

Affirmative Action:

Brown v. Board
of Education

Regents of University
of California v. Bakke

Grutter v.
Bollinger

1954

1960s

1978

2003

War on Poverty

Gratz

History and Analysis

by Dorothy F. Garrison-Wade and Dr. Chance W. Lewis

Race-conscious affirmative action policies in higher education have existed since the early 1960s. For more than two decades, these policies have been under assault for their perceived illegality and inequity. Proponents and critics have sparked many debates surrounding the issues of affirmative action policies. These debates inspired numerous court cases claiming reverse discrimination. As a result, some states have eliminated affirmative action admission policies in higher education.

History

Since its beginning, the affirmative action policies' objective has been to provide opportunities for minorities to advance in society. These policies, mostly race-sensitive, have since opened many doors for minorities especially in higher education. Currently, affirmative action policies are under fire and some have been retracted because of perceived partiality toward minorities and women. Over the years, many court cases have inquired into the legality of affirmative action.

The U.S. Supreme Court ruling in *Brown v. Board of Education* (1954) monumentally changed educational opportunities available to minority students. The Court unanimously voted that segregated educational facilities were unequal and, therefore, violated the equal protection clause of the fourteenth Amendment of the Constitution. The Court mandated desegregation of all public schools in the country. It overturned the previous decision in *Plessy v. Ferguson* (1896), which permitted "separate but equal" public facilities for minorities and pushed policymakers to examine other principles governing education for people of color.

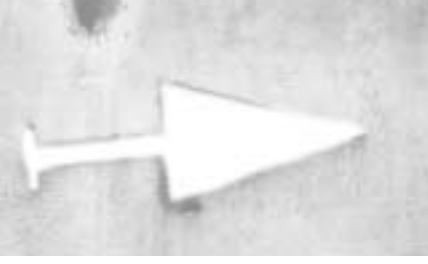


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The civil rights movement and President Lyndon B. Johnson's War on Poverty in the mid-1960s launched a movement for the nation to respond by offering equal access to education, housing, and other resources (Alger et al., 2000). In June 1965, President Johnson spoke at Howard University (DC), outlining the major principles behind affirmative action. He stated:

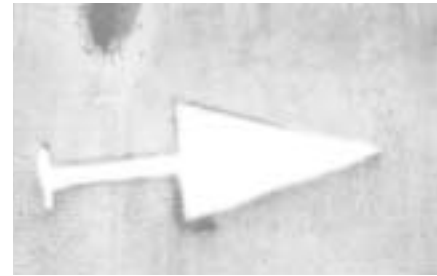
"You do not take a man who for years has been hobbled by chains, liberate him, bring him to the starting line of a race, saying, 'you are free to compete with all the others,' and still justly believe you have been completely fair... This is the next and more profound stage of the battle for civil rights. We seek not just freedom but opportunity—not legal equity but human ability—not just equality as a right and a theory, but equality as a fact and as a result" (ECS, 1).

President Johnson reinforced his speech by signing an Executive Order in late 1965 mandating government contractors to "take affirmative action" in all aspects of hiring and employing minorities (Brunner, 2002).

As a result of this mandate, many colleges and professional schools started to recruit minority students as a part of their education mission. Ultimately, this led to these institutions initiating admission policies that took race into consideration. These policies increased admission for African Americans and Hispanics at predominately white institutions.

Regents of University of California v. Bakke (1978) was the first case to question the legality of affirmative action policies in higher education. Allan Bakke, a white applicant, claimed he was wrongfully denied admission to medical school at the University of California to make room for less qualified minority applicants. The U.S. Supreme Court ruled that the establishment or use of "racial quotas" in determining admission violates the Equal Protection Clause of the fourteenth Amendment; however, institutions of higher learning can still consider race as one factor, among many, in the admission process.

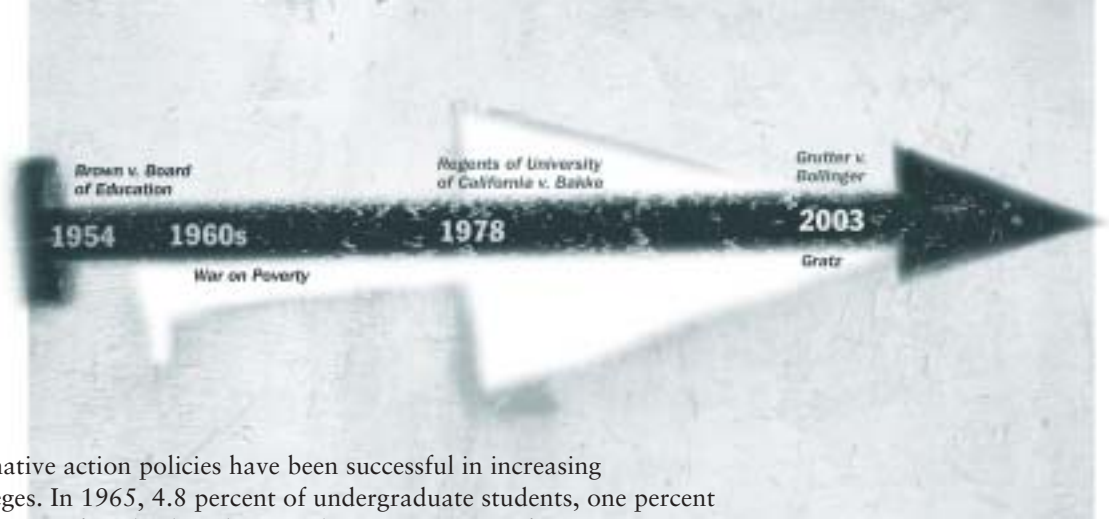
Over the next 25 years, affirmative action policies in higher education sparked many debates and raised many issues. Most recently, the Supreme Court ruled on the monumental decision in *Grutter v. Bollinger*, (2003), which allowed the University of Michigan Law School to use race-based affirmative action to diversify its student body. However, in the *Gratz v. Regents* (2003) decision, the Supreme Court ruled that the university's undergraduate College of Literature, Science, and Arts could not use an admission process that awarded points based on an applicant's race and ethnicity. The decisions by the Supreme Court have now changed the future of affirmative action in the undergraduate admission process, given that race and ethnicity cannot be awarded "extra" points to help admit certain applicants.



Analyzing Affirmative Action: An Overview

We suggest that seven factors measure affirmative action policies' accountability, effects or outcomes: (1) whether the objectives of the program are met; (2) anticipated and unanticipated outcomes; (3) social changes; (4) changes in understanding or perceptions of the problem or conditions; (5) validity of measures being used to assess; (6) whether original goals of the policy stay in place; and (7) the strength or capacity of the organization to implement the policy (Rist, 1994).

1. From the literature, it appears the main objective of affirmative action policies in higher education is to improve educational opportunities for minorities by equalizing admission requirements by including race as one factor in the admission process. Another objective is to correct past discrimination by promoting educational diversity. This objective is confirmed in many U.S. Supreme Court rulings that upheld court cases in favor of institutions when justification for race-conscious policies demonstrated a compelling interest. Compelling interest is divided into "remedial" interests, which include remedy of past discrimination and "non-remedial interests," which promote educational diversity, reduce racial isolation or promote educational research.

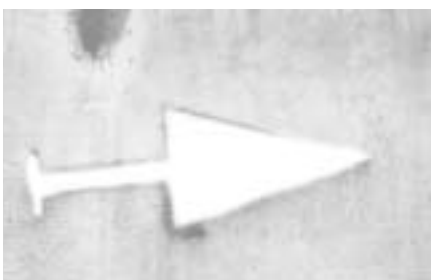


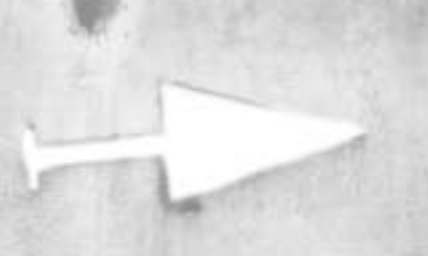
Statistics show that affirmative action policies have been successful in increasing minority enrollment in colleges. In 1965, 4.8 percent of undergraduate students, one percent of law students, and two percent of medical students in the country were African American (Bowen & Bok, 1998). Throughout the 1980s and 1990s, college enrollment rates for African Americans and Hispanics increased (DeCesare, 2002). In 1998, The National Center for Education Statistics (2001) revealed black undergraduates accounted for 11 percent and Hispanics represented nine percent of the total undergraduate enrollment in colleges and universities.

2. The anticipated outcomes of affirmative action policies include improved educational opportunities for students regardless of race or gender, increased diversity in enrollment, and positive effects on both learning and democratic outcomes. A nationwide survey of university faculty members, assessing attitudes toward diversity in their institution and their classroom, revealed that 90 percent of faculty members indicated a diverse classroom did not weaken student quality or intellectual skills. Between one-third and one-half indicated positive benefits of diversity in the classroom (Algers et al., 2000). In addition, the findings revealed teachers indicated racial and ethnic classrooms enriched educational experience.

One unanticipated outcome of affirmative action appears to be the numerous court cases and claims of reverse discrimination. Some claim that affirmative action decreases the quality of education by lowering standards to accept unqualified students of color (Center For Equal Opportunity in Colorado, 1995).

3. Few social changes have occurred since the enactment of affirmative action policies. Many still see the value of diversity in universities and colleges and many people still understand the great injustice that occurred in the past of denying people of color opportunities for equal education. Bowen and Bok (1998) state that “academically selective colleges and universities have been highly successful in using race-sensitive admission policies to advance education goals important to them and societal goals important to everyone (290).
 4. Social changes have led to countless questions about whether affirmative action policies cause declining student quality and lowered standards.
 5. Critics of affirmative action claim that admission measures are flawed, but do not cite data to support their claims. These critics offer no empirical data to support that affirmative action produces harm to minority students and decreases opportunities for white students. The only possible support to their claims comes from various lawsuits filed charging reverse discrimination. The courts rejected many of these cases because evidence revealed that the plaintiffs would not have been accepted to the institution even if race and gender factors were removed from the admission process.
 6. Currently many colleges and universities still factor race and gender into the admission process. However, many believe that affirmative action policies are no longer appropriate in today’s society and claim reverse discrimination against white students (DeCesare, 2002). Although most states still support affirmative action, California, Washington and Florida have passed laws to eliminate affirmative action in higher education.
 7. More research on the success rate of minorities and women during and after college would strengthen the support of affirmative action policies. Research on race-blind admission in comparison to affirmative action policies may also produce more empirical data on the impact of these policies. In addition, research on other race-neutral programs, such as state percentage programs, would be helpful.





From its inception, affirmative action policies were created to improve the employment and/or educational opportunities for members of minority groups and women. Even today, however, the debate continues over the future of affirmative action. Proponents offer empirical evidence illustrating that affirmative action has been favorable in aiding minorities and/or women to achieve parity in seeking education at the most elite institutions in this country. This empirical evidence has focused on descriptive statistics such as increasing enrollment for minorities (NCES, 2001). Research supports that affirmative action promotes academic and social development for all students; diverse classrooms do not weaken student quality or intellectual skills; racial and ethnic classrooms actually enrich educational experiences of white students; and multi-racial/multi-ethnic classrooms enhance educational outcomes for all students (Algers et al., 2000).



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Recommendations

As many universities still seek to understand and implement affirmative action policies within their respective admission offices, continued research in this area is the only way universities can ensure successful implementation of these policies at their respective institution. Therefore, we recommend the following:

1. More empirical research is needed to understand the impact of affirmative action on the educational climate.
2. Longitudinal empirical research is needed to understand the experiences of minorities and women admitted under this policy and examine success rates with their white and male counterparts.
3. Qualitative research should be conducted with college admission officials to understand the process of putting together a "quality and diverse" student body at these institutions.
4. In-depth focus groups should be conducted with white and minority students at the nation's leading universities to understand the student perspective on the issue of affirmative action.
5. More research is needed on race-blind admission in comparison to affirmative action policies.
6. Finally, more research is needed on other race-neutral programs such as state percentage programs.

