

The Bakke Case and Education



WHAT WERE THE CONCRETE CIRCUMSTANCES OF ALLAN BAKKE'S REJECTION BY MEDICAL SCHOOLS?

ARE SPECIAL ADMISSIONS PROGRAMS FOR MINORITY STUDENTS JUSTIFIABLE?

WAS BAKKE MORE QUALIFIED THAN THE SPECIAL ADMISSIONS STUDENTS?

DOES TESTING PROVIDE EQUAL OPPORTUNITY?

by the National Committee to Overturn the Bakke Decision

The 'reverse discrimination' case of Allan Bakke v. Regents of the University of California is a critical juncture in the shaping of race relations in this country. At issue is the legality not only of special admissions to professional schools, but of programs designed to combat racial discrimination in employment, education, and social services that were won in the civil rights struggles of the 1960's. Also jeopardized are similar programs that promote equality for women.

WHAT WERE BAKKE'S OPTIONS?

In 1973 and 1974, a 34 year old white engineer named Allan Bakke unsuccessfully applied to the University of California at Davis (UCD) and 12 other medical schools. Frustrated that his 3.51 grade point average and 90 percentile test scores did not even earn him a place on an alternate's list, Bakke explored legal channels to gain admittance.

Bakke could have vented his anger at the health establishment which annually rejects 64% of all medical school applicants despite the dire need for more and better health care. This would have been welcomed by the millions who have seen the cost of health care spiral beyond their means and the tens of thousands of qualified applicants rejected by medical schools. At UC Davis alone, 3737 had applied for only 100 openings in 1974.

Or Bakke could have attacked 'discretionary admissions' whereby the deans of medical schools admit the wealthy and well-connected without the hindrance of admissions criteria or processes. In 1974, the dean at UCD specially enrolled 5 such students, one of whom had not even filed an application. Lastly, Allan Bakke had ample grounds to sue on the basis of age discrimination. Associate dean Alexander Barry informed Bakke that UC's policy is that only extraordinary applicants over 30 would even be given serious consideration.

WHY IS THE BAKKE CASE RACIST?

Bakke rejected these options. Instead, on the advice of a UCD official named Peter Storandt, Bakke sued UC's special admission program that admitted 16 qualified minority students from low income families to each year's class of 100. Special admissions for whites from wealthy backgrounds and age discrimination are acceptable, he evidently decided, but special admissions for qualified minorities is illegal 'reverse discrimination' against whites.

Facts: The minority population of California is about 30% but only 3.7% of its doctors are Latino, Black, Native American, or Asian American. The special admissions program was created because discrimination had resulted in only 1 Latino and 2 blacks being admitted to Davis from 1968-1970. Although the program's goal of enrolling 16 qualified minorities from poor families each year has not always been reached, it has resulted in a significant increase of minorities in the medical school. In 1974, 628 students of all races vied for the 16 special seats, 90% of all minorities specially admitted to UC's 5 medical schools have become doctors, a higher percentage than that of the 'regularly admitted' white students. Between 67% and 80% of all minorities admitted to the nation's medical and law schools last year would not have gotten in without special admissions programs.

Despite these facts, the California Supreme Court declared the special admissions program unconstitutional

because discriminatory against whites. The forthcoming decision of the U.S. Supreme Court will set a binding precedent for hundreds of 'reverse discrimination' suits now in courts across the country that challenge every conceivable kind of racially-based program. To the extent that these programs are dismantled, racism will gain a freer hand in this country.

WHAT IS THE EDUCATIONAL STATUS OF MINORITIES TODAY?

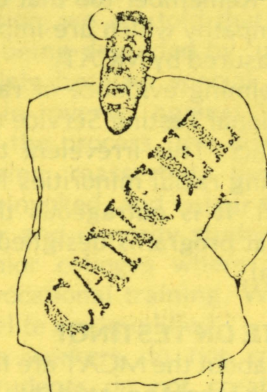
The concept of 'reverse discrimination' implies that minorities have got their share and are now moving in to take over jobs and education from whites. The reality is quite otherwise.

Historically, minorities have been victimized by segregation, exclusion, and discrimination in education as well as employment. Until 1954, segregated schools that were separate and unequal were both the rule and the law throughout the country. Few minorities ever graduated from high school, let alone college or professional schools, until quite recently. The University of California medical school in San Francisco, for example, admitted only one black student from 1886 to World War I, and only seven from World War II to 1964.

The mass activism of the 1960's brought educational inequities to the forefront of popular attention. In addition to being a key contingent of the anti-war, civil rights, and women's movements, students waged struggles to democratize the educational process, content, and admissions procedures. Special admissions programs, financial aid, counseling and tutoring programs, and third world and women's studies were established.

These programs resulted in definite advances in the field of education for minorities. For example, they were only 4.2% of the freshman medical class in 1968, but special admissions raised this to 12.1% in 1976. By 1974, minorities constituted an unprecedented 13.5% of undergraduate college students and the gap in average years of education between minorities and whites had been reduced to about one year.

However, these gains are not as significant as they seem. While minorities may attend school for almost as many years as whites, there is a great difference in the



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quality of education received. For instance, most minorities still attend segregated schools that operate on about three-fourths as much money as schools in white suburbs. This means larger classes, fewer learning aids and educational materials, smaller libraries, etc. Minorities are also tracked into vocational education in disproportionate numbers.

In addition, there are fewer minorities as one goes up the educational scale. At the peak in 1974, minorities accounted for 13.5% of undergraduates, 9.2% of graduate students, and 8.1% of enrollees in professional schools. A disproportionate number of minority college students are found in two year colleges; and minority college enrollment has been steadily dropping since 1974 as special admissions and financial aid programs have come under attack.

The status of minorities in employment is even more bleak: their income is the same 60% of whites that it has been since 1945; minority unemployment reached its post War height in August 1977 and steadily remains more than twice the rate suffered by whites; and another generation of minority youth is being condemned to the streets by 40% joblessness. Minorities are still the 'last hired and first fired.'

Obviously, the need for minority programs has not ceased. The struggles of the past have only served to begin the long road to equality. And presently, the Bakke case threatens to dismantle many of the gains that have been made so far. The myths that Bakke's suit are founded on must be challenged.

WAS BAKKE MORE QUALIFIED?

Bakke argues that his high Medical College Admissions Test (MCAT) scores and grades proved that he was more qualified than the specially admitted minorities. He claims that he would have been enrolled if not for discrimination against whites. Characteristically, Bakke has not objected to the 36 **whites** accepted in 1974 who had lower grades than he nor has it been mentioned that many minorities had higher grades than Bakke. More important, the MCAT has been judged useless as a measure of qualifications by virtually all studies, including the two most recent and extensive by Feitz and Whittico.

For example, Feitz's Association of American Medical Colleges study found that third year black medical students had lower MCAT scores than whites who had already flunked out. A California Assembly subcommittee reported that a higher percentage of UCs' specially admitted minorities have become doctors than its 'regularly' admitted whites. Remember too that qualities such as commitment and empathy which are important to any good doctor are not measured by MCAT.

In addition, overwhelming evidence of racial bias has forced even the Educational Testing Service that produces MCAT to admit this fact. This irrelevant test has been instrumental in excluding racial minorities from entering the medical profession. It is outrageous that it is now being used as proof that programs designed to overcome that exclusion are illegal.

WHAT IS THE DEBATE ON TESTING?

Bakke's contentions about the MCAT are false, but they are not new. From grade school on, students are subjected

to batteries of supposedly objective tests. On the basis of our test scores we are put into 'college prep' or 'vocational' tracks, allowed to attend junior colleges or university, etc. Tests are also increasingly used by employers in addition to the civil service to decide who to hire and promote. Much of our future seems to be determined by tests (whether IQ, aptitude, merit, or the alphabet soup of college entrance and employment exams). Post-civil rights U.S. society seems to be a system based on merit.

But are these tests truly objective measures of merit and intelligence? Has a merit system been established that offers equal opportunity to all, regardless of race, sex, or class? Inevitably, such questions have racial implications: Why do whites score far higher, on average, than minorities on tests? The Bakke case has injected the Supreme Court into the center of these heated controversies which will critically affect its forthcoming decision. If the Court decides that racism has been replaced by equal opportunity, it may decide that affirmative action is no longer necessary.

DO TESTS OBJECTIVELY MEASURE MERIT?

In the U.S. 'objective tests' were first used to 'prove' that most Jews and Italians were 'feeble-minded' in order to justify immigration restrictions against them. Tests became the pet of the Eugenics movement's attempt to breed a 'superior race' in the 1920's. In that same period, they smoothed the introduction of high school tracking by replacing the blatant use of racial, ethnic, and class criteria with an 'objective' basis for tracking. Since then, tests have become the Gatekeeper for elite universities and professional schools.

The fact is that the concept of intelligence is inherently culture-bound. Intelligence must therefore make value judgements when deciding what to ask about, how the questions will be asked, and what the correct and incorrect answers are. In the U.S. tests tend to be biased toward white, urban or suburban, upper class, competitive standards.

A second anti-minority bias stems from the inequalities of the educational system. Those educated in underfinanced and overcrowded inner-city schools and tracked into vocational training cannot possibly score as well as suburbanites from well-heeled schools. These two factors, cultural bias and unequal education, are the reasons why, on the average, whites outscore minorities, the affluent do better than the poor, the urban or suburbanite scores higher than rural dwellers, etc. In no way can competitions that use such biased tests to measure 'qualifications' be considered fair.

DOES TESTING PROVIDE EQUAL OPPORTUNITY?

Since the tests are culturally biased in their favor, affluent whites score higher and have a great advantage in competitions that depend on test scores. This 'unequal competition' is often even worse: no competition at all. In most cases racial minorities, poor people, and women are denied opportunities no matter what their test scores, while the rich are rewarded even if they score low (or don't take the test at all). This is one of the reasons why affirmative action programs are still absolutely necessary.

A good example is educational attainment. The myth is:



the higher one's test scores and grades, the more education one receives. However, studies show that a child from the bottom 10% of socio-economic status (calculated by parents' income, occupation, and years of education) will average some 5 years less schooling than a student with exactly the same test score but from the top 10% of the socio-economic status. Education remains accessible to the wealthy and connected. All others must take tests, hope for financial aid, think positive, and wait for the results.

The cherished idea that intelligence (IQ) and educational attainment—not race, sex, or class—determines eventual economic status is equally misleading. Black men aged 25-34 average only 4% less education than young white men, but the income gap between the two groups is 30%. Similarly, a poor white male has only a 4% chance of reaching the top fourth of the income scale; his wealthy classmate with the same test score has a 44% chance. And women with college degrees earn the same income as men who have only completed the 8th grade.

We do not mean to say that education is not important. However, for most people, **individual** advancement is severely constricted by the dominant **social** realities of race, sex, and class in U.S. society. By admitting a few tokens, however, tests keep people busy fighting each other for a few slots while the elite issues free passes that exempt their sons and daughters from the 'objective' judgement of their Gatekeeper, 'The Test.'

TESTING, THE MERITOCRACY, AND AFFIRMATIVE ACTION

By promising reward to those whose 'objective merit' is proven by high scores. Testing promotes the view that all people have equal opportunity to realize the Great American Dream of success. This view—known as meritocracy—justifies inequality as perfectly natural, even desirable to promote 'healthy competition,' so long as 'everyone gets what they deserve' according to individual merit. This is also the basis for accusing affirmative action programs of 'reverse discrimination.' These programs supposedly violate the equal opportunity of white males because they include racial and sexual criteria to ensure that those groups are not excluded by racist institutions.

But we have shown that the meritocracy is a myth. Its supposedly objective method of measuring merit, testing, is racist. Moreover racial minorities, women, and working class people in general are discriminated against, tracked, segregated, and denied access to quality education and jobs regardless of their individual merit, even when they do well on tests that are biased against them.

It is this racism and sexism, not 'disadvantage' or 'lack of qualifications' that is the reason why minority income is only 60% of white income, and why women fill 83% of the ten lowest paying occupations. Racism is also the reason that affirmative action programs which **require** institutions to hire or admit minorities and women must be expanded, not dismantled by the Bakke decision. To insist on 'color blind equal opportunity' in a society where racism and sexism continue with full force is to ignore reality, not to change it.

THE BAKKE CASE AND THE ATTACK ON EDUCATION

The Bakke case is part of an attempt to blame the deterioration of education on minority, women, and poor students. The mass student activism of the 1960's fought for quality education to be made available to all; for minority, women, and progressive teachers and academic programs; for an end to the university's role in war-making and profit-taking; and for a student voice in their own education. Now the right wing is leading a campaign to restore the racist and elitist character of education to its former extreme.

As justification, we are told that the hallowed halls of academia are being degraded by 'unqualified minorities' who enter solely because special admissions programs 'discriminate in reverse' against 'qualified' white male applicants. In the process, the discredited objectivity of testing is being reasserted, the outdated vision of meritocracy reinvoked, and vulgar selfish interest appealed to. So poor and minority students are shunted off to state and junior colleges where they find themselves tracked into vocational training. When opportunities are few, only the elite are 'qualified.'

But just as workers do not create unsafe working conditions, students do not create poor schools. The

budgetary crisis of the economic recession has revealed where the government's priorities really lie. Overcrowded classrooms, school closures, and bankrupt school districts proliferate while neutron bombs and cruise missiles soak up the funds. Thousands of teachers have been laid off and salaries frozen or cutback. The limited educational reforms of the 1960's are being pronounced failures in order to hasten their termination. 'Reverse discrimination' is the codeword to dismantle programs that have begun to make quality education accessible to minorities.

UNITE TO OVERTURN THE BAKKE DECISION!

The impact of the Bakke case and the concept of 'reverse discrimination' reach far beyond the field of education, boldly challenging the legality of the fundamental anti-discrimination measures won by the mass struggles of 1960's. These include desegregation and affirmative action programs for minorities and women in employment, education, and social services. These

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programs were won through the actions of millions of people united against injustice and inequality. They must be defended in the same way.

Unless the Supreme Court overturns the Bakke decision there will be a monumental backlash against this country's minorities and women. Bakke is not an issue that can be put off since a decision is expected at any moment. Your help is needed immediately to pressure the U.S. Supreme Court through petitions, educationals, leafleting, and on the picket line to overturn the Bakke decision. It is imperative that all people who cherish democratic rights stand up and be counted in this fight.

The National Committee to Overturn the Bakke Decision was formed in April 1977 to help in this important effort. We urge you to participate in the National Week of Education and Action Against Racism and the Bakke Decision from February 19-25; in April 8th demonstrations in cities across the country, and in the National Protest in Washington, D.C. April 15th.

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