

Discrimination against Black Students
Ashwaq Aloud and Maryam Alsulayyim
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Abstract

Discrimination is a structured way of abusing people based on racial differences, hence barring them from accessing wealth, political participation and engagement in many spheres of human life. Racism and discrimination are inherently rooted in institutions in the society, the problem has spread across many social segments of the society including the education sector. This research paper aims to highlight the current status of discrimination of black students in the United States. In addition, it brings out relevant laws and educational policies that affect discrimination of black students in the United States. Finally, this research paper evaluates how the law and education policy will solve the problem in future. Unfortunately, this issue cannot be eliminated easily and will take the effort of all Americans to make their country better. Therefore, it requires that proper laws are passed to complement the existing ones and to ensure students are not discriminated based on their race or color. School administrators must ensure that new legislations are in tandem with protection laws so that they operate smoothly without conflict.

Introduction

Throughout the history of the world, people have used racial diversity to discriminate others in the society. Racism has been the main social issue during colonial time and in the modern world. Discrimination can be dated back to the period of the scramble and the partition of the world by colonial masters. During this period, the white settlers were considered to be superior to the natives and this created a false perception that colonized people are servants. Europeans used this notion as an excuse to forcefully get land and make others slaves. Therefore, racial variability has become the foundation for institutions and structures to propagate discrimination and violation of natural basic rights.

Discrimination is a structured way of abusing people based on racial differences, hence barring them from accessing wealth, political participation and engagement in many spheres of human life. Recent studies by Badat (1999) have shown that human discrimination is now deeply rooted in the social institutions of the society. Despite the presence of legal protection, the minority has faced discrimination simply because the systems have some weak points that limit its effectiveness. In the 19th century, institutional discrimination was very widespread especially against black people. African Americans were subjected to major abuses and denial of basic rights that other citizens were enjoying, for example, voting rights and economic rights (Badat, 1999). Discriminating laws were passed, encouraging to increase alienation and the suffering of the African American origins. Racism and discrimination were more pronounced in this period than any other time in the history of America. This time saw an increase in racial bias and whites were perceived to be superior. Violence against black people was also common with street riots that happened in many states of America.

The Industrial revolution of 1920 led to migration of people, mostly blacks, from the southern states to northern cities like Chicago and New York. In these states, racial discrimination continued with violence and lynching reported (Badat, 1999). These disadvantages were supported by racial bias. Many laws prohibiting discrimination did not achieve its intentions effectively. It managed to bring down the level of discrimination and racial segregation. According to The Leadership Conference on Civil and Human Rights (2013), black Americans remain disadvantaged because of high poverty levels and low literacy levels, the key factors for human development.

Discrimination of black students in the US

Since racism and discrimination are fundamentally rooted in some institutions of the society, the problem has spread across many social segments of the society including the education process. Throughout America, discrimination of black students has become common with experts linking it to the poor school enrollment among black students. A campus environment is harsh with college and university administration accused of neglecting the needs of African American students. Financial support of black students has gone down which further contributes to lower admission because education has become unaffordable (The Leadership Conference on Civil and Human Rights, 2013).

Most black students in America come from low income families, and this is a factor to deny them from college and university education. Large numbers of qualified high school students are barred from joining these institutions because they cannot afford them. Statistical data show that 79% of students from the upper income quarter get bachelor degrees, with only 11% managing the same in the lower income quarter. From a different angle, close to 55% of the

degrees conferred in the US goes to students from households in the upper income quarter, while families in the lower quartile went with only 9.4% of the degrees (Badat, 1999).

Basically, some policies of certain institutions of learning encourage discrimination. For example, at prominent law schools like Harvard and Yale, more than 70% of the newly admitted students were from upper class while only 10% were from the lower income class. Although this scenario cannot be taken as a deliberate move to discriminate, the system does not favor black students. Therefore, an affirmative action should be introduced to reduce the deficit. The main point of this analysis is that the college administration ignores the challenges facing poor students.

Many colleges and universities in the U.S. pay less attention to the socioeconomic difference compared to racial differences. Notably these factors are related and they should be dealt with a lot of insight and logic. Discrimination of black students is not only restricted to the U.S. African American students studying abroad have reported racial discrimination, with others saying some people accepted them while others were discriminating. Importantly, racial discrimination happens anywhere in the world; but the levels of discrimination differ from one country to another (Badat, 1999).

Relevant Laws on student discrimination

Many laws concerning discrimination are traced to the post industrial period. It is during this period that African Americans started pushing for Civil Rights that culminated to the American Civil Rights Movement, resulting to abolishment of segregation in learning institutions in 1954. The movement achieved a lot of success, which includes passage of the Civil Rights Act of 1964. This law was against discrimination of people when accessing public services and also in the work environment, replacing Jim Crow laws that legalized segregation in public utilities (Flake,

2013). Civil Rights Restoration Act of 1988 is another crucial law in the education sector. It covers matters concerning funding of education by the federal government. The Education Amendment passed in 1972 in order to protect students from discrimination either by teachers or from fellow students.

Case laws and discrimination of black students

In many situations the law concerning discrimination is very effective. As mentioned before, African American students face various forms of discrimination and the law should be comprehensive so that it can cover all these challenges. Segregation was one of the common problems that black students encountered. *Milliken V. Bradley* case is one of the major cases concerning racial segregation in America. This case is about school policies in Detroit, which the District Court found to be racially imbalanced. The intention of the Court was to desegregate public district schools to allow students from different races to study together. The issue was to change boundaries to allow integrated school districts to attain integration in segregated district. The Court redefined the boundary in which the policy should apply. In this case, the Court ruled that the state of Michigan and Detroit school structures should come up with an efficient financial system which will take care of problems faced by African American students. These problems often emanate from segregation and could not only be solved by substantial integration.

Admission systems have formed the basis of discrimination in the education sector. The problem is very rampant as it can be seen in the case of *Regents of the University of California v. Bakke*. This case was a landmark decision handled by the Supreme Court of the United States. Allan Bakke accused Regents of the University of California for neglecting his application despite applying twice. Bakke claimed that the institution discriminated him because of his racial

background. The defendant took the matter to California Courts, but was not contended and advanced it to the Supreme Court. The Supreme Court ruled that it was against the law for medical school to predetermine the number of minority students to be enrolled. The Court determined that such policies violated Title VI of the 1964 Civil Rights Act. On the same note, an expression was put forward by Justice Powell whereby he ruled that racial considerations can be legally taken into account as factors influencing admission into schools. In his advice, Justice Powell pointed that legal affirmative initiatives may concern specific situations contrary to the belief that it addresses previous cases of discrimination. He noted that suitable affirmative action could be applied in a university which wants to achieve a diverse student composition (Badat, 1999). Segregation is the main form of discrimination faced by African American students as it became apparent in the case of *Swann v. Charlotte-Mecklenburg Board of Education*. This case was considered an important case handled by the United States Supreme Court. In this case, Swann argued that the institution had not adopted an effective integration plans as a way of eliminating racial separation in learning institutions. The issue that came out in court was the duties and powers of school authorities. The Supreme Court ruled in favor of the Swann on the grounds that busing to desegregate public schools was ineffective.

Evaluation of the law and education policy in solving the discrimination in the future

Various laws have been passed to address the issue of discrimination in America. However, it is apparent that most of these laws cannot effectively solve the issue which calls for amendments to make it appropriate. The constitution basically is the foundation of many laws that apply to different structures of the society; this document can be viewed as an exclusive document. The laws that are in the constitution were written by a majority group of whites. As a result, the mentality of segregation continued to thrive hence propagating negative relationships

between the blacks and whites in the American society. In situations, students should be encouraged to perceive one another on the basis of color. Laws in the future should be amended constantly to allow more space for the integration of students. This will enable students to understand that greater changes in the society can be achieved by working together in fighting discrimination. Desegregation will grant chances to students, both black and white, to learn the history of discrimination. They will understand that people of all races participated in campaigning for Civil Rights in the past. It is only through an understanding of the history of a problem that a person can easily find a solution. Students should get the insight of the conditions that led to acts of bravery for both black and whites in that era.

In some instances, the existing justice systems have been subjective in its interpretation and in many cases favoring the majority groups. This is evident in the case of *Plessy* where the Supreme Court Justice overturned a ruling made by a lower court despite being supported by many people. Since the constitution was not sufficient in protecting the rights of people, various amendments were passed. For instance, the Fourth Amendment, which guarantees equal protection to all individuals, was passed. The Fourth Amendment stipulates that discrimination is illegal either to an individual or to a group of persons. This amendment is expected to protect students who are denied admission to some schools in America based on their race. One of such cases is the case of Homan Sweatt who was denied a chance to enroll at the University of Texas Law School just because of being an African- American. The intention of the case was to compel the school administration to allow Homan Sweatt admission. But to the contrary, the Court did not force his enrollment and instead suggested that the school should build a different Law School for black students. Despite going to the appeal Court, the ruling of the lower Court was upheld, forcing the complainant to take the matter to the Supreme Court. In its ruling, the

Supreme Court overturned the ruling claiming that the school violated rights protected by the Fourth Amendment (Flake, 2013).

After thorough examination, the Supreme Court found that there were big disparities in The University of Texas Law School and the black law school. The University of Texas Law School had more professors who are experts in the field and they were well known. Also its students are able to get financial assistance and their library is well equipped. On the other hand, the school of law for black students lacked both facilities and human resource capital. The Justice in this case argued that Mr. Sweatt has a right to access the white law school, and the law school should consider that a good profile of the institution includes protection of minorities (Flake, 2013).

Flake (2013) noted that in doing this the white law school is denying Mr. Sweat a chance to integrate with a section that will form the largest portion of his customers in the future. Therefore, the Supreme Court invalidated the ruling of the lower court saying that it violates the Rights under the equal protection clause of the Fourth Amendment (2013). From this case it is evident that the courts may sometimes support acts of discrimination by ruling in favor of this action. To avoid similar situations in the future, Courts should look at the basic laws that protects freedom before making any rulings. Fundamental laws in the Constitution should be the main guidelines to make decisions in the court. In this way, the ruling will consider basic human rights and reduce the chances of making biased decisions.

Also, it is clear that schools' policies in America provide an environment for discrimination to continue. It should be noted that division of students will result in inequalities leading to a feeling of superiority and inferiority. When combined together, these factors will propel discrimination. Addressing this involves the introduction of affirmative actions in school

policies so that it can resolve the issues raised here (The Leadership Conference on Civil and Human Rights, 2013).

Separate but equal doctrine in education fostered further discrimination against black students. The proponents of this idea totally ignored the provisions of the Fourth Amendment which protects people from discrimination based on color or race. The policy of separate but equal had many negative effects on students who were from African American origins. The policy led to some emotional problems as it generated feelings of inferiority among the black students. This feeling makes black children have low levels of self-esteem and that leads to poor performance in school, and in some cases results in stress related problems. The only way of minimizing the effects of this policy is by championing for more Civil Rights Acts.

The quota system in the U.S. reduced isolation of the black people from many aspects of the society. This policy advocated that people should access opportunities based on the ratio of their population in the society. The authorities conducted a research to find the ratio and eventually made a decision on the number that will get services. According to Flake (2013), introduction of a quota system in the education sector will definitely mitigate the levels of discrimination while allowing African American students to engage with other students leading to a more cohesive society.

The quota system should be expanded to cover projects that obtain funding from private sources, because discrimination does not happen only in government institutions but also in private settings. Also, an equalization policy can be implemented in colleges to correct the bad past of black students. For example, the quota ratio may be increased to compensate previous discrimination. This will ensure that the number of black students who get an education is high and the education differences between blacks and whites are significantly low. Although the

quota system has effectively dealt with discrimination of a minority, it should be applied carefully to ensure that it does not initiate discrimination against the majority. In some cases, students who are highly qualified for admission to a university were denied enrollment because the system favored minorities; establishing another form of racial bias in favor of minorities. A balance is needed in rolling out this policy so that the interests of both black and white are taken into consideration (The Leadership Conference on Civil and Human Rights, 2013).

In most cases, institutional racism is very difficult to eliminate. This is because of the nature of the policies adopted that seem to be ingrained in the institutions. Law schools for instance use the criteria of the Law School Admission Test (LSAT) as the main qualification for admission. This method of admission allows few minority students to attend the Law School, encouraging more discrimination in minority groups like African Americans. Using LSAT cuts will decline the chances to 50% of black students who are qualified according to their scores attained in college. Research by Flake (2013) shows that admission of black students in law school has decreased in the last ten years because policies like LSAT are unfavorable to minority groups. Proponents of LSAT should come up with positive action to ensure that the policy is conducted in a more responsible manner to ensure that it addresses the deficits of black students and other minority groups (Flake, 2013).

The Safe School Act and regulations have proved to be more efficient in dealing with racial discrimination in other countries. The main feature of this policy is the zero tolerance of any form of discrimination. According to Flake (2013), founders of the policy are of the view that it does not favor people based on their race or color. Therefore, students that commit an offense will have a uniform punishment. However, research data on this policy has proved otherwise. A report by The Leadership Conference on Civil and Human Rights (2013) shows

that the policy affected African American students unfairly. In this report, the policy is blamed for poor health development in children and it is said to bring mental stress. The policy did not reduce violence or make universities secure as intended. A number of factors should be introduced so that the zero tolerance system can be efficient. Mitigating structures should be supported to ensure that the policy is consistent with the Civil Rights Act, which prohibits discrimination. College administrators should not deny that the policy of discipline in institutions does not influence racial minority students, especially black students. Integration of the discipline policy with human rights laws can make this policy very accommodating, then making colleges and universities secure and at the same time protecting the basic civil rights of students (Flake, 2013).

Conclusion

In summary, discrimination has a long history and it is found in many parts of American society. The problem cannot be eliminated easily and needs the efforts of all Americans to make this country great. It requires that appropriate laws are passed to ensure students are not discriminated against based on their race or color. Academic administrators must ensure that new legislation fits with protection laws so that they operate smoothly without conflict. American society is multi-racial and multi-ethnic as well, therefore it is very difficult to achieve zero levels of discrimination even in the presence of protective laws. Racial differences will always provoke diverse attitudes in humans. To reduce discrimination requires more awareness of racial stereotyping and cultural diversity in all spheres of society.

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