

Answer to affirmative action falters in Texas

Despite '10% plan,' college minority enrollment still small

By Jodi S. Cohen / *The Detroit News*



Daniel Mears / *The Detroit News*

Floor mates Jenny Odufuwa, 19, of Dallas, left, and Jennifer Smith, 19, of Orange, Texas, attend an impromptu rally after a Martin Luther King statue was egged.

CyberSurvey

College qualifications

Texas has had mixed results with its race-neutral policy of admitting the top 10 percent of every high school class to any public state university. Critics argue that the Texas system doesn't consider test scores, essays, grades or other factors. Overall, which admissions program do you think is better?

<input type="checkbox"/>	Texas'
<input type="checkbox"/>	University of Michigan's

AUSTIN, Texas -- A poster hanging in high schools shows an admission ticket and the slogan "Top 10%," a reminder that students who graduate at the top of their class are guaranteed a spot at any public college in Texas.

For Kimberly Cruse, an African-American who said her SAT scores were so low that she wouldn't reveal them, the policy was indeed her ticket to University of Texas' flagship campus in Austin.

But there's still considerable debate over the effectiveness of this state's race-neutral program to promote campus diversity, not to mention its viability as an alternative to the embattled affirmative action admissions programs at the University of Michigan.

When Cruse enrolled in 2001, she joined a class that had almost the same percentage of African-American and Hispanic students as in the years before a federal court in 1996 banned Texas colleges from using race as a factor in admissions.

While Texas' undergraduate Hispanic enrollment has rebounded, the percentage of black students has fallen. Graduate and professional programs, which don't benefit from the 10 percent plan, now struggle considerably to attract minorities.

President Bush has held out Texas as a model of how to achieve diversity in a race-blind system. In asking the U.S. Supreme Court to strike down U-M's practices, Bush declared that "public universities have ample race-neutral means available to achieve objectives such as educational diversity."

But critics say Texas enrollments still fall short of reflecting the state's fast-growing minority population, and others say the current methods are, in fact, just as race-conscious as the ones that were banned.

"It is better than nothing, but it isn't enough," said Cruse, president of the campus chapter of the NAACP and a student who benefited from the plan.

Across campus at the Texas Law School, Demitria Frank takes notes in a crowded constitutional law lecture with 130 students. She is one of four black students in the room.

With a ban on considering race, Texas' law school has been unable to find a race-neutral mechanism to enroll minority students to the same degree as under its old affirmative action system.

"It doesn't seem like we've come very far" compared to days when law schools enrolled just a few, if any, African-Americans, Frank said.

Blacks represented 6.4 percent of the entering law school in 1996, the year before the affirmative action ban. That dropped to 0.9 students -- four students -- the following year. This past fall, African-American enrollment rose to 4 percent or 21 students, the largest since 1996. The number of Hispanic students has declined, too, but less severely.

The Supreme Court may consider the Texas plan later this year when it decides whether colleges can give an advantage to minority applicants in the interest of getting a diverse student body, a decision that may affect college admissions nationwide.

If the justices believe there are race-neutral means, they could outlaw the consideration of race. If they decide to permit race-conscious admissions and affirmative action, Texas could revert to its old ways.

Click here to vote

▶ [Get results and comments](#)

▶ [Comment on this story](#)

▶ [Send this story to a friend](#)

▶ [Get Home Delivery](#)

"I would say, 'yahoo' and I would see it as another tool, another thing available to us," said Bruce Walker, director of undergraduate admissions at the University of Texas. "Would we drop everything we are doing now and do that instead? I don't think so."

Texas President Larry Faulkner said the 10 percent plan has had benefits, most notably increasing geographic diversity. There are more than 100 additional high schools that sent students to U-T in 2000, but not in 1996 or 1997.

"The plan we are working with does what state universities should do. It is healthier in the respect to serving the entire state," Faulkner said. It also is easier to recruit some minority applicants because if they are in the top 10 percent, they are guaranteed acceptance.

However, he added that if given the choice, "it may be essential for us to (consider applicants' race) at the graduate and professional level" where it's been difficult to compete with states that can consider an applicant's race for admissions and financial aid.

Creative solutions

The lawsuits against U-M's undergraduate and law school policy were brought in 1997 by white applicants who say they lost seats to less-qualified minority applicants. A similar lawsuit against Texas Law School was filed by four white students, including Cheryl Hopwood. A federal court in 1996 struck down U-T's affirmative action policy.

The Texas percentage plan, enacted by the state Legislature in 1997, was a solution born out of necessity, Faulkner says. After the Hopwood ruling there was a steep drop in minority enrollment in the state's flagship schools.

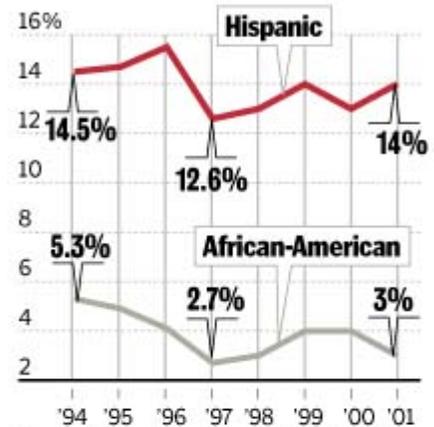
Before Hopwood, African-Americans represented 4.1 percent of the freshman class and Hispanics made up 14.5 percent. That dropped to 2.7 percent and 12.6 percent respectively in 1997. Last fall, the numbers rose to 3.4 percent and 14.3 percent, with more total African-Americans and Hispanics than before affirmative action was banned.

Critics of the state's 10 percent plan say any modest gains in minority enrollment are a result of larger increases in the Texas college-age minority population. Overall, the state's population is 33 percent Hispanic and 11.5 percent black, and college-age population is 40 percent Hispanic and 12.3 percent black, according to a Princeton study.

Texas college administrators are the first to say the law is ineffective on its own, and only works with aggressive recruiting and creative awarding of scholarships.

University of Texas enrollment

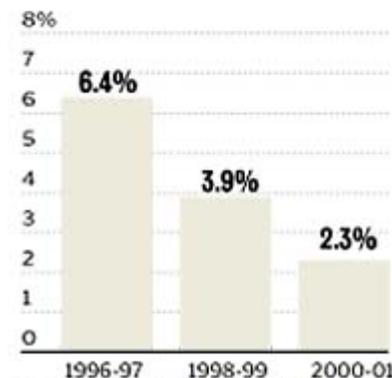
The University of Texas-Austin saw an increase in Hispanics after instituting its percentage plan in 1998, but has had difficulty sustaining black enrollment.



Source: University of Texas at Austin, Office of Admissions
The Detroit News

Decline in law school

The number of African-Americans in the University of Texas School of Law has declined since 1996-97.



Source: U.S. Commission on Civil Rights
The Detroit News

"It is not a build it, and they will come," Faulkner said. One of the biggest drawbacks is that the plan can't compensate for the end of scholarships that helped poor minority students pay to attend college. So while minorities who graduate in the top of their class are guaranteed admission, they sometimes can't afford to attend.

To alleviate that problem, the university created Longhorn Opportunity Scholarships that target high schools -- instead of minority students -- that are "underrepresented," or haven't traditionally sent students to U-T.

About 70 schools -- the majority of which have predominantly African-American and Hispanic populations -- are guaranteed a set number of need-based scholarships. Students get \$4,000 a year, enough to cover tuition and fees.

Approach has flaws

Supporters and opponents of affirmative action say there are flaws with the percentage approach. Admissions officials, they say, have too little control in picking who attends the college, since about half the spots are taken by students guaranteed admission through the 10 percent law.

The plan also has the dubious distinction of successfully recruiting minority students only because it relies on the existence of racially and ethnically segregated schools.

Some critics argue the percentage plans also might not hold up under legal scrutiny, that they are nothing more than a sneaky way of selecting students by race.

"The principle reason it was adopted was because of the discriminatory racial and ethnic impact it would have," said Roger Clegg of the conservative Center for Equal Opportunity. "If you change your admissions criteria to help some groups and hurt other groups on the basis of race and ethnicity, you are discriminating."

Some undergraduates say that while the law has drawbacks, they prefer it to U-M's policies.

"It has its flaws, but it is better than allowing race to be considered," said David Snider, a white sophomore who did not graduate in the top of his high school class. "It's a lot better than filling a requirement to let a certain number of minority students in."

Texas minority numbers fall

There has been an increase in African-American and Hispanic students applying to UT-Austin, but a decrease in admittance and enrollment.

	Applied	Admitted	Percent admitted	Enrolled
1996				
White	10,584	6,571	62%	4,159
Black	809	461	57%	266
Hispanic	2,492	1,617	64.9%	932
1999				
White	10,406	6,802	65.4%	4,084
Black	957	452	47.2%	251
Hispanic	2,615	1,498	57.3%	861
2001				
White	11,164	6,720	60.2%	3,684
Black	999	380	38%	205
Hispanic	2,998	1,513	50.5%	832

Source: U.S. Commission on Civil Rights

The Detroit News

Law recruiting struggles

If undergraduate minority admissions have seen recent progress, the Texas Law School -- where the percentage plan has no impact on enrollment -- tells a different story.

The law school relies on coaxing minority applicants through privately administered scholarships and recruiting by top alumni. The law school also has set up clinics, including tutoring for the law school admissions tests in El Paso and some border towns that are predominantly Hispanic. Some clinic participants are guaranteed admission.

That program helped Bernadette Segura, a Latina first-year law student from El Paso, one of 43 Hispanics in a class of 540. "It creates better qualified minority applicants to the law school," she said. "But the minority numbers are still not representative of the state."

To attract minorities, recruiters must convince students that Texas is a welcoming place.

Students and faculty also personally recruit minority students, visiting Laredo this week to seek applicants.

Critics say these tactics have "been no substitute for affirmative action," said Professor William Forbath, who has four African-American students in his constitutional law lecture. "Race runs like a fault line through our entire constitutional history. It is important to have enough minority students so they are comfortable bringing their perspective to bear on questions of racial equality and justice."

The law professor said the reasons for having a diverse law school class are broader than a single class. "It's a large blow to the state when U-T is unable to train a substantial number of minorities and the next generation of legal and political leaders," he said.

Plan is complex

At first glance, the 10 percent plan looks simple: Students at the top of their class have an automatic pick of any public state college or university.

But conversations with Texas high school seniors reveal the law's complexities. For Joey Delgado, a student in an affluent, academically competitive high school, the law is unfair.

Despite getting almost all As in Advanced Placement courses and a 1360 on the SAT, it still wasn't good enough. To get in the top 10 percent at Westlake High School, students not only have to get perfect grades, but get those grades in the toughest classes.

Ninety-five percent of Westlake seniors go to college, and the average SAT score is between 1180 and 1195. Competition is so tough that students not in the top 10 have transferred to a less-competitive school so they will rise to the top of their new class.

For Mariana Espinoza, a senior at Highlands High School in San Antonio, 80 miles and a world away from Westlake, the 10 percent law is an oasis for a poor, predominantly Hispanic community. After four years of hard work, Espinoza is 10th in her class, got an 1130 on the SAT, and is guaranteed a spot at the University of Texas.

While academic competition is low compared to Westlake -- less than one-third of graduates attend a four-year college -- Espinoza says she's worked hard to become the first from her family to attend college.

You can reach Jodi S. Cohen at (313) 222-2269 or jcohen@detnews.com.