

## Second thoughts on Bakkee:

# Educators still figuring out what court meant

By DAVID ARBOGAST  
Staff Writer

WASHINGTON, D.C. (CPS)—Tim Bradley of the American Society for Engineering Education only shakes his head and says, "Nobody knows. They're all wondering."

That, in a nutshell, is the "consensus" that has developed among education lobbyists here in the four months since the U.S. Supreme Court ruled that 38-year-old Allan P. Bakke was illegally denied admission to the University of California-Davis medical school because he is white.

The court also ruled that the school's admissions policy, which reserved 16 seats in a class of 100 for minority students, was unconstitutional. Yet it was the court's third ruling—that colleges may consider race as a factor under circumstances—that generated the kind of confused Bradley noted.

For admissions officers are trying to determine what those "circumstances" might be. Their task is not made easier by the court's split opinion on the issue. Only five of the nine justices concurred in the "special circumstances" opinion, and there was considerable dispute among those five over what constitutes an acceptable race-conscious program.

As a result, the academic community is busily running off to various conferences to see if it can concoct an acceptable affirmative action program on its own. Professional organizations like the American Council of Education and the National Assessment of Educational Progress, as well as schools from the University of Maryland to Mount Marty College in South Dakota, have already scheduled Bakke conferences this fall. Other groups, like the American Association for Higher Education, have rushed opinion booklets into print that catalogue admissions policy adjustments in the Bakke decision's wake.

The adjustments to date seem to be an empty consensus. Among the consensus' main points: +That any admissions program that used racial considerations in any way will probably be viewed by the courts as "inherently suspect," and thus be subject to review. +That all schools are going to have to review their current policies, are probably going to have to redraw them to explicitly reflect the school's stated academic objectives. +That colleges will, nonetheless, retain broad discretionary powers in tailoring their admissions programs to their goals, including the goal of increased minority enrollment.

The court itself was clear only on the first point of the consensus. On the second point, the court said schools can consider race as one element of an applicant special treatment only because of his or her race would violate the equal protection clauses of the 14th Amendment.

### RACE AS "ONE FACTOR"

Specifically, the court decided that Allan Bakke had been denied an equal opportunity to compete for one of the 16 med school seats Davis had reserved for minority students. Minority students, though, were eligible for all 100 seats in the class. Bakke and all other whites were only

eligible for 84.

Justice Brennan wrote at some length on the third point of the consensus, that colleges should retain control over their own admissions programs, and that "more minority students" is a worthy program goal.

But he found—and the post-Bakke consensus has tended to concur—that schools will need to take a good, hard look at how they admit students. Minimally, the standards that are emerging would require schools to publicly declare their schools will need to take a good, hard look at how they admit students. Minimally, the standards that are emerging would require schools to publicly declare their admissions policies, and to explain how the policies help the schools meet their institutional goals.

It's also clear that professional education associations are taking an active part in pushing their member schools toward new admissions programs. The emphasis is on innovation. Innovation would seem to be necessary if a school was to thoroughly consider an applicant's

race within the vague bounds suggested by the court. The associations are asking schools to pattern their programs after Harvard's.

Justice Powell, of course, wrote approvingly of the Harvard program in his Bakke opinion. Harvard considers a candidate's minority status as one factor (in the applicant's favor) among many factors that determines if the candidate is ultimately accepted.

There is one other point on which

everyone seems to agree: When evidence of past racial discrimination is proven, the courts will not hesitate imposing even drastic measures to remedy the problem.

Otherwise, speculation is all administrators have to go on right now. There seems to be agreement that something will have to be done about admissions programs in the near future, but the schools, contemplating an abiguous court decision, are cautiously waiting to see what other schools will do first.

## Regan Sings

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A unique feature of the department's major curriculum program is the field internship. The internship allows a student to work in a social agency or in community organizations. Currently two students are working in the Carrboro City Hall with the mayor and city manager.

There is also an opportunity open to juniors to spend a year in Africa. Presently, there is a UNC Afro-Am

major in Sierra Leone.

The ever expanding and growing department has added a new faculty member. Mrs Carolyn Stroman will teach the junior and senior seminar's and a course on the Black press.

The department of Afro-American Studies, through its many planned activities and enthusiasm on the part of Black UNC students, is looking forward to a very prosperous year.

# Bakke poses as just another student

## His first Davis appearance causes ruffles on campus

By RICK KUSHMAN  
Staff Writer

DAVIS, CA. (CPS)—The dean says he caused a decline in minority applications to the school. The administration says his very presence required extra security precautions. The rest of the world of higher education, meanwhile, knows he's inspired a time of uncertainty for all affirmative action programs.

So, none too surprisingly, Allan Bakke, possibly America's best-known freshman, started school Sept. 25 amid the clamor of the press and the shouts of protesters. Seemingly oblivious to the questions and the demonstration, Bakke just smiled and walked briskly into the main building of the University of California-Davis medical school.

Some 40 reporters scurried after the 38-year-old from Los Altos, Ca., but were denied entrance to the classroom by the university.

Bakke, who has shunned publicity since filing his "reverse discrimination" lawsuit in 1974, only told reporters, "I'm very happy to be here." Then he left to attend his first class.

After the class, a three-hour session on molecular and cellular biology, Bakke had to be helped to his waiting car by some of the extra security forces the school hired to keep Bakke's first day peaceful.

Meanwhile, demonstrators from the National Anti-Bakke Decision Coalition picketed the school, shouting "Down with Bakke" and "We won't be denied." Nonetheless Andy Noguchi, a spokesman for the group, said he wished Bakke the man no ill, and that he was protesting the U.S. Supreme Court ruling.

### GREETED WARMLY

In June, of course, the high court

ruled the Davis affirmative action program—which Bakke contended had unfairly barred him from the med school because he is white—was unconstitutional because it used race as the major factor in considering Bakke's application.

But in a separate 5-4 decision, the court also ruled that race and disadvantaged status could be considered in admissions in order to develop a balanced student body.

The furor over Bakke's resultant arrival on campus, though, was considerably more short-lived than the controversy over the court's disposal of his case. Only one reporter greeted the first-year med student on his second day of class. The rest of the week he was largely ignored by both press and protesters.

Bakke was, according to his classmates, greeted warmly by many students, and has been treated as just another person trying to survive med school. By the end of his first week, Bakke was indeed indistinguishable from his peers. On breaks he talked medicine with students around him, and answering probing questions like "How's it going, big Al?" and "how far are you behind?"

Dr. Willard Centerwall, a genetics professor, said the faculty isn't giving Bakke special treatment, either. "I haven't changed my style," Centerwall said. "And I did not prepare for these classes any differently."

### ADMISSIONS DECLINE

Anatomy instructor Dr. Edward Carlson called it a "foregone conclusion" that Bakke would be treated as just another student.

But Bakke's presence has made a difference at the administrative level. UCD Medical School Dean C. John Tupper said Bakke's case is responsible for a decline in minority

admissions to the school. He's hopeful that "after the furor dies down, the number of minorities (in the med school) will continue to increase."

This year's entering class includes 20 minority and 33 female students, the dean said, but only nine people were admitted through the affirmative action program.

Students admitted under the program before the Supreme Court's June 5 decision were allowed to remain, added Vicki Saito, the university's public affairs officer. Those spaces opened by students declining to attend Davis were filled through a different process.

Race, said Saito, was still a factor in the process. Spots were offered to minority students as well as white students. Although she could not separate preadmission decision admissions, she did know that only two of the 18 places offered to Hispanic students were ultimately accepted. Only four black applicants accepted the 11 spaces offered, and just 14 Asians took the 36 invitations extended to Asians.

### MORE MINORITY RECRUITMENT

Saito observed that last year's rate of refusal was not as high. "It's possible," she speculated, "that they wanted to go somewhere where they wouldn't be subject to so much publicity."

Enrollment overall was down six percent from the fall of 1977, but Dr. Lois O'Grady, who heads the med school's student affairs office, noted that decline matches the national average for med schools.

All told, minority applications were down seven percent.

Yet O'Grady stressed that the university has intensified its recruitment of minorities as a direct result of the Bakke ruling.