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07/17/97 08:26:00 PM

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THE WHITE HOUSE

Office of the Press Secretary
(Chicago, Illinois)

For Immediate Release

July 17, 1997

REMARKS BY THE PRESIDENT TO THE NATIONAL ASSOCIATION OF BLACK JOURNALISTS

Hyatt Regency Hotel
Chicago, Illinois

7:30 P.M. CDT

THE PRESIDENT: Thank you very much. I must say, when Arthur was speaking, I thought to myself that he sounded like a president. (Laughter.) And I said to myself, if I had a voice like that, I could run for a third term, even though -- (laughter).

I enjoyed meeting with your board members and JoAnne Lyons Wooten, your Executive Director backstage. I met Vanessa Williams, who said, you know, I'm the president-elect; have you got any advice for me on being president? True story. I said, I do. Always act like you know what you're doing. (Laughter.)

I want to say to you, I'm delighted to be joined here tonight by a distinguished group of people from our White House and from the administration, including the Secretary of Labor, Alexis Herman; and the Secretary of Education, Dick Riley; and a number of others from the White House. Where is my White House crew? Would you all stand up -- everybody here from the administration, the Department of Education, Department of Labor. (Applause.)

I don't know whether he is here or not, but I understand Congressman Bobby Rush was here earlier today, and I know there are some other local officials from Chicago who are here. And this is a great place to come. Chicago is such a wonderful city that there was an article this morning in the New York Times bragging on Chicago. (Laughter.) And I saw the Mayor today. He said, I know we have finally arrived. If they're bragging on us in New York, we have made it.

And I congratulate all the people here on the remarkable improvements they've made in this magnificent city in the last few years. I'd also like to say a special word of thanks to Reverend Jesse Jackson. I see him here in the audience and I know he's here. Thank you. (Applause.)

I always kind of hate to speak when Jesse is in the audience. (Laughter.) You know, I mean, every paragraph gets a grade. (Laughter.) Most of them aren't very good. I can just hear it now -- all the wheels turning.

I want to thank Reverend Jackson for agreeing to co-chair, along with the Secretary of Transportation, Rodney Slater, an American delegation to an economic conference in Zimbabwe, where he'll be going next week. And I know you all wish him well on that. We are doing our best to have a major initiative reaching out to Africa, recognizing that more and more countries in Africa are becoming functioning, successful democracies; that half a dozen countries in Africa have had growth rates of 7 percent or more last year and will equal that again this year; and that this is an enormous opportunity for us not only to promote better lives for the millions and millions of people who live on that continent, but also better opportunities for Americans and better partnerships with Africa in the years ahead.

Well, you heard your President say that I promised to come here in 1992 if I got elected. And I'm trying to keep every promise I made. And I'm sure glad I got a second term so I didn't get embarrassed on this one. (Laughter.)

In the years since I assumed office, I have worked very hard to create an America of opportunity for all, responsibility from all, with a community of all Americans, a country committed to continuing to lead the world toward greater peace and freedom and prosperity. And that begins with giving every person in this country the chance to live up to his or her God-given abilities.

Many of you chose to become journalists because you

thought it was the best way to use your God-given talent -- your gift with words, your knack for asking tough questions, which some of us find maddening -- (laughter) -- and for getting the answers, your instincts with a camera or a microphone, your ability to connect with people and get them to understand what it is you're trying to get across. And you did not just to make a living, but to make a difference. I thank you for that. And I think that all of us want that opportunity for everyone in this country.

Last month in San Diego, I called upon Americans to begin a dialogue, a discussion over the next year and perhaps beyond, to deal with what I think is the greatest challenge we'll face in the 21st century, which is whether we really can become one America as we become more diverse; whether as we move into a truly global society, we can be the world's first truly great multiracial, multiethnic, multireligious democracy. I asked the American people to undertake a serious discussion of the lingering problems and the limitless possibilities that attend our diversity.

I came here tonight to talk a little more about this initiative, to ask each of you to examine what role you can play in it and the vital contributions as journalists and as African Americans you might make in leading your news rooms, your communities, and our nation in the right kind of dialogue.

Five years ago, I talked about how we could prepare our people to go into the 21st century, and we've made a lot of strides since then. Our economy is the healthiest in a generation and once again the strongest in the world. Our social problems are finally bending to our efforts. But at this time of great prosperity, we know we still have a lot of great challenges in order to live up to our ideals, in order to live up to what we say America should mean.

And it seems to me that at this time when there is more cause for hope than fear, when we are not driven by some emergency or some imminent cataclysm in our society, we really have not only an opportunity, but an obligation to address and to better resolve the vexing, perplexing, often painful issues surrounding our racial history and our future.

We really will, whether we're prepared for it or not, become a multiracial democracy in the next century. Today, of our 50 states, only the state of Hawaii has no majority race. But within three to five years, our largest state, California, where 13 percent of us live, will have no majority race. Five of our school districts already draw students from over 100 different racial and ethnic groups, including the school district

in the city of Chicago. But within a matter of a couple of years, over 12 school districts will have students from over 100 different racial and ethnic groups.

When I was a boy, I knew that a lot of people went from my native state in Arkansas to Detroit to make a living because they couldn't make a living on the farm anymore. Many of them were African Americans, and they joined the white ethnics, many of whom were from Central and Eastern Europe and from Ireland in the Detroit area, working in the car plants, getting the good middle class jobs, being able to educate their children, looking forward to a retirement. Some of them actually are coming back home now and buying land. And Nicholas Lehman (phonetic) traced that movement in a great book he wrote not so long ago.

But now Detroit is not just a place of white ethnics and African Americans. In Wayne County, there are over 145 different racial and ethnic groups represented today. So the paradigm is shifting. And so, as part of our engagement in this national dialogue, we have to both deal with our old, unfinished business, and then imagine what we are going to be like in 30 years and whether we can actually become one America when we're more different. Is there a way not only to respect our diversity, but even to celebrate it and still be one America? Is

there a way to use this to help us economically and to spread opportunity here?

Why are there so many people in the Congress in both parties excited about this Africa initiative? Because we have so many African Americans -- even people who were never concerned about it before understand this is a great economic opportunity for America. Why do we have a unique opportunity to build a partnership with Brazil and Argentina and Chile and all the countries in Latin America? Because we have people from all those countries here in our country. Why do we have the opportunity to avoid having Asia grow, but grow in a more closed and isolated way, running the risk of great new problems 30, 40, 50 years from now? Because we have so many Asian Americans who are making a home here in America with ties back home to their native lands and cultures. We are blessed if we can make this work.

We also may have a chance to make peace in other parts of the world if we can make peace within our borders with ourselves. But let's not kid ourselves -- the differences between people are so deep and so ingrained, it's so easy to scratch the surface and have something bad go wrong, and we see that in countries less privileged than ourselves when things go terribly wrong -- whether it's between the Hutus and the Tutsis

in Rwanda and Burundi; or the Catholics and the Protestants in the home of my ancestors, Ireland; or the Croats, the Serbs, and the Muslims who are, interestingly enough, biologically indistinguishable, in Bosnia; or the continuing travails of the Jews and the Arabs in the Middle East.

If you look through all of human history, societies have very often been defined by their ability to pit themselves as coherent units against those who were different from themselves. Long ago in prehistory, it probably made a lot of sense for people that were in one tribe to look at people in another tribe as enemies, because there was a limited amount of food to eat or opportunities for shelter, because people did not know how to communicate with each other so they had to say, people that look like me are my friends, people that don't look like me are my enemies.

But why, on the verge of the 21st century, are we still seeing people behave like that all over the world? And why here even in America do we find ourselves, all of us at some time, gripped by stereotypes about people who don't look like we do?

So we shouldn't kid ourselves. This is not going to be an easy task. But there is hardly anything more important because we know we have a great economy; we know we have a strong military; we know we have a unique position in the world today with the fall of communism virtually everywhere and the rise of market economies and the success that we've offered. But we know

we also have these lingering inequalities and problems in America. And if we can overcome them and learn to really live together and celebrate, not just tolerate but celebrate our differences and still say, in spite of all those differences, the most important thing about me is that I am an American, that there is no stopping what we can do and what our children can become.

This week in Washington, John Hope Franklin convened the first meeting of the advisory board I appointed on racial reconciliation. The executive director of that board, Judy Winston, who has been our Acting Under Secretary of Education, is also here with me tonight. I am very proud that she has agreed to do that and very excited about what has happened. The first meeting was full of lively debate and honest disagreement. I like that. We should discover quickly that people who are honestly committed to advancing this dialogue will have honest differences and they ought to be aired.

Earlier today, as your President said, at the NAACP Convention in Pittsburgh, I reiterated my long-held belief that

we will never get to our one America in the 21st century unless we have both equality and excellence in educational opportunity. We have to give every American access to the world's best schools, best teachers, best education. And that means we have to have high standards, high expectations and high levels of accountability from all of us who were involved in it.

But I want to say to you, we know our children can learn. For years and years, ever since 1984, when the Nation at Risk -- 1983 -- when the Nation At Risk report was issued, people said, well, you can't expect American education to compete favorably with education in other countries because we have a more diverse student body and because we have so many more poor children and so many immigrants and because, because, because.

This year, on the International Math and Science Tests given to 4th and 8th graders, for the first time since we began a national effort to improve our schools over a decade ago, our 4th graders -- not all of them, but a representative sample, representative of race, region, income -- scored way above the national average in math and science -- disproving the notion that we cannot achieve international excellence in education even for our poorest children. It is simply not true.

This year, again, our 8th graders scored below the international average, emphasizing the dimensions of the challenge, because when the kids who carry all these other burdens to school every day -- the burden of poverty, the burden of crime and drugs in their neighborhoods, the burden of unmet medical needs, often the burden of problems at home -- when they hit adolescence and when they are pressured and tempted to get involved in other things, it gets to be a lot tougher. So we haven't done everything we need to do. But the evidence is here

now; it is no longer subject to debate that we can't compete. And that's good, because we need to. And because our children, however poor they are, are entitled to just as much educational opportunity as anybody else.

Now, I believe that we made a big mistake in the United States not adopting national standards long before this. And I believe our poorest children and our minority children would be doing even better in school had we adopted national standards a long time ago and held their schools to some measure of accountability. It is not their fault, it is the rest of our faults that we are not doing it. (Applause.)

So when I say by 1999 we ought to test all our 4th graders and all our 8th graders -- the 4th graders in reading, the 8th graders in math -- it's not because I want the individual kids to get a grade, it's because everybody ought to make that

grade. If you have a standard, everyone ought to clear the bar. And if they're not, there is something wrong with the educational system that ought to be fixed. And you can't know it unless you understand what the standard is and hold people to some accountability. But don't let anybody tell you that these kids can't do it. That is just flat wrong. They can do it. (Applause.)

Today I did announce one new initiative that I think is very important, and that is a \$350 million multiyear scholarship program modeled on the National Medical Service Corps. You know, a lot of us come from places that have a lot of poor rural areas that are medically under-served. We got doctors into those areas, into the Mississippi Delta, because we said, hey, if you'll go to medical, we'll help you go to medical school, but you've got to go out to a poor under-served area and be a doctor to people who need you. Then later you can go make all the money you want somewhere else. But if we help you go to medical school, will you go out here and help people where they don't have doctors? And the National Health Service Corps has done a world of good.

So what I propose today, and what we're going to send up to Capitol Hill with the Reauthorization of Higher Education Act is a series of scholarships that will go to people who say, I will teach in a poor area for three years if you will help me get an education. (Applause.)

This is the first specific policy to come out in connection with our year-long racial reconciliation initiative. There will be more policies. But it's not just a matter of public policy. There will also be local actions, private actions which will have to be taken. And we also need the dialogue, the discussion. It is about the mind and the heart. And, therefore, I say again, your voices and your observations are going to be very valuable.

In the communities where we have a constructive, ongoing dialogue, where people not only talk together but work together across racial lines, there are already stunning stories that stir the heart and give us hope for the future. There is nothing people can't do. Most people are basically good. Their leaders have to give them a framework in which the best can come out and the worst can be repressed. And that's what we have to do here. We've got to learn how to deal with a fundamentally new and different situation as well as deal with a lot of old, unresolved problems in our past that dog us in the present.

As journalists, you have experienced firsthand both the progress and the continuing challenge of race in our country.

Some of you in this audience are pioneers in your field, perhaps the first people of color ever to claim a desk, a phone, a typewriter in the news rooms of our big-city papers and stations. Some of you, when you were beginning your careers, knew that it was hard enough to find just one editor who would consider your work, let alone the hundreds of newspaper and broadcasting executives who this week have descended on this job fair that you sponsored to recruit the young people who are here today.

They've come here not just because they recognize the value of a diverse and racially representative staff, but also because they know from experience that they'll find some of the best talent in American journalism here at this convention. (Applause.)

But our news rooms are like all of our other working environments -- they've come a long way, they've still got a ways to go. (Applause.) Just as in other work places in America, minority representation on many staffs and mast heads is not what it ought to be. Wide gaps continue to exist in the way whites and minorities perceive their workplaces and in the way they perceive each other. We have to bridge this gap everywhere in America.

But it is especially important in the press because you are the voice and, in some ways, the mirror of America through which we see ourselves and one another. I encourage you to continue to reach out to your colleagues; to listen to each other; to understand where we're all coming from; to lead your organizations in the writing, the editing, the broadcasting fare and the thought-provoking stories about the world we live in and the one we can live in. We have a lot to do to build that one America for the 21st century, but I believe we're up to the challenge, and I know that you are up to the challenge.

Thank you very much. (Applause.)

MR. FENNELL: Thank you very much, Mr. President. As is customary in these forums here at our national convention, at this time, we bring forth our questioners. We are journalists, after all, and you knew this was coming. (Laughter.)

We have selected four journalists who will ask the questions of the day. Eric Thomas, reporter and anchor at KGO-TV in San Francisco; Chinta Strausberg, reporter of the Chicago Defender; Cheryl Smith, a reporter at KKDA-Radio, Grand Prairie, Texas --

THE PRESIDENT: I know where that is.

MR. FENNEL: Yes. And Brent Jones, our student representative, a junior at the University of Florida in Gainesville. (Applause.)

To the questioners.

Q Chinta Strausberg, the Chicago Defender newspaper. Mr. President, do you support an \$8 billion superhighway, massive superhighway at a time when Congress has reduced funding for mass transit in Chicago as well? And if that superhighway is built, sir, will black contractors be a major part of it as a down payment on reparations?

THE PRESIDENT: What superhighway? Say it again? Did I -- what's this project?

Q It's a proposed congressional plan -- \$8 billion massive superhighway that would connect the United States with Canada and Mexico, and it is being discussed in Congress.

THE PRESIDENT: Well, I don't know that I'm familiar enough with the project. I do believe we need to continue to improve our infrastructure. Secretary Slater and I have argued that we should not under-fund mass transit and urban transportation. And indeed, in the transportation bill I sent to Congress, we asked for several hundred million dollars more directly targeted to help people on welfare who are required to go to work, get to where the jobs are if their jobs aren't within walking distance. Only about 10 percent of the people on public assistance own their own cars. And we believe we need more investment in mass transit in the cities. So -- and I don't think it should be an either-or situation.

And in terms of contracting, I support affirmative action programs generally in employment, in education, and in economic development. And I've done everything I could to fix what were the generally recognized shortcomings of some of the programs that graduate out the firms that may not need it any more, but to continue it where I think it is appropriate. So I continue to support that.

And I think it is a mistake for us not to have initiatives to help create minority-owned businesses. I think we should -- as a matter of fact, let me just back up and say, when I was in San Francisco at the Mayors Conference not very long

ago, I said to them that I thought we ought to develop a private-sector, job-related model for high unemployment areas in our

cities and -- because there was no way the government social services could ever create enough economic opportunity for people. And I thought, if we couldn't do it when the national unemployment rate was the lowest in 23 years, when could we do it?

So I think we need to do more to help people organize and start their own businesses, to help build economic clusters of activity, to help give people models as well as opportunities to work, to see that we can do this. I don't think we're doing nearly enough in this area, and I think we have a new opportunity to do it because the unemployment rate is low in the nation.

As I've heard Reverend Jackson say for 20 years, the biggest undeveloped market in America are the poor unemployed and under-employed people in our inner cities and our rural areas. Now is the time we should be creating more businesses there, not having fewer businesses. That's what I believe. (Applause.)

Q Mr. President, your scholarship proposal notwithstanding, there is still an assault on affirmative action in this country. In my home state of California in the wake of Proposition 209 and last year's vote by the University of California Board of Regents, minority applications and enrollment in the UC system this year are down. There will be not one new black student enrolled at the prestigious Bolt Hall School of Law at the University of California this fall. What specific programs, scholarship program notwithstanding, do you propose to stem this tide and make sure that there is diversity in higher education in this country? (Applause.)

THE PRESIDENT: First of all, I think we need to make sure that we continue to use federal law to the maximum extent we can to promote an integrated educational environment -- (applause) -- so that we have to review, whether in the Education Department, in the Justice Department, whether there are any further actions we can take legally to promote an integrated educational environment in higher education in the states where these actions have been taken.

Secondly, I think we need to look at whether there is some way by indirection to achieve the same result. I know that the legislature in Texas, in an attempt to overcome the impact of the Hopwood decision in Texas, just passed what they call the "Ten Percent Solution," which would be to guarantee admissions to any Texas public institution of higher education to the top 10 percent of the graduating class of any high school in Texas. And because of the way the African Americans and Hispanics living patterns are in Texas, that may solve the problem. Whether that would work in California, I don't know. I haven't studied the way the school districts are organized

enough. But I think we have to come up with some new and fairly innovative ways to do that.

Thirdly, I think, on the professional schools, my own view -- I'm a little stumped here. We have to really -- we're going to have to reexamine what we can do. I don't know why the people who promoted this in California think it's a good thing to have a segregated set of professional schools. It would seem to me that, since these professionals are going to be operating in the most ethnically-diverse state in the country, they would want them to be educated in an environment like they're going to operate. I don't understand that. (Applause.)

But there may be some ways to get around it, and we're looking at it and working on it. But I think it's going to be easier to stop it from happening at the undergraduate level than at the professional school level. And we're going to have to really think about whether there is some way around it, whether it would be some sort of economic designation or something else. But we're working on that.

And finally, let me say, I think we need to continue to provide more resources, because one of the real problems we have is, even in the last five years, when we've had economic recovery, the college enrollment rates of minorities in America have not gone up in an appropriate way. And in this budget that I'm trying to get passed through Congress, we've got the biggest increase in education funding in 32 years, the biggest increase in Pell Grant scholarships in 20 years, another huge increase in work-study funds, and the tax proposal, as we structured them, would, in effect, guarantee two years of college to virtually everyone in America and help people with two more years of college.

We've got a huge dropout problem in higher education among minorities that I think is having an impact on then what happens in the graduate schools and in the professional schools. I don't think there is a simple answer. And I think, frankly, the way 209 is worded, it's a bigger problem even than the Hopwood case in Texas. But I can tell you we're working on it: first, is there anything the Justice Department or the Civil Rights Office of the Education Department can do? We're examining that. Second, is there a specific solution like the Texas "Ten Percent Solution" that would overcome it at least in a specific state. Third, come up with some more funds and some more specific scholarship programs to try to overcome it.

It's a great concern to me, and I think it is moving the country in exactly the wrong direction. And I might say, if

you look at the performance of affirmative action students, it doesn't justify the action that was taken. That's another point that ought to be made.

So the one thing that I believe is, I believe that the rather shocking consequences in the professional schools in both Texas and California will have a deterrent impact on other

actions like that in other states. And I believe you will see more efforts now to avoid this. I think a lot of people who even voted for 209 have been pretty shocked at what happened and I don't believe the people of California wanted that to occur. And I think the rhetoric sounded better than the reality to a lot of voters.

So I can tell you that, while I'm very concerned about it, I think if we all work on it, we can reverse it in a matter of a couple of years. And we just have to hope we don't lose too many people who would otherwise have had good opportunities because of it. But it is an urgent matter of concern to me. (Applause.)

Q Good afternoon, Mr. President.

THE PRESIDENT: Good afternoon.

Q My question also has to do with education for more at a high school and middle school level. The dropout rate, crime, and drugs are more prevalent in inner city schools than in suburban schools, consequently leading to a lower quality education in many inner city schools. What will your administration do through government-aided programs or initiatives to combat these problems and ensure everyone in America is receiving a comparable education? (Applause.)

THE PRESIDENT: I want to answer your question, but first I'd like to start with a compliment to the African American community. Last year, the high school graduation rate nationally among African Americans was well above 80 percent and almost at the level -- almost equal to the level for white Americans. And it's a little known and appreciated fact. And it's a great tribute, since, as you pointed out, people who are in inner city schools, particularly where there's a lot of violence, a lot of drugs, a lot of problems, have to struggle harder to stay and get through and come out -- it's a stunning achievement that the differential in graduation rate is now only about 4 percent. That's a stunning thing. That's very, very good. (Applause.)

Now, I'll tell you what we're trying to do. We're trying to do several things. We're trying, first of all, to help these schools work better with helping the teachers and the

principals to operate drug-free and weapon-free schools; with supporting juvenile justice systems like the one in Boston where, I might add, not a single child has been killed by a handgun in nearly two years in Boston, Massachusetts. (Applause.)

So we've got to create a safe and drug-free environment. Then we're trying to support more parents groups in establishing their own schools. For example, I met with a number of Hispanic leaders recently -- a lot of you are familiar with the group, La Raza. They are operating, La Raza is operating 15 charter schools, where the parents have been permitted to work

with teachers to establish their own schools within the public school system, and set up the rules which govern them and make sure that they're good for the kids.

There are a number -- there's no magic bullet here, but what we're trying to do is to take the lessons from every public school that is working in a difficult environment where there's a low dropout rate and a high performance rate, and say, they all have five or six common elements; and then we're trying to provide the funds and the support to people all over America to replicate that.

I want to take my hat off to the people of Chicago here who have had a very difficult situation in their schools, and they have been turning it around and raising student performance quite markedly in the last couple of years with the involvement -- aggressive involvement of parents and students. There's a student who sits on the local board governing the schools here now. And I think that's -- I guess the last thing I'd say is, I would favor having communities have someone like you on their governing boards because I think if they'd listen more to the young people about what it would take to clean up and fix up the schools, I think we'd be ahead. (Applause.)

Let me just make two other comments. I think there are some places where money will make a difference. I mentioned one in trying to get good teachers there. We're going to have to replace 2 million teachers within the next decade -- 2 million with retirements and more kids coming to school.

Another is old school buildings. I was in Philadelphia the other day. The average age of a school building in Philadelphia is 65 years of age. The school buildings in Philadelphia should be drawing Social Security. That's how old they are. (Laughter.) Now, a lot of those old buildings are very well-built and can last for another 100 years, but they have to be maintained. We have school buildings in Washington where they're open -- where there are three stories in the school building, and one whole floor has to be shut down because it's

not safe for the kids to be there. So we've got to be careful about that. We need an initiative to help repair the school buildings.

And finally, let me say that I think technology offers young, lower-income kids an enormous opportunity. If we can hook up every classroom in America to the Internet by the year 2000 -- (applause) -- get the computers in there -- a lot of you do things with computers that people who are in your line of work couldn't even imagine five years ago. When I go on a trip now on Air Force, I go back and watch the photographers send their pictures over the computer back to news room.

If we can hook up every classroom to the Internet, have adequate computers, adequate educational software, properly-

trained teachers, and then involve the parents in the use of this to keep up with the school work and all that and get to the point where the personal computer is almost as likely to be in a home -- even a below-income person has a telephone -- we can keep working in that direction.

I think technology will give young Americans the chance, for the first time in history, whether they come from a poor, a middle class or a wealthy school district, the first time ever to all have access to the same information, at the same level of quality, at the same time. That has never happened in the history of the country.

So if we do it right and the teachers are trained to help the young people use it, it will revolutionize equality of educational opportunity at the same time it raises excellence in education. So those are basically some of my thoughts about this.

And thank you for asking and for caring about the people that are coming along behind you. (Applause.)

Q Mr. President, Cheryl Smith, KKDA-Radio, Dallas, Texas. Every four years, African Americans cast their votes for a presidential candidate who will hopefully address some of the issues affecting black Americans. Do you feel African Americans should be pleased with your efforts thus far? And what can we expect from you in the future, especially in the area of judiciary appointments? (Applause.)

THE PRESIDENT: Well, the short answer is, yes. (Laughter.) I do. I mean, if you look at what's happened to African American unemployment, African American homeownership; if you look at the fight that I've waged on affirmative action and what I've tried to do for access to education, as well as quality

of education; if you look at my record on appointments in the administration, in the judiciary, which far outstrips any of my predecessors of either party -- (applause) -- if you look at the larger effort that I've made to try to get Americans to come together and bridge the racial divide and to make people understand that we are each other's best assets, I would say that the answer to your first question is, yes.

Now, what else do we still have to do? First thing that I think is terribly important is, we have to, in addition to what I've talked about -- I've already talked about education and the racial initiative, so we'll put those to the side, I've already talked about them -- I think we have got to recognize that there is a legacy here which has not been fully overcome, and that the United States is consigning itself to substandard performance as a nation if we continue to allow huge pockets of people to be under-employed or unemployed in our inner city neighborhoods and in our poor rural areas, who are disproportionately minority.

At a time when we have a 5 percent unemployment rate, we ought to be able to seriously address what it would take to put people to work and to give people education and to create business opportunities.

But let me just give you two examples. We've had a Community Reinvestment Act requiring banks to make loans in traditionally under-served areas for 20 years. We decided to enforce it. Seventy percent of all the loans made under the Community Reinvestment Act have been made in the four and a half years since this administration has been in office. (Applause.) In the 20 years -- 70 percent of all the loans. That's the good news. The bad news is, not enough money has been loaned.

We set up these community development banks modeled on the South Shore Bank here in Chicago. A lot of you are familiar with it if you've been around here. In our new budget agreement, we have enough funds to more than double that. We set up the empowerment zones and the enterprise communities. In our new budget act, we have enough funds to more than double that. We have a housing strategy that we believe can attract middle class people as well as low income people to have housing together in the inner cities so that we can also attract a business base here.

We know a lot more than we used to do about what it would take to have a thriving and working private sector in our urban areas. I have not done that yet. And that's what you ought to expect me to be working on.

And then there are a lot of unmet social problems that we need to deal with. It's still -- you know, I got my head handed to me, I guess, in the '94 elections because I had this crazy idea that America ought not to be the only country in the world where working families and their children didn't have health care. It seemed to be a heretical idea, but I still believe that and I'm not sorry I tried. (Applause.) So now we're trying to give our children health coverage. And I think you ought to expect all the children in the African American community to be able to go to a doctor when they need it.

I think you ought to expect us to continue our assault on HIV and AIDS. And until we find the cure, I think you ought to expect us to stay at the task. (Applause.) I think you ought to expect us to continue to make headway on other medical problems which have a disproportionate impact in your community.

These are some of the things that I think that you should expect of us -- more opportunity, tackling more of the problems, bringing us together.

I have tried to be faithful to the support I have received, not only because it was the support I have received,

but because I believed it was the right thing to do. And I believe that when our eight years is over, you'll be able to look

back on it and see not only a lot of efforts made, but a lot of results obtained.

Thank you very much.

END

7:00 P.M. CDT

Message Sent To: _____

Civil Rights Investigations of Higher Education in California and Texas

In response to a complaint filed by several civil rights organizations, the Office for Civil Rights (OCR) at the Department of Education will investigate the current admissions policies at the three University of California law schools: Boalt Hall, UCLA, and UC-Davis. The investigation will determine whether the policies violate Title VI of the Civil Rights Act of 1964 by having a discriminatory impact on minority students. Preliminary analysis shows a significant disparity in the admission rate for certain minority group students compared to whites. The investigation concerns current admissions policies, rather than the widely-reported decline in minority admissions following the discontinuation of UC's affirmative action program.

An extensive OCR-initiated investigation of the Texas higher education system, begun in February, 1997 as part of a series of state higher education desegregation reviews, is continuing. The review will determine, consistent with the Supreme Court's Fordice decision, whether vestiges of past discrimination remain in the Texas system. A chapter of the National Black Law Students Association filed a complaint with OCR last fall, asserting that Texas continues to operate a dual system of higher education and challenging the state's implementation of the Hopwood decision. In April, OCR informed the association that its Title VI allegations would be reviewed as a part of the existing investigation, while OCR plans to refer the group's Fourteenth Amendment allegations to the Department of Justice.

Vocational Education Bill

The Perkins vocational education reauthorization bill, H.R. 1853, should reach a House floor vote soon. This week Democrats and Republicans reached a compromise on a within-state funding formula and other provisions that target more funds to low-income and urban areas, thus avoiding a highly partisan vote. The bill would achieve several administration goals, including the consolidation of numerous existing set-asides into a flexible state grant. However, serious concerns remain, including poor accountability for performance, limits on the use of industry-recognized skill standards, and still-inadequate in-state targeting as compared to existing law. The Department of Education hopes to address some of these problems in the Senate.

DRAFT

MINORITY APPLICATIONS AND ENROLLMENT

A Preliminary Analysis

Prepared by Leslie T. Thornton

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June 9, 1997

MEMORANDUM TO:

FROM:

SUBJECT: MINORITY APPLICATIONS AND ENROLLMENT IN THE
WAKE OF HOPWOOD AND CALIFORNIA PROP. 209

INTRODUCTION AND BACKGROUND

Last fall, Californians voted in favor of a ban on affirmative action in public college admissions and state hiring. In April of this year, the U.S. Ninth Circuit Court of Appeals ruled that Proposition 209 can be enforced to eliminate such programs. The ruling came on the heels of a U.S. Supreme Court decision last summer to let stand a Fifth Circuit Court of Appeals ruling in Hopwood v. Texas ("Hopwood") that Texas and two other states in its jurisdiction, Louisiana and Mississippi, could not use race as a factor in college or graduate school admissions or scholarships.

Already, fall applications and enrollment of under represented minorities are down dramatically at the University of California's nine campuses. At UCLA's law school 21 black students have been selected for next year's fall class -- an 80% drop from last year and the lowest number of African-Americans offered admission since 1970 according to a May 19, *Washington Post* article. At UC-Berkeley's Boalt School of Law, 14 blacks have been accepted in a class of 792, down from 75 last year. In May, the school announced that a total of 55 students of under represented minority groups had been accepted to this fall's entering class -- the lowest number to be admitted in a decade. Hispanic students fared little better.

In Texas, it's even worse. At the University of Texas Law School, where the Hopwood case was filed, 791 students or about 80 percent of the fall 1997 class had been admitted by April but only five were minority. By June 5, only ten black students had been admitted to the law school *and not one of them enrolled*. Again, Hispanic applications also declined in both undergraduate and graduate schools in Texas, a particularly troubling trend when you consider that one of every 11 Mexican-American lawyers in the United States was trained at the University of Texas Law School. At the University of Houston Law School, the number of black applicants dropped by 39 percent this year, according to the school's head of admissions. The decline among Hispanics applicants was 19 percent. At UT-Austin, applications from blacks fell 24 percent and from Hispanics by 22 percent.

It was bound to happen. At least that's what pro-affirmative action advocates are now saying about the predictions they made two years ago when California Proposition 209 was debated and the Hopwood case wound through the Texas court system. Studies indicate that other bans on affirmative action would have a similar impact. For example, a national study of law school admissions by Linda F. Wightman published in the April 1997 New York University Law Review found that admissions based on just test scores and grades would return law schools to the almost exclusively white classes not seen since the 1960s. Wightman's study of 90,000 law school applicants -- perhaps the most comprehensive empirical study to date on this issue -- shows that of the 3,485 blacks accepted by law schools in 1991, just 687 would have been admitted only on the basis of board exams and grades. *Yet, these same minority students had graduation and bar-exam pass rates similar to whites' and they had an incalculable value to the black community as both professionals and role models.* But, some affirmative action opponents say actual and predicted declines merely reflect what they have been arguing all along -- affirmative action programs only facilitate the admission of minorities who were not really qualified to be there in the first place.¹

As a matter of pedagogy, few actually disagree that a diverse environment enhances learning. University of Houston law professor Laura Rothstein already has experienced the limitations reflective of a classroom with fewer minorities and she's worried about it. She says that because there are only two black students in her property law class this year, the discussion on housing discrimination was much less "fiery" than in prior years when more minorities attended. "The issue of race didn't come up as it has in the past because there was no one there to bring it up" she recently said. "All of the students in my class were harmed because of that loss," not just minority students.

Professor Rothstein is not alone. A recent poll conducted for the Ford Foundation in Washington state shows conservatives as well as liberals support educational diversity, especially to prepare students better for employment in a multi cultural world. More than 70 percent of those surveyed in the potential pilot study for surveys nationwide, agreed that diversity improves teaching, learning and extracurricular climate on campus. Nearly two-thirds believe that the nation is growing apart rather than together and that colleges should prepare students to "get along in a diverse environment."

¹For example, Thomas Lifka, assistant vice chancellor of student academic services at UCLA says of the 10,000 letters of acceptance that went out in early April, the students averaged a 4.14 grade point average and 1,303 SAT scores, "and most aren't coming from under represented groups."

There are other consequences. The dean of UT's law school Michael Charlott says a dearth of minority lawyers in a state that is half minority will undermine confidence in the law and add to racial friction. He says outstanding students who are bypassing Texas because they believe they are unwelcome will rob Texas of a skilled and upwardly mobile minority community.

There is some good news, however. Local and state legislatures and education officials already have begun efforts in response to declines in minority enrollment. In Texas, state senators worked to pass a plan aimed at helping Texas keep more minority students going to college there. Even Steven W. Smith and Terry Pell, attorneys for plaintiffs in the Hopwood case, say the plans before the Texas legislature aimed at ensuring genuine diversity in higher educations seemed like appropriate ways to achieve the worthy goal. California Proposition 209 has also spawned a number of proposals aimed at ensuring diversity in state colleges and universities there (detailed on page 11).

As we proceed in this debate, a few things are already apparent. First, there are serious long-term economic and social consequences of the path we are headed down. For example, a study last year by doctors at the University of California, San Francisco, revealed that few white doctors care to practice in minority communities. Consequently, a large decrease in the numbers of blacks and Latinos in medical school will result in fewer physicians in communities of color. Public institutions do and should have an agenda that encompasses serving the public interest.

Second, because this nation is still struggling to overcome the past vestiges and present manifestation of a shameful history of officially-sponsored racial segregation and discrimination, backslides in concerted efforts to provide equal opportunity to minority -- real or perceived -- perpetuates this struggle. As Owen M. Fiss, Sterling professor of law at Yale Law School recently said, "ultimately, we cannot get beyond racism without taking race into account." Whether and how we recognize this fact, particularly in our institutions of higher education, will determine how we go forward as a nation -- divided by our differences or enhanced by embracing the fullness of a nation, already of many peoples, on the verge of becoming the most multi-ethnic, multi-cultural and multi-religious democracy in human history.

This memorandum and its attachments present a preliminary look at and analysis of the issue of minority enrollment and other trends pre- and post-Hopwood and California Proposition 209. It is clear that though minorities still trail whites in enrollment, growth -- though slower than earlier in the decade -- was still made in 1995 until both the Hopwood case and California Proposition 209 had the effect of discouraging minorities from applying to Texas and California's public universities. Until research can be done on this extremely recent trend, experts will differ on the root

causes of the declines (i.e., declines due to feelings of students that they are not welcome or declines due to concerns of students that they will not be admitted, etc.). But both the results and the long-term impact have been widely heralded as detrimental to the direction in which we are headed as a nation generally and to education specifically. Thus, this memorandum also sets out what the U.S. Department of Education has and continues to do to address this issue and looks at efforts underway by local legislatures in Texas and California to meet the challenges presented by Hopwood and California Proposition 209.

Finally, this memorandum suggests some of the broad and specific themes the President may wish to consider in preparing for his Racial Reconciliation initiative.

DRAFT ANALYSIS

I. MINORITY ENROLLMENT TRENDS PRE-HOPWOOD & CALIFORNIA PROP. 209

A. Racial and ethnic differences in participation in higher education generally
[source: the 1997 Condition of Education Report]

Racial and ethnic differences in college enrollment rates may reflect differences in access to and persistence in higher education for groups with varying social and economic backgrounds, according to data presented in the department's annual 1997 Condition of Education report. Differing enrollment rates are also a leading indicator of future differences in the earnings and productivity associated with post-secondary education -- a finding that is particularly significant in light of the recent application and enrollment trends in Texas and California. The college enrollment rate for 18 to 24-year-olds is influenced by the number who enroll immediately after graduating from high school, the number who delay entry, and the number of years individuals in both of these groups stay in higher education.

Between 1976 and 1995, the percentage of high school graduates aged 18-24 enrolled in college increased from 33.1 percent to 42.1 percent. The rates of increase differed by race and ethnicity with blacks and Hispanics showing a smaller increase. Specifically, the percentage of black high school graduates aged 18-24 enrolled in college increased from 33.4 percent to 35.2 percent, while the percentage of white high school graduates aged 18-24 enrolled in college increased from 32.8 percent to 43.7 percent, and the percentage of Hispanic high school graduates aged 18-24 enrolled in college increased from 35.9 percent to 34.9 percent.

Interestingly, 1976 was the only year in which the percentage of Black high school graduates aged 18-24 enrolled in college was greater than the percentage of white high school graduates enrolled in college and the only year in which the percentage of Hispanic high school graduates aged 18-24 enrolled in college exceeded both the rate for white and Black students. Between 1993 and 1995, white high school graduates aged 18-24 were more likely to be enrolled in college than were their black and Hispanic counterparts. For these years, the average enrollment rate for whites was 9 percentage points higher than that of both blacks and Hispanics.

The percentage of high school graduates aged 18-24 enrolled in college was higher in 1995 than in 1972 for whites and blacks. During this period, the college enrollment rates for whites grew substantially (11 percentage points), with most of the growth occurring after 1981. College enrollment rates for blacks of the same age group grew moderately over the period (8 percentage points).

Between 1993 and 1995, enrollment rates in 2-year institutions were similar for white and black high school graduates aged 18-24, while Hispanics were more likely than whites or blacks to be enrolled in 2-year institutions. However, both black and Hispanic high school graduates aged 18-24 were substantially less likely to be enrolled in 4-year institutions than were their white counterparts.

Enrollment rates for older adults, high school graduates aged 25 or older, were much lower than those for their younger counterparts aged 18-24 regardless of racial and ethnic group. Between 1993 and 1995, college enrollment rates were similar for white, black, and Hispanic high school graduates aged 25-34.

B. Trends in Fall Enrollment in Higher Education by Race and Ethnicity

[source: the 1997 Condition of Education Report]

Between 1976 and 1994, the percentage of minority students enrolled in higher education increased from 15.7% to 24.6%. In absolute numbers, total minority enrollment increased 1.6 million to 3.4 million students.

Over the same period, black enrollment in higher education increased from 9.6% to 10.5%. Again, in absolute numbers, black enrollment increased from 1 million to 1.4 million students. Again, over the same period, Hispanic enrollment in higher education increased from 3.6% to 7.6%. Again, in absolute numbers, black enrollment increased from 383,000 to 1.046 million students.

C. The ACE Report

[source: The Fifteenth Annual Status Report on Minorities in Higher Education²]

The Fifteenth Annual Status Report on Minorities in Higher Education provided by the American Council on Education, reveals that students of color continue to make progress in higher education, but still lag significantly behind white students in the rate at which they enroll in college. In addition, "[w]hile minorities continued to register increases in the number of students attending colleges and universities and receiving degrees during the period covered by the report, the findings raise concerns about the impact of more recent political and legal attacks on affirmative action."

² The annual ACE report presents national data on high school graduation rates, college participation and enrollment, and degree attainment, broken down by race and ethnicity, as well as statistics on employment and tenure rates of faculty of color. For the first time, this year's report includes information on overall educational attainment and a section that highlights innovative campus programs aimed at increasing higher education achievement among students of color. A special focus section explores educational trends and demographics among Asian-Pacific Americans.

Overall enrollment of students of color rose by 2.9 percent between 1994 and 1995 (the latest year for which such data is available), compared with gains of 4.6 percent between 1993 and 1994 and 7.1 percent in 1992. Minority students registered increases of 9.8 percent in the number of associate degrees earned in 1995; 8.5 percent in the number of bachelor's degrees; 11.1 percent in master's degrees; and 9.7 percent in first-professional degrees. However, these gains were smaller than those posted in the previous year. In 1994, increases in degree attainment ranged from 12.4 percent in the number of master's degrees to 16.8 percent in the first-professional degree category. In addition, while students of color made up 22.3 percent of all four-year undergraduates in 1994, they earned only 16.8 percent of all baccalaureates conferred that year.

1. High School Completion

African-Americans and Hispanics continue to trail whites, according to the ACE study, in the rate at which they finish high school, as they have for the past two decades. The completion rate for 18 to 24-year-old whites was 81.9 percent in 1995, compared with 76.9 percent for African-Americans and 58.6 percent for Hispanics. The 1995 completion rate for African-Americans was virtually unchanged from the previous year, but remains about 12 percentage points higher than the 64.8 percent recorded in 1975. The rate for Hispanics has fluctuated over time. The current rate is slightly above those recorded in the mid-1970s and two percentage points higher than in 1994, but below the 1993 rate of 60.9 percent.

2. College Participation and Enrollment -- Blacks Have Recorded the Smallest College Enrollment Gains of All Ethnic Groups

Nationally, the number of traditional college-age individuals (18 to 24-year-olds) peaked in 1981 and then went into a 10-year decline before leveling off. ACE reports that much of the decrease was due to a drop in the number of whites in that age cohort, which in 1995 remained 12.2 percent lower than in 1981. The number of traditional college-age African-Americans also dipped in the 1980s, then rose by 3 percent between 1990 and 1995. The Hispanic 18 to 24-year-old population climbed rapidly, increasing by 62 percent between 1985 and 1995 and by 31 percent since 1990.

Although fewer whites are enrolled in college, their numbers have not declined proportionate to their share of the population because of steady increases in their rates of participation in higher education. Enrollment rates for African-Americans and Hispanics, on the other hand, have fluctuated over time. Over the two decades from 1975 to 1995, the proportion of 18 to 24-year-old white high school graduates enrolled in college each year rose by 10 percentage points, to 43.1 percent. The rate for

African-American high school graduates increased by only three percentage points, to 35.4 percent.³

During the 1990s, Hispanics have regained ground lost earlier; however, their 1995 participation rate of 35.3 percent was nearly identical to the 35.5 percent recorded 20 years previous. Students of color have made significant gains in college enrollment over time, but most of those gains were recorded prior to 1995. The number of minority students enrolled in college grew by 67.7 percent between 1984 and 1995, and by 29.2 percent since 1990.

All four ethnic minority groups recorded only small enrollment increases between 1994 and 1995. Hispanics and American Indians posted the largest one-year gains, 4.6 percent and 3.1 percent, while Asian Americans experienced a 3 percent increase and African-Americans a 1.7 percent increase.

African-Americans have recorded the smallest college enrollment gains of all ethnic minority groups in recent years. Since 1990, the group's college enrollment has risen by only 18.2 percent, compared with a 39.6 percent increase for Hispanics, 39.2 percent for Asian Americans, and 27.5 percent for American Indians.

3. Educational Attainment -- Blacks and Hispanics Are Still Trailing

For the first time, ACE's report provides statistics on the educational attainment of whites, African-Americans, and Hispanics. This is important because information on educational attainment provides "important insights regarding the economic well-being of Americans," according to the report, "higher levels of achievement typically contribute to greater socioeconomic success." Drawing on census data, ACE's report examines the educational attainment of individuals ages 25 and older, particularly those 25 to 29 years old, who completed high school and college.

Nationally, the proportion of adults ages 25 to 29 who had completed high school was virtually unchanged in 1995 from a decade earlier (nearly 87 percent). While the data show African-Americans are closing the gap with whites in terms of high school

³Note that the ACE study is statistically consistent with the findings in the 1997 Condition of Education Report and other department data, though there is a slight difference in numbers. That is, education statistics show that between 1976-1995, the percentage of blacks high school graduates aged 18-24 enrolled in college increased from 33.4 percent to 35.2 percent. The ACE study over the years 1975-1995, indicates a 3 percent increase to 35.4 percent.

completion, both African-Americans and Hispanics trail far behind whites in the rates at which they complete college.

In 1995, 25 to 29-year-old whites and African-Americans registered nearly identical high school completion rates (87.4 percent vs. 86.5 percent). This represented substantial progress from 10 years earlier, when African-Americans trailed whites by more than 6 percentage points (86.8 percent vs. 80.6 percent). Hispanics continued to lag behind with a 1995 rate of 57.1 percent.

Approximately 26 percent of all white adults ages 25 to 29 had completed at least four years of college in 1995, compared with 15.3 percent of African-Americans and 8.9 percent of Hispanics. The 1995 figures are the highest recorded since 1975 for whites and African-Americans. The rate for Hispanics has fluctuated over time, reaching 10 percent and slightly higher during much of the 1980s before dipping in the 1990s.

4. Degrees Conferred -- Data Proves Efforts by Colleges & Universities to Improve Access for Minorities Has Resulted in Higher Gains for Minorities

The report's findings on degree attainment indicate that efforts by colleges and universities in the late 1980s and early 1990s to improve access for and retention of students of color have paid off. Minority students recorded gains in all four academic degree categories between 1993 and 1994 (the latest year for which data is available). Nonetheless, the increases were smaller than those registered in previous years. Students of color earned 16.8 percent of all bachelor's degrees in 1994, only 1.2 percentage points above the previous year, compared with the 2.2 percentage point increase between 1992 and 1993.

Between 1993 and 1994, African-Americans posted increases in the number of degrees earned in each of the four categories, but the rise at the baccalaureate level (7.3 percent) was the lowest among all ethnic minority groups. African-American students earned 9.7 percent more associate degrees in 1995; 10.9 percent more master's degrees; and 8.4 percent more first-professional degrees.

Hispanic students recorded an 8.2 percent gain in associate degrees; 10.7 percent in bachelor's degrees; 11.7 in master's degrees; and 5 percent in first-professional degrees. American Indians experienced an increase of 13.6 percent at the associate level; 9.1 percent in baccalaureates; 20.6 percent in master's degrees; and 0.8 percent in first-professional degrees. The increases for Asian Americans were 12.2 percent in associate degrees; 8.2 percent baccalaureates; 10.1 percent master's degrees; and 14.2 in first-professional degrees.

Students of color also continued to experience steady growth in doctoral degree attainment. The number of doctoral degrees earned by these students rose by 13.6 percent between 1994 and 1995 and by 67 percent from 1985 to 1995. Among the four ethnic minority groups, Asian Americans recorded the largest one-year increase in doctoral degree recipients in 1995 (19.9 percent), followed by African-Americans (17.5 percent), American Indians (4.2 percent), and Hispanics (3.6 percent).

ACE reports that students of color at National Collegiate Athletic Association Division I institutions also posted gains in graduation rates between 1990 and 1995. Asian Americans experienced the smallest gain, 3 percentage points (from 62 percent to 65 percent), while African-Americans posted the largest, 9 percentage points (from 31 percent to 40 percent). Graduation rates for Hispanics rose by 6 percentage points (from 40 percent to 46 percent) and for American Indians by 8 percentage points (from 29 percent to 37 percent). White students recorded a 1995 graduation rate of 59 percent, up 3 percentage points from 1990.

5. Faculty -- Despite Significant Increases in the Number of Minority Faculty, They Are Still Severely Under Represented

The number of full-time faculty of color increased by 43.7 percent between 1983 and 1993, compared with 6.4 percent for whites. Despite these gains, faculty of color remain severely under represented, accounting for only 12.2 percent of all full-time faculty at U.S. colleges and universities and just 9.2 percent of full professors in 1993.

Among African-American full-time faculty, nearly two-thirds served as associate or assistant professors in the 1995-96 academic year, while 17.8 percent had attained the rank of full professor and 15.6 percent served as instructors.

Approximately 32 percent of Hispanic faculty served as assistant professors last year, while only 18.4 percent were associate professors and 17.3 percent full professors. Asian Americans posted the largest proportion of any ethnic minority faculty group who were full professors in the 1995-96 academic year 31.1 percent. In addition, although American Indians accounted for a very small share of U.S. faculty, nearly 25 percent of them were full professors; another 21.9 percent were associate professors, and 26.1 percent served as assistant professors.

II. MINORITY ENROLLMENT TRENDS POST-HOPWOOD AND CALIFORNIA PROP. 209

[source: anecdotal evidence]

Even with affirmative action, minority enrollment in campuses nationally is not increasing as much as it was earlier in the decade -- growing less than 3 percent in

1995, according to ACE's recent study. In light of the declines we are now seeing in minority enrollment in California and Texas, these findings *must* be perceived as an "early warning signal" both for colleges and universities committed to diversity in their student bodies and for the nation as a whole. As outlined above (page 1), California and Texas schools are reporting decreases in minority applications from 25 percent to 80 percent. At the University of Texas law school, the incoming fall class will have no blacks.

III. RESPONSES TO ATTACKS ON AFFIRMATIVE ACTION

A. LOCAL AND STATE EFFORTS

According to a May 12, 1997, *Los Angeles Times* article, California Proposition 209 has spawned a series of proposals seeking other ways to increase the number of students drawn from the state's poorer-performing high schools. Some of the proposals would provide slots only to valedictorians while others would extend offers to the top 4 percent, 6 percent or even 12 percent of each high school's senior class. Proponents of the measures say they would improve the geographical distribution of UC students, help inspire competition within lower-achieving schools, and reward disadvantaged students who now lose out to their wealthier counterparts. However, a UC analysis of the 12.5 percent plan estimated that it would help boost the percentage of Latino students by more than half and slightly increase the number of African-Americans but decrease the percentage the Asian Americans and white.

In Texas, the state Senate in April passed a package which provides that 50 percent of university classes in the eight Texas schools that use selective criteria would gain admission through traditional means -- class standing, grade point average, and standardized test scores, but 40% would enter using additional factors. These factors would include the applicants' social-economic background and school activities. Schools would also look at whether the applicant's school is "low-performing." Students who finished in the top 10 percent of their class would automatically be eligible. In May, minority Senators won approval of a bill that would direct state officials to monitor minority participation at state colleges and universities in the wake of Hopwood. They would also like to see U.S. officials look at the issue of declining minority enrollment in Texas schools. Also in Texas, three universities (South Texas, Texas Wesleyan and St. Mary's) are protesting Texas Atty. Gen. Dan Morales' interpretation that *Hopwood* mean universities cannot even include race in a "basket" of criteria.

In May, Governor George Bush signed legislation requiring public colleges and universities to guarantee admission to students who graduate in the top 10% of their high school classes. However, several university officials worry that some students who are in the top 10 percent of their high-school classes will not be prepared to do

work in highly competitive campuses because of differences in the quality of education officials in the state's wealthy and poor districts. Other colleges officials do not see how the bill ensures that minority students will be able to afford to attend the universities. In addition, because of Texas' ban on race-based aid, officials say universities will need as much as \$60 million in new funds to accommodate minority students who qualify for admission under the new criteria but cannot afford to attend.

While the fact that local and state legislators and college officials are working to address this issue is encouraging, some of these proposals already are controversial and have highlighted the complicated issues we face in this regard. When UC-San Diego proposed giving extra points to applicants from disadvantaged high schools last summer, parents complained it would penalize high-quality schools and harm property values. And, a UC Task Force set up to explore ways too help disadvantaged students meet UC entrance requirements ran into problems in the midst of divergent opinions with one group of task force members unhappy with a proposed draft threatening to write a dissenting report.⁴

However, it is clear that when school administration officials direct time and resources to the issue, gains are the result. ACE's data supports the argument that affirmative action efforts of colleges and universities in the late 1980s and early 1990s paid off -- with minority students recording gains in all four academic degree categories between 1994-1994. It is important that we consider the careful use of this message in our public discussion of this issue.

B. The Department of Education

1. Litigation

The Department has expressed its commitment to continue to intervene in

⁴According to a May 22, 1997 Education Daily article, the UC panel recently released a draft report saying the university must focus on educational disadvantages -- not low income -- and that poor-performing schools are a better indicator than income of who needs help. The panel's recommendations include: (1) forming "school-centered partnerships" among each UC campus and public schools chosen for their poor academic performance, to establish standards and improve student achievement; (2) expanding academic outreach programs for K-12 students; and (3) creating an "information outreach" program to help students and their families prepare for college. The state and university allocated \$3.5 million for the 1997-98 school year to implement the plan but educators say it will cost tens of millions of dollars more to be successful. Currently, the plan is in a public comment period and each UC chancellor is required to submit a detailed plan by January 1, 1998.

litigation in support of appropriate affirmative action programs. In a letter to Texas legislators, the Department indicated that we would look for an appropriate opportunity to challenge the Hopwood decision. Also, the Department of Justice has filed a brief on behalf of plaintiffs in the litigation challenging California's Proposition 209.

2. Civil Rights Review

The Department's Office for Civil Rights advised Texas officials that it is conducting a review of the Texas higher education system to ensure that Texas has eliminated all remnants of its former de jure segregated system, consistent with the Supreme Court's decision in United States v. Fordice. If it were determined that such remnants exist (and no such determination has been made at this point), OCR would seek to negotiate with Texas what measures would be needed to remedy any continuing effects of past discrimination.

3. Leadership/Research Support for Affirmative Action

The Department has written to college officials in California reminding them that the terms of Proposition 209 require affirmative action to be continued in some instances, in order to continue eligibility for federal assistance; for example, the Department's Minority Teachers Grant Program. In addition, Secretary Riley, Assistant Secretary for Civil Rights Norma Cantu, and General Counsel Judith Winston have written to all college officials and have sought out opportunities at national and regional meetings to speak to the importance of diversity in the university setting and to offer assistance in promoting it.

The Department is continually pursuing opportunities to build legal support for affirmative action programs that are designed to achieve diversity. We are participating in a series of meetings sponsored by Harvard University to address research-based educational justifications for the goal of diversity.

Finally, the Department's Office of Educational Research plans to issue a request for proposals for research in this area within a short time.

4. Race-Neutral Strategies

In presentations at national meetings, the Department has called upon colleges and universities to develop and use more creative, race-neutral approaches to achieving diversity, including, for example, more aggressive recruitment in secondary schools with high percentages of minority students; educational partnerships with these secondary schools; and development of more appropriate admissions criteria that more

broadly defines educational and leadership potential of applicants. The Department plans to further explore ways to assist these efforts.

IV. OBSERVATIONS AND CONCLUSIONS

Recent press reports on the substantial decline in the number of minorities being admitted and enrolling in some of the nation's most prestigious public universities rightly call the trend "alarming." Recent data from the National Center for Education Statistics, the Department of Education, the American Council on Education, Linda Wightman, as well as anecdotal information, all point to a conclusion that the implementation of entirely race-neutral policies in public colleges and universities admissions can have disastrous affects on access of minorities to top public universities. The consequences are numerous and varied from implications of pedagogy to the effect on local communities which may be deprived of competent minority doctors, lawyers, and other professionals, to broader concerns of racial harmony generally.

On the other hand, discussing the issue is not as easy as pointing out obvious adverse affects because there is significant disagreement on plausible solutions. Moreover, both public and private colleges and universities are reluctant to discuss how precisely they use or will use race as factor of admissions for fear of legal and other challenges. While California and states in the Fifth Circuit must adhere to current law, in the remainder of the country public universities are still permitted to use affirmative action in admissions and hiring. However, campaigns to stop the use of affirmative action policies are spreading nation wide and already some students, academics and politicians are arguing that declines in minority enrollment prove affirmative action only worked to admit less qualified students over more qualified students.

It is important, therefore, to address both sides of the argument if we are going to be successful at conveying what the consequences of these and other trends portend for the nation, not just in education and economic terms but in the manner in which we relate to one another as a society.



UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

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202-401-3000 (phone)

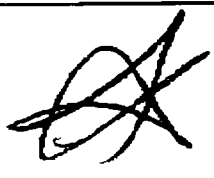
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DATE	NEWS SOURCE	HEADLINE/RELEVANT TEXT
6/23/97	USA News & World Report	Hand holding as policy/How can Clinton care so much about race relations -- and yet propose so little to help? For Clinton, who "arguably has a more nuanced understanding of racial issues than any president in history" his race initiative "seems surprisingly timid."
6/23/97	Chronicle of Higher Education	Civil-Rights Groups Ask to Join Lawsuit Over Affirmative Action in Georgia Civil rights groups and students filed a motion in federal court June 20 asking to intervene in a lawsuit that could lead to the elimination of racial preferences in hiring and admissions at Georgia's public colleges and universities. NAACP, the Southern Christian Leadership Conference and 16 black high-school and college students are attempting to join a lawsuit filed in March in Savannah on behalf of seven white and four black plaintiffs. Plaintiffs are demanding that the system eliminate the racial identifiability of its historically black and predominantly white colleges and that the campuses stop considering race in admissions, hiring, and other decisions.
6/24/97	Sacramento Bee Editorial	Beyond the numbers: UC Admissions to consider human qualities, too UC's nine campuses actively looking for other ways to compose student bodies that reflect the state's growing diversity. Each of UC's nine campuses will experiment with different admissions policies in an effort to achieve diversity. Each will examine a variety of personal circumstances and accomplishments in addition to grades and scores. For example, UC-Davis will offer 60 percent of the 3,700 places in its 1998 freshman class to applicants with the highest grades and tests scores. But in filling the remaining 40 percent, the admissions office will give weight to other factors including extracurricular leadership experience; attendance at a high school that is economically disadvantaged and has a historically low level of UC attendance; residence in the three counties closest to the university; military service; and marked academic improvement in the 11th grade. Still, the new policy calls for consideration only of students who meet UC minimum eligibility requirements; a combined 1,000 on the SAT and a high school grade-point average of 2.82 in designated college preparatory courses. UCLA will give an advantage to applicants from disadvantaged urban and rural neighborhoods. UC Irvine will look at an applicant's entire profile, not just grades and scores, including personal essays and extracurricular activities. UC San Diego will look at "special circumstances and personal challenges" which could include whether an applicant is trying to become the first in his or her family to attend college. Editorial argues these policies may make the admissions process more complicated but weighing human factors may be a better way of measuring than just tests and scores.

Bill -
Please read
carefully.

DATE	NEWS SOURCE	HEADLINE/RELEVANT TEXT
7/8/97	The Washington Post OP-ED	Better Than Affirmative Action (by Jack Kemp and J.C. Watts Jr.) Argues President offered no improvement over current system and takes up President's challenge to offer "a better way." "Better way summed up in five policy prescriptions to broaden access to capital in every home and neighborhood: (1) establish renewal communities and enterprise zones to draw business and jobs into distressed urban areas; (2) open up the educational system to the influence of parental and community choice; (3) reverse federal and state welfare provisions to reward rather than punish recipients for working, saving and investing toward an independent future; (4) implement privatization of public housing and other efforts to bring home ownership and property ownership into low-income neighborhoods; and (5) embrace strategies that will get our national economy growing at a pace that can accommodate the talent of all Americans. Promotes legislation called Community Renewal Project which would remove tax and regulatory barriers to job creation and entrepreneurship. Proposal also promotes voucher and magnet school system of public and private school choice.
7/8/97	St. Louis Post-Dispatch -- Editorial	Affirmative Action Loses Ground Resegregation of the University of Texas Law School carries some historical symbolism. A 1950 Supreme Court case involving the school began to break down segregation at the college level. The court said then that graduates of Texas' all-black law school were deprived of the prestige and alumni connections that went with graduation from the state's most prestigious law school and by 1980, UT's law school was producing more black and Hispanic lawyers than any school in the country. The result was "a homegrown power elite of minority lawyers- an elite that may now be at risk." The "Newt Gingrichs of the world" are wrong when they argue the decline proves less qualified students were getting in. "Because of the long history of segregation and racism, many poor black students get a slow start in the educational race. Until the remnants of segregation are gone, the nation needs affirmative action to give those students a chance to make up lost ground."
7/9/97	Education Daily Bill 	To Raise Minority Admissions, Task Force Looks To Teachers UC task force's \$60 million dollar plan to increase minority enrollment at UC would make training and retaining teachers in disadvantaged schools a priority. Task force estimates the total cost of professional development at \$18.5 million annually or about \$370,000 at each of 450 schools -- the disadvantaged high schools, plus 400 "feeder" elementary and middle schools. UCS Board of Regents to vote next week on the proposal. Report says need for new teachers in disadvantaged schools is "especially acute" because of high turnover rates.

Civil Rights Investigation of California Law Schools

In response to a complaint filed by several civil rights organizations, the Office for Civil Rights at the Department of Education will investigate the current admissions policies at the three University of California law schools: Boalt Hall, UCLA, and UC-Davis. The investigation will determine whether the policies violate Title VI of the Civil Rights Act of 1964 by having a discriminatory impact on minority students. Preliminary analysis shows a significant disparity in the admission rate for certain minority group students compared to whites. The investigation concerns current admissions policies, rather than the widely-reported decline in minority admissions following the discontinuation of UC's affirmative action program.

Vocational Education Bill

The Perkins vocational education reauthorization bill, H.R. 1853, should reach a House floor vote soon. This week Democrats and Republicans reached a compromise on a within-state funding formula and other provisions that target more funds to low-income and urban areas, thus avoiding a highly partisan vote. The bill would achieve several administration goals, including the consolidation of numerous existing set-asides into a flexible state grant. However, serious concerns remain, including poor accountability for performance, limits on the use of industry-recognized skill standards, and still-inadequate in-state targeting as compared to existing law. The Department of Education hopes to address some of these problems in the Senate.

Talking Points on Graduate Admissions Complaint Against the University of California

What the Complaint is About:

On March 19, 1997 several private civil rights organizations filed a complaint against the University of California System alleging discrimination, on the basis of race, ethnicity and sex, in admissions to graduate and professional schools.

The complaint was filed with the Office for Civil Rights (OCR) in San Francisco.

What We Have Done to Date:

OCR has evaluated admit data for the upcoming school year from the three UC law schools. Preliminary statistical analysis shows that under the admissions policies currently in use, there is a significant disparity in the admission rate for Hispanic/Latino, African American, American Indian and Asian candidates at Boalt Hall and UCLA and for Hispanic/Latino, African American and Asian candidates at Davis when compared to whites. There is no similar disparity at these three law schools for women.

Next Steps:

OCR has notified the complainants and the recipients that OCR will initiate an investigation at the three law schools to determine if the current admissions policies violate federal civil rights law.

The Point About Which People Get Confused:

Much of the press coverage this year has focused on the drop in the number of minority candidates admitted since affirmative action has been discontinued.

OCR is not investigating the decline in numbers that has occurred since the UC system discontinued its affirmative action efforts.

The UC system is not required to have an affirmative action program.

What OCR is investigating is whether the current admissions policies have a discriminatory impact on certain minority group students.

Author: Cathy H. Lewis at WDCF01
Date: 7/14/1997 3:45 PM
Priority: Normal
TO: Leslie Thornton at WDCB01
TO: Mike Smith at WDCT01
TO: Judith Winston at WDCE04
TO: Susan Craig at WDCE04
TO: Jessica Levin at WDCT01
TO: David Longanecker at WDCA01
CC: Raymond Pierce
CC: Norma V. Cantu
CC: Arthur Coleman
CC: Gary Jackson at SEAA01
CC: John Fry at CHIA01
CC: Susan Bowers
CC: Anne Yorke
TO: Sterling Henry at WDCH01
Subject: UC Complaints

----- Message Contents -----

The evaluation letters for these complaints, alleging discrimination in admissions to graduate and professional schools, were mailed by the San Francisco Office at the end of last week. OCR will be investigating whether the admissions policies and procedures currently in use at Boalt, Davis and UCLA law schools violate Title VI of the Civil Rights Act of 1964 (race and ethnicity) and its implementing regulations.

CIVIL RIGHTS ACT OF 1964 (RACE AND ETHNICITY) AND ITS

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TO : *Bill Kincaid*
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Fax : *456-5581*

FROM : Telephone : 202/205-9556
Fax : 202/205-9889

COMMENTS

Talking Points
Texas Higher Education System Desegregation Review

BACKGROUND-

1. Texas had entered into a desegregation plan with the Office for Civil Rights (OCR), Department of Education, to eliminate remnants of past discrimination in 1983. This five year plan expired at the end of the 1987-88 academic year. OCR conducted analyses subsequent to the expiration of the plan which indicated that some commitments in the plan were not implemented and results not achieved. The State developed and implemented two self initiated plans following the expiration of the 1988 plan with OCR.

2. In January, 1994 OCR, ED sent a letter to then Texas Governor Ann Richards in which the State was informed that OCR was continuing to analyze the State's efforts to fulfill its desegregation plan and to eliminate all vestiges of the de jure system in light of the Supreme's Courts decision in United States v. Fordice, 505 U.S. 717 (1992). The accompanying Fordice Notice which was published in the Federal Register announced that OCR "will investigate" de jure states, pursuant to standards set out by the Supreme Court in Fordice. Texas was one of six pending states.

3. Since January of 1994, OCR has initiated higher education desegregation reviews in Florida, Ohio, Pennsylvania, and as of February, 1997, in Texas. The decision regarding the order of the reviews was based on a number of targeting factors, including student enrollment disparities, states' commitments to the future and steps already taken, number of institutions affected, other OCR activities in the state, and resources necessary to achieve results.

4. On October 10, 1996, the Rocky Mountain Black Law Students Association, a Chapter of the National Black Law Students Association, filed a complaint with OCR "on behalf of all black youth enrolled in or improperly denied admission to any Texas institution of higher education for Fall 1996." The complaint, filed under Title VI of the Civil Rights Act of 1964 (Title VI) and the Fourteenth Amendment, asserts that Texas continues to operate a dual system of higher education and challenges the position that the State and its institutions have taken on affirmative action in light of the decision in Hopwood v. Texas, 78 F. 3d 932 (5th Cir). On April 16, 1996, OCR informed the Student Association that its Title VI complaint allegations would be investigated during our Texas Higher Education desegregation investigation. OCR plans to refer the 14th Amendment component of the Student Association's complaint to the Department of Justice.

SCOPE OF OCR'S CURRENT INVESTIGATION OF TX HIGHER ED SYSTEM

5. By letter of February 4, 1997 to Governor George Bush, the OCR review of Texas was officially initiated.

6. During our present review OCR will determine, consistent with the Fordice decision, whether vestiges of past discrimination remain, notwithstanding the 1983 Plan and subsequent State initiated Plans.

7. The Texas Public system of higher education is comprised of 42 universities and health-related institutions, 68 community colleges and 3 technical colleges. This is a total of 113 institutions on which the Office for Civil Rights must gather data in order to determine whether the Texas system is in compliance with Title VI. Only a small number of the 42 universities and health institutions were established after 1969, the year the State Constitutional provision requiring separate schools for white and black students was repealed. Therefore, the vast majority of institutions in the State must be examined to determine whether vestiges of the de jure dual higher education system remain.

8. The scope and complexity of the OCR review is very extensive. OCR will examine the following potential vestige areas: (1) institutional mission assignment, (2) funding inequities, (3) academic program offerings and program duplication, (4) racial identifiability of student populations, faculty, administrators and boards of governance, (5) resources in the areas of faculty salaries, libraries, technology, and physical facilities, (6) access as affected by recruitment, and admission policies and financial aid, and (7) students articulation, retention and graduation. The review will require data collection and analysis of information for all institutions in the various systems in Texas and in depth review, including on-site visitations, to a selected number of institutions. Also comparative analyses will be conducted of historically African American institutions and historically white institutions. One set of comparisons will involve institutions in the same service areas to determine whether there is unnecessary duplication in mission, and program offerings between two proximate schools. The other set of comparisons will focus upon comparability of institutions of similar size regarding factors such as faculty salaries, libraries, technology and facilities.

9. The State also passed a bill on May 8, 1997 providing for race neutral criteria for the admissions of students to State institutions of higher education. The implementation of this legislation may have an affect on measures that have been in place at some institutions for the recruitment, admissions, award of financial aid and retention of minority students. OCR will investigate recent changes in standards by higher education institutions to determine whether race neutral provisions that were a precursor to the legislation and those that are being developed to implement the legislation will be sufficient to eliminate any vestiges that may be identified as a result of the review.

10. As previously stated, OCR will simultaneously address the Rocky Mountain Law Students Association complaint, regarding its allegation under Title VI that a dual higher education system remains in Texas.

MINORITY COLLEGE ADMISSIONS AND ENROLLMENT

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Background

While the rate of minority enrollment continues to increase overall, the rate of growth has been slowing in recent years. Sharp declines in minority admissions and enrollment in both California and Texas demonstrate the stark impact of rolling back affirmative action in those states and jeopardize efforts to increase college-going among minorities.

- **Minority enrollment still increasing overall, but rate of growth is slowing** -- While overall enrollment of students of color in colleges and universities rose by 2.9 percent between 1994 and 1995 (the latest year for which data is available), this is down from gains of 4.6 percent between 1993 and 1994 and 7.1 percent between 1992 and 1993.
- **Sharp declines have occurred in minority admissions in California and Texas**-- The University of California and the University of Texas at Austin have recently reported substantial declines in African-American and Hispanic applicants and acceptances. In both states the sharp declines in minority admissions are attributed to roll-backs of affirmative action--in California, by the UC Board of Regents, and in Texas by the 5th Circuit's Hopwood decision.
- **California** -- The number of black students admitted to UCLA law school dropped by 80% in one year and is now the lowest since the early 1970s. Boalt Hall Law School at UC Berkeley admitted just 14 black students out of a class of 792, down from 75 in 1996.
- **Texas** -- At the University of Texas, nearly 400 fewer blacks and Hispanics have been offered undergraduate admission, a 20% drop in one year. Just 14 blacks have been offered admission at the UT law school, down from 65; in May, the sole African American who had accepted an admission offer withdrew. [Note: Developments in Texas have caused such a furor that Gov. Bush has signed a law mandating that the top 10% of graduates of all Texas high schools be admitted to all of the state's public colleges and universities].

Questions and Answers

Question: Are you concerned about reports of declining enrollments of minority students in postsecondary education?

Answer: These trends are disturbing and completely unacceptable. Educational opportunity is the touchstone of the American dream, and figures like these raise a serious concern that the doors of college education are being closed to minority students. In addition, diversity in education helps prepare all our students to be productive citizens in the 21st century, so these developments should concern every American.

Question: What is your administration doing to address this problem?

Answer: We are working on several fronts to address this issue:

- We will continue to intervene in litigation in support of appropriate affirmative action programs. The Department of Education is looking for a good opportunity to challenge the Hopwood decision, and the Department of Justice has filed a brief challenging California's Proposition 209.
- The Office for Civil Rights at the Department of Education is conducting a review of the Texas higher education system to ensure that Texas has eliminated all remnants of its former de jure segregated system.
- And, more broadly, the Administration is pressing higher education officials to maintain and expand diversity, and offering assistance to them to do so. For example, we have called on colleges and universities burdened by new legal restrictions to develop new and creative approaches to achieving diversity, such as aggressively recruiting in secondary schools with high percentages of minority students and forming educational partnerships with such schools.

Administration Initiatives to Strengthen Education and Improve Opportunities for Minority Americans

Raising Standards

- The cornerstone of President Clinton's education policies is high expectations for all children.
- In 1994, President Clinton signed legislation transforming Title I, the largest federal elementary and secondary program, to require that disadvantaged students be taught to the same challenging academic standards used for all other students in the state--ending separate, minimal expectations for students served under Title I. The new law also puts a stronger emphasis on involving parents in their children's education, a critical aspect of improving student academic achievement.
- In 1996, the President won a record increase in Title I, assuring extra help in the basics and advanced subjects for an additional XXX disadvantaged students; and the budget agreement will help ensure strong funding of this key program for years to come.
- In 1994, the President signed the Goals 2000: Educate America Act, which supports state and local efforts to raise academic standards for all children.
- The President has called for increased funding to assist low-income high school students to take the challenging Advanced Placement exam in math and other core subjects.

Getting Kids Off to a Good Start

- Head Start expansion

Reading

- The key to reaching high standards is mastering the basics, and the first basic is reading. The President has called for the entire nation to join a crusade to help insure that virtually every child in the U.S. can read by the end of 3rd grade.
- The budget agreement call for devoting X billion over five years to a new literacy initiative consistent with the President's America Reads Initiative, which would mobilize one million skilled reading tutors to work with teachers and parents and help kids become independent readers.

Access to Technology

- Technology is vitally important to helping students reach high standards and get ready for the 21st Century. It's critical that technology not divide us into a nation of haves and have nots. While the biggest gap in access to computers is in the home, the President and the

Vice President are deeply committed to working with our nation's schools to make sure that every child, no matter where they live or their economic circumstances, can log on to the Internet and take advantage of its rich possibilities for learning.

- Signed the Telecommunications Act and fought for the E-rate, which will allow Internet access discounts for schools and libraries. Discounts are on a sliding scale based on need, with poorest schools qualifying for a discount of up to 90%--nearly free.
- Working with private sector partners to connect every single school in each of the 15 Empowerment Zones to the Internet, so they can leap ahead in technology.
- To receive grants under our Technology Literacy Challenge Fund, states must spell out how they will target assistance to communities with the highest rates of poverty and the greatest need for educational technology.
- As we have worked with the private sector on Net Days, have specifically urged them to get involved with low-income areas, such as in DC and LA. And we have worked to involve not just companies, but also unions and other volunteers.

Access to Higher Education and Further Learning

- The President has made an historic commitment to increasing the number of Americans, including minority Americans, who get a college education. The balanced budget plan agreed to by the President and congressional leaders would include a new HOPE scholarship tax credit to help pay for the first two years of college, a \$10,000 tuition tax deduction, a record increase in the maximum Pell Grant to \$3,000, and solid funding for federal work study programs.

Other topics

Charter Schools

School Safety and Discipline

- Gun Free Schools -- signed and enforced
- Safe and Drug Free Schools Program -- defended against cuts
- School uniforms/manual
- Has proposed funding 1000 new community schools

School Construction

TeachingQuality

**THE WHITE HOUSE
WASHINGTON**

From the Office of:

The Domestic Policy Council

**Elena Kagan
Deputy Assistant to the President
for Domestic Policy**

TO: Bill Kincaid

FAX: 67028

PHONE: _____

PAGES: _____

MESSAGE: _____

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MAY 21 1997 12:27PM

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ACE NEWS

Race - minority enrollment

AMERICAN COUNCIL ON EDUCATION • One Dupont Circle, Suite 800 • Washington, DC 20036-1193 • 202/939-9365 • FAX 202/833-4762

FOR RELEASE A.M. MONDAY, MAY 19, 1997Contact: David Markowitz, (202) 939-9365 (office)
or (301) 927-3811 (home); or Deborah
Carter or Reginald Wilson, (202) 939-9395

STUDENTS OF COLOR CONTINUE TO MAKE GAINS IN HIGHER EDUCATION, BUT PROGRESS SLOWS, ACE REPORT REVEALS

Washington, DC (May 19, 1997) -- Enrollment gains by students of color in higher education have slowed considerably after several years of rapid growth, a report released today by the American Council on Education (ACE) shows. While minorities continued to register increases in the number of students attending colleges and universities and receiving degrees during the period covered by the report, the findings raise concerns about the impact of more recent political and legal attacks on affirmative action.

The ACE study, *The Fifteenth Annual Status Report on Minorities in Higher Education*, reveals that students of color continue to make progress in higher education, but still lag significantly behind white students in the rate at which they enroll in college.

Overall enrollment of students of color rose by 2.9 percent between 1994 and 1995 (the latest year for which such data is available), compared with gains of 4.6 percent between 1993 and 1994 and 7.1 percent in 1992. Minority students registered increases of 9.8 percent in the number of associate degrees earned in 1995; 8.5 percent in the number of bachelor's degrees; 11.1 percent in master's degrees; and 9.7 percent in first-professional degrees. However, these gains were smaller than those posted in the previous year. In 1994, increases in degree attainment ranged from 12.4 percent in the number of master's degrees to 16.8 percent in the first-professional degree category.

In addition, while students of color made up 22.3 percent of all four-year undergraduates in 1994, they earned only 16.8 percent of all baccalaureates conferred that year.

-more-

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"The continued progress shown by the report in most respects is cause for celebration," said ACE President Stanley O. Ikenberry, "but it also is a sharp reminder of just how far we have to go to wipe out historic inequities in educational opportunity and success. The slowdown in enrollment gains by minority students could be an early warning signal of what may lie ahead as we begin to gauge the impact of changes like those in California and Texas that have limited the ability of institutions to promote diversity in the student body. We in higher education face a substantial challenge if we are to insure that those gains are not reversed."

Both the University of California and the University of Texas at Austin recently reported substantial declines in the number of African-American and Hispanic applicants and acceptances. In California, the drop comes in the wake of the decision by the Board of Regents of the University of California to end affirmative action in admissions effective this year, as well as the passage of Proposition 209. In Texas, colleges and universities have been barred from considering the race of applicants in the admissions process subsequent to a 1996 ruling by the 5th U.S. Circuit Court of Appeals.

A lawsuit also has been filed in federal court against the University of Washington seeking to end its affirmative action admissions program.

The annual ACE report presents national data on high school graduation rates, college participation and enrollment, and degree attainment, broken down by race and ethnicity, as well as statistics on employment and tenure rates of faculty of color. For the first time, this year's report includes information on overall educational attainment and a section that highlights innovative campus programs aimed at increasing higher education achievement among students of color. A special focus section explores educational trends and demographics among Asian Pacific Americans (see accompanying release for details).

The report was co-authored by Deborah J. Carter, associate director of ACE's Office of Minorities in Higher Education, and ACE Senior Scholar Reginald Wilson. Shirley Hune, associate dean of the Graduate Division at the University of California, Los Angeles, and Kenyon S. Chan, chair of the Asian American Studies Department at California State University, Northridge, prepared the special focus section.

-more-

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Publication of the report was supported by a grant from The Coca-Cola Foundation, which has invested heavily since 1990 in programs and scholarships for students of color. "Building partnerships that provide access to higher education is critical to the success of today's students," said Michael Bivens, the foundation's education director. "We recognize diversity as a crucial and competitive advantage in an increasingly global marketplace that needs people with a variety of skills and experiences."

High School Completion

African Americans and Hispanics continue to trail whites in the rate at which they finish high school, as they have for the past two decades. The completion rate for 18- to 24-year-old whites was 81.9 percent in 1995, compared with 76.9 percent for African Americans and 58.6 percent for Hispanics.

The 1995 completion rate for African Americans was virtually unchanged from the previous year, but remains about 12 percentage points higher than the 64.8 percent recorded in 1975. The rate for Hispanics has fluctuated over time. The current rate is slightly above those recorded in the mid-1970s and two percentage points higher than in 1994, but below the 1993 rate of 60.9 percent.

College Participation and Enrollment

Nationally, the number of traditional college-age individuals (18- to 24-year-olds) peaked in 1981 and then went into a 10-year decline before leveling off. Much of the decrease was due to a drop in the number of whites in that age cohort, which in 1995 remained 12.2 percent lower than in 1981. The number of traditional college-age African Americans also dipped in the 1980s, then rose by 3 percent between 1990 and 1995. The Hispanic 18- to 24-year-old population climbed rapidly, increasing by 62 percent between 1985 and 1995 and by 31 percent since 1990.

Although fewer whites are enrolled in college, their numbers have not declined proportionate to their share of the population because of steady increases in their rates of participation in higher education. Enrollment rates for African Americans and Hispanics, on the other hand, have fluctuated over time.

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- Over the two decades from 1975 to 1995, the proportion of 18- to 24-year-old white high school graduates enrolled in college each year rose by 10 percentage points, to 43.1 percent. The rate for African-American high school graduates increased by only three percentage points, to 35.4 percent. During the 1990s, Hispanics have regained ground lost earlier; however, their 1995 participation rate of 35.3 percent was nearly identical to the 35.5 percent recorded 20 years previous.

- Students of color have made significant gains in college enrollment over time. However, most of those gains were recorded prior to 1995. The number of minority students enrolled in college grew by 67.7 percent between 1984 and 1995, and by 29.2 percent since 1990.

- All four ethnic minority groups recorded only small enrollment increases between 1994 and 1995. Hispanics and American Indians posted the largest one-year gains, 4.6 percent and 3.1 percent, while Asian Americans experienced a 3 percent increase and African Americans 1.7 percent.

- African Americans have recorded the smallest college enrollment gains of all ethnic minority groups in recent years. Since 1990, the group's college enrollment has risen by only 18.2 percent, compared with a 39.6 percent increase for Hispanics, 39.2 percent for Asian Americans, and 27.5 percent for American Indians.

Educational Attainment

For the first time, the report provides statistics on the educational attainment of whites, African Americans, and Hispanics. Information on educational attainment provides "important insights regarding the economic well-being of Americans," the report states; "higher levels of achievement typically contribute to greater socioeconomic success." Drawing on Census data, the report examines the educational attainment of individuals ages 25 and older, particularly those 25 to 29 years old, who completed high school and college.

Nationally, the proportion of adults ages 25 to 29 who had completed high school was virtually unchanged in 1995 from a decade earlier (nearly 87 percent). However, the data show that African Americans are closing the gap with whites in terms of high school completion. Nonetheless, both African Americans and Hispanics trail far behind whites in the rates at which they complete college.

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- In 1995, 25- to 29-year-old whites and African Americans registered nearly identical high school completion rates (87.4 percent vs. 86.5 percent). This represented substantial progress from 10 years earlier, when African Americans trailed whites by more than 6 percentage points (86.8 percent vs. 80.6 percent). Hispanics continued to lag behind with a 1995 rate of 57.1 percent.

- Approximately 26 percent of all white adults ages 25 to 29 had completed at least four years of college in 1995, compared with 15.3 percent of African Americans and 8.9 percent of Hispanics. The 1995 figures are the highest recorded since 1975 for whites and African Americans. The rate for Hispanics has fluctuated over time, reaching 10 percent and slightly higher during much of the 1980s before dipping in the 1990s.

Degrees Conferred

The report's findings on degree attainment indicate that efforts by colleges and universities in the late 1980s and early 1990s to improve access for and retention of students of color have paid off. Minority students recorded gains in all four academic degree categories between 1993 and 1994 (the latest year for which data is available). Nonetheless, the increases were smaller than those registered in previous years.

- Students of color earned 16.8 percent of all bachelor's degrees in 1994, only 1.2 percentage points above the previous year, compared with the 2.2 percentage point increase between 1992 and 1993.

- Between 1993 and 1994, African Americans posted increases in the number of degrees earned in each of the four categories, but the rise at the baccalaureate level (7.3 percent) was the lowest among all ethnic minority groups. African-American students earned 9.7 percent more associate degrees in 1995; 10.9 percent more master's degrees; and 8.4 percent more first-professional degrees.

- Hispanic students recorded an 8.2 percent gain in associate degrees; 10.7 percent in bachelor's degrees; 11.7 in master's degrees; and 5 percent in first-professional degrees. American Indians experienced an increase of 13.6 percent at the associate level; 9.1 percent in baccalaureates; 20.6 percent in master's degrees; and 0.8 percent in first-professional degrees. The increases for Asian Americans were 12.2 percent in associate degrees; 8.2 percent baccalaureates; 10.1 percent master's degrees; and 14.2 in first-professional degrees.

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MAY, 21, 1997 12:29PM

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- Students of color also continued to experience steady growth in doctoral degree attainment. The number of doctoral degrees earned by these students rose by 13.6 percent between 1994 and 1995 and by 67 percent from 1985 to 1995.

- Among the four ethnic minority groups, Asian Americans recorded the largest one-year increase in doctoral degree recipients in 1995 (19.9 percent), followed by African Americans (17.5 percent), American Indians (4.2 percent), and Hispanics (3.6 percent).

- Students of color at National Collegiate Athletic Association Division I institutions also posted gains in graduation rates between 1990 and 1995. Asian Americans experienced the smallest gain, 3 percentage points (from 62 percent to 65 percent), while African Americans posted the largest, 9 percentage points (from 31 percent to 40 percent). Graduation rates for Hispanics rose by 6 percentage points (from 40 percent to 46 percent) and for American Indians by 8 percentage points (from 29 percent to 37 percent). White students recorded a 1995 graduation rate of 59 percent, up 3 percentage points from 1990.

Faculty

The number of full-time faculty of color increased by 43.7 percent between 1983 and 1993, compared with 6.4 percent for whites. Despite these gains, faculty of color remain severely underrepresented, accounting for only 12.2 percent of all full-time faculty at U.S. colleges and universities and just 9.2 percent of full professors in 1993.

- Among African-American full-time faculty, nearly two-thirds served as associate or assistant professors in the 1995-96 academic year, while 17.8 percent had attained the rank of full professor and 15.6 percent served as instructors.

- Approximately 32 percent of Hispanic faculty served as assistant professors last year, while only 18.4 percent were associate professors and 17.3 percent full professors. Asian Americans posted the largest proportion of any ethnic minority faculty group who were full professors in the 1995-96 academic year—31.1 percent.

- In addition, although American Indians accounted for a very small share of U.S. faculty, nearly 25 percent of them were full professors; another 21.9 percent were associate professors, and 26.1 percent served as assistant professors.

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ACE is the umbrella association for the nation's colleges and universities. Its membership includes about 1,600 accredited, degree-granting institutions from all sectors of higher education and nearly 200 national and regional higher education associations and organizations.

Copies of the *Fifteenth Annual Status Report on Minorities in Higher Education* are available for \$24.95, prepaid, from Publications Department M, American Council on Education, One Dupont Circle, Washington, DC 20036. For additional ordering information, or to pay by credit card, call (202) 939-9380.

DECLINING MINORITY COLLEGE ADMISSIONS

Background: Recently the Washington Post reported that the number of black students admitted to UCLA law school dropped by 80% in one year and is now the lowest since the early 1970s. UC Berkeley admitted just 14 black students out of a class of 792, down from 75 in 1996. And at the University of Texas, nearly 400 fewer blacks and Hispanics have been offered undergraduate admission, a 20% drop in one year. Meanwhile, white and Asian admissions are up in both states. In both states the sharp declines in minority admissions are attributed to roll-backs of affirmative action--in California, by the UC Board of Regents, and in Texas by the 5th Circuit's Hopwood decision.

Question: Are you concerned about recent reports of declining enrollments of minority students in postsecondary education?

Answer: These declines are disturbing and completely unacceptable. Educational opportunity is the touchstone of the American dream, and figures like this raise a serious concern that the doors of college education are being closed to minority students. In addition, diversity in education helps prepare all our students to be productive citizens in the 21st century, so these developments should concern every American.

Question: What is your administration doing to address this problem?

Answer: We are working on several fronts to address this issue:

- We will continue to intervene in litigation in support of appropriate affirmative action programs. The Department of Education is looking for a good opportunity to challenge the Hopwood decision, and the Department of Justice has filed a brief challenging California's Proposition 209.
- The Office for Civil Rights at the Department of Education is conducting a review of the Texas higher education system to ensure that Texas has eliminated all remnants of its former de jure segregated system.
- And, more broadly, the Administration is pressing higher education officials to maintain and expand diversity, and offering assistance to them to do so. For example, we have called on colleges and universities burdened by new legal restrictions to develop new and creative approaches to achieving diversity, such as aggressively recruiting in secondary schools with high percentages of minority students and forming educational partnerships with such schools.

File: Race - minority
enrollment

mostly Republican candidates and causes since 1980.

Campaign finance reform - The Texas House killed a campaign reform bill. Republicans opposed a provision requiring consultants paid more than \$5,000 by a campaign to register with the Texas Ethics Commission. Texas is currently one of only six states which does not limit campaign contributions. Under current law, state officeholders cannot accept contributions from PACs or individuals during the legislative session but there are no limits on the contributions which can be made otherwise.

Tax plan - The legislative conference committee is struggling to reconcile the House and Senate versions of the Bush tax bill. The proposed House plan would cut school property taxes by about \$5 billion over two years and would raise nearly \$3.8 billion in state taxes to offset the cuts. The Senate plan would lower taxes by about \$2.5 billion over two years and raise about \$1.1 million through new states taxes by expanding the franchise and sales taxes. A major problem for the committee surrounds the issue of creating a new statewide business property tax. The committee has until June 2 to reach a compromise. If it passes the House and Senate, it will go to voters on August 9. If it fails, Governor Bush could call for a special session.

TX GOP - Divisions within the Texas Republican party are on the rise. On a personal level, conflicts between key figures such as Karl Rove, Bush's chief political advisor, and Lester Van Pelt, the state party's spokesman, are adding to the discord. Although Governor Bush (R) has dismissed speculation that he would run for president, the governor has drawn heat from conservatives for putting taxes at the top of his agenda and some say the tax reform fight could work against him on a national level.

→ **College admissions and minority enrollment bills** - In response to the Hopwood case, recent bills passed to bolster declining minority enrollment at Texas universities. Minority senators passed a bill--21 to 1-- directing state officials to monitor minority participation at state colleges and universities in a study conducted by the Texas Higher Education Coordinating Board. Governor Bush (R) signed into law a bill creating a new admissions system for Texas universities. A university must automatically admit students ranking in the top 10 percent of an accredited public or private high school's graduating class. A university could extend admission to the top 25 percent of the class.

Military border enforcement. This concern has been raised by Hispanic advocacy groups in their meetings with Administration officials this year. This week, a U.S. Marine fatally shot Ezequiel Hernandez Jr., an 18-year-old U.S. citizen and a 10th-grader at Presidio High School, as he was tending a herd of sheep on ranch land near his family's home at the time of the shooting. A Marine detachment from Camp Pendleton California was conducting surveillance in the same area for drug smugglers. This is the second shooting in four months. According to border rights advocacy groups, incidents of this nature are inevitable when non-local, often untrained Border Patrol agents are assigned to a region they are not familiar with. Pending an investigation, U.S.

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9. USA Today

May 19, 1997

*Race - minority enrollment***Minority gains in college lose steam**

WASHINGTON - Minorities continue to make progress in higher education, but their enrollment gains have slowed in recent years, and reversals on affirmative action policies may threaten progress even further, college officials say.

Enrollment of minority students in higher education rose 2.9% between 1994 and 1995, the latest year for which statistics are available, says the American Council on Education's (ACE) 15th annual Status Report on Minorities in Higher Education, out Monday.

That's lower than gains of 4.6% in 1994 and 7.1% in 1992, the study says.

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

early warning signal of what may lie ahead," says ACE president Stanley Ikenberry.

Recent affirmative action rollbacks in California and Texas limit the ability of public institutions to promote diversity in the student body, Ikenberry says. And on Wednesday, the University of California's Boalt Hall law school reported that admission of blacks dropped 81% for fall and Hispanic admissions fell 50%. This was the first class to be admitted under the UC system's race-neutral policies.

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

The report also says minorities posted

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

Among 25- to 29-year-old black men, the high school completion rate increased to 88.1% in 1995, from 82.9% a year earlier, largely because of increases in the number earning the GED (General Educational Development) diploma. The corresponding rate for white men in 1995 was 86.6%. The rate for Hispanic men, at 55.7%, declined for the third straight year.

By Mary Beth Marklein, USA TODAY

10. Detroit Free Press

May 19, 1997

Minority growth slows on campus

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

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

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

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

"That slowing down is coming at a time when minorities are growing at a time when minorities are growing in the population, so it's paradoxical," Reginald Wilson, the coauthor of the report, said Friday. "We suspect this is due to the

strong attack on affirmative action that has been happening and is growing."

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

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

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

In California, voters last year passed Proposition 209, prohibiting gender and

race discrimination in education, hiring and contracting.

Subsequently, the regents of the University of California voted to end affirmative action in admissions, effective this year. One recently reported result: The number of black students admitted to U-C's Boalt Hall law school has fallen 81 percent and the number of Hispanics, 50 percent.

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

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

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

Since 1990, black students' college enrollment rose by 18.2 percent, compared with a 39.6-percent jump for Hispanics, 39.2 percent for Asian

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conferences to size them up: Have they worked with kids? Are they shy? Do they have a sense of humor? The structure of the in-school program also can determine its success or failure. An author who meets with individual classes will have far more impact than will the distant superstar who declaims to 400 fidgety

kids in the auditorium.

Then comes the autograph session. This can be a high point for students — and a low point for the writer. "The worst thing is when you have kids whose families can afford to buy lots of books and other kids whose families can't afford to buy books," says Kevin Henkes,

whose humanoid mice star in Chester's Way and Lilly's Purple Plastic Purse. Librarians propose a simple solution: Have the school library buy a batch of the author's works so all the students can have a chance to read them, and have the author sign bookmarks instead of books. ■

TRADE

11. The Chronicle of Higher Education

May 23, 1997

Brown U. Students Settle Dispute Over Allegation of Date Rape

By Ben Gose

A Brown University student who had accused another student, a Jordanian prince, of raping her has reached a "mutually satisfactory resolution" with him, according to lawyers for both students.

In a statement filed last fall with Brown's Office of Student Life, the woman charged that she had been "drawn forcibly" to a bed by Prince Faisal Ra'ed Zeid Al Hussein and forced to have sex. Prince Faisal called the sex consensual.

When a Brown disciplinary council made an unusual decision not to hear the case, the woman's parents filed a complaint against Brown with the U.S. Department of Education's Office for Civil Rights (The Chronicle, May 9). The parents charged that Brown had not enforced its own code against sexual offenses, in violation of Title IX of the Education Amendments of 1972, a federal law that bars sex discrimination at colleges that receive federal funds.

After the two students resolved the

dispute this month, her parents withdrew the complaint.

"The parties involved felt it was in their best interests to put some resolution to this," said Jeffrey A. Newman, the woman's lawyer. John A. Tarantino, Prince Faisal's lawyer, said the students "want to put this matter behind them, to focus on their studies, and to realize the potential that each has for a successful and fulfilling career."

The two students signed agreements that prohibit them from publicly discussing the terms of the settlement. Mr. Tarantino said money was not involved. The two lawyers criticized press coverage of the case but did not cite specifics.

As of last week, the Office for Civil Rights had not closed its investigation. "We're looking at the request for the withdrawal of the complaint," said Rodger Murphey, a spokesman for the office. "Then we'll make a

determination."

According to the parents' complaint, "a web of mutual interests" had led the Brown council to reject the case. Prince Faisal's representative before the council, Martha S. Joukowsky, is an archaeology professor who leads a dig in Jordan. His father, Prince Ra'ad Bin Zeid, is a cousin of King Hussein of Jordan and an officer of a group that evaluates projects by scholars — such as Dr. Joukowsky — who want to work in Jordan. Dr. Joukowsky's husband, Aramis, is the head of Brown's board of trustees and also an officer of the group that includes Prince Ra'ad.

Mr. Joukowsky spoke to Brown's dean of student life while the woman's charge against Prince Faisal was pending. He called the case "an unfortunate situation."

Brown officials have denied that their handling of the case was influenced by Prince Faisal's status. ■

12. The Chronicle of Higher Education

May 23, 1997

Minority Enrollments Rose in 1995, a Study Finds

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

By BEN GOSE
WASHINGTON

Students from the nation's four largest minority groups enrolled in larger

numbers at U.S. colleges and universities in 1995 than in 1994, according to an

annual study to be released this week by the American Council on Education.

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

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

The merits of merit

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

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

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

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

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

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

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

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

An education gap?

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

educational haves and have-nots.

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

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

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

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

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

4. The New York Times

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

College Minority Enrollment Slowed in 1995

By KAREN W. ARENSON

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

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

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

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

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

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

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

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

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

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

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

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

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

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

though it has fluctuated in the 20-year period.

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

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

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

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

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

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

"Much more attention has to be paid to this issue," Ms. Carter said. "By 2013, the Hispanic population will be the largest ethnic minority in the United States. Not to attend to this issue would be a major travesty in terms of providing equal educational opportunity."

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

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

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5. The New York Times

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

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

By SARA RIMER

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

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

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

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

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

"I am personally very pleased with

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

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

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

Race-minority enrollment

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ABC NEWS

SHOW: ABC GOOD MORNING AMERICA (7:00 am ET)

MAY 20, 1997

Transcript # 97052011-j01

TYPE: PACKAGE / INTERVIEW

SECTION: NEWS

LENGTH: 1554 words

HEADLINE: MINORITY ADMISSIONS DECLINE

GUESTS: Prof. CHRISTOPHER EDLEY, Jr. , WARD CONNERLY

BYLINE: CHARLES GIBSON

HIGHLIGHT:

PRICE TO PAY FOR AFFIRMATIVE ACTION POLICY CHANGE

BODY:

CHARLES GIBSON, Host: We are a country divided by many issues, and affirmative action is one of the most controversial, especially in the area of education. A big concern right now, how are minority students being affected by the dismantling of race-based admission practices? Well, some of the largest and most prestigious universities in two states have reported a major decline in minority admissions, an indication that there is indeed a price to pay for this change in policy.

(voice-over) The results are in. By barring affirmative action programs, two states have dramatically changed the face of their schools. Last year, California prohibited affirmative action policies with Proposition 209. Now admission of African-Americans to the law schools of UCLA and Cal-Berkeley has dropped by 80 percent. And the University of Texas School of Law in Austin is showing similar patterns. After four white students in Texas won a suit in which they claimed to have been denied admission because less-qualified minority

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applicants were accepted, the school altered its admissions program.

MICHAEL SHARLOT, Dean, University of Texas Law School: When we go from an entering class that, instead of being -- having 40 African-Americans and 50 Mexican-Americans who can share those experiences with their classmates, to having, perhaps, two African-Americans and 10 or a dozen Mexican-Americans, you can see that it will transform the entire learning experience. And I think there's a consensus here that that is a tragic turn of events.

CHARLES GIBSON: (voice-over) And there's a study out this week by the American Council on Education that shows that even at schools where admissions procedures are unaffected by affirmative action policies, minority enrollment is also on the decline.

(on camera) So what does this decline really mean? With us this morning, Ward Connerly, chairman of the American Civil Rights Institute. He was a sponsor of California's Proposition 209 and is a staunch opponent of affirmative action. He joins us from Sacramento this morning. From Philadelphia, we have Harvard professor Christopher Edley, Jr. He's a supporter of affirmative action and served as special counsel to President Clinton on this subject. Good morning to both of you, I appreciate your both being with us.

Professor Edley, let me start with you, and keep me honest here on the numbers. We now have classes admitted for next year at UCLA and at Cal-Berkeley law schools. We have the class admitted to the University of Texas Law School for next year. What did, in absolutes, happen to the numbers?

Prof. CHRISTOPHER EDLEY, Jr., Harvard University: The UCLA numbers are that last year there were 104 African-Americans admitted. For next year's class, 21 have been admitted.

CHARLES GIBSON: All right, that...

Prof. CHRISTOPHER EDLEY: That's a drop of 80 percent.

CHARLES GIBSON: Right.

Prof. CHRISTOPHER EDLEY: At Berkeley, the total for African-Americans and Hispanics last year, 162, this coming year about 55. Now, what I want to emphasize is that those are simply the numbers who have been admitted...

CHARLES GIBSON: Right.

Prof. CHRISTOPHER EDLEY:... but many of those same students were also admitted to Harvard or to Georgetown or to Yale. So the ultimate results will probably be quite startling.

CHARLES GIBSON: How about Texas?

Prof. CHRISTOPHER EDLEY: The situation is even worse in Texas.

CHARLES GIBSON: Texas.

Prof. CHRISTOPHER EDLEY: You could end up at Texas Law School with two to five

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minority students.

CHARLES GIBSON: Now, is this worse than you expected?

→ Prof. CHRISTOPHER EDLEY: Frankly, it is worse than I expected, and faster than I expected. I'm also concerned that the applications at the undergraduate level, where the rollback of affirmative action has yet to take hold, the applications are down as students apparently are feeling chilled. They don't think they're going to find a welcoming environment. They think that the opportunity door is being slammed shut, and they're largely correct in that.

CHARLES GIBSON: So you attribute this change in numbers directly to the removal of preferences.

Prof. CHRISTOPHER EDLEY: No question about it.

CHARLES GIBSON: All right.

Prof. CHRISTOPHER EDLEY: I wouldn't call it preferences, however, I would call it race-conscious affirmative action.

CHARLES GIBSON: All right.

Prof. CHRISTOPHER EDLEY: The public hears "preferences," and they think you're talking about discrimination, as opposed to creating opportunity.

CHARLES GIBSON: Ward Connerly, these are pretty dramatic numbers. Your reaction.

WARD CONNERLY, Chairman, American Civil Rights Institute: Well, they are indeed dramatic numbers. But I think we have to be honest and recognize that there is a correlation between the degree of the dosage of affirmative action preferences, Mr. Edley, and their removal. And when we are giving the magnitude of preference that we have been giving at the University of California, it should not be surprising that the numbers are going to go down precipitously once we remove those numbers -- those preferences.

CHARLES GIBSON: But Mr. Connerly, this basically, in some cases, and it may be at Texas, virtually wipes out the minority enrollment.

WARD CONNERLY: Well, that's unfortunate, but I think that discrimination is never justified because we simply want the numbers. And make no mistake about it, Mr. Gibson, when we give preferences on the basis of race and surname and gender, that is a preference. And in our society, we have said that that's discrimination, it's wrong, we shouldn't be doing it.

CHARLES GIBSON: What happens to diversity in those classes, Mr. Connerly, and is that something that you care about?

WARD CONNERLY: Well, I would hope that we would get diversity on the basis of ideas, but I would hope that we would not presume that because my skin color is different from somebody else's, that I bring a different diversity of thought. So I care about diversity, but I'm concerned about the diversity of thought, not just the racial diversity.

ABC GOOD MORNING AMERICA, MAY 20, 1997

CHARLES GIBSON: Professor Edley, let me have you respond.

Prof. CHRISTOPHER EDLEY: It's clear to people who are in teaching, overwhelmingly, that we believe -- we believe that the intellectual excellence, the mission of higher education, is enhanced by assembling a racially and ethnically diverse student body. The fact is that in America, race still

matters, and that experiences are different, perspectives are different. Obviously not in every single individual, but as a general matter, that remains true. My class is richer because of that diversity. If Harvard were not diverse, it could not be as excellent an institution as it is.

The tragedy here is a tragedy not only for the individual students and not only for the minority communities who are now being locked out, but also for society at large, and indeed for the excellence of those institutions. It's a tragedy, not simply unfortunate, as Mr. Connerly characterizes it.

CHARLES GIBSON: Mr. Connerly, go ahead and respond.

WARD CONNERLY: Well, there's no evidence at all that this diversity that Mr. Edley speaks about brings all this excellence and this richness of quality of education. Morehouse College, the college from which Dr. King graduated, is an all-black college, and I don't think that anyone would suggest that the quality of his education was inferior. There is no correlation at all between this diversity that Mr. Edley talks about and the quality of the education.

Prof. CHRISTOPHER EDLEY: That's simply -- that's simply -- I have to strongly disagree. I am a law professor, I've been teaching for 15 years. We're talking about law schools today and colleges in general. What happens in the classroom, what happens in the dormitory rooms around the campus, students learn from each other. We're trying to educate students who are going to go out into an increasingly diverse community, particularly there in California, not knowing how to deal with each other. That's not an excellent education.

CHARLES GIBSON: Quick final word, Mr. Connerly, go ahead.

WARD CONNERLY: Give me one example of a study that validates your point of view that this diversity translates into excellence.

Prof. CHRISTOPHER EDLEY: There have been many studies. Indeed, we had a conference...

CHARLES GIBSON: All right.

Prof. CHRISTOPHER EDLEY:... on this subject with over 180 people at Harvard 10 days ago.

WARD CONNERLY: And their conclusion was that there was no evidence to support it.

CHARLES GIBSON: I -- I...

Prof. CHRISTOPHER EDLEY: That's not correct.

ABC GOOD MORNING AMERICA, MAY 20, 1997

CHARLES GIBSON: I will leave it at...

Prof. CHRISTOPHER EDLEY: That's not correct.

CHARLES GIBSON: I will leave it in the battle of studies. Mr. Connerly, I appreciate it. Professor Edley, thank you very much.

Prof. CHRISTOPHER EDLEY: Thanks, Charlie.

CHARLES GIBSON: Bottom line, though, the numbers in California and Texas, very dramatic.

(Commercial Break)

LANGUAGE: ENGLISH

LOAD-DATE: May 20, 1997

Race - minority enrollment

Q. Are the reports of declining enrollments of minority students in postsecondary education, particularly in states such as California and Texas -- where action by the voters or courts has outlawed affirmative action -- cause for concern?

A. Absolutely. As I said in my Affirmative Action Address at the National Archives, I believe strongly in the importance of diversity in providing for a strong education that will prepare students to be productive citizens in the 21st century. Our Nation's colleges have long understood that a diverse student body is educationally beneficial to all students. If colleges look like the world students are going to live and work in, and they learn from all kinds of people things they can't learn in books, our systems of higher education are stronger. I am also concerned that, while we have come a long way, discrimination and the effects of discrimination are unfortunately not entirely a thing of the past. Opportunity for educational and economic advancement are the touchstone of the American dream. A perception in minority communities that the doors of college education are closing to minority students is a possible development that should concern every American.

Q. What is the Department of Education doing to address the problem of declining enrollment of minority students in postsecondary education?

A. While the Department has limited authority to resolve this situation, we have acted or plan to act on several fronts--

Litigation

--The Department has expressed its commitment to continue to intervene in litigation in support of appropriate affirmative action programs. In a letter to Texas legislators, the Department indicated that we would look for an appropriate opportunity to challenge the Hopwood decision. Of course, the Department of Justice has filed a brief on behalf of plaintiffs in the litigation challenging California's Proposition 209.

Civil Rights Review

--The Department's Office for Civil Rights advised Texas officials that it is conducting a review of the Texas higher education system to ensure that Texas has eliminated all remnants of its former de jure segregated system, consistent with the Supreme Court's decision in United States v. Fordice. If it were determined that such remnants exist (and no such determination has been made at this point), OCR would seek to negotiate with Texas what measures would be needed to remedy any continuing effects of past discrimination.

Leadership/Research Support for Affirmative Action

--The Department wrote to college officials in California reminding them that the terms of Proposition 209 require affirmative action to be continued in some instances, in order to continue

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eligibility for federal assistance; for example, the Department's Minority Teachers Grant Program.

--The Department is pursuing opportunities to build legal support for affirmative action programs that are designed to achieve diversity.

--We are participating in a series of meetings sponsored by Harvard University to address research-based educational justifications for the goal of diversity.

--The Department's Office of Educational Research plans to issue a request for proposals for research in this area within a short time.

--Secretary Riley, Assistant Secretary for Civil Rights Norma Cantu, and General Counsel Judith Winston have written to college officials and have sought out opportunities at national and regional meetings to speak to the importance of diversity in the university setting and to offer assistance in promoting it.

Race-Neutral Strategies

--In presentations at national meetings, the Department has called upon colleges and universities to develop and use more creative, race-neutral approaches to achieving diversity including, for example, more aggressive recruitment in secondary schools with high percent of minority students; educational partnerships with these secondary schools; and develop more appropriate admissions criteria that more broadly define educational and leadership potential of applicants. The Department plans to further explore ways to assist these efforts.

will bring home the top trophies. "Some are still using the old norms, picking people who they think will win," Bryant says.

MATHCOUNTS officials point out that in local competitions, the signs are more promising: Girls now make up 40% of the MATHCOUNTS participants nationwide. Still, it would be nice to have more girls at nationals, says Missouri team coach Frances Wood, a teacher at St. Paul's Episcopal Day School in Kansas City.

At Wood's school, teachers actively recruit girls for the math club, where 40 students meet at 7:15 a.m. to ponder math problems over doughnuts.

This year, three of the teams - Missouri, Texas and Rhode Island - mostly were made up of girls.

Officials at the National Geographic Society commissioned the University of Pennsylvania to conduct a four-year study to help solve their gender disparity problem. While both sexes entered the competition at equal rates, boys had an

edge in the competition because they have more skills and experience likely to increase their geography knowledge, says society spokeswoman Ellen Siskind.

"Boys' spatial skills are more developed at that age, and more boys at that age reported liking geography," Siskind says of the study.

To combat the lopsided numbers, the society is working with groups like the Girl Scouts, who now offer a badge in geography. ■

12. USA Today

May 28, 1997

Killer (academic) bees hit Washington

In the quiet of her Kamiah, Idaho, home, 14-year-old Nikki Tuning stumbles across the word "otorhinolaryngology" - the study of the eyes, ears, nose and throat - while preparing for this week's National Spelling Bee.

"The words all start to look and sound alike after a while," Nikki says, "because you study so many."

Some students spend the month of May trying not to think about studying. Their classes are winding down before the last day of school.

But for others, studying reaches a frenzied pitch in May as they prepare to descend on Washington for the annual confluence of killer bees - the spelling, geography and math contests that are the academic equivalents of the NCAA's Final Four. And they come in quick succession:

On May 9, Zhihao "Howard" Liu, 13, a Chinese immigrant from Shorewood Intermediate School near Milwaukee, walked away with the first place medal at

the MATHCOUNTS national competition. Liu, who flexed his polynomial prowess as one of more than 200 of the USA's top "mathletes," received an \$8,000 scholarship and a trip to the NASA Space Camp in Huntsville, Ala. Wednesday, about 60 students who've mastered the maps will compete in the finals of the National Geography Bee, sponsored by the National Geographic Society. A \$25,000 college scholarship goes to the winner. Thursday, a new champion will be crowned among 245 participants from the USA and its territories at the 70th annual Scripps-Howard National Spelling Bee. The winner gets \$5,000 in cash, a \$1,000 U.S. savings bond and a dictionary.

For any of the young participants in the Spelling Bee, cramming some of the English language's most difficult words into their memory is akin to a week of college finals.

But relief has been found in the form of a cybercoach - an Internet Web site

(<http://www.spellingbee.com>) that defines and pronounces words such as "ratafia," a small, sweet biscuit made from almond paste.

Students can even use the site to correspond via "bee-mail" to organizers in Cincinnati before heading to one of the highest pressure academic events in the country.

For students at this level (most are in grades 6 to 9), one way to relieve stress is bringing good luck charms. That may have accounted for the toys strewn about the Omni Shoreham hotel's ballroom in Washington, D.C., during MATHCOUNTS.

But the only thing MATHCOUNTS champion Howard Liu brought with him to Washington was the confidence he received about the subject when he was a third-grader in China four years ago.

"When I was in third grade, my teacher gave me fifth- and sixth-grade math textbooks to study," Liu says. "That was the boost for me."

By Richard Peterson, USA TODAY ■

13. TIME

June 2, 1997

BACK TO THE FUTURE

FORCED TO SCUTTLE AFFIRMATIVE ACTION, LAW SCHOOLS SEE MINORITY ENROLLMENT PLUMMET TO 1963 LEVELS

BY S.C. GWYNNE/AUSTIN

Anyone curious to know what America's universities might look like in

the absence of affirmative action got a chilling glimpse of the future last week in

California and Texas. The best law schools in both states —recently ordered

not to consider the race of their applicants —said the number of blacks and Hispanics enrolling for next year had fallen to levels not seen in decades. At the University of Texas, which has produced more minority lawyers than any other school in the country —and where, typically, 30 to 40 blacks enter each year —only 11 blacks were accepted and none had enrolled; the number of Hispanics dropped from more than 50 to 14. In California the schools at both Berkeley and UCLA saw black admissions drop 80%, while the number of Hispanic students fell 50% and 32%, respectively.

What happened at these schools was a mystery to no one. Blacks and Hispanics generally do not do as well as whites and Asian Americans on law boards or have high grade-point averages, both factors which law schools —in the absence of other criteria, such as race —give enormous weight. "We foresaw this," says Michael Sharlot, dean of the U.T. law school, adding that "one has to distinguish between a surprise and a tragedy. We warned the Texas legislature about this. It's a disaster."

In most of the U.S., the 1978 Bakke decision —forbidding racial quotas but allowing schools to use race as a factor in admissions —remains the law of the land. Most schools see real value in maintaining a racially diverse student body. But Texas and California, for different reasons, find themselves on the leading edge of a movement to roll back even such nonquota efforts at affirmative action. The entire Texas university system was forced to change its policies

when the Supreme Court let stand an appeals court's 1996 ruling in favor of four white students who sued U.T. law school for racial discrimination. This has caused significant drops in undergraduate minority admissions at U.T. and Texas A&M, the leading schools in the state system, and may result in an even greater drop-off in enrollment, since financial aid must also now be color-blind. In California's case, the impetus for revising its university admissions policies is Proposition 209, the successful 1996 ballot initiative. The changes implemented by the law schools this year won't apply to undergraduates until 1998.

Critics of affirmative action say the results in California and Texas bear out what they have been saying all along —that selective schools rely far too heavily on racial double standards. Some, like Abigail Thernstrom, co-author of a forthcoming book on race, used the new numbers to zero in on what she feels is the real problem: the public schools. "Our high schools graduate black and Hispanic students who are way behind whites and Asians in basic cognitive skills," she says. Admitting minorities with lower scores "lets these schools off the hook." That is why even such anti-affirmative-action crusaders as Ward Connerly, the University of California regent who led the Proposition 209 campaign, are calling for "outreach": targeted efforts to help minority high school students perform better. "I am in favor of things that will reach out to those families who have never had anyone go to the University of California or go to college," he told a TIME town

meeting last week in Sacramento. The University of California is proposing such a program; it wants to spend tens of millions of dollars to mentor students in some of the state's poorest school districts.

In Texas, meanwhile, a group of minority state senators threatened to cut off funding for the University of Texas if it did not find a way to maintain minority enrollment, and the legislature just passed a bill that attempts to redress the problem by requiring state universities to automatically admit students in the top 10% of their high school classes and allowing the universities to consider "a variety of other factors" in assessing the top 15% to 25%. Some schools, such as the state-owned University of Houston law school, encourage applicants to write about their family background as a way around the requirement that the application contain no "race" box to check.

A recent study of 90,000 law-school applicants by Linda Wightman of the University of North Carolina at Greensboro illustrates both the challenge of recruiting minorities and the payoff. She found that of the 3,485 blacks accepted by law schools in 1991, just 687 would have been admitted only on the basis of board exams and grades. Yet these same minority students had graduation and bar-exam pass rates similar to whites' —and they had an incalculable value to the black community, as both professionals and role models.

—With reporting by Julie Grace/Sacramento■

14. The Financial Times

05/28/97; Edition: London Edition; Section: NEWS: UK; Page 8

Exodus of head teachers 'threatens standards'

By Simon Targett, Education Correspondent

Schools have suffered an exodus of head teachers taking early retirement over the past year, according to a report published yesterday by the National Association of Head Teachers.

It means many schools will be led by "acting" heads next year, and — following the report by Ofsted, the government's education watchdog, that there are about 3,000 "incompetent" head teachers — points to a crisis of leadership which could threaten the

government's push to raise school standards.

TD In a survey of 56 out of 132 education authorities in England, the NAHT, which represents over 30,000 heads and deputies, found 1,087 took premature or ill-health retirement in 1996-97 compared with 693 the year before.

The number of head teachers taking premature retirement rose from 256 to 468 — an 82.8 per cent increase. The NAHT called this "a catastrophic increase".

Premature retirements of head teachers and deputies in the unitary authorities rose by 152 per cent, and in London boroughs by 108.3 per cent. In the metropolitan boroughs and county councils, the figures were 79.7 per cent and 71.6 per cent respectively.

In the London boroughs, ill-health retirements rose by over 20 per cent, suggesting the increased stress faced by senior managers in the capital's schools.

Mr David Hart, general secretary of the NAHT, said: "We now know just how damaging the previous government's



UNITED STATES DEPARTMENT OF EDUCATION

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STUDENTS OF COLOR CONTINUE TO MAKE GAINS IN HIGHER EDUCATION, BUT PROGRESS SLOWS, ACE REPORT REVEALS

Washington, DC (May 19, 1997) -- Enrollment gains by students of color in higher education have slowed considerably after several years of rapid growth, a report released today by the American Council on Education (ACE) shows. While minorities continued to register increases in the number of students attending colleges and universities and receiving degrees during the period covered by the report, the findings raise concerns about the impact of more recent political and legal attacks on affirmative action.

The ACE study, *The Fifteenth Annual Status Report on Minorities in Higher Education*, reveals that students of color continue to make progress in higher education, but still lag significantly behind white students in the rate at which they enroll in college.

Overall enrollment of students of color rose by 2.9 percent between 1994 and 1995 (the latest year for which such data is available), compared with gains of 4.6 percent between 1993 and 1994 and 7.1 percent in 1992. Minority students registered increases of 9.8 percent in the number of associate degrees earned in 1995; 8.5 percent in the number of bachelor's degrees; 11.1 percent in master's degrees; and 9.7 percent in first-professional degrees. However, these gains were smaller than those posted in the previous year. In 1994, increases in degree attainment ranged from 12.4 percent in the number of master's degrees to 16.8 percent in the first-professional degree category.

In addition, while students of color made up 22.3 percent of all four-year undergraduates in 1994, they earned only 16.8 percent of all baccalaureates conferred that year.

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"The continued progress shown by the report in most respects is cause for celebration," said ACE President Stanley O. Ikenberry, "but it also is a sharp reminder of just how far we have to go to wipe out historic inequities in educational opportunity and success. The slowdown in enrollment gains by minority students could be an early warning signal of what may lie ahead as we begin to gauge the impact of changes like those in California and Texas that have limited the ability of institutions to promote diversity in the student body. We in higher education face a substantial challenge if we are to insure that these gains are not reversed."

Both the University of California and the University of Texas at Austin recently reported substantial declines in the number of African-American and Hispanic applicants and acceptances. In California, the drop comes in the wake of the decision by the Board of Regents of the University of California to end affirmative action in admissions effective this year, as well as the passage of Proposition 209. In Texas, colleges and universities have been barred from considering the race of applicants in the admissions process subsequent to a 1996 ruling by the 5th U.S. Circuit Court of Appeals.

A lawsuit also has been filed in federal court against the University of Washington seeking to end its affirmative action admissions program.

The annual ACE report presents national data on high school graduation rates, college participation and enrollment, and degree attainment, broken down by race and ethnicity, as well as statistics on employment and tenure rates of faculty of color. For the first time, this year's report includes information on overall educational attainment and a section that highlights innovative campus programs aimed at increasing higher education achievement among students of color. A special focus section explores educational trends and demographics among Asian Pacific Americans (see accompanying release for details).

The report was co-authored by Deborah J. Carter, associate director of ACE's Office of Minorities in Higher Education, and ACE Senior Scholar Reginald Wilson. Shirley Hune, associate dean of the Graduate Division at the University of California, Los Angeles, and Kenyon S. Chan, chair of the Asian American Studies Department at California State University, Northridge, prepared the special focus section.

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Publication of the report was supported by a grant from The Coca-Cola Foundation, which has invested heavily since 1990 in programs and scholarships for students of color. "Building partnerships that provide access to higher education is critical to the success of today's students," said Michael Bivens, the foundation's education director. "We recognize diversity as a crucial and competitive advantage in an increasingly global marketplace that needs people with a variety of skills and experiences."

High School Completion

African Americans and Hispanics continue to trail whites in the rate at which they finish high school, as they have for the past two decades. The completion rate for 18- to 24-year-old whites was 81.9 percent in 1995, compared with 76.9 percent for African Americans and 58.6 percent for Hispanics.

The 1995 completion rate for African Americans was virtually unchanged from the previous year, but remains about 12 percentage points higher than the 64.8 percent recorded in 1975. The rate for Hispanics has fluctuated over time. The current rate is slightly above those recorded in the mid-1970s and two percentage points higher than in 1994, but below the 1993 rate of 60.9 percent.

College Participation and Enrollment

Nationally, the number of traditional college-age individuals (18- to 24-year-olds) peaked in 1981 and then went into a 10-year decline before leveling off. Much of the decrease was due to a drop in the number of whites in that age cohort, which in 1995 remained 12.2 percent lower than in 1981. The number of traditional college-age African Americans also dipped in the 1980s, then rose by 3 percent between 1990 and 1995. The Hispanic 18- to 24-year-old population climbed rapidly, increasing by 62 percent between 1985 and 1995 and by 31 percent since 1990.

Although fewer whites are enrolled in college, their numbers have not declined proportionate to their share of the population because of steady increases in their rates of participation in higher education. Enrollment rates for African Americans and Hispanics, on the other hand, have fluctuated over time.

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- Over the two decades from 1975 to 1995, the proportion of 18- to 24-year-old white high school graduates enrolled in college each year rose by 10 percentage points, to 43.1 percent. The rate for African-American high school graduates increased by only three percentage points, to 35.4 percent. During the 1990s, Hispanics have regained ground lost earlier; however, their 1995 participation rate of 35.3 percent was nearly identical to the 35.5 percent recorded 20 years previous.
- Students of color have made significant gains in college enrollment over time. However, most of those gains were recorded prior to 1995. The number of minority students enrolled in college grew by 67.7 percent between 1984 and 1995, and by 29.2 percent since 1990.
- All four ethnic minority groups recorded only small enrollment increases between 1994 and 1995. Hispanics and American Indians posted the largest one-year gains, 4.6 percent and 3.1 percent, while Asian Americans experienced a 3 percent increase and African Americans 1.7 percent.
- African Americans have recorded the smallest college enrollment gains of all ethnic minority groups in recent years. Since 1990, the group's college enrollment has risen by only 18.2 percent, compared with a 39.6 percent increase for Hispanics, 39.2 percent for Asian Americans, and 27.5 percent for American Indians.

Educational Attainment

For the first time, the report provides statistics on the educational attainment of whites, African Americans, and Hispanics. Information on educational attainment provides "important insights regarding the economic well-being of Americans," the report states; "higher levels of achievement typically contribute to greater socioeconomic success." Drawing on Census data, the report examines the educational attainment of individuals ages 25 and older, particularly those 25 to 29 years old, who completed high school and college.

Nationally, the proportion of adults ages 25 to 29 who had completed high school was virtually unchanged in 1995 from a decade earlier (nearly 87 percent). However, the data show that African Americans are closing the gap with whites in terms of high school completion. Nonetheless, both African Americans and Hispanics trail far behind whites in the rates at which they complete college.

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- In 1995, 25- to 29-year-old whites and African Americans registered nearly identical high school completion rates (87.4 percent vs. 86.5 percent). This represented substantial progress from 10 years earlier, when African Americans trailed whites by more than 6 percentage points (86.8 percent vs. 80.6 percent). Hispanics continued to lag behind with a 1995 rate of 57.1 percent.

- Approximately 26 percent of all white adults ages 25 to 29 had completed at least four years of college in 1995, compared with 15.3 percent of African Americans and 8.9 percent of Hispanics. The 1995 figures are the highest recorded since 1975 for whites and African Americans. The rate for Hispanics has fluctuated over time, reaching 10 percent and slightly higher during much of the 1980s before dipping in the 1990s.

Degrees Conferred

The report's findings on degree attainment indicate that efforts by colleges and universities in the late 1980s and early 1990s to improve access for and retention of students of color have paid off. Minority students recorded gains in all four academic degree categories between 1993 and 1994 (the latest year for which data is available). Nonetheless, the increases were smaller than those registered in previous years.

- Students of color earned 16.8 percent of all bachelor's degrees in 1994, only 1.2 percentage points above the previous year, compared with the 2.2 percentage point increase between 1992 and 1993.

- Between 1993 and 1994, African Americans posted increases in the number of degrees earned in each of the four categories, but the rise at the baccalaureate level (7.3 percent) was the lowest among all ethnic minority groups. African-American students earned 9.7 percent more associate degrees in 1995; 10.9 percent more master's degrees; and 8.4 percent more first-professional degrees.

- Hispanic students recorded an 8.2 percent gain in associate degrees; 10.7 percent in bachelor's degrees; 11.7 in master's degrees; and 5 percent in first-professional degrees. American Indians experienced an increase of 13.6 percent at the associate level; 9.1 percent in baccalaureates; 20.6 percent in master's degrees; and 0.8 percent in first-professional degrees. The increases for Asian Americans were 12.2 percent in associate degrees; 8.2 percent baccalaureates; 10.1 percent master's degrees; and 14.2 in first-professional degrees.

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- Students of color also continued to experience steady growth in doctoral degree attainment. The number of doctoral degrees earned by these students rose by 13.6 percent between 1994 and 1995 and by 67 percent from 1985 to 1995.
- Among the four ethnic minority groups, Asian Americans recorded the largest one-year increase in doctoral degree recipients in 1995 (19.9 percent), followed by African Americans (17.5 percent), American Indians (4.2 percent), and Hispanics (3.6 percent).
- Students of color at National Collegiate Athletic Association Division I institutions also posted gains in graduation rates between 1990 and 1995. Asian Americans experienced the smallest gain, 3 percentage points (from 62 percent to 65 percent), while African Americans posted the largest, 9 percentage points (from 31 percent to 40 percent). Graduation rates for Hispanics rose by 6 percentage points (from 40 percent to 46 percent) and for American Indians by 8 percentage points (from 29 percent to 37 percent). White students recorded a 1995 graduation rate of 59 percent, up 3 percentage points from 1990.

Faculty

The number of full-time faculty of color increased by 43.7 percent between 1983 and 1993, compared with 6.4 percent for whites. Despite these gains, faculty of color remain severely underrepresented, accounting for only 12.2 percent of all full-time faculty at U.S. colleges and universities and just 9.2 percent of full professors in 1993.

- Among African-American full-time faculty, nearly two-thirds served as associate or assistant professors in the 1995-96 academic year, while 17.8 percent had attained the rank of full professor and 15.6 percent served as instructors.
- Approximately 32 percent of Hispanic faculty served as assistant professors last year, while only 18.4 percent were associate professors and 17.3 percent full professors. Asian Americans posted the largest proportion of any ethnic minority faculty group who were full professors in the 1995-96 academic year—31.1 percent.
- In addition, although American Indians accounted for a very small share of U.S. faculty, nearly 25 percent of them were full professors; another 21.9 percent were associate professors, and 26.1 percent served as assistant professors.

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ACE is the umbrella association for the nation's colleges and universities. Its membership includes about 1,600 accredited, degree-granting institutions from all sectors of higher education and nearly 200 national and regional higher education associations and organizations.

Copies of the *Fifteenth Annual Status Report on Minorities in Higher Education* are available for \$24.95, prepaid, from Publications Department M, American Council on Education, One Dupont Circle, Washington, DC 20036. For additional ordering information, or to pay by credit card, call (202) 939-9380.



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reassignments and racial balance when it adds a new high school. Johnston was released two years ago from a court-ordered plan to help accommodate the reassignments. In all of the systems, busing must be balanced with the dynamics that shape every school system. It must find a comfortable fit with the district's history, its leadership and the

role of the black community. Busing also must find that fit without the explicit backing of the courts. With cases such as Denver and Seattle now settled, attention has shifted to smaller venues such as Akron, Ohio, and Troup County, Ga. Before long, even the supporters of busing predict, the wave of debate will

wash over the rest of the country. "It seems unavoidable," said Orfield, the professor from Harvard. "Busing plays a unique role in the history of public schooling. We can't just drop it and pretend everything will be better. Integration is far more complex than that." ■

25. Dallas Morning News

May 21, 1997 Category: Local

1 black student enrolled so far at UT Law School

12 Hispanics also placed in class; race-based admissions ban blamed

By Jayne Noble Suhler / Higher Education Writer of The Dallas Morning News

Only one black student has agreed to enroll in the University of Texas Law School's new class next fall, heralding a dramatic transformation in the racial makeup of the school.

Only 12 Hispanic students have sent in tuition deposits to secure a place in the fall class.

Traditionally, about 30 to 40 blacks and 50 to 65 Hispanics are among the approximately 500 new students who enroll in the law school each fall.

The expected drop in minority enrollment is a direct result of a court decision that prohibits Texas public universities from using race as a criterion for admission, said Michael Sharlot, dean of the law school.

"It's tragic," Mr. Sharlot said. "[But] we anticipated . . . this would be the result."

The school has offered admission to 11 black students and 33 Hispanic students so far, officials said. It will continue to offer admission to students through August, including those on a waiting list, but most of the offers have already gone out, Mr. Sharlot said.

By this time each year, most students have already decided where they will attend law school, Mr. Sharlot said.

"If more [minority students] agree to enroll, it would only be a handful," he said. "And not everyone who has sent in their admission deposit ends up coming."

One other black student has indicated she might send in a tuition deposit, he said.

Applications from black students fell 42 percent this year, while 16 percent

fewer Hispanic students applied, officials said.

Law school officials would not release the names of minority students who had applied or agreed to enroll.

Law school alumni expressed shock and regret that so few minority students had been offered spots and would be enrolling.

"Right now what I feel mostly is disgust and disappointment," said Jerry Hicks, a black Dallas lawyer who graduated in 1991. "It should be obvious to any one involved with the admissions process, anyone who cares about the institution, that these numbers are unacceptable."

The Hopwood decision, which abolished the law school's race-based admissions policy, was issued last year by the 5th U.S. Circuit Court of Appeals. It is named for lead plaintiff Cheryl Hopwood, who, along with three other white students, sued the UT law school, alleging reverse discrimination after they were denied admission in 1992.

Texas Attorney General Dan Morales subsequently interpreted the ruling to apply to admissions, financial aid and other policies at all public universities.

The Hopwood decision sends a message to minority students that they may want to go elsewhere to school, said Siva Barnwell, a 1994 graduate of the law school, who now works for a Houston law firm.

"I loved the school, the professors were wonderful, and I never experienced any kind of hostile environment," Ms. Barnwell said. "But if I only knew about

the law school through the Hopwood case, I might think the environment would be hostile.

"If I had the choice of choosing between UT and another prestigious law school, I would probably choose the other."

The UT law school class entering in fall 1996 was 75 percent white, 9 percent Hispanic, 6 percent black, 5 percent Asian, 4 percent foreign students and 1 percent American Indian.

The severe decline in applicants this year and the inability of the admissions committee to consider race as a factor are contributing to what will surely be a shift in the racial makeup for 1997, Mr. Sharlot said.

This year the law school considered undergraduate grades, entrance test scores and race-neutral factors such as work experience, socioeconomic background and financial status when picking the class and offering financial aid, he said. It did not consider race.

UT's law school has been a leading supplier of "highly qualified" minority attorneys throughout the United States, producing more than 1,300 Hispanic and 650 black lawyers over the years, Mr. Sharlot said.

Dallas Mayor Ron Kirk "is one of them," he said.

Mr. Kirk graduated from the law school in 1979. He could not be reached Tuesday for comment.

Dallas City Council colleague Chris Luna, who graduated from the law school in 1986, said he and others expected a major drop in minority enrollment

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Dallas City Council colleague Chris Luna, who graduated from the law school in 1986, said he and others expected a major drop in minority enrollment because of the court decision.

"But I am distressed it is as low as it is," he said.

Mr. Luna, who said he was the beneficiary of race-based scholarships and financial aid, said that many minority students will go to schools out of state, where the scholarships still are available.

They may never return to Texas to work, he said, and the resulting brain drain will eventually hurt the judiciary.

"The way you have judges who are people of color 10 years from now, is to have graduates coming out of law school now," he said. "Right now, the judiciary does not reflect the diversity of Texas, not to speak of 10 years from now."

Mr. Luna said he sees two solutions to the problem: finding ways to offer money to minority students so they will attend UT, or changing the law.

"I think those are the only two avenues for correction," he said.

Mr. Hicks, who works for a large Dallas firm, said he and others would recruit minority lawyers elsewhere.

"I'm a part of the recruiting process here with my firm and really we have no reason to look at UT now as an institution to provide us with quality minority lawyers," he said. ■

26. Savannah Morning News

May 21, 1997 Category: Local

Morehouse president wants more African-American doctors

Lab coats aren't the only thing overwhelmingly white about physicians in the Savannah area.

Fewer than 30 of the approximately 540 physicians practicing in Chatham County are African American, said Dr. Louis Sullivan, former Bush administration cabinet member and president of the predominantly black

Morehouse School of Medicine in Atlanta. Morehouse counts at least six alumni among the African-American doctors in Savannah.

The proportion of black doctors here hardly reflects the area's makeup, which is close to 50 percent African American. The disparity can have serious health-care repercussions in an era when

the president of the United States issues an apology to black men cruelly experimented on by their own government, Sullivan said.

"We're not saying all health care for African Americans should be delivered by African Americans, or that African-American doctors should see only African-American patients, he said.

**THE WHITE HOUSE
WASHINGTON**

From the Office of:

The Domestic Policy Council

**Elena Kagan
Deputy Assistant to the President
for Domestic Policy**

TO: Bill Kincaid

FAX: 670 28

PHONE: _____

PAGES: 3

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MINORITY COLLEGE ADMISSIONS AND ENROLLMENT

Background

While the rate of minority enrollment continues to increase overall, the rate of growth has been slowing in recent years. Sharp declines in minority admissions and enrollment in both California and Texas demonstrate the stark impact of rolling back affirmative action in those states and jeopardize efforts to increase college-going among minorities.

- **Minority enrollment still increasing overall, but rate of growth is slowing --** While overall enrollment of students of color in colleges and universities rose by 2.9 percent between 1994 and 1995 (the latest year for which data is available), this is down from gains of 4.6 percent between 1993 and 1994 and 7.1 percent between 1992 and 1993. *American Council of Education (ACE), Minorities in Higher Education 1996-97.*
- **Sharp declines have occurred in minority admissions in California and Texas--** The University of California and the University of Texas at Austin have recently reported substantial declines in African-American and Hispanic applicants and acceptances. In both states the sharp declines in minority admissions are attributed to roll-backs of affirmative action--in California, by the UC Board of Regents, and in Texas by the 5th Circuit's Hopwood decision. *American Council of Education (ACE), Minorities in Higher Education 1996-97.*
- **California --** The number of black students admitted to UCLA law school dropped by 80% in one year and is now the lowest since the early 1970s. Boalt Hall Law School at UC Berkeley admitted just 14 black students out of a class of 792, down from 75 in 1996. *Washington Post, 5/19/97, p. A1.*
- **Texas --** At the University of Texas, nearly 400 fewer blacks and Hispanics have been offered undergraduate admission, a 20% drop in one year. Just 14 blacks have been offered admission at the UT law school, down from 65; in May, the sole African American who had accepted an admission offer withdrew. [Note: Developments in Texas have caused such a furor that Gov. Bush has signed a law mandating that the top 10% of graduates of all Texas high schools be admitted to all of the state's public colleges and universities]. *Washington Post, 5/19/97, p. A1; Dallas Morning News, 6/22/97, p. 33A; USA Today, 6/2/97.*

Questions and Answers

Question: Are you concerned about reports of declining enrollments of minority

students in postsecondary education?

Answer: These trends are disturbing and completely unacceptable. Educational opportunity is the touchstone of the American dream, and figures like these raise a serious concern that the doors of college education are being closed to minority students. In addition, diversity in education helps prepare all our students to be productive citizens in the 21st century, so these developments should concern every American.

Question: What is your administration doing to address this problem?

Answer: We are working on several fronts to address this issue:

- We will continue to intervene in litigation in support of appropriate affirmative action programs. The Department of Education is looking for a good opportunity to challenge the Hopwood decision, and the Department of Justice has filed a brief challenging California's Proposition 209.
- The Office for Civil Rights at the Department of Education is conducting a review of the Texas higher education system to ensure that Texas has eliminated all remnants of its former de jure segregated system.
- And, more broadly, the Administration is pressing higher education officials to maintain and expand diversity, and offering assistance to them to do so. For example, we have called on colleges and universities burdened by new legal restrictions to develop new and creative approaches to achieving diversity, such as aggressively recruiting in secondary schools with high percentages of minority students and forming educational partnerships with such schools.

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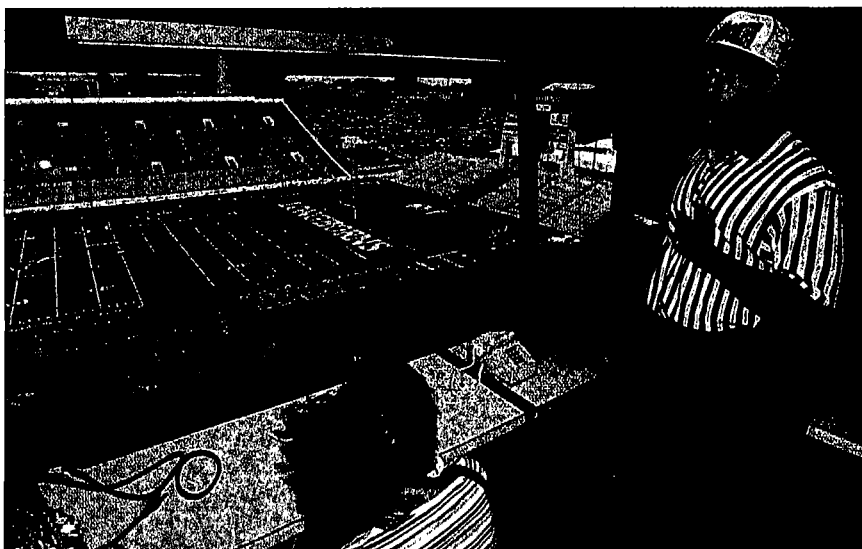
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The Great Admissions Debate

Texas school officials wrestle with education department and *Hopwood* ruling



Minority students tour the campus of the University of Texas at Austin, where officials hope that revised recruitment efforts will continue to promote racial diversity.

BY MARK HANSEN

Earlier this year, state university officials in Texas found themselves firmly wedged between a rock and a hard place. On one hand, their own attorney general was telling them they could no longer consider race as a factor in admissions and scholarship decisions.

On the other, federal education officials were warning them they could lose an estimated \$500 million in federal funding if they didn't maintain race-based affirmative action plans.

That conflict, which placed state university officials in a seemingly impossible bind, led to a brief standoff between Texas Attorney General Dan Morales and the U.S. Department of Education's Office for Civil Rights.

More Battles Ahead

The standoff ended in mid-April, when federal education officials came around to Morales' way of thinking, but the legal battle over affirmative action in college admissions goes on.

For now, race-based admissions criteria are prohibited in Texas, Louisiana and Mississippi by a ruling of the 5th U.S. Circuit Court of Appeals, and in California by a voter-approved initiative.

The 9th U.S. Circuit Court of

Appeals based in San Francisco recently lifted a temporary injunction that had blocked that initiative, known as Proposition 209, from taking effect.

Similar initiatives are being proposed in several other states, including Washington, Colorado and Florida. And lawsuits challenging affirmative action in college admissions are pending in at least two states, Washington and Georgia.

At the heart of the dispute between Texas and federal officials was a ruling last year by the New Orleans-based 5th Circuit, which held that race-based preferences in admissions can only be used to remedy specific instances of past discrimination at a particular institution, not to achieve a more diverse student body or to counter the effects of societal discrimination. *Hopwood v. Texas*, 78 F.3d 932. (See "Law School Affirmative Action in Doubt," May 1996 ABA Journal, page 36.)

Morales interpreted *Hopwood* as requiring all Texas universities to employ race-neutral criteria in their academic decision-making.

But Norma Cantu, head of the Education Department's Office for Civil Rights, said in a March 18 letter to state lawmakers that *Hopwood* applied only to the University of Texas School of Law, whose admissions policies were the subject

of the suit. She said other institutions could face the loss of federal funds if they ignored their "clear legal obligation" to maintain race-based admissions criteria.

Cantu reversed herself in a follow-up letter about a month later, but not before her original stand had generated a storm of protest from Texas politicians.

The flap also prompted acting U.S. Solicitor General Walter Delinger to write a letter to the Education Department's general counsel clarifying the government's position on *Hopwood*, which coincides with the interpretation of the Texas attorney general.

Rick Miller, a spokesman for the Education Department, concedes that Cantu's original interpretation of *Hopwood* was a mistake, but one that he attributes to confusion generated by two conflicting government briefs. One was filed before the U.S. Supreme Court in *Hopwood* and the other in a Texas district court in another case. *Hopwood* takes precedence, Miller says.

But critics of affirmative action don't view Cantu's original take on *Hopwood* as a "mistake." They see it as a deliberate attempt at political arm-twisting by an appointee of the Clinton administration, which supports affirmative action.

"I'm pleased that Cantu now realizes that she is legally bound to follow the *Hopwood* decision in her current review of the Texas higher education system," says Terry Pell, a lawyer for the Center for Individual Rights. The public interest law firm represents the plaintiffs, as well as the sponsors of California's Proposition 209.

Unfortunately, he and other critics say, the end of the dispute with Texas does not clarify the status of affirmative action or address the precipitous decline in college applications from minorities in states where race-based admissions preferences are no longer allowed.

"The federal government needs to show some leadership and provide some clear direction on how to go about creating a race-blind diversity outreach program," Pell says. "In the absence of that kind of leadership, nothing will change." ■

ing law is providing legal advice, "a hard thing to determine," says Cannon. "It's not a neat line."

The proposals in Oregon and California are the most comprehensive of the pending bills.

In its original form, the Oregon bill would authorize registered independent paralegals to provide "individualized advice pertaining to legal procedures, rights, obligations" and to help clients select and prepare legal documents. The legislation is expected to be amended before passage, according to an aide to Oregon Rep. Charles Starr, who introduced the bill.

To be eligible for independent paralegal status, an individual would have to register with the state's Department of Consumer

and Business Services and would have to purchase a bond or malpractice liability insurance.

The California bill provides for the registration of nonlawyers who meet certain educational requirements. These registered nonlawyers would be permitted to provide approved legal forms to consumers for legal problems in the areas of family law, estate planning and administration, real estate, consumer bankruptcy and landlord-tenant disputes.

The bill also provides for revocation of a nonlawyer's registration for a variety of reasons, including fraudulent conduct, gross negligence or a pattern of simple negligence. And it requires the nonpractitioner to provide a disclosure

statement to consumers that he or she is not a lawyer and not qualified to practice law or give legal advice.

Another comprehensive proposal to regulate paralegals, both independent and those who work under the supervision of attorneys, is expected to be released soon in New Jersey. The plan is being studied by a committee of the state supreme court.

Some bills loosen restrictions on paralegals but are less comprehensive than the Oregon and California proposals.

Nevada legislation, for example, would allow nonlawyers to sell standardized legal forms but would bar them from providing advice about how to complete the forms or about other legal matters.

At opposite ends of the country, Washington has a limited licensing law that allows nonlawyers to perform real estate closings; Virginia will allow certain nonlawyers to do the same when a similar law takes effect there on July 1.

The Virginia law was enacted after the Justice Department brought antitrust suits in the 1980s against bar associations in the state for attempting to bar competition from nonlawyers in real estate closings.

Other states also are considering registration or licensing schemes for nonlawyers who provide limited assistance to people handling their own divorce, child custody, bankruptcy, landlord-tenant and real estate matters. But many of these bills are dying in committee because of lobbying efforts by state and local bars.

At the other end of the scale are several states that are attempting to toughen penalties against nonlawyers who practice law. In Ohio, for example, the Legislature is considering a bill that increases criminal penalties for engaging in the unauthorized practice of law to a maximum of six months in prison or a \$500 fine. The old law did not carry the possibility of prison time.

The bill was sparked by "fly-by-night operations" cropping up around the state, according to Craig Bryce, legislative aide to Rep. Ann Womer Benjamin, one of the bill's sponsors. "It is an increasing problem," says Benjamin, an Ohio attorney.

State Action

Bills redefining the unauthorized practice of law are pending in several state legislatures.

STATE	TYPE OF BILL	STATUS
Arkansas Act 1301	Redefines UPL, toughens penalties.	Passed April 1997
California SB 709	Provides for registration of independent paralegals, establishes educational, ethical standards.	Pending in committee.
Montana HB 386	Creates a nonlawyer family advocacy program.	Passed House, awaiting Senate vote.
Nevada SB 203	Allows paralegals to sell legal forms, increases UPL penalties.	Pending in committee.
New Hampshire HB 595	Establishes penalties, remedies for UPL.	Pending in committee.
New Jersey AB 2366	Revises UPL definition.	Pending in committee.
New Jersey SB 623	Prohibits UPL by immigration consultants.	Pending in committee.
Ohio HB 303	Increases criminal penalties for UPL.	Pending in committee.
Oregon HB 3082	Authorizes registered independent paralegals to provide legal advice.	Pending in committee.
South Carolina HB 3021	Would allow corporations to designate nonlawyers to represent them in a court that handles smaller claims.	Pending in committee; not expected to get a hearing.
Washington HB 1451	Makes UPL a violation of Consumer Protection Act.	Pending in committee.

* As of late April 1997.

Unauthorized practice legislation died in committee in Iowa, Texas, Vermont and Virginia. Legislation in Maine that would have allowed independent paralegals to represent clients in small claims court and alternative dispute resolutions was voted down in committee, which will study the matter further.



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

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TO Kris Balderson / Bill Kincaid

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FROM FRANK S. HOLLEMAN III, CHIEF OF STAFF / ConniePHONE 202-401-6143FAX 202-401-2098PAGE(S) TO FOLLOW 1

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	AIa	Asa	Blk	Hsp	Wht	Fgn	Total
Mount Angel Sem	0.0	7.3	0.7	12.7	64.0	15.3	150

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	AIa	Asa	Blk	Hsp	Wht	Fgn	Total
Mount Hood CC	1.3	4.2	1.9	2.5	88.7	1.3	7,742

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	AIa	Asa	Blk	Hsp	Wht	Fgn	Total
National C of Naturopathic Medicine	0.5	3.2	1.8	0.5	83.3	10.8	223

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	AIa	Asa	Blk	Hsp	Wht	Fgn	Total
Oregon Graduate Inst of Science and Tech	0.0	9.3	0.2	0.2	64.8	25.5	497

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	AIa	Asa	Blk	Hsp	Wht	Fgn	Total
Ore State Sys of Higher Ed							
Eastern Oregon State C	2.1	3.0	1.0	3.7	87.7	2.5	2,409
Ore Health Sciences U	0.7	7.5	0.9	2.3	84.5	4.1	1,472
Oregon Inst of Tech	3.2	3.9	1.0	3.3	87.4	1.2	2,477
Oregon State U	1.3	7.0	1.2	3.1	77.0	10.5	14,407
Portland State U	1.2	9.0	2.9	2.9	78.2	5.8	15,818
Southern Oregon State C	2.1	2.1	0.8	3.2	89.2	2.6	5,125
U of Oregon	1.2	7.1	1.6	2.8	77.1	10.2	16,962
Western Oregon State C	1.5	2.3	0.6	3.7	89.4	2.5	3,981

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	AIa	Asa	Blk	Hsp	Wht	Fgn	Total
Oregon Polytechnic Inst	1.2	3.6	3.6	1.2	90.5	0.0	168

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	AIa	Asa	Blk	Hsp	Wht	Fgn	Total
Pacific Northwest C of Art	1.9	3.3	1.1	4.4	84.4	4.8	270

	AIa	Asa	Blk	Hsp	Wht	Fgn	Total
U S Int'l U	1.0	5.3	5.3	8.2	57.3	22.9	1,281

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	AIa	Asa	Blk	Hsp	Wht	Fgn	Total
U of California							
Berkeley	1.0	33.3	5.3	12.1	41.3	7.0	29,634
Davis	1.2	26.2	3.8	10.7	54.9	3.3	22,442
Hastings C of Law	1.1	17.2	8.5	13.2	59.8	0.2	1,234
Irvine	0.6	45.4	2.6	12.6	35.3	3.5	17,073
Los Angeles	0.9	32.6	6.0	13.9	41.4	5.1	35,110
Riverside	0.7	33.6	4.7	16.3	41.8	2.9	8,590
San Diego	0.9	28.8	2.7	11.7	52.4	3.6	17,774
San Francisco	1.0	29.0	4.1	7.7	55.2	3.0	3,729
Santa Barbara	0.9	15.6	2.7	11.4	66.1	2.3	17,834
Santa Cruz	1.3	14.0	2.8	15.1	65.4	1.5	10,117

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	AIa	Asa	Blk	Hsp	Wht	Fgn	Total
U of Judaism	0.0	0.5	0.5	1.5	90.3	7.3	207

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	AIa	Asa	Blk	Hsp	Wht	Fgn	Total
U of LaVerne	0.8	8.3	8.7	15.9	63.9	2.3	5,473

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	AIa	Asa	Blk	Hsp	Wht	Fgn	Total
U of the Pacific	0.9	22.1	2.6	7.1	64.1	3.2	5,849

[[Return to top](#) | [Key](#)]

	AIa	Asa	Blk	Hsp	Wht	Fgn	Total
U of Phoenix							
Northern California	1.6	12.6	15.2	6.8	63.7	0.0	3,148
Online	1.0	6.6	7.3	2.5	82.7	0.0	1,401
San Diego	0.0	5.6	12.3	8.1	74.1	0.0	1,524
Southern California	0.0	14.1	14.2	13.7	58.0	0.0	5,546

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	AIa	Asa	Blk	Hsp	Wht	Fgn	Total
U of Redlands	1.1	6.5	9.5	12.4	68.3	2.3	3,879

DECLINING MINORITY COLLEGE ADMISSIONS

Background: Recently the Washington Post reported that the number of black students admitted to UCLA law school dropped by 80% in one year and is now the lowest since the early 1970s. UC Berkeley admitted just 14 black students out of a class of 792, down from 75 in 1996. And at the University of Texas, nearly 400 fewer blacks and Hispanics have been offered undergraduate admission, a 20% drop in one year. Meanwhile, white and Asian admissions are up in both states. In both states the sharp declines in minority admissions are attributed to roll-backs of affirmative action--in California, by the UC Board of Regents, and in Texas by the 5th Circuit's Hopwood decision.

Question: Are you concerned about recent reports of declining enrollments of minority students in postsecondary education?

Answer: These declines are disturbing and completely unacceptable. Educational opportunity is the touchstone of the American dream, and figures like this raise a serious concern that the doors of college education are being closed to minority students. In addition, diversity in education helps prepare all our students to be productive citizens in the 21st century, so these developments should concern every American.

Question: What is your administration doing to address this problem?

Answer: We are working on several fronts to address this issue:

- We will continue to intervene in litigation in support of appropriate affirmative action programs. The Department of Education is looking for a good opportunity to challenge the Hopwood decision, and the Department of Justice has filed a brief challenging California's Proposition 209.
- The Office for Civil Rights at the Department of Education is conducting a review of the Texas higher education system to ensure that Texas has eliminated all remnants of its former de jure segregated system.
- And, more broadly, the Administration is pressing higher education officials to maintain and expand diversity, and offering assistance to them to do so. For example, we have called on colleges and universities burdened by new legal restrictions to develop new and creative approaches to achieving diversity, such as aggressively recruiting in secondary schools with high percentages of minority students and forming educational partnerships with such schools.

Q. Are the reports of declining enrollments of minority students in postsecondary education, particularly in states such as California and Texas -- where action by the voters or courts has outlawed affirmative action -- cause for concern?

A. Absolutely. As I said in my Affirmative Action Address at the National Archives, I believe strongly in the importance of diversity in providing for a strong education that will prepare students to be productive citizens in the 21st century. Our Nation's colleges have long understood that a diverse student body is educationally beneficial to all students. If colleges look like the world students are going to live and work in, and they learn from all kinds of people things they can't learn in books, our systems of higher education are stronger. I am also concerned that, while we have come a long way, discrimination and the effects of discrimination are unfortunately not entirely a thing of the past. Opportunity for educational and economic advancement ~~are~~ the touchstone of the American dream. A perception in minority communities that the doors of college education are closing to minority students is a possible development that should concern every American.

Q. What is the Department of Education doing to address the problem of declining enrollment of minority students in postsecondary education?

A. While the Department has limited authority to resolve this situation, we have acted or plan to act on several fronts--

Litigation

--The Department has expressed its commitment to continue to intervene in litigation in support of appropriate affirmative action programs. In a letter to Texas legislators, the Department indicated that we would look for an appropriate opportunity to challenge the Hopwood decision. Of course, the Department of Justice has filed a brief on behalf of plaintiffs in the litigation challenging California's Proposition 209.

Civil Rights Review

--The Department's Office for Civil Rights advised Texas officials that it is conducting a review of the Texas higher education system to ensure that Texas has eliminated all remnants of its former de jure segregated system, consistent with the Supreme Court's decision in United States v. Fordice. If it were determined that such remnants exist (and no such determination has been made at this point), OCR would seek to negotiate with Texas what measures would be needed to remedy any continuing effects of past discrimination.

Leadership/Research Support for Affirmative Action

--The Department wrote to college officials in California reminding them that the terms of Proposition 209 require affirmative action to be continued in some instances, in order to continue

my draft

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DECLINING MINORITY COLLEGE ADMISSIONS

Q: Recently the Washington Post reported that the number of black students admitted to UCLA law school had dropped by 80%, the lowest number offered admission since the early 1970's. UC Berkeley admitted just 14 black students out of a class of 792, down from 75 in 1996. And at the University of Texas, the Post reported, nearly 400 fewer blacks and Hispanics have been offered undergraduate admission, a 20% drop in one year. Meanwhile, white and Asian admissions are up in both states. In both states the sharp declines in minority admissions are attributed to roll-backs of Affirmative Action--in California, by the UC Board of Regents, and in Texas by the 5th Circuit's Hopwood decision.

Are you concerned about these reports of declining enrollments of minority students in postsecondary education?

A: These declines are disturbing and completely unacceptable. Educational opportunity is the touchstone of the American dream, yet figures like this raise a serious danger that minority students will perceive that the doors of college education are being closed to them. Moreover, as I said in my Affirmative Action speech at the National Archives, diversity in education helps prepare all our students to be productive citizens in the 21st century, so these developments should concern every American.

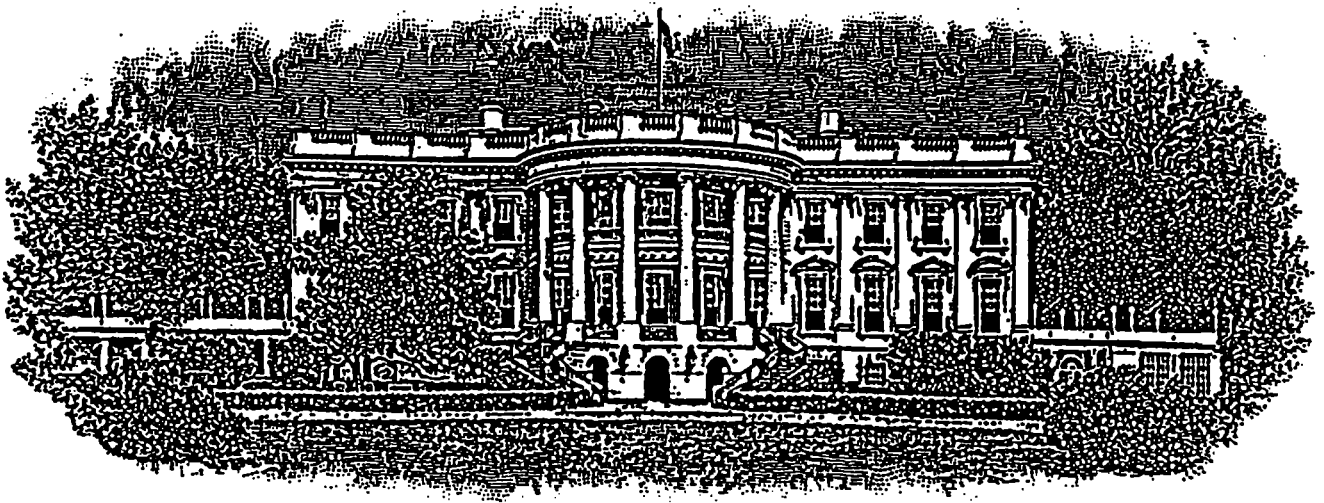
Q: What is your administration doing to address this problem?

A: The Administration is addressing this issue on several fronts:

- We are committed to continuing to intervene in litigation in support of appropriate affirmative action programs. The Department of Education is looking for an appropriate opportunity to challenge the Hopwood decision, and the Department of Justice has filed a brief on behalf of plaintiffs in the challenge to California's Proposition 209.
- The Office for Civil Rights at the Department of Education is conducting a review of the Texas higher education system to ensure that Texas has eliminated all remnants of its former de jure segregated system.
- The Department of Education is providing substantial leadership and research support on Affirmative Action. Secretary Riley and other leaders at the Education have written to college officials and sought opportunities to speak on diversity in the university setting and to offer assistance in promoting it. In addition, Education has also called on colleges and universities to develop more creative, race-neutral approaches to achieving diversity, such as more aggressive recruitment in secondary schools with high percentages of minority students and forming educational partnerships with such schools.
- Finally, through my 10-point Call to Action for American Education we are pursuing strategies (such as America Reads and our technology initiatives) to raise standards and improve educational opportunities available to all K-12 students, to prepare them for

college. We are also striving to ensure that a college education is within reach of every student willing to work for it, and to make sure students know that they can afford to attend. Central to this effort, our balanced budget agreement calls for the largest Pell grant increase (to \$3,000) in over twenty years. We also remain firmly committed to strong college work study and TRIO programs.

The White House



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TO:

Elena Kagon

FAX:

6-2878

FROM: BILL KINCAID

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*Your money was on target - it looks
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increased enrollment overall - ~~slower~~ but slower
growth*

9. USA Today

May 19, 1997

Minority gains in college lose steam

WASHINGTON - Minorities continue to make progress in higher education, but their enrollment gains have slowed in recent years, and reversals on affirmative action policies may threaten progress even further, college officials say.

Enrollment of minority students in higher education rose 2.9% between 1994 and 1995, the latest year for which statistics are available, says the American Council on Education's (ACE) 15th annual Status Report on Minorities in Higher Education, out Monday.

That's lower than gains of 4.6% in 1994 and 7.1% in 1992, the study says.

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

early warning signal of what may lie ahead," says ACE president Stanley Ikenberry.

Recent affirmative action rollbacks in California and Texas limit the ability of public institutions to promote diversity in the student body, Ikenberry says. And on Wednesday, the University of California's Boalt Hall law school reported that admission of blacks dropped 81% for fall and Hispanic admissions fell 50%. This was the first class to be admitted under the UC system's race-neutral policies.

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

The report also says minorities posted

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

Among 25- to 29-year-old black men, the high school completion rate increased to 88.1% in 1995, from 82.9% a year earlier, largely because of increases in the number earning the GED (General Educational Development) diploma. The corresponding rate for white men in 1995 was 86.6%. The rate for Hispanic men, at 55.7%, declined for the third straight year.

By Mary Beth Marklein, USA TODAY■

10. Detroit Free Press

May 19, 1997

Minority growth slows on campus

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

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

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

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

"That slowing down is coming at a time when minorities are growing in the population, so it's paradoxical," Reginald Wilson, the coauthor of the report, said Friday. "We suspect this is due to the

strong attack on affirmative action that has been happening and is growing."

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

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

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

In California, voters last year passed Proposition 209, prohibiting gender and

race discrimination in education, hiring and contracting.

Subsequently, the regents of the University of California voted to end affirmative action in admissions, effective this year. One recently reported result: The number of black students admitted to U-C's Boalt Hall law school has fallen 81 percent and the number of Hispanics, 50 percent.

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

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

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

Since 1990, black students' college enrollment rose by 18.2 percent, compared with a 39.6-percent jump for Hispanics, 39.2 percent for Asian





conferences to size them up: Have they worked with kids? Are they shy? Do they have a sense of humor? The structure of the in-school program also can determine its success or failure. An author who meets with individual classes will have far more impact than will the distant superstar who declaims to 400 fidgety

kids in the auditorium.

Then comes the autograph session. This can be a high point for students — and a low point for the writer. "The worst thing is when you have kids whose families can afford to buy lots of books and other kids whose families can't afford to buy books," says Kevin Henkes,

whose humanoid mice star in Chester's Way and Lilly's Purple Plastic Purse. Librarians propose a simple solution: Have the school library buy a batch of the author's works so all the students can have a chance to read them, and have the author sign bookmarks instead of books. ■

TRADE

11. The Chronicle of Higher Education

May 23, 1997

Brown U. Students Settle Dispute Over Allegation of Date Rape

By Ben Gose

A Brown University student who had accused another student, a Jordanian prince, of raping her has reached a "mutually satisfactory resolution" with him, according to lawyers for both students.

In a statement filed last fall with Brown's Office of Student Life, the woman charged that she had been "drawn forcibly" to a bed by Prince Faisal Ra'ad Zeid Al Hussein and forced to have sex. Prince Faisal called the sex consensual.

When a Brown disciplinary council made an unusual decision not to hear the case, the woman's parents filed a complaint against Brown with the U.S. Department of Education's Office for Civil Rights (The Chronicle, May 9). The parents charged that Brown had not enforced its own code against sexual offenses, in violation of Title IX of the Education Amendments of 1972, a federal law that bars sex discrimination at colleges that receive federal funds.

After the two students resolved the

dispute this month, her parents withdrew the complaint.

"The parties involved felt it was in their best interests to put some resolution to this," said Jeffrey A. Newman, the woman's lawyer. John A. Tarantino, Prince Faisal's lawyer, said the students "want to put this matter behind them, to focus on their studies, and to realize the potential that each has for a successful and fulfilling career."

The two students signed agreements that prohibit them from publicly discussing the terms of the settlement. Mr. Tarantino said money was not involved. The two lawyers criticized press coverage of the case but did not cite specifics.

As of last week, the Office for Civil Rights had not closed its investigation. "We're looking at the request for the withdrawal of the complaint," said Rodger Murphey, a spokesman for the office. "Then we'll make a

determination."

According to the parents' complaint, "a web of mutual interests" had led the Brown council to reject the case. Prince Faisal's representative before the council, Martha S. Joukowsky, is an archaeology professor who leads a dig in Jordan. His father, Prince Ra'ad Bin Zeid, is a cousin of King Hussein of Jordan and an officer of a group that evaluates projects by scholars — such as Dr. Joukowsky — who want to work in Jordan. Dr. Joukowsky's husband, Artemis, is the head of Brown's board of trustees and also an officer of the group that includes Prince Ra'ad.

Mr. Joukowsky spoke to Brown's dean of student life while the woman's charge against Prince Faisal was pending. He called the case "an unfortunate situation."

Brown officials have denied that their handling of the case was influenced by Prince Faisal's status. ■

12. The Chronicle of Higher Education

May 23, 1997

Minority Enrollments Rose in 1995, a Study Finds

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

By BEN GOSE
WASHINGTON

Students from the nation's four largest minority groups enrolled in larger

numbers at U.S. colleges and universities in 1995 than in 1994, according to an

annual study to be released this week by the American Council on Education.

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

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

The merits of merit

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

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

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

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

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

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

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

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

An education gap?

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

educational haves and have-nots.

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

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

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

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

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

4. The New York Times

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

College Minority Enrollment Slowed in 1995

By KAREN W. ARENSON

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

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

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

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

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

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

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

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

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

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

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

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

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

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

though it has fluctuated in the 20-year period.

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

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

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

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

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

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

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

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

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

04:30 EDT May 19, 1997

5. The New York Times

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

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

By SARA RIMER

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

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

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

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

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

"I am personally very pleased with

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

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

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

Two percent.

What Newberry fears is that as time goes on, school systems will start to drop sex education, not because parents object to it, but because the systems will see cancellation as a way to save money on personnel, training and curriculum development during financial squeezes.

And that will leave the job of instruction up to parents.

There's a lot of genuflecting to the

wisdom of parents, particularly by those opposed to sex education. But every day brings headlines about parents who beat or neglect their kids and about the hectic, pressured-filled lives of families whose members no longer have time to talk with each other.

And, Newberry said, "How many average parents know the details of which sexually transmitted diseases are affecting youth and how they're

prevented?" How many know how to teach "refusal skills," the art of saying no? And aren't there many who remain uncomfortable talking about sex at all?

So if the school doesn't provide sex instruction, and Mom and Dad either don't have the skills or the will, kids are left with what they pick up on the street, over the airwaves and on the big screen.

And that's no way to get an education. ■

57. USA Today

June 2, 1997 Category: Commentary

Texas' 10% solution valiant but flawed

By Gwen Daye Richardson

The University of Texas Law School has offered just 14 blacks admission next fall, compared with 75 students last year, a drop of 80%. The same percentage drop has occurred at the University of California law schools at Berkeley and Los Angeles. The number of Hispanics admitted in both states also has dropped substantially, although not as much. In the wake of the demise of affirmative action in Texas and California, these staggering numbers are causing more than a little anxiety.

And states are taking action. Last week, Texas Gov. George W. Bush signed a law requiring the state's 35 public universities to accept all Texas high school graduates in the top 10% of their class; it takes effect in 90 days. Since a significant proportion of the estimated 170,000 students who will graduate from Texas high schools this year come from schools that are either majority-black or majority-Hispanic, this measure virtually guarantees admission slots to many minority students.

This represents a valiant effort, but will its impact be any different from that of the policies previously in place? The most obvious pitfall is that because high schools vary so much in terms of their standards and curricula, the education received by the top 10% at one school may be substantially different from that at another.

In fact, Bruce Walker, UT's director of admissions, said the state discontinued a top-10% rule about five years ago because it guaranteed admission to students who weren't prepared academically. "It wasn't working," Walker said. "There's unevenness in K-12 education across the state."

Another pitfall is that some students may be among the top 10% of their graduating class even though they may have eschewed academically rigorous courses, such as chemistry, calculus and advanced English, for "easy" courses like health, life-management skills and physical education.

But if we don't deal with the issue of

minorities' education, children will not be the only losers - states may pay, too. Because Texas and California are the first states to be affected by the elimination of race-based admissions, blacks and Hispanics who are high achievers educationally may decide to attend schools in other states, leading to a minority "brain drain."

Worst of all, as a result of the debate on affirmative action rollbacks, many minorities have a perception that if they don't meet the standards of elite universities, higher education isn't open to them. But it's not true. The U.S. has a multitiered system which admits virtually anyone who wants to go to college.

The larger question is: Why are so many of our public schools failing to adequately educate black students? Unless we can address that issue, we're spinning our wheels.

Gwen Daye Richardson is editor of *Headway* magazine, based in Houston, Texas. ■

EDITORIAL

58. San Diego Union-Tribune

June 2, 1997 Category: Editorial

Emphasize proficiency

Education standards are difficult to raise

Gov. Bill Clinton's political resurrection during the 1980s was achieved in large part by his aggressive campaign to upgrade Arkansas' dismal public school system. During his second term as president, Clinton seems no less determined to lead the charge for national education standards.

The standards issue surfaces whenever politicians sense a national unease about how poorly U.S. students are faring when compared with their counterparts around the globe. That unease has been fairly constant since a presidential commission concluded 14 years ago that the nation was at risk because of its mediocre schools.

Clinton's call for voluntary national testing to gauge how students are performing comes as no surprise. After all, he was promoting the same idea as head of the National Governors' Association when George Bush was in the White House. Like many good intentions, however, this one never materialized. But Clinton aims to change

that by combining several existing programs and then gift-wrapping the package with some rhetorical flourishes.

What makes this standards gambit intriguing is its sheer audacity. Most of what Clinton is proposing already exists in one form or another.

He wants to use the National Assessment of Educational Progress (NAEP) fourth-grade reading test and eighth-grade math test and adapt them for use by the states. The testing process would be far less extensive than that proposed by Bush during the early 1990s. States that wished to participate could do so, while those opposed to the concept could decline.

The biggest drawback to Clinton's plan is the lowest-common-denominator factor.

Because NAEP tests are basic in nature, we would prefer an exam that places greater emphasis on proficiency. The downside in raising the academic bar, of course, is that some students will not be able to meet the loftier standards.

This would rile educational psychologists as well as many parents.

Consider, for instance, the fate of state Sen. Dede Alpert's bill to strengthen California's high school math, science and English requirements. The Coronado Democrat's common-sense measure was waylaid in the Senate Education Committee and cannot be revived until next year.

Critics worried that more-rigid classroom requirements might discourage low achievers and thus increase the dropout rate. As a result, the measure was shelved, despite widespread calls on both sides of the aisle for tougher standards.

Most Americans support the concept of testing students to see how they stack up against national standards. The challenge is to devise a test that is both academically sound and politically palatable. In light of the competing special-interest groups that have a stake in this process, that will be no small achievement — even for a master pitchman such as Bill Clinton. ■

59. Dallas Morning News

June 1, 1997 Category: Editorial

Hopwood aftermath

Texas must find ways to boost minority enrollment

Everyone in Texas should be concerned about the alarming impact of the Hopwood court decision on minority enrollment at the University of Texas Law School.

Unless a concerted effort is made to counteract the U.S. Fifth Circuit Court of Appeals ruling, the state may get stuck with a national reputation as being hostile to minority students.

As of last week, only one black college student had accepted admission to the fall term of the UT Law School, the state's largest and highest-ranked law school. Only 12 Hispanic college students had sent in tuition deposits to

secure their spots.

The drop stems directly from the U.S. Fifth Circuit Court of Appeals' 1996 decision in Hopwood vs. Texas, which barred consideration of race in the law school's admission process. The year before the Hopwood decision, as many as 30 to 40 black students and between 50 and 65 Hispanic students comprised the 500-member entering law school class.

To make matters worse, the lone black student has since declined the UT Law School offer and is now headed to Cornell Law School. The reason: the pressure of being the class' only black student and the certain media attention of

that rarefied status.

Law school officials say there's a glimmer of hope since the admission slots are not completely filled. The remaining 6 percent will be filled from a waiting list. Law school officials hope that some black students in the pool will agree to come.

But the officials probably shouldn't hold their breaths. Regrettably, the Hopwood decision has made UT Law School seem like hostile territory to qualified minority students. They are already exercising their options to go to more hospitable climates.

That could prove a stunning setback

are pushing for a cycle of self-fulfilling, self-perpetuating inadequacy. They claim that because their students are poor, their capacity to learn is hampered; because their capacity to learn is hampered, their schools should be held to a lower standard; because their schools would be held to a lower standard, neither the schools nor the students would ever be pressed or expected to show much improvement.

The superintendents wouldn't put it like that, of course. They just want the state to take into account the fact that their students start out behind students in more affluent districts. Their students may not have had the preparation for school that wealthier children did, and they may not benefit from the same support at home or the same respect for learning. Therefore, the superintendents

say, they should not be judged by the same standards.

One suggested alternative is to judge students not by where they end up but by how far they travel, relative to where they start. Accreditation decisions would be made not on absolute test scores but on the improvement made from the beginning of one school year to the end. That gauge could be acceptable for a while. But eventually, if the students from poorer families show gains year after year, they should be able to score as well as students everywhere in the state. Why not set high goals from the start? There should be no need to water down the standards or to lower the expectations.

Robert Bartman, the state's commissioner for elementary and secondary education, feels strongly about

keeping the standards high. He expresses his belief in four simple but powerful words: "All kids can learn." He should stick with that position.

A poor socioeconomic level may handicap students when they begin. But factors in the state school funding formula, plus programs such as Parents as Teachers, help compensate for that start. Every effort must be made to make each student achieve as much as possible; even more important, all boys and girls in Missouri classrooms should feel they have the potential to reach the stars. Superintendents who argue for lower expectations are cheating themselves and their students. They should be models for achievement, not for mediocrity. All children can learn. So should their elders. ■

67. The New York Times

06/01/97; Edition: Late Edition - Final; Section: Section 4; Editorial Desk; Page 16, Column 1 Category: Editorial

Segregation Anew

After dismantling affirmative-action programs, the public universities of Texas and California have witnessed ominous declines in black and Latino enrollment, raising fears that universities in these ethnically diverse states could one day become overwhelmingly white. Fearing rejection, many black and Latino students have decided not to apply at all. In addition, educators foresee a new minority "brain drain," as outstanding students who do win acceptance opt for rival states, driven away by fears of racial isolation. The new segregation endangers the social coherence of both Texas and California. Educators and political leaders will need to work vigorously to reopen educational access and avoid long-term division.

Most of the United States is governed by the Supreme Court's *Bakke* decision, which forbids quotas but permits schools to consider race in admissions decisions. However, Texas and California have eliminated any consideration of race, each for its own reasons. In Texas, the change results from a Federal court decision that threw out an admissions

system with separate procedures and panels for applicants of different races. In California, the rollback results from a 1996 ballot initiative that altered admissions policies. Because they nearly always came from worse schools than whites, black and Latino applicants were frequently admitted with lower test scores. Scores are only one predictor among many, and students often excel despite them. But under the Texas and California plans, race has been eliminated and test scores have been fetishized.

The drop-off in applications has been astounding. In California medical schools, applications from black students have dropped by a quarter and from Latino students by a third over the last two years. The University of Texas Law School, which has produced a large share of minority law graduates, accepted about 65 blacks students in 1996, but only 11 this year. Every one of those 11 opted to go elsewhere, some because of stories about declining minority enrollment.

Michael Sharlot, dean of the University of Texas Law School, says that trend could continue. He warns that

a dearth of minority lawyers in a state that is half minority will undermine confidence in the law and add to racial friction. Mr. Sharlot says outstanding minority students are deciding to bypass Texas, robbing it of a skilled and upwardly mobile minority community.

In Texas, angry legislators have passed a bill requiring universities to accept the top 10 percent of graduates from all state high schools. California has proposed a program to link universities with poor inner-city schools, in an attempt to improve public school instruction. In both states, it is coming home that minority students are being systematically disadvantaged by abysmal and segregated public schools. The states inflict the damage and have a moral obligation to find a remedy.

Meanwhile, college enrollment figures show there is no such thing as a "race neutral" admissions policy. If universities do not take disadvantage into account, many minority students will face the prospect of resegregation in higher education. ■

68. The Hartford Courant

June 1, 1997

Make Sheff legislation count

Important decisions about the future of education for the state's children shouldn't be cobbled together on the fly. Yet the legislature adjourns Wednesday, and negotiations regarding remedies to the Sheff vs. O'Neill school desegregation lawsuit resemble what one observer called "a tug of war with more than one rope."

No one said it would be easy to establish a comprehensive, muscular policy to ensure that each child gets an equal and diverse education. But the posturing should end at this late stage.

It was beginning to look as if there would be no progress at all on the Sheff mandate. Even the governor's modest response to recommendations by his Education Improvement Panel was gutted when the Appropriations Committee declined to fund key parts, most notably school choice. Thankfully, the caucus of African American and Puerto Rican legislators threatened to hold up the budget unless strong strides were made toward improving education and ending racial isolation. Attempts to accommodate the caucus triggered the last-minute scramble.

The result is a well-meaning but token smorgasbord of steps for improving readiness of preschoolers, expanding Head Start, setting up charter schools and intradistrict magnets and specialty schools, increasing the education cost-sharing grants and setting aside money for improvement of educational technology.

Major sticking points - and the meat of the legislation - include interdistrict choice in the form of an expanded Project Concern, an annual review of school districts to ensure that resources are spent equitably and the obligation of districts to meet racial diversity standards.

City students should be permitted to attend public schools of their choice. Naysayers fear an emptying out of classrooms, leaving behind the worst students and a shortage of state grant money to educate them.

This is naive. Without adequate incentives to accept outsiders, suburban schools near capacity can and will say no. The state should make districts that open their arms to outsiders part of a regional solution by making it financially attractive to participate.

The goal of school choice isn't to strip cities and overload the suburbs. It is to provide a quality education for all, and that means a racially mixed one. Fear of losing state money because of declining enrollment in a city school shouldn't be a reason to discourage choice; it should be an incentive to improve the school to keep students there.

Strong statutory language should be adopted that would obligate towns to meet reasonable state Board of Education standards for providing a diverse education. As proposed, this requirement would have the same teeth as, say, the Minimum Expenditure Requirement. Towns that failed to make a good-faith effort to diversify would be penalized.

Complying with change of the magnitude suggested by the Supreme Court in its support of Sheff takes courage and money. Legislators must be leaders in charting the course that will make Connecticut schools a model for the nation.

The first steps are the hardest, but they should be straight, sure and headed in the right direction. ■

31ST STORY of Level 1 printed in FULL format.

Copyright 1997 The Dallas Morning News
THE DALLAS MORNING NEWS

May 23, 1997, Friday, STATE EDITION

SECTION: NEWS; Pg. 33A

LENGTH: 728 words

HEADLINE: UT law school loses lone black enrollee Student cites attention over dearth of minorities

BYLINE: Aline McKenzie, Staff Writer of The Dallas Morning News

BODY:

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

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

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

On Thursday it was learned that at least one more law student has withdrawn this week and others have called the school concerned about reports that the incoming fall class may not have any black students.

A white student accepted for the fall class notified the school by letter that he would not enroll because of the media attention.

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

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

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

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

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

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

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

THE DALLAS MORNING NEWS, May 23, 1997

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

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

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

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

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

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

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

The Hopwood decision, issued last year by the 5th Circuit Court of Appeals, is named for lead plaintiff Cheryl Hopwood, a white student who with three others sued UT, saying they had been denied admission on account of their race.

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

Gov. George W. Bush signed a bill into law Tuesday that will require universities to admit graduates in the top 10 percent of their high school classes. Institutions can decide to extend the scope of automatic admissions to include students from the top 25 percent of high school graduating classes.

After admitting either the top 10 percent or 25 percent of high school graduating classes, schools could consider other applicants for admission based on race-neutral factors.

UT Chancellor William Cunningham and Mike Sharlot, dean of the law school, met with lawmakers behind closed doors Wednesday after senators discussed ways to address the court decision and passed a bill to require a state study of minority participation in public higher education.

Mr. Cunningham noted that the University of California is facing the same issue after race was eliminated as a factor in admissions.

The number of blacks admitted to the University of California's law school fell 81 percent in the first year without affirmative action, while Hispanic admissions dropped 50 percent.

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

2ND STORY of Level 1 printed in FULL format.

Copyright 1997 The Washington Post
The Washington Post

May 19, 1997, Monday, Final Edition

SECTION: A SECTION; Pg. A01

LENGTH: 1698 words

HEADLINE: Minority Admissions Fall With Preferences Ban; Steep Declines at Two States' Flagship Universities Raise Alarm on Campuses Nationwide

BYLINE: Rene Sanchez; Sue Anne Pressley, Washington Post Staff Writers

BODY:

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

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

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

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

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

Across the nation, university leaders are closely watching enrollment trends in California and Texas because public campuses there are the first sites under orders to dismantle affirmative action policies that have been in place for decades. Recent attempts in other states to enact similar bans have been blocked, but the issue has become one of the most contentious in higher

The Washington Post, May 19, 1997

education as affirmative action opponents continue to push their cause. Already, some universities are revamping admission policies and expanding minority outreach programs to try to maintain student diversity even if forced to stop using racial preferences.

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

In a study released today, the American Council on Education, which represents more than 1,300 colleges and universities, reports that even with affirmative action minority enrollment on campuses nationally is not growing as much as it was earlier this decade. It grew less than 3 percent last year, compared with 7 percent in 1992.

Stanley Ikenberry, the council's president, called the findings "an early warning signal" for colleges trying to preserve or improve minority enrollment -- especially if the ban on racial preferences in California and Texas were to spread.

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

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

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

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

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

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

The Washington Post, May 19, 1997

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

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

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

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

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

In addition to programs that would boost minorities' academic qualifications, campus officials also are trying to put more emphasis in their admissions criteria on the economic background of students.

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

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

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

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

The Washington Post, May 19, 1997

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

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

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

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

LANGUAGE: ENGLISH

LOAD-DATE: May 19, 1997

4TH STORY of Level 1 printed in FULL format.

Copyright 1997 Times Mirror Company
Los Angeles Times

May 15, 1997, Thursday, Home Edition

SECTION: Part A; Page 1; Metro Desk

LENGTH: 1512 words

HEADLINE: UC LAW SCHOOLS' NEW RULES COST MINORITIES SPOTS

BYLINE: KENNETH R. WEISS, TIMES STAFF WRITER

BODY:

The first results of the University of California's ban on affirmative action were released Wednesday, revealing a dramatic drop in the number of black and Latino students offered admission this fall to the university system's prestigious law schools.

UCLA School of Law reported accepting only 21 African American applicants, down 80% from 104 last year, while the number of Latino students accepted decreased from 108 to 73.

At UC Berkeley's Boalt Hall Law School, the 792 students accepted included only 14 blacks, down from 75 a year ago. Boalt offered admission to 39 Latinos, half the number accepted in 1996.

Officials at the system's third law school, at UC Davis, also reported accepting fewer black and Latino students--groups that were already just a tiny fraction of the student body.

At all three schools, UC's new colorblind admissions policies resulted in the acceptance of slightly more white and Asian American students.

The exact breakdown of the law schools' incoming classes will not be known for several months, when officials find out how many of the students who are accepted actually enroll.

"The situation is even worse than the numbers we are releasing," said Michael Rappaport, UCLA Law School's dean of admissions, venting his frustration that his incoming class will not be more racially mixed. "When we say 21 blacks were admitted, keep in mind that many of them have been admitted to Boalt, Harvard and Yale as well. We will be very, very fortunate to get half of them."

UC officials expect a similar pattern in minority admissions to emerge this summer in the university system's 600 other graduate programs--including its five medical schools--as they firm up their first post-affirmative action rosters. The university's ban on considering race, ethnicity or gender in admissions will be extended to undergraduates next year.

While law school administrators lamented the drop in black and Latino students, UC Regent Ward Connerly welcomed it as the public unmasking of an "artificially engineered system of preferences that has been propping up

Los Angeles Times, May 15, 1997

diversity."

"We are too politically correct to reach the conclusion: They are not as competitive to be lawyers and doctors," Connerly said. "If we really want to help those black and Latino kids, we will give them some tough love and get them channeled into being able to compete."

Concerned about a setback in race relations, UC law school administrators have dispatched students, faculty and alumni to persuade those blacks and Latinos with acceptance notices to commit to their school.

Most of those admitted hold multiple offers from various law schools. As a result, Boalt and UCLA triple-booked each seat, calculating from experience that only about a third of those admitted will accept their offers.

UCLA admitted 983 applicants in all, hoping for a class of 300 to 320 first-year students. Boalt Hall admitted 792 for a projected class of 270 students--but those may include 40 students admitted last year who chose to wait before starting.

Boalt Law Dean Herma Hill Kay said of the decline in black and Latino acceptances: "I had hoped it wouldn't be this bad, but it is quite dramatic."

She said she fears it will detract from the quality of education by short-circuiting vigorous classroom debates--a view shared by some of her students.

"As a white woman, I want to have classmates who have had different experiences, who have grappled with racism when we have important policy discussions," said Elizabeth Landsberg, a second year student. "It gives me a better understanding of what the law can succeed in doing."

Hastings School of Law in San Francisco is affiliated with the University of California, but it is independently governed and does not fall under the UC Board of Regent's admissions policies. Hastings does not yet have a breakdown of the students admitted this year.

"We haven't completed making offers yet," said Angele Khachadour, Hastings's general counsel. "But I don't expect any major shift in the minority student enrollment."

Khachadour said Hastings tries to ensure diversity by giving extra points not explicitly for race, but for an applicant's disadvantaged background. She said admissions criteria should not be affected if the courts uphold Proposition 209, the statewide ballot measure approved by voters in November, which would bar racial and gender preferences. Proposition 209 remains under review by the U.S. 9th Circuit Court of Appeals.

The California schools are not alone in seeing an immediate impact from ending affirmative action in admissions. The University of Texas School of Law in Austin earlier reported a substantial decline in the number of black and Latino students accepted after a federal court outlawed its affirmative action program.

Los Angeles Times, May 15, 1997

With law school admissions substantially finished, the Texas law school reported this week that it had admitted only 10 blacks--contrasted with 65 last year--and only 29 Latinos, down from 69 in 1996.

Those numbers may grow a bit, said assistant admissions dean Tonya Brown, as the law school extends a few dozen more offers--added to the 944 made--to reach its ideal class size of 475 students.

The law school was forced to redesign its admissions program after four white applicants sued, complaining that they were denied admission because less-qualified minority applicants were accepted ahead of them--an argument that won out before the 5th Circuit Court of Appeals.

Some educators expect the legal reasoning to spread across the nation amid a reassessment of affirmative action programs.

In a national study of law schools, University of North Carolina professor Linda Wightman determined that of the 3,435 black applicants accepted to at least one law school in 1990-1991, only 687--20%--would have been admitted had grade point averages and LSAT scores been the sole criteria.

Yet her study, published in the New York University Law Review, also noted that black students showed no significant differences from other students in graduating from law school or passing the bar. So abolishing affirmative action and basing law school admissions solely on test scores and grades would "deny a legal education to many minority applicants who were fully capable of the rigors of a legal education and of entering the legal profession," she wrote.

The UC regents' ban on affirmative action has prompted programs to maintain diversity without using race as a factor. UC administrators are focused mostly on outreach into the grammar and high schools to better prepare black and Latino students for college.

Admissions officials, including those at Boalt Hall and UCLA law school, also are giving weight to factors such as overcoming language barriers, low family income, low educational attainment of the parents--whatever the race of the applicant.

UCLA has begun giving a number value to such life achievements, factoring it into the admissions equation. A group of Boalt Hall students last week urged their administrators to do something similar by establishing a "character index" that would give weight to numerous criteria that demonstrate an applicant's perseverance in overcoming difficulties in life.

Yet Rappaport, UCLA law school's admissions dean, said the greatest beneficiaries of UCLA's formula seemed to be recent immigrants, "because they had many disadvantages."

"We have immigrants from Russian, Iran, Poland, the Ukraine, Korea, you name it," Rappaport said. "Walk down the street in Los Angeles and you will see what our class is going to look like."

Thomas Kane, an economist at Harvard University's John F. Kennedy School of Government, who has studied proposals to replace racial preferences with economic criteria, said the new method will not produce the same diversity.

Los Angeles Times, May 15, 1997

leaving blacks and Latinos badly underrepresented.

"It's sloppy thinking that you can have both colorblind policies and racial diversity," he said. "I don't think it exists."

(BEGIN TEXT OF INFOBOX / INFOGRAPHIC)

UC Law School Admissions

The University of California's three law schools have offered admission to dramatically fewer African American and Latino students under the new UC policy that bans granting any preference for race, ethnicity or gender. The schools will not know for at least a month how many of the students admitted actually enroll.

UCLA LAW SCHOOL

Percentage change

African Americans: -80%

Asian/Pacific Islanders: +7%

Latinos: -32%

Native Americans: -60%

White/others: +14%

Total: -3%

BOALT HALL LAW SCHOOL at UC Berkeley

Race/Ethnicity: Percentage change

African Americans: -81%

Asian/Pacific Islanders: +18%

Latinos: -50%

Native Americans: -78%

White/others: +12%

Total offered admissions: -3%

UC DAVIS LAW SCHOOL

Race/Ethnicity: Percentage change

Los Angeles Times, May 15, 1997

African Americans: -26%

Asian/Pacific Islanders: -21%

Latinos: -28%

Native Americans: +17%

White/others: +5%

Total offered admissions: -4%

Source: UCLA, Boalt Hall, UC Davis

GRAPHIC: GRAPHIC-CHART: UC Law School Admissions / Los Angeles Times

LANGUAGE: English

LOAD-DATE: May 15, 1997

3RD STORY of Level 1 printed in FULL format.

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The Christian Science Monitor

May 16, 1997, Friday

SECTION: UNITED STATES; Pg. 1

LENGTH: 889 words

HEADLINE: College Minority Admissions Drop

BYLINE: Daniel Sneider, Staff writer of The Christian Science Monitor

DATELINE: SAN FRANCISCO

HIGHLIGHT:

Effect of affirmative-action rollback even greater than expected

BODY:

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

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

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

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

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

While not cheering the lack of diversity, opponents of affirmative action see the statistics as proof of how pervasive race was in past admissions. "It's an utterly predictable result," says Terry Pell, a spokesman for the Washington-based Center for Individual Rights.

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

"This dramatic decline in the number of offers of admission made to non-Asian

The Christian Science Monitor, May 16, 1997

minority applications is precisely what we feared would result from the elimination of affirmative action," says Herma Hill Kay, dean of the University of California, Berkeley, law school.

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

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

Law schools, unlike many other graduate disciplines, rely heavily on test scores and grades. According to a recently published study of law-school applications, a solely numbers-based admissions policy would substantially reduce minority entrants nationwide. Author Linda Wightman, a former official at the Law School Admissions Council, estimates that of the 3,485 blacks accepted by more than 160 law schools, only 687 would have been admitted based on tests and grades.

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

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

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

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

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

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

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

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

The merits of merit

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

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

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

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

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

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

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

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

An education gap?

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

educational haves and have-nots.

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

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

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

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

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

4. The New York Times

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

College Minority Enrollment Slowed in 1995

By KAREN W. ARENSEN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

though it has fluctuated in the 20-year period.

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

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

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

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

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

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

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

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

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

04:30 EDT May 19, 1997■

5. The New York Times

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

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

By SARA RIMER

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

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

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

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

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

"I am personally very pleased with

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

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

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

conferences to size them up: Have they worked with kids? Are they shy? Do they have a sense of humor? The structure of the in-school program also can determine its success or failure. An author who meets with individual classes will have far more impact than will the distant superstar who declaims to 400 fidgety

kids in the auditorium.

Then comes the autograph session. This can be a high point for students —and a low point for the writer. "The worst thing is when you have kids whose families can afford to buy lots of books and other kids whose families can't afford to buy books," says Kevin Henkes,

whose humanoid mice star in Chester's Way and Lilly's Purple Plastic Purse. Librarians propose a simple solution: Have the school library buy a batch of the author's works so all the students can have a chance to read them, and have the author sign bookmarks instead of books. ■

TRADE

11. The Chronicle of Higher Education

May 23, 1997

Brown U. Students Settle Dispute Over Allegation of Date Rape

By Ben Gose

A Brown University student who had accused another student, a Jordanian prince, of raping her has reached a "mutually satisfactory resolution" with him, according to lawyers for both students.

In a statement filed last fall with Brown's Office of Student Life, the woman charged that she had been "drawn forcibly" to a bed by Prince Faisal Ra'ad Zeid Al Hussein and forced to have sex. Prince Faisal called the sex consensual.

When a Brown disciplinary council made an unusual decision not to hear the case, the woman's parents filed a complaint against Brown with the U.S. Department of Education's Office for Civil Rights (The Chronicle, May 9). The parents charged that Brown had not enforced its own code against sexual offenses, in violation of Title IX of the Education Amendments of 1972, a federal law that bars sex discrimination at colleges that receive federal funds.

After the two students resolved the

dispute this month, her parents withdrew the complaint.

"The parties involved felt it was in their best interests to put some resolution to this," said Jeffrey A. Newman, the woman's lawyer. John A. Tarantino, Prince Faisal's lawyer, said the students "want to put this matter behind them, to focus on their studies, and to realize the potential that each has for a successful and fulfilling career."

The two students signed agreements that prohibit them from publicly discussing the terms of the settlement. Mr. Tarantino said money was not involved. The two lawyers criticized press coverage of the case but did not cite specifics.

As of last week, the Office for Civil Rights had not closed its investigation. "We're looking at the request for the withdrawal of the complaint," said Rodger Murphey, a spokesman for the office. "Then we'll make a

determination."

According to the parents' complaint, "a web of mutual interests" had led the Brown council to reject the case. Prince Faisal's representative before the council, Martha S. Joukowsky, is an archaeology professor who leads a dig in Jordan. His father, Prince Ra'ad Bin Zeid, is a cousin of King Hussein of Jordan and an officer of a group that evaluates projects by scholars — such as Dr. Joukowsky — who want to work in Jordan. Dr. Joukowsky's husband, Artemis, is the head of Brown's board of trustees and also an officer of the group that includes Prince Ra'ad.

Mr. Joukowsky spoke to Brown's dean of student life while the woman's charge against Prince Faisal was pending. He called the case "an unfortunate situation."

Brown officials have denied that their handling of the case was influenced by Prince Faisal's status. ■

12. The Chronicle of Higher Education

May 23, 1997

Minority Enrollments Rose in 1995, a Study Finds Hispanic students had the largest gain — 4.6% — over the previous year

By BEN GOSE
WASHINGTON

Students from the nation's four largest minority groups enrolled in larger

numbers at U.S. colleges and universities in 1995 than in 1994, according to an

annual study to be released this week by the American Council on Education.

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

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

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

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

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

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

Even so, the proportion of white people ages 18 to 24 who were attending college hit an all-time high of 43 per cent. Black and Hispanic people of this traditional college age each had a

college-attendance rate of 35 per cent. Figures for Asian-Americans and American Indians were not available, the study's authors said.

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

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

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

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

This year's study examines Asian-Americans and Pacific Islanders in particular detail. The authors note that the term "Asian Pacific American" encompasses considerable variety, and that students from some regions do not fit the high-achieving Asian stereotype.

While students of Chinese and Japanese descent from the ages of 18 to

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

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

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

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

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

13. The Chronicle of Higher Education

May 23, 1997

Restructuring Puts N.J. Colleges in Thick of Budget Battle

By Peter Schmidt

New Jersey's college presidents are on the defensive in a nasty battle, but they are happy to be in the fray.

The threats they face are hardly new. The state's colleges have been under siege financially for most of the past decade and have had difficulty just holding their ground in the Legislature's annual budget debates.

But the dynamics of the struggle have changed significantly as a result of a law passed in 1994 that restructured New Jersey's higher-education system. The

measure disbanded the state Board of Higher Education, which had represented the colleges in the budget debates, and put college presidents, who often had been little more than bystanders, in the middle of the fight.

College leaders acknowledge that the new arrangement is unlikely to produce much more money anytime soon. But, they say, it has given them more authority over how they spend the money they have, and it has set in motion a long-term planning process for the

higher-education system that may persuade state officials to invest more in colleges down the road.

"We are much better off than we were before restructuring," says Darryl G. Greer, executive director of the New Jersey State College Governing Boards Association. Its nine member colleges "have rapidly assumed a much more prominent leadership role" in discussions of higher-education policy, he says.

The restructuring, the brainchild of Republican Governor Christine Todd

53. Los Angeles Times

* 05/12/97; Edition: Home Edition; Section: Metro Desk; Page A-1

Plans Seek More UC Pupils From Poorer Schools

By KENNETH R. WEISS
TIMES STAFF WRITER

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

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

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

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

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

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

"If you are saying that in a large high school the top four people in every hundred aren't UC eligible, I think they are," Atkinson said. "But if you are saying, you are just doing that for racial diversity, I would say there are lots of reasons to do it." Disparity in Admissions

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

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

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

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

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

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

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

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

But the idea of reserving seats for each high school—including the most troubled—has many backers, including the revered former UC president, Clark

Kerr. "Someone who has things in their favor all of their lives doesn't deserve the same credit as someone who had to operate in difficult circumstances," Kerr said.

Such proposals are sure to be controversial, however.

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

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

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

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

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

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

But her plan would benefit some minority students, according to computer simulations run by UC after the Board of

min
enrollment

and maintain peace in the area, which borders the campus. Adding to the frustration is the recent involvement of the university in combating off-campus drinking, an issue many believe is out of the school's jurisdiction. Corbin West, 22, said he was hosting a small party of legal-age drinkers at his house last week when eight officers arrived and surrounded the house. One officer entered the house and was very confrontational, according to West and his roommates. One resident told the policeman, "I know my rights, and you can't be in my house." According to West, the officer snapped back, "You don't have any rights." Students also complain that the crackdown is an overreaction by the city and the university to reverse what they perceive as an image problem. They contend that the school's party-haven reputation has lessened in recent years and that authorities should not expect students to end all partying. But Commander Mark Beckner of the Hill police annex says police must address the needs of the community. "For three years, we have tightened our alcohol policy as a way to deal with fights on the Hill, sexual assaults and DUIs," Beckner said. "We are trying to change the perception of the community. How do we make the community feel like the Hill is a safe place to be?" According to Hill residents, police cruise the area in a Chevy Suburban every weekend, shining spotlights on any walking group. They issue tickets to legal-age drinkers carrying alcohol. For underage students who appear to be under the influence of alcohol, they offer them a choice of taking a Breathalyzer sobriety test or receiving a ticket. Scott Feldmayr, 20, recently was issued a \$70 ticket for walking through the Hill area with a cup of beer. He was taken to the police annex, where he said several officers gave him a sobriety test and "interrogated" him about the party he

attended that night. "They try to intimidate you like crazy. I was not trashed or anything," Feldmayr said. "They're sending mixed signals, because it's easier to drink and drive away from a party on the Hill than to walk home." Police respond that these roving searches are necessary measures for maintaining safety and lawfulness on the Hill. Beckner described the sobriety tests as an option that benefits students. Many students have negative results, and underage students with alcohol in their blood are often released without a ticket. "We don't have a zero-tolerance policy, as some people believe," Beckner said. Some agree with Beckner that students are overreacting to police enforcing a long-standing law banning alcohol consumption by people under the age of 21. "I don't know what the big deal is," said Fred Parent, a 28-year-old graduate student whose car was damaged in last week's riots. "It's the law. If you get caught, there are going to be consequences." Traditionally, police and city environmental protection officers issue warnings when parties seem too loud and disruptive. This year, parties often have been broken up without warning by officers. "People are (ticked off) because they surround the place and give out MIPs (minor-in-possession tickets) like people are rapists," said Brynn Gottsman, 20, a Hill resident. Party-goers are filed through one door and given breath tests. Those over 21 are allowed to leave, and underage drinkers are issued minor-in-possession tickets, which carry a hefty fine or an optional alcohol diversion class. "The way the cops enforce the law, it's like a Third World country," said 19-year-old Luke Schieffer, recalling an incident last summer in the same block as last weekend's riots. "I was at a party, and the cops surrounded it. They blocked off all the doors and sent everyone into a common room and lined them up against

the walls. All the underage people, they line up and take a Polaroid. Then they come through and Breathalyze." "They Maced one guy and hauled him off in a cop car because he was arguing with them that they had no right to come into the house," said Schieffer. "I don't know what they expect college students to do. They can't exactly expect them to have Monopoly parties." Beckner said these aggressive situations are rare. "I wouldn't characterize us as being more aggressive, but we do give (fewer) warnings," said Beckner. "We don't just drive up the street and say, 'There's a party, let's surround it.' We don't (break up parties) unless there is probable cause that there is underage drinking." In March, the university escalated its involvement by passing a resolution toughening its off-campus alcohol policy. Any student who has "endangered the health, safety or welfare of an individual" through drinking or buying alcohol faces a minimum sanction of a one-semester suspension. "The university has always had the option of taking disciplinary action in off-campus situations," said CU spokeswoman Pauline Hale. "The university has been working hard to try and change the culture of binge drinking on the college campus." But many students argue that policy is an abuse of power. "We should be able to watch out for ourselves," said Damien Roth, 19, who lives in the residence halls. "The university should not be our babysitters; they should be our educators." Nate Butler, 20, contends that underage drinking is being made a scapegoat for the larger problem of irresponsible drinking. "I would not object to having sobriety checkpoints every weekend on the Hill," he said. "(But) when it's a case of people being there and having a good time, there's no reason to break it up. You're not going to stop underage drinking. History has proven that," Butler said, referring to Prohibition. ■

Regents abolished affirmative action in 1995. Picking the top 12.5% of each high school's graduates based on grades and SAT scores, the study said, would increase "UC eligible" Latinos from 3.9% to 6.2% and African Americans from 3.1% to 5.5%. The percentage of Asian Americans would drop 6 percentage points, and white students about 2 points.

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

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

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

"If you guarantee the top 6%, think what it does to the community," he said. "The local Rotary and Lion's clubs become enlivened and excited by knowing that some of their kids are going to the university."

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

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

state.

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

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

But Atkinson expressed interest in tinkering with admissions policy as well. "My original idea was to let the principals make the decision of selecting who is eligible," he said. "But there are a lot of problems with that. People didn't respond too well to that." *No Easy Alternatives*

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

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

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

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

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

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

Orange County had six high schools—Valley, Century, Western, Anaheim and Santa Ana and Aliso Niguel—that fell below the 4% mark that year. In Ventura County, Fillmore, Hueneme and Oxnard high schools sent fewer than 4% of its seniors to UC.

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

Atkinson and others concede that any revision poses problems.

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

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

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

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

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

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

54. Los Angeles Times

* 05/12/97; Edition: Home Edition; Section: Metro Desk; Page A-1

Wilson Plan Would Give \$225 Million to Cities, Counties

Budget: L.A. County could get up to half of windfall provided by new state revenues. But some complain it's not a long-term solution to funding problems.

By DAVE LESHER
TIMES STAFF WRITER

SACRAMENTO—Gov. Pete Wilson will propose \$225 million more for California's financially ailing cities and counties this week as a way to share some benefits from a booming state economy.

The funds are aimed at offsetting some of the revenue that the state took from local governments during the recession in 1993 and 1994. The money was welcomed Sunday by struggling local administrators—particularly in Los Angeles, where county officials expect to receive from a third to half of the windfall.

But local authorities around the state also consider the funds to be a small oasis in a big desert. They complain that the undoubted financial crisis in their future demands a major correction—not just a short-term fix.

"Anything is helpful," said Los Angeles County's assistant chief administrative officer, Sandra Davis. "... But we have a structural imbalance which means we have been budgeting year to year. ... There are things we are not dealing with."

Wilson's proposal would distribute the \$225 million statewide through three separate programs, but not on a spend-it-as-you-like basis. It would replace some local money that is now required to go to schools; it would help pay some hospital administrative costs, and—for the first time—it would finance a plan to help pay for local government construction projects.

Democratic lawmakers—who are also considering various other ways for the state to increase local funding—were cautiously supportive of the governor's proposal Sunday.

"These are reasonably desirable things to do," said Senate President Pro Tem Bill Lockyer (D-Hayward). "We will have to compare these ideas with our other budget priorities."

Lobbyists for the counties responded to the governor's idea with tepid praise.

"We are very pleased with this recognition by the governor that cities and counties need discretionary revenue," said Steve Szalay, executive director of the California State Assn. of Counties. "We have really been searching to find common ground with the governor and we hope this is a start."

In Los Angeles, the budget that the Board of Supervisors is considering for the upcoming year was balanced without the expectation of this extra revenue. But Davis said the county budget still has some uncertainties in it, and neglects to fund some needed improvements, so the additional money would give administrators more confidence about avoiding a shortfall.

It is probably not enough to finance a major new project, she said.

"Our holes are so large that it does take a lot of money," she said. "So I can't tell you this is going to solve a specific problem."

The money Wilson proposes to allocate locally comes from a budget windfall whose precise size the state is expected to disclose officially on Wednesday.

Last week, the independent Legislative Analyst's Office predicted the announcement will show the state has about \$2.7 billion more in income than officials expected in January, when Wilson proposed his \$66-billion budget.

This week, Wilson is also expected to direct some of that windfall to pump up child care funding to help welfare reform succeed, and to further his plan to reduce class sizes in grades kindergarten through third.

Regarding cities and counties, nearly half of Wilson's \$225-million allocation plan—\$100 million—is intended to be temporary relief from a costly school funding mandate that state lawmakers passed in 1993 and made even costlier in 1994.

(At that time, lawmakers grappling with a major deficit in the state budget adopted a plan to shift about \$3.6 billion in property tax revenue from local governments to schools over three years.)

Officials said this is a one-time offer, subject to renewal if the economy keeps improving.

Some Democratic lawmakers want to provide more than \$100 million, and to get it, might consider repealing the 1993-94 mandate. They contend that it is a major reason for the local financial crises that have threatened some counties—including Los Angeles—with bankruptcy.

In a report on the Los Angeles County budget problems last year, the state legislative analyst concluded that "The current shortfall is reflective of a major structural imbalance between program costs and revenues primarily caused by the combination of property tax shifts, sluggish revenue growth and declining federal funds."

That means the analyst's office believes the gap between the cost of services the county has to provide and the availability of money to pay for them is caused by three things: slow increases in tax money, the decline in federal dollars that once helped to make up the difference, and the state's ordering the counties to pick up more of the tab for schools.

Wilson, however, has blamed much of the problem on local politicians, accusing them of being reluctant to make the difficult cuts that would match the cost of their programs to the size of their budgets.

"We believe the counties still have a great deal that they can do to restructure," a Wilson aide said Sunday. "Is there a long-term structural impediment? These are issues that are being discussed in Sacramento. ... But it is difficult to give an assessment until we see what additional progress these counties can make."

Declining Minority

Enrollment

21. The New York Times

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

Minority Law School Enrollment Plunges in California and Texas

By PETER APPLEBOME

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

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

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

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

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

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

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

Enrollment figures will not be complete until students show up for class and waiting list applicants are added, but under current figures, it appears that the Texas law school will go from 31 black and 42 Hispanic students in the class that just finished its first year to 3 black and 20 Hispanic students in the class entering this fall. Berkeley, under current figures, would go from 20 black and 28 Hispanic students in the Class of 1999 to one black and 18 Hispanic students in the Class of 2000. UCLA would go from 19 black students to 10 and from 45 Hispanics students to 41.

Both applications and acceptances showed sharp declines.

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

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

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

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

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

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

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

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

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

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

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

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

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