EDUCATION

The Long Road to Race-Blindness

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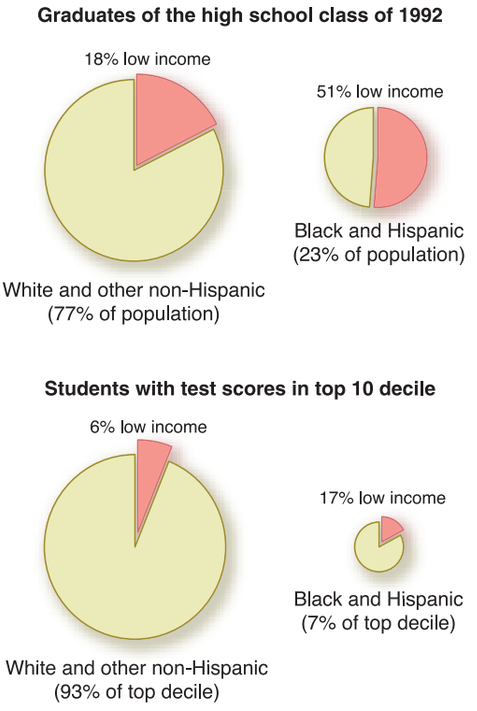
In June of 2003, a majority of the U.S. Supreme Court ruled that the University of Michigan Law School could consider an applicant's race in making admission decisions (*1*, *2*). The court's decision was driven largely by the fact that, given the current distribution of academic performance among U.S. high school seniors, selective universities would admit very few African American or Latino children without taking race or ethnicity into account. The decision was tailored to accommodate universities' use of race in admission decisions, while limiting the impact outside of higher education. In this Policy Forum, I describe empirical realities underlying the debate and issues likely to arise in future legal challenges.



The Trade-Off

The debate over the use of race in admission decisions has been wrenching, because it demands a trade-off among three worthwhile goals: race-blindness, academic selectivity, and a semblance of racial diversity on selective campuses. A few justices did not find the trade-off sufficiently compelling to outweigh the equal protection clause in the Fourteenth Amendment. Rather than requiring an institution to reduce the number of African American and Latino students admitted, Justices C. Thomas and A. Scalia pointed out that a university could also reduce its academic selectivity to accommodate a race-neutral policy. Justice Thomas asked, if operating a public university law school is such a compelling state interest, why do a number of states including Alaska, Delaware, Massachusetts, New Hampshire, and Rhode Island—choose not to do so? Moreover, he noted, even fewer states choose to operate highly selective public law schools. Such concerns notwithstanding, a majority of the court found the public benefits generated by race-conscious policies sufficiently compelling to allow continued use of race in admissions.

Basing Admission on Class Rank

In what seems to have been a risky legal argument, the Bush Administration tried to deny the existence of the trade-off itself, arguing that even highly selective institutions could achieve racial diversity by race-neutral means, simply by granting automatic admission to students in the top of their high school class (*3*). They pointed to the experience of Texas, Florida, and California, which have substituted admissions based on high school class rank for race-conscious policies (although the extent of their success has been disputed) (*4*–*6*), as evidence that there are workable alternatives.

But such policies rely on segregated schools, and not all states have highly segregated school systems. In 25 of the 48 states for which data were available, fewer than 10% of African American seniors attended high schools containing more than 90% African American or Latino youth. Latino students are typically less segregated: In 37 of 48 states, fewer than 10% of Latino youth attended high schools with more than 90% African American or Latino enrollment. Perhaps not surprisingly, the states that have substituted rank-based policies for race-conscious admissions—California, Texas, and Florida—are among the handful of states that have large numbers of both African American and Latino youth attending segregated schools (*7*, *8*).

Basing Admission on Low-Income Status

As another way to avoid the trade-off between race-blind policies and student diversity, some have suggested race-neutral "class-based" admission policies—targeted at low-income and disadvantaged youth (*9*–*11*). But, however worthwhile such policies may be, they will do little to produce racial diversity on selective college campuses. In 1992, among the high-scoring high school seniors (those with test scores in the top tenth of the class), black and Hispanic youth were three times as likely to be from families with incomes less than $20,000 than white and other non-Hispanic youth (*12*) (see figure, left). However, black and Latino youth still represented only one out of six high-scoring, low-income youth—17%. Because black and Hispanic youth represented only 7% of the top decile of test-takers, they represented a minority of most subgroups of applicants, even low-income applicants. As a result, selective colleges and universities would have to admit six times as many students under an income-based policy to yield the same number of black and Hispanic youth as would result from an explicitly race-based policy. Preferences based on economic disadvantage offer a very indirect means for achieving racial diversity (*12*, *13*).

Process Matters

In a separate case involving undergraduate admissions at the University of Michigan, the court ruled that the college's mechanical point system, which granted a prespecified number of points on the basis of race, was not legitimate (*14*). In other words, although universities can consider race as part of a complete reading of an applicant's file, it cannot grant an automatic, prespecified number of points based on race. The distinction is somewhat elusive. The justices were clearly hoping that a more careful reading of each file would lead universities to consider a wider range of each individual's skills and to tailor the weights

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