

High court examines race in admissions

Court ultimately rules in UM's favor

BY JENNIFER SAMUELS
ASSISTANT STATE & NATIONAL EDITOR

APRIL 1, WASHINGTON — The U.S. Supreme Court heard two cases Tuesday that might change the face of higher education by making it unconstitutional for public colleges and universities to use race as a factor in admissions.

The justices and lawyers debated in front of a packed chamber — heatedly at times — whether the University of Michigan-Ann Arbor's use of race-based admissions in both its Law School and undergraduate college violate the legal mandate that guarantees all citizens equal protection under the law.

The suits also claim that UM's policies encroach on Title VI of the 1964 Civil Rights Act, which requires an assurance of equality from institutions that receive federal funds.

The lawsuits were filed by three white UM applicants — Jennifer Gratz and Patrick Hamacher, who applied as undergraduates in 1995, and Barbara Grutter, who applied in 1997 to the UM Law School — who say they were denied admission in favor of minority candidates with similar qualifications.

UM lawyers in both cases stressed that race is not a deciding factor in whether a student is admitted. Rather, said Maureen Mahoney, who represents the Law School, minority status necessitates special consideration because it constitutes something unique that will add significantly to the climate of the university.

Between frequent interruptions from the justices, Mahoney said the real question is whether diversity considerations are acceptable grounds for discrimination.

"When someone applies — whether they are white or not — they are considered on merits like

everyone else," she said.

Mahoney also said the Law School's diversity is highly valued and supported by students.

But Kirk Kolbo, legal counsel for both Gratz and Grutter, argued that race is not always a valid indication of minority status because socioeconomic factors affect all groups.

"Race itself should not be a factor," Kolbo said. "We need to get away from the notion that there is a right number."

The university also was questioned as to whether reducing its selectivity would decrease its need for race-based admissions.

Controversy arose in both cases as to whether preference for minorities constitutes a quota.

Justice Clarence Thomas, the only black member of the court and an opponent of affirmative action, broke his silence once during the hearing to accuse the UM Law School of placing its elitism above selectivity.

Justice Anthony Kennedy, who along with Justice Sandra Day O'Connor is considered a potential swing vote, said he thinks UM's procedure of awarding members of preferred minority groups 20 points is a disguised quota system.

UM admissions officials have been strongly criticized for the disproportionate point value placed on minority status.

Other areas that can earn a student points include 12 points for standardized test scores, 10 points for Michigan resident status and up to five points for extracurricular involvement.

The difference between setting a quota and a goal for minority enrollment is flexibility, Kennedy said.

But John Payton, who represented the undergraduate program, argued that the overarching



DTH FILE PHOTO/GARRETT HALL

Students from UNC-Chapel Hill join thousands of demonstrators outside the Supreme Court to defend affirmative action policies.

goal of the point system is to eliminate disparities between different groups on campus.

"Critical mass is when you have a number of those students so they feel comfortable acting as individuals," Payton said. "We are just getting to the critical mass."

After the hearing, former UM President Lee Bollinger, who is named as the defendant in both suits, said he is "very, very optimistic" about the outcome of the case.

Bollinger, now president of Columbia University, said that if UM's race-based admissions policies are struck down, it will be a tragic blow for higher education across the country.

"The legacy of Brown v. Board of Education, which has set the idea of society as integrated, remains ... and is really the critical point," he said.

"We need to prepare students for the world."

Contact the State & National Editor at statedesk@unc.edu.

Town sends message to UNC with council vote

BY JENNY HUANG,
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ASSISTANT CITY EDITORS

NOV. 4 — After months of intense candidate forums, fund raising and policy debate, incumbents Bill Strom and Jim Ward and newcomers Sally Greene and Cam Hill were elected Tuesday to the Chapel Hill Town Council.

A resident who gained prominence during debates over UNC's controversial proposal to build a parking deck and a chiller plant near the Ghimghoul neighborhood called the results "a wake-up call" to the University and town.

"We elect people who have no ties to the University," said Gene Pease, president of the Ghimghoul Homeowners Association.

"The single thing that's going to change this town is UNC's development over the next few years. What I hope is that both the (Town Council) and the University get smarter about development."

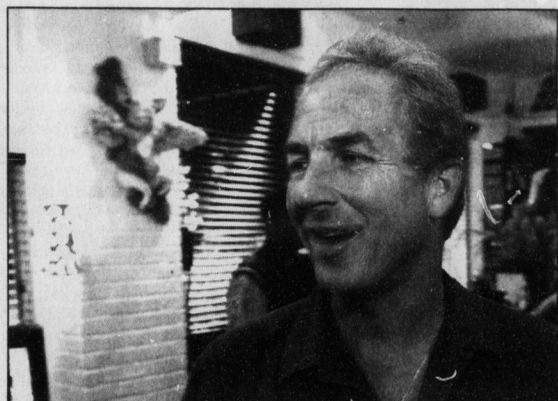
Pease is a founder of the newly formed Coalition of Neighbors Near Campus. The group advocates for protection of area neighborhoods and paid for half-page ads touting Greene, Hill and Strom that ran in the days before the election.

Hill has been the election season's most vocal critic of University development policy, while Strom was one of two council members who voted against the changes to UNC's Development Plan.

Greene works on the advisory committee for the Northside neighborhood, the town's first-ever candidate for conservation status.

Candidate Andrea Rohrbacher, who finished in sixth place, joined Greene, Hill and Strom at Crook's Corner to await the evening's election results. "The major issue (during the race) was the parking deck and chiller plant," she said. "It brought the issue of neighborhood preservation to the campaign."

Ward celebrated his victory with friends and family at his campaign manager's house.



DTH FILE PHOTO/GARRETT HALL

Cam Hill celebrates his election to the Chapel Hill Town Council on Nov. 4, joining victors Sally Greene, Bill Strom and Jim Ward on the board.

Ward generally has been moderate in dealing with University growth. He voted in favor of the changes to the Development Plan but was critical of UNC's desire to widen South Columbia Street.

Greene attributed her win to the resonance of her campaign issues, topped by green infrastructure. "I'm feeling wonderful, really gratified and a little bit humbled. It's really about what the voters want for the town. They believe I could do what they want."

Greene added that the cumulative effect of advocacy groups' support most likely influenced voters. "The endorsements) ratified the broad support that I had."

Strom, who is finishing his first term on the council, said it is an honor to be re-elected. "Chapel Hill voters have been paying very close attention to the Town Council. It's an affirmation of my first term."

In regards to Greene's election, Strom said, "I am excited to serve on the council with someone who is willing to roll up their sleeves and bring information forward."

Hill said he is eager to work with council members on issues such as affordable housing and local development. "It's going to be

fun working on the council. I'm looking forward to it."

Ward said that he looks forward to continuing his public service and to tackling the diverse slate of issues that lie ahead. "I'm excited about the new opportunities we have to energize the town," he said.

He added that the approval of all five bonds in the town's package is a boon to the council's ability to address the changing dynamics and needs of Chapel Hill.

Former council member Alan Rimer said Ward's extensive knowledge of the issues and decades-long service to the town are critical because come January, half the council members will have less than a full term's experience.

"If (the town) lost Jim and Bill from the council, there would be no experience," Rimer added.

Ward said he looks forward to serving with his two new counterparts. "Campaigns have a tendency to draw lines between candidates."

"But suddenly you're on the same side of the table as each other and working together for the same town and its people."

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