**



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007 (1997).

WOMEN WILL RECEIVE MORE OF THE B.A.'S

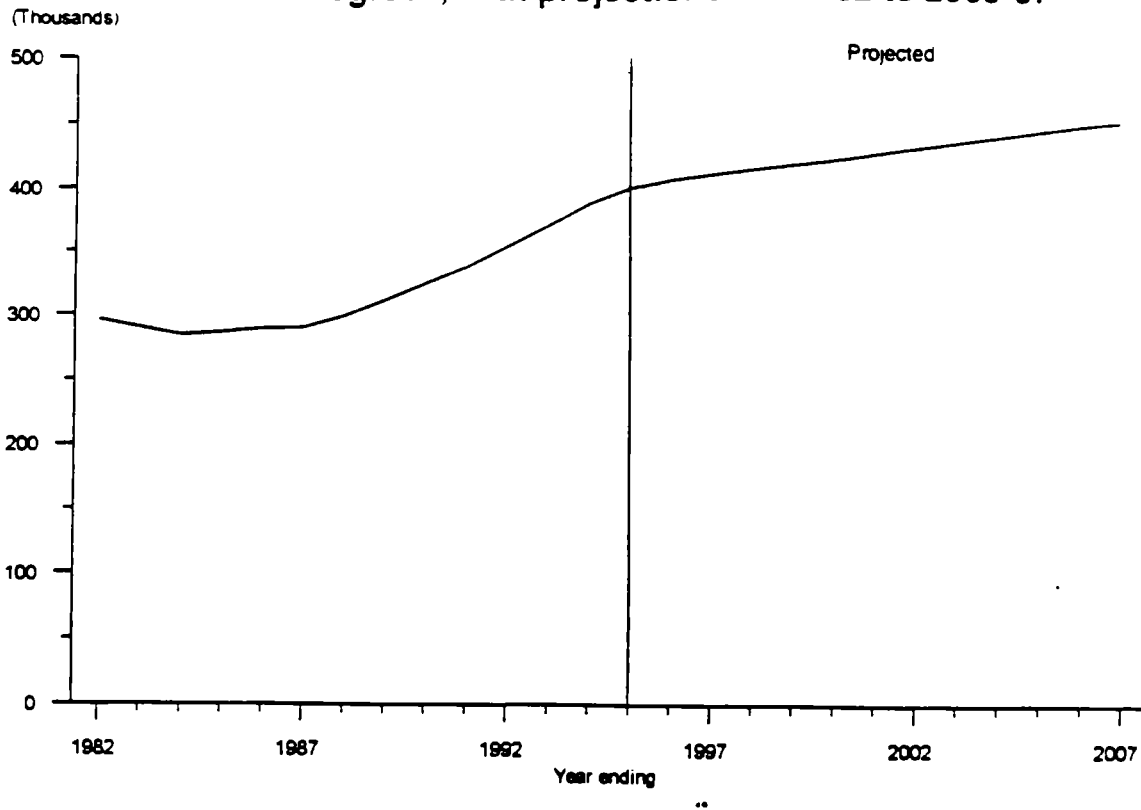
**Bachelor's degrees, by sex of recipient,
with projections: 1981-82 to 2006-07**



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007 (1997).

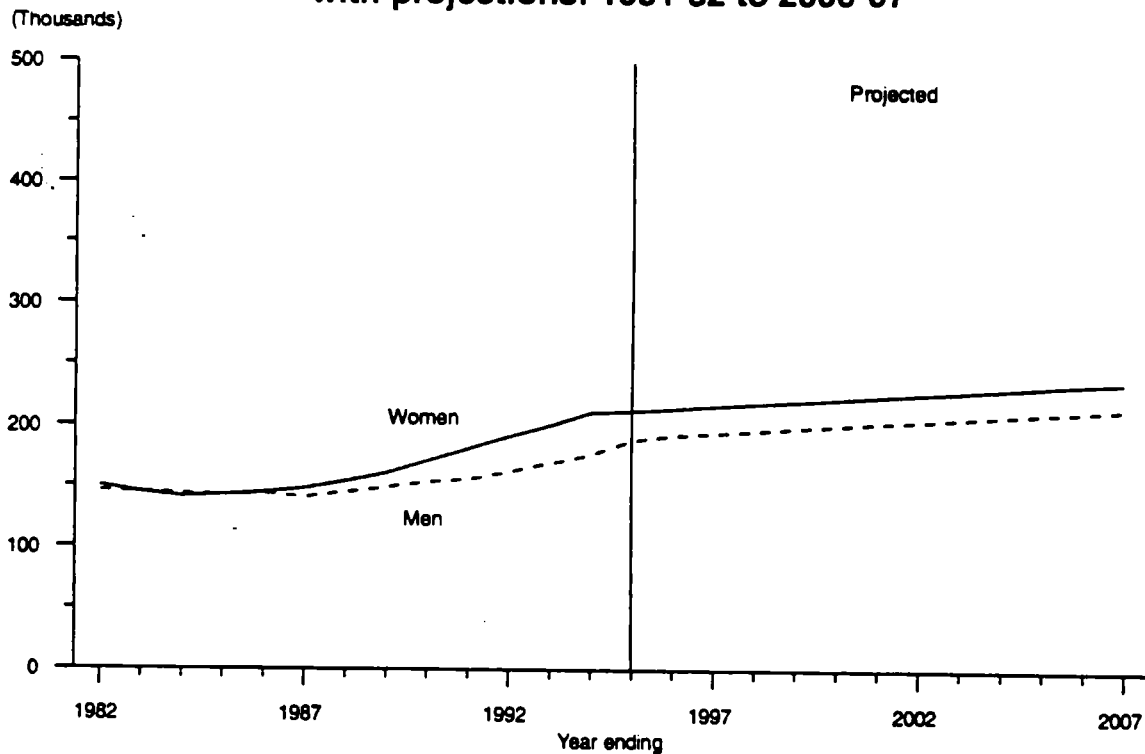
THERE WILL BE MORE M.A.'S

Master's degrees, with projections: 1981-82 to 2006-07



AND WOMEN WILL CONTINUE TO DOMINATE THEM

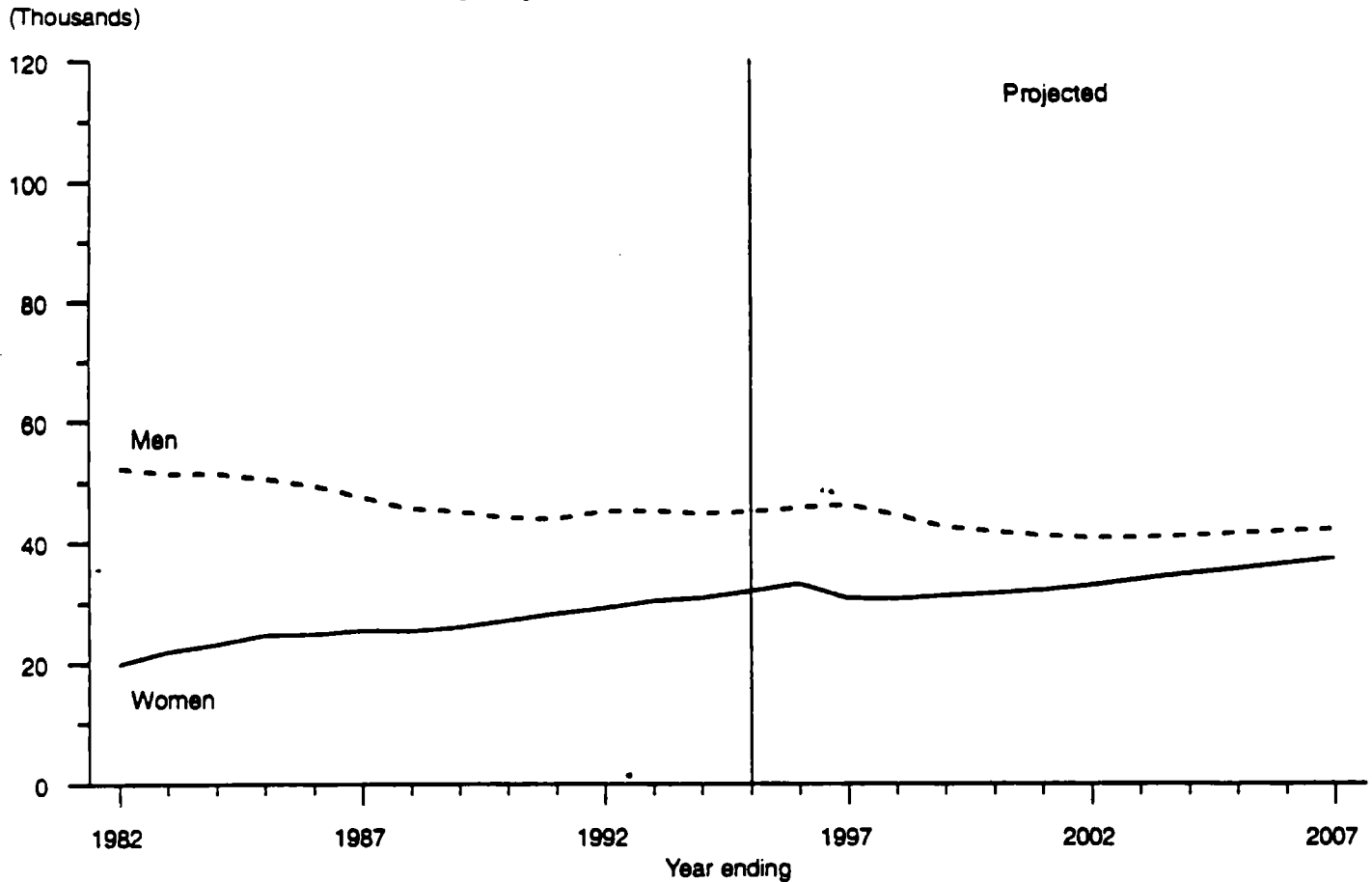
Master's degrees, by sex of recipient,
with projections: 1981-82 to 2006-07



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007 (1997).

WOMEN WILL RECEIVE MORE, MEN FEWER, PROFESSIONAL DEGREES

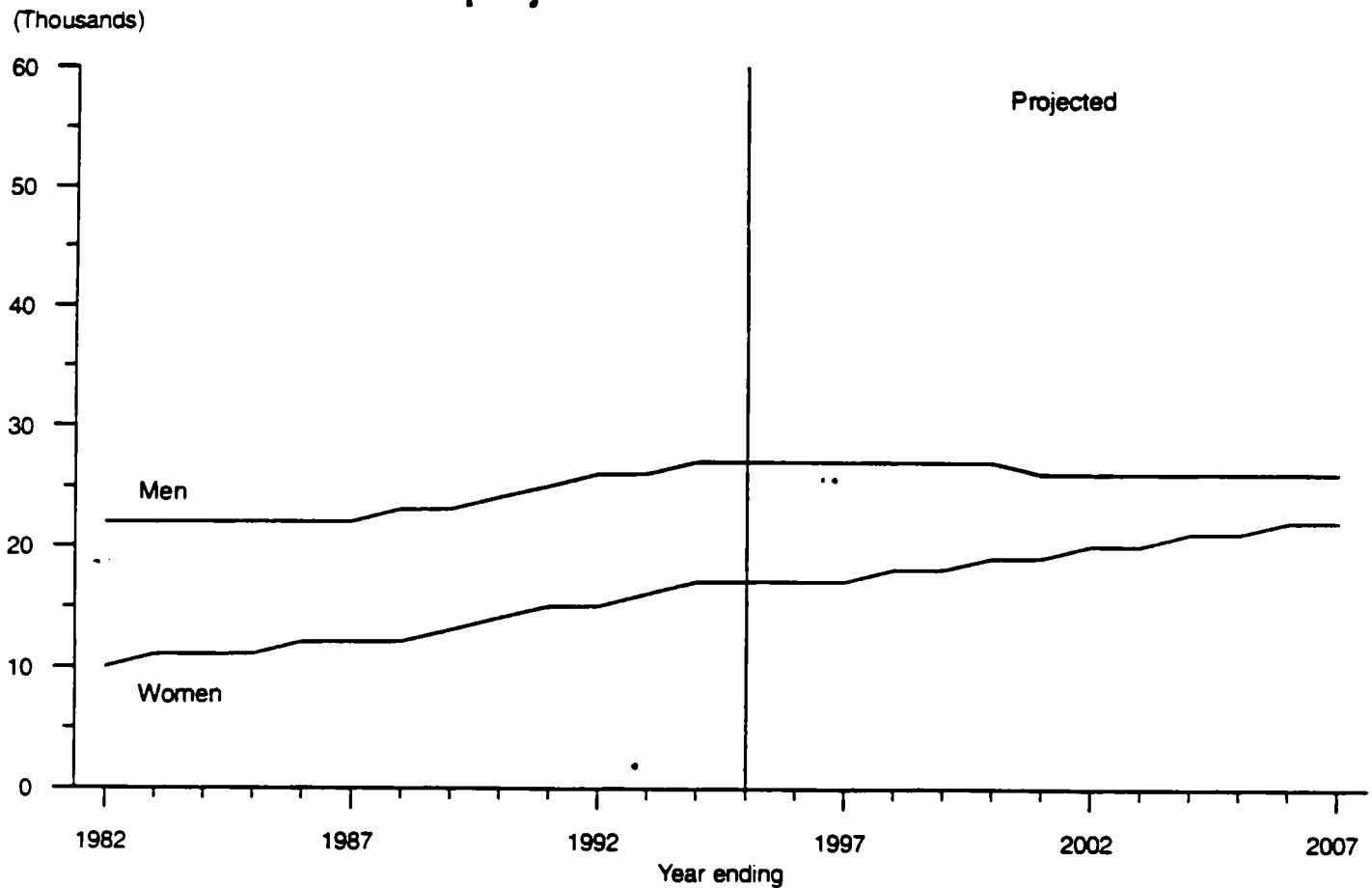
**First-professional degrees, by sex of recipient,
with projections: 1981-82 to 2006-07**



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007 (1997).

PH.D'S TO WOMEN WILL INCREASE,
APPROACHING PARITY WITH MEN

**Doctor's degrees, by sex of recipient,
with projections: 1981-82 to 2006-07**



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007 (1997).

RACE AND ETHNICITY

MORE THAN TWO-THIRDS OF THE POPULATION INCREASE TO 2010 WILL BE BLACK AND HISPANIC AMERICANS

Resident Population—Selected Characteristics, 1790 to 1995, and Projections, 2000 to 2050

[In thousands. See also *Historical Statistics, Colonial Times to 1970*, series A 73-81 and A 143-149.]

DATE	SEX		RACE					Hispanic origin
	Male	Female	White	Black	Other			
					Total	American Indian, Eskimo, Aleut	Asian and Pacific Islanders	
1790 (Aug. 2) ²	(NA)	(NA)	3.172	757	(NA)	(NA)	(NA)	(NA)
1800 (Aug. 4) ²	(NA)	(NA)	4.306	1.002	(NA)	(NA)	(NA)	(NA)
1850 (June 1) ²	11.838	11.354	19.553	3.639	(NA)	(NA)	(NA)	(NA)
1900 (June 1) ²	38.816	37.178	66.809	8.834	351	(NA)	(NA)	(NA)
1910 (Apr. 15) ²	47.332	44.640	81.732	9.828	413	(NA)	(NA)	(NA)
1920 (Jan. 1) ²	53.900	51.810	94.821	10.463	427	(NA)	(NA)	(NA)
1930 (Apr. 1) ²	62.137	60.638	110.287	11.891	597	(NA)	(NA)	(NA)
1940 (Apr. 1) ²	66.062	65.608	118.215	12.866	589	(NA)	(NA)	(NA)
1950 (Apr. 1) ²	74.833	75.864	134.942	15.042	713	(NA)	(NA)	(NA)
1950 (Apr. 1)	75.187	76.139	135.150	15.045	1.131	(NA)	(NA)	(NA)
1960 (Apr. 1)	88.331	90.992	158.832	18.872	1.620	(NA)	(NA)	(NA)
1970 (Apr. 1) ³	98.926	104.309	178.098	22.581	2.557	(NA)	(NA)	(NA)
1980 (Apr. 1) ^{4 5}	110.053	116.493	194.713	26.683	5.150	1.420	3.729	14.609
1990 (Apr. 1) ^{4 6}	121.244	127.474	208.710	30.486	9.523	2.065	7.458	22.354
1991 (July 1) ⁷	122.951	129.187	211.017	31.110	10.011	2.107	7.904	23.381
1992 (July 1) ⁷	124.436	130.603	212.957	31.659	10.423	2.142	8.280	24.272
1993 (July 1) ⁷	125.812	131.988	214.805	32.174	10.821	2.177	8.644	25.198
1994 (July 1) ⁷	127.085	133.265	216.196	32.669	11.184	2.210	8.974	26.099
1995 (July 1) ⁷	128.314	134.441	218.085	33.141	11.529	2.242	9.287	26.994
2000 (July 1) ⁸	134.181	140.453	225.532	35.454	13.647	2.402	11.245	31.366
2005 (July 1) ⁸	139.785	146.196	232.453	37.734	15.784	2.572	13.212	36.057
2010 (July 1) ⁸	145.584	152.132	239.588	40.109	18.019	2.754	15.265	41.139
2015 (July 1) ⁸	151.750	158.383	247.193	42.586	20.355	2.941	17.413	46.705
2020 (July 1) ⁸	158.021	164.721	254.887	45.075	22.780	3.129	19.651	52.652
2025 (July 1) ⁸	164.119	170.931	262.227	47.539	25.284	3.319	21.965	58.930
2050 (July 1) ⁸	193.234	200.696	294.615	60.592	38.724	4.371	34.352	96.508

NA Not available. ¹ Persons of Hispanic origin may be of any race. ² Excludes Alaska and Hawaii. ³ The revised 1970 resident population count is 203,302,031; which incorporates changes due to errors found after tabulations were completed. The race and sex data shown here reflect the official 1970 census count. ⁴ The race data shown have been modified; see text, section 1, for explanation. ⁵ See footnote 4, table 1. ⁶ The April 1, 1990, census count (248,718,291) includes count resolution corrections processed through March 1994 and does not include adjustments for census coverage errors. ⁷ Estimated. ⁸ Middle series projection; see table 3.

Source: Statistical Abstract of the United States, 1996.

BETWEEN 2000 AND 2010 THERE WILL BE 700,000 MORE BLACK 18-24 YEAR OLDS

No. 24. Projections of Resident Population, by Age, Sex, and Race: 2000 to 2025

[As of July 1. Data are for middle series; for assumptions, see table 3]

AGE, SEX, AND RACE	POPULATION (1,000)				PERCENT DISTRIBUTION			
	2000	2005	2010	2025	2000	2005	2010	2025
Total	274,634	285,981	297,716	335,050	100.0	100.0	100.0	100.0
Under 5 years old	18,987	19,127	20,012	22,498	6.9	6.7	6.7	6.7
5 to 13 years old	36,043	35,850	35,605	40,413	13.1	12.5	12.0	12.1
14 to 17 years old	15,752	16,986	16,894	17,872	5.7	5.9	5.7	5.3
18 to 24 years old	26,258	28,268	30,138	30,372	9.6	9.9	10.1	9.1
25 to 34 years old	37,233	36,306	38,292	43,119	13.6	12.7	12.9	12.9
35 to 44 years old	44,659	42,165	38,521	42,391	16.3	14.7	12.9	12.7
45 to 54 years old	37,030	41,507	43,564	36,890	13.5	14.5	14.6	11.0
55 to 64 years old	23,962	29,606	35,283	39,542	8.7	10.4	11.9	11.8
65 to 74 years old	18,136	18,369	21,057	35,425	6.6	6.4	7.1	10.6
75 to 84 years old	12,315	12,898	12,680	19,481	4.5	4.5	4.3	5.8
85 years old and over	4,259	4,899	5,671	7,046	1.6	1.7	1.9	2.1
Male	134,181	139,785	145,584	164,119	48.9	48.9	48.9	49.0
Female	140,453	146,196	152,132	170,931	51.1	51.1	51.1	51.0
White, total	225,532	232,463	239,588	262,227	100.0	100.0	100.0	100.0
Under 5 years old	14,724	14,618	15,142	16,630	6.5	6.3	6.3	6.3
5 to 13 years old	28,254	27,716	27,087	29,949	12.5	11.9	11.3	11.4
14 to 17 years old	12,412	13,177	12,951	13,166	5.5	5.7	5.4	5.0
18 to 24 years old	<u>20,852</u>	22,306	<u>23,489</u>	22,702	9.2	9.6	9.8	8.7
25 to 34 years old	29,651	28,705	30,099	32,831	13.2	12.3	12.6	12.5
35 to 44 years old	36,762	34,201	30,646	32,869	16.3	14.7	12.8	12.5
45 to 54 years old	31,247	34,574	35,911	29,010	13.9	14.9	15.0	11.1
55 to 64 years old	20,600	25,334	29,845	32,246	9.1	10.9	12.5	12.3
65 to 74 years old	15,846	15,844	18,101	29,733	7.0	6.8	7.6	11.3
75 to 84 years old	11,131	11,553	11,208	16,969	4.9	5.0	4.7	6.5
85 years old and over	3,866	4,434	5,108	6,122	1.7	1.9	2.1	2.3
Male	110,799	114,350	118,000	129,596	49.1	49.2	49.3	49.4
Female	114,734	118,113	121,588	132,631	50.9	50.8	50.7	50.6
Black, total	35,454	37,734	40,109	47,539	100.0	100.0	100.0	100.0
Under 5 years old	3,127	3,244	3,454	3,964	8.8	8.6	8.6	8.3
5 to 13 years old	5,727	5,813	5,962	6,990	16.2	15.4	14.9	14.7
14 to 17 years old	2,414	2,735	2,727	3,104	6.8	7.2	6.8	6.5
18 to 24 years old	<u>3,966</u>	4,233	<u>4,674</u>	5,053	11.2	11.2	11.7	10.6
25 to 34 years old	5,172	5,212	5,489	6,514	14.6	13.8	13.7	13.7
35 to 44 years old	5,649	5,499	5,236	6,017	15.9	14.6	13.1	12.7
45 to 54 years old	4,111	4,909	5,326	5,007	11.6	13.0	13.3	10.5
55 to 64 years old	2,406	2,995	3,801	4,865	6.8	7.9	9.5	10.2
65 to 74 years old	1,675	1,781	2,033	3,901	4.7	4.7	5.1	8.2
75 to 84 years old	890	959	1,002	1,582	2.5	2.5	2.5	3.3
85 years old and over	317	354	396	541	0.9	0.9	1.0	1.1
Male	16,811	17,874	18,981	22,473	47.4	47.4	47.3	47.3
Female	18,643	19,860	21,129	25,066	52.6	52.6	52.7	52.7
American Indian, Eskimo, Aleut, total	2,402	2,572	2,754	3,319	100.0	100.0	100.0	100.0
Under 5 years old	210	226	245	275	8.7	8.8	8.9	8.3
5 to 13 years old	418	409	429	516	17.4	15.9	15.6	15.5
14 to 17 years old	196	210	197	240	8.2	8.2	7.2	7.2
18 to 24 years old	283	323	342	368	11.8	12.5	12.4	11.1
25 to 34 years old	361	376	421	475	15.0	14.6	15.3	14.3
35 to 44 years old	354	351	349	459	14.8	13.7	12.7	13.8
45 to 54 years old	263	300	321	333	11.0	11.7	11.7	10.0
55 to 64 years old	152	186	225	276	6.3	7.2	8.2	8.3
65 to 74 years old	93	104	122	210	3.9	4.1	4.4	6.3
75 to 84 years old	51	59	65	109	2.1	2.3	2.4	3.3
85 years old and over	22	28	36	59	0.9	1.1	1.3	1.8
Male	1,185	1,266	1,354	1,629	49.3	49.2	49.2	49.1
Female	1,217	1,306	1,400	1,690	50.7	50.8	50.8	50.9
Asian, Pacific Islander, total	11,245	13,212	15,265	21,965	100.0	100.0	100.0	100.0
Under 5 years old	926	1,040	1,170	1,628	8.2	7.9	7.7	7.4
5 to 13 years old	1,644	1,912	2,126	2,958	14.6	14.5	13.9	13.5
14 to 17 years old	729	864	1,008	1,362	6.5	6.5	6.6	6.2
18 to 24 years old	1,158	1,405	1,633	2,250	10.3	10.6	10.7	10.2
25 to 34 years old	1,863	2,012	2,283	3,300	16.6	15.2	15.0	15.0
35 to 44 years old	1,894	2,114	2,290	3,046	16.8	16.0	15.0	13.9
45 to 54 years old	1,409	1,724	2,006	2,539	12.5	13.1	13.1	11.6
55 to 64 years old	804	1,091	1,412	2,155	7.1	8.3	9.3	9.8
65 to 74 years old	522	640	802	1,581	4.6	4.8	5.3	7.2
75 to 84 years old	242	327	406	821	2.2	2.5	2.7	3.7
85 years old and over	55	83	130	324	0.5	0.6	0.9	1.5
Male	5,386	6,295	7,250	10,421	47.9	47.6	47.5	47.4
Female	5,859	6,918	8,015	11,543	52.1	52.4	52.5	52.6

Source: U.S. Bureau of the Census, *Current Population Reports*, P25-1130.

Source: Statistical Abstract of the United States, 1996.

BETWEEN 2000 AND 2010 THERE WILL BE 1.4 MILLION MORE HISPANIC 18-24 YEAR OLDS

Projections of Hispanic and Non-Hispanic Populations, by Age and Sex, 2000 to 2025

[As of July 1. Resident population. Data are for middle series; for assumptions, see table 3.]

AGE AND SEX	POPULATION (1,000)				PERCENT DISTRIBUTION			
	2000	2005	2010	2025	2000	2005	2010	2025
Hispanic origin, total ¹	31,366	36,057	41,139	58,930	100.0	100.0	100.0	100.0
Under 5 years old	3,203	3,580	4,080	5,662	10.2	9.9	9.9	9.6
5 to 13 years old	5,651	6,215	6,654	9,479	18.0	17.2	16.2	16.1
14 to 17 years old	2,170	2,672	2,887	3,944	6.9	7.4	7.3	6.7
18 to 24 years old	<u>3,679</u>	4,270	<u>5,101</u>	6,560	11.7	11.8	12.4	11.1
25 to 34 years old	5,181	5,414	6,059	8,748	16.5	15.0	14.7	14.8
35 to 44 years old	4,836	5,421	5,562	7,345	15.4	15.0	13.5	12.5
45 to 54 years old	3,049	3,927	4,833	5,791	9.7	10.9	11.7	9.8
55 to 64 years old	1,717	2,260	2,997	5,272	5.5	6.3	7.3	8.9
65 to 74 years old	1,120	1,308	1,606	3,595	3.6	3.6	3.9	6.1
75 to 84 years old	568	748	896	1,771	1.8	2.1	2.2	3.0
85 years old and over	183	242	345	763	0.6	0.7	0.8	1.3
Male	15,799	18,082	20,557	29,276	50.4	50.1	50.0	49.7
Female	15,566	17,975	20,582	29,654	49.6	49.9	50.0	50.3
Non-Hispanic White, total	197,061	199,802	202,390	209,117	100.0	100.0	100.0	100.0
Under 5 years old	11,807	11,367	11,445	11,510	6.0	5.7	5.7	5.5
5 to 13 years old	23,125	22,072	21,063	21,396	11.7	11.0	10.4	10.2
14 to 17 years old	<u>10,444</u>	10,769	<u>10,220</u>	9,622	5.3	5.4	5.1	4.6
18 to 24 years old	<u>17,510</u>	18,443	<u>18,880</u>	16,785	8.9	9.2	9.3	8.0
25 to 34 years old	25,144	23,806	24,631	24,935	12.8	11.9	12.2	11.9
35 to 44 years old	32,382	29,299	25,628	26,278	16.4	14.7	12.7	12.6
45 to 54 years old	28,485	31,024	31,541	23,797	14.5	15.5	15.6	11.4
55 to 64 years old	19,039	23,285	27,137	27,490	9.7	11.7	13.4	13.1
65 to 74 years old	14,825	14,660	16,653	26,504	7.5	7.3	8.2	12.7
75 to 84 years old	10,607	10,868	10,394	15,373	5.4	5.4	5.1	7.4
85 years old and over	3,694	4,209	4,788	5,428	1.9	2.1	2.4	2.6
Male	96,438	97,946	99,381	103,169	48.9	49.0	49.1	49.3
Female	100,624	101,856	103,009	105,948	51.1	51.0	50.9	50.7
Non-Hispanic Black, total	33,568	35,485	37,466	43,511	100.0	100.0	100.0	100.0
Under 5 years old	2,929	3,016	3,187	3,571	8.7	8.5	8.5	8.2
5 to 13 years old	5,391	5,430	5,531	6,339	16.1	15.3	14.8	14.6
14 to 17 years old	2,285	2,568	2,547	2,831	6.8	7.2	6.8	6.5
18 to 24 years old	<u>3,751</u>	3,975	<u>4,354</u>	4,609	11.2	11.2	11.6	10.6
25 to 34 years old	4,863	4,883	5,111	5,942	14.5	13.8	13.6	13.7
35 to 44 years old	5,347	5,154	4,877	5,521	15.9	14.5	13.0	12.7
45 to 54 years old	3,922	4,654	5,008	4,613	11.7	13.1	13.4	10.6
55 to 64 years old	2,301	2,850	3,601	4,498	6.9	8.0	9.6	10.3
65 to 74 years old	1,608	1,695	1,921	3,634	4.8	4.8	5.1	8.4
75 to 84 years old	862	919	947	1,457	2.6	2.6	2.5	3.3
85 years old and over	310	344	381	496	0.9	1.0	1.0	1.1
Male	15,871	16,760	17,676	20,494	47.3	47.2	47.2	47.1
Female	17,697	18,725	19,790	23,017	52.7	52.8	52.8	52.9
Non-Hispanic American Indian, Eskimo, Aleut, total	2,054	2,183	2,320	2,744	100.0	100.0	100.0	100.0
Under 5 years old	180	192	206	229	8.8	8.8	8.9	8.4
5 to 13 years old	352	347	364	429	17.1	15.9	15.7	15.6
14 to 17 years old	165	175	166	198	8.0	8.0	7.1	7.2
18 to 24 years old	239	268	282	304	11.6	12.3	12.1	11.1
25 to 34 years old	303	316	349	390	14.7	14.5	15.0	14.2
35 to 44 years old	301	293	290	372	14.7	13.4	12.5	13.6
45 to 54 years old	231	259	272	275	11.2	11.8	11.7	10.0
55 to 64 years old	136	164	195	227	6.6	7.5	8.4	8.3
65 to 74 years old	82	91	106	176	4.0	4.2	4.6	6.4
75 to 84 years old	46	52	57	92	2.2	2.4	2.4	3.4
85 years old and over	21	27	34	52	1.0	1.2	1.4	1.9
Male	1,008	1,070	1,136	1,342	49.1	49.0	48.9	48.9
Female	1,046	1,113	1,184	1,401	50.9	51.0	51.1	51.1
Non-Hispanic Asian, Pacific Islander, total	10,584	12,454	14,402	20,748	100.0	100.0	100.0	100.0
Under 5 years old	867	973	1,093	1,526	8.2	7.8	7.6	7.4
5 to 13 years old	1,524	1,787	1,993	2,770	14.4	14.4	13.8	13.4
14 to 17 years old	680	803	944	1,277	6.4	6.4	6.6	6.2
18 to 24 years old	1,080	1,311	1,521	2,114	10.2	10.5	10.6	10.2
25 to 34 years old	1,744	1,887	2,141	3,104	16.5	15.2	14.9	15.0
35 to 44 years old	1,793	1,998	2,165	2,876	16.9	16.0	15.0	13.9
45 to 54 years old	1,344	1,644	1,910	2,415	12.7	13.2	13.3	11.6
55 to 64 years old	770	1,046	1,354	2,055	7.3	8.4	9.4	9.9
65 to 74 years old	500	615	771	1,516	4.7	4.9	5.4	7.3
75 to 84 years old	231	311	387	787	2.2	2.5	2.7	3.8
85 years old and over	51	78	123	308	0.5	0.6	0.9	1.5
Male	5,065	5,928	6,835	9,838	47.9	47.6	47.5	47.4
Female	5,520	6,526	7,567	10,910	52.1	52.4	52.5	52.6

¹ Persons of Hispanic origin may be of any race.

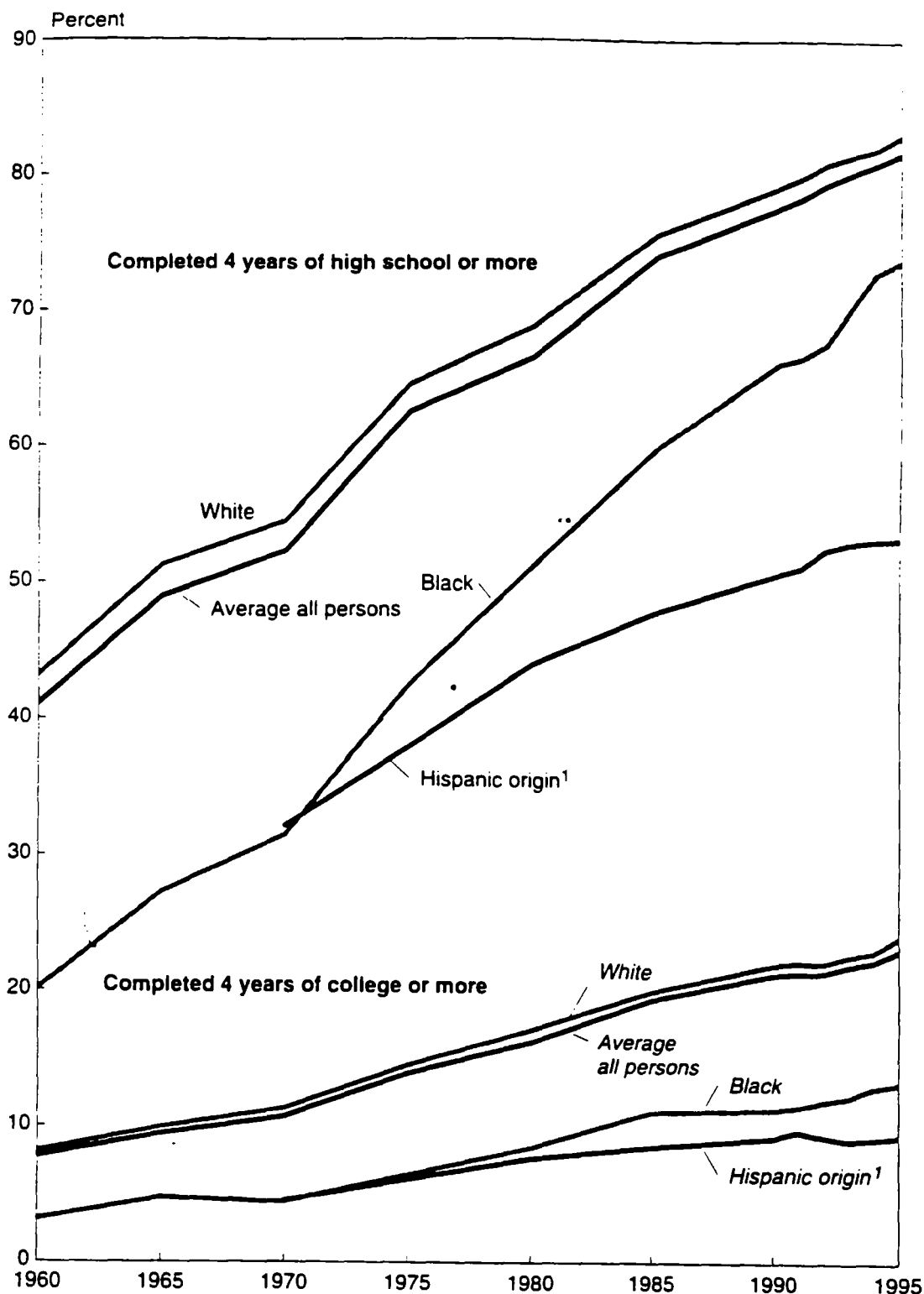
Source: U.S. Bureau of the Census. *Current Population Reports*. P25-1130.

Source: Statistical Abstract of the United States, 1996.

COLLEGE GRADUATION-RATES ARE INCREASING MORE SLOWLY FOR BLACK AND HISPANIC AMERICANS THAN FOR WHITES

Educational Attainment by Race and Hispanic Origin: 1960 to 1995

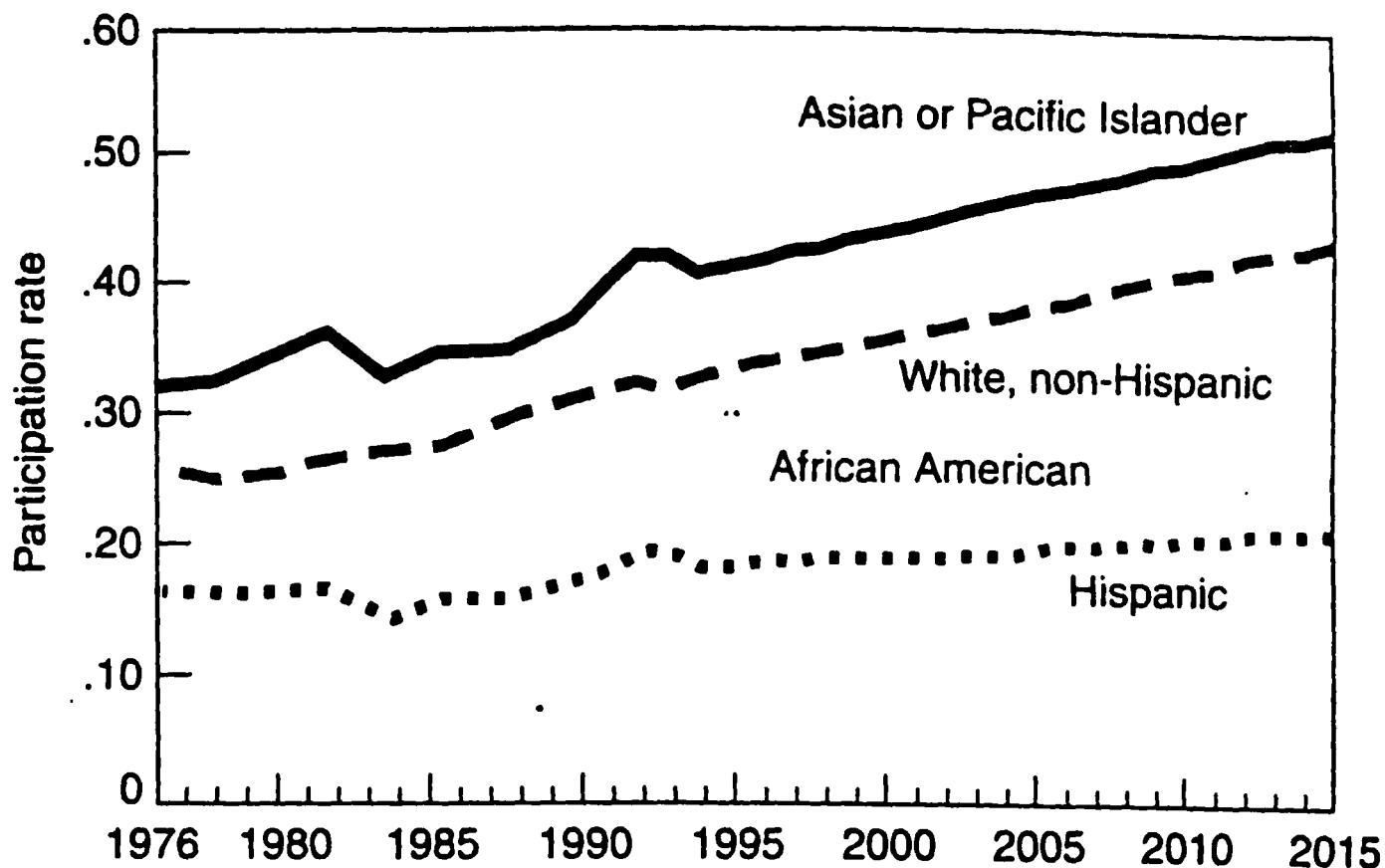
(For persons 25 years old and over)



¹ Persons of Hispanic origin may be of any race. Data for 1960 and 1965 not available for persons of Hispanic origin.
Source: Charts prepared by U.S. Bureau of the Census. For data, see table 241.

Source: Statistical Abstract of the United States, 1996.

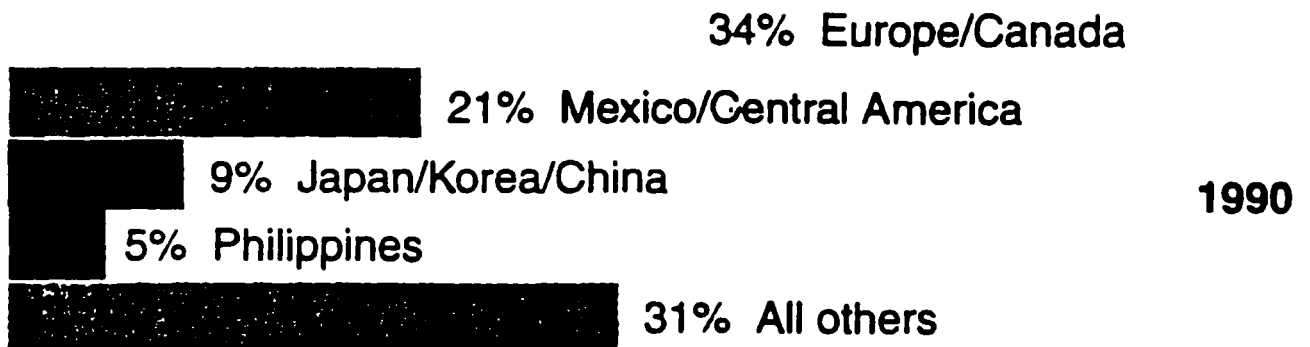
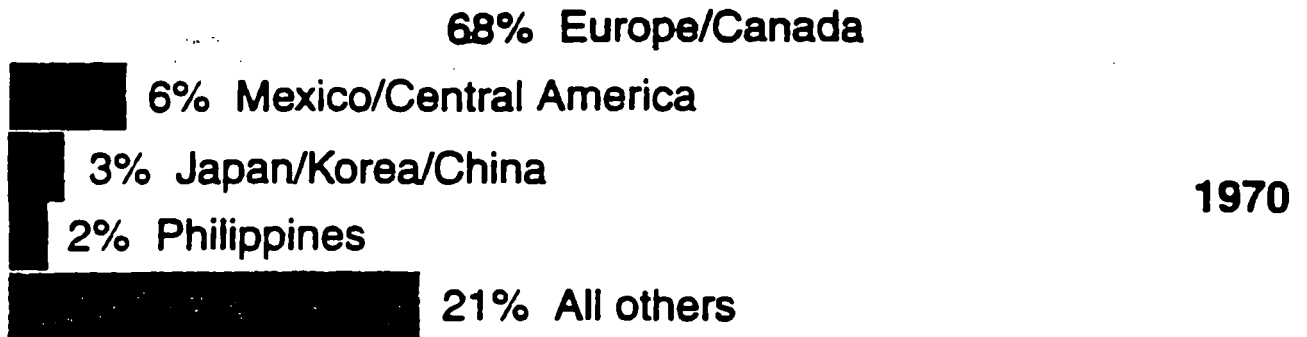
**ASIANS AND WHITES ARE CLIMBING THE LADDER
OF EDUCATIONAL OPPORTUNITY
MUCH FASTER THAN BLACKS AND HISPANICS**



**Rate of Participation of Different Ethnic/Racial
Groups in Higher Education**

Source: Breaking the Social Contract -- The Fiscal Crisis in Higher Education,
Council for Aid to Education (an independent subsidiary of RAND) (1997).

FEWER EUROPEAN IMMIGRANTS,
MORE LATINOS AND ASIANS

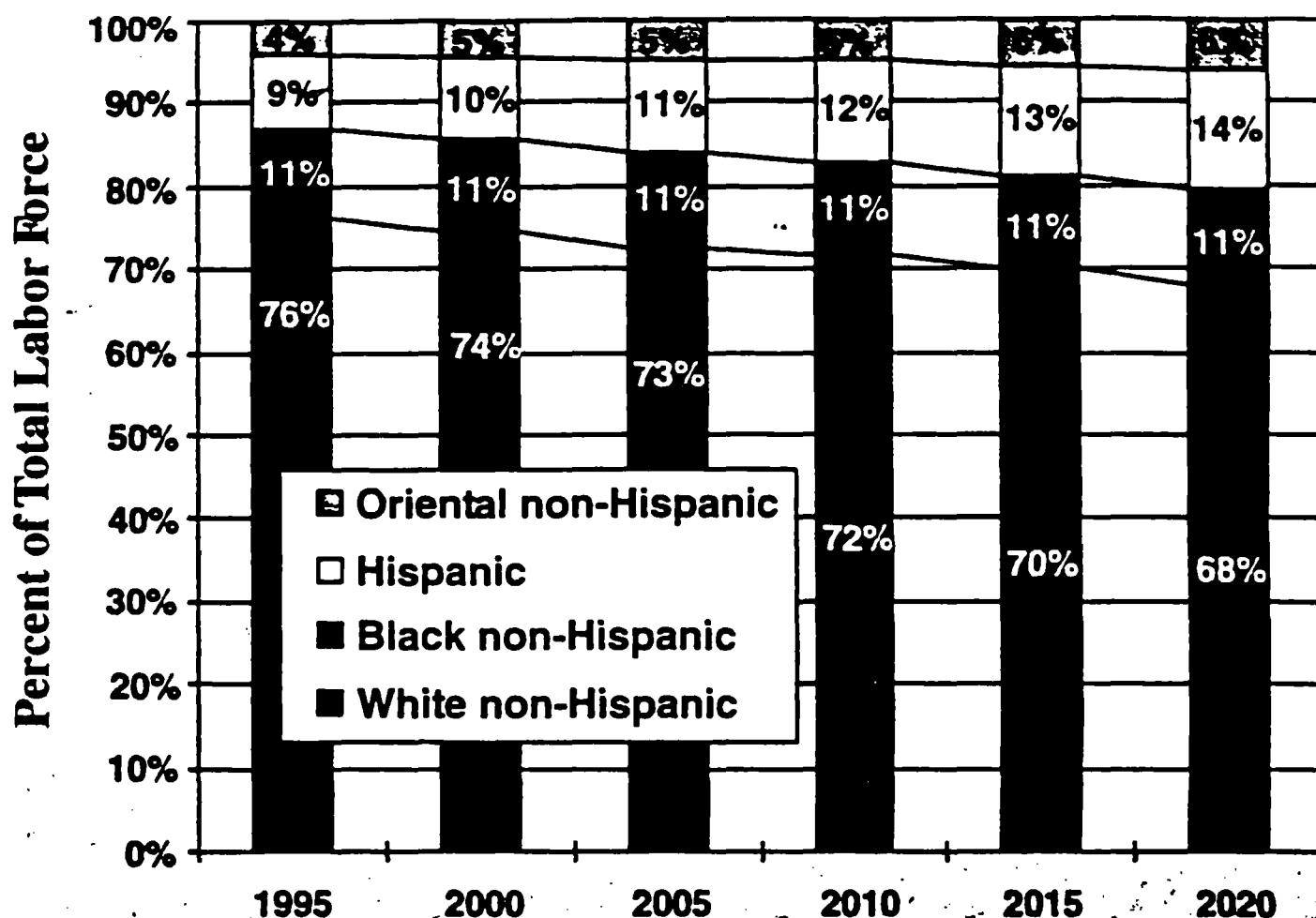


Changing Composition of America's Immigrant Population

Source: Breaking the Social Contract -- The Fiscal Crisis in Higher Education,
Council for Aid to Education (an independent subsidiary of RAND) (1997).

THE ETHNIC COMPOSITION OF THE AMERICAN WORKFORCE IS GRADUALLY CHANGING

COMPOSITION OF THE AMERICAN WORKFORCE,
BY ETHNIC GROUP, PERCENT, 1995-2020 (PROJECTED)



Sources: Bureau of Labor Statistics projections to 2005;
Hudson Institute projections 2010-2020

WHILE LESS POLITICAL AND MORE JOB-DRIVEN THAN BEFORE, FRESHMEN WANT BETTER RACIAL UNDERSTANDING

Values Important to College Freshmen (% Indicating Essential or Very Important)¹

	Boomer Years			13th Generation		
	1966	1972	1978	1980	1985	1992
Creativity						
-Accomplished performing arts	11	12	13	12	11	11
Contribution to science	13	11	14	15	13	18
-Write original works	15	17	14	14	11	12
-Creating artistic work	15	17	14	14	11	12
Professional Life						
-Authority in field	66	61	73	73	71	69
Recognition for contribution	43	37	50	54	55	55
Expert-finance/commerce	13	16	—	—	26	—
Administrative responsibility	29	24	36	39	43	41
→Successful own business	53	45	48	49	52	42
Personal Well-Being						
*Well-off financially	44	41	60	63	71	73
- Develop philosophy of life	83 ²	71	56	59	43	46
Raise a family	71 ³	65	62	63	70	71
Political Involvement						
- Political affairs	58	49	37	40	38 ⁴	39
Influence political structure	—	46	15	16	16	20
- Participate in community action	—	29	27	27	26	26
Becoming a community leader	26	15	—	—	—	31
Social Involvement						
- Help others	69	67	65	65	63	63
→Racial understanding	—	—	34	33	32	42
*Influence social values	—	30	31	32	33	43
Environmental action	—	45	27	27	20	34

1980-92

- = DECREASE

* = 10 POINT
OR GREATER
INCREASE

¹Source: Astin, A.W., Green, K.C., and Korn, W.S. 1987. *The American Freshman: Twenty Year Trends, 1966-1985*. The Higher Education Research Institute and American Council on Education. Los Angeles: University of California. "The American Freshman: National Norms for Fall 1992." The Higher Education Research Institute and American Council on Education. Los Angeles: University of California as reported in the *Chronicle of Higher Education*. 1994. The Almanac of Higher Education. Chicago: University of Chicago Press. ²1967 data. ³1969 data. ⁴1984 data.

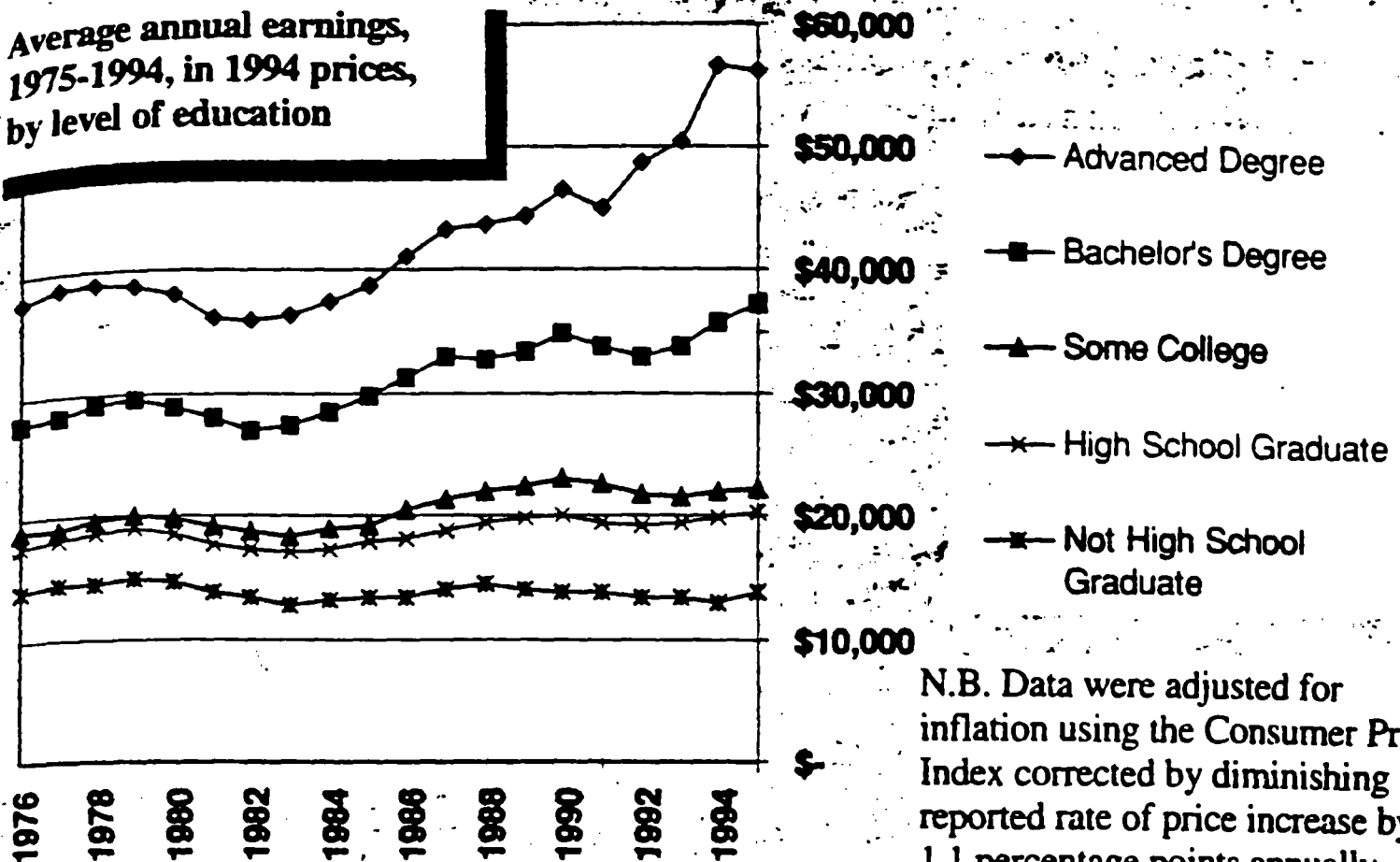
Source: Philip D. Gardner, Collegiate Employment Research Institute, Michigan State University, "Demographic and Attitudinal Trends: The Increasing Diversity of Today's and Tomorrow's Learner" (1994).

THE ECONOMIC VALUE OF HIGHER EDUCATION

COLLEGE AND ADVANCED DEGREES ARE A TERRIFIC INVESTMENT

ON AVERAGE, BETTER EDUCATED WORKERS EARN BETTER

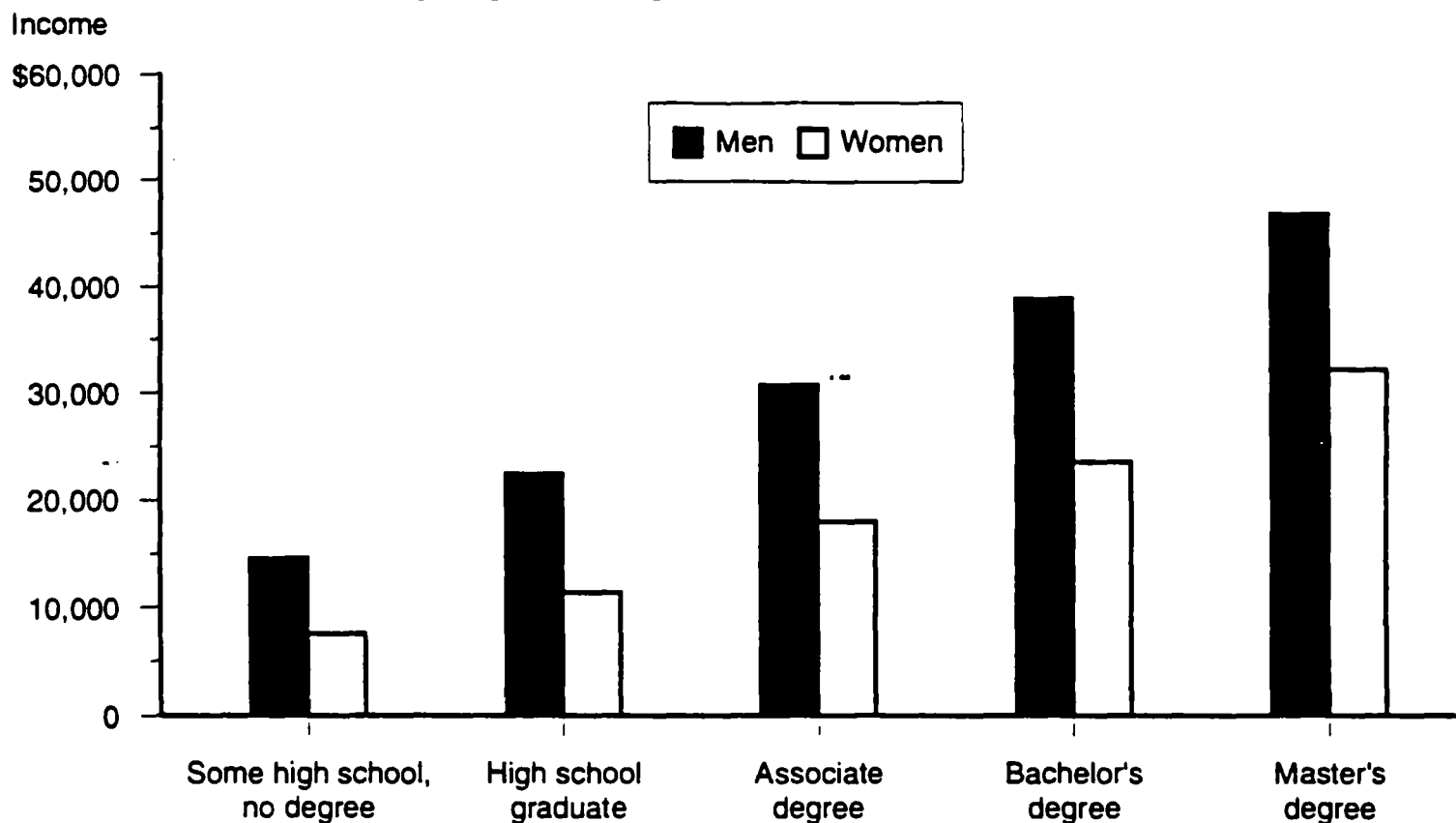
Average annual earnings,
1975-1994, in 1994 prices,
by level of education



N.B. Data were adjusted for inflation using the Consumer Price Index corrected by diminishing the reported rate of price increase by 1.1 percentage points annually.

Source: Census Bureau and Bureau of Labor Statistics

**Median annual earnings of workers 25 years old and over,
by highest degree attained and sex: 1994**



SOURCE: U.S. Department of Commerce, Bureau of the Census, *Current Population Reports, Series P-60, Monthly Income of Households, Families, and Persons in the United States: 1994*.

Source: U.S. Dept. of Education, Digest of Education Statistics (1996).

JOB TRENDS

HOW WELL PREPARED WILL AMERICANS BE
FOR THE MILLIONS OF NEW JOBS?

U.S. JOB GROWTH TO 2005

(Based on BLS projections. Numbers are in thousands.)

Total employment in 1994		127,014
<i>Minus:</i> Jobs vacated due to retirements and other departures from the labor force between 1994 and 2005	31,937	
<i>Plus:</i> Replacements to fill those vacated jobs between 1994 and 2005.	29,491	
<i>Plus:</i> Jobs added due to economic growth between 1994 and 2005	20,140	
<i>Equals:</i> Total employment in 2005		144,708
<i>Minus:</i> Employment in 1994	127,014	
<i>Equals:</i> Net job growth between 1994 and 2005		17,694

Note that the total number of jobs to be newly filled between 1994 and 2005 consists of replacements (29,491 thousand) plus jobs added due to economic growth (20,140 thousand) for a total of 49,631 jobs. That is much larger than net job growth (17,694 thousand).

Source: Bureau of Labor Statistics N.B. 2005 is the last year for which the BLS has prepared projections.

HEALTH CARE JOBS WILL BOOM; OLD-TECHNOLOGY JOBS WILL FADE

Employment Projections, by Occupation

Civilian Employment in the Fastest Growing and Fastest Declining Occupations: 1994 to 2005

(Occupations are in order of employment percent change 1994-2005 (moderate growth). Includes wage and salary jobs, self-employed, and unpaid family members. Estimates based on the Current Employment Statistics estimates and the Occupational Employment Statistics estimates. See source for methodological assumptions. Minus sign (-) indicates decrease.)

OCCUPATION	EMPLOYMENT (1,000)				PERCENT CHANGE 1994-2005		
	1994	2005 ¹			Low	Mod- erate	High
		Low	Mod- erate	High			
X = HEALTH,							
Total, all occupations ² ELDERLY	127,015	140,261	144,708	150,212	10.4	13.9	18.3
FASTEST GROWING							
X Personal and home care aides	179	382	391	397	114.0	118.7	122.3
X Home health aides	420	832	848	863	98.3	102.0	105.7
X Systems analysts	483	893	928	972	84.9	92.1	101.3
X Computer engineers	195	355	372	394	81.8	90.4	101.9
X Physical and corrective therapy assistants and aides	78	141	142	143	82.3	83.1	84.5
X Electronic pagination systems workers	18	32	33	34	77.2	82.8	88.2
X Occupational therapy assistants and aides	16	28	29	29	80.0	82.1	86.5
X Physical therapists	102	182	183	185	78.9	80.0	81.9
X Residential counselors	165	284	290	295	72.7	76.5	79.5
X Human services workers	168	284	293	303	68.8	74.5	80.0
X Occupational therapists	54	91	93	95	68.7	72.2	77.3
X Manicurists	38	63	64	64	68.7	69.5	69.9
X Medical assistants	206	329	327	324	59.9	59.0	57.9
X Paralegals	110	170	175	179	54.3	58.3	62.4
X Medical records technicians	81	125	126	130	53.5	55.8	59.8
X Teachers, special education	388	545	593	648	40.6	53.0	67.2
X Amusement and recreation attendants	267	398	406	414	49.2	52.0	55.2
X Correction officers	310	430	468	513	38.5	50.9	65.2
X Operations research analysts	44	65	67	69	45.5	50.0	55.8
X Guards	867	1,248	1,282	1,322	44.0	47.9	52.5
X Speech-language pathologists and audiologists	85	120	125	130	40.3	46.0	52.8
X Detectives, except public	55	77	79	80	41.7	44.3	47.2
X Surgical technologists	46	64	65	68	39.3	42.5	48.6
X Dental hygienists	127	182	180	178	43.3	42.1	40.1
X Dental assistants	190	271	269	266	43.1	41.9	40.0
X Adjustment clerks	373	505	521	540	35.1	39.6	44.6
X Teacher aides and educational assistants	932	1,211	1,296	1,393	29.9	39.0	49.5
X Data processing equipment repairers	75	100	104	108	33.3	38.2	44.1
X Nursery and greenhouse managers	19	26	26	26	38.3	37.5	37.3
X Securities and financial services sales workers	246	328	335	343	33.6	36.6	39.5
X Bill and account collectors	250	334	342	351	33.3	36.5	40.1
X Respiratory therapists	73	96	99	104	32.3	36.4	43.8
X Pest controllers and assistants	56	75	76	78	33.2	35.6	38.6
X Emergency medical technicians	138	178	187	197	29.0	35.6	42.6
FASTEST DECLINING							
X Letterpress operators X = TECHNOLOGY CHANGE	14	4	4	4	-72.2	-71.3	-70.5
X Typesetting and composing machine operators ³	20	6	6	6	-72.0	-71.1	-70.2
X Directory assistance operators	33	10	10	10	-71.5	-70.4	-69.4
X Station installers and repairers, telephone	37	10	11	11	-71.5	-70.4	-69.4
X Central office operators	48	14	14	15	-71.4	-70.3	-69.2
X Billing, posting, and calculating machine operators	96	32	32	33	-67.2	-66.7	-66.1
X Data entry keyers, composing	19	6	6	7	-67.7	-66.6	-65.5
X Shoe sewing machine operators and tenders	14	4	5	7	-70.9	-63.6	-53.8
X Roustabouts	28	13	13	16	-54.2	-55.0	-43.5
X Peripheral EDP equipment operators	30	13	13	14	-56.9	-54.8	-52.3
X Cooks, private household	9	5	5	4	-48.1	-49.2	-50.5
X Motion picture projectionists	8	4	4	4	-46.4	-47.3	-48.0
X Rail yard engineers, dinky operators, and hostlers	6	3	4	4	-44.3	-40.4	-36.5
X Central office and PBX installers and repairers	84	50	51	53	-41.0	-39.1	-37.1
X Computer operators, except peripheral equipment	259	157	162	168	-39.6	-37.7	-35.3
X Statement clerks	25	15	16	16	-39.8	-37.7	-35.5
X Housekeepers and butlers	20	13	12	12	-36.1	-37.5	-39.1
X Drilling/boring machine tool setters and set-up operators ⁴	45	28	30	32	-38.1	-34.9	-29.6
X Fitters, structural metal, precision	14	9	9	10	-38.3	-34.6	-29.4
X Mining, quarrying, and tunneling occupations	18	11	12	13	-39.5	-33.9	-27.8
X Typists and word processors	646	418	434	452	-35.2	-32.8	-30.0
X Photoengraving and lithographic machine operators ³	5	3	3	3	-33.7	-32.1	-30.5
X Boiler operators and tenders, low pressure	18	12	12	13	-34.5	-31.9	-29.1
X Railroad brake, signal, and switch operators	19	12	13	14	-35.8	-30.8	-26.1
X Lathe and turning machine tool setters and set-up operators ⁴	71	47	50	54	-34.2	-30.6	-24.9
X Cement and gluing machine operators and tenders	36	24	25	27	-34.0	-30.1	-25.3
X EKG technicians	16	11	11	12	-31.5	-29.7	-26.6
X Machine tool cutting operators and tenders, metal and plastic	119	80	85	92	-32.8	-28.9	-22.8
X Paste-up workers	22	16	16	17	-30.1	-27.8	-25.7
X Shoe and leather workers and repairers, precision	24	16	17	19	-33.8	-27.6	-19.4
X Bank tellers	559	391	407	423	-30.1	-27.3	-24.4

¹ Based on low, moderate, or high trend assumptions. ² Includes other occupations, not shown separately. ³ Includes tenders. ⁴ Includes metal and plastic.

Source: U.S. Bureau of Labor Statistics, *Monthly Labor Review*, November 1995.

Source: Statistical Abstract of the United States, 1996.

SOCIAL, BUSINESS, AND MECHANICAL SERVICE WORK WILL INCREASE

Employment by Selected Industry, With Projections: 1983 to 2005

[Figures may differ from those in other tables since these data exclude establishments not elsewhere classified (SIC 99) in addition, agriculture services (SIC 074, 5, 8) are included in agriculture, not services. See source for details. Minus sign (-) indicates decrease.]

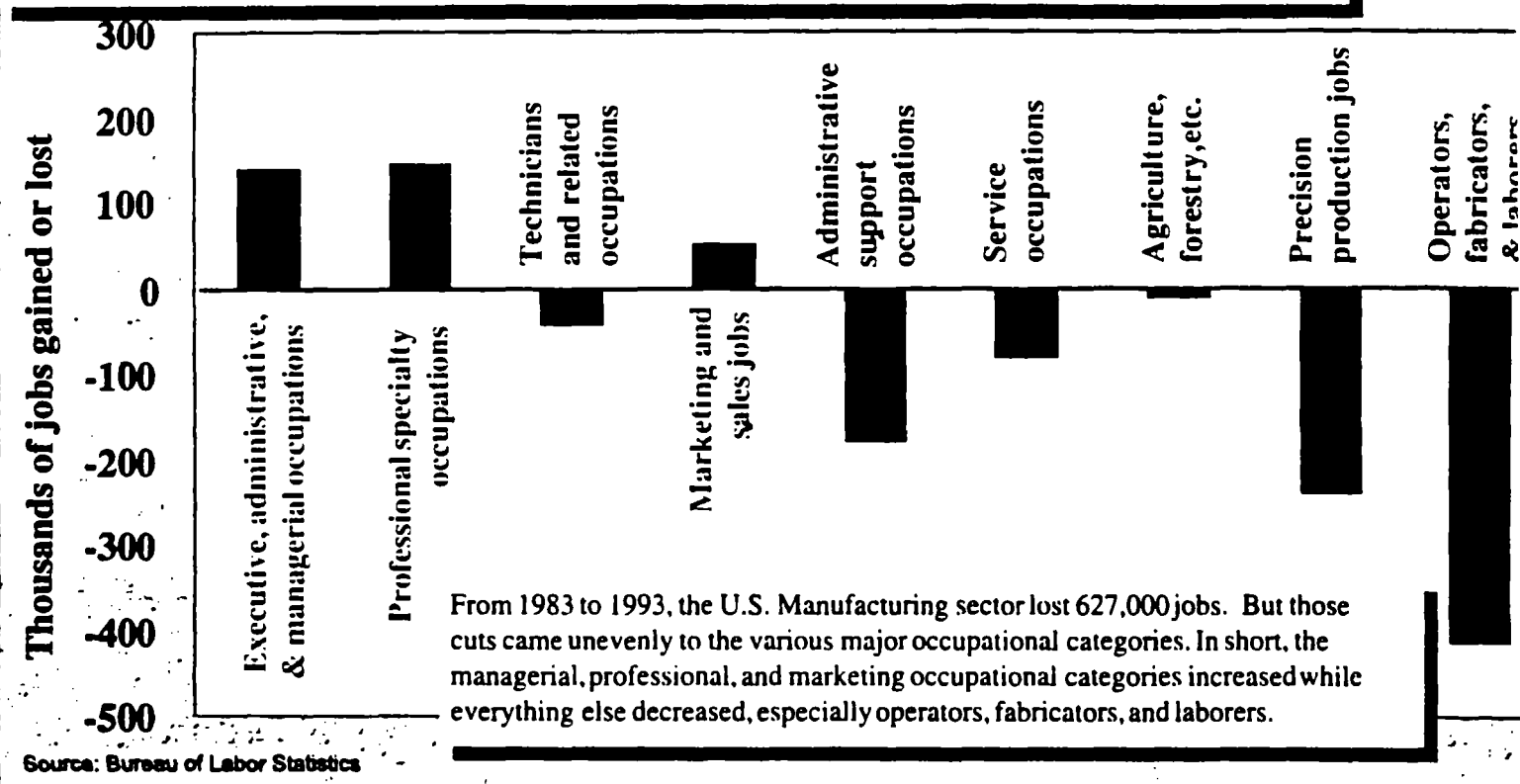
INDUSTRY	1987 SIC code	EMPLOYMENT (1,000)			ANNUAL GROWTH RATE	
		1983	1994	2005 proj.	1983- 1994	1994- 2005, proj.
Total	(X)	102,404	127,014	144,708	2.0	1.2
Nonfarm wage and salary	(X)	89,734	113,340	130,185	2.1	1.3
Goods-producing (excluding agriculture)	(X)	23,328	23,914	22,930	0.2	-0.4
Mining	10-14	952	601	439	-4.1	-2.6
Construction	15,16,17	3,946	5,010	5,500	2.2	0.9
Manufacturing	20-39	18,430	18,304	16,991	-0.1	-0.7
Durable manufacturing	24,25,32-39	10,707	10,431	9,290	-0.2	-1.0
Lumber and wood products	24	670	752	685	1.1	-0.9
Furniture and fixtures	25	448	502	515	1.0	0.2
Stone, clay and glass products	32	541	533	434	-0.1	-1.8
Primary metal industries	33	832	699	532	-1.6	-2.5
Blast furnaces/basic steel products	331	341	239	155	-3.2	-3.9
Fabricated metal products	34	1,368	1,387	1,181	0.1	-1.5
Industrial machinery and equipment	35	2,052	1,985	1,769	-0.3	-1.0
Computer equipment	357	474	351	263	-2.7	-2.6
Electronic and other electric equipment ³	36	1,704	1,571	1,408	-0.7	-1.0
Communications equipment	366	279	244	210	-1.2	-1.3
Electronic components	367	563	544	553	-0.3	0.1
Transportation equipment	37	1,731	1,749	1,567	0.1	-1.0
Motor vehicles and equipment	371	754	899	775	1.6	-1.3
Instruments and related products ³	38	990	863	798	-1.2	-0.7
Measuring/controlling devices	382	300	284	248	-0.5	-1.2
Medical instruments and supplies	384	198	265	306	2.7	1.3
Miscellaneous manufacturing industries	39	370	391	404	0.5	0.3
Nondurable manufacturing	20-23,26-31	7,723	7,873	7,700	0.2	-0.2
Food and kindred products	20	1,612	1,680	1,696	0.4	0.1
Tobacco manufactures	21	68	42	26	-4.2	-4.2
Textile mill products	22	742	673	568	-0.9	-1.5
Apparel and other textile products	23	1,163	969	772	-1.6	-2.1
Paper and allied products	26	654	691	708	0.5	0.2
Printing and publishing	27	1,298	1,542	1,627	1.6	0.5
Chemicals and allied products	28	1,043	1,061	1,067	0.2	0.1
Petroleum and coal products	29	196	149	140	-2.4	-0.5
Rubber/misc. plastics products	30	743	952	1,030	2.3	0.7
Leather and leather products	31	205	114	65	-5.2	-4.9
Service producing	(X)	66,407	89,425	107,256	2.7	1.7
Transportation, communications, utilities	40-42,44-49	4,958	6,006	6,431	1.8	0.6
Transportation	40-42,44-47	2,748	3,775	4,251	2.9	1.1
Communications	48	1,324	1,305	1,235	-0.1	-0.5
Electric, gas, and sanitary services	49	887	927	945	0.4	0.2
Wholesale trade	50,51	5,283	6,140	6,559	1.4	0.6
Retail trade	52-59	15,587	20,438	23,094	2.5	1.1
Eating and drinking places	58	5,038	7,069	8,089	3.1	1.2
Finance, insurance, and real estate	60-67	5,466	6,933	7,373	2.2	0.6
Services	70-87,89	19,242	30,792	42,810	4.4	3.0
Hotels and other lodging places	70	1,172	1,618	1,899	3.0	1.5
Personal services	72	869	1,139	1,374	2.5	1.7
Business services ³	73	2,948	6,239	10,032	7.1	4.4
Advertising	731	171	224	250	2.5	1.0
Services to buildings	734	559	855	1,350	3.9	4.2
Personnel supply services	736	619	2,254	3,564	12.5	4.3
Computer and data processing services	737	416	950	1,611	7.8	4.9
Auto repair, services, and garages	75	619	971	1,345	4.2	3.0
Miscellaneous repair shops	76	287	334	400	1.4	1.7
Motion pictures	78	268	471	591	5.3	2.1
Video tape rental	784	54	138	165	8.9	1.7
Amusement and recreation services	79	853	1,344	1,844	4.2	2.9
Health services	80	5,986	9,001	12,075	3.8	2.7
Offices of health practitioners	801,2,3,4	1,503	2,546	3,525	4.9	3.0
Nursing and personal care facilities	805	1,106	1,649	2,400	3.7	4.5
Hospitals, private	806	3,037	3,774	4,250	2.0	1.1
Health services, n.e.c. ⁴	807,8,9	341	1,032	1,900	10.6	5.7
Legal services	81	602	927	1,270	4.0	2.9
Educational services	82	1,225	1,822	2,400	3.7	2.5
Social services	83	1,188	2,181	3,639	5.7	4.8
Museums, botanical, zoological gardens	84	43	79	112	5.8	3.2
Membership organizations	86	1,510	2,059	2,336	2.9	1.2
Engineering, management, and services	87,89	1,673	2,607	3,494	4.1	2.7
Government	(X)	15,870	19,117	20,990	1.7	0.9
Federal government	(X)	2,774	2,870	2,635	0.3	-0.8
State and local government	(X)	13,096	16,247	18,355	2.0	1.1
Agriculture	01,02,07,08,09	3,508	3,623	3,399	0.3	-0.6
Private households	88	1,247	966	800	-2.3	-1.7
Nonagriculture self-employed and unpaid family	(X)	7,914	9,085	10,324	1.3	1.2

X Not applicable. ¹ 1987 Standard Industrial Classification; see text, section 13. ² Based on assumptions of moderate growth; see source. ³ Includes other industries, not shown separately. ⁴ N.e.c. means not elsewhere classified.

Source: U.S. Bureau of Labor Statistics, *Monthly Labor Review*, November 1995.

Source: Statistical Abstract of the United States, 1996.

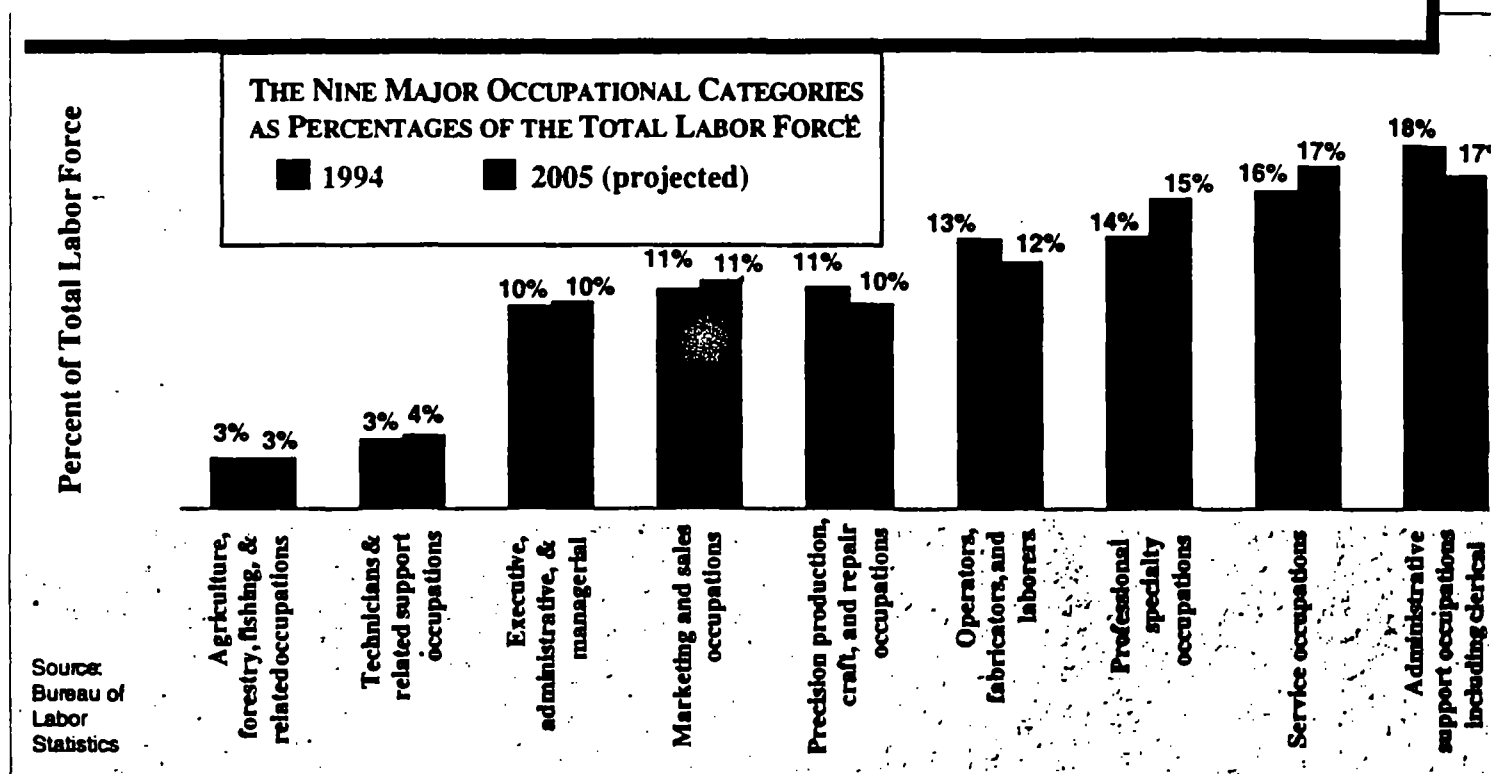
**ALTHOUGH MANUFACTURING EMPLOYMENT AS A WHOLE DROPPED FROM 1983-1993,
MANAGERIAL, PROFESSIONAL, AND MARKETING JOBS ACTUALLY INCREASED**



Source: 2020: Work and Workers in the 21st Century (The Hudson Institute) (1997).

SERVICE, ADMINISTRATIVE, AND PROFESSIONAL WORKERS WILL BE A LARGER PART OF THE WORKFORCE

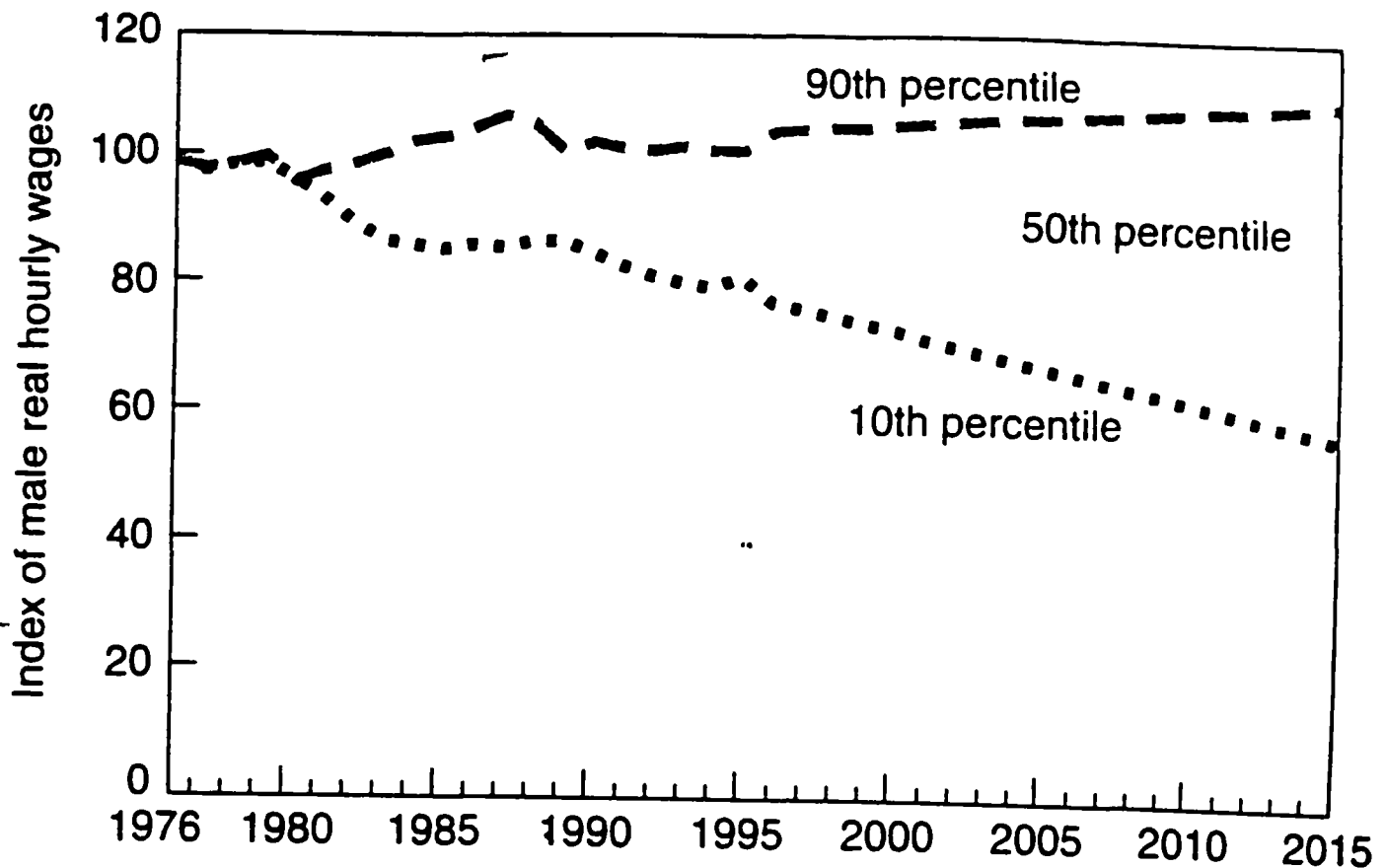
THE RELATIVE SIZES OF THE MAJOR OCCUPATIONAL CATEGORIES WILL CHANGE GRADUALLY



Source: 2020: Work and Workers in the 21st Century (The Hudson Institute) (1997).

INCOME TRENDS

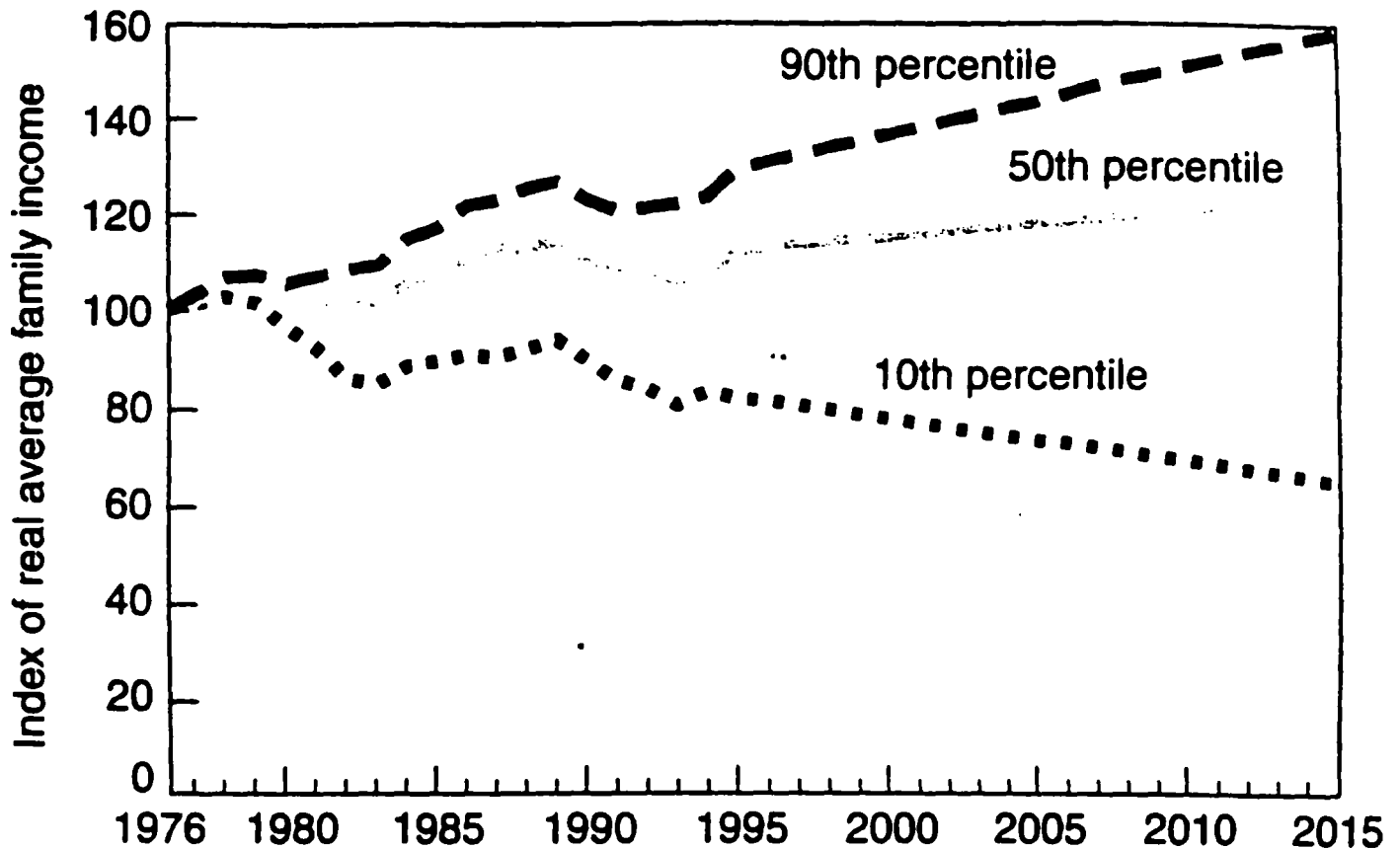
THE GAP BETWEEN HIGH-PAID AND LOW-PAID
WORKERS IS INCREASING



Long-Term Trends in Hourly Wages of Male Workers

Source: Breaking the Social Contract -- The Fiscal Crisis in Higher Education,
Council for Aid to Education (an independent subsidiary of RAND) (1997).

THE GAP BETWEEN AFFLUENT AND POOR FAMILIES
IS INCREASING



Long-Term Trends in Family Earnings

Source: Breaking the Social Contract -- The Fiscal Crisis in Higher Education, Council for Aid to Education (an independent subsidiary of RAND) (1997).

FRESHMEN INCREASINGLY BELIEVE GRADUATE SCHOOL ESSENTIAL TO ECONOMIC SECURITY

Important Reasons Cited by College Freshmen (in %) For Going to College: Selected Years¹

	1971	1978	1982	1985	1992
* Parents wanted me to go	23	29	33	—	34
Could not find a job	—	4	7	—	8
Get away from home	—	8	10	—	15
Get a better job	74	75	78	—	78
Gain general education	59	68	66	61	62
* Improving reading/study skills	22	38	39	40	41
Become more cultured	29	34	34	33	38
** Make more money	50	60	70	70	73
Learn things that interest me	69	74	72	73	73
** Prepare for graduate school	34	44	45	46	55
Mentor encouraged me to go	—	—	—	—	14
Meet new/interesting people	45	57	55	—	—
Nothing else to do	2	2	2	2	—

* = AT LEAST
10% INCR

** AT LEAST
20% INCR

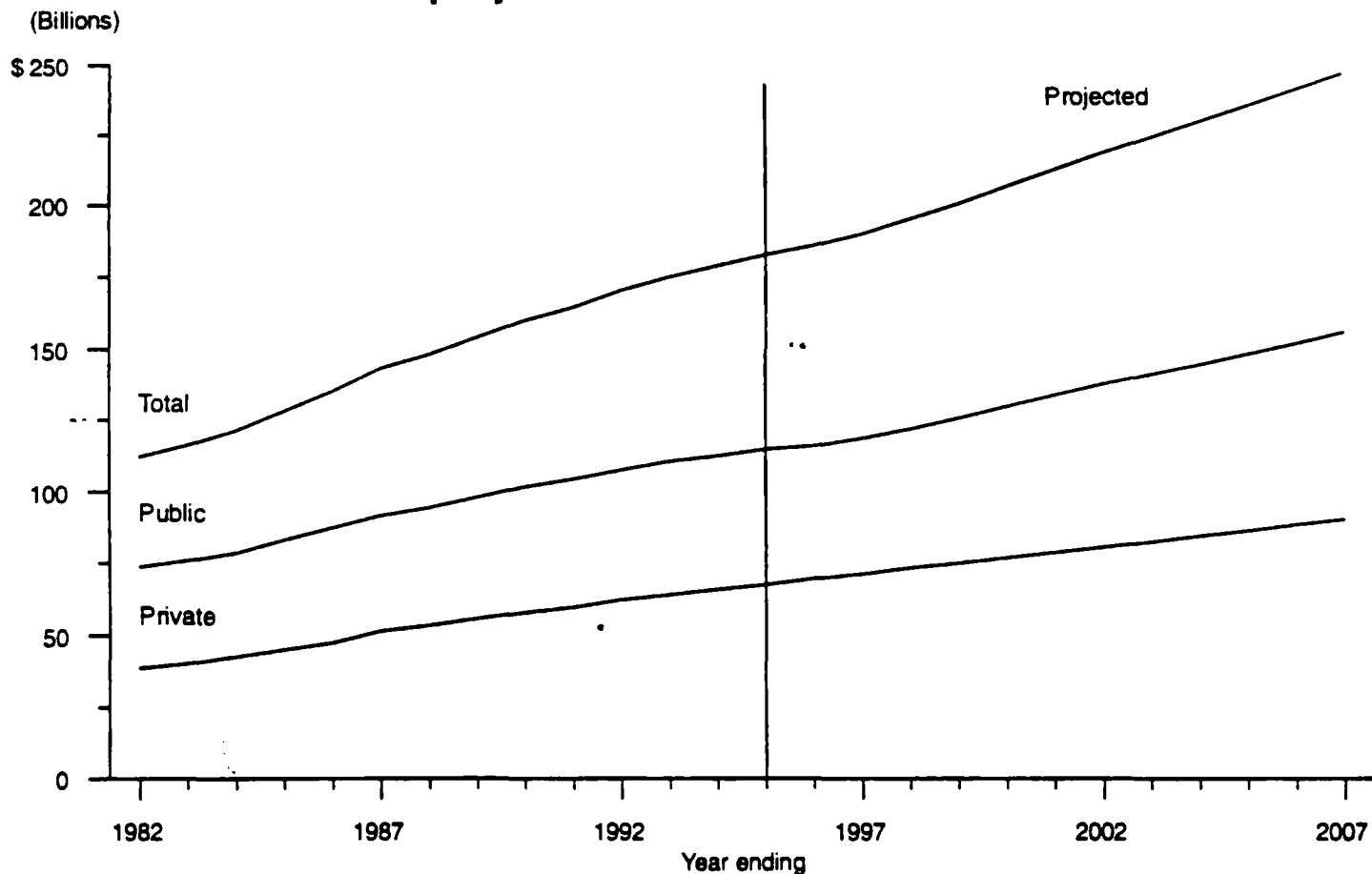
¹Source: Astin, A.W., Green, K.C., and Korn, W.S. 1987. The American Freshman: Twenty Year Trends, 1966-1985. The Higher Education Research Institute and American Council on Education. Los Angeles: University of California. "The American Freshman: National Norms for Fall 1992." The Higher Education Research Institute and American Council on Education. Los Angeles: University of California as reported in the Chronicle of Higher Education. 1994. The Almanac of Higher Education. Chicago: University of Chicago Press.

Source: Philip D. Gardner, Collegiate Employment Research Institute, Michigan State University, "Demographic and Attitudinal Trends: The Increasing Diversity of Today's and Tomorrow's Learner" (1994).

SOURCES OF FUNDS

EXPENDITURES AT PUBLIC AND PRIVATE INSTITUTIONS
WILL INCREASE AT ABOUT THE SAME RATE,
ALTHOUGH PRIVATE ENROLLMENTS WILL BE FLAT

**Current-fund expenditures of public and private institutions
of higher education (in constant 1994-95 dollars), with middle alternative
projections: 1981-82 to 2006-07**



Source: U.S. Dept. of Education, Projections of Education Statistics to 2007 (1997).

THE COST OF EDUCATING A PUBLIC UNIVERSITY STUDENT WILL INCREASE MUCH MORE THAN INFLATION

Educational and General Expenditures and Educational
and General Expenditures per Full-Time-Equivalent (FTE)
Student of Public Four-Year Institutions, With Alternative
Projections: 50 States and Washington, D.C., 1979-1980 to
2004-2005¹

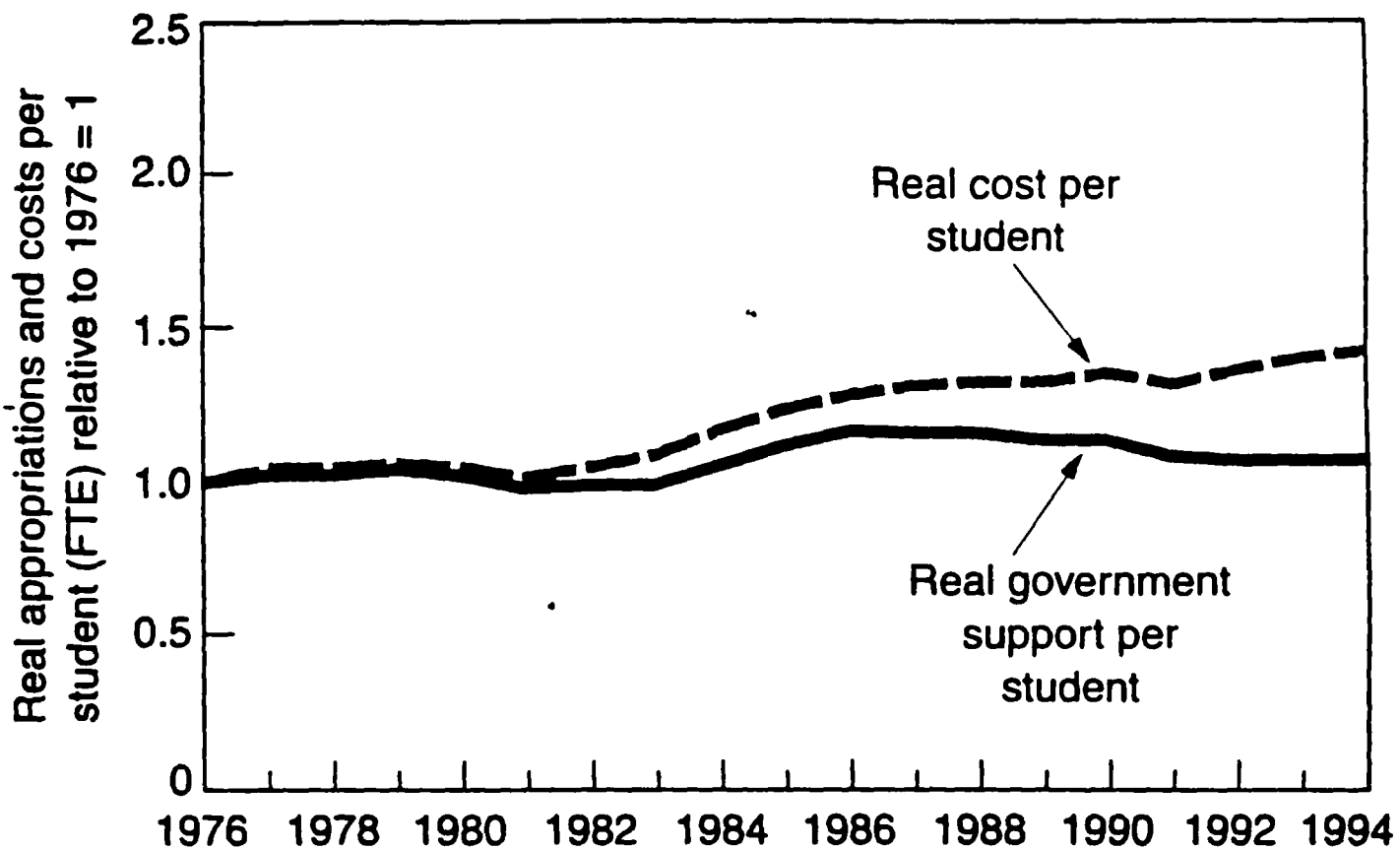
Year ending	Full-time-equivalent enrollment (in thousands)	Current-fund expenditures			
		Constant 1992-93 dollars ¹		Current dollars	
		Total (in billions)	Per student in FTE	Total (in billions)	Per student in FTE
1980	4,059	\$44.6	\$10.993	\$24.3	\$5.985
1981	4,158	44.6	10.723	27.1	6.515
1982	4,209	44.5	10.579	29.4	6.986
1983	4,221	45.6	10.796	31.4	7.434
1984	4,266	47.3	11.087	33.8	7.917
1985	4,238	50.3	11.859	37.3	8.800
1986	4,240	53.2	12.545	40.6	9.580
1987	4,295	55.7	12.976	43.5	10.130
1988	4,396	57.8	13.143	47.0	10.686
1989	4,506	59.7	13.252	50.8	11.270
1990	4,620	62.1	13.433	55.3	11.968
1991	4,740	63.1	13.302	59.3	12.504
1992	4,796	64.2	13.392	62.3	12.988
1993 ²	4,800	66.1	13.769	66.1	13.769
1994 ²	4,935	67.8	13.747	69.7	14.116
Middle alternative projections					
1994	4,942	70.0	14.155	74.1	14.998
1995	5,044	72.2	14.304	79.1	15.676
1996	4,942	74.4	15.062	84.4	17.074
1997	4,962	76.7	15.464	90.1	18.162
1998	5,006	78.9	15.758	96.0	19.184
1999	5,077	81.1	15.969	—	—
2000	5,158	83.2	16.135	—	—
2001	5,230	85.3	16.319	—	—
2002	5,294	87.5	16.520	—	—
2003	5,326	89.6	16.832	—	—
2004	5,390	91.9	17.041	—	—
Low alternative projections					
1994	4,942	69.9	14.152	74.7	15.115
1995	5,044	71.9	14.249	80.6	15.970
1996	4,942	74.0	14.967	87.2	17.643
1997	4,962	76.2	15.366	94.6	19.062
1998	5,006	78.4	15.656	102.4	20.455
1999	5,077	80.5	15.856	—	—
2000	5,158	82.6	16.015	—	—
2001	5,230	84.7	16.198	—	—
2002	5,294	86.8	16.399	—	—
2003	5,326	89.0	16.705	—	—
2004	5,390	91.2	16.916	—	—
High alternative projections					
1994	4,942	70.0	14.158	73.9	14.952
1995	5,044	72.5	14.369	78.8	15.614
1996	4,942	75.0	15.177	83.8	16.952
1997	4,962	77.3	15.585	88.9	17.919
1998	5,006	79.5	15.891	94.3	18.836
1999	5,077	81.8	16.113	—	—
2000	5,158	84.0	16.293	—	—
2001	5,230	86.2	16.484	—	—
2002	5,294	88.4	16.694	—	—
2003	5,326	90.6	17.008	—	—
2004	5,390	92.9	17.234	—	—

SOURCE: U.S. Department of Education, National Center for Education Statistics, "Financial Statistics of Institutions of Higher Education" and "Fall Enrollment in Colleges and Universities" surveys. (Table was prepared September 1994.)

NOTE: Projections in current dollars are not shown after 1999 due to the uncertain behavior over the long term.

1. Based on the Consumer Price Index for all urban consumers (from Bureau of Labor Statistics, U.S. Department of Labor).
2. Projected.

GOVERNMENT SUPPORT FOR HIGHER EDUCATION
HAS LAGGED



Government Appropriations to Higher Education over 20 Years

Source: Breaking the Social Contract -- The Fiscal Crisis in Higher Education, Council for Aid to Education (an independent subsidiary of RAND) (1997).

R&D SUPPORT, ESPECIALLY FEDERAL SUPPORT, HAS DECLINED IN CONSTANT DOLLARS

R&D Expenditures: 1960 to 1995

[Includes basic research, applied research, and development. Defense-related outlays comprise all research and development spending by Dept. of Defense, including space activities, and a portion of Department of Energy funds. Space-related outlays are those of the National Aeronautics and Space Administration; they exclude space activities of other Federal agencies, estimated at less than 5 percent of all space research and development spending. Minus sign (-) indicates decrease]

YEAR	CURRENT DOLLARS (bil. dol.)			CONSTANT (1987) DOLLARS ¹		ANNUAL PERCENT CHANGE ³		PERCENT OF TOTAL R&D OUTLAYS				
	Total	Defense space related	Other	Total (bil. dol.)	Percent of GDP ²	Current dollars	Con- stant dollars	Federally funded defense/space-related			Other outlays	
								Total	Defense	Space	Non- Federal	Federal
1960	13.5	7.5	6.0	52.0	2.6	9.4	7.6	55	52	3	35	
1965	20.0	10.8	9.3	70.6	2.9	6.3	3.7	54	33	21	35	
1970	26.1	11.4	14.7	74.6	2.6	2.0	-3.2	44	33	10	43	
1973	30.7	11.9	18.9	74.9	2.3	7.9	1.7	39	32	7	47	
1974	32.9	11.8	21.1	73.9	2.3	7.0	-1.4	36	29	7	49	
1975	35.2	12.3	23.0	72.2	2.2	7.2	-2.3	35	27	7	49	
1976	39.0	13.4	25.6	75.0	2.2	10.8	3.9	34	27	8	49	
1977	42.8	14.3	28.5	76.7	2.2	9.6	2.2	33	27	7	50	
1978	48.1	15.3	32.8	80.1	2.2	12.5	4.4	32	26	6	50	
1979	54.9	16.6	38.4	84.1	2.2	14.2	5.0	30	25	6	51	
1980	62.6	18.4	44.2	87.6	2.3	13.9	4.3	29	24	5	53	
1981	71.9	21.2	50.6	91.4	2.4	14.8	4.3	30	24	5	54	
1982	80.0	24.6	55.4	95.5	2.5	11.3	4.5	31	26	5	54	
1983	89.1	28.3	60.9	102.3	2.6	11.4	7.1	32	27	4	54	
1984	101.2	31.8	69.3	111.2	2.7	13.5	8.7	31	28	3	55	
1985	113.8	37.5	76.3	120.6	2.8	12.5	8.5	33	30	3	54	
1986	119.6	40.5	79.1	123.3	2.8	5.0	2.3	34	31	3	55	
1987	125.4	43.2	82.2	125.4	2.8	4.9	1.7	34	31	3	54	
1988	132.9	43.7	89.2	128.0	2.7	6.0	2.1	33	30	3	55	
1989	141.0	43.4	97.6	130.0	2.7	6.1	1.6	31	27	4	58	
1990	151.5	44.4	107.1	134.1	2.7	7.5	3.2	29	25	4	59	
1991	160.1	42.9	117.2	136.4	2.8	5.6	1.7	27	22	4	62	
1992	164.5	41.1	123.4	136.3	2.7	2.7	-0.1	25	21	4	63	
1993	165.8	40.6	125.2	134.4	2.6	0.8	-1.4	25	21	4	64	
1994, prel.	169.1	41.3	127.8	134.3	2.5	2.0	-0.0	24	20	4	64	
1995, est.	171.0	41.0	130.0	132.1	2.4	1.1	-1.6	24	20	4	65	

¹ Based on GDP implicit price deflator. ² GDP = Gross Domestic Product. ³ Change from immediate prior year.

Source: U.S. National Science Foundation, *National Patterns of R&D Resources*, annual.

Source: Statistical Abstract of the United States, 1996.

UNIVERSITIES ARE SHOULDERING A HEAVIER PART OF THE R&D LOAD

R&D Source of Funds and Performance Sector: 1970 to 1995

[In millions of dollars. See headnote, table 958]

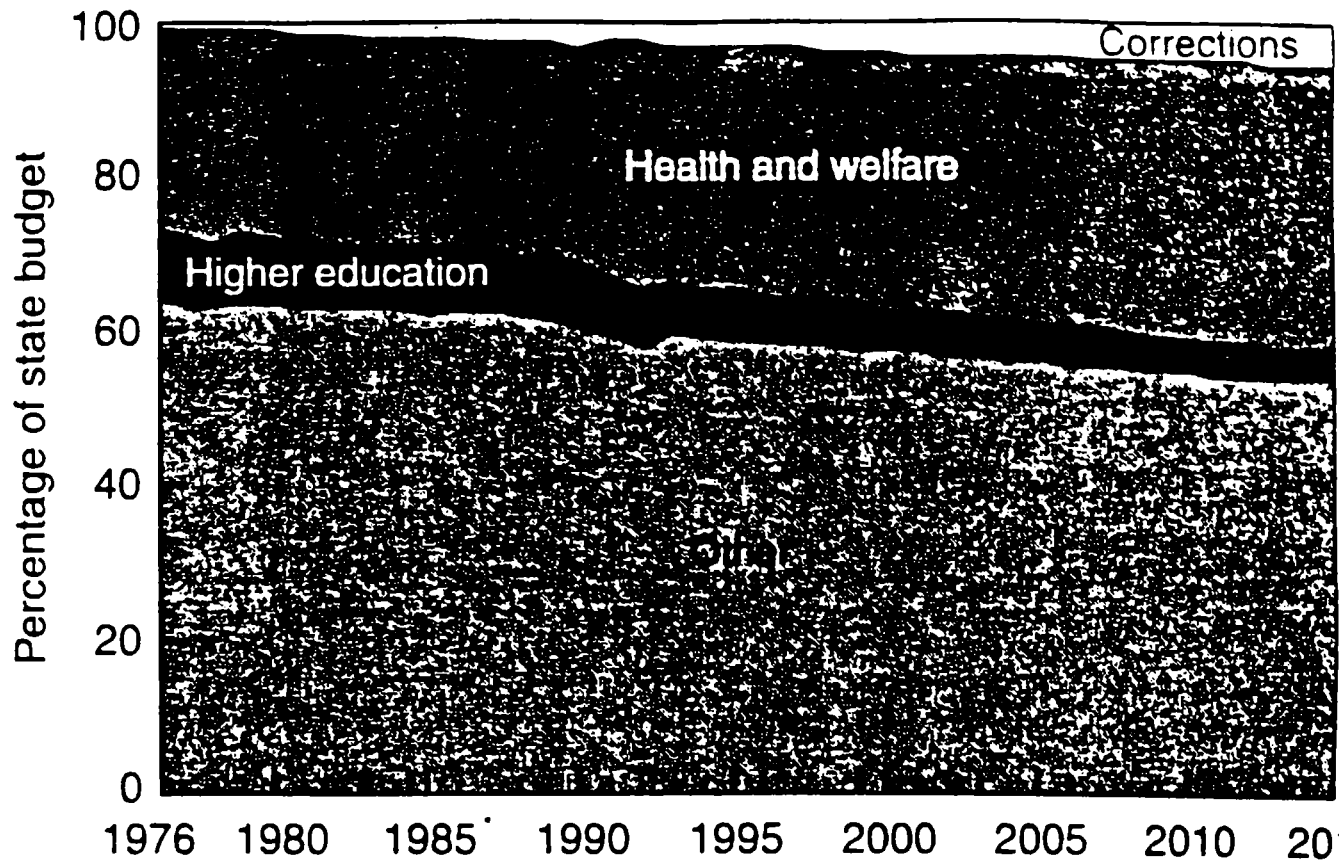
YEAR	Total	SOURCE OF FUNDS				PERFORMANCE SECTOR				
		Federal Govt.	Industry	Univ., col- leges	Other ¹	Federal Govt.	Industry	Univ., col- leges	Associated FFRDC's ²	Other ¹
Current dollars:										
1970	26.134	14.891	10.444	462	337	4.079	18.067	2.335	737	916
1975	35.213	18.109	15.820	749	535	5.354	24.187	3.409	987	1,276
1980	62.596	29.455	30.912	1,326	903	7.632	44.505	6.063	2,246	2,150
1985	113.818	52.127	57.978	2,369	1,344	12.945	84.239	9.686	3,523	3,425
1987	125.376	57.913	62.643	3,192	1,628	13.413	92.155	12.152	4,206	3,450
1988	132.889	59.546	68.044	3,463	1,836	14.281	97.015	13.462	4,531	3,600
1989	140.981	59.893	75.046	3,921	2,121	15.121	102.055	14.975	4,730	4,100
1990	151.544	61.493	83.380	4,329	2,342	16.002	109.727	16.283	4,832	4,700
1991	160.096	60.219	92.485	4,835	2,557	15.238	116.952	17.577	5,079	5,250
1993	165.849	60.224	97.645	5,111	2,869	16,556	118.334	19.911	5,298	5,750
1994, prel.	169.100	61.050	99.650	5,350	3,050	17,200	119.700	20.950	5,250	6,000
1995, est.	171.000	60,700	101.650	5,500	3,150	16,700	121.400	21.600	5,300	6,000
Constant (1987) dollars: ³										
1970	74.597	42.622	29.673	1,335	966	11.789	51.327	6.749	2,130	2,602
1975	72.237	37.396	32.162	1,574	1,105	11.248	49.161	7.162	2,074	2,593
1980	87.649	41.385	43.118	1,878	1,268	10.810	62.071	8.588	3,181	2,999
1985	120.599	55.245	61.418	2,512	1,425	13.727	89.236	10.271	3,736	3,628
1987	125.376	57.913	62.643	3,192	1,628	13.413	92.155	12.152	4,206	3,450
1988	127.991	57.386	65.492	3,343	1,770	13.785	93.373	12.994	4,374	3,465
1989	130.025	55.275	69.169	3,624	1,958	13.975	94.060	13.840	4,372	3,779
1990	134.135	54.587	73.604	3,865	2,079	14.288	96.846	14.538	4,314	4,148
1991	136.385	51.407	78.652	4,143	2,183	13.057	99.449	15.062	4,352	4,464
1993	134.428	48.876	79.069	4,155	2,328	13.460	95.817	16.188	4,307	4,656
1994, prel.	134.292	48.569	79.031	4,066	2,426	12.716	94.925	16.767	4,187	4,758
1995, est.	132.078	46.989	78.381	4,270	2,437	12.966	93.601	16.770	4,115	4,626

¹ Nonprofit institutions. ² University associated federally-funded R&D centers. ³ Based on gross domestic product implicit price deflator.

Source: U.S. National Science Foundation, *National Patterns of R&D Resources*, annual.

source: Statistical Abstract of the United States, 1996.

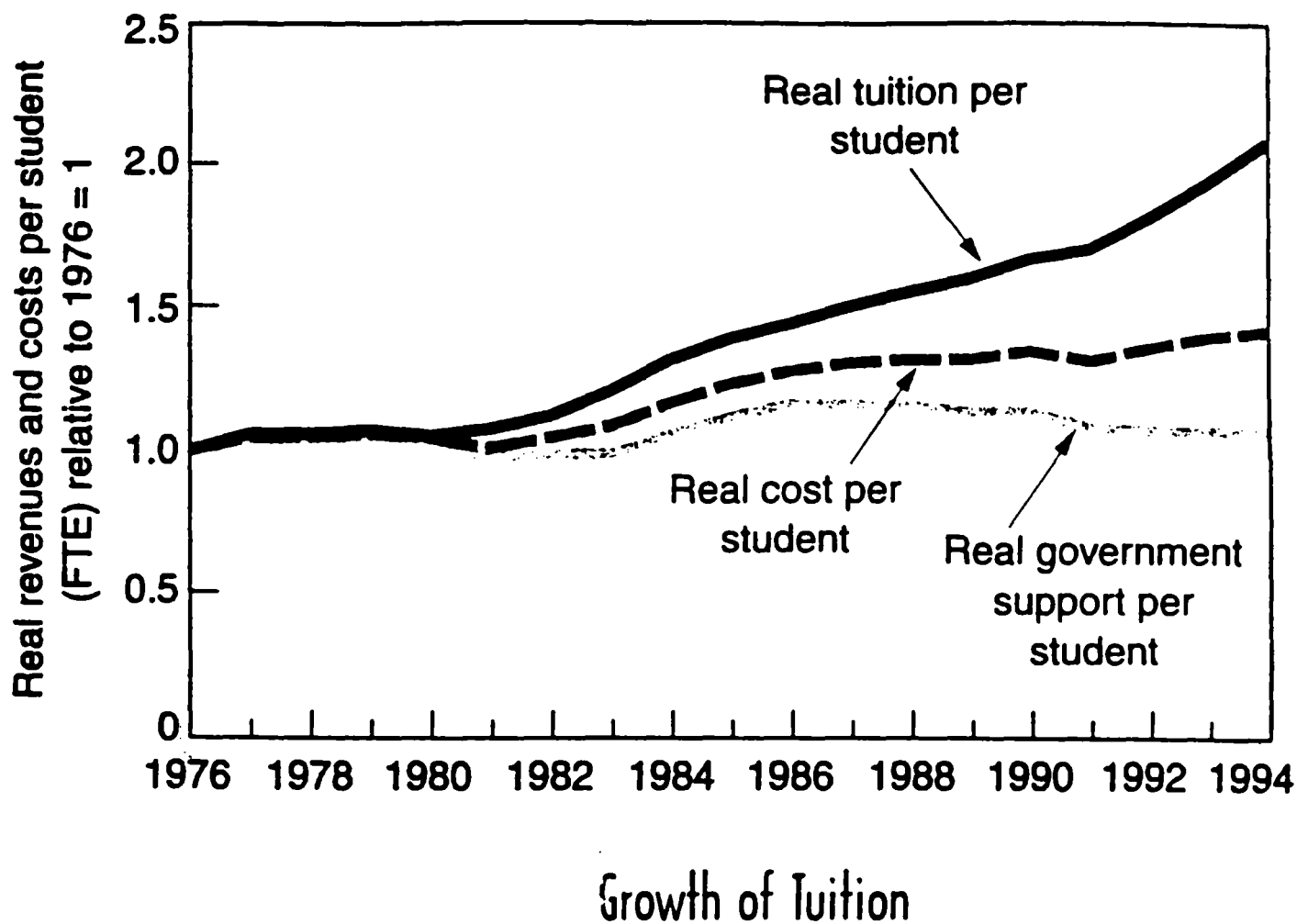
STATES ARE INVESTING IN HEALTH AND PRISONS,
WHILE HIGHER EDUCATION TRAILS



Distribution of State Expenditures

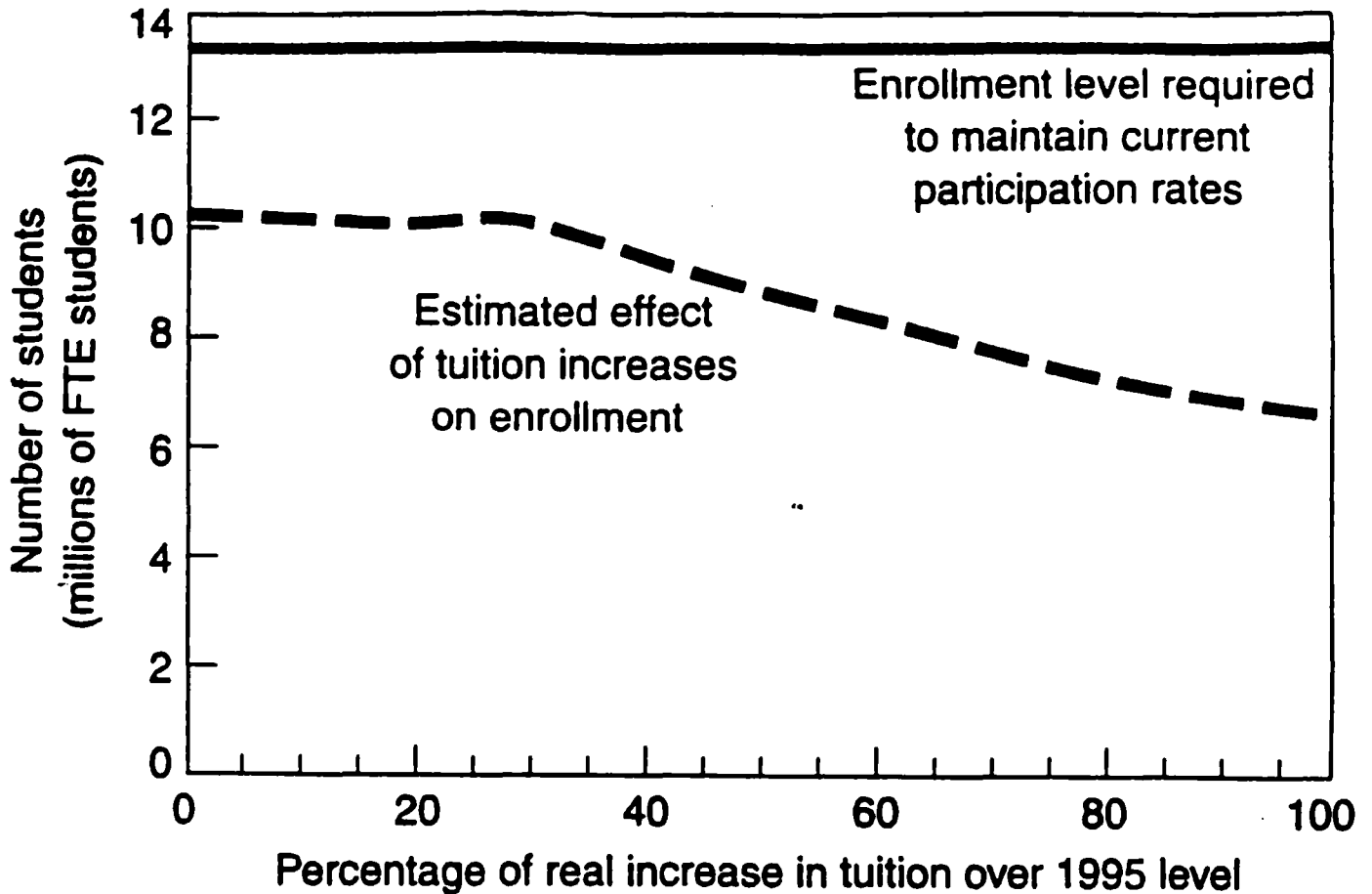
Source: Breaking the Social Contract -- The Fiscal Crisis in Higher Education,
Council for Aid to Education (an independent subsidiary of RAND) (1997).

**COLLEGES ARE TAKING HEAT FOR USING TUITION TO
PAY A SOMEWHAT LARGER PART OF EDUCATION COST**



Source: Breaking the Social Contract -- The Fiscal Crisis in Higher Education, Council for Aid to Education (an independent subsidiary of RAND) (1997).

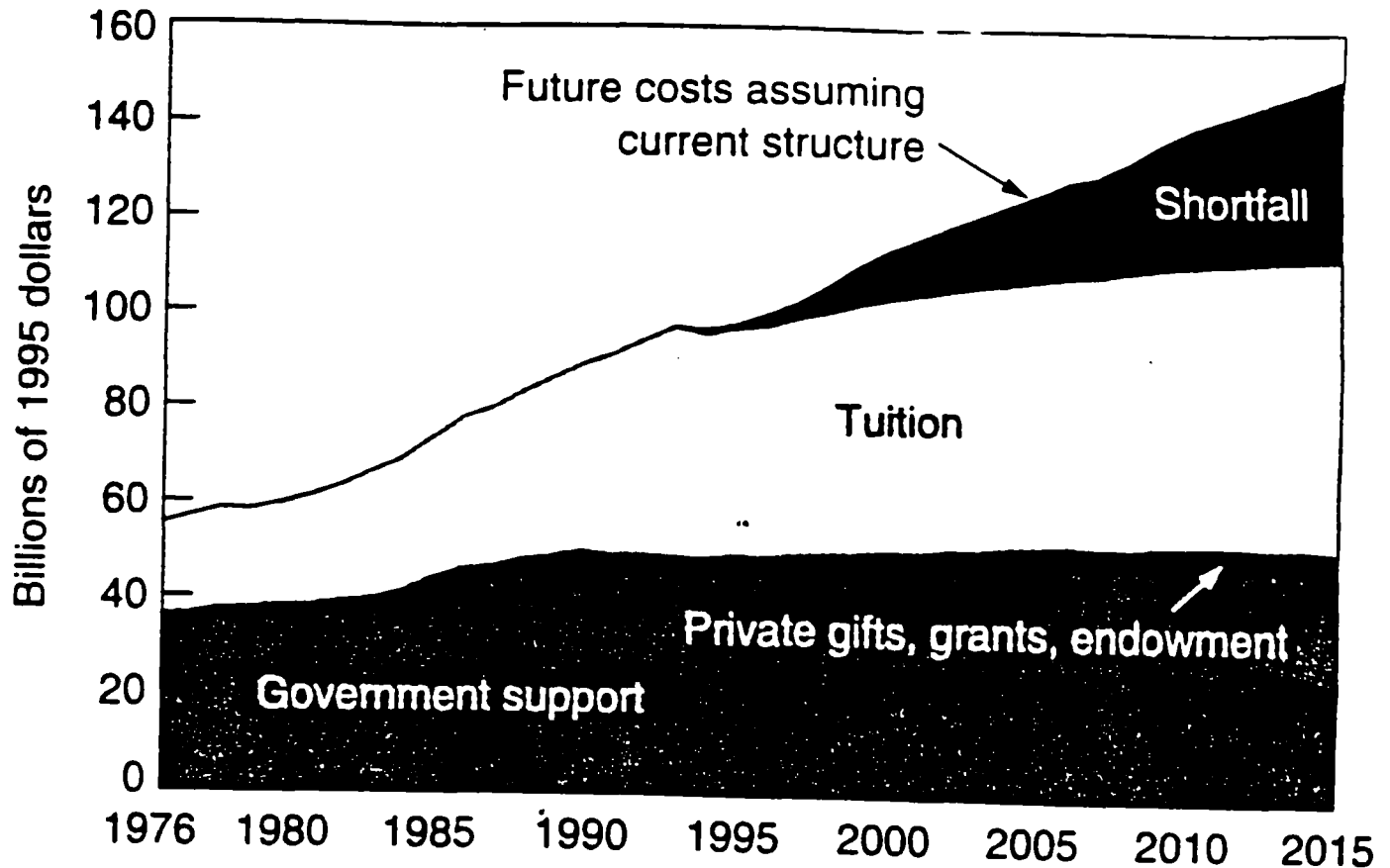
INCREASED TUITIONS CAN THWART INCREASED ENROLLMENTS



Effect of Increasing Tuition on Enrollment

Source: Breaking the Social Contract -- The Fiscal Crisis in Higher Education,
Council for Aid to Education (an independent subsidiary of RAND) (1997).

IF TUITIONS, GOVERNMENT SUPPORT, AND
PHILANTHROPY INCREASE ONLY AS PROJECTED, THEN
INSTITUTIONAL DEFICITS, CONSOLIDATIONS,
SHRINKING, AND STRESS ARE LIKELY



Funding Shortfall Facing Higher Education
in the Next 20 Years

Source: Breaking the Social Contract -- The Fiscal Crisis in Higher Education,
Council for Aid to Education (an independent subsidiary of RAND) (1997).

THE QUESTION OF PUBLIC SUPPORT

AMERICA'S WORLD LEADERSHIP IS ATTRIBUTABLE TO PAST INVESTMENT IN HIGHER EDUCATION

Percentage of GNP Devoted to Higher Education

<i>Country^a</i>	<i>Year</i>	<i>Early 1970s</i>	<i>Mid 1980s</i>
Australia	1975-88	1.36	0.99
Finland	1970-88	0.60	0.71
France	1975-84	0.68	0.67
Germany	1970-86	1.02	1.18
Greece	1974-88	0.54	0.83
Japan	1970-85	0.66	0.88
Netherlands	1970-84	1.87	1.97
Norway	1975-87	1.08	1.04
Spain	1972-86	0.22	0.51
United Kingdom	1984		0.80
United States	1970-85	2.10	2.33

Source: Financing Higher Education: Current Patterns, Organization for Economic Cooperation and Development, 1990.

^a Australia: total commonwealth government grants to higher education as percentage of GDP.

Finland: total expenditure on higher education as percentage of GNP.

France: total public expenditure on higher education as percentage of GDP (excluding funds for research).

Germany: total expenditure on higher education as percentage of GNP.

Greece: total expenditure on higher education as percentage of GDP.

Japan: public and private expenditure on higher education as percentage of GNP.

Netherlands: total expenditure on higher education as percentage of GNP.

Norway: total higher education expenditure as percentage of GNP.

Spain: total expenditure on higher education as percentage of GNP.

United Kingdom: public current expenditure on higher education as percentage of GNP.

United States: total expenditure on higher education as percentage of GNP (includes purchases of land, buildings, and equipment).

PRIVATE INVESTMENT IN HIGHER EDUCATION DISTINGUISHES U.S.A. AND JAPAN FROM OTHER NATIONS

Sources of Income of Higher Education Institutions			
Country and period ^a	General public funds	Fees	Other income
Australia			
1987	87.96	2.11	9.93
Finland			
Public institutions			
1987	85.00	n.a. ^b	15.00
France			
All institutions			
1975	93.00	2.90	4.20
1984	89.50	4.70	5.80
Germany			
All higher education			
1986	68.50	0.00	31.50
Japan			
Private four-year institutions			
1971	9.00	75.80	51.10
1985	15.00	65.80	19.10
Public institutions			
1970	83.10	2.00	14.90
1987	63.10	8.80	28.00
All institutions			
1971	53.06	31.69	15.20
1985	41.99	35.78	22.20
Netherlands			
All institutions			
1985	80.00	12.00	8.00
Norway			
Public institutions			
1975	95.00	n.a.	5.00
1987	90.00		10.00
Spain			
Universities			
Mid 1980s	80.00	20.00	n.a.
United Kingdom			
Universities			
1970-71	71.20	6.30	22.40
1986-87	55.00	13.70	31.30
Polytechnics (England only)			
1986-87	72.40	16.20	11.40
United States			
Private institutions			
1969-70	20.70	38.60	40.60
1984-85	18.40	38.70	42.90
Public institutions			
1969-70	61.10	15.10	23.70
1984-85	59.30	14.50	26.30
All institutions			
1969-70	46.50	20.50	29.90
1986	44.80	22.40	32.80

Source: *Financing Higher Education: Current Patterns*, Organization for Economic Cooperation and Development, 1990.

^a Finland: Figures for fees not available but very small.

France: Expenditure of National Ministry of Education.

Japan: 73 percent of other income is revenue of hospitals attached to universities.

Norway: Figures for fees not available but very small.

United Kingdom: Almost all the fees of undergraduate students are paid out of public funds. This amounts to about half the fee income of universities and probably a greater proportion of the fee income of polytechnics.

United States: Figures include all government expenditure at all levels. Loans and grants to students amounted to about 80 percent of fees in 1969-70 and 95 percent in 1984-85

^b n.a. not available.

Source: U.S. Dept. of Education, *Digest of Education Statistics* (1996).

MORE THAN TWICE AS MANY AMERICANS BELIEVE
EDUCATION THE TOP PRIORITY THAN
BELIEVE THE ECONOMY, CRIME OR THE BUDGET IS

Education Agenda

Which issue is the most important for the federal government?

	1992	1995	1997
Education	15%	17%	28%
Economy	45	11	11
Crime	7	23	13
Budget Deficit	N.A.	15	14

Source: The Wall Street Journal, September 19, 1997.

THE IMPACT OF TECHNOLOGY

A TIMELINE FOR THE EVOLUTION OF TECHNOLOGY

- 2003 — Entertainment on Demand
- 2004 — Videoconferencing
- 2005 — PC Convergence
- 2006 — Advanced Data Storage
 - CFCs Are Replaced
 - Distance Learning
 - Entertainment Centers
 - Hybrid Vehicles Common
 - PCS Gains Markets
 - Standard Digital Protocol
- 2007 — Computer Sensory Recognition
 - Computerized Self-Care
 - Groupware Systems
 - Modular Software
- 2008 — Genetically Produced Food
 - Half of Household Waste Recycled
 - Information Superhighway
 - Parallel Processing Computing
 - Personal Digital Assistants
- 2009 — Broadband Networks
 - Electronic Banking/Cash
 - Holistic Health Care
 - Intelligent Agents
 - Ubiquitous Computing Environment
- 2010 — Alternative Energy Sources
 - Expert Systems
 - “Green” Environmental Methods

Source: Marvin Cetron and Owen Davies, Probable Tomorrows: How Science and Technology Will Transform Our Lives in the Next Twenty Years (1997).

- 2011 — Buckyballs and Buckytubes
Electric Cars Are Common
Mass Customization
Organic Energy Sources
- 2012 — CIM Used in Most Factories
Computer Language Translation
Farm Chemicals Drop by Half
Machine Learning
- 2013 — Gene Therapy
Half of Autos Recyclable
Major Diseases Cured
On-Line Publishing
- 2014 — Aquaculture
Ceramic Engines
Computerized Vision Implants
Optical Computers
- 2015 — Alternative/Organic Farming
Factory Jobs Drop to 10 Percent
Hydroponic Produce
Industrial Ecology
Neural Networks
Precision Farming
Superconducting Materials
- 2016 — Energy Efficiency
Fossil Fuels Cut Greenhouse Gas
Fuel Cell Electric Cars
Intelligent Transportation Systems
Material Composites
Nanotechnology
Recycled Goods
Sophisticated Robots

- 2017 — Biochips
Fuel Cells
High-Speed Maglev
- 2018 — Automated Highway Systems
Cloning/Organ Replacement
Half of Goods Sold Electronically
New Materials from Space
- 2019 — Private Space Ventures
Synthetic Body Parts
Telecommuting
- 2020 — Farm Automation
Fission Power
Genetic Engineering
Hydrogen Energy
Urban Greenhouses
- 2022 — Artificial Foods
- 2023 — Clustered Communities
- 2024 — Personal Rapid Transit
- 2025 — Hypersonic Air Travel
- 2026 — Fusion Power
Intelligent Materials
- 2027 — Self-Assembling Materials
- 2028 — Permanent Moon Base
- 2037 — Manned Mars Mission
- 2042 — Stellar Exploration
- 2049 — Extraterrestrial Contact
- 2062 — Near-Light Speed Achieved

The Enhanced Opportunity for College Initiative

The Enhanced Opportunity for College Initiative (EOCI) is designed to increase the chances that severely economically disadvantaged students will complete high school and enroll in postsecondary education or training. Under this competitive grant program, the federal government will make long-term grants to colleges and universities and other non-profit organizations to provide extensive, continuous and comprehensive services to help elementary and secondary school students in the program complete secondary school and pursue educational or vocational opportunities.

Background -- Students from severely economically disadvantaged backgrounds are far less likely than middle and upper income families to complete secondary schools and pursue postsecondary education or further training. In recent years, a number of privately designed and funded programs have sought to address this problem through the creation of comprehensive programs that begin when the students are in still in elementary school and provide a full array of educational and social services in order to help students complete secondary school. Many of the students who complete these programs will enroll in postsecondary education, others will immediately enter the labor force, still others will enlist in the armed services.

Efforts to duplicate these programs by the public sector have proved problematic because the elements that make these programs work: high-quality intervention in the lives of children on a personal level on a long-term basis are difficult to achieve through public policy. and bureaucracy finds it difficult to manufacture on a large basis the high-quality, long-term intervention on an individual basis that are at the heart of these programs.

There is no single model for how these programs work and good programs depend of the energy, creativity and insights of the individuals who design and administer the program. What these programs have in common, however, is a early, effective, comprehensive intervention in the lives of young people.

ACE

Such programs can make a profound difference in the lives of those who participate in them. The federal government can further these efforts by providing matching grants to organizations that agree to design and implement such programs in local communities.

The Enhanced College Opportunity Initiative -- The federal government will make grants from the Department of Education to colleges and universities and private non-profit organizations to establish and carry out long-term full-year projects designed to help severely economically disadvantaged children complete secondary school and enroll in postsecondary education and vocational training. Grants will be awarded on a competitive basis. Awards will be for multiple years. Institutions that receive the grants will be expected to provide a 25 % match.

The proposal will describe the process that will be used to select students to participate, the range of services to be provided, and the social service and education agencies that will be involved in planning and implementing the projects. Proposals will also describe how the project will be integrated into the life of the campus. While all proposals must provide "extensive, continuous and comprehensive" programs, the design of the project will be left to the creativity of the institution submitting the proposal.

All projects must demonstrate evidence of support by local social service agencies and the private sector to qualify for federal funding.

Priority will be given in making awards to projects that: have a successful track record in administering programs designed to keep students in school and prepare them for college, make college students central to the provision of services to the participants, and ensure admission to a postsecondary education institution for students who complete the program and meet the normal admissions standards of the institution.

All proposals will describe the process that the university will use to monitor student progress throughout the project and to evaluate the impact of the project on the participants.

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Yale and New Haven **PARTNERSHIPS**

Spring 1996

Welcome to the first issue of *Yale and New Haven Partnerships*, a newsletter that will keep you informed about Yale University's involvement in activities and programs in New Haven that further economic development, human development, and neighborhood revitalization.

A message from the President

In 1994 I announced Yale's New Haven Initiative under the leadership of Vice President and Secretary Linda Koch Lorimer, a commitment of University resources and staff to promote economic development, human development, and neighborhood revitalization in New Haven. Since then we have made major strides in increasing our involvement. I have been gratified as a 25-year New Haven resident to see the effect of the University, the City, and many individuals and organizations joining together for meaningful change, from helping more than 200 Yale employees buy homes in the city to bringing in major federal funds from HUD for community development in the Dwight area. Through this newsletter, we will keep you up-to-date on such endeavors. We also seek your input, so please do not hesitate to use the numbers on the back page. Yale is here to stay as a neighbor in New Haven, and our relationships with you – our partners in the community – have never been more important.

Richard C. Levin



In this issue:

Buy in New Haven: Spending with city businesses for construction supplies doubles in 1995-96

Yale and NHPS partnerships at Career and East Rock Schools

NCAA youth sports program at Yale

227 Yale homebuyers in New Haven in 1994-95

Child Study Center and community policing with NHPD

Visit the Yale Visitor Information Center

149 Elm Street on the New Haven Green

Open: Monday – Friday 9 am to 4:45 pm
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- Exhibits and videos about Yale and New Haven.
- Free guided tours (1 hour 15 minutes) leave from Center.
Monday – Friday 10:30 am and 2:00 pm
Saturday, Sunday 1:30 pm
No reservations necessary. Call to book special tours.

HOGAN & HARTSON L.L.P.

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M E M O

October 8, 1997

TO: William Kincaid

FROM: Martin Michaelson

- ☐ For your information
- ☐ As you requested
- ☐ For your review and comment
- ☐ For your files
- ☐ Other

A NEW JERSEY school board's 1989 decision to lay off a white high school teacher may dramatically change the racial and ethnic composition of colleges and universities—or it may not. The outcome depends on what the Supreme Court says this term in *Board of Education of the Township of Piscataway v. Sharon Taxman*, and on higher education leaders' ingenuity in dealing with the consequences.

Declining enrollment at Piscataway High School resulted in elimination of one teaching position in the business department. The two most junior teachers—one white, the other black—had equal qualifications and seniority. Mindful that all other teachers in the department were white, and desiring to preserve racial diversity, the board laid off the white teacher, Sharon Taxman.

She sued, claiming that her right under Title VII of the 1964 Civil Rights Act to be free from race discrimination was violated, and she won in federal district court and the Third Circuit Court of Appeals. In June, the Supreme Court agreed to hear the case, over the objection of the U.S. solicitor general, who argued that it is a poor vehicle by which to test basic affirmative-action principles.

Not since 1978, when the high court addressed *Regents of the University of California v. Bakke*, has there been so much cause for concern about legal authority for initiatives that promote student and faculty diversity. In *Bakke*, the court struck down a set-aside program for admission of minority medical students, issuing six opinions in the case. The most often cited opinion, Justice Powell's, stated that steps to advance a student body's diversity could be lawful if race was no more than a "plus" factor. Since *Bakke*, most colleges and universities have pursued affirmative action to enhance student

and faculty diversity, and the racial and ethnic composition of student bodies has diversified substantially.

Piscataway, which involves faculty employment in a high school setting, directly presents three questions: Does Title VII permit employers to take race into account other than to remedy past discrimination? If so, is it lawful to use race-based measures to foster diversity in a high school faculty? Are white employees' rights always violated when minority status is advantaged in layoff decisions?

Some observers predict the Supreme Court will broadly condemn efforts to promote racial and ethnic diversity and repudiate Justice Powell's view. The court could announce principles that apply not only to employment but also to Title VI and Title IX (federal statutes that specifically forbid discrimination in college and university programs), as well as the equal protection clause of the Fourteenth Amendment. Even if the decision does not resolve all these issues, the justices' opinions are likely to affect future cases that involve the legality of efforts to achieve diversity in higher education.

Recent reports of the lamentable experience at the universities of Texas and California in attracting black students after affirmative action was forbidden there by the *Hopwood* de-

WILL DIVERSITY BE BURIED IN PISCATAWAY?

The Supreme Court could determine whether a school board's decision to lay off a white teacher will profoundly change affirmative action in higher education.

• BY MARTIN MICHAELSON •

cision and Proposition 209 give presidents and trustees ample reason to worry. Yet the Supreme Court is renowned for saying less than it can and for doing the unexpected. We may not know the full implications of the *Piscataway* decision until long after it is rendered.

In light of the current uncertainty, some university attorneys asked to advise on the legal merits of diversity-promoting initiatives are preaching caution. Yet absent legal prohibition, few institutions appear to be abandoning their efforts.

Increasingly, educators are asking: Are prevailing definitions of applicants' merit suitable today? Is the extent of reliance on standardized test scores warranted? What would be the consequences of a return to the racial and ethnic divisions of America's yesterday? If consideration of race and ethnicity were forbidden in admissions, financial aid, and faculty recruitment, could diversity be maintained?

"Race," said the political scientist Andrew Hacker, "is a tense terrain where we often try to hide crucial truths from ourselves." Higher education's search for those truths may receive intense attention when the *Piscataway* ruling is announced.

Martin Michaelson, a partner at Hogan & Hartson in Washington, D.C., represents AGB and other associations as amici in the Piscataway case.



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Priorities



A membership service of the Association of Governing Boards to help trustees and chief executives identify and address strategic policy issues.

Affirmative Action: Few Easy Answers

BY MARTIN MICHAELSON

PRESERVING THE educational objectives that underlie affirmative action and managing the legal risks connected to it present exceptionally tough challenges for colleges and universities today.

The law is unsettled and evolving, and much public discourse on the subject has entailed more rhetoric than fact. Court decisions—from the Supreme Court's 1978 ruling in *Bakke* to federal appeals court rulings in *Podberesky* in 1994 (involving minority-targeted student aid)

and *Hopwood* in 1996 (involving affirmative action in law school admissions)—have heightened uncertainty and in some respects sown confusion. The 1995 Supreme Court *Adarand* decision seems

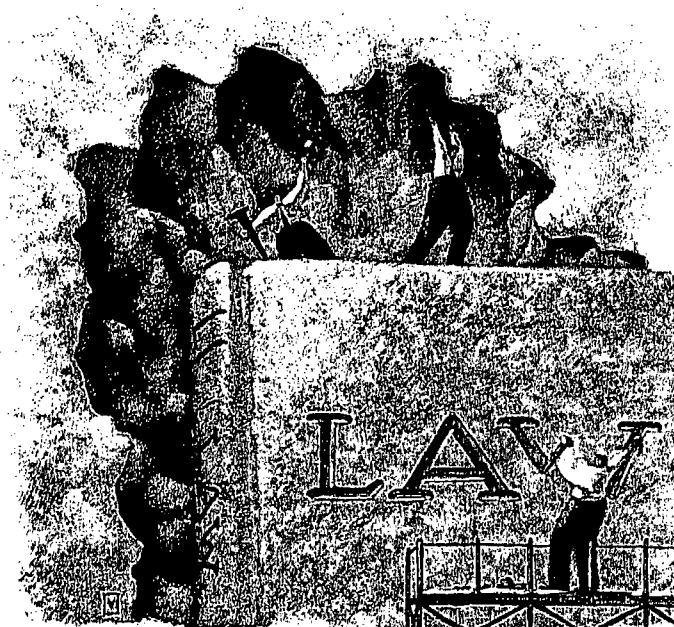
to have set the stage for a more skeptical appraisal by judges of affirmative-action measures. This issue of *Priorities* discusses these and other developments.

Many Americans have come to believe that affirmative action is either to be permitted or

forbidden in its entirety. Yet notwithstanding the rhetoric and judicial vicissitudes, that is unlikely to be the case. Affirmative-action programs and judicial review of them have addressed a broad continuum of activities, from modest outreach to rigid quotas. The ten most recent Supreme Court decisions on affirmative action—only one of which, *Bakke*, arose in the higher education field—have been characterized as split 6-4 in favor of the various inclusionary

Martin Michaelson is an attorney in the firm Hogan & Hartson LLP in Washington, D.C. This issue of *Priorities* is an overview, for college and university trustees, presidents, and senior administrators, of the legal context in which institutions consider affirmative action in student admissions, financial aid, and other targeted programs particular to higher education.

Although legal issues are described here, the paper is not a substitute for seeking legal advice. Consultation with the institution's counsel is especially timely now, in light of pending litigation and the prospect of lawsuits that involve affirmative action, as well as legislative initiatives and the contentious environment on this topic.



Will the Supreme Court allow colleges to use diversity as a rationale for affirmative action?

The Chronicle of Higher Education

Academe Today

The Chronicle of Higher Education

Date: July 19, 1996

Section: Opinion

Page: A48

POINT OF VIEW

A Time to Increase Public Understanding of Affirmative Action

By Martin Michaelson

Now that the Supreme Court has voted not to review *Texas v. Hopwood*, and hoped-for judicial answers will not soon be forthcoming on the use of race in college and university admissions, what should presidents do about affirmative action? We cannot be sure why the Court refused to review the decision by the U.S. Court of Appeals for the Fifth Circuit, which barred the University of Texas law school from considering race in its admissions. But many of us who support affirmative action believe that reappraisal of various programs to promote diversity is in order, if the overall effort is to be defended effectively.

Justice Ruth Bader Ginsberg's one-paragraph statement when a review was rejected -- joined only by Justice David H. Souter -- simply observed that because the law school had abandoned the admissions procedures that were challenged, no live controversy was presented. (That fact did not trouble the three Fifth Circuit judges who heard the case.) Some legal experts speculate that the Court decided not to hear the case because neither the Justices who oppose affirmative action nor those who generally support it felt confident that they could muster a five-vote majority for their viewpoint. What is certain is that we are left with a cloudy legal doctrine, a foreboding political context, and broad incomprehension by the public of just what higher-education institutions are doing, and why, when they give preferences in admissions or financial aid to members of minority groups.

It is time for reinvigorated leadership on affirmative action by college and university presidents. They must do a more effective job of documenting sound educational rationales for the promotion of diversity and explain why ethnic and racial considerations are more appropriate in educational settings than they may be in government contracting or other commercial activities. The Court's denial of review in *Hopwood* opens a window of opportunity to increase public understanding before another challenge to campus affirmative action reaches the Court -- as it inevitably will.

Viewed abstractly, the Fifth Circuit's decision affects institutions only in Texas, Louisiana, and Mississippi; the law in the 47 states outside the circuit is unchanged. The Supreme Court's 1978 decision in *Regents of the University of California v. Bakke* -- decided on the morning some of today's freshmen were born -- is still the key ruling for the nation. Although the *Bakke* Court barred an admissions program that set aside a specific number of seats for minority-group students, it did endorse some consideration of race in the admissions process.

Yet many higher-education officials recognize that it would be unwise to continue passively all existing programs that promote student and faculty diversity. Lawyers differ in their assessments of the legal risks of some programs, and institutions differ in their tolerance of both the risks and their lawyers' advice, but almost no one contends that all programs are risk-free. (I summarize the state of the law in the summer-1996 issue of *Priorities*, published by the Association of Governing Boards.) But because the Supreme Court handed down rulings this term and last that rejected racial classifications in other fields, the Court's sparing itself *Hopwood* probably was not a completely bad development for most institutions.

Many of us sense that nearly two decades after Justice Lewis F. Powell, Jr.,'s somewhat opaque formulation in *Bakke* -- that race could be a "plus" factor, but not more, in admissions decisions -- the rationale for affirmative action on our campuses still is not fully articulated. A recent essay by the political scientist Andrew Hacker, in *The New York Review of Books* (July 11), supports the idea that some affirmative action is needed in higher education, even though he has doubts about many of its traditional defenses. For example, he notes that having students from different racial and ethnic backgrounds in his classes does not automatically deepen the intellectual discussion of topics other than race or ethnicity.

For some reason, thus far few social scientists have scrutinized the efficacy of affirmative action in higher education. Probative evidence need not consist of statistical data, but we do need to show concretely how affirmative action advances the educational experience. Just how do diverse classrooms and dormitories make students more tolerant of people different from themselves? How do the tensions that occur in a diverse collegiate environment prepare students for citizenship and the workplace? How does diversity facilitate learning what institutions believe must be learned? In what ways is a diverse faculty a better instrument for education than an all-white faculty?

At a time when most colleges and universities remain committed to diversity, the obvious task is to explain why. This the presidents of Harvard, Princeton, Stanford, and other universities have begun to do in thoughtful essays. The American Council on Education and other national associations are on record as supporting affirmative action, as are several foundations and civil-rights groups. Yet conversations on campuses around the country suggest that some people who administer affirmative action in admissions, student aid, and faculty recruitment are experiencing self-doubt. They may be wondering whether their heads are as reliable as their hearts. Doubt is an understandable reaction to the bitter assault on affirmative action, but it makes an accounting more urgent than ever.

Passivity or broad rhetorical endorsements by college presidents, in lieu of reasoned explanations, will not suffice. Educators must make the case for affirmative action themselves; the courts are unlikely to do it for them. No lawsuit comparable to *Hopwood* is even en route to an appeals court now, so some time will pass before the next major decision.

Waiting for help from the Supreme Court also seems a bad bet, based on the Court's history. A one-sentence precis of its jurisprudence on race since the Civil War could read: The Court tended to uphold racial classifications when they benefited whites, has found them less tolerable when they don't, is wracked with uncertainty about permissible steps to remedy the most-entrenched discrimination, generally has been more tentative when promoting inclusion than when suppressing it, and had its signal moment 42 years ago, when, in *Brown v. Board of Education of Topeka*, it rejected apartheid in public schools. At least until the Court's membership changes, it makes little sense to wait for the Supreme Court to save the day.

The arguments that educators make concerning the need for conscious inclusion of minority groups must

take legal doctrine into account, but should begin with educational values. It is unfortunate that courts have repeatedly rejected what should be a very strong argument for affirmative action, namely that deliberate inclusiveness advances larger societal interests (for example, that the nation's economic health depends on graduating minority students in much larger numbers). Now we must make arguments that rest on why institutions cannot be healthy unless they are inclusive. Segregation in higher education was bad not only because of the invidious intent behind some of it, but also because it cheated all students. Now the public and the courts need to be told how students were cheated.

College leaders also should explain that academic freedom allows them to carry out their educational mission in ways specific to their needs -- that they are not confined by inapposite rules developed for the commercial workplace. The Supreme Court's ruling last year in *Adarand Constructors v. Peña*, that racial preferences in awarding highway-construction contracts are very difficult to justify, seems irrelevant to the freedom a college must have to carry out its responsibilities to enlighten the populace and broaden understanding of our past, present, and future.

Higher education also needs to look the concept of merit straight in the eye. Current definitions of merit should not be regarded as immutable. Selective colleges and universities have been hoisted on a measuring stick of their own making -- often defining merit too much in terms of standardized-test scores, despite limited evidence that the scores adequately determine a person's ability to succeed. Institutions need to make up for lost time in exposing the limitations of this gauge. Just as, a half-century ago, many institutions needed to stop basing admissions on a tight web of elitist connections and employ standardized-test scores as a more democratic approach, a new paradigm seems needed now. Justice Powell in *Bakke* implicitly spoke to that need by calling for qualitative assessment of each candidate as a total person with many salient characteristics, of which minority status might be but one "plus." Such assessments look at individuals, not at groups, and call for a principled rejection of quotas, however disguised.

Just how strongly do selective institutions believe they need diversity? If the law forced a choice between resegregation and admissions decisions based purely on each individual's personal and academic background, which would they choose? Would a strictly individualized approach prove as impractical and burdensome as many administrators believe? Why would it be less feasible than the systems in place before the great expansion of higher education after World War II? Classes generally are larger now, but so are faculties and admissions staffs.

The genius of American higher education, as distinguished from that in many other countries, has been its willingness to adapt to compelling national needs. In establishing America's first colleges, our nation's earliest leaders deliberately did not make them subject to the dictates of colonial governments. They created a parallel system that featured sufficient entanglement with the governments of the colonies to insure stability, while guaranteeing autonomy in the conduct of education itself. As a result of that original plan, the courts felt comfortable much later in holding that the freedom to decide who shall be taught and who shall teach is a guarantee of the First Amendment.

If the leaders of America's colleges and universities now fail to assert this freedom vigorously to protect their ability to operate diverse, inclusive campuses, they will compromise their institutions' irreplaceable role in exchange for a mess of politics and a muddle of judges. Presidents, you have a lot of explaining to do.

Martin Michaelson, a partner in the Washington, D.C., law firm of Hogan & Hartson, heads its

higher-education practice.

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Title: A Time to Increase Public Understanding of Affirmative Action

Published: 96/07/19

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UNITED STATES DEPARTMENT OF EDUCATION
THE SECRETARY

FAX TRANSMITTAL

TO: Mike Cohen

PHONE: _____ FACSIMILE: 456-5581

FROM: **LESLIE T. THORNTON**
CHIEF OF STAFF

202-401-2098 (fax)
202-401-3000 (phone)

PAGE (S) TO FOLLOW: 3

MESSAGE: _____

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UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

October 7, 1997

MEMORANDUM TO MIKE COHEN

FROM: LESLIE T. THORNTON

SUBJECT: MINORITY ENROLLMENT ISSUES

Unfortunately, I have not found the time since our telephone conversation last night to do this topic justice but I will share what I can for now.

As we discussed, it is my sense that significant and varied efforts are being made in colleges and universities and other education environments all over the country. In interviews I have done with law school deans, heads of education associations, the College Board, etc., it is clear there is widespread dedication to creating and maintaining diverse learning environments for both students and faculty. Rallies, forums, town-hall type meetings, symposiums are being conducted on campuses, and student organizations are popping up all over whose purpose is to inform the dialogue generally in meaningful ways as well as providing specific advice to campus officials. For example, in response to UT-Austin law professor Graglia's recent remarks regarding blacks and Hispanics, a student group called Students for Access and Opportunity, have detailed a 10-point plan for "redefining the criteria that determines who is qualified to attend this university." Like many schools, the UT Student Government is planning a national summit on Hopwood.

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All kinds of things are being considered and new ways of looking at the problems are being articulated. Under a proposal aired 9/18 before the UC Board of Regents, UC would eliminate the use of the SAT in order to boost minority enrollment. A report, five years in the making, examined the impact of SAT scores on admissions of Latinos and found if the test scores were dropped and administrators instead relied on grade point averages and a new state exam being developed, the pool of qualified Latino applicants might increase by nearly 60 percent. In a 9/19/97 *New York Times* piece on the op-ed page called, 'Merit and Opportunity: Testing and Higher Education at the Vortex' ETS says it is a myth that a test will provide a unitary, unequivocal yardstick for ranking merit and that test data show clearly "there is no single, primary ordering of people as 'best qualified' or 'most meritorious' as simple notions or merit require." Don Stewart, of the College Board, recently made similar remarks at an America's Black Forum taping I participated in for Secretary Riley which will air in November.

Recent reports on the likelihood of the UC system dropping the SAT are discouraging, and there is little likelihood either ETS or the College Board will be going out of business any time soon, but the consideration of these issues at all I think demonstrates the seriousness with which educators are taking the topic. And, I think the seriousness with which educators and

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experts are addressing the problems makes it incumbent upon us to ensure any efforts we make in this regard be serious and well thought-out.

To that end, I think one of the best things the President can do is use the bully-pulpit (I hate that phrase) to encourage and support the efforts that are being made. One of the best opportunities -- ACE's Third of the Nation conference on these precise issues -- is a perfect example of such a forum and I am very pleased the President was able to provide video-taped remarks for the conference. Other things the administration might consider include:

- ☐ invite representatives from ACE along with college and university deans to meet with the President and share what they are finding post-Hopwood and Prop. 209, their ideas on what's working, and how the President can help them;
- ☐ identify other established conferences or forums on these and related issues in which the President might participate;
- ☐ dedicate one of the Race Initiative's Town Hall Meetings to the views and ideas of college and university students who are currently working on these issues on their respective campuses;
- ☐ explore the formal commission of some sort of study on the issues that might be done by established experts in the field and with the help of foundation funding or otherwise help engage the help of foundations in the issue (UT-Law, dean Mike Sharlot is seeking a \$500,000 Ford Foundation grant to pay for a free course to prepare African American and Mexican American students for the law entrance exam. Other schools are similarly looking to foundations for money to support new and expanded outreach efforts);

I've talked with a lot of folks about all this lately. Stan Ikenberry says that because colleges and universities have much too narrowly defined the merit in terms of LSAT scores and GPA, we have lead *ourselves* down the path that has precipitated claims of reverse discrimination, e.g., that someone with lower scores was admitted over someone who had higher scores because of their race or ethnicity. Ikenberry says if we had moved sooner to get away from this focus we might not now be facing these challenges but believes it is not too late for the President to provide important leadership on this issue.

Similarly, Barry Munitz believes the President can make a strong appeal, using specific models like CSU's, Neil Rudenstine's (Harvard Law) and John Sexton's (NYU Law), that colleges and universities "should reach into every possible corner for imaginative and proven-effective admissions screening processes" on top of a strong plan for mentoring and preparation. Munitz says the use of traditional measures like the LSAT are useful, of course, but that the

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"LSAT cannot measure motivation" and that that is what's so bad about SP-1.¹

Some of the approaches being developed and/or discussed in Texas and California are consistent with the President's own educational initiatives and, therefore, offer mechanisms with which the administration might partner or at least support. For example, the California Master Plan for Higher Education recommends that community college transfer students who have successfully completed specified college work be eligible for admission to the University of California. Sexton, Ikenberry, Munitz all strongly support the greater use of community colleges as feeder schools to address the issue of diversity.² One proposal suggested by the UC Outreach Task Force Minority Report calls for the UC system to research, plan, and propose intervention with public school students beginning in the third grade. This proposal -- based on the Minority group's conclusion that a gateway to eligibility at UC from high school is the ability to take and handle well Algebra in the 9th grade. This is consistent with the math initiative. Another proposal which focuses on family involvement in the outreach process is consistent with our established family involvement initiative.

Clearly, there is much to discuss. I think a fundamental question that must be answered is how bold the administration is prepared to be on this issue. Certainly, there is significant support and now some reliable studies to support a bold policy statement that would encourage colleges and universities to fundamentally re-evaluate the way they look at merit. Short of that, we can certainly locate models that can be exemplified and supported, and find some sort of a study to commission and/or report on.

¹Jerome Shestack, the new president of the ABA, says the ABA is beginning to study on a model basis issues surrounding the LSAT like the potential unfairness of what happens when one individual can afford to and does take an LSAT preparation course, but another cannot. Shestack says the ABA is looking at finding some sort of base score on the LSAT that would get you through a threshold, after which other factors would be considered. Existing studies on the LSAT already are getting more attention. As a consequence, there appears to be a more widespread recognition that LSAT scores are only a good predictor of first year grades and not a predictor of law school completion or, more importantly, success as a lawyer.

Shestack also says the ABA is also looking at the issue of accreditation based on a presume that schools who meet the standards for accreditation should have a diversity programs.

² Jim Montoya, the Vice Provost for Student Affairs at Stanford and a Mexican-American, says his commitment that Stanford recruit more heavily from community colleges is the project he's most excited about in his new position there and says this is the one shot he would take to get at the issue of minority enrollment and diversity in California's colleges and universities.

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■

The Chronicle of Higher Education

Date: April 4, 1997

Section: Opinion

Page: B4

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 cornerstones 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.

Academe Today: This Week's Chronicle

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

Published: 97/04/04

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The Wall Street Journal, 4/10/97, P. 1

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

Texas Warmed to the Idea, Then Projections Showed
Minorities Falling Behind --Convolutions at Lowell High
By G. Pascal Zachary

The fight over class may not be a class act.

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

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

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

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

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

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

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

Clearly, the idea of substituting class for race in education is a hot issue. 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

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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."

Associated Press

04-24 4:37a

Top U.S. universities endorse affirmative action in admissions

By SARA SILVER
Associated Press Writer

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

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

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

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

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

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

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

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

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

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

Philadelphia Inquirer

April 24, 1997

Republicans and Democrats hit Clinton education tax plan

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

By Rob Wells
ASSOCIATED PRESS

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

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

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

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

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

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

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

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

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

I don't think this program would be a

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

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

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

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

"Are we talking about a program that

The 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 Clearance 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. ■

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

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

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

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

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

70. The Washington Post

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

Affirmative Action: Beyond Diversity

By Owen M. Fiss

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

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

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

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

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

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

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

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

Even as a form of distributive, rather

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

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

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

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

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. ■

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. ■

The Chronicle of Higher Education

Academe Today

The Chronicle of Higher Education

Date: March 21, 1997

Section: Government & Politics

Page: A34

Information in depth:

A special section with documents and past *Chronicle* stories on affirmative action in higher education.

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

still avoiding *by Bakke*, is unconstitutional, Mr. Michaelson 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, Katoria 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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Title: New Lawsuits May Help Decide Legality of Affirmative Action

Published: 97/03/21

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DRAFT

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

October 7, 1997

MEMORANDUM TO MIKE COHEN
FROM: LESLIE T. THORNTON
SUBJECT: MINORITY ENROLLMENT ISSUES

Unfortunately, I have not found the time since our telephone conversation last night to do this topic justice but I will share what I can for now.

As we discussed, it is my sense that significant and varied efforts are being made in colleges and universities and other education environments all over the country. In interviews I have done with law school deans, heads of education associations, the College Board, etc., it is clear there is widespread dedication to creating and maintaining diverse learning environments for both students and faculty. Rallies, forums, town-hall type meetings, symposiums are being conducted on campuses, and student organizations are popping up all over whose purpose is to inform the dialogue generally in meaningful ways as well as providing specific advice to campus officials. For example, in response to UT-Austin law professor Graglia's recent remarks regarding blacks and Hispanics, a student group called Students for Access and Opportunity, have detailed a 10-point plan for "redefining the criteria that determines who is qualified to attend this university." Like many schools, the UT Student Government is planning a national summit on Hopwood.

All kinds of things are being considered and new ways of looking at the problems are being articulated. Under a proposal aired 9/18 before the UC Board of Regents, UC would eliminate the use of the SAT in order to boost minority enrollment. A report, five years in the making, examined the impact of SAT scores on admissions of Latinos and found if the test scores were dropped and administrators instead relied on grade point averages and a new state exam being developed, the pool of qualified Latino applicants might increase by nearly 60 percent. In a 9/19/97 *New York Times* piece on the op-ed page called, 'Merit and Opportunity: Testing and Higher Education at the Vortex' ETS says it is a myth that a test will provide a unitary, unequivocal yardstick for ranking merit and that test data show clearly "there is no single, primary ordering of people as 'best qualified' or 'most meritorious' as simple notions of merit require." Don Stewart, of the College Board, recently made similar remarks at an America's Black Forum taping I participated in for Secretary Riley which will air in November.

Recent reports on the likelihood of the UC system dropping the SAT are discouraging, and there is little likelihood either ETS or the College Board will be going out of business any time soon, but the consideration of these issues at all I think demonstrates the seriousness with which educators are taking the topic. And, I think the seriousness with which educators and

DRAFT

experts are addressing the problems makes it incumbent upon us to ensure any efforts we make in this regard be serious and well thought-out.

To that end, I think one of the best things the President can do is use the bully-pulpit (I hate that phrase) to encourage and support the efforts that are being made. One of the best opportunities -- ACE's Third of the Nation conference on these precise issues -- is a perfect example of such a forum and I am very pleased the President was able to provide video-taped remarks for the conference. Other things the administration might consider include:

- ☐ invite representatives from ACE along with college and university deans to meet with the President and share what they are finding post-Hopwood and Prop. 209, their ideas on what's working, and how the President can help them;
- ☐ identify other established conferences or forums on these and related issues in which the President might participate;
- ☐ dedicate one of the Race Initiative's Town Hall Meetings to the views and ideas of college and university students who are currently working on these issues on their respective campuses;
- ☐ explore the formal commission of some sort of study on the issues that might be done by established experts in the field and with the help of foundation funding or otherwise help engage the help of foundations in the issue (UT-Law, dean Mike Sharlot is seeking a \$500,000 Ford Foundation grant to pay for a free course to prepare African American and Mexican American students for the law entrance exam. Other schools are similarly looking to foundations for money to support new and expanded outreach efforts);

I've talked with a lot of folks about all this lately. Stan Ikenberry says that because colleges and universities have much too narrowly defined the merit in terms of LSAT scores and GPA, we have lead *ourselves* down the path that has precipitated claims of reverse discrimination, e.g., that someone with lower scores was admitted over someone who had higher scores because of their race or ethnicity. Ikenberry says if we had moved sooner to get away from this focus we might not now be facing these challenges but believes it is not too late for the President to provide important leadership on this issue.

Similarly, Barry Munitz believes the President can make a strong appeal, using specific models like CSU's, Neil Rudenstine's (Harvard Law) and John Sexton's (NYU Law), that colleges and universities "should reach into every possible corner for imaginative and proven-effective admissions screening processes" on top of a strong plan for mentoring and preparation. Munitz says the use of traditional measures like the LSAT are useful, of course, but that the

DRAFT

"LSAT cannot measure motivation" and that that is what's so bad about SP-1.¹

Some of the approaches being developed and/or discussed in Texas and California are consistent with the President's own educational initiatives and, therefore, offer mechanisms with which the administration might partner or at least support. For example, the California Master Plan for Higher Education recommends that community college transfer students who have successfully completed specified college work be eligible for admission to the University of California. Sexton, Ikenberry, Munitz all strongly support the greater use of community colleges as feeder schools to address the issue of diversity.² One proposal suggested by the UC Outreach Task Force Minority Report calls for the UC system to research, plan, and propose intervention with public school students beginning in the third grade. This proposal -- based on the Minority group's conclusion that a gateway to eligibility at UC from high school is the ability to take and handle well Algebra in the 9th grade. This is consistent with the math initiative. Another proposal which focuses on family involvement in the outreach process is consistent with our established family involvement initiative.

Clearly, there is much to discuss. I think a fundamental question that must be answered is how bold the administration is prepared to be on this issue. Certainly, there is significant support and now some reliable studies to support a bold policy statement that would encourage colleges and universities to fundamentally re-evaluate the way they look at merit. Short of that, we can certainly locate models that can be exemplified and supported, and find some sort of a study to commission and/or report on.

¹Jerome Shestack, the new president of the ABA, says the ABA is beginning to study on a model basis issues surrounding the LSAT like the potential unfairness of what happens when one individual can afford to and does take an LSAT preparation course, but another cannot. Shestack says the ABA is looking at finding some sort of base score on the LSAT that would get you through a threshold, after which other factors would be considered. Existing studies on the LSAT already are getting more attention. As a consequence, there appears to be a more widespread recognition that LSAT scores are only a good predictor of first year grades and not a predictor of law school completion or, more importantly, success as a lawyer.

Shestack also says the ABA is also looking at the issue of accreditation based on a presume that schools who meet the standards for accreditation should have a diversity programs.

² Jim Montoya, the Vice Provost for Student Affairs at Stanford and a Mexican-American, says his commitment that Stanford recruit more heavily from community colleges is the project he's most excited about in his new position there and says this is the one shot he would take to get at the issue of minority enrollment and diversity in California's colleges and universities.

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"The connection between Yale and New Haven, I will argue, is not only unique, but is one of the most essential university-city partnerships anywhere in the United States."

Secretary Henry Cisneros,
United States Department of Housing and
Urban Development, September 14, 1995



A Growing Partnership

YALE AND NEW HAVEN

Thousands of Yale faculty, students, and staff contribute to New Haven programs and projects, and thousands of New Haven residents take advantage of resources at Yale, from student tours to athletic events and museums. The Yale University Office of New Haven Affairs was established in 1995 to provide a front door to Yale and its resources for the New Haven community, and a front door to New Haven for the Yale community. Bringing under one roof those in the administration who work with the City, this Office is a place where neighbors meet to build partnerships for economic development, neighborhood revitalization, and education and human development initiatives.

Education/Race Initiative

New Initiatives for FY 1999 Budget

1. Preparing and Recruiting Teachers for High Poverty Urban and Rural Communities--Title V already transmitted to Congress
2. Urban Initiative for standards-based reform (in ED budget request at \$320 million for FY99)
3. University/School Partnerships focused on mentoring middle school students (in ED budget request at approx. \$200 million for FY99; supported by NEC and DPC)
4. School Construction???

Minority Enrollment Issues

1. Legal efforts re: 209 and Hopwood (summarized memo from Leslie Thornton to Elena)
2. Mentoring partnerships described above
3. ED work with higher education community to identify effective practices regarding recruitment and admissions -- plan to be developed

Other Issues

1. Hispanic Initiative led by NEC
2. Native American Education Initiative--to be developed, possibly through DPC Working Group on Native American Issues

Bully Pulpit

1. Racial Isolation among and Within Schools
 - ED report on best practices for helping kids learn to get along across racial lines
 - ED may have some grant \$ to support some model projects
2. School Finance Equity
 - POTUS speech -- states and districts need to do more to provide all kids with resources they need
3. Possible WH conference on public education (with mayors)

Civil Rights Enforcement

- Fight for FY98 budget request