

Lecture III.
Stand and Prosper!
Race and American Higher Education

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III. Stand and Prosper! Race and American Higher Education

A. An “Unlovely History”

“Stand and Prosper!” is the title of the splendid book by Henry Drewry and Humphrey Doermann on the private Historically Black Colleges and Universities (HBCUs).¹ This ringing, uplifting title connotes the promise of higher education for black Americans seeking to rise up and claim a rightful share of the bounty of America. The struggles that marked efforts to “Stand and Prosper,” recounted so movingly in this book, are a vivid reminder of the long shadow cast by slavery, “Jim Crow” laws, and the perceptions of African Americans that have been so ingrained in the thinking of otherwise far-sighted people—including, we have to say, even on his birthday, Thomas Jefferson.² It is, in Glenn Loury’s memorable phrase, an “unlovely history.”³

Racial disparities—what W.E.B. DuBois trenchantly identified as “the problem of the color-line”—remain, in my view, by far the most daunting of the challenges to achieving equity (and real opportunity) in American higher education—and in American society, for that matter. It is for this reason that I have left this topic to the last of these lectures. May I provide a road map? I will refer only briefly to the early parts of our “unlovely history;” discuss in slightly more detail the opening up of college admissions following the Civil Rights movement; summarize what we know about the actual effects of affirmative action over the last 40 years; comment on the legal challenges to affirmative action that culminated in the University of Michigan cases heard by the United States Supreme Court—including the implications of those decisions; and, finally, consider the challenge thrown down by Justice O’Connor’s “expectation” that “25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today.”⁴

Prior to the Civil Rights Movement

The first college degrees earned by black Americans, Drewry and Doermann report, were awarded in 1826 to Edward A. Jones (by Amherst College) and to John Russworm (by Bowdoin College). “From the graduation of Jones and Russworm to the end of the Civil War—by which time the black American population of the United States had reached 4.4 million—*twenty-eight* Blacks (including Jones and Russworm) received baccalaureate degrees.” These are all the degrees the authors can account for before 1865. “For all practical purposes, black higher education began in institutions established in the South just after the Civil War.”⁵

In 1940, less than 2 percent of blacks aged 25-29 could claim a college degree.⁶ This one statistic tells us how little progress was made over nearly two centuries—notwithstanding the heroic efforts to educate black students that are documented by Drewry and Doermann. The social, political, and legal forces that combined to produce this state of affairs—that turned “the spring of hope” that followed the abolition of slavery into “the winter of despair”⁷ — are documented many places and need not be recounted here.⁸ At Princeton, there was the ignominious case of Bruce Wright (now Judge Wright), who was offered admission with a full scholarship in 1936 but then, when he arrived on campus, was told to leave when University officials realized he was black.⁹ There were of course exceptional acts of institutional commitment and courage—with the Oberlin Trustees, for example, declaring in 1835, that “the education of people of color is a matter of great interest and should be encouraged and sustained in this institution”—and other instances in which black students in small numbers matriculated at predominantly white institutions.¹⁰ But the overall Census figure of 2 percent speaks for itself.

World War II is widely seen as accelerating the pace of change in race relations, and yet educational opportunities for black Americans did not change immediately or markedly. In the

fall of 1951, black students averaged 0.8 percent of the entering class at the nineteen selective colleges and universities for which we have data.¹¹ The *Brown v. Board of Education* decision in 1954 was, of course, a watershed event which would eventually affect higher education as well as elementary and secondary education. But in 1965, barely one percent of all law students were black and over one-third of them were enrolled in all-black schools; barely two percent of all medical students were black, and more than three-fourths of them attended two all-black schools.¹² Blacks were still formally excluded altogether from many state universities in the South. We may fail to remember that it was just over 40 years ago, in 1963, that the enrollment of James Meredith at the University of Mississippi led to violence and bloodshed.¹³ Nor were blacks treated like all other students at many colleges and universities in the North. As recently as the early 1960s, the University of Michigan used photos to pair freshmen roommates by race (and gender).¹⁴

This long history of exclusion, and then of indifference, if not hostility, to the aspirations of black students, has left a lasting imprint not just on the individuals caught up in this often tragic drama but on the educational system itself—with implications for Justice O’Connor’s 25-year pronouncement, to which we will return.

Active Recruitment of Minority Students

It was in 1961 that President Kennedy first introduced the term “Affirmative Action” in the employment context, and the idea then spread to other arenas, including higher education.¹⁵ By the mid 1960s, stimulated by the Civil Rights Movement, many schools began to recruit minority students, first haltingly, not knowing quite how to go about it, and then much more aggressively. By the time of the ’76 entering cohort, the percentage of black students at the selective schools in our database had increased from less than 1 percent (in the ’51 entering

cohort) to about 5 percent.¹⁶ But the true inclusion of minority students turned out to be anything but simple.

One serious mistake made by many colleges and universities (including, I can say, Princeton) was to fail to appreciate that it was not good enough simply to enroll more minority students. Offers of admission and the provision of scholarship dollars were necessary, but they were not sufficient. The much earlier success that almost all schools had experienced in enrolling “poor but pious youth” was misleading. It was one thing to enroll the son of an impecunious minister who nonetheless may have had an excellent preparation, perhaps even at a private school, and who “fit right in”¹⁷—and it was quite another to enroll a minority student who might well have attended an inner city high school and was quite likely to feel isolated and uncomfortable at a predominantly white college or university. Black students from more privileged backgrounds also often felt ill at ease.¹⁸ Not surprisingly, colleges and universities struggled mightily—with admissions criteria (were blacks from ghetto areas to be favored over black applicants from more privileged backgrounds?); with support programs (especially programs that were designated “remedial” and hence sparked a whole set of unanticipated consequences); with residential patterns (the issue of “self-segregation”); with curricular offerings (the desirability of having black studies programs), and with the very small numbers of black faculty members. Student protests in the mid-to-late 60s and early 70s, often tied to the Vietnam War and other issues such as investments in companies doing business in South Africa, were but a visible manifestation of recurring tensions that accompanied efforts to reconcile differences in perspectives and priorities. At bottom, the challenge was to find the most effective ways of not just enrolling, but educating, a diverse population of minority and majority students.¹⁹

Over this period, there was, as one would expect, criticism of affirmative action as well as support for it. In 1978, the *Bakke* case—a formal challenge to racial preferences citing the Civil Rights Act of 1964—reached the Supreme Court. The Court was sharply divided, with four justices finding the admissions practices of the medical school at the University of California (Davis) to be discriminatory and four others concluding that they were necessary to overcome the effects of past discrimination. Justice Lewis Powell’s deciding opinion condemned the use of quotas but concluded that it was permissible to take race into account, as one among several factors, in seeking to secure the educational benefits of diversity.²⁰ On the authority of Justice Powell’s opinion, virtually all selective colleges and professional schools have continued to consider race in admitting students—albeit not without recurring challenges, which culminated in the University of Michigan cases heard by the Court in 2003.

Controversies notwithstanding, black and Hispanic educational attainment have risen sharply over recent decades at both undergraduate and graduate/professional levels. Between 1960 and 1995, the percent of blacks aged 25 to 29 who had graduated from college increased from 5.4 percent to 15.4 percent; the percent of Hispanic college graduates increased from 4.5 percent in 1970 to 9.3 percent in 1995. The number of black students attending law school has increased seven-fold since 1970 and the share of professional and doctoral degrees going to Hispanics has doubled since 1981.²¹

B. Assessing Race-Sensitive Admissions

In the late 1990s, Derek Bok and I decided to embark on a major empirical study of the actual effects of race-sensitive admissions policies, as they could be discerned through a detailed analysis of a database built at the Mellon Foundation between 1995 and 1997 (called College &

Beyond) that contained the in-college records of basically all matriculants in the student cohorts that entered 28 academically selective colleges and universities in 1951, 1976, and 1989; we were also able to link these records to detailed data describing pre-college family characteristics and to the results of a large-scale survey of post-college experiences.²² In light of the increasingly contentious public debate over the role played by race in admissions, legislative actions in California and the state of Washington prohibiting any consideration of race, the sweeping *Hopwood* decision in Texas that threatened to overturn *Bakke*, and the strong likelihood that there would be a further Supreme Court review of affirmative action, the time seemed right for a comprehensive empirical review of how these policies had actually worked. We sought to “find the facts,” as best we could.

Our findings were reported in *The Shape of the River: Long-term Consequences of Considering Race in College and University Admissions* [1998], and I want to summarize as succinctly as I can the principal lessons learned through this research, the debate engendered by it, and follow-on and companion studies. Four propositions are particularly important.²³

(1) The presumed educational benefits of diversity have been strongly reaffirmed.

Patricia Gurin and her colleagues at the University of Michigan have made by far the most comprehensive effort to assemble and assess masses of evidence (including the findings in *Shape of the River*) analyzing the effects of diversity on both “learning outcomes” and “democracy outcomes.” Gurin concludes: “We have documented a consistent picture from both our research and the research of other scholars that shows a wide range of educational benefits when students interact and learn from each other across race and ethnicity.”²⁴

(2) Race-sensitive admissions policies have increased substantially the number of well-prepared minority students who have gone on to assume positions of leadership in the

professions, the business world, academia, the military, government and every other sector of American life—thereby reducing somewhat the continuing disparity in access to power and responsibility that is related to race in America. The evidence presented in the *River* shows that minority students admitted to academically selective colleges and universities as long ago as the mid-1970s have not only graduated at very high rates but have completed rigorous graduate programs, done well in the marketplace, and, most notably, contributed in the civic arena out of all proportion to their numbers.²⁵ (Although he may not have seen it as such, this has been a near-perfect demonstration of Jefferson’s propositions concerning the importance of education for the responsible exercise of citizenship.²⁶)

(3) The costs of race-sensitive admission policies have been modest and well-justified by the benefits; most of the alleged negative effects of race-sensitive admissions turn out, on examination, to be minor or non-existent. Specifically:

(3a) There is no evidence that, overall, race-sensitive admissions policies “harm the beneficiaries” by putting them in settings in which they are overmatched intellectually or “stigmatized” to the point that they would have been better off attending a less selective institution. This assertion withers in the light of the evidence. The most compelling, and relentlessly consistent, data in the *River* show that, far from being stigmatized and harmed, minority students admitted to selective colleges under race-sensitive admissions have performed very well. Indeed, *the more selective the college they entered, holding their own SAT scores constant, the more likely they were to graduate and earn advanced degrees, the happier they said they were with their college experience, and the more successful they have been in their careers.*²⁷ This is precisely

the opposite result from the one that the proponents of the “harm-the-beneficiary” line of thinking would have predicted.

(3b) Available evidence also disposes of the argument that substituting race-neutral admissions policies for race-sensitive policies would have removed from campus a marginal group of mediocre students, leaving only a distinctly superior “top-tier” of well-qualified minority students. Examination of the later accomplishments of those students who would have been “retrospectively rejected” under race-neutral policies shows that they did just as well as a hypothetical reference group that might have been accepted if GPAs and test scores has been the primary criteria. There are *no* significant differences in graduation rates, advanced-degree attainment, earnings, civic contributions, or satisfactions with college.²⁸ These striking results testify, I believe, to the excellent job done by admissions offices in “picking and choosing” among the large number of applicants from minority groups as well as other candidates who are well over the admissions threshold—many of whom are rejected.²⁹

(3c) Contrary to what is often supposed, eliminating race-sensitive admissions policies entirely would have increased the admission rate for white applicants at these academically selective institutions by less than two percentage points: from roughly 25 percent to 26.5 percent. At selective colleges and universities with a plethora of well-qualified candidates, the “opportunity cost” of admitting any particular student is that another applicant is not chosen. A rejected applicant—and the applicant’s parents—sometimes assume that he or she would surely have gotten in had it not been for “reverse discrimination.” In fact, race-sensitive admissions policies have not reduced appreciably the chances of well-qualified white applicants to gain admission to the most selective

colleges and universities—in many situations, recruited athletes receive larger admissions “breaks” and displace more other applicants than do minority students.³⁰

(4) Progress has been made in narrowing test-score gaps between minority students and other students, but gaps remain—and so does the need for race-sensitive admissions policies. At a group of liberal arts colleges and universities examined in 1976 and 1995, average combined SAT scores for minority students rose roughly 130 points at the liberal arts colleges and roughly 150 points at the research universities. Test scores for other students rose too, but by much smaller amounts. In short, test-score gaps narrowed over this period, and the average rank-in-class of minority students on graduation improved even more than one would have predicted on the basis of test scores alone.³¹ Still, test-score gaps remain, and more progress needs to be made.

C. The Supreme Court Decisions in the Michigan Cases

The legislative challenges to race-sensitive admissions policies in California and Washington, and the challenge posed by the *Hopwood* case in Texas, all pale in comparison to the importance of the two University of Michigan cases heard by the US Supreme Court last year.³² Before the decision, Charles Vest, president of MIT, saw all that has been accomplished, and all that can be accomplished in the future, as “hanging by a thread.” Vest’s concern, shared by many others, was that the “thread” represented by Justice Powell’s seemingly innocuous phrase in *Bakke* justifying the use of race “as one of many factors” in making admissions decisions could be severed by “one snip of the judicial scissors.”³³ The clear goal of the plaintiffs in the Michigan cases, and their backers, was to eliminate altogether the freedom of colleges and universities to consider race in deciding who to admit.

Avoiding a flat prohibition on consideration of race, then, was the bullet to be dodged—and it was dodged, to the immense relief of the higher education community and legions of others who believe strongly, often passionately, in the importance of continuing to take race into account. The central message of the majority opinion in *Grutter* (the law school case) was summarized well by Linda Greenhouse:

The result of today’s rulings was that Justice Powell’s solitary view that there was a ‘compelling state interest’ in racial diversity, a position that had appeared undermined by the court’s subsequent equal protection rulings in other contexts and that some lower federal courts had boldly repudiated, has now been endorsed by five justices and placed on a stronger footing than ever before.³⁴

The Court’s opinion, as Justice O’Connor delivered it, is unequivocal:

Today, we hold that the Law School has a compelling interest in attaining a diverse student body.³⁵

...The Equal Protection Clause does not prohibit the Law School’s narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body.³⁶

At the same time, the Court invalidated the admissions policy used by Michigan to admit students to its undergraduate college of Literature, Science, and the Arts.³⁷ The difference was in the approach taken to admissions: whereas the Law School considered all candidates in an “individualized” manner, the undergraduate college used a point system based in part on race that was deemed to violate the Equal Protection Clause because it was too mechanical and not narrowly tailored (every “underrepresented minority” applicant was automatically awarded 20 points toward the 100 points needed to guarantee admission).³⁸ There is every reason to believe that higher education can “live with” this decision (the University of Michigan moved immediately to change its undergraduate admissions policies to conform to the requirements of the Court)—and may be better off because of it. I personally find individualized, non-mechanical methods of evaluating applicants to be much more desirable. The judgment of

seasoned admissions staff is invaluable in choosing among candidates who “look alike”—and this approach also makes it harder for applicants and parents to “game” the system.

The *Grutter* case without question strengthened President Vest’s “thread” (turned it into a “rope,” as it were). It did this, first, by replacing a “fractured,” “splintered” decision in *Bakke* with a solid five-justice opinion supporting diversity as a compelling state interest. In addition, the Court expanded dramatically the rationale for enrolling a diverse class to include not only the on-campus educational benefits of diversity but also the preparation of larger numbers of well-educated minority candidates for leadership positions in the professions, business, academia, the military, and government—a second principal objective of race-sensitive admissions which the evidence in the *River* demonstrates has been achieved. Many of us have long regarded Justice Powell’s sole focus on what Gurin calls “learning outcomes”³⁹ as too narrow and too limited a justification for race-sensitive admissions policies. In now embracing both the improvement in learning outcomes and the preparation of more minority students for important roles in national life as components of a “compelling state interest” in racial diversity, the Court has aligned its reasoning with the thinking and stated missions of almost all of American higher education.⁴⁰

This is why *Grutter* is much more than “bullet-dodging;” it is a strong, positive step forward—a real cause for celebration. This decision is also of fundamental importance for a more general reason: it rebuts the idea that the Court understands the 14th Amendment as endorsing only the “anticlassification” principle (that “government may not classify on the basis of race”). Fortunately, the “antisubordination” principle (“the conviction that it is wrong for the state to engage in practices that enforce the inferior social status of historically oppressed peoples”) is alive and well, much as the Court may disguise its endorsement of it.⁴¹

This conclusion is gratifying in and of itself. It is also encouraging to see the numerous references in the Court’s opinion to the role played by social science research in bolstering the arguments for this conclusion,⁴² the obviously important role played by *amici* briefs, and the eloquence with which the Court argues its position. In *Grutter*, the Court refers to briefs submitted on behalf of American businesses “making clear that the skills needed in today’s increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints.... What is more, high-ranking retired officers and civilian leaders of the United States military assert that, ‘based on [their] decades of experience,’ a ‘highly qualified, racially diverse officer corps... is essential to the military’s ability to fulfill its principle mission to provide national security.’”⁴³

The Court then takes a still broader tack, which hearkens back to sentiments expressed by Jefferson. “This Court has long recognized that ‘education ... is the very foundation of good citizenship.’... For this reason, the diffusion of knowledge and opportunity through public institutions of higher education must be accessible to all individuals regardless of race or ethnicity.... Effective participation by members of all racial and ethnic groups in the civic life of our Nation is essential if the dream of one Nation, indivisible, is to be realized.”⁴⁴ After next emphasizing the particular importance of law schools as training grounds for a large number of our Nation’s leaders, the Court observes: “In order to cultivate a set of leaders with legitimacy in the eyes of the citizenry, *it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity [my emphasis].*”⁴⁵ These stirring words introduce the concept of “democratic legitimacy” as one of the principal societal needs that race-sensitive admissions addresses.

Another important part of the O'Connor opinion is its rejection of the claim that “race-neutral means exist to obtain the educational benefits of student body diversity that the Law School seeks.”⁴⁶ The opinion says flatly: “We disagree. Narrow tailoring does not require exhaustion of every conceivable race-neutral alternative.” What it does require is “serious, good faith consideration of workable race-neutral alternatives that will achieve the diversity the university seeks.” The Court is dismissive of ideas such as using a lottery system, lowering admissions standards for all students, and adopting “percentage plans” such as the one in use in Texas (whereby all high school students above a certain class-rank threshold are automatically guaranteed admission to the University of Texas).⁴⁷

The combination of this opinion and the considerable research done by Professors Tienda, Kain, Loury and others⁴⁸ leads me to conclude that, for all intents and purposes, the “percent plans” have had their “day in the sun” and will no longer attract the attention that they once did. (It is not even clear that the percent plans, if challenged, would stand up to legal scrutiny, because they are so mechanical and so lacking in individualized consideration of candidates.) Americans have an endless appetite for the “painless alternative,” but all of the work that has gone into examining various approaches to achieving diversity persuades me all over again that the most straightforward way of proceeding—by taking race into account, as one factor among others—is the most sensible and “efficient.”⁴⁹ There is much to be said for avoiding charades and for not dissembling.

I am also persuaded that colleges and universities must do a much more careful and systematic job than most have done heretofore in studying the outcomes achieved as a result of the admissions policies that they have adopted. The O'Connor opinion (correctly in my judgment) respects the Court's “tradition of giving a degree of deference to a university's

academic decisions, within constitutionally prescribed limits.” But it surely follows that the academic institutions, in turn, need to be accountable for the uses they make of the discretion they are given. When I first dealt with the issues of race and admissions at Princeton in the 1970s, I was reluctant to focus on outcomes, in the way that Derek Bok and I subsequently did in our research for the *River*. Other presidents were equally reluctant: we were concerned that we—and others—would not like what we found. Also, we were concerned about the possible effects of such studies on the perceptions of minority students (their self-perceptions and the perceptions of others). I now believe that focusing on outcomes is necessary both to understand internally how policies are working and to satisfy the obligation of accountability.⁵⁰

D. Open Questions

Risks of More Litigation

One large question is whether the decisions reached in the University of Michigan cases will “stabilize” this area of the law, at least for a time, or whether they will provoke other suits.

Justice Scalia, in his dissenting opinion, seemed almost to invite more challenges:

“...[T]oday’s split double header seems perversely designed to prolong the controversy and the litigation. Some future lawsuits will presumably focus on whether the discriminatory scheme in question contains enough evaluation of the applicant ‘as an individual,’ Still other suits may challenge the bona fides of the institution’s expressed commitment to the educational benefits of diversity that immunize the discriminatory scheme in *Grutter*. (Tempting targets, one would suppose, will be those universities that talk the talk of multiculturalism and racial diversity in the courts but walk the walk of tribalism and racial segregation on their campuses.... And still other suits may claim that the institution’s racial preferences have gone below or above the mystical *Grutter*-approved ‘critical mass.’”⁵¹

It seems clear that in crafting their admissions policies, colleges and universities will need to follow closely the quite clear guidance provided in *Grutter*, and I presume that the overwhelming majority will do so—in fact, most conform today. Also, I agree with Justice Scalia that those in

higher education who have been (properly) extolling the virtues of “cross-racial understanding” and “learning through diversity” should align practices with educational philosophies in all facets of college and university life.

Organizations like the Center for Individual Rights and the Center for Equal Opportunity will surely challenge institutions which they believe are near, if not over, the edge of compliance with applicable law.⁵² But there are also new political (as well as judicial) realities for these groups to contemplate. Without question, the extraordinarily strong support for race-sensitive admissions reflected in the outpouring of briefs on Michigan’s behalf is a factor to be weighed by all parties to these debates. It is more than mildly ironic that in stimulating and supporting the *Grutter* and *Gratz* challenges, the anti-affirmative action groups managed to provoke the creation of a broad-based alliance among businesses, labor unions, religious groups, professional and scholarly associations, the military, and a wide range of academics that created something approaching a societal consensus (within the “establishment,” at least) in favor of taking race into account in admissions decisions. The breadth and depth of support was truly amazing to behold.⁵³

Recasting Recruitment and Enrichment Programs: MMUF

Outside the realm of admissions per se, the logic and language of the Michigan decisions reinforced concerns about racially exclusive programs and have already led to some recasting of policies. Race-exclusive “recruitment and enrichment” programs were, of course, under attack prior to the Court’s decisions in *Grutter* and *Gratz*. The widely publicized challenge to MIT’s summer enrichment/recruitment program for minority students, MITE²S, by the Center for Equal Opportunity and the Department of Education’s Office for Civil Rights, made it clear in the winter of 2003 that any race-exclusive program might be shut down by injunction.⁵⁴

In the same time frame, the Mellon Foundation embarked on a major review of its own MMUF program (then called the “Mellon Minority Undergraduate Fellowship” program), which has been highly successful in encouraging talented minority students to pursue PhD programs and consider academic careers (over 100 MMUF students have already earned PhDs).⁵⁵ Some institutions participating in MMUF received letters very similar to the one that precipitated the debate over the MIT program, and they naturally turned to the Foundation for advice. A brief “insider’s” account of our response to these assaults on enrichment/recruitment programs may be instructive to others facing similar challenges.⁵⁶ The Foundation’s Trustees voted in June 2003, shortly after the Michigan decisions were announced, to reaffirm in the strongest terms their unequivocal commitment to the fundamental goals of the Program. At the same time, it seemed wise to be *proactive* in making changes that might both reduce the program’s legal vulnerability and perhaps strengthen it in significant ways.⁵⁷

The most vulnerable aspect of MMUF was, of course, its race exclusivity, which was reflected in its original mission statement, its selection criteria, and its name. For the program’s first 15 years, only members of “underrepresented minority groups” were eligible to apply. In light of the Michigan decisions and the evolving needs of higher education, the MMUF mission statement was broadened: “*The fundamental objectives of MMUF are to reduce, over time, the serious underrepresentation on faculties of individuals from certain minority groups, as well as to address the attendant educational consequences of these disparities (my emphasis).*” Then, to be sure our intentions were understood, we adopted more inclusive criteria for eligibility, so that students of all races and ethnic backgrounds are eligible to apply for participation in MMUF—but the new list of selection criteria includes race as one factor among others and also emphasizes the importance of a “demonstrated commitment” to the fundamental purposes of the

program. In addition, we said explicitly that there was to be no “goal” of enrolling a specific number of minority or non-minority participants; our expectation, however, was (and is) that a very large fraction of MMUF participants would continue to be minority students. The final change was in the name of the program: to celebrate its success and to signal both its restatement of objectives and its high hopes for future contributions, the Foundation has renamed it the “Mellon Mays Undergraduate Fellowship” program in honor of Dr. Benjamin E. Mays, the noted African-American educator and former president of Morehouse College, who exemplifies so many of the goals of the Program.⁵⁸ Fortunately, the “MMUF” acronym, which has become so important in its own right, remains unchanged.

Making these changes was no easy process—in large part because of considerable resentment of the aggressive tactics used by well-financed groups of anti-affirmative action advocates. There was, not surprisingly, an initial tendency to say: “No way; we have a great program and we are staying right where we are!” True confession: this was my own first reaction. Further reflection, and much discussion, led to a more thoughtful, more constructive response. The arguments by the Court in the Michigan cases emphasizing that race can be only one factor among others considered in admitting candidates make race-exclusive programs of recruitment and enrichment increasingly vulnerable to legal challenge.⁵⁹ As this reality became clearer and clearer, the desirability of modifying MMUF on our own terms, and in advance of potentially debilitating attacks, became widely accepted by campus coordinators and others whose continued allegiance was essential. We are optimistic that the modified program design will work well, and we are persuaded that it would have been a major mistake just to sit by and defend a race-exclusive formulation that, however sensible it may have seemed 16 years ago, is

no longer viable. Just getting mad is not an effective response. Nor is giving up entirely on worthy goals, as some programs have done.⁶⁰

Other Open Questions: Financial Aid and Faculty Recruitment

Debate continues among lawyers and within the higher education community as to whether race-targeted financial aid awards will be permissible in the aftermath of *Grutter-Gratz*. (One irony is that Pepperdine University, with its strong ties to the conservative and evangelical movements, is nonetheless battling with anti-affirmative action groups to retain its minority-only scholarship program.⁶¹) Similarly, there is uncertainty as to what colleges and universities can and cannot do in efforts to recruit and promote a more diverse faculty. These are large questions, different in some important respects from the admissions and “enrichment” questions; they are not as simple as they may at first seem to be, but there is no time today to do more than single them out as deserving further study and reflection. I am skeptical, however, that there will be many, if any, settings in which race exclusivity is going to be permitted.

E. In 25 Years.....?

The “open question” that has received the most attention, and is the most challenging, has to do with the permissible duration of race-sensitive admissions policies. Was O’Connor’s widely quoted 25-year comment (“We expect that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today”⁶²) merely a hopeful prediction (estimate), or was it meant to impose a binding limit? This is an interesting legal question, but until there is further jurisprudence, there is no way of being sure.⁶³ Nonetheless, it would certainly seem prudent to treat the 25-year limit as presumptively binding. Both Derek Bok and Glenn Loury have described this part of the Court’s decision as a “wake-up

call,”⁶⁴ and those of us interested in closing racial gaps of all kinds should certainly want to help create—as quickly as possible—conditions in which racial preferences in admissions are unnecessary.

Practical Possibilities

But however desirable it may be to meet the 25-year goal, is it possible from a practical perspective? The basic reason why racial preferences are needed at present is that underrepresented minorities do significantly less well on traditional measures of college preparation (especially test scores) than do whites and Asians. Can the *preparation gap* be eliminated over the next 25 years? The sizes of the current gap tells us that this is a daunting task. For example, on national reading tests, only 16 percent of blacks and 22 percent of Hispanics have reached the “proficient” level or higher, compared to 34 percent of Asian Americans and 42 percent of whites.⁶⁵ Moreover, the race gap, much like the socio-economic status gap discussed in the previous lecture, is so deep-seated that any reasonable person has to be skeptical that there are quick fixes.

At the same time, there is evidence that black-white gaps in both income and test scores have been converging. But will they converge fast enough? Alan Krueger, Jesse Rothstein, and Sarah Turner are in the early stages of simulating the likely effects of these “convergence” trends on black-white gaps in preparedness over the next quarter century, and their initial (highly preliminary) results indicate that eliminating the need for race-sensitive admissions over this period will be a very challenging task. Let me try to reduce a mass of data and some complicated calculations to a few “bottom-line” numbers for the 19 selective schools we discussed in the last lecture. The new Krueger-Rothstein-Turner base-line simulations suggest that, in 25 years time:

- Income convergence alone might be expected to raise the percent of admitted students who are black from 5 percent (what today's percentage would be on a race-neutral basis) to about 7 percent—which should be compared with the actual share for the '95 entering cohort of just over 11 percent (with race-sensitive admissions policies in place).⁶⁶
- When allowance is also made for some possible narrowing in the test score gap between blacks and whites with the same family income, the projected share of admitted students who are black rises to about 9 percent.

The first thing to be noted about these simulations is that they do not get us back to the level of black enrollment (taken here as a proxy for minority) that exists today—never mind failing to continue the progress that has been made in recent years in closing racial gaps. The second thing to be said is that the projections themselves—and especially the second one, which assumes further narrowing of the test-score gap apart from the narrowing that presumably will be driven by income convergence—are almost surely overly optimistic. Scholars have noted that the overall reduction in the test-score gap since the 1960s has not been continuous. The narrowing occurs until the late 1980s or 1990, after which the gap holds steady or, in the case of science and mathematics, actually widens slightly.⁶⁷ If we focus on what has been happening over the last 15 years, rather than over the last 40, there is much less reason for optimism about convergence of scores.⁶⁸ It is also sobering to note that black underrepresentation in the top tenth of the test score distribution has not changed in recent decades.⁶⁹ It is, of course, candidates from “the top tenth” who would have the best chance of gaining places in the most selective programs in the absence of race-sensitive admissions programs—and then to go on to do graduate work.

What are we to conclude? There is no reason to believe that the need for race-sensitive admissions will end within the next 25 years simply as a result of trends and policies already in place. If 25 years is a hard limit, it is not a well-thought-out one. The goal is laudable and we

can certainly anticipate some progress. But elimination of the need for racial preferences will not “just happen.”⁷⁰

New Efforts Needed

New efforts are needed. And we have to recognize that the persistent gaps in preparation and performance that bedevil us are not going to be corrected by the firing of a single “silver bullet.” They are too deep-seated and the problem is too complex. Perhaps the single most important goal should be to bring the quality of primary and secondary schools attended by minority students up to the levels of those attended by whites and Asians. How easy it is to say that, and how hard it is to identify the resources, gain the pedagogic know-how, and marshal the political determination needed to address this fundamental problem!⁷¹ And there is also the fact that secondary schools are more segregated today, in both the North and the South, than they were 15 to 20 years ago.⁷² It is unclear that anyone can say with confidence how we should address the array of barriers to improving pre-collegiate education. But there can be no denying the need for colleges and universities—including, of course, leading education schools such as Curry—to extend their own efforts to provide both academic and infrastructure support.⁷³

Colleges and universities can also help by being more proactive in addressing the problem of academic underperformance among minority students on their campuses. Progress has been made, but there is still much that needs to be done. Freeman Hrabowski’s work at the University of Maryland, Baltimore County, is especially impressive. His experiences (and the experiences of others) suggest that remedial programs are often harmful, rather than helpful, and that the wiser strategy is to challenge minority students to perform at higher standards. Working together in groups and in special “honors” programs definitely seems to help.⁷⁴ Improving the academic performance of undergraduates contributes directly to the pools of good candidates for

graduate and professional programs—and, in turn, helps reduce the impact of the stereotypes and problems of perception that may be an important source of underperformance itself.⁷⁵

The Krueger-Rothstein-Turner simulations assume a continuation of current admissions policies, and it is worth considering whether rather fundamental changes should be made in these policies. At the end of the previous lecture, I urged the most “privileged” colleges and universities to consider moving beyond “need-blind” admissions and giving a positive boost to the admissions chances of well-qualified candidates from poor families and from families with no college-going history—perhaps by putting a “legacy thumb” on the scale or, if I can make an even more radical suggestion, by substituting some of these candidates for recruited athletes who all too often underperform academically. Such a change in admission policy would, in my view, be a good thing in its own right—it would advance our equity objective. It would also, indirectly, increase the number of minority students on these campuses beyond what they would be if race-sensitive admissions policies were no longer allowed—not by enough, you may say (and I would agree), but by perhaps one to two percentage points over the levels that otherwise would obtain.⁷⁶

F. Morality, Justice, and Hope

Having assaulted you with too many numbers and abstract arguments, I would like to conclude by emphasizing what I see as the moral essence of the problem of race in American higher education—and in America. This country’s “unlovely racial history” continues to afflict all of us, whatever the racial category to which we assign ourselves. Glenn Loury is right, in my opinion, when he stresses the difficulty each of us has in overturning, in discarding, ways of

thinking about ourselves, and about others, that contain a racial component. He is right in stressing “the stubborn social reality of race consciousness in America.”⁷⁷

Do I believe that this “stubborn social reality” will be gone in 25 years? No, I don’t. It is a fantasy to imagine a “virtually painless exit from the nation’s racist history.”⁷⁸ Jonathan Reider recalls that early in the bus boycott, Martin Luther King, Jr., spoke in prophetic terms: “It is not enough for us to talk about love... There is another side called justice.... Justice is love correcting that which revolts against love.” As Reider goes on to point out: “...We need to recall a darker side of our history; that blacks [in fighting segregation] were mainly on their own; that, all too often, liberals were less than heroic; that even respectable whites who forswore racism were often clueless and grudging in response to black claims. The point is not to pick at old wounds; it is that too much love and not enough justice betrays those who suffered then and sullies those who forget now.”⁷⁹

So I do not favor being in too much of a hurry to pretend that we live in a color-blind world when we don’t—or in too much of a hurry to say, “let by-gones be by-gones,” when what happened before still matters so much. Rather, I am in favor of facing up to where we have been, acknowledging the long-lasting effects of our “unlovely history,” and staying the course: trying to make things better by taking account of race, in sensible ways, at the same time that we work to reduce the need for racial preferences.

Allow me to conclude with a personal reminiscence. Some years ago, on the night before a Princeton commencement, I was talking with the mother of an African American senior. She was a woman who I knew had had no schooling beyond the seventh grade. She was surrounded that evening by family who had come from many places to be part of the graduation ceremony. In looking at all of those people, she said: “You know, Mr. Bowen, my son thinks we are making

too much of all of this. But you must understand,” she went on, “that I knew from an early age that there was a limit on what I could achieve because of my race and my education. I was determined that for my children there would be *no limits*.” That mother, that son, that family, did their parts in moving higher education—and America—forward. We must continue to do our part by pursuing policies that can sustain “a culture of hope.”⁸⁰ Education is all about possibilities and dreams: “No limits” needs to be at its core.

ENDNOTES – THIS SECTION IS NOT YET READY FOR DISTRIBUTION.