The University of Michigan Law School case and affirmative action: the politics of race

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During the University of Michigan (U-M) Law School case and afterward, U-M and various radical groups on campus have taken up the defense of affirmative action, advancing a political perspective that in no way addresses the basic crisis of education in the United States. What is their program? That the University should remain off limits to the majority of working class and most middle class youth, but that it should be made "diverse" through the selective admission of a small percentage of minority students, who are given preference over qualified white students.

From the evidence presented in the court, it is clear that the Law School uses race as an important factor in determining who is admitted and who is rejected. Students who achieved high scores on the LSAT (a standardized test used extensively by law schools) and had high college grade point averages (GPAs) were admitted, regardless of race. Those with low scores were all rejected. In the intermediate range, however, race played an important role. For example, of students with a GPA in the 2.75-2.99 range, four out of four African-American applicants were accepted in 1995, while none of the fourteen Caucasian applicants were accepted. Of applicants in the 3-3.24 range, seven of eight African-Americans and only two of forty-two Caucasians were accepted.

The law school argues that this policy is justified in order to ensure diversity, which would in turn create a better educational environment. The admissions policy of the U-M Law School states that the school has in particular "a commitment to racial and ethnic diversity with special reference to the inclusion of students from groups which have been historically discriminated against, like African-Americans, Hispanics and Native Americans." Racial diversity is said to improve the classroom dynamic, ensuring the incorporation of a broader range of perspectives.

As Federal District Court Judge Bernard Friedman pointed out in his March 27 opinion, the determination of which groups should benefit from affirmative action is somewhat arbitrary. Groups such as Arab-Americans are rarely included, even though they have been and continue to be subject to racism and discrimination.

More fundamentally, the policy of admitting a greater proportion of minority students does not alter the basic inequity of the system as a whole, which provides no opportunities for the majority of working class youth, black or white. Through affirmative action policies, university administrations aim to preserve the elitist character of their schools, from a socioeconomic standpoint, while giving the institutions a certain "progressive" gloss by including a very small section of minority youth, who themselves often come from the more privileged layers of the minority population.

By defining "diversity" solely in terms of race, the university obscures the enormous class inequalities in the educational system. Why does it not enrich the educational environment by allowing working class youth of all races to attend? In addition to ensuring greater racial diversity, such a policy would undermine the privileges accorded to the economic elite, a measure that it is not very interested in implementing.

The aim of creating diversity and equality in higher education is a legitimate goal. This goal, however, must be based upon granting to *all* youth of *all* races the ability to pursue an education.

In addition to the Law School, a group of student radicals presented their own defense of affirmative action as interveners in the court case. They likewise based their argument on the category of race, asserting that affirmative action is necessary to combat societal racism and the racism that exists particularly within the

University of Michigan. These students assert that affirmative action is necessary in order to prevent a return to segregation, that any criticism of affirmative action is racist in its very nature. Viranda Massey, lead council for the intervening students, stated at a rally of several hundred students at U-M that took place after the judge's decision, “Racism is the nation's greatest sickness.” The speech made by Jesse Jackson shortly afterwards was similarly oriented towards asserting that the major divisions in America are racial in character.

The testimony of the interveners in the Michigan Law School case is interesting in that it brings out the class character of the crisis in education, even though the witnesses themselves attempted to limit the issue to race. Erica Dowdell testified that her high school, which was majority African-American, assured her an underprivileged position because it lacked books and resources and was deteriorating physically. Concepcion Escobar, a Mexican American and Native American, testified that the courses at her predominantly black public high school did not prepare her for college work. Clearly the dilapidated condition of primary education in working class areas, in which minorities often have a large presence, means that schools do not have the funding required for preparing students for admittance into academically elite universities.

Democratic and Republican politicians habitually claim that there is no money to remedy these conditions—even now, at a time of massive budget surpluses. Moreover, military spending is being increased and trillions of dollars are being allocated for a tax cut that primarily benefits the rich. The resources exist to provide all youth—of all races and national origins—with a good education; but this requires that the wealth of American society be directed towards the satisfaction of social needs, including education, rather than corporate profit and private gain.