



Reversal of Discrimination The Bakke Case

A lot of talk has been done and a lot written recently about a white man suing the University of California for twice denying him admission to its medical school because he is white. Much of that talk and many of the written reports have come across to the listener and reader in a tone that almost suggests glee on the part of those opposed to any extra effort in all walks of American life to remove the scars left by three hundred years of unequal treatment.

"Reverse discrimination", the term grabbed so readily by many whites, is a lot of bunk. Writing in the July issue of FOCUS, the monthly newsletter of the Joint Center for Political Studies, Ralph R. Smith separates the truths from the myths about the Bakke case. Bakke won the case in the California Supreme Court which ordered him to be admitted. The University of California appealed to the U. S. Supreme Court and the case is scheduled for a hearing in October.

These myths versus realities have been carefully researched by legal experts. Though very long, we share this information with you, our readers, for better understanding of this historic case.

MYTH - Allan Bakke was an exceptionally well-qualified student who would have gotten into the Davis Medical school had it not been for the task force (special) admission program being challenged in this case.

REALITY - (1) Eleven medical schools, eleven separate committees, dozens of faculty members and medical students across the country obviously agreed with the assessment of the University of California Davis Medical School - Allan Bakke was a good student but was not so outstanding an applicant as to be considered clearly superior to the thousands of other students competing for a limited number of seats in the entering class. Allan Bakke had applied to eleven medical schools. He was rejected by all of them. He was rejected by his alma mater, the University of Minnesota - presumably this was the school which had reason to know Allan Bakke best and had the most sound basis on which to assess his record and potential.

(2) Allan Bakke would not have been admitted to the Davis Medical School even had there been no task force program. In 1973, Bakke had a combined numerical rating of 488, out of a possible 500. There were fifteen students not selected who had scores of 488. Moreover, there were twenty students with the score of 488 who were put on the alternate list. There were a total of 35 people who would have been considered ahead of Allan Bakke even if the sixteen task force slots were not set aside.

In 1974, Allan Bakke's benchmark was 549 out of a possible 600. There were twelve applicants with higher benchmark scores who were not admitted. Moreover, there were twenty applicants on the alternate list. Again, even had there been no task force program there would have been 32 applicants ahead of Allan Bakke for the sixteen available places.

The trial court in California made specific findings on this matter: "Plaintiff would not have been accepted for admission... even if there had been no special program."

(3) If Allan Bakke was discriminated against, it was on account of his age, not his race.

In a letter dated September 13, 1971, Allan Bakke, then 31, wrote the admissions committee at the Davis Medical School to inquire about the impact of his age on the application process. On September 20, 1971, the associate dean for student affairs, responded, "when an applicant is over thirty, his age is a serious factor which must be seriously considered. One of the major reasons for this is that an older applicant must be unusually highly qualified if he is to be seriously considered for one of the limited number of places in the entering class."

It is clear that so long as age was a factor and this standard was applied, Allan Bakke would not be accepted. He was just not

"unusually highly qualified."

MYTH - The program being challenged is one from which white students were arbitrarily excluded so that a rigid quota of racial minorities could be admitted, thus discriminating against whites on the basis of race.

REALITY - (1) White students were never excluded from consideration under the task force program. The program was designed and identified as a program for the economically and educationally disadvantaged. While race-related, that category is not race-specific. White students applied and were, in fact, considered and interviewed under the auspices of the task force program in each year of its existence.

Emphasis on the fact that no Anglo student had ever been admitted under the program tends to ignore other important facts. The bulk (over 80 per cent) of applications to the Davis Medical School come from residents of the state of California. Over 90 per cent of the students accepted in the class are California residents. Much the same is true for task force applicants. Therefore, the relevant geographic area on which to base a decision as to the relative economic and educational disadvantage is California. The fact that racial and ethnic groups comprise a disproportionate amount of the economically disadvantaged residents of California.

Further, there is no doubt that the people of California who are most educationally disadvantaged are those minorities who attend the inner city schools.

So it should not be surprising that the overwhelming majority, if not all, of the admittees to any program for the economically and educationally disadvantaged would be minority.

(2) The sixteen seats set aside for the task force program did not constitute a ceiling or a floor on the number of minorities admitted into the Davis Medical School and, therefore, cannot be considered as being a "quota".

The task force allotment did not constitute a ceiling on the number of minority students in the class. In 1973 and 1974 a total of 56 minority students were admitted to the Davis Medical School: 25 of them were regular admittees.

The task force slots did not constitute a floor either. In at least one year, a "slot" was returned to the "regular" committee because the task force could not fill it with a qualified admittee.

Moreover, it should be noted that sixteen was not the magic number designed to assure proportional representation. The minority population in California is far in excess of sixteen per cent.

(3) Contrary to popular belief, the students admitted into the Davis Medical School through the task force program were not all members of the so-called racial minorities.

The record shows that Native Americans, Asian Americans, American blacks and Chicanos were accepted into the program. An often overlooked point is while American blacks and Asian-Americans can be classified as racial minorities, such a classification is inappropriate for either Chicanos or Native Americans. Chicanos are a cultural and ethnic minority group not a racial group. Native Americans are a political minority, indigenous to this country, not a racial minority.

This fact is important since it severely undercuts the notion that those Anglo students not admitted under the task force program to the Davis Medical School were discriminated against because of race.

MYTH - The so-called "regular" admitted students had far better credentials and had consistently outperformed in every respect the task force admittees. (This impression is conveyed because reporters have chosen to focus on the disparity in mean scores. Such a focus is misleading since many people do not realize that the mean score is not an average).

REALITY - The record shows that many of the task force admittees had better undergraduate grade point averages than many of the so-called "regular" admittees. The two years in which Allan Bakke applied are illustrative. For the class admitted in 1973, regular admittees had overall grade point averages as low as 2.81 per cent. Task force admittees had averages as high as 3.76 per cent.

For the class admitted in 1974, regular

Education: A Black Studies Committee

On January 10, 1977, the Durham City Board of Education approved the setting up of a Black Studies Committee for the Durham City Schools. One of the objectives the city board gave for its approval of the setting up of a Black Studies Committee was that grades kindergarten through twelve should be made aware of the black contributions to society of black citizens.

Additional reasons the city board gave for setting up a Black Studies Committee are that stress should be placed on the history of the blacks of Durham and that we should strive to humanize our culture.

This decision by the Durham City Board of Education is highly significant. Our school board, by making provisions to provide a total education for all of the school pupils of Durham, has taken the leadership in the State of North Carolina.

Thus, in making this proposal, our school board realizes that, when generations of pupils in any society pass through an educational system without knowledge of a significant portion of that society's population, those generations of pupils are not totally educated. And, when blacks themselves are allowed to be "educated" without being given information about their history and their culture, their respect for their human worth is not enhanced.

We, the citizens of Durham, should recognize the significance of the city school board's decision to set up a Black Studies Committee because such a committee will be able to dispel some of the myths about a black studies curriculum. One of these myths about a Black Studies Curriculum that is common is that many people feel that Black Studies teach black students to be racists. This is a tragic misconception. Whatever approach to teaching Black

Studies that is decided upon by a curriculum committee; its implementation will humanize, not polarize, the Durham City School pupils.

Another myth about a Black Studies curriculum is that Black Studies is for blacks only. It was the writer's experience as a teacher of African and Afro-American literature and Black psychology at California State College, Long Beach, Ca., that all pupils found a well-organized and informative Black Studies curriculum exciting. They found the material new and challenging. Many of these students increased their reading interest and ability by doing extensive reading and research in both fiction and non-fiction. They invited to their campus distinguished blacks who could relate to the students their roles in helping to shape American history and culture, and the students attended lectures and workshops on other college campuses. At California State College, the white students, because they enrolled in the black studies courses in large numbers, helped to make the program a success. Moreover, on that campus the black studies program helped to create a human bond among students of all ethnic varieties.

One myth that a Black Studies curriculum will quickly dispel is that blacks have served this country only as slaves. Our school pupils are unaware of the many contributions that blacks have made that have added significantly to the lives of people in this country and to the lives of the people throughout the world. For example, how many people know that George Washington Carver created 292 products from the peanut? These products saved the economy of the South when the boll weevil invaded the cotton crop. How many school pupils know that Daniel Hale Williams, a black physician, was the first to perform open-heart surgery, or that Dr. Charles

Drew, another physician, was the first to conserve blood plasma? Or do our school pupils know that the renowned naturalist, W. H. Audobon, was also a black man? There are literally millions of blacks who have made outstanding contributions to their society, but these blacks have either been omitted from the history books or they are not yet being included in our school curriculum.

And there is the psychological aspect of a Black Studies curriculum that will benefit Durham's school pupils: black pupils will have more respect for themselves and they will gain more respect from their fellow students; and other students will be able to rid themselves of the stereotypes that they have learned from an uninformed society. It is difficult to help students with low self-esteem to shape goals and directions for their lives. And it is detrimental to society to have within its ranks people who by virtue of their ignorance believe others to be inferior and undeserving. A Black Studies curriculum will go far toward dispelling low self-esteem, ignorance and bigotry.

And finally, since all of our teachers from kindergarten through twelfth grades will be involved in the implementation of a Black Studies curriculum, our teachers will have the opportunity to become adept in teaching black history, and black culture. This will have a tremendous impact on their lives and on the lives of their pupils. And in the final analysis, it is our society that will harvest the rewards.

May we, then, salute our Durham City Board of Education. This is another giant step toward quality education for Durham's school pupils. We hope that other school systems will follow the trail that our school board has blazed.

Benjamin L. Hooks

Executive Director NAACP

New Day Begun

At the 68th Annual Convention of the National Association for the Advancement of Colored People in St. Louis, June 27-August 1, Mrs. Margaret Bush Wilson, chairperson of the board of directors, declared: "We are dismayed and disheartened that President Carter has not forthrightly declared his support for the Hawkins-Humphrey Full Employment Bill. His refusal to commit the total resources and influence of his office to a policy of full productivity has stymied the efforts of those in Congress laboring to put 10 million people to work."

Why can't a nation that has spent one trillion dollars on weapons of destruction in the last 15 years spend 50 billion to put its people to work? Ms. Wilson went on to "remind President Carter that millions of people poured out of rat-infested delapidated tenement houses (in the black ghettos) from one end of this country to the other -- to give him his margin of victory."

This expression was based on his promise to work to eliminate inhumane conditions under which people now live. If a balanced budget precludes the development of decent safety and sanitary housing for all our people -- then we advise President Carter... that standard housing is the greater priority."

She also pointed out that some 23 years after Brown vs. the Board of Topeka, Kansas Education Supreme Court decree "it is criminal that this nation is still floundering in attempts to develop a comprehensive and effective plan for successful desegregation of its schools." She lambasted "as a total outrage" the most recent actions by the U. S. Congress in passing repressive measures in respect to busing and appropriations bills.



Congressman Hawkins' Column

By Rep. Augustus F. Hawkins

The Black Menace

Black communities nationwide have been victimized by drugs for more than several decades. It used to be that heavy narcotics, primarily heroin, was popular among a few blacks. Since the early forties marijuana, later barbiturates, flooded our neighborhoods.

In recent years cocaine and angel dust have invaded our neighborhoods. When you combine the adverse effect of the drug invasion, with unemployment, substandard housing, poor health, malnutrition, inferior education, black cannibalism, etc., we black people, are facing a serious problem.

Being black in a society that is primarily designed to nurture the welfare of white Americans,

admittees had compiled undergraduate grade point averages as low as 2.79, while task force admittees were as high as 3.45. In both years, the undergraduate performance of the task force admittees on the high side was markedly better than the majority of students admitted into class through the "regular admission" process.

The Allan Bakke case is really a sieve that won't hold water. Affirmative action must be the order - not lies about "quotas" and "reverse discrimination".

Affirmative action must be the order until

- opportunities are equal;
- bases of preparation are equal;
- the same number of whites have been lynched;

All this was a week before the Urban League's Vernon Jordan shook up the administration with mild but well reasoned charges that blacks and poor people in this country who furnished the margin of Carter's victory were becoming disenchanted with the administration because: "We have no full employment policy. We have no welfare reform policy. We have no aggressive affirmative action policy. We have no national solutions to the grinding problems of poverty and discrimination."

In my speech earlier in St. Louis, I sent a "special message (to) our friends in Washington": "Although blacks, including most members of the NAACP, overwhelmingly voted for President Jimmy Carter, and helped out a great Democratic majority in Congress, we want them to know that our support is not permanent... we cannot and will not be taken for granted. Our continued support has to be earned by acts and deeds on our behalf and not on style, words and promises."

"In the next weeks, we of the NAACP will be closely examining the policies, plans and programs of this new administration as they relate to the interests and needs of black Americans. We want to know where we are on the domestic agenda... we want to know what the priorities are for keeping the promises made during the Presidential campaign."

We believe firmly in political accountability... and our support and votes will be guided by the extent of the Administration and Congress's accountability to us who helped put them in office. As the Lord giveth and taketh... so do

black voters.

All these are mild and reasonable criticisms. But they are nevertheless, warning from friends to friends. No one in the Administration, or in Congress should perceive them as "self-serving or demagogic" or as "a product of some competition among black leaders for primacy."

These are warnings taken from soundings in the black and poor communities across the land. They represent the real and growing rumblings of folks who are at the cutting edge of poverty, joblessness and want; those who desperately need decent housing, health and educational programs.

Those who would shrug off these charges as things of little consequence will do so at the peril of harmony, peace and continued prosperity and productivity of this great country of ours.

For the blacks and the poor have no permanent friends nor permanent enemies, only permanent problems. Most black leaders know this and are speaking out in a most candid manner on issues that drastically affect the lives of our people.

My final admonition to Mr. Carter when I spoke before the National Urban League was biblical, in nature. After declaring my support for Jordan, I said that the President should remember that when he meets his Maker he will not be judged on the fact that he was an atomic engineer, nor will St. Peter be concerned about the fact that he was successful peanut farmer or a governor of Georgia, or even a President. He will be asked: "Brother Jimmy: I was hungry, did you feed me? I was naked, did you clothe me? I was in jail, did you come and see about me?" The roar from that huge audience was deafening.

When neighbors are full with hate, lack of respect for others and themselves and refuse to hold themselves responsible for their own acts, we are all in a tragic state.

It's true that we collectively lack much, but if we respect each other, study individually and collectively, oppose the flood of drugs in our neighborhoods, publicly condemn black criminals and collectively work to protect our neighborhoods and our loved ones, our lives and our communities will be strengthened. Not until this occurs will we be able to destroy the black menace that welcomes drugs, hair curlers and 9 inch platforms, thugs, rap, alcoholism, etc.

None of us can strengthen our neighborhoods alone, nor can we afford to sit back and take comfort in the "security" of our barred up houses. The black menace is capable of crawling through cracks in your fortress. Further, it lurches in dark places ready to pounce upon you. Your children are also prey for its destructive influences, a reality that often happens at school or the neighborhood park.

The black menace can be destroyed if we are willing to support a collective effort to improve our neighborhoods. Our churches, schools, businesses, police, community organizations, etc., should all be a part of this effort. We must all demand their contribution.

Obviously, our problems are the result of a long history of neglect caused by racist policies. However, we, black people, must in spite of this, assume some responsibility for correcting the problem. Some of the approaches for doing this are as follows:

1. We should all help to police our neighborhood. For example, we should make black parents

