

Debating the Benefits of Affirmative Action

Defenders use research to bolster their case

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DO PUBLIC COLLEGES need to use affirmative action in admissions to provide the right educational environment to their white students?

Many public colleges and higher-education associations have staked their defense on race-conscious admissions policies, in the courts and elsewhere, on the answer's being yes. They are arguing that the government has a compelling interest in allowing such policies because the resulting diversity helps all students, white and minority, learn to take different viewpoints into account and to live and work with people of different races and cultures.

But whether race-conscious admissions policies actually produce the educational benefits ascribed to them is not entirely clear. And the findings of educational research on the question are the focus of an intense, and increasingly bitter, debate among scholars.

College officials are stressing the educational benefits of race-conscious admissions policies because the other primary rationale for such policies—to remedy past discrimination—is neither a viable nor an attractive option for most institutions. The U.S. Supreme Court has rejected the idea that broad, societal discrimination justifies affirmative action, so a public college could be able to use the remediation rationale only if it were found to have lingering effects of past discrimination. That is difficult for public colleges outside the 11 states that remain under federal supervision for having had segregated public-college systems.

Defending race-conscious admissions policies on educational grounds presents its own set of challenges, however. Foremost, the strategy hinges on demonstrating that the policies actually yield educational benefits to all students.

"Suddenly, we now have to have some sort of incontrovertible proof" of such benefits, which "is far beyond what is demanded of most of our standard practices," says Alexander W. Astin, director of the Higher Education Research Institute at the University of California at Los Angeles, and one of the leading scholars in the field.

That more-diverse campuses better educate their students "is yet to be convincingly demonstrated," he acknowledges. "The research still needs to be done that would demonstrate the link."

MICHIGAN MARSHALS EXPERTS

Proponents of affirmative action contend that such a connection has been strongly suggested by much research, including surveys that asked students, faculty members, and administrators about the effects of campus diversity; long-term studies that sought to gauge how diversity

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FRED MERTZ FOR THE CHRONICLE



ANDY SACKS FOR THE CHRONICLE

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on campus had affected students' careers and life choices; and analyses of the benefits of campus activities and student interactions typically associated with diversity, such as ethnic-studies workshops or friendships with members of other races.

"Students must be engaged with diverse peers if we expect learning and development to occur," and the existence of a racially and ethnically diverse student body is "a necessary condition" for such engagement, asserts Patricia Y. Gurin, a professor of psychology and women's studies at the University of Michigan at Ann Arbor.

The university has played a leading role in mounting the research-based case for affirmative action, as part of its efforts to defend the admissions policies of its law school and main undergraduate program in lawsuits filed in federal court by rejected white applicants. Among the researchers that it has enlisted to make its case are Ms. Gurin, the head of the university's psychology department, and William G. Bowen, a former president of Princeton University and co-author of the book *The Shape of the River*, a widely cited defense of affirmative action published in 1998.

The educational benefits of diversity also are asserted in legal briefs filed on Michigan's behalf by various public universities, several Fortune 500 companies, and a long list of higher-education associations, including the American Council on Education, an umbrella group.

HAVE FINDINGS BEEN FUDGED?

Critics of affirmative action have vigorously attacked the research. The National Association of Scholars fired the latest salvo last week, when it released a 150-page report that argues that the failure of a large body of research to show such benefits is, in itself, reason for the U.S. Supreme Court to reject race-conscious admissions.

"It is not just that universities do not have the research findings they need to defend their policies in court," the report says. "It is much worse for them: They have very good evidence on the question that actually disconfirms their claims."

The universities' educational-diversity rationale "is the one hope that they have to keep racial preferences alive," but "they don't have the evidence," says Thomas E. Wood, the executive director of the California Association of Scholars. He wrote the N.A.S. report with Malcolm J. Sherman, an associate professor of mathematics and statistics at the State University of New York at Albany.

Each side has accused the other of deliberately distorting the results of educational research.

The National Association of Scholars and some conservative academics in the field also have charged that critics of affirmative action routinely have been denied access to the student data they need to conduct their own research. The N.A.S. has accused one of the nation's largest repositories of such data, the Cooperative Institutional Research Program, of releasing its database only to supporters of affirmative action. Officials of the program, which is based at U.C.L.A.'s Higher Education Research Institute, have denied any viewpoint bias in their decisions about who receives access to the data.

Justice Lewis F. Powell Jr. had not been presented with any empirical evidence of the educational benefits of diversity when,

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in 1978, he wrote the legal opinion that set forth the educational-diversity rationale for allowing race-conscious admissions.

His opinion, in *Regents of the University of California v. Bakke*, held that the government had a compelling interest in allowing public colleges to give some consideration to race in admissions, because a diverse enrollment helps create an atmosphere "conducive to speculation, experiment, and creation," and because students need to be prepared to live in a diverse society. The opinion quoted an essay by Mr. Bowen, then the president of Princeton, that said "a great deal of learning occurs informally" through interactions between students of different backgrounds.

In the *Bakke* case, the U.S. Supreme Court held, 5 to 4, that public colleges can consider race as a "plus" factor in college admissions. The court has not taken up a case involving affirmative action in college admissions since then, and public colleges have generally assumed that Justice Powell's majority opinion is the law of the land.

MIXED MESSAGES FROM THE COURTS

Opponents of affirmative action have argued, however, that the other four justices in the *Bakke* majority did not specifically endorse Justice Powell's diversity rationale, so the *Bakke* decision should not be seen as establishing campus diversity as a compelling government interest.

The U.S. Court of Appeals for the Fifth Circuit accepted that argument in *Hopwood v. State of Texas*, its 1996 ruling that struck down a race-conscious admissions policy at the University of Texas' law school. Given that the Supreme Court declined in 1996 to review the *Hopwood* case (a new appeal is now before the court), the Fifth Circuit's interpretation of *Bakke* remains binding in the states that it covers, Louisiana, Mississippi, and Texas. And just two months ago, U.S. District Court Judge Bernard A. Friedman ruled that Justice Powell's reasoning was not applicable in striking down the admissions policies at the University of Michigan's law school.

Nevertheless, Justice Powell's interpretation carried the day in two major court decisions in December. Another U.S. district-court judge, Patrick J. Duggan, upheld Michigan's current undergraduate-admissions policies, and a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit upheld the admissions policies formerly used by the University of Washington's law school.

"I think everyone expects that, very soon, the Supreme Court is going to take one of these cases and issue either a clarification or an overruling of *Bakke*," says John Friedl, the dean of the College of Arts and Sciences at the University of South Alabama, and a former director of the Center for Legal Studies at Wayne State University, in Detroit.

DO ENROLLMENTS MATTER?

Mr. Friedl and others who have analyzed the research and court rulings say the Supreme Court almost certainly will demand persuasive evidence of the educational benefits of diversity if it is to accept Justice Powell's reasoning.

Harry J. Holzer, a professor of public policy at Georgetown University, and David Neumark, a professor of economics at Michigan State University, reviewed the research in an article published in Septem-

What Studies on Campus Diversity Say

Supporters of affirmative action have issued a steady stream of research asserting that race-conscious college-admissions policies lead to better educational environments. Critics of such policies have questioned each of the major claims. The key assertions include:

Students believe that they benefit from diversity

Surveys of students and alumni have found solid majorities reporting that they benefited educationally from racial and ethnic diversity on campus. For example, in a 1999 telephone survey of 1,800 law students at Harvard University and the University of Michigan, 9 out of 10 said such diversity had made a positive impact on their education. About 8 out of 10 said discussions with students of other races had affected their views of the criminal-justice system.

Professors and administrators think diversity helps

Surveys of college faculty members and administrators also find widespread support for the idea that a racially diverse student body has educational benefits.

One of the largest such polls on the subject, jointly released a year ago by the American Council on Education and the American Association of University Professors, involved a national sampling of 570 faculty members at prestigious research universities. More than half reported that the racial diversity on their campuses enabled students to share a broad array of experiences. Overwhelming majorities rejected assertions that their institutions' efforts to improve di-

versity had led to the enrollment of weaker students or had hurt the quality of instruction.

Nevertheless, more than half said such diversity had not influenced their classroom discussions or their curriculums. Faculty members in mathematics and the hard sciences—fields not covered by the survey—tend to be less likely to view the racial composition of their classrooms as educationally relevant.

Critics of such surveys say that the viewpoints expressed are not based on any hard evidence, and that the populations sampled tend to be overwhelmingly liberal and supportive of affirmative action, leading to biased survey results.

Students who experience diversity on campus seek it later in life

Much of the empirical research comes from studies that tracked students during and after college and examined their grades, graduation rates, long-term career prospects, and major life choices. Such research is the primary focus of *The Shape of the River*, a widely cited defense of race-conscious admissions written by William G. Bowen and Derek Bok, former presidents of Princeton and Harvard Universities, respectively.

Until recently, the research focused almost exclusively on black students. Supporters of race-conscious admissions policies argue that such policies open doors, but critics say that the students for whom the bar is lowered tend to fare poorly academically. Such research may be of limited relevance in the current legal battle over affirmative action, however, because

the U.S. Supreme Court has made it clear that race-conscious admissions policies must benefit all students to be justified on educational grounds.

A recent study by Patricia Y. Gurin of the University of Michigan at Ann Arbor tries to make the case that white students reap long-term benefits from diversity. Tapping into a national database with information from many colleges, she found that those students who had the most interaction with diverse peers in college were the most likely to be living and working in integrated settings five years after graduation.

Critics say the correlation may simply be a function of geography, given that many people attend college and settle down in the area in which they grew up.

ber in the *Journal of Economic Literature*. They concluded that "the jury is still very much out" on how much, if anything, is gained educationally from diverse campuses. But they also found little evidence that the pursuit of such diversity causes educational harm to students on campus.

Researchers on both sides of the debate say the most relevant studies are those that use assessments of students to gauge the impact that exposure to diversity had.

Both Mr. Astin and Ms. Gurin have done studies showing that students develop on valuable thinking and learning skills from experiences generally associated with racially diverse campuses. Those include taking ethnic-studies courses, participating in workshops designed to promote racial and cultural awareness, and making friends or having discussions with students from other racial or ethnic groups.

But many of those activities can take place in fairly homogenous environments. "When all other things are held equal, do you get better educational outcomes at a campus when you have more blacks and Latinos?" asks Mr. Wood of the California Association of Scholars. "The answer is, you don't. It doesn't make a difference."

Even if it can be shown that diverse campuses yield educational benefits, supporters of affirmative action may still need to prove that the levels of diversity produced

by race-blind admissions policies are insufficient to bring about such benefits.

DIVERSITY WITHOUT PREFERENCES

Efforts to bolster minority enrollments without affirmative action—through the use of outreach to black and Hispanic communities and guarantees of admission to the top graduates of every high school in a state—have produced results for public colleges in Texas and in California, where an amendment to the state Constitution prohibits the institutions from having race-conscious admissions policies.

Even without taking such steps, few colleges with race-blind admissions policies are in any danger of having lily-white enrollments. Critics of affirmative action say the University of Michigan and other public colleges give much more consideration to race than the pursuit of educational diversity could justify. It is entirely possible that the courts could uphold the educational-diversity rationale for racial preferences but strike down those admissions policies that give more consideration to race than needed to accomplish that aim.

There's also the thorny matter of determining which groups need special consideration if educational diversity is the aim. Most public colleges' affirmative-action policies focus on bolstering enrollments from certain racial and ethnic groups that

historically have faced discrimination in the United States, and give only black, Hispanic, and American Indian applicants an edge. If educational diversity is the goal, however, shouldn't special consideration be given to members of other underrepresented racial and ethnic groups? Why continue to give an edge, as Michigan does, to the children of alumni, whose presence tends to make enrollments more homogeneous? And why not take steps to include more students with different political views and ideologies in the mix?

"Nobody really knows what level of diversity and what distribution of diversity is optimal for the educational benefits that are claimed," Mr. Friedl says.

Martin Michaelson, a lawyer who advises colleges on affirmative action, says that the answers to such questions will vary from one institution to the next, and that it is unrealistic to demand that colleges know the answers before considering race in admissions.

But Kirk O. Kolbo, a lawyer representing the plaintiffs in the two lawsuits against the University of Michigan, says the lack of answers to such questions makes the goal of educational diversity too "amorphous and undefined" to justify race-conscious admissions.

"You can't get your arms around it," he says.