

Black Pathways: Examining the History of Race Considerations in College Admissions at Highly Selective Campuses

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Abstract

This paper addresses policies and practices related to college admissions and brings attention to its impact on college access and opportunity for Black students who seek admission into highly-selective public colleges and universities. It presents a historical context that outlines what Black people have endured to secure an education and what they currently face. This conversation provides a continuum and breadth of knowledge that allows for a deeper understanding about Black education. This work looks at education as a viable tool to combat racial and social injustices that uproot marginalized populations in society and actively challenge the constraints placed upon those who are disenfranchised. This critical piece sees education as a way out of systematic turmoil, as well as a way of reimagining the self and sharpening one's tools to be equipped for more opportunities. While education has been a site for cultural assimilation and reproduction of colonial manifestations, education also has a long-standing history of transforming these colonial entrapments into something mentally and physically liberating for those oppressed and historically subjugated. This essay expands upon the importance of race considerations within college admissions to improve university support systems for Black students along their college pathways. This critical discussion could contribute towards understanding the importance of Black representation amongst college campuses and developing specific resources that support the recruitment and outreach of Black-identifying applicants at highly-selective colleges and universities.

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Black Pathways: Examining the History of Race Considerations in College Admissions at Highly Selective Campuses

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This paper addresses policies and practices related to college admissions and brings attention to its impact on college access and opportunity for Black students who seek admission into highly-selective public colleges and universities. It presents a historical context that outlines what Black people have endured to secure an education and what they currently face. This conversation provides a continuum and breadth of knowledge that allows for a deeper understanding about Black education. This work looks at education as a viable tool to combat racial and social injustices that uproot marginalized populations in society and actively challenge the constraints placed upon those who are disenfranchised. This critical piece sees education as a way out of systematic turmoil, as well as a way of reimagining the self and sharpening one's tools to be equipped for more opportunities. While education has been a site for cultural assimilation and reproduction of colonial manifestations, education also has a long-standing history of transforming these colonial entrapments into something mentally and physically liberating for those oppressed and historically subjugated. This essay expands upon the importance of race considerations within college admissions to improve university support systems for Black students along their college pathways. This critical discussion could contribute towards understanding the importance of Black representation amongst college campuses and developing specific resources that support the recruitment and outreach of Black-identifying applicants at highly-selective colleges and universities.

Keywords: college access, affirmative action, higher education policy, educational opportunity

Origin – The Rise of Affirmative Action Policy

Though we may be able to attribute parts of the reconstruction era to the beginnings of affirmative action, particularly in regards to an assertive effort to aid the Black population in their desire to be full participants in society, discussions within this essay about affirmative action policies in the United States will start in the 1960s, the point in which affirmative action became a talking point for both Presidents John F. Kennedy and Lyndon B. Johnson (Harper et al., 2009). Whether these concerns raised were earnest in nature or merely raised due to the positioning of the country at the time, we may never know. While Presidents Kennedy and Johnson might be credited for some of the changes in government regarding race considerations, it is critical to acknowledge the importance of the Black masses and leaders involved in the civil rights movement who sacrificed their bodies and livelihood to ensure change for Black people in the United States. This was also a time when the civil rights movement, featuring grass roots organizations, sit-ins, numerous protests, and boycotts, put pressure on the U.S. government to acknowledge the racial injustices and inequality faced by Black people. The 1960s spawned a series of progressive laws, executive actions, and policies that culminated in what became known

as affirmative action policies (Civil Rights Act, 1964; Exec. Order No. 10,925, 1961; Exec. Order No. 11,246, 1965).

The historical foundation of affirmative action leads with governmental actions that included the efforts of President Kennedy to create an infrastructure for historically marginalized groups in the United States that was sustainable, created more opportunity, and attempted to mend race relations in the United States through various policies and initiatives (Bowen & Bok, 1998; Harper et al., 2009; Trent et al., 2003). Notably, these actions come after the racial injustices, police brutality, and lack of regard for Black citizenship, humanity, and progress. A series of groundbreaking executive actions and federal laws built the foundation for special federal programs to be set up for historically marginalized groups. Respectively, these executive actions and federal laws included Executive Order No. 10,925 (1961) and Executive Order No. 11,246 (1965), the Civil Rights Act (1964), and the Higher Education Act (1965). Based upon these actions, one might argue that President Kennedy was seeking to change the landscape in the United States, to truly bring democracy to the nation. Executive Order No. 10,925 (1961) involved a newly formed president's committee specifically designed for ensuring equal employment opportunity. This order introduced the emphatic idea that all Americans, including Black Americans, shall be afforded equal employment opportunities and, hereby, afforded the same rights under the constitution. This order was also implemented "to scrutinize and study employment practices of the Government of the United States, and to consider and recommend additional affirmative steps" (Exec. Order No. 10,925, §201, 1961). President Kennedy made a verbal commitment and established this new committee for the sake of the people and particularly those who have been disenfranchised such that hiring practices were to become free of any discrimination toward applicants and employees of the federal government and governmental agencies (Exec. Order No. 10,925, 1961).

Though it did not fully start until after President Kennedy's assassination, his executive order led to the Equal Employment Opportunity initiative, which was carried out by President Lyndon B. Johnson. President Kennedy's address, given to a national audience on television, became integral in the changes made against discrimination, garnering attention from civil rights leaders like Dr. Martin Luther King, Jr. (Kennedy, 1963). This presidential address was delivered after Alabama Governor George Wallace attempted to deny the entry of Black students to the University of Alabama. No one had spoken so direct and forthcoming as a president about racial and social issues. Through the nation's push for civil rights justice in the 1960s, the Civil Rights Act was passed in 1964 and was designed to protect citizens against discrimination in public facilities and education, as well as prevent discriminatory acts in accordance to federally-assisted programs and establish equal opportunity employment (Civil Rights Act, 1964). This law not only transformed public domains, but also allowed for all citizens to participate in American society.

While the 1960s addressed concerns of discriminatory practices within U.S. employment, higher education became a stepping stone for Americans to overcome injustices and challenge the system even more, particularly for Black Americans (Harper et al., 2009; Trent et al., 2003; UC Educational Relations Department, 2007). These steps towards a more equitable future for all Americans began to infiltrate into education, as it did for the employment sector. On June 4, 1965, President Johnson gave a speech at Howard University about equal opportunity in education, which led to his Executive Order No. 11,246 (1965) that allowed schools to account for race as a basis for college admissions (Exec. Order No. 11,246, 1965; Johnson, 1965). The Higher Education Act (1965) was soon passed on November 8, 1965, as part of President

Johnson’s Great Society domestic agenda to eliminate poverty and racial injustice (Freidel & Sidey, 2006). The act focused on boosting education resources within colleges across the nation, as well as financial assistance. It allowed for federal money to help increase student enrollment, scholarship programs, low-interest student loans, and teacher corps to help with student recruitment and initiate special programs (Hegji, 2014).

Based on the progressive laws established by former Presidents Kennedy and Johnson, there was a constant push in the U.S. federal government for affirmative steps towards equality and justice. Opportunity created through the Civil Rights Act (1964) and Higher Education Act (1965) became integral parts of transforming the participation of Black people in the United States. These laws became the foundation for affirmative action on a national level. On a state level, as it pertains specifically to the State of California, before the national Higher Education Act (1965) was implemented, the California legislature approved their own higher education policy known as the Donahoe Higher Education Act (1960). These decisions were also helped by the regents and State Board of Education. The Donahoe Higher Education Act (1960) included provisions known as the California Master Plan, in efforts to ensure universal access and choice (EDC §§ 22500-22705). These laws not only changed the opportunity landscapes for numerous non-White Americans, they also made an assertive stance on the importance of race in this country (UC Educational Relations Department, 2007).

Early Years – Effects of Affirmative Action Policy in Education

The beginning of affirmative action within colleges and universities ultimately helped give rise to a Black middle class by the 1990s (Bowen & Bok, 1998). The infrastructure created for Black student enrollment at selective universities, provided sustainability, opportunity, and equipped Black students with the ability to showcase their potential (Harper et al., 2009). As a result of these early affirmative action policies, college enrollment for Black students increased, particularly at predominantly White public institutions. Specifically, the number of Black graduates increased, Black people entering professional schools and law schools increased, and the number of Black professionals employed in higher level positions increased in result to these special programs that improved the level of accessibility and educational opportunities for marginalized populations (Bowen & Bok, 1998). Opportunities were increasing for Black populations in the U.S. as progressive shifts in education and the workforce became more prevalent.

There was a low percentage of Black college students in the 1960s. According to Bowen and Bok (1998), “in 1965, only 4.8 percent of all U.S. college students were African-American” (p. 4). Enrollment at Ivy League universities increased from 2.3% in 1967 to 6.3% in 1976. Other prestigious universities increased their Black enrollment from 1.7% to 4.8% in the same nine-year time span. Black students enrolled in medical schools improved from 2.2% in 1964 to 6.3% in 1975. Black students enrolled in law schools improved from 1% in 1960 to 4.5% in 1975 across the United States. These numbers reflect growth in Black enrollment numbers, which had a positive impact on broadening representation and Black professionals in government appointments (Bowen & Bok, 1998, p. 7-10).

By 1996, Black males “accounted for 8.6% of men professionals and Black females accounted for 13.1% of women professionals,” which was an increase from 3.8% and 6% percent in 1960, respectively (Bowen & Bok, 1998, p. 10). Additionally, Black male workers “accounted for 8.3% of male executives, managers, and admin and Black female workers

accounted for 9.6% of female workers within the same positions,” which showed an increase from 3% and 1.8% in 1960, respectively (Bowen & Bok, 1998, p. 10). Numbers of Black physicians, attorneys, and engineers were reported as doubling and tripling between 1960 to 1990. Particularly, Black Congress representatives increased from four to 41 members between 1965 to 1996 (Bowen & Bok, 1998).

From the 1960s to 1990s, race considerations in higher education and employment provided increased opportunity for Black people to gain access in spaces not seen prior. These progressive policies show the power of the government and institutions to indeed mediate some of these systemic and historical issues within America centered around race. After affirmative action policies were passed in the 1960s, the expectation of colleges and professional schools became ensuring the education of minoritized students (Bowen & Bok, 1998). Programs were enacted into law that provided special programs to recruit minoritized applicants, consider race in the admissions process, and accept qualified Black students irrespective of test scores. By the early 1970s, “federal officials incorporated reports on student enrollment into the affirmative action plans they required of universities,” thus seeming to not make race-conscious admissions just permissible but mandatory (Bowen & Bok, 1998, p. 8).

Changes in Affirmative Action Sentiment – Challenges to College Admissions

The change in political and governmental leadership from the 1960s to the 1980s led to changes in feelings about affirmative action policies (i.e., colorblind, post-racial ideologies that fueled anti-affirmative action sentiments) such that a series of cases took place that sparked the disbanding of affirmative action policies across the nation. These changes would also call upon educators and legal scholars to utilize their work to defend race-conscious practices and policies to the best of their ability (Hurtado et al., 2012). At the point of a growing Black middle class and successful affirmative action programs in higher education, the U.S. Supreme Court decision to uphold the California Proposition 209 sent the message that race is no longer a factor in the United States, merit is all that matters, and affirmative action policies does nothing but waste unnecessary funds (Contreras, 2005; Harper et al., 2009; Trent et al., 2003). As marginalized groups began to gain access and opportunity in higher education and professional work spaces, a series of court cases would occur that challenged affirmative action arguing that affirmative action was unfair, destructive, unjust, and broke the equal protection clause in the 14th Amendment (Bowen & Bok, 1998).

These court cases not only showcase the disbanding of affirmative action, but also highlight the intricacies of how race is governed and how difficult it is for people to grapple with the idea that race plays a critical role in opportunity and access in the United States. These cases shed light on the uncertainty and subjectivity of race and race-related issues. There are many contradictions that tend to repeat themselves in U.S. history around race and who is afforded opportunity. Affirmative action was designed to support those who had been systematically oppressed, yet those who had not been historically marginalized condemned these special programs and argued that affirmative action policies violated their 14th Amendment rights as American citizens (Bowen & Bok, 1998). People who are in opposition to affirmative action programs are sometimes in favor of merit-based programs as a way of expanding access and opportunity; however, in spite of meritocracy, Black people live a racialized experience separate from their White counterparts, forcing them to work twice as hard and still receive limited access and opportunity (Contreras, 2005; Trent et al., 2003; Yosso, 2005).

Amid the increases in Black employment and college graduates, a series of court cases would begin to dispute the validity of special programs and race as a factor in the college admissions process as well as claim reverse discrimination and violation of equal protection rights. Therefore, these advances in enrollment, graduation, and professional careers would be undermined by these challenges. The first major court case to challenge affirmative action was *Regents of the University of California v. Bakke* (1978). This case involved Allan Bakke who filed a lawsuit after a second rejection letter from the University of California, Davis medical school despite having better test scores than most other students. The U.S. Supreme Court ruled that affirmative action was still constitutional, but admissions could no longer use racial quotas (Harper et al., 2009; *Regents of the University of California v. Bakke*, 1978; Trent et al., 2003). Although college admission offices were still able to use affirmative action, *Hopwood v. Texas* (1996) began to further question why race should be considered at all in admission decisions. *Hopwood v. Texas* (1996) involved Cheryl Hopwood and three additional White applicants to the University of Texas law school who all were denied admission to the school despite their high LSAT scores and GPAs. These applicants challenged the law school's admissions policies on the grounds of equal protection. The Fifth Circuit Court ruled in favor of the plaintiffs, and the court's decision subsequently ended consideration of race in admissions to the University of Texas law school (*Hopwood v. Texas*, 1996). This court decision subsequently led to more challenges to affirmative action and threatened to undermine many of the past gains made under the policy.

Court challenges against affirmative action policies culminated with the passing of Proposition 209 in 1996, which banned affirmative action in the state of California. This law transformed the admissions process a great deal given that the new law thereby prohibited the following:

state, local governments, districts, public universities, colleges, and schools, and other governmental instrumentalities from discriminating against or giving preferential treatment to any individual or group in public employment, public education, or public contracting on the basis of race, sex, color, ethnicity, or national origin. (S.C. Const. art. 1, §31)

Years after the ban on affirmative action in the state of California, the U.S. Supreme Court overturned *Hopwood v. Texas* (1996) ruling in favor of maintaining the affirmative action policy for the University of Michigan Law School Graduate Admissions in Ann Arbor, Michigan (*Grutter v. Bollinger*, 2003). The court justices declared that diversity within the law program was beneficial to the overall nature of the program (*Grutter v. Bollinger*, 2003; Harper et al., 2009; Trent et al., 2003). The court also stated that race did not interfere with the admissions decision since other factors were heavily weighted and no quota system was in place. Similar to *Hopwood v. Texas* (1996), Barbara Grutter, a White applicant with a high LSAT score and GPA, was rejected by the University of Michigan Law School Graduate Admissions after being on the waitlist. As seen by prior cases, these applicants were not only challenging affirmative action policies, but also standing firm that they had earned the right to occupy one of the seats for admission (Harper et al., 2009). The idea of meritocracy became a factor in challenging the affirmative action policy initiated in the 1960s. While *Grutter v. Bollinger* (2003) upheld affirmative action policies at the University of Michigan Law School Graduate Admissions, the discussion about the need of affirmative action continued.

In the same year as *Grutter v. Bollinger* (2003), a similar court case occurred at the same university campus. *Gratz v. Bollinger* (2003) challenged the admissions process of the University of Michigan College of Literature, Science, and Art, in Ann Arbor, Michigan. Two White

applicants, Jennifer Gratz and Patrick Hammacher, were denied admission to the college and they challenged their rejection on the ground of the Equal Protection Clause of the 14th Amendment. Given the precedence established in prior court cases concerning affirmative action, the U.S. Supreme Court ruled that race could be used as a plus factor or for individualized evaluation of an applicant, but applicants could not be awarded points solely based on race (*Gratz v. Bollinger*, 2003; Harper et al., 2009).

One of the more recent court cases involving affirmative action was *Fisher v. University of Texas* (2013), which involved Abigail Fisher and Rachel Michelewicz, two White applicants who felt strongly that they were denied admission to University of Texas at Austin due to the university's consideration of race as part of its holistic review process. They claimed the admissions process disadvantaged her and other White students in violation of the 14th Amendment Equal Protection Clause. The Fifth Circuit Court ruled that the race-conscious admissions program was lawful. In the judgment, the court said that the policy was in place to benefit university diversity standards and that race-neutral would not provide the same benefit (*Fisher v. University of Texas*, 2013). In 2016, this case was challenged for a second time in *Fisher v. University of Texas* (2016) and reached the U.S. Supreme Court where the ruling of the Court of Appeals for the Fifth Circuit Court was upheld. The U.S. Supreme Court ruling stated that the undergraduate admissions process was lawful and constitutional. These changes in law and changes in court opinion on the governing of race had effects on admissions practices and recruitment, retention and support efforts of Black students.

Strategies Moving Forward – Effects of Proposition 209

As discussed earlier, court cases like *Regents of the University of California v. Bakke* (1978) and *Hopwood v. Texas* (1996) led to a series of affirmative action bans, which changed the landscape for admitting and supporting Black students under these rulings (Hurtado & Alvarado, 2015). The affirmative action bans forced public colleges and universities to change how they recruit and outreach to Black prospective students. At many public colleges and universities, the admissions process changed from accounting for race, to using comprehensive review. While comprehensive review admissions were a way of mitigating issues concerning the use of race as a factor, the numbers of Black students enrolled in the University of California (UC) system were extremely low, averaging 3% for several years following Proposition 209 (1996). Notably, the UC system did not record at least 4% of Black student enrollment until 2016-2017 (Regents of the University of California, 2017). In 2011, the holistic review was developed by the UC system as a more robust process than the comprehensive review to address concerns brought forth regarding affirmative action and race-neutral admissions processes. The Eligibility in the Local Context program was also created to mitigate issues of low enrollment numbers for marginalized groups in the state of California, such that each high school had 4% in 2001 then up to 9% in 2012 would be guaranteed to get accepted into at least one UC campus (Contreras et al., 2016). Dual admission became another useful program in the state of California, geared towards rewarding promising scholars who opted to attend a community college before transferring to one of the UC campuses. This program was implemented to uphold the California Master Plan in affording universal access while also providing an alternate route to recruiting students without targeting race (UC Educational Relations Department, 2007). Newly initiated admissions practices that launched after the affirmative action ban, including the comprehensive review, holistic review, Eligibility in the Local Context program, and dual admission program, have not

withstood its lasting impacts on college admissions as Black enrollment at selective public colleges and universities are still low in the state of California (Contreras et al., 2016; Regents of the University of California, 2017). Consequently, Black students are choosing to attend colleges that are less selective and/or outside the state of California given the challenges with college accessibility and opportunity at the more highly-selective college campuses (Contreras, 2005; Contreras et al., 2016). Recent efforts to repeal Proposition 209 occurred in 2020, with an outpouring of support and unanimous endorsing of Assembly Constitutional Amendment 5 from the UC Board of Regents and UC campuses which was approved by the California State Assembly to be proposed on the 2020 Election ballot as Proposition 16 (UC Office of the President, 2020). Based on 2020 election results, 57% of California residents voted no on Proposition 16, which, consequently, forbids public universities from considering race in their admissions practices. The rejection of Proposition 16 undermines the potential resources that could be utilized to effectively increase Black student representation amongst public college campuses (California Secretary of State, 2020; Wolf & Abraham, 2020). After nearly 25 years since the approval of California Proposition 209, the fight for equitable access and opportunity in public education persists. As we explore or interrogate the relationship between race and education, we must continue to address systemic issues that impact Black students' access to and success in higher education.

Author Note

Jeremy Alexander Edwards is a PhD critical race scholar in education at the University of California, Santa Barbara with an emphasis in cultural studies and human development. He examines relationships and support systems between Black students and highly selective public universities that ultimately impact agency and decision making toward future career pathways. His research enters critical conversations about what is needed to restructure the higher education pipeline, challenge policies and practices that add to the erasure of Black students, and create change for populations who have been historically and strategically excluded in these spaces.

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