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Doctors, Soldiers and Others Weigh In on Campus Diversity

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In a broad show of support for affirmative action in higher education, more than 300 organizations submitted 64 briefs to the Supreme Court last week backing admissions practices at the University of Michigan's undergraduate and law schools. The signers included academics, labor unions, scores of Fortune 500 companies and nearly 30 retired military and civilian defense officials, all of whom contended that a racially diverse, well-educated work force was essential to the success of their operations.

On April 1, the court is expected to hear oral arguments in a case that challenges the university's admissions policies, which award extra points to minority students. Last month, 15 briefs filed on behalf of the plaintiffs, including one from the Bush administration, maintained that the Michigan system unfairly penalized white students and was therefore unconstitutional.

The briefs filed last week defending affirmative action were the result of an effort by Lee C. Bollinger, the former president of Michigan and now president of Columbia University, who sought a wide spectrum of voices outside academia with a stake in affirmative action.

Following are excerpts from some of the less familiar arguments on behalf of — and in opposition to — affirmative action on campus.

In their brief, more than 60 corporations, including Microsoft, Boeing and American Express, supported affirmative action while stopping short of endorsing any specific admissions policy.

In the practical experience of the . . . businesses, the need for diversity in higher education is indeed compelling. Because our population is diverse, and because of the increasingly global reach of American business, the skills and training needed to succeed in business today demand exposure to widely diverse people, cultures, ideas and viewpoints. Employees at every level of an organization must be able to work effectively with people who are different from themselves. [The companies] need the talent and creativity of a work force that is as diverse as the world around it.
The Association of American Medical Colleges cited the contributions of minority doctors, particularly in poor communities:

The medical school and health care communities firmly believe that medical schools must take race and ethnicity into account in the admissions process in order to obtain the most effective physician work force.

Empirical studies consistently demonstrate that minority physicians — notably, African-Americans and Hispanics — are significantly more likely to practice in underserved areas comprised largely of minority and poor populations. They are also more likely to undertake research addressing the unique medical concerns of minority populations. These populations are precisely those that, on average, have the most severe health problems and medical needs.

Until such time as our education system allows students from all racial and ethnic backgrounds to compete evenly for the few, selective medical school positions available in this country, there is simply no way to ensure meaningful diversity in medicine without considering race and ethnicity as one factor in the admissions process.

A group of retired military and civilian military officials, including three joint chiefs of staff, two former defense secretaries and several four-star generals, argued that admissions policies at military service academies, like Michigan's, give minorities an advantage but are crucial to national security:

Today, almost 40 percent of servicemen and women are minorities.

In the 1960's and 1970's, however, while integration increased the percentage of African-Americans in the enlisted ranks, the percentage of minority officers remained extremely low, and perceptions of discrimination were pervasive. This deficiency . . . led to low morale and heightened racial tension. The danger created was not theoretical, as the Vietnam era demonstrates. As that war continued, the armed forces suffered increased racial polarization, pervasive disciplinary problems and racially motivated incidents in Vietnam and on posts around the world.

The crisis that resulted in integration of the officer corps is but a magnified reflection of circumstances in our nation's highly diverse society. In the 1960's and 1970's, the stark disparity between the racial composition of the rank and file and that of the officer corps fueled a breakdown of order that endangered the military's ability to fulfill its mission. That threat was so dangerous
and unacceptable that it resulted in immediate and dramatic changes intended to restore minority enlisted ranks’ confidence in the fairness and integrity of the institution.

The American Jewish Committee and eight other largely Jewish organizations described how quotas were used in the past to keep Jews out of colleges and universities. In 1978, the American Jewish Committee opposed the University of California in the Bakke case, in which the Supreme Court banned quotas but said race could be a factor in admissions. Here, the group explained why it was now backing Michigan:

There are constitutionally significant differences between rigid, racial quotas and targeted goals. A quota is an inflexible template that is often based upon population percentages. Quotas mandate admissions based solely upon group membership, and there are often sanctions imposed if they are not met. . . . By contrast, goals are flexible and are based on the relevant, available, qualified applicant pool. They can be adjusted, as needed, and no sanctions are imposed if they are not met. While quotas used to limit the number of Jews in higher education were motivated by the discriminatory intent to restrict a particular group, goals have the intent of increasing the number of qualified minority members at the institution.

It would indeed be ironic if, with all the factors that universities take into account to assure diversity or otherwise serve the university’s pedagogical and institutional interests — including geography, sports capability, socioeconomic or legacy status — that the only factors that may not be taken into account are those associated with populations that have been historically underrepresented on our campuses.

In support of the plaintiffs, the Asian American Legal Foundation said race-conscious admissions policies were always "odious," and should be used only as a last resort. A ruling in Michigan's favor, the group contended, could threaten a settlement reached in a case, referred to as Ho, in which San Francisco agreed to stop assigning children to public schools on the basis of race.

The Ho case demonstrates the modern-day dangers of Kafkaesque social engineering in a multiracial society. It also came against the backdrop of a long history of de jure discrimination against individuals of Chinese descent in San Francisco. Viewed
by many as faceless members of a "yellow horde," these individuals were often the
victims of state action aimed at protecting
others from the supposed numbers of their race. . . .

There is ample reason to look askance at any program that classifies people by ethnicity
to achieve some "ideal" racial
composition. There is no difference between a policy of admitting some people because
there are "not enough" of their race and
a policy of excluding others because there are "too many" of theirs. This country's most
respected universities have a shameful
history of such policies, namely the admission ceilings first adopted for Jewish students
in the 1920's, out of concerns over Jewish
"over-representation" at those schools.

The Center for Individual Rights, which is backing the plaintiffs in the Michigan case,
maintained that racial diversity
was not a "compelling" government interest, and that Michigan's admissions program
was not "narrowly tailored" —
the standards set by Justice Lewis F. Powell Jr. in the Bakke decision — because no
school has openly said how much
diversity is enough.

The university is thus on the horns of an intractable dilemma: Either it has a hard quota
seeking supposedly "correct"
representation of minorities — thus elevating race above all else — or it lacks any
definable conception of proper representation,
a "critical mass," and thus "diversity" itself, making it literally impossible to narrowly
tailor its program to an undefinable interest. If
the goal of "diversity" and representation is but an amorphous judgment call, then no
court could ever apply strict scrutiny or
know when the university had crossed the line from narrowly serving its interest to over-
serving that interest at the expense of the
highest constitutional values.