

African American and Latino Enrollment Trends among Medicine, Law, Business, and Public Affairs Graduate Programs

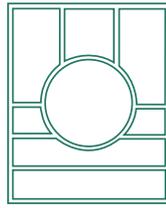
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The Tomás Rivera Policy Institute (TRPI) advances informed policy on key issues affecting Latino communities through objective and timely research contributing to the betterment of the nation.

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The Center for Latino Educational Excellence (CLEE) was established as a major initiative of the Tomás Rivera Policy Institute in the spring of 2002 to help improve educational attainment and achievement in Latino communities across the United States. Through its policy research, CLEE seeks to provide guidance for Latino leadership — across public, non-profit, and private sectors — on how to better the current systems of education that are, on many levels, failing Latino youth and adults.

I. Introduction

The purpose of this Tomás Rivera Policy Institute (TRPI) report is twofold: to provide an analysis of the enrollment trends for African American and Latino¹ students among graduate professional programs in the fields of medicine, business, law, and public affairs, and to present other relevant data pertaining to African American and Latino students in graduate education. For this study, professional schools are defined as those requiring the baccalaureate for admission. These program fields are the ones that have prepared and continue to prepare elite leadership at both the state and national levels across a multitude of sectors. In addition, the report presents an overview of professional programs' abilities to attract Latino and African American students during the aftermath of anti-affirmative action policies. The data are, for the most part, presented by race and ethnicity, and based on the most recent publicly available information from government, private, and higher education institutions in the United States.

TABLE 1
STATES WITH LARGEST LATINO POPULATION

STATE	Total Population	RACE		
		White	Latino	% of US Latino Population
United States	281,421,906	211,460,626	35,305,818	100%
California	33,871,648	20,170,059	10,966,556	31.1%
Texas	20,851,820	14,799,505	6,669,666	18.9%
New York	18,976,457	12,893,689	2,867,583	8.1%
Florida	15,982,378	12,465,029	2,682,715	7.6%
Illinois	12,419,293	9,125,471	1,530,262	4.3%
Arizona	5,130,632	3,873,611	1,295,617	3.7%
New Jersey	8,414,350	6,104,705	1,117,191	3.2%
All Other States	87,819,177	73,828,865	5,551,281	23.1%

Source: U.S. Census Bureau, Census 2000. Redistricting data (PL 94-171) summary file for states and Census 2000 redistricting summary file for Puerto Rico, tables PL1 and PL2.

The report is divided into two parts.

The first section provides an overview of affirmative action policy and court cases. The second part analyzes the relationship between affirmative action and nationwide enrollment trends of African American and Latino students among the four selected professional programs: medicine, law, business, and public affairs.

According to the 2000 U.S. Census, the Latino population in the United States comprises approximately 35,305,818 people, or 12.5% of the total population. It is primarily concentrated in Arizona, California, Florida, Illinois, New Jersey, New York, and Texas, states that contain populations of one million or more. Combined, these states have 27,129,590 Latinos, or 77% of the total Latino population (see Table 1). The African American population, which comprises 34,658,190 or 12.3% of the total United States population, is heavily concentrated in seventeen states each containing one million or more African Americans.² Combined, these states account for approximately 28,757,385 African Americans or 83% of the total African American population (see Table 2).³ Together, African Americans and Latinos account for approximately 25% of the total U.S. population, however they only represent 11.7% of medical doctor degrees (M.D.), 13% of law degrees (J.D.), 13% of business degrees (MBA), and 23% of public affairs (M.A.) degrees conferred during the 2002-2003 academic year (see Table 3).

1 For this report, we use the terms Hispanic and Latino interchangeably in reference to persons tracing their ancestry to the Spanish-speaking regions of Latin America and the Caribbean. We also use the terms African American and black interchangeably.

2 These states are: Alabama, California, Florida, Georgia, Illinois, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, and Virginia.

3 Source: U.S. Census Bureau, Census 2000. Redistricting data (P.L. 94-171) summary file for states and Census 2000 redistricting summary file for Puerto Rico, tables PL1 and PL2.

TABLE 2

STATES WITH LARGEST AFRICAN AMERICAN POPULATION

STATE	Total Population	RACE		
		White	African American	% of US African American Population
United States	281,421,906	211,460,626	34,658,190	100%
New York	18,976,457	12,893,689	3,014,385	8.7%
Texas	20,851,820	14,799,505	2,404,566	6.9%
Georgia	8,186,453	5,327,281	2,349,542	6.8%
Florida	15,982,378	12,465,029	2,335,505	6.7%
California	33,871,648	20,170,059	2,263,882	6.5%
Illinois	12,419,293	9,125,471	1,876,875	5.4%
North Carolina	8,049,313	5,804,656	1,737,545	5.0%
Maryland	5,296,486	3,391,308	1,477,411	4.3%
Louisiana	4,468,976	2,856,161	1,451,944	4.2%
Michigan	9,938,444	7,966,053	1,412,742	4.1%
Virginia	7,078,515	5,120,110	1,390,293	4.0%
Ohio	11,353,140	9,645,453	1,301,307	3.8%
Pennsylvania	12,281,054	10,484,203	1,224,612	3.5%
South Carolina	4,012,012	2,695,560	1,185,216	3.4%
Alabama	4,447,100	3,162,808	1,155,930	3.3%
New Jersey	8,414,350	6,104,705	1,141,821	3.3%
Mississippi	2,844,658	1,746,099	1,033,809	3.0%
All Other States	87,819,177	73,828,865	5,741,932	16.8%

Source: U.S. Census Bureau, Census 2000. Redistricting data (P.L. 94-171) summary file for states and Census 2000 redistricting summary file for Puerto Rico, tables PL1 and PL2.

Given the projected increases in the Latino and African American populations from 2000 to 2050, of great concern is the ability for these groups to obtain adequate education in order to fulfill the requirements towards advanced professional degrees. Their ability to further their educational opportunities through graduate programs will ensure representation that is consistent or at parity with the demographics of the total population. Also, representation within these programs stimulates networks, relationships, and access. These social and intellectual opportunities are important because they develop a dimension that may not otherwise be available. Interaction with professors and other aspiring students may create a space for further professional development, while helping to illuminate one's career goals and professional path. People who graduate from these professional programs have an intellectual legitimacy which is important in the elite job market.

TABLE 3

FIRST PROFESSIONAL DEGREES CONFERRED BY DEGREE GRANTING INSTITUTIONS, BY RACIAL/ETHNIC GROUP AND MAJOR FIELD OF STUDY: 2002-2003

MAJOR FIELD OF STUDY	Total Population	White	% of Degrees Conferred		African American	% of African American Degrees Conferred	
			White	Latino			
Medicine (M.D.)	15,034	10,008	66%	730	4.8%	1,042	6.9%
Law (LL.B. or J.D.)	39,067	30,142	77%	2,424	6.2%	2,834	7.2%
Business (MBA)	127,545	78,312	61%	5,658	4%	11,702	9%
Public Affairs (MA)	25,894	16,841	65%	1,882	7%	4,666	16%

Source: U.S. Department of Education, National Center for Education Statistics, 2002-2003 Integrated Postsecondary Education Data System (IPEDS). (Fall 2003). (This table was prepared December 2004).

TABLE 4

PROJECTED POPULATION OF THE UNITED STATES, BY RACE AND HISPANIC ORIGIN: 2000 TO 2050
(In thousands except as indicated)

Population or Percentage and Race or Hispanic Origin	2000	2010	2020	2030	2040	2050
Population Total	282,125	308,936	335,805	363,584	391,946	419,854
White Alone	228,548	244,995	260,629	275,731	289,690	302,626
Black Alone	35,818	40,454	45,365	50,442	55,876	61,361
Asian Alone	10,684	14,241	17,988	22,580	27,992	33,430
All Other Races*	7,075	9,246	11,822	14,831	18,388	22,437
Hispanic (of any race)	35,622	47,756	59,756	73,055	87,585	102,560
% of Total Population						
White Alone	81.0	79.3	77.6	75.8	73.9	72.1
Black Alone	12.7	13.1	13.5	13.9	14.3	14.6
Asian Alone	3.8	4.6	5.4	6.2	7.1	8.0
All Other Races*	2.5	3.0	3.5	4.1	4.7	5.3
Hispanic (of any race)	12.6	15.5	17.8	20.1	22.3	24.4

*Includes American Indian and Alaska Native alone, Native Hawaiian and Other Pacific Islander alone, and two or more races

Source: U.S. Census Bureau. (2004). *U.S. Interim Projections by Age, Sex, Race, and Hispanic Origin*. Available at <http://www.census.gov/ipc/www/usinterimproj/>

According to the U.S. Census Bureau's population projections for the period of 2000-2050, the Latino population will double in size with a 187% increase in total population, while the African American population will increase by 71%. These groups combined are projected to represent approximately 40% of the nation's total population by 2050 (see Table 4). Given this magnitude in population growth, their participation in the nation's public and private graduate programs of law, medicine, business, and public affairs will dictate their effect on and preparation for elite levels of leadership at both the state and national levels across a multitude of sectors.

Not only is participation in these professional programs important in order to serve all Americans, diversity in these professions is also important, and fairness is developed in a system that is accessible to all. African American and Latino students' participation in graduate programs is vital for their increased and improved involvement in high levels of leadership. Yet, their enrollment opportunity issues have historically been complex and it has become increasingly important to understand the challenges that hinder their involvement in these ; Affirmative action has played a major role in educational opportunity for African American and Latino students. Throughout history many Americans have been denied basic rights to participate in society. African Americans and Latinos are two groups that have not been openly invited to participate democratically in society. Both groups have historically been denied educational opportunities. The history of affirmative action continues to have an effect on the enrollment of African American and Latino students in programs of law, medicine, business, and public affairs.

In order to compete for the best positions in the selected fields, often applicants must maintain a pedigree that is rooted in an education from an elite institution. Access to elite universities has been a historical challenge for African

4 For further discussion on issues confronting the Latino community please see: Tomás Rivera Policy Institute. (2003). *Closing Achievement Gaps: Improving Educational Outcomes for Hispanic Children*. Los Angeles, CA: Tornatzky, L., Pachon, P., & Torres, C.

Americans and Latinos. At America's Ivy League colleges, for example, these groups have been severely underrepresented in the student population for more than 30 years. Many of these elite universities maintain a gateway to the most exclusive positions in fields of law, medicine, business, and public affairs. To illustrate the importance of these universities, it should be noted that 50% of the secretaries of state have been graduates of Harvard. The Business Week 1000, an annual compilation of America's top 1,000 CEOs, routinely demonstrates that about 10% of these executives are Harvard graduates, and approximately 80% graduated from the University of Pennsylvania's Wharton School of Business and Finance, while 50% of the total graduated from just 10 elite universities. Just over half of the country's business leaders come from .5% of the nation's colleges.⁵ In general, those who have successfully maneuvered through the vales of exclusive public and private academic institutions fill a majority of elite positions.

The necessity to improve the enrollments of African American and Latino students in public and private graduate institutions of law, medicine, business, and public affairs is therefore vital to today's society. If we are to eradicate racial, economic, and social disparities in America, it is imperative to have effective participation both in our universities and in our society by individuals from all groups.

5 Ciongoli, K. (November 1999). Discriminating against middle-class ethnic Americans (at the country's elite colleges). *USA Today Magazine*.

II. An Overview of Affirmative Action Policy and Court Cases

Affirmative Action Policy

In 1961, Executive Order (E.O.) 10925, enacted by President John F. Kennedy, instructed federal contractors to take “affirmative action to ensure that applicants are treated equally without regard to race, color, religion, sex, or national origin.” This order helped establish the Committee on Equal Employment Opportunity. Soon thereafter in 1965, President Lyndon B. Johnson issued E.O. 11246, requiring all government contractors and subcontractors to take affirmative action to expand job opportunities for minorities. Two years later in 1967, President Johnson amended E.O. 11246 to include affirmative action for women and minorities; federal contractors were subsequently required to make good faith efforts to hire women and minorities. As affirmative action expanded, its influence was appropriated by the admission policies of institutions of higher education. Universities began incorporating affirmative action policies in order to increase the diversity of their student bodies while improving the opportunities for many disadvantaged minorities and women. National affirmative action policies in institutions of higher education proved to increase minority student enrollment dramatically, while also expanding the pool of minorities in the professional work sphere. In 2005, according to the American Bar Association and the U.S. Census, there were approximately 80,000 Latino and African American attorneys and judges in the United States, compared with about 6,200 in 1970.⁶ Much of this remarkable thirteen-fold increase is due to the presence of affirmative action policies at law schools. Although affirmative action policies have helped increase the enrollments of minority students in institutions of higher education, there has been much controversy surrounding the admissions policies of many universities.

Affirmative Action Court Cases

The U.S. Supreme Court in *Regents of the University of California v. Bakke*, 438 U.S. 912 (1978), upheld the use of race as one factor in choosing among qualified applicants for admission. At the same time, it also ruled unlawful the University Medical School’s practice of reserving 18 seats in each entering class of 100 for disadvantaged minority students. Presiding over the case, Justice Lewis Powell concluded that while the goal of achieving a diverse student body is sufficiently compelling to justify consideration of race in admissions decisions under some circumstances, a university’s special admissions program, which might foreclose consideration to persons who are not from a minority group, is unnecessary to the achievement of this compelling goal and therefore invalid under the Equal Protection Clause.

What followed the Bakke decision were a flurry of court cases concentrated in states that possess large minority populations, more specifically African American and Latino populations. Affirmative action sought to decrease the opportunity gap among whites and underrepresented minorities and women; however, this effort was debilitated by the flurry of anti-affirmative action court cases. The mid-to-late 1990s through 2003 marked a time of regress in the opportunity for many prospective African American and Latino students, in part due to the slew of ballot initiatives, resolutions, and legal challenges to affirmative action. These included the *Hopwood v. Texas* ruling, which banned affirmative action at private and public institutions in Texas, as well as Prop 209, along with a regent resolution, which banned the use of affirmative action in the University of California system. These two states possess the largest Latino populations in the U.S., so both *Hopwood* and Prop 209 had a significant effect on the Latino education trajectory

⁶ This estimate for 2005 is based on a conservative extrapolation from 2000 Census data. See American Bar Association Commission on Racial & Ethnic Diversity in the Profession, Statistics about Minorities in the Profession from the U.S. Census. Available at <http://www.abanet.org/minorities/links/2000census.html>, and University of California. (September 1977). *Final report of the task force on graduate and professional admissions, table E-2, 1970 Census figures.*

and subsequent professional work landscape. Other anti-affirmative action developments in the late 1990s included a Florida gubernatorial order, a ballot initiative in Washington, and the filing of federal lawsuits against the University of Michigan, the University of Washington, and the University of Georgia.⁷

More recently, the Supreme Court in *Gratz et al. v. Bollinger* found on June 23, 2003, that the University of Michigan's admissions policy, which automatically distributed 20 points (one-fifth of the points needed to guarantee admission) to every single "underrepresented minority" applicant solely because of race, is not narrowly tailored to achieve educational diversity. In *Bakke*, Justice Powell explained his view that it would be permissible for a university to employ an admissions program in which "race or ethnic background may be deemed a 'plus' in a particular applicant's file." Accordingly, the Court found that the University's use of race in its current freshman admissions policy violates the Equal Protection Clause. These court cases are of great significance considering that the states involved in the cases — California, Florida, Georgia, Michigan, Texas, and Washington — are composed of 32% of the Nation's African American population as well as 61% of the Latino population.⁸ The effect of the anti-affirmative action initiatives in these states ultimately reverberates nationally.

Following these court cases, many institutions of higher education were forced to soften their consideration for an applicant's race, ethnicity, and gender in admissions. Therefore, the opportunity for an African American or Latino student to enroll in a highly selective graduate or professional school became increasingly difficult. Considering the value of a professional degree, the elimination or limit of affirmative action policies poses a serious challenge to the economic and social opportunities for African American and Latino populations who tend to have the lowest earnings, lowest levels of education, and the most difficult time finding jobs. It is therefore essential to understand whether academic institutions abandoned potential minority students, or whether they respected anti-affirmative action policies by seeking minorities through other means. To that end, an examination of enrollment trends following anti-affirmative action court cases will help illuminate its effect on the participation of African American and Latino student participation in graduate programs of law, business, medicine, and public affairs.

7 Cal. Const. Art I, § 31 (Proposition 209, passed in 1996); *Hopwood v. Texas*, 78 F.3d 932, 944 (5th Cir. 1996), overruled in part by *Grutter*, 123 S. Ct. 2325 (2003); Wash. Rev. Code § 49.60.400(1) (Initiative 200, passed in 1998); *Smith v. University of Wash. Law School*, 233 F.3d 1188, 1201 (9th Cir. 2000) (filed in 1997); *Gratz v. Bollinger*, 123 S. Ct. 2411 (2003) (filed in 1997); Florida Executive Order 99-281 (1999); *Johnson v. Board of Regents of the Univ. System of Georgia*, 263 F.3d 1234 (11th Cir. 2001) (several individuals sued Georgia in the late 1990s).

8 Source: U.S. Census Bureau, Census 2000. *Redistricting data (P.L. 94-171) summary file for states and Census 2000 redistricting summary file for Puerto Rico, tables PL1 and PL2.*

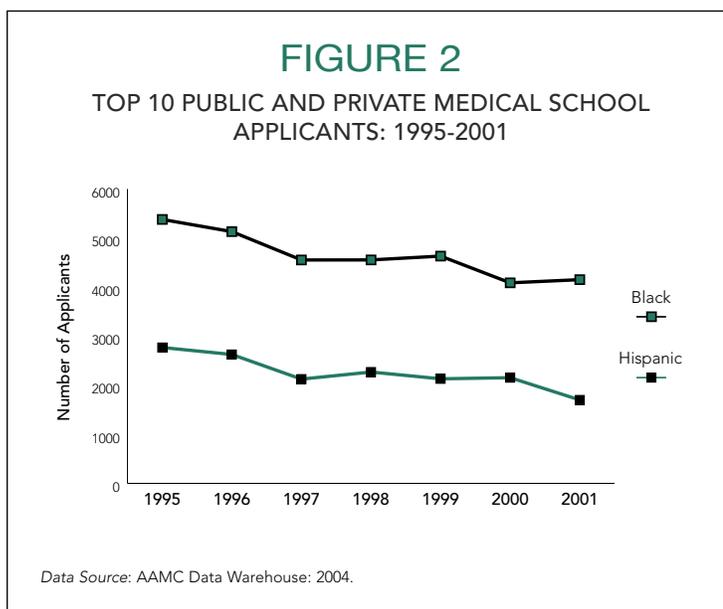
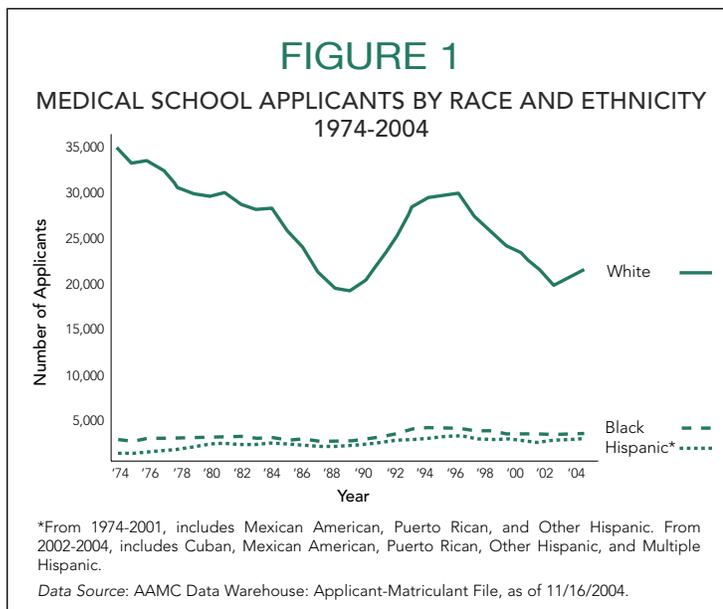
III. National Enrollment Trends

This section contains four parts. Each part will focus on African American and Latino enrollment trends and/or the relationships between anti-affirmative action policies for each of the professional programs under study — medicine, law, business, and public affairs.

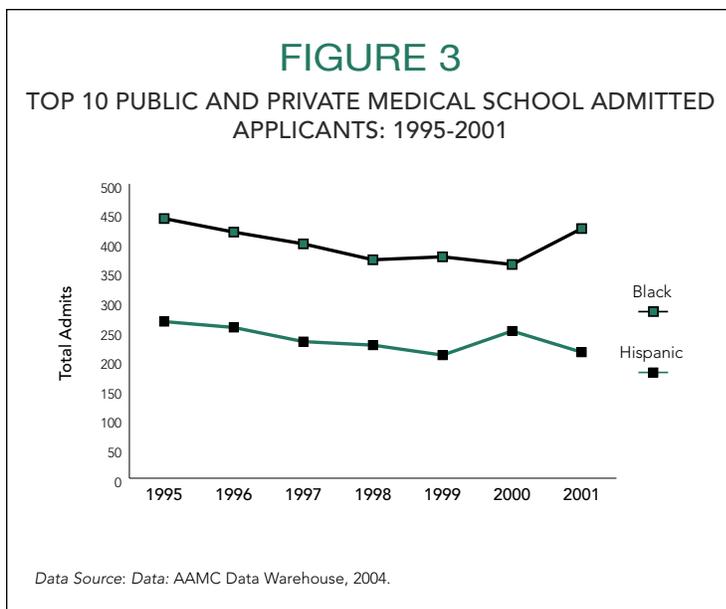
Medical Schools

During the era of segregation, white doctors only accepted white patients, which subsequently created a need to train doctors of color. Access to professional schools was not available to African Americans until the mid-1880s. During this era, historically black colleges and, many decades to follow, institutions such as Howard University, provided access to medical schools for students of color. It wasn't until 1968 that the Association of American Medical Colleges (AAMC) encouraged all medical schools to voluntarily admit increased numbers of students of color as well as students from diverse geographic areas and economic backgrounds. During this time, only 130 African Americans were enrolled in the predominantly white medical schools. Soon thereafter, affirmative action goals were set to increase enrollment of minority groups to levels close to their parity in the population. By 1975, enrollment of underrepresented students in medical schools had grown to 10%. These enrollments and applications eventually peaked in the mid-1990s. By 1995, the number of underrepresented students of color in U.S. medical schools was at an all-time high of 8,254 in comparison with whites at 43,894 (see Figure 1). It was during this era that the University of California's five medical schools ranked among the top eight schools for graduating doctors of color.⁹

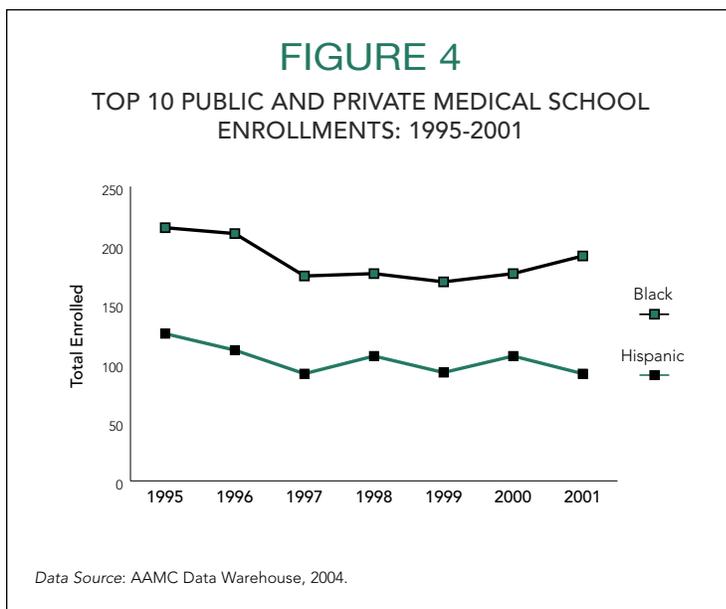
Despite these and many other successes, many states have eliminated race-sensitive admissions policies due to anti-affirmative action court cases. The elimination of affirmative action has sharply decreased the number of underrepresented students enrolling in medical schools. According to data from AAMC, the top ten private and public medical schools have experienced a decline in African American and Latino applicants, admissions, and enrollments since the advent of anti-affirmative action policies



⁹ Moore, J. (2005). *Race and college admissions: A case for affirmative action*. North Carolina: McFarland & Company, Inc.



during the mid 1990s¹⁰ (see Figures 2, 3, and 4). As shown in Figure 2, the number of African Americans who applied to the top 10 public and private medical schools declined by 25% from 5,379 in 1995 to 4,033 in 2001. Latino applicants to the same schools experienced a 38.6% decrease from 2,769 in 1995 to 1,700 in 2001. African American and Latino student admissions declined by 4% and 19.5% respectively. Overall during this time period, African American and Latino enrollment in the nation's top 10 public and private medical schools declined by 11.2% and 27.2% respectively.



The need to increase racial and ethnic diversity among health professionals in the United States is documented in the studies discussed below. Many of the findings link medical school diversity with improved access and quality of health care for the growing numbers of racial and ethnic minority patients, as well as greater patient choice and satisfaction. For example, studies show that minority physicians are more likely to treat minority patients and indigent patients and to practice in underserved communities.¹¹⁻¹⁴ According to their responses to the AAMC's Medical School Graduation Questionnaire (GQ), about one-fifth of all medical students graduating in 2004 indicated they planned to locate their practice in underserved areas. Responses differed by race and ethnicity, however — nearly 51% of Black and 33% of Latino graduating medical

students reported intentions to practice in underserved areas, whereas only 18.4% of Whites reported such plans (see Figure 5).

¹⁰ The top 10 public and private medical programs have been chosen according to the US News and World Report's 2007 rankings. The public schools include: University of Washington, University of North Carolina-Chapel Hill, Oregon Health and Science University, Michigan State University College of Osteopathic Medicine, University of Massachusetts – Worcester, East Carolina University – Brody, University of Colorado – Denver and Health Sciences Center, University of Wisconsin – Madison. The private schools include: Duke, Baylor College of Medicine, Brown, U. Penn, Case Western Reserve University, Dartmouth, University of Rochester, Harvard University, Wake Forest University, and Yeshiva University – Einstein.

¹¹ Rabinowitz, H.K., Diamond, J.J., Veloski, J.J., & Gayle, J.A. (2000). The impact of multiple predictors on generalist physicians' care of underserved populations. *American Journal of Public Health*, 90, 1225-1228.

¹² Cantor, J.C., Miles, E.L., Baker, L.C., Barker, D.C. (1996). Physician service to the underserved: Implications for affirmative action in medical education. *Inquiry*, 33(2),167-180.10

¹³ Komaromy, M., Grumbach, K., Drake, M., Vranizan, K., Lurie, N., Keane, D., & Bindman, A.B. (1996). The role of Black and Hispanic physicians in providing health care for underserved populations. *New England Journal of Medicine*, 334, 1305-1310.

¹⁴ Moy, E., & Bartman, B.A. (1995). Physician race and care of minority and medically indigent patients. *JAMA*, 273,1515-1520.

Racial and ethnic diversity also contributes to the educational experiences of all medical school students.¹⁵ A diverse student body brings a wealth of ideas, helps students challenge their assumptions, and broadens students' perspectives regarding racial, ethnic, and cultural differences.¹⁶ Moreover, diversity in group settings has been linked to greater cognitive outcomes for all group members.¹⁷⁻¹⁸

As the U.S. becomes increasingly diverse, the need for — and potential impact of — a diverse physician workforce will become more pronounced. As stated earlier, by 2050, nearly half of the U.S. population will consist of racial or ethnic minorities, about one quarter of which will be Latino. In sharp

contrast to the growing diversity of the nation's population, the diversity among U.S. physicians and surgeons is not increasing rapidly enough. African Americans and Latinos constitute less than 10% of U.S. physicians and surgeons (see Table 5). Thus, anticipating the change in the nation's demographics represents an additional imperative for medical education to educate more minority physicians and those who are culturally sensitive and focused on patient care.

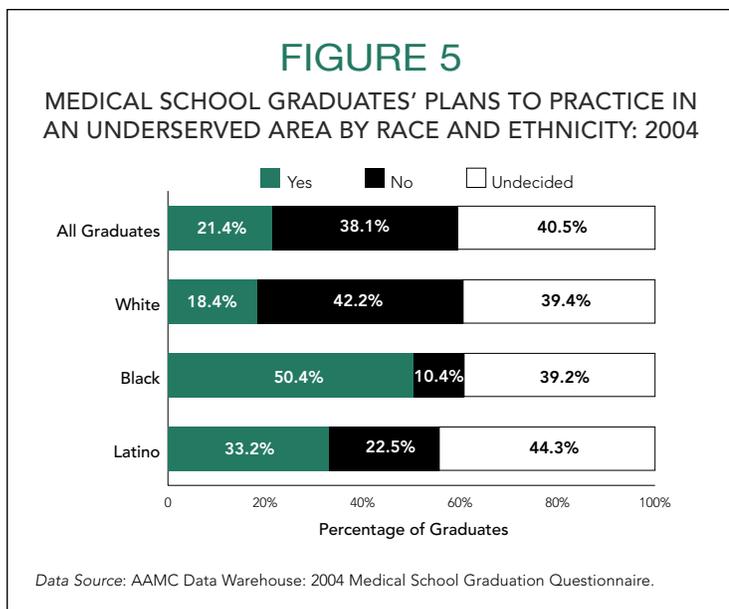


TABLE 5
NUMBER AND PERCENTAGE OF PHYSICIANS AND SURGEONS BY RACE AND ETHNICITY: 2000

Occupation	Sex	Total	RACE					
			White		African American		Latino	
			Total	% of Total	Total	% of Total	Total	% of Total
Physicians and Surgeons	Total	705,960	519,850	73.6%	31,390	4.4%	36,225	5.1%
	Male	516,755	394,460	55.9%	18,355	2.6%	26,185	3.7%
	Female	189,185	125,390	17.8%	13,035	1.8%	10,040	1.4%

Source: U.S. Census 2000 Special Equal Employment Opportunity (EEO) Tabulation Data.

Critics of affirmative action suggest that race-conscious admission policies compromise institutions' integrity in allowing admission offices to admit incompetent underrepresented students into the medical field. The use of race in admissions does not lead to a less qualified or incompetent physician workforce. Research conducted on the rates of graduation and of passing the national medical school examination suggests that by 1997, 87% of minority

¹⁵ Whitla, D.K., Orfield, G., Silen, W., Teperow, C., Howard, C., & Reede, J. (2003). Educational benefits of diversity in medical school: A survey of students. *Academic Medicine*, 78, 460-66.

¹⁶ Cohen J.J. (2003). The consequences of premature abandonment of affirmative action in medical school admissions. *JAMA*, 289, 1143-1149.

¹⁷ Gurin, P. (1999). The compelling need for diversity in higher education: Expert testimony in *Gratz, et al. v. Bollinger, et al.* *Michigan Journal of Race & Law*, 5, 363-425.

¹⁸ Smith, D.G. & Associates. (1997). *Diversity works: The emerging picture of how students benefit*. Washington, D.C.: Association of American Colleges and Universities.

medical school students who matriculated by 1990 had graduated from medical school; and by 1996, 88% of African American and 95% of Latino medical students had passed the national medical school examination. These statistics suggest that critics of race-conscious admissions policies are misguided in their assumption that students admitted under these policies are incompetent.

Law Schools

As the United States grows more culturally diverse, the legal profession should keep pace. An important consideration for the field is the ability to find ways to become more representative of the diverse constituency that it serves as it keeps up with the rapidly changing ethnic and racial demographics of the country. Stifling this imperative are recent statistics suggesting that the educational pipeline to the legal profession is becoming less diverse for some groups. For example, in academic year 2005-06, African-Americans represented 6.5% of all law students and 30.6% of minority law students. These percentages had sunk from the previous year, when 7.5% of all law students were African-Americans and 35.6% of all minority law students were African-American. Similar decreases occurred in enrollment among Mexican-Americans and Puerto Ricans during that same period.¹⁹ This data suggests that there are a limited number of minorities entering the profession in comparison with the growth of the nation's minority population.

TABLE 6
REPRESENTATION AMONG LAWYERS BY RACE: 2000

Occupation	Sex	Total	RACE					
			White		African American		Latino	
			Total	% of Total	Total	% of Total	Total	% of Total
Civilian Labor Force	Total	871,115	776,625	89.2%	33,865	3.9%	28,630	3.3%
Lawyers	Male	621,315	568,125	65.2%	17,450	2.0%	17,835	2.0%
	Female	249,805	208,500	23.9%	16,415	1.9%	10,795	1.2%

Source: U.S. Census 2000 Special Equal Employment Opportunity (EEO) Tabulation Data.

Lawyers are representatives of the Constitution in serving the legal rights and liberties of all people in society. In a diverse society, that representation should be a reflection of all race, color, or creed in order for equity in democracy to prevail. Diversity in the legal profession would reduce the perception of racial bias and increase representation of low-income minority groups and individuals. In addition, underrepresented minorities have an enhanced understanding of the culture of underprivileged individuals and for some, also an understanding of the language. This is not to imply that only underrepresented attorneys can work with poor and minority clients, but that they participate at higher levels working within their own community than whites. According to the National Hispanic Bar Association (2003), many Latino attorneys provide more than just legal representation by offering a connection to the process, the culture and the ability to assist those with language barriers who often cannot participate in their own defense.

While the need for increased representation among African American and Latino students in the legal profession is warranted, the reality is that the level of their presence is dismal. According to the American Bar Association's Commission on Racial and Ethnic Diversity in the Legal Profession, minority representation in the legal profession

¹⁹ American Bar Association, Sec. Legal Educ. & Admis. B., Legal Education Statistics. Available at www.abanet.org/legaled/statistics/minstats.html.

is significantly lower than in most other professions. Total minority representation among lawyers is about 9.7%, according to the 2000 U.S. Census, compared with 20.8% among accountants and auditors, 24.6% among physicians and surgeons, and 18.2% among college and university teachers. Nationally, African Americans are the best represented minority group among lawyers at 3.9%, followed by Latinos at 3.3%. The pace of African American entry into the profession has slowed in recent years, however, and currently is significantly slower than that of Latinos (see Table 6). Total minority entry into the profession has slowed considerably since the 1980s and mid-1990s. Much of this decline can be attributed to the drop in the percentage of African American and Latino law students following the anti-affirmative action policies of the mid-1990s.

The continued use of race-conscious admission for qualified law applicants not only will assist in the pipeline but also will support the amelioration of racial bias in the system. In addition, it will promote equal access to the legal system. For the administration of justice, the need to increase diversity within the legal profession is not just an ideal but a necessity. As the population becomes increasingly diverse, so should the legal profession, but currently it is not. According to the 2000 Census, while Latinos represented 12.5% of the nation's population, they represented only 5.5% of the 2000 graduating law class.²⁰ This is an especially important issue in the political arena. The political sphere tends to favor those with a legal education; those who seek an opportunity to participate in elected office have a better chance with a legal background. For example, according to a 2002 data book, 23 of 50 governors, 52 of 100 senators, 159 of 435 congressional representatives, and 26 of 43 presidents attended law school.²¹ As the legal

TABLE 7

APPLICANTS TO ABA LAW SCHOOL BY RACE: 1995-2005

Applicant Group	1995-1996	1996-1997	1997-1998	1998-1999	Fall 2000	Fall 2001	Fall 2002	Fall 2003	Fall 2004	Fall 2005
All	76,700	72,300	71,700	74,400	74,600*	77,200	90,900	99,500	100,600	95,800
% Change from prior year	-9%	-5.7%	-0.8%	3.7%		3.6%	17.6%	9.5%	1.1%	-4.8%
African American	8,830	8,270	8,220	8,380	8,500*	8,650	9,700	10,600	10,670	10,010
% Change from prior year	-7.6%	-6.3%	-0.7%	1.9%		1.7%	12.2%	9.3%	0.7%	-6.3%
White	52,730	49,100	46,170	47,790	48,680*	51,190	59,570	64,110	64,870	62,560
% Change from prior year	-10.6%	-6.9%	-6%	3.5%		5.1%	16.4%	7.6%	1.2%	-3.6%
Latino**	5,760	5,780	6,070	6,210	6,220*	6,330	7,060	7,790	7,970	7,880
% Change from prior year	-3.5%	0.3%	5%	2.3%		1.8%	11.5%	11.5%	2.3%	1.1%

*Due to changes in data collection methods, asterisked data are not comparable with prior year.
 **Latino includes: Chicano/Mexican American, Puerto Rican, and Hispanic.
 Source: LSAC, 2006

²⁰ American Bar Association Commission on Opportunities for Minorities in the Profession. (2000). *Miles to go 2000: progress of minorities in the legal profession*.

²¹ Law School Admission Council. (2002). *Minority databook: racial/ethnic representation of 2000 graduates*.

TABLE 8

ADMISSION TO ABA LAW SCHOOL BY RACE: 1995-2005

Applicant Group	1995-1996	1996-1997	1997-1998	1998-1999	Fall 2000	Fall 2001	Fall 2002	Fall 2003	Fall 2004	Fall 2005
All	51,600	50,400	50,300	51,300	50,300*	51,800	56,500	56,800	55,900	56,100
% Change from prior year	-9.0%	-2.3%	-0.2%	1.9%		2.9%	9.1%	0.6%	-1.6%	0.3%
African American	3,680	3,610	3,870	3,840	3,720*	3,770	3,770	3,630	3,720	3,660
% Change from prior year	-7.6%	-2.1%	7.4%	-1.0%		1.4%	-0.1%	-3.7%	2.5%	-1.5%
White	38,940	37,540	35,530	35,970	36,290*	37,670	40,660	40,230	39,150	40,020
% Change from prior year	-10.6%	-3.6%	-5.3%	1.2%		3.8%	7.9%	-1.1%	-2.7%	2.2%
Latino**	3,130	3,170	3,160	3,490	3,360*	3,580	3,620	3,880	3,820	3,980
Change from prior year	-3.5%	0.2%	-2%	15.6%		10.7%	-0.8%	4.6%	-2.4%	0.7%

*Due to changes in data collection methods, asterisked data are not comparable with prior year.

**Latino includes: Chicano/Mexican American, Puerto Rican, and Hispanic.

Source: LSAC, 2006

profession has proven to be the gateway to political participation, a diverse representation of those in law schools and on the bench will improve public confidence in the government as a true representation of the population. While the number of underrepresented students entering law school increased between 1970 and the mid 1990s, this trend has since tapered off. It no longer exists due to the decline in the number of underrepresented students since the anti-affirmative action era (see Tables 7-9).²²

The relationship between the enrollment of prospective African American and Latino law students and race sensitive affirmative action is detailed in the examples to follow. Following the desertion of race sensitive affirmative action in 1997, minority enrollment in the University of California's three law schools — Berkeley, Los Angeles, and Davis — dropped significantly. Since the mid-1990s, there has been a decline in the number of African American and Latino students admitted to these schools. From fall 1995 to fall 2006, the number of African American and Latino student admissions has declined by 28% under California's anti-affirmative action movement. During this time, African American admissions to the UC law schools declined by 49%, from a total of 186 to 112, and their enrollment rate declined 32%, from 44 to 30. Latino admissions to the law schools declined by 19%, from 242 to 196, and the enrollment rate also declined by 29%, from 86 to 61. The decline in admissions and enrollments for both groups is substantial given California's large minority population of 34.7% (12,646,251) for Latinos and 6.8% (2,456,985) for African Americans (see Tables 10-12).

²² Tomás Rivera Policy Institute. (2005). *Does affirmative action really hurt Blacks and Latinos in U.S. law school? The reality is many African American and Latino students would be left behind if affirmative action ended.* Los Angeles, CA.: Kidder, William C.

TABLE 9

ENROLLMENT IN ABA LAW SCHOOL BY RACE: 1995-2005

Applicant Group	1995-1996	1996-1997	1997-1998	1998-1999	Fall 2000	Fall 2001	Fall 2002	Fall 2003	Fall 2004	Fall 2005
All	51,600	41,600	41,500	42,200	41,200*	42,700	46,000	46,200	45,400	45,800
% Change from prior year	-1.1%	-1.2%	-0.1%	1.5%		3.6%	7.7%	0.4%	-1.7%	0.9%
African American	3,120	3,030	3,260	3,190	3,100*	3,110	3,090	3,040	3,100	2,980
% Change from prior year	-4.4%	-3%	7.8%	-2.1%		0.5%	-0.7%	-1.6%	2%	-4.1%
White	31,650	31,040	29,400	29,660	29,850*	31,240	33,410	32,710	31,750	32,720
% Change from prior year	-1.7%	-1.9%	-5.3%	0.9%		4.6%	7%	-2.1%	-2.9%	3%
Latino**	2,620	2,720	2,660	2,910	2,780*	3,000	2,980	3,220	3,190	3,370
Change from prior year	2%	2.5%	-3.3%	14%		12%	-1.5%	-1.5%	-2.2%	2%

*Due to changes in data collection methods, asterisked data are not comparable with prior year.

**Latino includes: Chicano/Mexican American, Puerto Rican, and Hispanic.

Source: LSAC, 2006

TABLE 10

UNIVERSITY OF CALIFORNIA'S LAW SCHOOLS, APPLICANTS BY RACE: 1995-2006

Applicant Group	Fall 1995	Fall 1996	Fall 1997	Fall 1998	Fall 1999	Fall 2000	Fall 2001	Fall 2002	Fall 2003	Fall 2004	Fall 2005	Fall 2006
African American	963	934	647	504	527	531	643	815	933	896	817	818
% of Total	7.8%	8%	6.3%	4.5%	4.5%	4.3%	4.8%	4.9%	4.9%	4.6%	4.6%	5%
Latino	1,339	1,246	895	856	1,012	993	1,060	1,290	1,559	1,569	1,439	1,377
% of Total	10.9%	10.6%	10.6%	7.7%	8.6%	8%	7.9%	7.7%	8.2%	8.1%	8.2%	8.4%
White	N/A	N/A	N/A	N/A	N/A	8,349	9,093	11,241	12,352	12,587	11,389	10,803
% of Total	N/A	N/A	N/A	N/A	N/A	67.3%	67.3%	67%	64.6%	64.9%	64.6%	65.5%
Total Applicants	12,273	11,722	10,223	11,162	11,753	12,405	13,502	16,782	19,123	19,405	17,622	16,486

Source: UCOP Law School Admissions

TABLE 11

UNIVERSITY OF CALIFORNIA'S LAW SCHOOLS, ADMISSIONS BY RACE: 1995-2006

Applicant Group	Fall 1995	Fall 1996	Fall 1997	Fall 1998	Fall 1999	Fall 2000	Fall 2001	Fall 2002	Fall 2003	Fall 2004	Fall 2005	Fall 2006
African American	186	208	59	68	67	57	107	104	116	96	92	112
% of Total	7.2%	7.7%	2.2%	2.7%	2.6%	2.1%	4%	4.2%	4.6%	3.7%	3.4%	3.9%
Latino	242	262	170	159	177	184	183	207	228	207	200	196
% of Total	9.3%	9.7%	6.4%	6.3%	6.9%	6.9%	6.8%	8.3%	9%	8%	7.5%	6.8%
White	N/A	N/A	N/A	N/A	N/A	1,944	1,932	1,706	1,669	1,760	1,859	1,975
% of Total	N/A	N/A	N/A	N/A	N/A	72.8%	71.5%	68.1%	65.9%	67.7%	69.6%	68.6%
Total Applicants	2,590	2,697	2,672	2,516	2,573	2,671	2,703	2,506	2,534	2,599	2,670	2,878

Source: UCOP Law School Admissions

TABLE 12

UNIVERSITY OF CALIFORNIA'S LAW SCHOOLS, ENROLLMENT BY RACE: 1995-2006

Applicant Group	Fall 1995	Fall 1996	Fall 1997	Fall 1998	Fall 1999	Fall 2000	Fall 2001	Fall 2002	Fall 2003	Fall 2004	Fall 2005	Fall 2006
African American	44	43	16	19	16	14	28	35	37	30	22	30
% of Total	6.5%	6%	1.9%	2.6%	2.2%	1.9%	3.4%	4.5%	4.7%	3.9%	2.8%	3.8%
Latino	86	89	59	51	48	58	57	82	93	63	68	61
% of Total	12.8%	12.3%	7.2%	7%	6.7%	7.8%	7%	10.6%	11.9%	8.2%	8.7%	7.7%
White	N/A	N/A	N/A	N/A	N/A	527	575	499	490	520	536	516
% of Total	N/A	N/A	N/A	N/A	N/A	70.9%	70.4%	64.6%	62.5%	67.4%	68.9%	65.4%
Total Applicants	674	722	821	729	719	743	817	772	784	772	778	789

Source: UCOP Law School Admissions

Business Schools

Improving African American and Latino participation in business schools is a goal that has the potential to benefit employers, individuals and their families, the business community, and the American economy. The U.S. population continues to become more diverse with the Census 2000 forecasting that the African American and Latino population combined will reach more than 38% by the year 2050 (see Figure 6). However, as the economy has contracted, the minority recruiting efforts of the 1990s have waned. Also, the inevitable large exit of baby boomers from the workforce will eventually create a shortage of skilled labor (see Figure 7). Therefore, preparing today's students will ultimately enhance the needs of tomorrow's workforce. Following is a compelling snapshot of the status of African American and Latino students in business education.

Although earning an undergraduate degree or graduate degree in business is only one route to a business career, it is a direct and relevant one. The underrepresentation of African American and Latino students in business also means they often lack business role models and mentors that their counterparts likely possess. Establishing a network of connections through academic channels can be of significant value to both groups.

In the past nine years, there has been a marked increase in the percentage of African American and Latino students earning undergraduate degrees in business: 9% of undergraduate business degrees awarded in the United States during the 1995-1996 school year went to African American and Latino students; by the 2003-2004 academic year, that figure had risen to 15%. While this increase is admirable, it must be noted that this percentage does not mirror the growth of the African American and Latino population in the U.S., currently at 25%. This is nevertheless an important figure as African American and Latino students increase their presence in undergraduate business programs (see Figure 8).

Surprisingly, the outlook is most promising at the highest levels of education: The MBA is on the rise as a graduate degree of choice for all students, especially for African American and Latino students. In fact, the popularity of the MBA for African Americans and Latinos is increasing faster than that of other master's degrees. As with recipients of undergraduate business degrees, the African American and Latino MBA population is not equivalent to the U.S. minority population overall, but the trend in minority MBA representation is headed in the right direction (see Figure 9). Perhaps of greatest benefit is that as African American and Latino MBA recipients take jobs in the field, they become role models, demonstrating the possibilities of a career in business to the next generation of students. Likewise, an African American or Latino professor of business education with a PhD provides an important model of what is possible for enterprising, career-minded African American and Latino students.

Public Affairs Schools

Public affairs graduates provide a great deal of service to both public and private interests. Most public affairs students graduate with the hope of making a difference in the world. A public affairs degree provides students with the skills and knowledge to pursue responsible and productive careers in government, business, media, non-

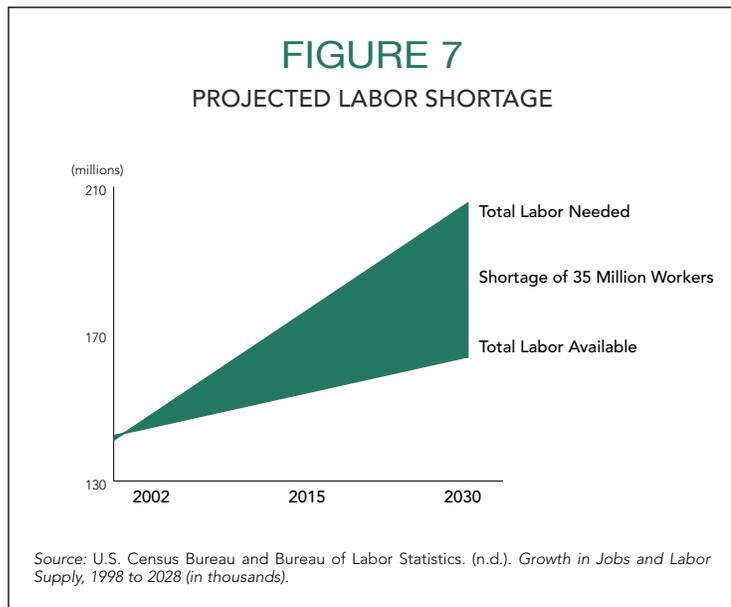
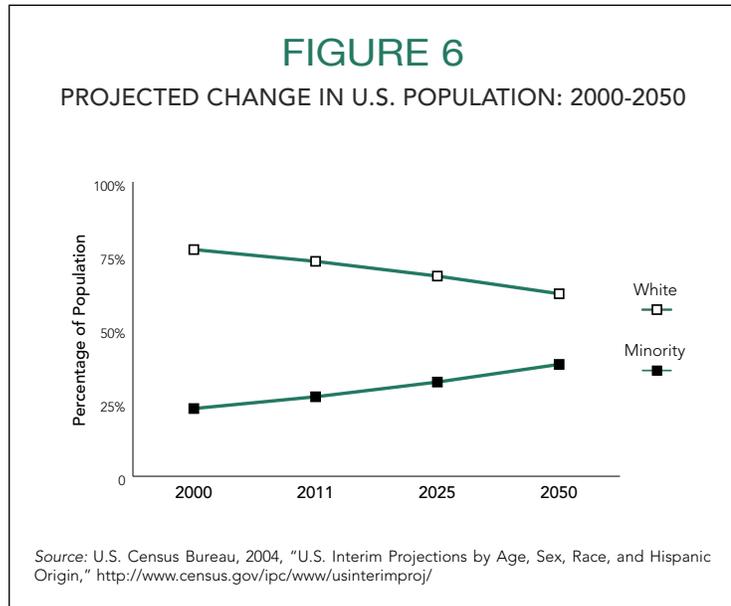
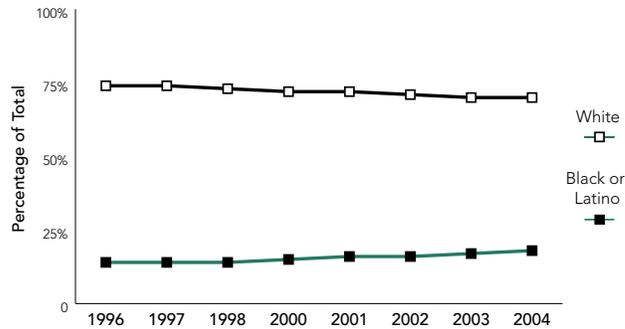


FIGURE 8

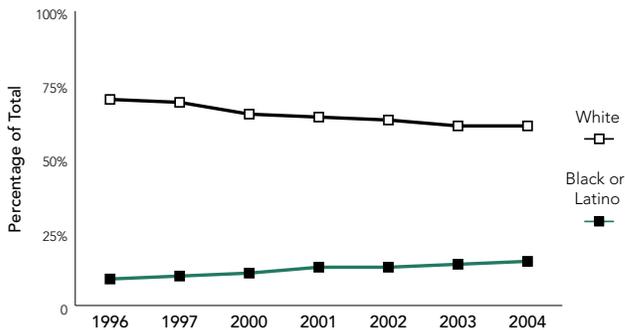
**BACHELOR'S DEGREES CONFERRED IN BUSINESS BY RACE
1996-2004**



Source: U.S. Department of Education, National Center for Education Statistics, 1996-2004 Integrated Postsecondary Education Data System.

FIGURE 9

**MBA DEGREES CONFERRED BY RACE
1996-2004**



Source: U.S. Department of Education, National Center for Education Statistics, 1996-2004 Integrated Postsecondary Education Data System.

profit organizations, NGOs, and international organizations. Public affairs students and alumni are committed to enhancing the public good, providing social services and improving welfare, advocating for human rights, building markets, protecting the environment, increasing knowledge, and securing peace and justice. Considering the frequency with which African American and Latino students return to their communities after schooling, it is crucial to improve the representation of these groups in public affairs degree granting institutions.

Data on enrollment trends for public affairs programs comes from two sources: the National Center for Education Statistics (NCES) and the National Association of Schools of Public Affairs and Administration (NASPAA). The NCES compiles its data from many sources, including federal and state agencies, private research organizations, and professional associations. The data were collected using many research methods, including surveys of a universe (such as all colleges) or of a sample, compilations of administrative records, and statistical projections. According to the data supplied by the NCES, African American and Latino students experienced a 39% increase in M.A. degrees conferred in public affairs programs from 1996-2004, from 18% in 1996 to 25% in 2004. During this same period, according to the NCES, white students experienced a 14% decrease, from 74% in 1996 to 64% in 2004,

in M.A. degrees conferred by public affairs programs (see Table 13 and Figure 10).

TABLE 13

PUBLIC AFFAIRS M.A. DEGREES CONFERRED BY RACE: 1996-2004

RACE	1996	1997	2000	2001	2002	2003	2004	% Change
White	74%	73%	69%	67%	66%	65%	64%	-14%
African American or Latino	18%	18%	22%	34%	24%	25%	25%	+39%

Source: U.S. Department of Education, National Center for Education Statistics, 1996-2004 Integrated Postsecondary Education Data System.

According to the data provided by NASPAA, the percentage of M.A. degrees conferred by race differed from that of the NCES data. This could be a result of the inconsistency among the data sample between the two data sources. Nonetheless, NASPAA data (the sample used comes from a list of approximately 250 member schools comprised of public and private institutions) suggests that African American and Latino students' stake in M.A. degrees conferred did not stay keep up with that of white students from 2002-2005. During this period, African American and Latino students experienced a 10% increase, from 21% in 2002 to 23% in 2005, in M.A. degrees conferred, while white students experienced a 16% increase, from 49% in 2002 to 57% in 2005 (see Table 14 and Figure 11).

Although both data sources depict an overall increase in the percentage of M.A. degrees conferred to African American and Latino students, there is still a significant difference in the raw numbers of public affairs M.A. recipients among African Americans and Latinos and of white students. In 2004, 18,183 public affairs M.A. degrees were awarded to white students; in contrast, 5,087 African American students and 2,124 Latino students received degrees.

The starting point for assessing African American and Latino group participation, in addition to the participation levels of whites, is each group's representation in the larger U.S. population. In many cases, the numbers and percentages reflecting African American and Latino participation represent increases over earlier years. However, the percentage of African American and Latino students who receive public affairs graduate degrees is not proportionate to their national population figures. Furthermore, this phenomenon may become more serious as the U.S. population becomes more diverse and subsequently outpaces the population of African American and Latino individuals receiving public affairs degrees.

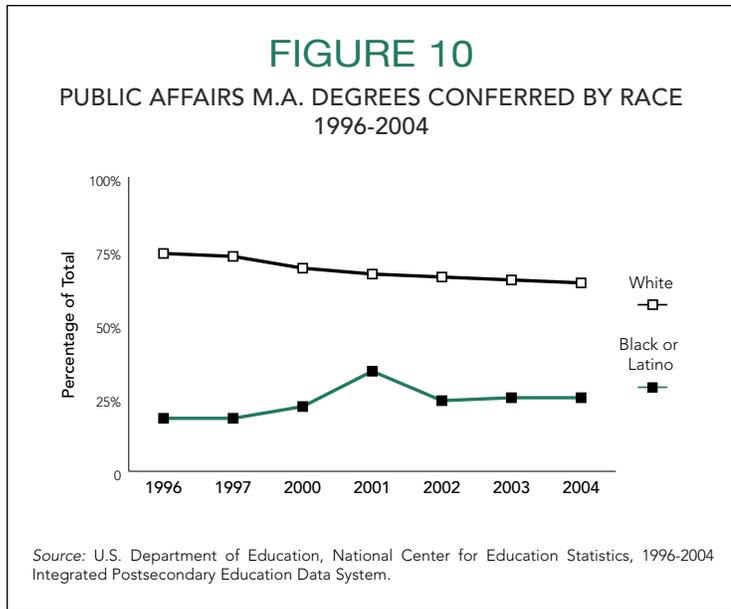
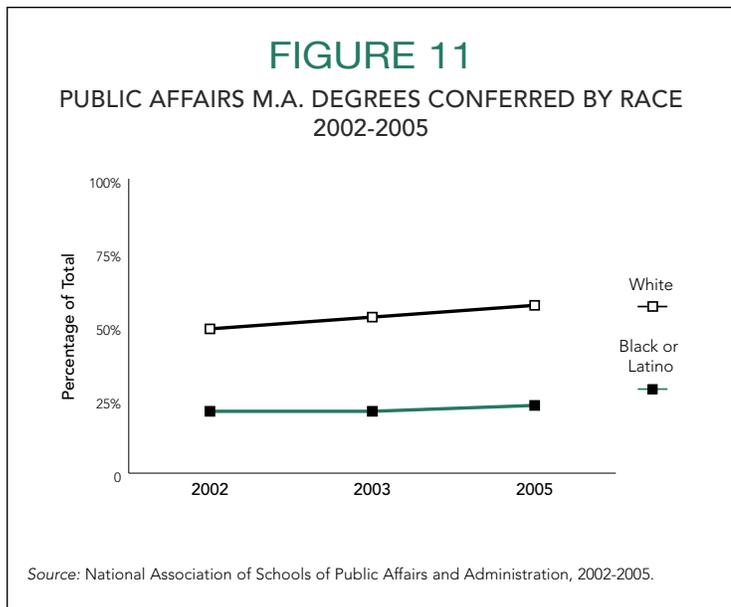


TABLE 14

PUBLIC AFFAIRS M.A. DEGREES CONFERRED BY RACE 2002-2005

RACE	2002	2003	2005	% Change
White	49%	53%	57%	16%
African American and Latino	21%	21%	23%	10%

Source: National Association of Schools of Public Affairs and Administration, 2002-2005.



IV. Discussion and Conclusion

This report presents an analysis of enrollment trends among African American and Latino students in graduate programs of medicine, law, business, and public affairs in the aftermath of anti-affirmative action policies. This study was initially designed to analyze the enrollment and recruitment and outreach efforts of the top 10 public and private graduate institutions in each program. Unfortunately, the response rate for participation among the 80 selected programs was extremely low; only 21% or 17 out of the 80 programs agreed to participate.²³ This was discouraging as well as eye opening in terms of the need to make institutional enrollment data and outreach efforts more transparent and available. This highlights the fact that many professional programs need to put the development of enrollment data building and sharing strategies at the top of their agendas. Additionally, careful attention should be given to the collection of the enrollment data, and procedures should be established to ensure data quality. Also, ongoing analysis of enrollment data should be conducted and the results made available to the public.

Furthermore, the current report was proposed as an alternative approach to the initial study. The underrepresentation of African American and Latino students among graduate programs in the fields of medicine, business, law, and public affairs starts with high school graduation. Despite significant improvements since the 1970s in the high school graduation rates of African American and Latino students, lower rates of high school graduation among these groups restrict the pool from which medicine, business, law, and public affairs students can be drawn (see Table 15). Lower

TABLE 15
PERCENTAGE OF HIGH SCHOOL DROPOUTS AMONG PERSONS 16 TO 24 YEARS OLD BY RACE: 1996-2004

YEAR	RACE		
	White	African American	Latino
1996	7.3%	13.0%	29.4%
1997	7.6%	13.4%	25.3%
1998	7.7%	13.8%	29.5%
1999	7.3%	10.9%	27%
2000	6.9%	13.1%	27.8%
2001	7.3%	10.9%	27.0%
2002	6.5%	11.3%	25.7%
2003	6.3%	10.9%	23.5%
2004	6.8%	11.8%	23.8%

Source: U.S. Department of Education, National Center for Education Statistics, 1996-2004 Integrated Postsecondary Education Data System.

rates of college participation and completion further reduce the number of potential students in these programs, since entry into these programs requires a bachelor's degree.

The information presented and analyzed for this report was gathered from multiple sources, accounting for both its strengths and shortcomings. Because the data were collected at different times using different instruments and questions and, frequently, different reporting categories, there are inconsistencies, albeit mostly minor ones. Trends over time have been inferred from cross-sectional data collected in different years from different cohorts of individuals rather than having been observed in single populations. What is evident from the multiple sources, however, is that they converge to tell the same basic story, even when numbers vary slightly from source to source.

Since the advent of anti-affirmative action policies, there is fundamental agreement across data sources that African Americans and Latinos have become further underrepresented relative to both proportions in the larger population and, with the exception of African Americans, the population of individuals eligible to participate, at key junctures along the path to professions in medicine, business, law, and public affairs.

²³ As mentioned earlier, the initial sample of the top 10 elite public and private institutions was selected from the 2007 *US News and World Report's* list of top graduate programs.

For a number of years, the effect of the credential gap in limiting African American and Latino enrollment was compensated through programs of affirmative action. As legal challenges to affirmative action proliferated, attention has and increasingly will continue to be directed to the role of admission credentials. While the causes behind the gap in credentials and test-score differences are many and complex, any attempt to increase African American and Latino participation in the medical, law, business, and public affairs professions must examine the meaning and use of these credentials, as well as the overall process of admitting candidates to the respective programs.

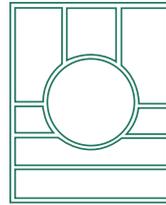
Another area for ultimate action is the loss of candidates between test taking and application to institutions. Research is necessary to learn whether test takers become discouraged from applying to professional programs or are actively in pursuit of options they perceive as more desirable. With respect to increasing African American and Latino representation in these programs and professions, there are additional points in the process that are ripe for intervention. Any effort to improve baccalaureate degree completion among African American and Latino students would serve all the professions well. Still, another more challenging task involves confronting the gap in credentials through diagnosis of its causes and creation of programs to address the problems. Such an approach could be combined with attempts to recruit more applicants from college attendees via programs that combine education about careers in medicine, law, business, and public affairs along with programs to improve preparedness for study in these programs. Yet another approach is to reach further down into the potential pool and attempt to interest more young people in considering careers in these fields.

African American and Latino students should receive positive messages about these professions well before they enter college. At the high school level and even earlier, it is important to plant the seeds for recognizing the opportunities and advantages in each profession — messages that African American and Latino students may not currently be receiving frequently enough. At an absolute minimum, high school is a critical environment, because a high school student's choice of a college — and preparation for college — can be affected significantly by an aspiration to attain a professional career.

In short, there are multiple reasons and processes implicated in the underrepresentation of African American and Latino students in medicine, law, business, and public affairs programs. Learning how to combat them should be the next step toward increasing diversity in these critical professions.

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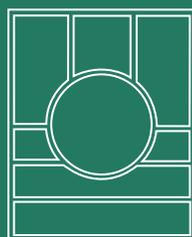
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