

## DOCUMENT RESUME

ED 456 191

UD 034 366

AUTHOR Orfield, Gary  
TITLE Introduction [to Diversity Challenged].  
PUB DATE 2001-00-00  
NOTE 32p.; In: Orfield, Gary, Ed., Diversity Challenged: Evidence on the Impact of Affirmative Action. Cambridge, Harvard Education Publishing Group, 2001. p1-30. See UD 034 365.  
PUB TYPE Reports - Descriptive (141)  
EDRS PRICE MF01/PC02 Plus Postage.  
DESCRIPTORS \*Affirmative Action; \*Civil Rights; College Admission; Court Litigation; Cultural Differences; \*Diversity (Student); Federal Legislation; Higher Education; Minority Groups; Racial Differences; \*Racial Discrimination  
IDENTIFIERS Bakke v Regents of University of California; Hopwood v Texas

## ABSTRACT

This paper introduces a collection of papers that examines the impact of affirmative action on college admission and the importance of school desegregation. The book addresses whether or not the educational value of diversity is sufficiently compelling to justify the consideration of race when making college admission decisions. This introduction examines the roots of affirmative action in the civil rights movement and subsequent federal legislation. It also highlights the 1978 Bakke case, which limited affirmative action and opened up campuses to law suits by whites, and discusses the 1996 challenge to the Bakke case in Hopwood v. Texas. It presents the story of affirmative action and civil rights by summarizing each of the 13 papers, highlighting: reaction to Hopwood v. Texas; whether or not there are grounds to legitimately treat all members of a race as disadvantaged since few, if any, characteristics are reliably linked to race; economic and political differences between groups; and how differences may affect teaching and learning. The papers suggest that student diversity can and usually does produce a broader educational experience, both in traditional learning and in preparing for jobs, professions, and citizenship in a multiracial democracy. The evidence suggests that such benefits can be significantly increased by appropriate leadership and support on campus. (Contains 2 tables and 49 references.) (SM)

Reproductions supplied by EDRS are the best that can be made  
from the original document.

*DIVERSITY CHALLENGED: EVIDENCE ON THE IMPACT OF AFFIRMATIVE ACTION*

**INTRODUCTION**

**By Gary Orfield**

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY

*L. Kelley*  
*Harvard Univ. Civil Rights Project*

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

U.S. DEPARTMENT OF EDUCATION  
Office of Educational Research and Improvement  
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

- This document has been reproduced as received from the person or organization originating it.
- Minor changes have been made to improve reproduction quality.

- Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

# Introduction

**GARY ORFIELD**

In the courts and in referenda campaigns, affirmative action in college admissions is under full-scale attack. Though it was designed to help resolve a variety of serious racial problems, affirmative action's survival may turn on just one question—whether or not the educational value of diversity is sufficiently compelling to justify consideration of race as a factor in deciding whom to admit to colleges and universities. This book is designed to address that question.

Concerns about racial justice, about training leaders for the future of communities and the professions, about purging campuses of racist attitudes, worries about excluding large sectors of the tax-paying population—all these have influenced university admissions policy but have been largely ignored by the courts. For almost a quarter century, affirmative admissions policy has rested precariously on a one-vote majority in a U.S. Supreme Court decision that turned on the educational benefits of diversity on campus. Future decisions may well turn on whether researchers find evidence strong enough to convince skeptical judges that schools with very few minority students offer a more limited education and an intellectually weaker campus environment.

In *Regents of the University of California v. Bakke*, the Supreme Court's closely divided 1978 decision upholding a limited form of affirmative admissions policy, Justice Lewis Powell, who cast the deciding vote, recognized only one legitimate justification for considering race as a factor in a multidimensional process of selecting students—that diverse student bodies produce better education and more stimulating campus communities. This was, he said, the reason why universities had traditionally been given broad latitude in selecting their students and why they sought to reflect many forms of diversity on campus. He quoted with approval Harvard College's justification for its affirmative action policy as a critical ele-

## 2 DIVERSITY CHALLENGED

ment in providing a good education. Ironically, it has now become necessary to prove that white students and all other students gain something vital educationally to justify policies intended to offset the history and traditions of white preference.

Affirmative action is rooted in the civil rights revolution of the 1960s, which produced the most important civil rights laws of the twentieth century and led to conclusions both by enforcement agencies and the courts that race-conscious civil rights policies were necessary in a number of areas of entrenched racial inequality. After many years of trying voluntary and case-by-case solutions, judges and other officials concluded that the only way to achieve equal opportunity was to plan for it, to explicitly consider race when necessary to break segregation and exclusion, and to measure the results. After years of civil rights policies that created equal opportunity on paper but left the basic structures of inequality virtually untouched, the law required policies strong enough to actually change the outcomes.

Policies taking race into account to break the effects of long-term discrimination were not merely tolerated but often required by courts and civil rights agencies. School desegregation remedies by the late 1960s had explicit racial goals and required prompt reassignment of students and teachers on a racial basis to produce truly desegregated schools. Fifteen years of frustrating choices and transfer policies had left the basic segregation system almost untouched.<sup>1</sup> The Voting Rights Act's powers were triggered, in good part, by statistics showing a history of exclusion and conditions likely to perpetuate those differences in a state or community.<sup>2</sup> Trying to prove discrimination against minority voters in every community had proved to be ineffectual. Affirmative action in employment and minority contracting came out of the failure of case-by-case prosecution of job discrimination and a recognition of the difficulties of starting businesses able to compete with long-established firms whose decisive advantages grew out of the history of discrimination. In housing, the Supreme Court approved a remedy in the Chicago *Gautreaux* decision<sup>3</sup> that called for policies to move segregated public housing families to subsidized private apartments in white suburbs.

Affirmative action in college admissions was part of this movement. Until there were explicit plans, very little integration occurred on selective campuses. Elite campuses outside the South went into the civil rights period with no significant integration. The basic idea of the new policies was that the effects of a history of racial exclusion were deeply embedded and could not be altered without a serious plan to change them. Nineteen U.S. states had a history of setting up separate black public colleges and

universities. Few selective campuses in any part of the country had significant numbers of blacks, Latinos, or Native Americans before affirmative action.<sup>4</sup>

Though segregation by law was ruled unconstitutional in the 1950s, enforcement in higher education was desultory for decades. The 1964 Civil Rights Act required federal action against discrimination, including cutting off federal aid when colleges did not comply with civil rights requirements. In 1973, however, in *Adams v. Richardson*, a federal court found that the government had failed to enforce the law. It found continuing failure of enforcement in subsequent years. The resulting 1978 federal regulations led states with historically segregated colleges to adopt explicit plans with statistical goals, targeted scholarships, and other policies to break down the continuing racial separation and to ensure that students from each race would have equal access to public colleges. Federal sanctions were never used, however, against any state failing to meet its goals. The Reagan administration announced that the goals did not need to be met.

The peak of the movement for diversity on campuses came in the mid-1970s, when minority high school graduates had about the same chance as whites to start college the next fall. The Supreme Court's decision in the 1978 *Bakke* case, which limited affirmative action and opened up campuses to suits by whites, slowed change, as did major cutbacks in financial aid and the increased use of entrance examinations during the 1980s.

### **The Hopwood Shock**

The pendulum of civil rights policy began to swing clearly in the other direction after many new judicial appointments during the Reagan-Bush era. For almost two decades after *Bakke* there had been no serious challenges to the limited university affirmative action policies, and little research was conducted to prove its benefits, which seemed obvious to many in higher education. In retrospect, there was a clear failure of the higher education community to foresee the implications as the courts were restructured by hundreds of conservative appointments. These judges became increasingly hostile to all forms of race-based policies in other areas of civil rights.<sup>5</sup>

Academic leaders, however, were stunned by the 1996 Texas decision prohibiting affirmative action and the California state referendum that made it clear that no consensus existed on the benefits of diversity, and by the fact that the academic world, whose leaders were overwhelmingly

## 4 DIVERSITY CHALLENGED

committed to maintaining diverse campuses, had not done its homework. The research had not been done to prove the academic benefits and the necessity of affirmative action admissions policies.

The higher education and civil rights communities have been struggling to recover ever since. Besieged by threats of lawsuits, political attacks, and claims that their policies are not necessary, university leaders must have good evidence. There is a serious risk that some judges will rule against universities unless they can prove that affirmative action is essential for compelling educational needs that cannot be met well without considering race in admissions. This is, of course, a question that can be researched and thought about within a number of disciplines and research traditions. Though it might seem a simple question—does having more minority students on campus produce educational gains?—the truth is that universities are complex institutions and the knowledge of what impact change has on students is limited. It is important to know not only the impact on students' coursework, but also on their understanding and capacity to think and work within a complex and rapidly changing society. To evaluate this we need to know what to look for, how the institutions evolved, and how to think about, measure, and interpret the impact of diversity. Philosophy, history, economics, law, sociology, education, political science, and public policy are some of the disciplines that have been brought to bear on these questions.

The basic intellectual challenge posed by the current legal situation is to demonstrate clear relationships between more diversity in campus enrollment and enriched intellectual experiences for students and professors. The first step is to consider theories of how the expected benefits work. This is difficult for many reasons, one being that little relevant data is collected at colleges. In the ideal research world we would have students of each race studied before their education, again near the completion their studies, and afterward to see how things changed for them. We would have students attending schools with widely varied racial compositions and, if we wanted to control all the selection bias issues, assign them to diverse or segregated campuses and classrooms on a randomized basis. In reality, most colleges collect substantial data about achievement before students enroll but very little systematic information afterward—little more than grades and graduation statistics. In the real world it is unlikely that we will ever have randomized experiments on college enrollment, and it would be a number of years before any major new longitudinal data could be collected. To inform the current debates, we focus first on what can be learned from existing data and from studies that can be carried out in a limited period of time.

In 1996, at a time when some federal courts began to shift the burden of proof to those who wished to maintain affirmative action and California voters outlawed affirmative action through a public referenda, no major research addressing these issues had been done. There had been substantial research on the impact of desegregation in elementary and secondary education, which is summarized in Janet Schofield's chapter in this book. That research was mostly about the impact of diversity on black students, and most of it studied little more than short-term test scores. Little is known about what white students learned from interacting with blacks and Latinos, though we know that they did not suffer academically. Desegregation research does, however, provide important starting points for thinking about higher education issues. It showed that the scope of the gains depended on how the desegregation was handled, and that some of the most important effects were not about easily measurable academic skills but about how the students' future education, jobs, and adult relationships worked out. These findings suggested that assessing diversity in higher education would not be simple or one-dimensional. The effects of diversity are likely to be multiple, to be played out over time, and to be influenced by issues of climate, leadership, and policies. Putting all these variables into a research design for colleges would be extremely complex, expensive, and time-consuming. Little baseline data has been collected so far.

Good research requires good theory to help decide which relationships should be measured, to either prove or disprove the theory. Good theory is also needed to help interpret results and explain their meaning. Fortunately there had been serious thought about the theories of the educational impact of diversity on colleges by faculty committees and administrators, by researchers, and by the courts in *Bakke* and earlier decisions on college segregation. An elegant and wide-ranging expression of the theory in the context of Harvard University, whose policies were relied upon by the Supreme Court in *Bakke*, is presented in this volume in the chapter by Harvard president Neil Rudenstine. Rudenstine argues that diversity is indeed a central and compelling interest of the college, and he lays out many of the issues explored in the research reported in later chapters. His essay fleshes out the assumptions of *Bakke* and contains a number of propositions, offered as logical deductions, that research in other chapters shows to be true.

Ultimately, judgment about the evidence on the impact of diversity will be made in the courts and the issues will be shaped by legal considerations embodied in the most important judicial pronouncements on this and related civil rights issues. The courts are shifting the burden of proof

## 6 DIVERSITY CHALLENGED

to affirmative action supporters and have gone a long way to define the questions that the researchers must answer if their work is to help shape the outcome of these challenges. Researchers may object to the assumptions and to the way the questions are framed, but answers are nevertheless needed to a set of questions within a context of assumptions about history and the society. Researchers must try to find the best evidence on the questions as they are posed. At the same time, of course, researchers can explain why some questions are, in principle, unanswerable, and draw on both empirical research and theory to explain why other issues should be added to the analysis. Scott Palmer's chapters provide a valuable research guideline by trying to translate the court decisions into empirical questions and to outline the most relevant research questions. His essays show how narrow the path is for the defense of affirmative action under the Rehnquist Court and how much work must be done.

Facing important national policy questions that cannot be answered fully for a long time, we decided to take the more modest steps feasible now to move the debate from one of pure ideology and supposition to one using information from the best available sources that could answer elements of the large questions. Our first step was to contact researchers, college officials, legal scholars, civil rights lawyers, government officials, and others to ask them to help to define the key immediate and longer-term research questions and to identify data sources that could help answer them. This was done through three national conferences, widespread correspondence and discussions with researchers across the country, and extensive review of published research. These steps led to commissioning a series of scholarly studies for our national conference on diversity, and to a strong collaboration with the American Council of Education and other organizations in defining research goals. In addition to our work, the American Educational Research Association sponsored a related project at Stanford University, which produced another series of studies,<sup>6</sup> and national surveys of general faculty and law school faculty were implemented. In mid-2000, the American Council of Education and the American Association of University Professors released the first studies from the faculty surveys growing out of the consortium working on research priorities.<sup>7</sup>

Five years after the 1996 crisis, the chapters in this book show that a great deal has been learned. One of the first steps was to try to extract whatever might be learned from large surveys that happened to contain information that could illuminate some of the important issues. Large surveys of college students and faculty by UCLA and the American Council of Education, for example, contained a few questions that addressed

some of the theories of educational impact. The chapters by Mitchell Chang, Sylvia Hurtado, and Jeffrey Milem are derived from such survey datasets and were the first empirical work on the subject that the project was able to commission. Each of these chapters uses a few questions from large surveys designed for other purposes to obtain some findings on the issues. Chang shows that more diversity promotes more interaction and that socialization across racial lines, and is associated with more discussion of issues, better retention in college, and higher satisfaction with the college experience. Milem shows that faculty on campuses with more diversity are more likely to use different teaching styles and to deal with diversity in their teaching. Hurtado finds evidence of benefits in terms of leadership, awareness of other cultures, and ability to work collaboratively. The basic results of these studies are that diversity does make a difference, but that the differences are neither automatic nor uniform.

Another creative use of existing data is presented in the chapter by three economists, Kermit Daniel, Dan Black, and Jeffrey Smith, who use existing longitudinal data collected for other purposes to explore the relationship between college diversity and earnings, defining as one of the compelling interests of the institutions and society the production of maximum added economic benefits for the economy from higher education. If minority students get far bigger benefits than whites from access to competitive colleges, a finding strongly confirmed in Bowen and Bok's *The Shape of the River*, increasing minority enrollment increases net benefits. Even more interesting is the finding that whites also gain economically from attending diverse campuses. These researchers find that increased campus diversity increases economic productivity for both groups, perhaps through creating economically valuable skills that are not measured in conventional research but are clearly valued in the market, such as the ability to understand diverse markets.

There are many limits to what can be learned from data collected for other purposes. Explicit tests of theories through new research are much more difficult and time-consuming. Discussions among researchers concluded that new surveys of faculty and students examining the impact of diversity in much greater depth than existing studies would make a difference. It is much easier to reach conclusions on specific effects if direct and indirect questions can be designed into the surveys, and if they can be asked to appropriate samples in a variety of ways rather than inferred from a few general survey questions designed for very different purposes. This book contains several essays from a growing wave of new research. Roxane Gudeman's study of faculty attitudes toward diversity is both an important case study of the beliefs of the faculty about the impact of di-

## 8 DIVERSITY CHALLENGED

versity on education in a highly ranked liberal arts college in the Midwest, and was also the first test of a faculty survey developed by the research consortium. Subsequently this survey was administered to a sample of campuses.<sup>8</sup>

The study by Gary Orfield and Dean Whitley is a 1999 survey of students at two of the nation's leading law schools about the ways in which diversity shapes the educational experience at these extremely selective and competitive schools. The data speak directly to the theories set out a half century ago, in the Supreme Court's early decisions on desegregation of law schools in the South and on the right of universities to select their own student bodies to realize their educational goals. The survey produced strong positive findings about the intellectual impact of diversity, very consistent across the campuses and across the racial and ethnic groups on campus. Students saw a positive impact by very large margins, and many believed that more should be done to fully realize the possibilities. The results tended to confirm both Justice Powell's theory in *Bakke* and Rudenstine's philosophical analysis.

The Louisville (Kentucky) study of juniors in high school by Michal Kurlaender and John Yun provides another look at the impact of diversity on student development. This study, developed in collaboration with researchers across the nation and the National School Boards Association's Council of Urban Boards of Education, surveyed students during the 1999–2000 school year. Though not a study of higher education, these students were near the end of public school education and thinking seriously about the upcoming transition into college. Metropolitan Louisville, where the city and suburban school systems were combined by a court order a quarter century ago and where all of the students have attended desegregated schools for many years, offers an unusual opportunity to explore the issues in schools with much higher levels of integration than have been achieved so far in most selective colleges. Most of these students had consistently attended substantially desegregated schools. On a number of the outcomes, as many as 90 percent of the students (in virtually identical results for both blacks and whites) express large or significant benefits from their educational experiences. The students believe that they are ready to work and live in a multiracial community and are confident that they have learned how to discuss complex issues constructively across racial lines. If the existence of effective cross-racial democracy and successful collaboration at work within our profoundly multiracial society that will have no racial majority in a half century are compelling interests, these data suggest that they can be furthered by diverse educational experiences.

The surveys of the law students and the high school juniors show that students at both levels believe they have achieved an understanding of racial differences and of ways of living and working together successfully. These beliefs could, of course, be mere rhetoric or expressions of hope. In this respect, the important work done by Patricia Gurin at the University of Michigan and some of the longitudinal studies of the effects of school desegregation offer important confirming evidence. At Michigan, students who were studied years after their experiences with diversity on campus actually showed the ability to think about issues in a more complex way than those without such experiences.<sup>9</sup>

School desegregation research has, in a number of studies, reported “perpetuation effects” suggesting that students who learn in a desegregated way lead desegregated lives, enjoy greater success in college, and work in different jobs, and that white and minority students are more likely to live in integrated neighborhoods as adults (studies summarized in Wells and Crain).<sup>10</sup> Susan Eaton’s study of black students bused to suburban schools in Boston shows that their multiracial experience had a large impact on their ability to move successfully across racial lines in professional positions as adults.<sup>11</sup>

This book also presents two other ways of thinking about the issue of diversity. One, in the chapter by Tim Ready, explores the importance to the medical profession of training a diverse group of medical practitioners in a diverse setting. Since the best efforts of a number of medical schools with strong outreach efforts have not succeeded in maintaining diversity after the end of affirmative action, these are very important issues; a failure to resolve them may block not only the judgment of the professionals in the schools about their mission for the state, but also the provision of basic and essential health services for populations already poorly served in racially stratified communities where few whites ever set up practice.

A final perspective comes from a scholar who has watched the transformation of his own university throughout the struggle over desegregation and affirmative action. The University of Virginia, founded by Thomas Jefferson and one of the nation’s leading public institutions, was almost totally segregated until the late 1960s and is now under pressure to end affirmative action. Paul Gaston, a professor emeritus and an eminent historian of the South, offers a historical perspective and personal observations of the change, reflecting on the fact that a university cannot really effectively teach about the realities of American history and society without reflecting the diversity within. Since so much of the analysis by the courts and by researchers is without historical perspective, this is an important corrective. Gaston argues that the pre-affirmative action uni-

## 10 DIVERSITY CHALLENGED

iversity was neither neutral nor benign, but dominated by attitudes of white supremacy and without a significant challenge in classes. He reflects on the ways the coming of significant integration profoundly improved discussions of the region's own history and produced not only a greatly improved discussion, but also circumstances under which students became much more able to think across the racial line and understand and seriously consider the perspectives from the other side.

Before considering the rich and diverse perspectives in this book, I will briefly discuss two general issues that affect the entire discussion. The first is the way history is treated in reshaping the legal framework of affirmative action. The second is a specific finding in the most important decision forbidding affirmative action—*Hopwood v. Texas*, which concluded that there were no differences that made an intellectual contribution to universities that came from admitting students of other races and, therefore, there could, of course, be no compelling interest in continuing this policy.

The first of these issues is tilting the legal battle in a serious way. The assumption is that discrimination ended when civil rights laws were enacted and that the history of discrimination in all aspects of public policy for many generations has no continuing effects that the courts need to consider today, unless someone can directly and precisely prove the contrary. I believe this conclusion is simply indefensible and betrays a profound misunderstanding of the overwhelming social science evidence on the situation of minorities and whites in American society.

The basic assumption is that there was discrimination and exclusion long ago but that active discrimination ended with the enactment of civil rights laws between 1964 and 1968. These historic laws, the assumption goes, changed contemporary practices and substantially ended discrimination, and the impact of previous discrimination gradually dissolved. Therefore the inequalities observed today must result from nonracial causes and are not the responsibility of government. Even in a state like Texas, which has generations of de jure segregation of higher education, it can be assumed that the effects of that history no longer matter, even if the basic pattern of segregated campuses never fundamentally changed, and even if the state has fallen far short of its 1978 higher education desegregation plan for equitable college access for minority high school graduates, and even if the federal courts repeatedly found that enforcement of higher education civil rights regulations had fallen far short in the 1970s and 1980s (no sanctions had been imposed on any institution or state government that failed to meet the diversity goals it submitted to the Office for Civil Rights of the U.S. Education Department). The historical assumptions are that the long-

established racial identities of the campuses do not matter, that the alumni connections to segregated campuses do not matter, that the differences of wealth growing out of unequal college education in the past have no continuing effects, that the continuing pattern of segregated and unequal public schools has no relationship to history, that the absence of a significant presence of minority faculty and administrators throughout the history of many campuses has no continuing effect, and that on-campus isolation and discrimination today is not linked with the state's past. I think that these assumptions are not credible.

No one disputes that race was terribly relevant for a very long time. The history of apartheid laws and practices in Texas, for example, enforced segregation in many aspects of life until well into the 1960s. The first president from Texas, Lyndon Johnson, often discussed his personal experience with segregation in his state and recalled teaching Mexican American children in painfully unequal schools.<sup>12</sup> Though civil rights laws have prohibited the use of law to require segregation or unequal treatment, giving formal equality of opportunity in a society where the history meant that the various races had profoundly unequal resources, contacts, and information, and where private discrimination was still commonplace, does not produce genuine equity. Unequal situations and the institutions and attitudes developed around race tend to perpetuate themselves unless there are effective interventions that actually overcome the vestiges of historic discrimination. The enactment of civil rights laws did not transform the views of those who were prejudiced or end the temptation to exploit racial fear and polarize communities on racial lines with "wedge issues" intended to win elections. This was, in fact, the basic policy of the first president elected after the civil rights era, Richard Nixon, whose chief of staff has described in detail the president's own beliefs in minority inferiority and his continual directives to use civil rights issues to polarize white voters.<sup>13</sup> Laws do not enforce themselves and attitudes about difficult social issues tend to last and to have a continuing impact. The court decisions assuming that the burden of history has been lifted and that race no longer matters in American society assume a kind of sudden and irreversible change for which our history of race relations offers little support.

If one accepts the assumptions about the end of discrimination and starts with the premise that all existing conditions are disconnected from the institution's and the state's history, and that the institutions have fully met their constitutional obligation to overcome the damage caused by segregation, then it would be reasonable to require that supporters of affirmative action prove that the disparities in student admissions are

caused by discrimination today. Under this policy the mere fact that few minority students were admitted would have no significance. One would have to have either a confession by officials that their policies were intentionally designed to discriminate or proof of the way specific problems were related to particular historical “vestiges of discrimination.” Since discrimination works on many levels and its effects are often internalized in the actions of the victims, and since its influence is mixed with many other influences on students and many of the factors that are used as “controls” in measuring discrimination (such as income and social and educational status) are often themselves products of the history of differential treatment, the analysis becomes impossibly complex. Anyone demanding precise proof of such relationships is demanding something that is not possible and is, in effect, denying the right.

If all these assumptions were true it would, of course, be appropriate to be concerned that continuing civil rights remedies would be unfair to whites and that whites should be the principal protected class, and that policies producing the result of unequal treatment of a white student with a higher test score could be presumed to be discriminatory. This is the kind of intellectual universe within which anti-civil rights decisions are being framed. Most of these propositions cite no evidence. They are simply asserted. The nature of these assumptions should be kept in mind as readers consider the evidence in this book.

### **Are We All the Same?**

The second issue is that there are no real differences among the black and white and Latino experiences in contemporary American society and culture, and therefore there are now no grounds to legitimately treat all members of a race as the members of a disadvantaged group since few if any characteristics are reliably linked to race. The Court of Appeals decision in *Hopwood* argued that it was irrational to believe that achieving diversity actually brought to campus students with different perspectives and experiences:

The use of race, in and of itself, to choose students simply achieves a student body that looks different. Such a criterion is no more rational on its own terms than would be choices based upon the physical size or blood type of applicants. . . .

A university may properly favor one applicant over another because of his ability to play the cello, make a downfield tackle, or understand

chaos theory. An admissions process may also consider an applicant's home state or relationship to school alumni. . . .

The assumption is that a certain individual possess characteristics by virtue of being a member of a certain racial group. . . .

To believe that a person's race controls his point of view is to stereotype him . . .

The court holds that there is no rational basis to predict that minority students will bring different views or perspectives to campus. Yet one of the most consistent findings of social research and government statistics and reports in the United States is that race does make a difference and the differences are often profound.

Before considering some of the evidence on these questions, we need to think about both the implicit and the explicit premises of the court's reasoning. The decision states, quite accurately, that race does not automatically or always determine perspectives and that there is a good deal of individual difference within races and overlap among the views of blacks, whites, and Latinos. From this truism, the argument leaps ahead to claim that, because everything is not different, there are no important differences among the groups or even any racial differences deserving recognition. It is like saying, for example, that there is no difference that it would be legitimate to recognize in assigning military personnel to combat duty because there are some women who are much tougher and more eager for combat than some men. That is true, but there are still very important differences, and the law recognizes the legitimacy of recognizing them in policy.

There is a deep internal contradiction within the *Hopwood* decision. It concludes that diversity arguments that depend on the probability, not the absolute certainty, that students of difference races will bring different perspectives and experiences to the student body are not permissible, in part because all minority students do not have such views; on the other hand, the probability, which is far from a certainty, that a student with a particular test score will perform better than a student with a lower score can be considered a fair measure of absolute merit in making decisions about individuals. The court assumes that tests can do much more than is actually possible and that minority admissions can do much less, treating one as a clear and specific measure of individual merit and the other as having no value for predicting intellectual contribution. In fact, both have real but limited predictive power, but the predictions cannot be applied to any individual with any certainty. Admissions decisions are judg-

ments about probabilities; no one ever knows just how any individual student will perform. The best admissions tests only explain part of the average performance in the first year at college of a *group* of students within a certain test score range. On average a group of students with an SAT in the 700 range will get higher grades than a group of students with around 550, but some of the 700s will fail and some of the 550s will end up with A's. In fact, a given administration of a test cannot even tell with confidence whether or not the student is really a 700. There are measurement errors and inconsistencies of scores by the same student.

The court in *Hopwood* displays a serious misunderstanding of both the race-based and the "objective" measures of merit and of the nature of admissions decisions. It incorrectly assumes that some differences it does believe should be recognized in admissions, such as test scores, are absolute individual measures of merit and legitimate grounds for decisions in their own right. In fact, tests are no such thing. They are neither designed to nor do they accurately predict individual achievement. In fact, the same individual often gets quite different scores on different administrations of the same test. Anyone who has served on college admissions committees has seen many cases of large differences of this sort, and we know that scores can be raised by paid tutoring. Any faculty member who has served on an admissions committee has seen many files where the SAT scores of the same student differ by more than 100 points between one testing and the next. More important, the testing organizations recognize a large margin of error in their predictions and claim relative accuracy of prediction not for individuals but for groups of people with the same scores. Thus, what appears to be a very specific and accurate individual prediction of academic merit is actually a very imperfect statistical prediction of early course grades for groups of people with similar test scores. All of the major factors that admissions committees consider, such as grades and recommendations, share similar limits—they are rough predictors of probabilities of success, not highly reliable and accurate predictors of the individual student's career.

Thus what we are doing in admissions is making general assessments of students, estimating on the basis of probabilities what they will bring to the campus community. Students with very high test scores are more likely to receive very high grades, students who have strong high school athletic achievement are more likely to contribute to college teams, and high school debaters may well become better political science students, but none of these predictions is highly accurate in all cases. In spite of the uncertainty, it is well worth considering these factors in admissions. By the same token, it is well worth considering race if the goal is to bring

into the classroom students with a broader range of experience and perspectives.

There is powerful evidence to show that admitting minority students is likely to bring onto the campus students with different worldviews and experiences that can enrich the discussions and exchanges in and out of class that are so important to a good college education. In spite of shared values, there is a strong probability that most blacks and Latinos in American society will have a different view of many important issues from that held by most whites. There is abundant data showing that deep racial and ethnic differences persist.

Students from different races and ethnicities grow up in a highly segregated society, one in which minority segregation tends to be related to many interacting differences of opportunity, and where millions of blacks and Latinos understand and speak at home languages or dialects that are difficult or impossible for most whites to fully understand and are not valued in schools, where people listen to different music on different radio stations and attend highly segregated and often different churches on the weekends. There are extraordinary differences in the prevailing views of government, of the legal system, of discrimination, of the causes and cures of poverty, and of many other aspects of life. The minority communities have and use media of mass communication that few whites are familiar with, though many minority members are very familiar with white media. Whites are by far the most segregated group of students in American public schools and thus are likely to have the least knowledge of effective intergroup skills. There are important differences in the political and ideological orientations of members of different groups. The middle-class suburban communities in which most whites live are different in many respects from the central city and declining suburban communities where the great majority of blacks and Latinos live. There is clear evidence that blacks and Latinos are treated differently and often experience discrimination in important aspects of life, even decades after the enactment of civil rights laws.

In other words, contrary to the *Hopwood* premise that it is simply irrational to think of what students bring in terms of race, there are reasonable grounds, backed by massive social research, to predict that admitting a substantially larger group of minority students will bring to campus students whose experiences, perspectives, community connections, and ideologies will broaden and deepen the discussion of many issues on campus, both in class and in informal settings. This does not mean that these possibilities are always realized, but minority admissions will make representation of these perspectives much more likely. Colleges are perfectly

justified in assuming that considering race is likely to increase the diversity of experience and perspective within the student community.

It was apparent to Justice Powell that racial diversity added something to the educational experience of members of the university community, as it had been to the Supreme Court a generation earlier in ruling against segregated law schools, holding that the experience of preparation for the profession under such circumstances could not be equal.<sup>14</sup>

To most social scientists familiar with basic data on racial differences in American society, the factual claims about racial differences in the *Hopwood* ruling seem bizarre. In the academic world, in government, in the mass media, and in politics, race is extremely salient. In a wide variety of scholarly studies, race, social and economic status, and gender are the most frequently examined variables. Race and ethnicity appear as critical categories in all kinds of U.S. government reports—including the *Census and the Statistical Abstract of the United States*. Even in conservative periods when there was no intention to implement social change, statistics on race were collected. Race is used so frequently as a basic category, generation after generation, century after century, because the United States has always had profound racial divisions and the experiences of the various races have been very different. Data reported by race often show large differences; data omitting racial breakdowns are often difficult to interpret because they combine fundamentally different distributions of opinions or experiences. The argument about diversity of students assumes that the differences students bring with them to college could contribute not only to on-campus education but also to the university's missions of creating new knowledge through research, serving the community, and training professionals and leaders of public and private life, all through exposing students of one racial or ethnic group to the experience and perspectives of others.

The argument about diversity is only about probabilities. There are, of course, blacks and Latinos who are richer and more conservative than the great majority of whites, just as there are many whites whose incomes are lower than middle-class minority families. But average white income and wealth far exceed those of blacks, Native Americans, and Latinos. Moreover, even wealthy, successful minorities often experience discrimination; they tend to have close contact with the broader minority community and empathy for its needs, and their close relatives often experience severe need.

Middle-class minorities still tend to face residential segregation and discrimination, and their children often must attend segregated schools with classmates much less prepared than the classmates of similar white

children. White students of the same income are likely to get better educations in more competitive schools with more qualified teachers and better prepared peers. Minority children are much more likely than white children to be placed outside the academic track and to be in schools that do not offer advanced or AP courses.

The typical experiences, beliefs, and ideologies of Americans differ substantially. To name just a few of these dimensions of difference: blacks, Latinos, and Native Americans are much more likely than whites and Asians to live in poverty, to live in rented rather than their own housing, to have little or no personal wealth, to attend low-achieving segregated schools, to have been poor for long periods, to live in areas of concentrated poverty even if they are not poor, to face more prosecution and conviction for crimes than whites do in the same circumstances, to be liberals, to vote Democratic, to be victims of violent crime, to die younger, and not to speak or write standard academic English. They are likely to have different views of American history. Their expectations about the future of their communities and the nation differ significantly from those of whites. They have a much more positive and expansive view of government than most whites. There are differing views about bilingualism, particularly between Latinos and non-Hispanic whites. The differences are particularly sharp in their attitudes toward controversial racial policies. Most whites express the view that enough or too much has already been done for civil rights; blacks and Latinos strongly disagree.

Blacks have distinct life experiences in many ways. In 1994, for example, the life expectancy of black males at birth had not increased in sixteen years and was about one-eighth lower than that for white males.<sup>15</sup> The black birth rate in 1994 was more than one-third higher than the white rate.<sup>16</sup>

Black children are four times as likely as whites to be born into a single-parent household. A study following families over fifteen years showed that 72 percent of black children lived in a single-parent home for at least part of their childhoods, compared to 30 percent of white children. Seventy-four percent of white children lived in families that never dipped below the poverty line, compared to 21 percent of blacks. About nine-tenths of the children living in persistent poverty in the early 1990s were black.<sup>17</sup>

Black and Latino families living below the poverty line are also far more likely than whites to live in extreme poverty. In 1995, 20 percent of blacks and 16 percent of Latino children—but only 3 percent of whites—were living in families whose incomes were less than half the poverty level.<sup>18</sup> Black children are substantially more likely than whites to be abused and neglected.<sup>19</sup>

Blacks and Latinos are far more likely to live in cities and in neighborhoods of concentrated poverty. Black and Latino children are vastly more likely to be educated in the schools of the largest cities. In 1994–1995, for example, 17.8 percent of black students and 22.7 percent of Latino students, but only 1.7 percent of white students, went to public schools in the nation's ten largest central city districts. In other words, black students were ten times more likely to have this experience, and Latino students thirteen times more likely.<sup>20</sup> It would be very uncommon for a white student on a university campus to have direct knowledge of inner-city schools, and many times more likely that a black or Latino student would.

A substantial share of Native American students, but almost none from other groups, are educated in Bureau of Indian Affairs and tribally controlled schools on reservations—an extremely different experience from that of the white students concentrated in middle-class suburbs. Seventy-four percent of Latinos and 67 percent of blacks attended schools with nonwhite majorities in the 1994–1995 school year. Seven-eighths of the schools that were 90 to 100 percent black or Latino that year had more than half of their students living in poverty. Of the schools with less than 10 percent black or Latino students, on the other hand, only one out of twenty had more than half the students living in poverty.<sup>21</sup> Within their schools, black, Latino, and Native American students were less likely than white or Asian students to be in a college preparatory program.<sup>22</sup>

Language is obviously fundamental for understanding other societies and their cultures. Most American students have no working knowledge of a second language, even though such knowledge has long been considered one of the goals of a good education. Ninety-six percent of blacks and 98 percent of whites graduating from high school in 1992 spoke English as their native language, compared to 46 percent of Asians and 45 percent of Latinos.<sup>23</sup> Language, particularly when developed to a high level, carries with it understanding of cultural differences that add to campus diversity. In a more tangible way, since language learning is far more effective when interacting with native speakers outside of class, ethnic diversity can produce a more positive setting for acquiring a second language.

Experiences with crime and views of the justice system differ significantly by race. Blacks are much more likely than whites to be victims of handgun crimes. During the years from 1987 to 1992, black males were about four times as likely as whites to be victims of such crimes, and black females were almost three times as likely as whites to be victims.<sup>24</sup> An ex-

traordinary 40 percent of black males ages sixteen to nineteen were victims of gun crimes.

Blacks are also greatly overrepresented in criminal arrests, accounting for 31 percent of all arrests in 1993 and 62 percent of those arrested for robbery.<sup>25</sup> Blacks are very disproportionately represented among the prison population. In 1991, for example, they accounted for 47.3 percent of all those in state prisons.<sup>26</sup> In some states blacks are twelve times as likely to be incarcerated as whites. Blacks are much more likely to be convicted and imprisoned than whites charged with the same offense.

By the mid-1990s, nearly three-fourths of new admissions to prisons in the United States were African Americans and Latinos. Between 1980 and 1993, according to the U.S. Department of Justice, the number of prison inmates in the United States soared from 500,000 to 1.5 million; the percentage of black inmates went from 47 to 51 percent, while the Latino share jumped from 8 percent to 14 percent.<sup>27</sup> By the early 1990s it was estimated that more than one-fourth of all young black men were either incarcerated or on parole or probation. A 1997 Justice Department report shows that, if the existing trends continue, 28.5 percent of black men, 16.0 percent of Latino men, and just 2.5 percent of white men can expect to find themselves in a state or federal prison during their lives. Black men are thus eleven times more likely than whites to be imprisoned, Latino men six times more likely. Although few women are imprisoned, black women are seven times more likely than their white counterparts to be behind bars.<sup>28</sup>

Released prisoners, who often resume their criminal activities, usually return to their old neighborhoods where so many minority families are victimized by crime. Black students are, on average, much more likely to come to college with personal or family experience as crime victims and of the workings of the justice system. It is not surprising that minority communities have intense and sometimes highly divergent views of that system.

Public discussion and media images often reflect a gulf between popular perception and fact. The drug problem is a good example. Suburban youth are substantially more likely than city kids to use drugs, but city kids are much more likely to be prosecuted for drug offenses and incarcerated if convicted. Children in affluent suburbs are usually protected from serious consequences by local authorities.<sup>29</sup>

Blacks, Latinos, and Native Americans are vastly more likely to experience the kind of poverty that dramatically affects life chances. Among those Americans who have experienced poverty are many millions for

whom it poverty involved a temporary loss of employment and income, and a much smaller number for whom it was a long-term condition. The two kinds of experience are fundamentally different. Being a poor child in a middle-class community is not at all like growing up in a community where poverty is the norm, where the schools and services are what we typically provide to the poor, and where there are few if any successful adult role models. Those living in such conditions of concentrated poverty are very disproportionately black and Latino.

A 1994 report on longitudinal research conducted for the U.S. Office of Juvenile Justice and Delinquency Prevention summarized the way that conditions of isolation, poverty, and negative neighborhood influences tend to interact and lead to seriously deviant behavior. The report concluded that the risk factors include “birth trauma, child abuse and neglect, ineffective parental discipline, family disruptions, conduct disorder and hyperactivity in children, school failure, learning disabilities, negative peer influences, limited employment opportunities, inadequate housing, and residence in high-crime neighborhoods.”<sup>30</sup> There are few such white communities in metropolitan America. The impoverishment and isolation of black and Latino communities create a syndrome of forces that lead to serious social pathology, a set of conditions few whites have directly experienced.

There are similarly dramatic differences in employment and earnings by race in the United States, but blacks and whites have divergent views of the situation. A 1995 survey showed that 58 percent of whites believed that blacks were “as well off or better off than the average white person,” but only 23 percent of blacks agreed with the statement. Forty-five percent of whites also believed that Latinos had equal or better jobs.<sup>31</sup> When asked to select among possible causes of “the economic and social problems African Americans face today,” 37 percent of whites, compared to 74 percent of blacks, chose “lack of jobs.”<sup>32</sup> In 1995, median black family income was \$22,393, about three-fifths of the median white income of \$35,766.<sup>33</sup> The difference was a result of blacks’ higher unemployment, lower wages, and more single-parent families—all related to race or the effects of previous racial discrimination and inequality.

### **Economic and Political Differences**

One can go back generations without finding significant exceptions to the rule that black men will have at least twice the unemployment rate of whites, in spite of great increases in black high school and college completion and gains in black achievement test scores. Employment and wage

**TABLE 1** *Percent Employed, 1996 High School Graduates and Dropouts, by Race*

	<i>Whites</i>	<i>Blacks</i>	<i>Latinos</i>
<i>Graduates not in college</i>			
Employed	64.7%	40.8%	41.7%
Unemployed	35.3%	59.2%	58.3%
<i>Dropouts during year</i>			
Employed	48.8%	20.7%	54.3%
Unemployed	51.2%	79.3%	45.7%

Source: Bureau of Labor Statistics, "College Enrollment and Work Activity of 1996 High School Graduates," USDL 97-240 (Washington, DC: U.S. Department of Labor, July 23, 1997).

rates of blacks are lower at virtually every level of education, especially for men. In the fall of 1996, for example, 35 percent of white high school dropouts were jobless, but 59 percent of black dropouts had no work (see Table 1). Only one-fifth of the young blacks who had dropped out during the previous school year had jobs, compared to about half the whites.

Looking back over twenty-five years of unemployment statistics for black and white males from 1972 to 1997, it is apparent that huge discrepancies persist even as the economy moves up and down. Black male joblessness is usually two to two-and-a-half times that of whites (see Table 2). At the peak of economic expansions, black men experience higher unemployment rates than whites do at the worst points of most recessions. In April 1997, when the jobless rate fell to its lowest level in twenty-four years, 4.1 percent of the total white labor force was unemployed, compared to 8.1 percent of Latinos and 9.8 percent of African Americans.<sup>34</sup>

There are major racial differences in participation in civic life and the democratic system. The Census Bureau reports that in the 1996 elections, for example, 68 percent of voting-age whites and 64 percent of blacks, but only 36 percent of Latinos, were registered to vote. Fifty-six percent of whites, 51 percent of blacks, and 27 percent of Latinos actually voted. Since the mid-1970s the Latino voting rate has been about half the white rate and far below the black rate.<sup>35</sup> The youth and the immigration status of Latinos explain some of these differences, but the differences create divergent political understandings. Whites are more than twice as likely as Latinos to be involved in political organizations, but blacks are about twice as likely as whites and Latinos to take part in protest demonstrations.

## 22 DIVERSITY CHALLENGED

**TABLE 2** *Unemployment Rate for Black and White Males, 1972–1997*

	<i>Whites</i>	<i>Blacks</i>	<i>Ratio of Black to White Level</i>
1972	3.6%	7.0%	194%
1974	3.6%	7.9%	219%
1976	5.5%	10.8%	196%
1978	3.6%	8.5%	236%
1980	5.8%	14.0%	241%
1982	8.5%	19.2%	226%
1984	5.6%	13.5%	241%
1986	5.4%	13.7%	254%
1988	4.1%	9.1%	222%
1990	4.4%	11.5%	261%
1992	6.4%	13.1%	205%
1994	4.5%	9.4%	209%
1996	3.9%	9.7%	249%
1997	3.6%	7.8%	217%

*Source:* Bureau of Labor Statistics September survey data for each year, seasonally adjusted, adults twenty years and older.

The country's electorate arranged itself along racial lines in the 1960s. Beginning in 1964, African Americans turned overwhelmingly to the Democratic party and in a number of elections the percentage of whites voting Republican was five times or more the percentage of blacks voting Republican. In some elections the gap was much larger. In several national elections fewer than one black in twenty voted Republican. Clearly, race was much more salient than socioeconomic status in these choices, although income is normally strongly related to party affiliation in the United States.<sup>36</sup> Minority students admitted to college are likely to bring different perspectives on politics and public issues, enriching the civic discussion on campus and in class.<sup>37</sup>

The most formative influences on life experience and opportunity—family, community, work, education, safety, and health care—are available to different racial groups in different ways that are still strongly related to race and ethnicity. The American dream consists of a good job, a home in a nice community, and higher education for the children. Home ownership, in particular, has long been considered one of the most powerful influences and probably the most important source of wealth for

most families. Housing determines peer groups for children and access to schools. The federal government provides massive tax breaks to encourage home ownership because of its belief in these values. But housing opportunities in the United States are very unevenly distributed by race.

The tax subsidies for home ownership far exceed the money spent for subsidizing housing for the poor. Seventy-one percent of whites are homeowners, compared to 47 percent of blacks and 45 percent of Latinos. In other words, 55 percent of Latinos live in rental housing compared to only 29 percent of whites.<sup>38</sup> In many areas with the most high-achieving schools, however, there is little or no rental housing for families because of restrictive local zoning and land-use policies that make it difficult or impossible to build these units. Not being a homeowner may mean exclusion from schools that would train a family's children for college most effectively.

Studies of housing markets in the 1990s have shown the continuing impact of discrimination in rental and sales patterns, and major continuing inequalities in mortgage financing by race. Research sponsored by the Department of Housing and Urban Development showed a continuing high probability of different treatment for blacks and Hispanics when matched pairs of minority and white home-seekers applied for housing.<sup>39</sup> And the practice of most developing suburban communities of excluding both rental and affordably priced housing for families continues with few limitations in many areas.

The attitudes of whites and minorities on racial issues often differ dramatically, especially on current, unresolved matters. There are also wide differences on many nonracial issues. Surveys have focused mainly on differences between whites and blacks, but important differences are emerging between Hispanics and the other three major groups on the role of government, the provision of health care, the fairness of the police, and other issues. These subjects are, of course, related to many questions discussed in university classrooms.

Blacks typically have a more positive view of the federal government than whites do. In surveys from 1964 to 1992, at least one-third and sometimes more than half of the white public believed that the federal government was "too powerful." Only about one-fifth of blacks, and sometimes as few as 5 percent, typically shared this view. In surveys between 1982 and 1994, whites were always more than twice as likely as blacks to favor cutting back services and government spending. Surveys between 1956 and 1968 found that whites were more than eight times as likely as blacks to say that government should stay out of health-care pro-

vision. During the same period whites were several times more likely to endorse an approach to economic security emphasizing self-reliance.<sup>40</sup>

On civil rights and related issues, the differences in opinion by race are dramatic. A national *New York Times*/CBS News poll in December 1997 found that 35 percent of whites but 80 percent of blacks thought that affirmative action should be "continued for the foreseeable future." Fifty-two percent of whites compared to 14 percent of blacks thought that such programs should simply "be abolished." Asked about "laws to protect minorities against discrimination in hiring and promotion" (rather than "affirmative action"), 31 percent of whites compared to 9 percent of blacks said that they were "not necessary."<sup>41</sup> A 1997 Gallup poll reported that 53 percent of blacks believed that affirmative action programs should be increased, compared to only 22 percent of whites. Forty-five percent of blacks reported having experienced racial discrimination within the previous month.<sup>42</sup> In a 1997 California survey, less than one-third of Californians said that qualified black and Latino students had less opportunity than whites to get a college education; 22 percent said that middle-class students had less opportunity than others.<sup>43</sup>

A 1997 *Time*/CNN national poll of teenagers showed that just 17 percent of whites believed that standardized tests were biased, compared to 40 percent of black teens. Seventy-six percent of young whites but only 55 percent of young blacks thought that U.S. race relations would "ever get better."<sup>44</sup>

Blacks were much less likely than others to say that their local public schools were excellent. Only 6 percent of blacks reported that their schools were excellent; nationwide, for all groups, the figure was 19 percent.<sup>45</sup> Fifty-nine percent of whites described race relations in their community as excellent or good, compared to 31 percent of blacks and 44 percent of Latinos. When asked "how much discrimination and prejudice exist against blacks in the United States today," 21 percent of whites and 43 percent of blacks said "a lot."<sup>46</sup>

Latino, black, and white adults tend to have very different opinions on language-related issues. A 1994 survey in southern California found that 72 percent of whites and 69 percent of blacks but only 30 percent of Latinos favored the designation of English as the "official language." Latinos were almost twice as likely as whites to favor some kind of bilingual education. Eighty-three percent of Latinos but only 47 percent of whites favored printing ballots in non-English languages.<sup>47</sup>

To the extent that we are a culture in which self-image is shaped by mass media, students of various racial and ethnic groups tend to bring sig-

nificantly different experiences to higher education. Minority students who reach college almost inevitably have had a great deal of contact with white culture and institutions. The same is not true for white students. Only Native Americans are likely to be familiar with the nation's oldest cultural traditions—those of the hundreds of tribal communities. Few non-Natives know the story of how the land in their area was seized from local tribes and what has become of the treaties that were negotiated. Only Spanish-speaking students are likely to be familiar with the information conveyed in the vast Spanish-language media. Few nonblacks are familiar with the quite distinctive news coverage in the nation's African American press.

Three decades after the enactment of the federal fair housing law, whites and minorities have profoundly different views of the housing market. A survey released in 1997 showed that only 17 percent of whites in the Boston metropolitan area thought that there was discrimination against blacks in housing; only 16 percent thought there was mortgage discrimination by banks. Yet 47 percent of blacks perceived housing discrimination and 64 percent thought there was discrimination in home finance. Many minority home-seekers still confront easily detectable discrimination, but most whites believe that the problem has been largely solved by civil rights laws.<sup>48</sup>

### **How Differences May Affect Teaching and Learning**

Differences in experience and attitude cited above are, of course, not equally relevant to all aspects of the college curriculum. Their relevance to training in sociology, law, education, literature, political science, history, criminology, journalism, urban planning, public policy, international affairs, Spanish and Asian languages and cultures, and anthropology should be immediately apparent. Less obvious, perhaps, but nevertheless clear is their impact on business studies—such as marketing, personnel, management, and advertising—in a society that is rapidly growing more ethnically diverse. Students preparing for careers in medicine, nursing, and public health similarly need to understand and communicate with diverse clients and to understand their communities and their cultures. Indeed, the same can be said for a wide range of professions, from accounting to the clergy.

Students preparing for many of these professions need to understand the dimensions of racial differences. First, they need the facts: what is known about differences among groups and what aspects of their traditions and cultures may be important to successful relationships and treat-

ments. Second, students need to understand how to work effectively in multiracial settings—especially where they are among the minority. White students are the most segregated in U.S. public schools. They especially need the experience of diversity, including encounters with the full range of views among major social groups, if they are to understand the realities of a multiracial society. Universities themselves need to foster good working relationships in minority communities, which provide training sites and future employment for students. Such relationships are facilitated when those seeking training and jobs include significant numbers of students who share the racial or ethnic background dominant in those communities.

Some critics of race-conscious affirmative action point out that many black, Latino, and Native American students are poor, and ask whether their different experiences and beliefs aren't largely a product of poverty. Can't colleges then achieve diversity by admitting more poor students, without considering race? This is a logical and important question and one on which there is great confusion in the public debate. The answer is that race is related to poverty but is different in key respects. Poverty affects the various racial groups differently, and many racial problems have a serious impact on people who are not poor. As a result, admitting poor students through race-blind affirmative action would not produce the kind of diversity we have been describing, though it might add some other important dimensions to the diversity of the campus. Middle-class blacks are actually more likely to perceive discrimination in their lives than are poor blacks, perhaps because they have more interaction with the white world, and the most wealthy group of blacks is as likely to be segregated residentially as the poorest group. Douglas Massey and Nancy Denton's research found that, across all levels of income for blacks, "black segregation does not differ by affluence." Comparing thirty metropolitan areas, they found that very poor families experienced high levels of segregation but that they were not statistically different from the most wealthy group of black families, who could well afford to purchase homes in most white areas and did not prefer all-black communities.<sup>49</sup> A virtual caste system persists preventing marriage between whites and blacks. Admitting poor people does not address race problems. In fact, if admissions is carried out in a way that uses poverty plus test scores, it is likely to produce students from families that are temporarily poor but well educated, such as recent Asian immigrants or children of recently divorced suburban households. Race is not class and class is not race, through there are obvious and important relationships.

## Summary

The assault on affirmative action assumes that problems growing out of the organization of American society and its institutions on racial lines have been largely solved and that race no longer makes any significant difference. If these propositions were true, affirmative action would be unnecessary and of little educational value. In fact, however, deep racial differences remain, and this book explores what is known about how increasing minority enrollment changes and enriches the educational process. This book shows that the academic world is far better prepared to support the central proposition of *Bakke* now than when the challenge was raised in 1996. Much has been learned and additional important research is in progress. In spite of the fact that no large national studies have been funded, substantial evidence is developing around a set of conclusions that show that diversity of students can and usually does produce a broader educational experience, both in traditional learning and in preparing for jobs, professions, and effective citizenship in a multiracial democracy. The evidence also suggests that such benefits can be significantly increased by appropriate leadership and support on campus.

This does not mean that further research is not urgently needed, including major new data collection. The longitudinal studies at the University of Michigan look not only at students' perception of the value of diverse experiences, but also at the actual long-term impact of such experiences on the thinking of the former students years afterward. Institutional and national studies of this sort are strongly needed, including sections on the efficacy of various interventions. We need much more work on the ways that diversity on campus is actually linked to understanding and successful collaboration and interracial living as adults, and how the campus composition and climate influence the development of courses and research subjects for faculty members. We should explore the reasons for the economic benefits that come with personal experience in diversity by job candidates and how to maximize those benefits. This book moves the debate, but there is much more to be learned. If universities are to protect their right to pursue diversity as a legitimate and educationally necessary goal, part of their work must be documenting what their students and faculty have accomplished in building a more diverse and intellectually powerful learning community that would be damaged by policies that would slash minority enrollment.

## Notes

1. For an analysis of the history of desegregation enforcement and the impact of moving to outcome-related standards, see Gary Orfield, "Why It Worked in Dixie: Southern School Desegregation and Its Implications for the North," in *Race and Schooling in the City*, ed. Adam Yarmolinsky, Lance Liebman, and Corinne S. Schelling (Cambridge, MA: Harvard University Press, 1981), pp. 24–44.
2. U.S. Commission on Civil Rights, *Political Participation* (Washington, DC: Government Printing Office, 1968).
3. *Hills v. Gautreaux*, 425 U.S. 284 (1976).
4. William G. Bowen and Derek Bok, *The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions* (Princeton, NJ: Princeton University Press, 1998).
5. Steven A. Shull, *American Civil Rights Policy from Truman to Clinton* (Armonk, NY: M. E. Sharpe, 1999), pp. 183–192.
6. Mitchell Chang, Daria Witt-Sandis, James Jones, and Kenji Hakuta, eds., *The Dynamics of Race in Higher Education: An Examination of the Evidence* (Palo Alto, CA: American Educational Research Association and the Stanford University Center for Comparative Studies in Race and Ethnicity, 1999).
7. *Does Diversity Make a Difference? Three Research Studies on Diversity in College Classrooms* (Washington, DC: American Council on Education and American Association of University Professors, 2000).
8. Geoffrey Maruyama and Jose Moreno, "University Faculty Views about the Value of Diversity on Campus and in the Classroom," in *Does Diversity Make a Difference?* pp. 8–36.
9. Patricia Gurin, "The Compelling Need for Diversity in Higher Education," expert testimony in *Gratz et al. v. Bollinger et al.*, No. 97-75928 (E.D. Mich, 1997).
10. Amy Stuart Wells and Robert L. Crain, "Perpetuation Theory and the Long-Term Effects of School Desegregation," *Review of Educational Research*, 64 (1994), 531–555.
11. Susan E. Eaton, *Blurring the Race Boundary: Black Adults Raised in Urban Neighborhoods and Schooled in White Suburbia* (New Haven, CT: Yale University Press, 2001).
12. Johnson started teaching in a segregated Mexican American school and encountered students "mired in the slums . . . lashed by prejudice . . . buried half alive in illiteracy." Johnson remembered children feeling, "Why don't people like me? Why do they hate me because I am brown." Robert Dalek, *Lone Star Rising: Lyndon Johnson and His Times, 1908–1960* (New York: Oxford University Press, 1991), p. 78. Johnson described "an America that accepted distinctions between blacks and whites as part and parcel of life." Lyndon B. Johnson, *Vantage Point: Perspectives of the Presidency, 1963–1969* (New York: Holt, Rinehart & Winston, 1971), p. 155.
13. H. R. Haldeman, *The Haldeman Diaries: Inside the Nixon White House* (New York: G. P. Putnam's Sons, 1994).
14. *Sweatt v. Painter*, 339 U.S. 629 (1950).
15. The difference is 11.5 percent, National Center for Health Statistics, *Monthly Vital Statistics Report*, 45, No. 3 (1996).
16. National Center for Health Statistics, *Monthly Vital Statistics Report*, 44, No. 11 (1996).
17. Mary E. Corcoran and Ajay Chaudry, "The Dynamics of Childhood Poverty," *The Future of Children*, 7, No. 2 (Summer/Fall 1997), 40–54.
18. U.S. Bureau of the Census, Current Population Reports, Series P-60, No. 194, reported in *Federal Interagency Forum on Child and Family Statistics* (Washington, DC: Government Printing Office, 1997), p. 66.

19. *Statistical Abstract of the United States* (Washington, DC: Government Printing Office, 1995), p. 215.
20. Gary Orfield, Mark Bachmeier, David R. James, and Tamela Eitle, *Deepening Segregation in American Public Schools* (Cambridge, MA: The Civil Rights Project, Harvard University, 1997).
21. Orfield, Bachmeier, James, and Eitle, *Deepening Segregation*, tables 4, 9, 11.
22. National Center for Education Statistics, *Understanding Racial-Ethnic Differences in Secondary School Science and Mathematics Achievement* (Washington, DC: Government Printing Office), table 2.18.
23. U.S. Department of Education, National Center for Education Statistics, NELS 1988: Second Follow-Up, 1992.
24. *Statistical Abstract of the United States*, p. 205.
25. *Statistical Abstract of the United States*, p. 206.
26. *Statistical Abstract of the United States*, p. 217.
27. Fox Butterfield, "More in U.S. Are in Prisons, Report Says," *New York Times*, August 10, 1995, p. A14.
28. Thomas P. Bonczar and Allen J. Beck, *Lifetime Likelihood of Going to State or Federal Prison*, NCJ-160092 (Washington, DC: Office of Justice Programs, March 1997), p. 2.
29. Sean Fitzpatrick Reardon, "Social Class and the Community Ecology of Adolescent Drug Use: A Study of Two Communities," Diss., Harvard Graduate School of Education, 1997.
30. David Huizinga, Rolf Loeber, and Terence P. Thornberry, *Urban Delinquency and Substance Abuse, Initial Findings* (Washington, DC: U.S. Office of Juvenile Justice and Delinquency Prevention, 1994), p. 1.
31. *Washington Post/Kaiser Family Foundation/Harvard University Survey on Race*, October 1995.
32. *Washington Post/Kaiser Family Foundation/Harvard University Survey on Race*, October 1995.
33. *New York Times*, January 30, 1997.
34. *New York Times*, May 3, 1997, p. 30.
35. U.S. Bureau of the Census, "Percent Reported Voted and Registered by Race, Hispanic Origin and Gender: November 1964 to the Present," Internet release date, October 17, 1997.
36. The National Election Studies, University of Michigan, table 9A.1.1, generated May 2, 1996.
37. Sidney Verba, Kay Lehman Schlozman, and Henry Brady, in *Classifying by Race*, ed. Paul E. Peterson (Princeton, NJ: Princeton University Press, 1995), figure 15.4.
38. U.S. Census Bureau, "Housing Vacancies and Home Ownership, Second Quarter 2000" (Washington, DC: U.S. Department of Commerce, July 26, 2000).
39. John Ginger, *Closed Doors, Opportunities Lost: The Continuing Costs of Housing* (New York: Russell Sage Foundation, 1995).
40. The National Election Studies, University of Michigan, tables 4A.4a.1, 4A.1.1, 4A.2.1, 4A5.1, generated May 2, 1996.
41. Sam Howe Verhovek, "In Poll, Americans Reject Means but Not Ends of Racial Diversity," *New York Times*, December 14, 1997, pp. 1, 34.
42. Gallup Poll data, *Buffalo News*, June 11, 1977, A6.
43. John Immerwahr, "Enduring Values, Changing Concerns: What Californians Expect from Their Higher Education System" (San Jose, CA: California Higher Education Policy Center, March 1997), table 2.
44. Christopher John Farley, "Kids and Race," *Time*, November 24, 1997, p. 90.

### 30 DIVERSITY CHALLENGED

45. David Bositis, "Joint Center for Political and Economic Studies 1997 National Opinion Poll: Children's' Issues," June 1997, p. 6.
46. David Bositis, "Joint Center for Political and Economic Studies 1997 National Opinion Poll: Race Relations," June 1997, tables 1 and 4.
47. Los Angeles County Social Survey, 1994, reported in Sherwaine Videnago, C. van Laar, and David O. Sears, *Becoming an American: The Political Socialization of Latinos*, Paper presented at the annual meeting of the American Political Science Association, San Francisco, 1994.
48. Charles Stein, "Economic Divide of Races Is Cited," *Boston Globe*, October 26, 1997, p. A27.
49. Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge, MA: Harvard University Press, 1993), pp. 85-87.



WD034366

# REPRODUCTION RELEASE

(Specific Document)

## I. DOCUMENT IDENTIFICATION:

Title: *Diversity Challenged: Evidence on the Impact of Affirmative Action*

Author(s): *Edited by Gary Orfield with Michal Kurlaender*

Corporate Source: *Civil Rights Project, Harvard University*

Publication Date: *2001*

## II. REPRODUCTION RELEASE:

In order to disseminate as widely as possible timely and significant materials of interest to the educational community, documents announced in the monthly abstract journal of the ERIC system, *Resources in Education (RIE)*, are usually made available to users in microfiche, reproduced paper copy, and electronic media, and sold through the ERIC Document Reproduction Service (EDRS). Credit is given to the source of each document, and, if reproduction release is granted, one of the following notices is affixed to the document.

If permission is granted to reproduce and disseminate the identified document, please CHECK ONE of the following three options and sign at the bottom of the page.

The sample notice shown below will be affixed to all Level 1 documents

The sample notice shown below will be affixed to all Level 2A documents

The sample notice shown below will be affixed to all Level 2B documents

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY

*Sample*

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

1

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL IN MICROFICHE, AND IN ELECTRONIC MEDIA FOR ERIC COLLECTION SUBSCRIBERS ONLY, HAS BEEN GRANTED BY

*Sample*

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

2A

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL IN MICROFICHE ONLY HAS BEEN GRANTED BY

*Sample*

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

2B

Level 1



Level 2A



Level 2B



Check here for Level 1 release, permitting reproduction and dissemination in microfiche or other ERIC archival media (e.g., electronic) and paper copy.

Check here for Level 2A release, permitting reproduction and dissemination in microfiche and in electronic media for ERIC archival collection subscribers only.

Check here for Level 2B release, permitting reproduction and dissemination in microfiche only.

Documents will be processed as indicated provided reproduction quality permits. If permission to reproduce is granted, but no box is checked, documents will be processed at Level 1.

I hereby grant to the Educational Resources Information Center (ERIC) nonexclusive permission to reproduce and disseminate this document as indicated above. Reproduction from the ERIC microfiche or electronic media by persons other than ERIC employees and its system contractors requires permission from the copyright holder. Exception is made for non-profit reproduction by libraries and other service agencies to satisfy information needs of educators in response to discrete inquiries.

Sign here, please

Signature: <i>Lori Kelley</i>	Printed Name/Position/Title: <i>Lori Kelley Project Assistant</i>
Organization/Address: <i>Civil Rights Project, 124 Mt. Auburn St., Suite 400 South, Cambridge, MA 02138</i>	Telephone: <i>617-384-7537</i> FAX: <i>617-495-5210</i>
	E-Mail Address: <i>lkelly@lari.brand.edu</i> Date: <i>8-2-01</i>



(over)

### III. DOCUMENT AVAILABILITY INFORMATION (FROM NON-ERIC SOURCE):

If permission to reproduce is not granted to ERIC, or, if you wish ERIC to cite the availability of the document from another source, please provide the following information regarding the availability of the document. (ERIC will not announce a document unless it is publicly available, and a dependable source can be specified. Contributors should also be aware that ERIC selection criteria are significantly more stringent for documents that cannot be made available through EDRS.)

Publisher/Distributor:
Address:
Price:

### IV. REFERRAL OF ERIC TO COPYRIGHT/REPRODUCTION RIGHTS HOLDER:

If the right to grant this reproduction release is held by someone other than the addresser, please provide the appropriate name and address:

Name:
Address:

### V. WHERE TO SEND THIS FORM:

Send this form to the following ERIC Clearinghouse:
---

However, if solicited by the ERIC Facility, or if making an unsolicited contribution to ERIC, return this form (and the document being contributed) to:

**ERIC Clearinghouse on Urban Education  
Teachers College, Columbia University  
Box 40  
525 W. 120<sup>th</sup> Street  
New York, NY 10027**

**Toll Free: (800) 601-4963**

**Fax: (212) 678-4012**

**Email: [eric-ue@columbia.edu](mailto:eric-ue@columbia.edu)**