

The Origins of Diversity: Managing Race at the University of Michigan, 1963-2006

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ABSTRACT

I make two arguments in this dissertation. First, I argue that institutions and the people who managed them mattered in the fight for racial justice. At the University of Michigan, activists and state actors successfully pushed administrators to create new policies to increase minorities' access to the University, but it was University presidents, admissions officers, housing officials, deans and faculty members who had to put the ideal of racial justice into practice. These institutional managers, many of whom had never participated in a civil rights protest, had to rethink admissions and recruiting policies, craft new curriculum and counseling services and create new programs to address racial tension. In short, this is the story of what happened when institutional managers at the University of Michigan put the civil rights movement through the meat grinder of implementation.

The second argument concerns the origins of the concepts and practices of diversity. Scholars have shown that activists, politicians and federal bureaucrats were responsible for the origins of affirmative action. In other words, institutions that implemented race-conscious admissions or hiring practices reacted to both the activists who insisted that institutions had a social responsibility to use affirmative action to address the racial inequities in American society, and to the state actors who enforced this ideal. If activists and state actors invented affirmative action, I argue that institutional managers created the concept of diversity. At the University of Michigan, the concept of diversity emerged out of a long struggle to implement race-conscious policies and carry

out the ideal that the University had a social responsibility to address racial inequity in the state of Michigan.

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INTRODUCTION

Historians rarely depict managers of institutions as important actors in the civil rights movement. Most historians of the movement focus on activists marching down crowded streets or protesting outside universities and businesses; lawyers bringing lawsuits to fight racial discrimination; and politicians fighting over major pieces of civil rights legislation. When managers of institutions do appear, they often play bit roles as obstructionists to the goals of racial justice.¹ Institutional managers remain on the margins of historical accounts of the civil rights movement, but I contend that they played fundamental roles in the fight for racial justice in the United States.

I make two arguments in this dissertation. First, I argue that institutions and the people who managed them mattered in the fight for racial justice. At Michigan, activists and state actors successfully pushed administrators to create new policies to increase minorities' access to the University, but it was University presidents, admissions officers, housing officials, deans and faculty members who had to put the ideal of racial justice into practice. These institutional managers, many of whom had never participated in a civil rights protest, had to rethink admissions and recruiting policies, craft new curriculum and counseling services and create new programs to address racial tension. In

¹ Some examples works that portray institutional managers as obstructionists: Nancy MacLean, *Freedom is Not Enough: The Opening of the American Workplace* (Cambridge, Mass.: Harvard University Press, 2006); Anthony Chen, *The Fifth Freedom: Jobs, Politics, and Civil Rights in the United States, 1941-1972* (Princeton: Princeton University Press, 2009); Timothy Minchin, *The Color of Work: The Struggle for Civil Rights in the Southern Paper Industry, 1945-1980* (Chapel Hill: University of North Carolina Press, 2001); Thomas Sugrue, "Affirmative Action from Below: Civil Rights, the Building Trades, and the Politics of Racial Equality in the Urban North, 1945-1969," *Journal of American History* 91 (June 2004): 145-173; Terry H. Anderson, *The Pursuit of Fairness: A History of Affirmative Action* (New York: Oxford University Press, 2004).

short, this is the story of what happened when institutional managers at the University of Michigan put the civil rights movement through the meat grinder of implementation.

The second argument concerns the origins of the concepts and practices of diversity. Scholars have shown that activists, politicians and federal bureaucrats were responsible for the origins of affirmative action. In other words, institutions that implemented race-conscious admissions or hiring practices reacted to both the activists who insisted that institutions had a social responsibility to use affirmative action to address the racial inequities in American society, and to the state actors who enforced this ideal. If activists and state actors invented affirmative action, I argue that institutional managers created the concept of diversity. At the University of Michigan, the concept of diversity emerged out of a long struggle to implement race-conscious policies and to carry out the ideal that the University had a social responsibility to address racial inequity in the state of Michigan. Over time, institutional managers at the University of Michigan reworked the ideal of social responsibility to bring race-conscious practices in line with other institutional imperatives, particularly the goal of institutional quality. By the late 1980s, institutional managers justified race-conscious practices by arguing that a diverse student body improved educational outcomes and made the University a place where students of different racial groups could learn to value their cultural differences. The ways in which institutional managers understood and articulated the goals of racial justice was important. The shift from social responsibility to diversity shaped who could gain access to the University of Michigan.²

² Surprisingly few scholars have examined the institutional origins of the concepts and practices of diversity. For historians writing about affirmative action, treatments of the concept and practices of

WHY THE UNIVERSITY OF MICHIGAN?

I focus on the University of Michigan in order to investigate the struggles administrators in selective universities faced in implementing racial justice. Only 20 to 30 percent of post-secondary institutions in the United States actually receive enough applications to reject students who meet minimum admissions standards. Of these institutions, the University of Michigan is one of the most selective. In 1964, the year after this study begins, only thirty-one other American post-secondary institutions were ranked more selective than the University of Michigan. Today, Michigan continues to rank among the most selective institutions in America.³ Historically, selective post-secondary institutions have struggled the most to increase African-American access. At

diversity are often the matter of epilogues, and are usually descriptive, rather than analytical. Examples include: MacLean, *Freedom is Not Enough: The Opening of the American Workplace*; Jennifer Delton, *Racial Integration in Corporate America, 1940-1990* (New York: Cambridge University Press, 2009). Sociologists have provided more thorough examinations of the origins of diversity policies. However, sociologists point to demographic, legal and economic factors to explain the origins of diversity policies within institutions; they have ignored the internal institutional battles that led to diversity policies. Sociologists have ignored the internal institutional politics of affirmative, in part, because few have actually examined institutional archives. Sociologists rely on interviews of contemporary institutional actors and institutional publications. This methodology has placed limits on sociologists' analysis of the internal struggles to implement racial justice. Examples include: Frank Dobbin, *Inventing Equal Opportunity* (Princeton: Princeton University Press, 2009); Ellen C. Berry, "Why Diversity Became Orthodox in Higher Education, and How It Changed the Meaning of Race on Campus," *Critical Sociology* 37 (May 2011): 1-24; Jeb Barnes and Thomas F. Burke, "The Diffusion of Rights: From Law on the Books to Organizational Rights Practices," *Law & Society Review* 40 (Sep. 2006): 493-523; Lauren B. Edelman, "Legal Environments and Organizational Governance: The Expansion of Due Process in the Workplace," *The American Journal of Sociology* 95 (May 1990): 1401-40; Lauren B. Edelman, "Legal Ambiguity and Symbolic Structures: Organizational Mediation of Civil Rights Law," *The American Journal of Sociology* 97 (May 1992): 1531-76; Lauren B. Edelman, Stephen Petterson, Elizabeth Chambliss, and Howard S. Erlanger, "Legal Ambiguity and the Politics of Compliance: Affirmative Action Officers' Dilemma," *Law & Policy* 13 (January 1991): 73-97; Lauren B. Edelman and Mark C. Suchman, "The Legal Environments of Organizations," *Annual Review of Sociology* 23 (1997): 479-515; Edward J. Kellough, *Understanding Affirmative Action: Politics, Discrimination, and the Search for Justice* (Washington, DC: Georgetown University Press, 2006); Erin Kelly and Frank Dobbin, "How Affirmative Action Became Diversity Management: Employer Response to Antidiscrimination Law, 1961 to 1996," *The American Behavioral Scientist* 41, no. 7 (1998): 960-84.

³ With an acceptance rate of 50 percent, the most *US News & World Report* rankings put the University of Michigan in the "most selective category." <http://colleges.usnews.rankingsandreviews.com/best-colleges/rankings/national-universities/data/spp%2B50>.

the University of Michigan, for example, although African Americans represented over 10 percent of the state population, African-American enrollment never rose past 9 percent. Over the past fifty years, African-American enrollment at Michigan rarely passed 7 percent.⁴ African Americans' underrepresentation at selective universities is important because studies show that African-American graduates of selective post-secondary institutions make almost twice as much over their lifetime as African-American graduates of non-selective institutions. Part of the reason students who attend selective colleges hold a distinct advantage over those who do not is because corporations that hold the most sought-after jobs target selective institutions in their recruiting process.⁵

This study also focuses on the University of Michigan because it is a public university. The University of Michigan, unlike Harvard University or Stanford University, is partly funded by state taxpayers and has a mandate to serve the state's citizens. That mandate has created difficult questions for administrators about who the University should serve, and how to effectively balance its responsibility to educate the state's citizens with its selective admissions practices.

⁴William G. Bowen and Derek Bok, *The Shape of the River: The Long-Term Consequences of Considering Race in College and University Admissions* (Princeton, N.J.: Princeton University Press, 1998).

⁵ Alexander W. Astin and Leticia Oseguera, "The Declining 'Equity' of American Higher Education," *Review of Higher Education* 27 (Spring 2004): 321-341; William G. Bowen and Derek Bok, *The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions* (Princeton: Princeton University Press, 1998); Anthony P. Carnevale and Stephen J. Rose, "Socioeconomic Status, Race/Ethnicity, and Selective College Admissions," Report for the Century Foundation, March 2003, 107; Jerome Karabel and Katherine McClelland, "Occupational Advantage and the Impact of College Rank on Labor Market Outcomes," *Sociological Inquiry* 57 (1987): 323-347; James Rosenbaum, *Career Mobility in a Corporate Hierarchy* (New York: Academic Press, 1984); J.W. Henson, "Institutional Excellence and Student Achievement: A Study of College Quality and its Impact on Educational and Career Achievement," Unpublished doctoral dissertation, University of California at Los Angeles, 1980.

Finally, this study focuses on the University of Michigan because of its size. The University of Michigan has the largest living alumni network in the world. Michigan's size offered both opportunities and problems for University administrators. On the one hand, the size of its student body meant administrators could offer opportunities to more minority students than most selective schools. For example, the number of African-American students in Michigan's class of 2014 (352), who began their freshman year in fall 2010, is equivalent to over 30 percent of Dartmouth College's entire freshman class. On the other hand, the school's size made Michigan administrators' job more difficult. Michigan administrators, faculty and students measure the success of the University's efforts to implement racial equity based upon minority students' share of the total student population, not the sheer number of students. By that benchmark, Dartmouth appears to be making greater strides toward the goal of racial equity. Even though Dartmouth enrolls almost 200 fewer African-American students, African Americans make up 7.6 percent of Dartmouth's freshman class compared to 5.4 percent at Michigan.⁶

HISTORIOGRAPHY

Analysis of the institutional implementation of the civil rights movement is important because historians have struggled to explain why racial disparities have persisted within institutions. Many historians of the movement who focus on legal and political battles blame the legal decisions and legislation for not giving regulatory agencies enough power to enforce the victories. These historians argue that as a result, institutions could continue discriminatory practices without worrying about government

⁶ "University of Michigan New Freshman Enrollment, Fall 2010," http://ns.umich.edu/Releases/2010/Oct10/New_freshmen_enrollment_fall_2010.xls; "Class Profile: Dartmouth Class of 2014," <http://www.dartmouth.edu/admissions/facts/class.html>.

interference. This explanation portrays institutions as hostile to the goals of racial justice, looking for any opportunity to resist implementing the law. These broad generalizations ignore the many institutions, such as the University of Michigan, that took great strides in implementing the goals of racial justice.⁷

Similarly, scholarship that focuses on the backlash to civil rights victories only partly explains racial disparities at the University of Michigan. While white parents resisted race-based busing in communities only miles away from Ann Arbor in the sixties and seventies, opponents to race-based admissions policies only recently mounted viable legal and political challenges to the University's admissions practices. Conservative lawyers were able to curtail some of the University's affirmative action admissions practices in 2003, and conservative voters eventually banned race-conscious admissions practices at the University in 2006 through a public referendum. However, Michigan officials practiced race-conscious admissions policies for over thirty years before they faced a viable legal or political challenge from conservatives. During that period, African Americans still remained highly underrepresented at the University. The persistence of racial disparities at Michigan despite the absence of viable conservative political and legal challenges to affirmative action suggests that the University faced other obstacles in facilitating racial equity.⁸

⁷ Some examples include: MacLean, *Freedom is Not Enough*; Chen, *The Fifth Freedom*; Minchin, *The Color of Work*; Sugrue, "Affirmative Action from Below"; Anderson, *The Pursuit of Fairness*.

⁸ Dan T. Carter, *From George Wallace to Newt Gingrich: Race in the Conservative Counterrevolution, 1963-1994* (Baton Rouge: Louisiana State University Press, 1996); Dan T. Carter, *The Politics of Rage: George Wallace, the Origins of the New Conservatism, and the Transformation of American Politics* (New York: Simon & Schuster, 1995); Joseph E. Lowndes, *From the New Deal to the New Right: Race and the Southern Origins of Modern Conservatism* (New Haven: Yale University Press, 2008); Thomas Byrne

Scholarship on the relationship between suburbanization and racial inequality also only partly explains racial disparities at Michigan. Scholars have shown that the flight of the middle class from urban centers redistributed resources away from urban areas. This process of racial and socio-economic segregation impacted Michigan's affirmative action admissions practices. As attrition rates for African-American students from the state's cities rose in the mid-1970s, which Michigan administrators thought were the result of the declining quality of urban school districts, Michigan officials abandoned recruiting efforts in Michigan's cities. Instead, administrators took advantage of the growing number of middle-class African-American families who were moving to suburban areas around the country. But while scholarship on urban space helps explain the redistribution of resources and power that accompanied suburbanization, the scholarship does not fully explain why Michigan officials thought African-American students from the suburbs of Pittsburgh, Chicago and Boston were more attractive than African-American students from Detroit, Grand Rapids and Flint. This dissertation explains the institutional developments that shaped how administrators reacted to suburbanization, and how they changed their notions of social responsibility to black students in the state's cities.⁹

Edsall and Mary Edsall, *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics* (New York: Norton, 1991); Ronald Formisano, *Boston Against Busing: Race, Class, and Ethnicity in the 1960s and 1970s* (Chapel Hill: University of North Carolina Press, 2004); Jonathan Rieder, *Canarsie: The Jews and Italians of Brooklyn Against Liberalism* (Cambridge: Harvard University Press, 1985); Kenneth D. Durr, *Behind the Backlash: White Working-Class Politics in Baltimore, 1940-1980* (Chapel Hill: University of North Carolina Press, 2003); Matthew Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton: Princeton University Press, 2006); Kevin Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton: Princeton University Press, 2005).

⁹ Robert O. Self, *American Babylon: Race and the Struggle for Postwar Oakland* (Princeton: Princeton University Press, 2003); Kruse, *White Flight*; Lassiter, *The Silent Majority*. Scholarship on suburbanization has recently become much more complex. Once a narrative of the rise of modern conservatism, scholarship now recognizes the millions of white liberals and African Americans who recast liberalism in America's suburbs. See: Andrew Wiese, *Places of Their Own: African American Suburbanization in the*

In addition to providing new analysis of the persistence of racial disparities within institutions, this dissertation adds to scholarship on what Jacqueline Dowd Hall has termed the “long civil rights movement,” which complicates the “classic” periodization of the civil rights movement (1955-1965). A long list of scholars has pushed the story of the civil rights movement back into the early twentieth century, many leaping back over thirty years before the Montgomery Bus Boycott. These works have provided a more complex analysis of the civil rights movement, especially in connecting early civil rights activists with communist and socialist actors.¹⁰ In comparison, historians have been slower to push the civil rights movement forward. For those that have analyzed the movement past 1965, most end their studies by 1975, and very few venture past 1980.¹¹

Twentieth Century (Chicago: University of Chicago Press, 2005); Lily Geismer, “Don’t Blame Us: Grassroots Liberalism in Massachusetts, 1960-1990” (PhD diss., University of Michigan, 2010).

¹⁰ Jacquelyn Dowd Hall, “The Long Civil Rights Movement and the Political Uses of the Past,” *Journal of American History* 91 (March 2005): 1233-1263; Glenda Gilmore, *Defying Dixie: The Radical Roots of Civil Rights, 1919-1950* (New York: W.W. Norton, 2008); Kimberley Johnson, *Reforming Jim Crow: Southern Politics and State in the Age Before Brown* (New York: Oxford University Press, 2010); Kevin Boyle, “Labour, the Left, and the Long Civil Rights Movement,” *Social History* (2005): XXX; Gary Lavergne, *Before Brown: Herman Sweatt, Thurgood Marshall, and the Long Road to Justice* (Austin: University of Texas Press, 2010). Some historians, of course, were pushing the story of the civil rights movement back long before Hall coined the term. Some examples include: Robert Korstad and Nelson Lichtenstein, “Opportunities Found and Lost: Labor, Radical, and the Early Civil Rights Movement,” *Journal of American History* 75 (1988): 786-811; Kevin Boyle, “There Are No Union Sorrows That the Union Can’t Heal’: The Struggle for Racial Equality in the United Automobile Workers, 1940-1960,” *Labor History* 36 (1995): 5-23; Albert S. Broussard, *Black San Francisco: The Struggle for Racial Equality in the West, 1900-1954* (Lawrence: University of Kansas Press, 1993). Some have criticized the “long civil rights movement” formulation for collapsing important differences between the “classic phase” of the movement and earlier and later periods. These scholars include: Eric Arnesen, “Reconsidering the ‘Long Civil Rights Movement,’” *Historically Speaking* 10 (April 2009): 31-34 and Sundiata Keita Cha-Jua and Clarence Lang, “The ‘Long Movement’ as Vampire: Temporal and Spatial Fallacies in Recent Black Freedom Studies,” *Journal of African American History* 92 (Spring 2007): 265-288.

¹¹ Some examples of scholars who move the story into the 1970s include: Susan Youngblood Ashmore, *Carry it On: The War on Poverty and the Civil Rights Movement in Alabama, 1964-1972* (Athens: University of Georgia Press, 2008); Matthew Countryman, *Up South: Civil Rights and Black Power in Postwar Philadelphia* (Philadelphia: University of Pennsylvania Press, 2005); Devin Fergus, *Liberalism, Black Power, and the Making of American Politics, 1965-1980* (Athens: University of Georgia Press, 2009); Heather Thompson, *Whose Detroit: Politics, Labor, and Race in a Modern American City* (Ithaca,

Consequently, analysis of the fight for racial justice after 1980 is primarily the realm of sociologists and political scientists. By taking a long view of the fight for racial justice, this dissertation provides a much-needed analysis of the evolution of the civil rights movement from the 1960s through the early years of the twenty-first century. This long view of the movement shows that the fight for racial justice is an unfinished story. Administrators at Michigan are now struggling with many of the same issues that administrators sought to address in the sixties.

CHAPTER OUTLINE

“The Origins of Diversity” is divided into six chapters. Chapter One explains how University of Michigan administrators came to realize the limits of colorblind admissions policies and create the University’s first affirmative action admissions program, the Opportunity Award Program (OAP). OAP evolved out of African-American led protests in cities over jobs, which in turn sparked responses from President John Kennedy. In 1962 and 1963, the Kennedy administration began pressuring the University to increase both the number of African-American faculty members and low-income African-American students from urban areas. At the time, African Americans comprised less than 1 percent of the student body, despite “color-blind” admissions policies. Administrators understood that new efforts were needed to increase African-American enrollment, but they faced a contentious political and legal environment surrounding affirmative action. I show how administrators in the admissions office negotiated this political minefield and took their first tentative steps away from color-

N.Y.: Cornell University Press, 2001). Historians who move their analysis well beyond 1980 include: Thomas Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (New York: Random House, 2008).

blind policies. In doing so, they targeted low-income black students from Michigan cities, but opened the program to low-income students of all racial backgrounds.

Chapter Two analyze the problems administrators faced in reconciling the perceived tension between racial equity and institutional quality. Administrators at Michigan saw the quality of the institution and the quality of the student body as intimately connected. But they also realized the criteria they used to determine which students were qualified excluded most African-American students from admission. In implementing OAP, administrators looked for students (primarily black students) who met the program's poverty criteria and could not qualify for admissions through the normal selection process, but who showed "sufficient promise of academic potential to indicate that they were capable of meeting the academic standards of the University" after "allowance was given for academic deficiencies and the opportunity was provided for special counseling and remedial work in key subject areas."¹² This task raised new questions for admissions officers. What methods would they use in order to determine which OAP students were capable of graduating from Michigan? What grade point average or Scholastic Aptitude Test (SAT) score was too low? Did the quality of the potential applicant's high school matter? How many special-admit students could be admitted, while retaining the quality of the institution? Chapter Two analyzes how admissions officers responded to these questions.

Once administrators began increasing the number of African-American students on campus, they soon learned that expanding access was only one issue involved in

¹² "The University of Michigan Opportunity Award Program, 1964-1968," Assistant to the President Records, Box 38, BHL.

implementing the goal of racial justice. Chapter Three describes racial tension on campus, focusing on African-American students' attempts to address their sense of alienation and isolation on Michigan's campus in the 1960s and early 1970s. African-American students, for example, demanded racially-exclusive dorms on campus—a proposal the Board of Regents resisted. In 1972, the first articulation of the concept of diversity at Michigan emerged out of this battle. In the face of resistance, African-American students revised their proposal and pushed for a racially-inclusive, but culturally-themed housing unit, which, they argued, would teach white and black students to respect their cultural differences. The Board of Regents rejected this proposal as well, but in the wake of the fight, the University housing office later adopted this ideal of cultural diversity when they created sensitivity training sessions.

Chapter Four recounts administrators' decision to turn away from recruiting low-income African-American students from the state's cities. OAP suffered from high attrition rates throughout its history and administrators of the program faced pressure from faculty members to raise admissions standards for all students. By the mid-1970s, the optimism among many faculty members and administrators that the University could effectively balance an affirmative action admissions program for low-income students, while retaining the quality of the institution was gone. Administrators reduced the size of OAP, and, for the first time, created special admissions criteria for all minority students, regardless of social class. This had grave consequences for low-income African-American students from Detroit, Grand Rapids and Flint. The admissions office

refocused recruiting efforts on middle-class African-American students from suburban areas around the country.

The same issues that administrators struggled to address in the sixties and seventies remained unresolved in the eighties. African-American enrollment had dropped to the lowest levels since the early 1970s and incidents of racism brought national media attention to the University. Chapter Five analyzes the origins and implementation of the Michigan Mandate, a new plan introduced by University President James Duderstadt to address these issues. The plan attempted to gain support for a renewed effort to increase minority enrollment by reconciling the perceived tension between equity and quality. Duderstadt argued that a diverse student body actually improved the quality of the institution, and prepared students to participate in a multiracial democracy and compete in a global marketplace. To address existing racial tension, Duderstadt expanded on the housing office's cultural diversity program, creating a multi-million dollar programmatic effort to teach students to respect cultural differences. Finally, Duderstadt identified a major problem in the University's efforts to implement racial justice: the decentralized managerial structure of the University. Duderstadt attempted to centralize management of the implementation of the Michigan Mandate and hold administrators accountable for its success.

The Mandate helped increase minority enrollment to unprecedented levels and brought national media attention to the University. However, the same efforts that brought attention to the University also made it a target for conservatives who opposed affirmative action. In 1997, the Center for Individual Rights—a small public-interest law

firm—sued the University of Michigan’s College of Literature, Art, and the Sciences and Law School, challenging their race-conscious admissions practices. Chapter Six argues that institutional managers and social scientists at the University of Michigan shaped the outcome of the two Supreme Court cases: *Gratz v. Bollinger* and *Grutter v. Bollinger*. Working behind the scenes, social scientists provided empirical evidence that supported administrators’ claims about the value of diversity, while administrators courted other university presidents, corporate CEOs and military officers to sponsor amicus briefs in support of the University of Michigan’s policies. Furthermore, the efforts of administrators at the University of Michigan did not end with the Supreme Court’s decision in 2003. When the Supreme Court struck down undergraduate admissions policies in the College of Literature, Science, and the Arts, but upheld the University’s ability to take race into account, admissions officers had to create new admissions policies that complied with the Supreme Court’s ruling, while furthering the University’s diversity mission. After the Supreme Court ruled on the cases in 2003, undergraduate admissions officers implemented new policies that actually raised the admissions rates of underrepresented minority students.

Three years after the Supreme Court rulings, Michigan voters passed Proposal 2, a Constitutional amendment that banned race-conscious practices in public institutions. The epilogue recounts how Michigan administrators responded to Proposal 2. Supporters of the amendment thought they had scored a victory for colorblindness. But Michigan administrators immediately tried to develop policies that complied with the law but advanced the University’s goal of creating a racially-diverse student body. Michigan

officials faced the difficult task of making race matter in a legal world where it was not suppose to count anymore.

CHAPTER 1

THE ORIGINS OF AFFIRMATIVE ACTION AT THE UNIVERSITY OF MICHIGAN

In 1963, administrators at the University of Michigan took their first tentative steps away from the ideal of color-blindness. In that year, University of Michigan President Harlan Hatcher introduced the Opportunity Award Program (OAP), the University's first affirmative action admissions program.¹ According to Hatcher, the purpose of the program was to admit high school graduates from "deprived" backgrounds who "have the ability to profit from the university's program" once the "handicaps of low income or poor academic training were removed or their misconceptions of the university had been adjusted."² Hatcher described OAP as a color-blind program. In practice, however, administrators implemented the program very differently. From the first year of the program, administrators primarily used the program to admit African-American students from Michigan's cities. Throughout the program's history, African Americans composed at least 70 percent of each OAP freshman class.

This raises the question: why did Hatcher introduce the program to the public as color-blind, when administrators intended to use OAP to increase African-American enrollment? This chapter argues that the complicated political and legal environment

¹ I use Anthony Chen and Lisa M. Stulberg's definition of affirmative action in admissions programs. They define affirmative action as "any admissions policy or program that formally permits a degree of racial consideration—however big or small—in the treatment of potential or actual applicants for admissions." Anthony Chen and Lisa M. Stulberg, "Beyond Disruption: The Forgotten Origins of Affirmative Action in College and University Admissions, 1961-1969," Working Paper 2007-001, Gerald R. Ford School of Public Policy, University of Michigan.

² "The Opportunity Program," no date, Assistant to the President Records, Box 38, Bentley Historical Library, University of Michigan (Hereafter BHL).

surrounding affirmative action shaped how administrators crafted and implemented OAP. Planning for the program began when President John Kennedy and federal bureaucrats in the President's Committee on Equal Employment Opportunity (PCEEO) started pressuring Michigan administrators to increase the number of African-American students, faculty and staff after African Americans in northern cities began pressing for race-conscious hiring and promotion practices in businesses. At the time, University of Michigan administrators understood the limits of color-blindness. Despite "color-blind" admissions and hiring policies at Michigan, African Americans held only eight faculty positions at or above the rank of instructor and represented less than 1 percent of the student body. Administrators understood that they needed to move away from their steadfast commitment to color-blindness in order to increase African Americans' access to the University. However, administrators also feared a political and legal backlash if they implemented an explicitly race-conscious program. In 1963, eight years before the earliest busing cases, nine years before *Griggs v. Duke Power* (1972) ruled on whether "disparate impact" was sufficient evidence for discrimination, and fifteen years before Justice Powell provided his famous opinion in *Bakke v. Regents of California* (1978), the legal basis for race-conscious programs was unclear.³ At the same time, conservative politicians were pressuring President Kennedy to ensure that civil rights legislation would not support racial quotas. Administrators also feared resistance from members of the University of Michigan community. Many members of the faculty and Board of Regents

³ Robert S. Smith, *Race, Labor & Civil Rights: Griggs versus Duke Power and the Struggle for Equal Employment Opportunity* (Baton Rouge: Louisiana State University Press, 2008).

did not support race-conscious admissions policies. OAP evolved out of this complicated legal and political environment surrounding affirmative action.⁴

PROTESTING COLOR-BLIND POLICIES

The origins of affirmative action at the University of Michigan were intimately tied to growing African-American activism in Northern cities in the early 1960s, which demanded race-conscious hiring and promotion practices within businesses and unions. At first glance, protests over jobs in far-away places, such as Philadelphia, and admissions practices at the University of Michigan seem to have very little in common. But these protests would eventually have serious ramifications for University administrators when the federal government attempted to respond to the growing protests over jobs.

The African Americans in northern cities who demanded race-conscious hiring policies were rejecting the idea of color-blindness, a fundamental tenet of American

⁴ This chapter builds upon the excellent work of scholars who have examined which actors shaped early affirmative action policies. Recent debates about the origins of affirmative action have centered on a larger discussion about who is actually involved in government policymaking. Most political scientists argue that government bureaucrats working without pressure from below created affirmative action policies. Historians have countered by showing that these bureaucrats were reacting to grassroots activism that called for racial preferences in hiring. These scholars have provided important contributions to the field, but the origins of affirmative action were not limited to government actors and activists. A crucial and heretofore neglected part of the story is the practical role non-governmental institutional managers played in forming and implementing affirmative action policies. Political scientists who argue that affirmative action was a product of federal bureaucrats working without pressure from below include: John Skrentny, *The Minority Rights Revolution* (Cambridge: Belknap Press, 2002) and Hugh Davis Graham, *The Civil Rights Era: Origins and the Development of National Policy* (New York: Oxford University Press, 1990). Historians who emphasize the grassroots origins of affirmative action, pointing out that black activists called for race-conscious policies before federal bureaucrats began toying with the idea of affirmative action, include: Thomas Sugrue, "Affirmative Action from Below: Civil Rights, the Building Trades, and the Politics of Racial Equality in the Urban North, 1945-1969," *Journal of American History* 91 (June 2004): 145-73 and Nancy MacLean, *Freedom is Not Enough: The Opening of the American Workplace* (Cambridge: Harvard University Press, 2006).

racial liberalism. By the early 1960s, they realized that color-blind policies did not necessarily create social change. Between 1945 and 1964, twenty-nine states (all outside of the South) passed fair employment practice laws. Between 1945 and 1959, fourteen states (again, all outside of the South) passed fair housing legislation. Furthermore, individual businesses, such as International Harvester, implemented antidiscrimination policies. The Supreme Court struck down the use of covenants (agreements normally contained in deeds of property) that discriminated on the basis of race and interfered with the free transfer of real estate in *Shelley v. Kraemer* (1948). In *Brown v. Board of Education* (1954) the Supreme Court overturned the longstanding “separate but equal” ruling in *Plessy v. Ferguson* (1896) that provided the legal justification for segregation in America’s public schools. In the post-World War II years, the list of color-blind victories was long, but advocates of racial justice did not anticipate the degree to which these triumphs would fail to facilitate racial equity.⁵

The disconnect between color-blind legal and legislative victories and racial equity in employment was especially apparent. One of the unfortunate consequences of non-discrimination policies was that stores began to hire African Americans who were overqualified for menial positions. For example, in 1949, a downtown Chicago department store hired blacks with master’s degrees to stock merchandise. Furthermore, many trade unions remained wholly or predominantly white, and it was not unusual that all the unions’ apprentices were relatives of union members. Even within unions that

⁵ Thomas Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (New York: Random House, 2008), 111; Andrew Wiese, *Places of Their Own: African American Suburbanization in the Twentieth Century* (Chicago: The University of Chicago Press, 2004), 222; Jennifer Delton, *Racial Integration in Corporate America, 1940-1990* (Cambridge: Cambridge University Press, 2009), 55.

represented a substantial number of black members, African Americans were relegated to the lowest-paying jobs. For example, in 1963 nearly one-third of Philadelphia's Roofers Local 160 were black, but every non-white member was classified as a helper, which meant that they made two dollars an hour less than white mechanical roofers.⁶ Consequently, non-discrimination laws did not necessarily lead to well-paying professional or skilled position in northern cities. In Detroit, for example, black representation in professional, managerial and skilled positions remained constant from the 1940s through much of the 1960s.⁷

This was the world in which black activists operated in during the early 1960s. Proponents of color-blindness scored victories in courtrooms, legislative halls, universities and businesses, especially in the North, but few African Americans saw those victories significantly improve their daily lives. By the early 1960s, a growing number of African Americans in northern cities dismissed the concept of color-blindness as an effective political tool. The most notable campaigns for race-conscious policies involved contests over jobs. In 1960, Reverend Leon Sullivan led one of the first protests for racially attentive hiring and promotion policies of the decade. With his group the 400 Ministers, Sullivan targeted Tastykake, a Philadelphia company whose products were

⁶ Thomas Sugrue, "Affirmative Action from Below: Civil Rights, the Building Trades, and the Politics of Racial Equality in the Urban North, 1945-1969," *Journal of American History* 91 (June 2004): 157.

⁷ Anthony Chen, *The Fifth Freedom: Jobs, Politics, and Civil Rights in the United States, 1941-1972* (Princeton: Princeton University Press, 2009); Thomas Sugrue, *Sweet Land of Liberty*; Jennifer Delton, *Racial Integration in Corporate America*, 21; Steven M. Gelber, *Black Men and Businessmen: The Growing Awareness of a Social Responsibility* (Port Washington, NY: Kennikat Press, 1974). Gelber's book remains the best investigation of token hiring in the 1940s and 1950s; Thomas Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 1996), 275.

popular within the black community. When Tastykake refused to hire a substantial number of African Americans, the group led a six-month boycott of Tastykake products. At the end of the campaign, the company eventually hired two black truck drivers, two black clerical workers and four black female production workers. The group went on to successfully boycott twenty-nine other companies operating in Philadelphia, including Pepsi-Cola and Sunoco. When asked why he supported companies that hired and promoted blacks ahead of whites simply because of their race, Sullivan argued that it was a means of redress for past discrimination: “Black men have been waiting for a hundred years, white men can wait for a few months.”⁸

In 1963 members of the NAACP and CORE occupied Philadelphia’s mayor’s office for twenty-one hours. Local members of CORE demanded racial quotas for city contracts and apprenticeship programs and claimed that they would not be satisfied unless the city guaranteed that at least 15 percent of all construction jobs would go to black workers. Just as Sullivan had done three years earlier, the group put their justification in terms of redress, claiming that quotas were necessary “to make up for years and years of exclusion of Negroes from the skilled trades.” James Farmer, CORE’s national director, testified before the House Judiciary Committee and stopped just short of demanding quotas, asking for unions to hire a “reasonable number” of black workers.⁹

In other northern cities, advocates of racial justice used similar techniques to fight racial disparities in employment. In 1960, Milwaukeean Calvin Sherard organized some of his coworkers at American Motors to form Crusaders Civic and Social League.

⁸ Sugrue, *Sweet Land of Liberty*, 128-9.

⁹ Sugrue, “Affirmative Action from Below,” 163.

Sherard believed that a business's workforce should reflect its customer base. Sherard targeted businesses in predominantly black neighborhoods that hired few, if any, African Americans. He first led a boycott of a popular ice-cream parlor within the city's black community, which eventually hired more black workers. He then moved on to bigger targets, boycotting A&P and Kroger-Kramble grocery stores. In Detroit, too, the local branch of the NAACP began "selective patronage" campaigns, joining with local black ministers to boycott Tip-Top Bread and Border Dairies. In St. Louis, the Congress of Racial Equality (CORE) led a 1963 boycott against Jefferson Bank and Trust Company.¹⁰

FROM JOBS TO ADMISSIONS

Many of the activists fighting for race-conscious policies never set foot in Ann Arbor, despite the fact that Ann Arbor had a long history of civil rights activism. Nevertheless, the federal government's response to these protests had huge implications for the University. President John Kennedy was especially worried about the growing protests in Northern cities. Historian Thomas Sugrue has shown how protests over jobs in 1960 and 1961 pushed Kennedy to sign Executive Order 10925, which required government contractors to "take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin." The order also established the President's

¹⁰ Patrick D. Jones, "'Get Up Off Your Knees!': Competing Visions of Black Empowerment in Milwaukee During the Civil Rights Era," in *Neighborhood Rebels: Black Power at the Local Level*, ed. Peniel Joseph (New York: Palgrave Macmillan, 2010), 56-8; Clarence Lang, "Black Power on the Ground: Continuity and Rupture in St. Louis," in *Neighborhood Rebels: Black Power at the Local Level*, 73; Sugrue, *The Origins of the Urban Crisis*, 175.

Committee on Equal Employment Opportunity (PCEEO), which gathered information from federal contractors on their employment of members of minority groups.¹¹

Federal bureaucrats in the PCEEO tried to give meaning to the vague term “affirmative action” for the employers who were supposed to comply with the executive order. As scholar Anthony Chen has shown, Hobart Taylor, Jr., a black Southern-born lawyer, was responsible for inserting the word “affirmative action” into the executive order when Vice President Johnson asked him to revise an early draft. But Taylor never clearly defined what the term meant. A 1962 PCEEO report tried to better define affirmative action for contractors as “steps over and beyond the requirements of the executive order” meant to guarantee “equal employment opportunity.” The definition was still vague, but the PCEEO offered an example: appointing “skilled personnel to administer the equal employment opportunity program” who were trained in “intergroup relations work.” Kennedy was not the first president to issue an executive order concerning discrimination among federal contractors, and none of these statements suggested that the PCEEO was explicitly pushing federal contractors to set up a hiring and promotion program based on racial preferences, but it was clear that the PCEEO was pushing contractors to make efforts never before expected by a federal agency.¹²

¹¹ Thomas Sugrue, “Breaking Through: The Troubled Origins of Affirmative Action in the Workplace,” in *Color Lines: Affirmative Action, Immigration and Civil Rights Options for America* ed. John David Skrentny (Chicago: University of Chicago Press, 2001), 38-39. Sugrue argues that Executive Order 10925 was Kennedy’s effort to diffuse protests over jobs. Quotes from the executive order come from Chen, *The Fifth Freedom*, 211.

¹² Chen, *The Fifth Freedom*, 211-12.

If the University of Michigan was not a major federal contractor, the story of black urban protests and President Kennedy's response to that social unrest would end here. But at the time, the University of Michigan was one of the largest recipients of federal defense contracts within higher education. Throughout the 1950s and 1960s, in the midst of the Cold War, the federal government relied on universities for defense research, and lucrative federal contracts were a part of that process. In 1963, federal agencies committed \$1.4 billion in contracts to American universities and colleges. Of the 840 institutions that received federal funds, twenty schools received about half of the \$1.4 billion. Only the Massachusetts Institute of Technology and Columbia University received more money than the University of Michigan.¹³

The amount of federal funding large research universities received became especially important when, in 1963, in the midst of protests over discriminatory hiring across the country, the President's Committee on Equal Employment Opportunity sponsored a series of conferences with representatives from Midwestern universities and colleges to discuss the small number of black faculty and staff members in their institutions.¹⁴ The University felt the consequences of the PCEEO mandate to collect data on the number of minority federal contractors employed. It was a powerful tool which allowed the PCEEO to put pressure on particular industries with large racial disparities. At the time, the University of Michigan employed only eight black faculty

¹³ Hugh Davis Graham and Nancy Diamond, *The Rise of American Research Universities: Elites and Challengers in the Postwar Era* (Baltimore: Johns Hopkins University Press, 1997), 38.

¹⁴ John Chavis to Madison Kuhn, March 25, 1966, John Chavis Papers, Box 1, BHL.

members at or above the rank of instructor.¹⁵ Internal documents do not reveal whether the committee threatened to cancel the University's federal contracts, but University officials' response to the meetings clearly indicate concern about the possibility of losing the lucrative contracts.

In May, soon after the conferences, Vice President of Academic Affairs Roger Heyns, soon-to-be chancellor of the University of California, organized the ad hoc Advisory Committee on the Negro in Higher Education. He appointed people to the committee who were sympathetic to issues of racial equity, including two of the University's earliest black faculty members: Ralph Gibson and Alvin Loving. Heyns clearly defined the role of the committee: find ways to recruit black students who could soon fill staff and faculty positions. The solution to recruit black students who could eventually fill these positions suggests that committee members assumed that there was a shortage of readily available qualified African Americans to fill faculty positions.¹⁶

The committee's first solution was an exchange program with the Tuskegee Institute, whereby students and faculty members from each institution would spend a semester at the other university. Committee members thought that bringing Tuskegee students to the University offered an opportunity to recruit future black graduate students who could then be molded into potential faculty members. In turn, bringing in Tuskegee

¹⁵ Ralph Gibson, Report Submitted to President Fleming and Members of the Senate, Spring 1968, p.5, Assistant to the President Records, Box 38, BHL.

¹⁶ Memo from N. Edd Miller to Roger W. Heyns, May 31, 1963, Assistant to the President Records, Box 38, BHL, University of Michigan; Information on Loving and Gibson come from the following University websites: "Alvin D. Loving Junior Faculty Initiative" <http://www.umflint.edu/provost/documents/Awards/lovingjr.htm>; "Ralph M. Gibson Award" http://www.med.umich.edu/medschool/osp/grad_awards.htm#gibson.

faculty members was a temporary way to immediately increase the number of black instructors. The University also created an administrative internship program that recruited students from traditionally black colleges and universities in the South to spend a semester at the University of Michigan, taking courses and working half-time in an administrative office. Administrators hoped that these students would eventually fill positions in human resources, admissions and library management at the University.¹⁷

The exchange programs were all low-risk commitments for University administrators. Students attended Michigan for only a semester and, accordingly, administrators did not have to worry about providing support services if they were unprepared, nor did they have to bear any responsibility for attrition rates if students dropped out. Furthermore, Tuskegee faculty members helped to improve the University's federal contract compliance numbers without the long-term commitments of tenure.¹⁸

Nevertheless, by implementing the Tuskegee Exchange Program, the committee acknowledged the failure of administrators' steadfast commitment to color-blindness to increase African Americans' access to the University. At Michigan, University officials never created a racial quota or policy of exclusion. In fact, the University had a long history of admitting black students (albeit in small numbers), dating back to the 1860s. But as late as 1963, of 3,434 entering freshman, only thirty-two (0.9 percent) were

¹⁷ "An Inch, a Foot, a Mile," 1968, Media Resources Television Program Films and Videotapes, BHL.

¹⁸ Howard H. Peckham, *The Making of the University of Michigan, 1817-1992* (Ann Arbor: University of Michigan Press, 1994), 278; Memo from R.B. Schmerl to University Steering Committee for the Development of Academic Opportunities, January 27, 1966, Albert Wheeler Papers, Box 6, BHL; "Mr. Fleming and Members of the Senate," Spring 1968, Assistant to the President Records, Box 38, BHL.

African American, 25 percent of whom were on athletic scholarships. Of the thirty-two black students, only twelve were from Detroit.¹⁹

The small number of African Americans at Michigan was typical of selective universities outside the South. Before the early 1960s, administrators used the ideal of meritocracy to justify racial disparities (a topic discussed in a more detail in Chapter Two). In other words, administrators believed that color-blind meritocratic tools, such as the Scholastic Aptitude Test, effectively sorted students by ability. Administrators rationalized the low number of African-American students by arguing that African Americans simply did not score high enough on “color-blind” standardized tests.²⁰

In the early 1960s, administrators began to rethink their commitment to this color-blind meritocratic ideal. Administrators at Michigan joined administrators at Harvard University, Dartmouth University and the University of Pennsylvania. In 1961, Harvard University’s incoming admissions director Frank Glimp admissions announced that the Harvard would give less weight to “objective” factors—grades and SAT scores—for certain students in the admissions process. In the same year, Dartmouth began recruiting African Americans to apply, but did not alter admission practices for different racial groups. In 1963, University of Pennsylvania Dean of Admissions William G. Owen

¹⁹Laura Calkins, “The Origins of the Modern Multiversity: Politics of Race, Religion, and Gender, 1940-1952,” Laura Calkins Papers, Box 1, BHL, University of Michigan; John Chavis, “Words on the Tenth Anniversary of the Opportunity Program: The University of Michigan,” November 14, 1974, p.2, John Chavis Papers, Box 1, BHL, University of Michigan; Report from the C.E.D,” May 1949, Vice President for Student Affairs Records, Box 4, BHL.

²⁰Julie Reuben, “Merit, Mission, and Minority Students: The History of Debate Over Special Admissions Program,” in *A Faithful Mirror: Reflections on the College Board and Education in America* edited by Michael C. Johaneck (New York: College Entrance Examination Board, 2001), 195-246; Nicholas Lemann, *The Big Test: The Secret History of the American Meritocracy* (New York: Farrar, Straus and Giroux, 1999).

announced that the admissions office would modify some admissions requirements to try to increase African-American enrollment.²¹

Early in 1963, members of Michigan's Advisory Committee on the Negro in Higher Education were not yet ready to modify Michigan's admissions practices to increase African-American enrollment. But their resistance to change admissions practices took an unexpected turn when University of Michigan President Harlan Hatcher met with President Kennedy on June 19, 1963. At the time, Hatcher had a mixed record on civil rights. He was not an obstructionist; however, he had not embraced the issue of racial equality as a goal of his administration. For example, when faculty members approached him to fight for fair housing legislation in Ann Arbor, as African-American faculty members and students struggled to obtain off-campus housing, he refused. But in June the University of Michigan president endorsed an unprecedented affirmative action admissions program.²²

June was an especially difficult month in a string of difficult months for Kennedy. Kennedy thought that African Americans in northern cities were losing confidence in non-violent protest. Just eight days before the meeting with Harlan, Kennedy had expressed concern about urban riots, speaking to the nation of the "fires of frustration and discord that are burning in every city.... Redress is fought in the streets...which creates tensions and threatens violence and threatens lives." Four days before President Kennedy

²¹ Chen and Stulberg, "Beyond Disruption," 103.

²² David Aroner, "To the Editor," February 21, 1963, Vice President for Student Affairs Records, Box 6, BHL; Human Relations Report, May 23, 1962, p.3, Vice President for Student Affairs Records, Box 6, BHL.

met with Hatcher he received a memo from G. Mennen Williams, the former governor of Michigan, who advised Kennedy that “large segments of the Negro population are losing confidence in interracial approaches to the problems of gaining full civil rights.”

Throughout the month, Kennedy also received reports from U.S. Secretary of Labor Willard Wirtz and other advisors about “danger spots” around the country. Finally, at the time of the meeting, Kennedy was preparing to issue Executive Order 11114, which prohibited racial discrimination on federally contracted construction projects. The order, which Kennedy finally issued two days after his meeting with Hatcher, was partly in response to the Philadelphia protesters who had occupied the mayor’s office, mentioned above.²³

When Kennedy met with Hatcher and other national leaders of higher education, he was desperately looking for ways to tackle the problems of urban unrest. Kennedy was especially worried about the potential consequences of a large population of young African Americans, who, despite vocational training, could not find jobs. Kennedy also expressed concern about the high black drop-out rates in primary and secondary education, which contributed to the lack of opportunities for young blacks. Implicit in Kennedy’s invitation to higher education leaders to discuss these issues was Kennedy’s belief that universities, even selective universities, had a role to play in solving America’s racial problems. At the meeting, Hatcher proudly informed Kennedy of the University’s

²³ Quoted in Thomas Sugrue, *Sweet Land of Liberty*, 269-270.

relationship with Tuskegee, but Kennedy was looking for a much larger commitment to solving urban problems in the North.²⁴

So in June 1963, Hatcher, Heyns, and the ad hoc Advisory Committee on the Negro in Higher Education were left trying to solve two major problems: first, how to create a pool of black students who could eventually go on to fill faculty positions, and second, how to use the University as a tool to solve urban unrest. The Opportunity Award Program (OAP) became their solution. When Hatcher introduced the program in September, the program's goals reflected a commitment to the types of problems Kennedy spoke about in the meeting. Hatcher introduced the program as a way to solve the high drop-out rate among high school students from "deprived" backgrounds who "have the ability to profit from the university's program" once the "handicaps of low income or poor academic training were removed or their misconceptions of the university had been adjusted." Hatcher introduced OAP as a special admissions program, whereby Michigan would admit "disadvantaged" students from all racial groups using different criteria from those used in the normal admissions process.²⁵

Hatcher's meeting with Kennedy clearly shaped the program's new focus on "disadvantaged" students, but noticeably absent from Hatcher's speech was any reference to African Americans. In fact, Hatcher's speech was filled with ambiguous terms which eventually left room for other administrators to interpret. Hatcher described "disadvantaged" students as suffering from "low income" and "poor academic training," but the measurements administrators would use to define who fit those criteria remained

²⁴ June Meeting Minutes, 1963, Proceedings of the Board of Regents, 1960-1963, 1218-1219, BHL.

²⁵ "The Opportunity Program," no date, Assistant to the President Records, Box 38, BHL.

unclear. When Opportunity Award Program administrators translated “disadvantaged” into criteria for the program, they used equally vague definitions: “to be handicapped by cultural and financial deprivation and under ordinary circumstances unlikely to have been admitted” to the University.²⁶ Throughout the program’s history, administrators never created strict definitions for terms “culturally and financially deprived.” For example, one administrator tried to clarify financial deprivation by suggesting that the program applied “poverty” criteria, but it was unclear how much money students’ parents could make and still meet the “poverty” requirements.²⁷

A “COLOR-BLIND” PROGRAM FOR AFRICAN AMERICANS

The language Hatcher used to describe the program suggests that OAP was color-blind but class conscious; in practice, OAP worked very differently. In the fall of 1964 67 of the 70 Opportunity Award Program students were African American.²⁸ In subsequent years, black students would continue to dominate OAP, comprising about 90 percent of the program’s students, and officials of the program would later confirm that the primary goal of the program was clear from the start: “increase the number of Negro students enrolled in the University and devise techniques and methods of maintaining these students once they were here.”²⁹ Internal documents do not reveal why Hatcher

²⁶ “The University of Michigan Opportunity Award Program, 1964-1968,” Assistant to the President Records, Box 38, BHL.

²⁷ “Need to Recruit Poor Cited at U-M,” *Michigan Daily*, January 11, 1967.

²⁸ “Black Opportunity Undergraduates at the University of Michigan, 1964-1970: A Retrospective View,” Assistant to the President Records, Box 41, BHL.

²⁹ “The Opportunity Program, 1964-1968,” Assistant to the President Records, Box 38, BHL, University of Michigan.

announced the program as color-blind, but contextual information offers possible explanations. One possible explanation could be that Hatcher was concerned about the legal merit of race-conscious admissions programs. In 1963, eight years before the earliest busing cases, nine years before *Griggs v. Duke Power* (1972) ruled on whether “disparate impact” was sufficient evidence for discrimination, and fifteen years before Justice Powell provided his famous opinion in *Bakke v. Regents of California* (1978), the legal basis for race-conscious programs was unclear.

Hatcher also operated within a political climate where conservative politicians were especially concerned about whether the government would accommodate demands for racial preferences. During the summer of 1963 Kennedy proposed a major civil rights bill to address growing social unrest. Conservative politicians and members of the press pushed Kennedy to assure the public that he opposed quotas. Kennedy responded by explicitly rejecting quotas at a press conference. At a Senate hearing, conservative politicians accused Attorney General Robert Kennedy of being “soft” on quotas. He, like his brother, made it clear that he opposed them. In fact, even when politicians finally drafted the bill and its language explicitly made references to color-blindness, conservatives still attacked the bill for promoting quotas. Thus, when Hatcher announced the Opportunity Award Program, it was clear that race-conscious programs might invite criticism and political backlash.³⁰

An explicitly race-conscious admissions program also might have invited backlash from faculty members and the Board of Regents as well. A Board of Regents

³⁰ Lemann, *The Big Test*, 157.

meeting one year after the introduction of the Opportunity Award Program provides insight into the members' ideas about race-conscious policies. In October 1964, an anonymous donor offered to fund an annual scholarship exclusively for black students who lacked the money to attend the University. The Board of Regents accepted the donation only after the donor removed any reference to race that would "have discriminated in favor of a Negro student."³¹

A survey conducted three years after Hatcher introduced the OAP also suggests many faculty members opposed race-conscious policies. In 1966, the Steering Committee for Academic Opportunities conducted a survey of each department and school's efforts to increase black graduate students and faculty members.³² In response to the question, "Do you make any special efforts to recruit Negro students?" sixteen of the respondents replied affirmatively, and eighteen replied negatively. Many of those who replied affirmatively placed conditions on their responses, stating that the department only recruited "qualified" or "able" black students, often underlining those words for special emphasis. These respondents were making a clear distinction between programs that admitted black students under different admissions standards from white students, and programs that recruited black students to submit applications, but did not (or, at least tried not to) take race into account while reviewing applications.³³

³¹ October Meeting 1964, Proceedings of the Board of Regents, 1963-1966, pg. 563, BHL.

³² OAP was originally intended only for undergraduates, so individual departments and colleges continued to be responsible for graduate student admissions and faculty hiring.

³³ University Steering Committee on the Development of Academic Opportunities, "Racial Origins Survey," January 17, 1967, Housing Division Records, Box 1, BHL.

A few department chairs were so disturbed by the survey that they wrote independently to the committee. They complained that the University was moving away from color-blind practices. John Allen, chair of the zoology department, objected to even the collection of data on minority students and faculty members within each department. According to Allen, gathering this information was “contrary to my own ideas as well as those of my colleagues concerning the development of opportunities for minority groups.” Because the University should “not take into account the questions of race, religion, or social status,” Allen argued, “it is improper for the University at large to develop recruiting programs” for those “belonging to various social categories.”³⁴ James Wallace, dean of the School of Music, seemed confused about the request for data on the school’s racial composition. He wrote, “I frankly do not know where to turn to get the answers to the majority of the questions.” Then, writing in defense of color-blindness, “I think I can speak honestly for our faculty in saying that they could not care less about the race or the color of members of the student body or of their fellow colleagues.”³⁵

The program’s focus on black students raises the question of how Hatcher could pitch the program as color-blind while OAP administrators implemented a program that primarily served African Americans without the backlash of faculty members, politicians, the Board of Regents and Michigan citizens. Explanations lay in the University’s internal structure and the way administrators distributed information about the Opportunity

³⁴ Letter from John Allen to Norman Scott, November 8, 1966, Housing Division Records, Box 1, BHL.

³⁵ Letter from James B. Wallace to Norman Scott, November 15, 1966, Housing Division Records, Box 1, BHL.

Award Program in its early years. After World War II, a professional non-instructional staff began to take over many of the administrative duties of the University from the faculty, who increasingly focused on research and instruction. Directors of admissions, athletics and discipline were just a few of the new administrative officers who took control of the University's management functions.³⁶ Faculty members continued to have input in admissions standards, but the administrative decision-making process was often insulated from faculty members.

The program fell under the control of Vice President of Academic Affairs Roger Heyns, because the admissions office itself was under his purview. But Heyns and his successors provided little oversight and leadership, aside from creating an institutional bureaucracy to implement the Opportunity Award Program. When James Duderstadt became president in the late 1980s, he called this the "out of sight, out of mind" management of affirmative action.³⁷

The job of actually implementing the goals of the program and negotiating institutional politics fell to a small group of actors. In 1963, few people in the United States had any expertise in implementing affirmative action programs, so building the institutional capacity to increase African-American enrollment was difficult. Heyns first created a special assistant to the director of admissions. He hired Leonard Sain, an African American who had worked as an assistant principal at Eastern High School in Detroit. Sain had no background in higher education admissions or recruiting, but as a

³⁶ John Brubacher, *Higher Education in Transition: A History of American Colleges and Universities* (New Brunswick: Transaction Publishers, 1997), 369.

³⁷ James Duderstadt, "The History of the Michigan Mandate: A Personal Narrative," June 15, 1991, 11, unpublished in author's possession.

high school principal of a predominantly black high school in Detroit, he knew the students the University wanted to recruit. When Sain resigned the next year, the admissions director, Clyde Vroman, hired Robert Marion to fill Sain's position to continue to help the admissions office recruit students and determine which OAP applicants to admit. In 1968, when Robert Marion decided to leave the University, Clyde Vroman began searching for a replacement. When Vroman listed the qualifications that Marion's successor had to possess, "Must be a Negro" was first on the list.³⁸

The selection criteria for new staff members suggest that administrators at Michigan were unsure who had the authority to manage an affirmative action admissions program. This would continue to be an issue as Heyns expanded the bureaucratic infrastructure to provide services to support OAP students once they were on campus. Heyns created a coordinator of special projects position, and later created a separate Opportunity Award Program Office to take on these duties. The Opportunity Award Program staff members would lead recruitment efforts, monitor students' performance once on campus and provide counseling services. The admissions office would share recruiting responsibilities and continue determining which OAP applicants to admit. Like affirmative action admissions, few people in the United States had expertise in counseling black students in predominantly white institutions. In 1965, John Chavis, an African American and a former Detroit welfare investigator, joined the program as coordinator of special projects, and then served as Opportunity Award Program

³⁸ "Job Description of Assistant Director of Admissions Opportunity Award Program," John Chavis Papers, Box 1, BHL.

director.³⁹ In the same year, Martha Jones, assistant to the director of counseling at the historically black Arkansas Agricultural, Mechanical and Normal College, joined the Opportunity Award Program staff.⁴⁰

The insularity of the program allowed those involved in shaping the Opportunity Award Program to hide its focus on African Americans from the larger University community. Throughout the 1960s, the vice president for academic affairs and the director of admissions hired individuals to build the institution's capacity to increase African-American enrollment and counsel African-American students. All of these individuals came from outside the institution, with little personal connection to faculty members or administrators outside the program. Information about the program's intentions to focus on black students rarely made it outside the admissions or OAP office. For example, in 1966, when the University Steering Committee on the Development of Academic Opportunities (a committee of faculty members organized to find ways to recruit more black faculty members) received a report on OAP, committee members read that the program would help solve the cultural, social and educational problems in urban America which stemmed from the "continued dislocation of agricultural people." The report made no mention of race, even when it outlined the number of students admitted through the program during the previous two years.⁴¹ Later that year, the same committee received a report on the "variables associated with academic success" for OAP

³⁹ "John Chavis Biographical Data," no date, John Chavis Papers, Box 1, BHL.

⁴⁰ "The Opportunity Award Program," no date, p.2, Assistant to the President Records, Box 38, BHL.

⁴¹ "The Opportunity Award Program, The University of Michigan: A Report for the All-Day Conference of the University Steering Committee on the Development of Academic Opportunities," February 27, 1966, BHL, University of Michigan.

students. Over thirty pages long, the report gave the committee detailed information on OAP students' gender, SAT scores, grade point averages, personality test scores and academic majors; however, the report made no mention of race. The fact that administrators of OAP did not reveal the program's focus on African-American students to faculty members suggests that they expected resistance from members to any race-conscious program. Administrators were navigating a contentious political environment surrounding affirmative action at the University.⁴²

Even though the program's intentions to focus on black students were clear from the outset, administrators did not release any information that suggested OAP was intended primarily for African Americans until 1967. In that year, a Michigan student newspaper ran a story on the program. John Chavis, one of Sain's successors, announced that although the criteria for the program applied "poverty and cultural criteria" and not race to select students, "these criteria in practice have resulted in a preponderance of Negro students being involved in the program."⁴³ One year later, Chavis commented in a press release that "The purposes of the program as originally stated were, frankly, to increase the number of Negro students and to devise techniques and methods of maintaining them once they were here."⁴⁴ Vroman finally made the program's intentions clear when he released a job announcement for an OAP staff position, which described the program as "intended primarily for Negro students who are educationally and

⁴² Doris M. Miller, "The Relationship Between Achiever Personality Scores and Grade Point Average for Opportunity Award Students," December 9, 1966, University of Michigan Housing Division Records, Box 1, BHL, University of Michigan.

⁴³ "The Need to Recruit Poor Cited at U-M," *The Ann Arbor News* January 11, 1967, 2.

⁴⁴ "For Immediate Release," April 26, 1968, News and Information Services Faculty and Staff Files, Box 21, BHL.

economically disadvantaged.”⁴⁵ Internal records do not suggest why administrators waited until the late 1960s to describe the program as primarily a tool to recruit African Americans. But once administrators announced the program’s intention to focus on African Americans, they debated about whether to make the program exclusively for black students. In 1969, George Goodman, the admission counselor in charge of Opportunity Award Program admissions, decided to continue to admit “disadvantaged” students of all races “for P.R. and other appropriate reasons.” But “obviously, the majority of our concentration will be directed toward the black and minority-group communities. In short, it is not proper at this point to restrict our program to blacks only.”⁴⁶

CONCLUSION

The political victories African Americans won in the early 1960s did not necessarily guarantee the type of changes within America’s institutions that would lead to racial equity. The implementation of affirmative action at the University of Michigan provides a case in point. A select group of Michigan administrators had to maneuver through the contentious political and legal environment surrounding affirmative action in order to create the Opportunity Award Program. Within the University, many faculty members and the Board of Regents did not support race-conscious admissions policies. Outside the University, the political and legal consequences of implementing a race-

⁴⁵ Clyde Vroman, “A Basis for Selecting a Successor to Robert Marion,” March 16, 1968, p.1, John Chavis Papers, Box 1, BHL.

⁴⁶ Nellie Varnor and George Goodman to Coordinating Committee for Human Relations, February 13, 1969, Vice President of Academic Affairs, Staff Files, Box 60, BHL.

conscious program were still unclear. The ambiguous language of the program, which claimed to target “disadvantaged” students, allowed administrators to pitch the program as color-blind, even though they focused primarily on increasing African-American enrollment. Furthermore, the changing internal structure of the University, discussed above, allowed administrators to focus on African-American students without public scrutiny in the early years of the program.

Nevertheless, the task of creating an affirmative action admissions program without causing a political backlash or inviting a lawsuit was only the first obstacle administrators faced in increasing African Americans’ access to the University of Michigan. Chapter Two examines key administrative decisions that helped determine whether the program would be an avenue of opportunity for black students in Michigan or just a failed attempt to facilitate racial equity. When the students in the first classes of OAP began to drop out in significant numbers, administrators scrambled to find new ways to lower attrition rates among OAP students at Michigan. The high drop-out rate raised new questions about how the University could reconcile the goals of racial equity and institutional quality. The answers to these questions helped to determine how many black students would benefit from the program and the responsibilities the University would take on to keep them there.

CHAPTER 2

RACE, EQUITY AND QUALITY

Prior to World War II, access to higher education in the United States was limited to a small group of Americans. In 1940, only 15 percent of Americans between the ages of eighteen and 21 attended college; 97 percent were white.¹ By 1976, almost 27 percent of Americans between eighteen and 24 attended college, and white and black high school graduates went to college at the same rate (32.1 percent).² In fact, during that same year, in the state of Michigan, a higher percentage of black high school graduates (44.8 percent) attended post-secondary institutions than white graduates (41.1 percent).³ The feel-good numbers represent a fundamental transformation in who could access higher education, but they also hide the racial disparities that accompanied the expansion of higher education in the United States. For African Americans, access to higher education meant access to community colleges, historically black colleges and second-tier predominantly-white schools; they remained highly underrepresented in the nation's most selective post-secondary institutions.⁴

In this chapter, I show how institutional impediments help explain the persistence of racial disparities at the University of Michigan. I argue that Michigan administrators

¹ Christopher J. Lucas, *American Higher Education: A History* (New York: St. Martin's Press, 1994), xiv.

² William G. Tierney, "The Parameters of Affirmative Action: Equity and Excellence in the Academy," *Review of Educational Research* 67, no. 2 (Summer 1997): 186.

³ Michigan Department of Education, "Summary Data 1977, Michigan High School Grads," December 19, 1978, Vice President of Academic Affairs, Box 64, BHL.

⁴ Another disparity that these percentages hide, but not covered in this chapter, is the gap between white and black high school graduation rates. In 1976, 75 percent of the state of Michigan's white 18-19 year olds graduated high school, compared to only 58 percent of the state's African Americans in the same age range. David Goldberg to Harold Shapiro, March 31, 1980, Vice President for Academic Affairs, Central Files, Box 69, BHL.

struggled to reconcile the goals of racial equity and institutional quality at a selective public university. These goals were not inherently at odds. The perceived tension between the two goals highlighted the ways in which administrators determined which students were “qualified.” This tension also influenced what resources administrators thought they were obligated to give students to meet the academic standards of the University and how much money they were willing to divert from other University initiatives to recruit and retain students. Ultimately, it demonstrated what social welfare role administrators thought an elite University should play in addressing racial inequality. These issues were hotly contested in the 1960s and 1970s, and their outcomes shaped African Americans’ access to the University.

In September 1963, when Michigan President Harlan Hatcher announced the Opportunity Award Program, Vice President of Academic Affairs Roger Heyns put the difficult task of balancing the goals of equity and quality in the hands of Leonard Sain and Clyde Vroman. Vroman was the University’s first admissions director, joining the University in 1949. He was an unusual choice to lead the University’s admissions office. Vroman was a high school dropout, who only eventually graduated from high school in 1933 at the age of twenty-nine. Nine years later, he had a Ph.D. in secondary education, and B.A. and M.A. degrees in music from the University of Michigan. He began teaching music and education at Michigan until he received an offer to lead the University’s first admissions office. At the time, he had no administrative experience, and knew nothing about admissions. Nevertheless, he single-handedly transformed

admissions into a professional practice at Michigan at a time when enrollment in higher education suddenly exploded. The University of Michigan, like most universities across the country, was receiving thousands of applications beyond the number Michigan could actually admit, the University needed an efficient way to choose which students to admit. By 1963, he had devoted fourteen years to developing practices to choose what he saw as the most talented students.⁵

Vice President Heyns' decision to hire Leonard Sain to co-manage Michigan's new affirmative action program raises an important question about who could claim authority and legitimacy in managing issues of race and admissions. Michigan was among a small group of elite universities that implemented affirmative action programs in the early 1960s, so Heyns would have had trouble finding an administrator who had already implemented a similar program. Sain, the former assistant principal at Eastern High School in Detroit, had no experience in selecting students for post-secondary institutions. But, as an administrator in the Detroit public school system, he brought with him knowledge of the type of students Heyn and other top administrators at the University of Michigan wanted to recruit.⁶

Together, Sain and Vroman confronted new questions. The admissions office had spent the last decade creating measurements to determine the "most talented" students. Sain and Vroman now needed to find students (primarily black students) who met the program's poverty criteria and could not qualify for admissions through the normal

⁵ "Press Release," June 29, 1981, News and Information Services Faculty and Staff Files, Box 133, BHL.

⁶ "The Opportunity Award Program," no date, p.2, Assistant to the President Records, Box 38, BHL, University of Michigan.

selection process, but showed “sufficient promise of academic potential to indicate that they were capable of meeting the academic standards of the University” after “allowance was given for academic deficiencies and the opportunity was provided for special counseling and remedial work in key subject areas.”⁷ What methods would admissions officers use in order to determine which OAP students who were capable of graduating from Michigan? What grade point average or Scholastic Aptitude Test (SAT) score was too low? Did the quality of the potential applicant’s high school matter? What remedial services would they need once they were on campus?

HISTORICAL BACKGROUND

These were new questions because OAP challenged prevailing views about how America’s higher education system should balance the goals of equity and quality.⁸ The assumptions that administrators worked within the early 1960s about how to balance equity and quality were products of a forty-year debate about who higher education should serve. It was a heated debate that reached back to the interwar years, when the college-going population in the United States increased from 597,857 to just under 1.5 million.⁹ Vocal critics of the expansion of college attendance, such as George Vincent, Professor of Sociology at the University of Chicago, argued that only a small number of Americans were capable of post-secondary learning. Vincent divided the population into

⁷ “The University of Michigan Opportunity Award Program, 1964-1968,” Assistant to the President Records, Box 38, BHL.

⁸ Julie Reuben, “Merit, Mission, and Minority Students: The History of Debate Over Special Admission Programs,” in *A Faithful Mirror: Reflections on the College Board and Education in America*, ed. Michael C. Johanek (New York: College Entrance Examination Board, 2001): 195-246.

⁹ David O. Levine, *The American College and the Culture of Aspiration, 1915-1940* (Ithica: Cornell University Press, 1986), 39 and John Thelin, *A History of American Higher Education* (Baltimore: Johns Hopkins University Press, 2004), 261.

three categories. A “mediocre group” accounted for 95 percent of the population. The final 5 percent, he claimed, was divided into two different groups: a group of “superior, exceptionally able people” and a group composed of the “inefficient, the criminal, the undesirable.”¹⁰ Only the “superior, exceptionally able people,” according to Vincent, should have a place in higher education. On the other side of the argument, some educational leaders envisioned higher education as a tool of social mobility in light of a changing economy that demanded more professionals and managers with a post-secondary education. They were also rethinking who was capable of college-level work, and who post-secondary institutions should serve. Representatives at Washburn Municipal University, for example, suggested “all students with adequate motivation for doing work on the collegiate level should go” to college. Responding to those claiming that only a small percentage of Americans were capable of higher learning, they added the “group incapable of doing college work if adequately motivated is much smaller than is usually assumed.” Representatives at Fresno State College believed that “students with honest purpose, ambition, and character—even if having only average intellectual ability” should go to college.¹¹

The great compromise of the postwar years merged the ideals of elite and mass higher education. In so doing, higher education leaders addressed fears of declining standards, while accepting the expansion of higher education. To retain the academic standards of selective schools, administrators at institutions, such as the University of

¹⁰ Benjamin Fine, *Admission to American Colleges: A Study of Current Policy and Practice* (New York: Harper & Brothers, 1946), 25.

¹¹ Fine, *Admission to American Colleges*, 148.

Michigan and the University of California, Berkeley, continued to select only those students who they deemed could meet the universities' academic standards. To accommodate millions of new students who could not gain admittance to elite universities, states funded new, as well as the expansion of existing, community colleges and four-year universities with lower admissions standards. In practice, this meant that the reputation of universities increasingly became tied to the quality of their students; selectivity, in other words, determined institutional quality.¹²

“Standards” and “quality” were, and continue to be, slippery terms that defy easy explanation and measurement. Nevertheless, Michigan administrators made the assumption that the University's coursework was much more difficult to complete than other state universities, such as Michigan State University and Wayne State University. As such, they carefully regulated the growth of the university, assuming that only a small percentage of students could meet Michigan's academic standards. Expanding the pool of students beyond this small percentage of high school graduates, they assumed, would force faculty members to lower standards, and compromise the quality of the University. The University's selectivity—only 39 of 1,015 schools surveyed in 1964 were more selective—became a symbol of pride for alumni and administrators and a marker of the University's prestige in the postwar years.¹³

¹² Duffy and Goldberg, *Crafting a Class*, 45; Julie Reuben, “Merit, Mission, and Minority Students,” 202. There were, of course, other measures of quality, including the strength of the faculty.

¹³ Alexander W. Astin, *Who Goes Where to College* (Chicago: Science Research Associates, Inc., 1965), 58-83.

The problem administrators faced was how to actually determine which students were “qualified.” Students flooded universities with applications in the postwar years, and most colleges were not prepared to handle the influx. Before the 1950s, most universities did not have large admissions departments. Some admission offices only had one professional staff member, while other administrators might split their duties between the admission office and other administrative tasks. Most universities did not need large admissions offices because few universities—even the most renowned universities—rejected applicants. The University of Michigan, for example, used a certificate system, whereby Michigan professors visited schools and certified only those schools with acceptable academic standards. Any student who attended a certified school and received a recommendation from their headmaster could attend Michigan. In fact, Michigan admitted every qualified applicant until 1946, when applications from veterans under the G.I. Bill swamped the University of Michigan. In that year, for the first time in Michigan’s history, University officials rejected students that met Michigan’s admissions qualifications.¹⁴ In the early twentieth century, several Ivy League schools adopted the College Entrance Examination Board (CEEB) test as a tool for selecting qualified students, but even these schools accepted most applicants. A 1920 study found that among the forty most renowned post-secondary schools in the country, only thirteen rejected applicants. Dartmouth rejected the most (1,600), but Harvard accepted all but 229 applicants and Yale accepted every applicant who fulfilled its entrance

¹⁴ “A Tentative Statement of Admissions Policies and Quotas,” 1946, College of Literature, Science, and the Arts, Box 70, BHL. Nine-hundred civilians applied for admission for the fall semester of 1946; 1,500 veterans applied.

requirements.¹⁵ As late as 1947, about 80 percent of potential college students waited to apply to colleges during the summer between their high school graduation and their freshman year of college. Admission was almost automatic at most universities and usually required no entrance examination.¹⁶

When the number of applicants continued to rise throughout the 1940s and 1950s, universities that previously admitted almost every student received many more applications than they could possibly accept. What was a small office on campus, the admission office grew in the postwar years with permanent professional staff that devoted all of its time to admission functions. To deal with the new circumstances, professionals looked for efficient ways to measure student quality. In the 1950s, admission officers increasingly turned to the Scholastic Aptitude Test (SAT), along with other indicators, such as high school grade point average and class standing, to measure students' academic capabilities.¹⁷

The SAT was also a valuable tool because administrators faced pressure to make their institutions open to all students, regardless of race, class, or religion. During the interwar years, many elite universities used a student's "character" as a factor in admissions to exclude Jews and other minority groups. Other universities excluded African Americans, or placed a quota on the number of black students who could attend. These practices increasingly came under criticism in the postwar years, as liberal activists

¹⁵ Duffy and Goldberg, *Crafting a Class*, 79.

¹⁶ Frank Bowles, *Admission to College: A Perspective for the 1960s* (Princeton: College Entrance Examination Board, 1960), 10.

¹⁷ John S. Brubacher and Willis Rudy, *Higher Education in Transition: A History of American Colleges and Universities* (New Brunswick, NJ: Transaction Publishers, 1997).

and politicians called for color-blind “meritocratic” practices. Administrators at post-secondary institutions often praised the SAT as a meritocratic tool that allowed elite universities to choose students based on ability, not racial background. In practice, however, the SAT rationalized racial exclusion, rather than facilitating inclusion. Test results revealed huge disparities between the average scores of white and black students.¹⁸ The University of Michigan’s troubled attempts to increase African-American enrollment in the postwar years shows the consequences of using the SAT as one of the primary predictors of students’ abilities. Despite the fact that the University adopted color-blind policies in an effort to increase African-Americans’ access to Michigan in the late 1940s, African-Americans’ share of the student body remained largely unchanged in the postwar years. In 1963, of 3,434 entering freshmen, only 32 (0.9 percent) were black, and 25 percent of those students were on athletic scholarships.¹⁹

MANAGING NEW PROBLEMS: HIGH ATTRITION RATES

This was the world that Leonard Sain and Clyde Vroman stepped into in 1963. Admissions officers had spent the last decade developing methods to select those they perceived to be the most talented students. They had spent little to no time thinking about how to identify students outside of that group who could also graduate from Michigan with the help of special tutoring services. An unsympathetic evaluation of

¹⁸ Nicholas Lemann, *The Big Test: The Secret History of the American Meritocracy* (New York: Farrar, Straus and Giroux, 1999).

¹⁹ John Chavis, “Words on the Tenth Anniversary of the Opportunity Program: The University of Michigan,” November 14, 1974, p.2, John Chavis Papers, Box 1, Bentley Historical Library, University of Michigan.

Sain's efforts later called the first class of OAP students "hastily recruited."²⁰ By fall 1965, only forty-seven of the seventy students enrolled in 1964 through the OAP remained in the program. By fall 1966, only thirty-six students remained, and only nineteen of seventy students eventually graduated in the winter or summer terms of 1968. Eleven enrolled for a fifth year.²¹ Subsequent classes never experienced the attrition rates of the first, but attrition rates for OAP students remained two to four times as high as non-OAP students throughout the 1960s and early 1970s.²² Sain resigned in spring 1964, before the first class of OAP students set foot on campus, but the high attrition rates left his successors with the first major challenge in reconciling the goals of racial equity and institutional quality.

When Sain resigned, the Vice President of Academic Affairs Roger Heyns created an Opportunity Award Program office with a full-time director. The OAP office had three major tasks: recruitment, counseling students and monitoring students' academic performance. The admissions office continued to determine which students who would be admitted through OAP and also performed recruiting duties. Because the decisions made in one office often impacted the other, the directors of admissions office and the

²⁰ "Black Opportunity Undergraduates at The University of Michigan, 1964-1970," December 17, 1970, Assistant to the President Papers, Box 41, BHL.

²¹ "Draft," December 9, 1968, John Chavis Papers, Box 1, BHL.

²² University President Robben Fleming mentions the rate of attrition for OAP students is double that of non-OAP in "To Members of the Black Action Movement," March 5, 1970, President Records, Box 106, BHL; Ruth Eckstein cites OAP students enrolled in the LS&A withdrew at four times the rate of non-opportunity students. Ruth Eckstein, "A Study of Black Opportunity Award Freshmen at the University of Michigan, 1964-1967," January 30, 1969, John Chavis Papers, Box 1, BHL.

Opportunity Award Program office had a close relationship with each other out of necessity.²³

When OAP administrators began to monitor OAP students' academic performance and discovered high attrition rates, they realized that the admissions office struggled to predict which black students who were not competitive in the traditional admissions process could graduate from Michigan. OAP administrators reached out to social scientists at the University to figure out which variables best determined whether OAP students would earn at least a 2.0 grade point average at Michigan. Social scientists seemed like natural allies to find ways to measure which black students could meet Michigan's academic standards. Since the early twentieth century, social scientists had been the architects of intelligence and other standardized tests that were supposed to measure everything from innate to learned ability. Since WWII, social scientists had also been on the frontline of the civil rights battle, especially in legal struggles over public school segregation. One of the central issues centered on whether biological or environmental factors caused racial disparities in standardized testing; in other words, whether African Americans were innately inferior or handicapped by racism, segregation and, in many cases, poverty. It was an important question in *Brown v. Board of Education*, and it continued to be important as proponents of racial segregation resisted *Brown's* implementation. Social scientists who supported racial integration were at odds with social scientists still influenced by eugenic thought. Some university professors still insisted, because the gap between white and black test scores was so high, that "it is

²³ "The University of Michigan Opportunity Award Program, 1964-1968," Assistant to the President Records, Box 38, BHL.

almost unthinkable to conclude that they are entirely a matter of environment.”²⁴ In the 1950s and 1960s, all of these explanations were losing influence under the tremendous weight of evidence produced by social scientists that environmental, not biological, factors determined intellectual and academic capability. These social scientists had put much of their efforts into showing that racial inequities in standardized testing was not due to biological factors; however, they spent virtually no time thinking about new ways to measure which students were capable of completing coursework at selective universities.²⁵

That began to change at about the same time OAP staff members invited social scientists to examine black students’ performance at Michigan. Beginning in the mid-1960s, social scientists began to examine whether the SAT and other traditional measures of student talent were valid predictors of black students’ academic capabilities. OAP became a laboratory for Michigan social scientists, where they could test the utility of traditional admissions tools in predicting the academic performance of different racial groups. As a result of their findings, social scientists would become forceful advocates for reforming the way OAP staff members managed the program.²⁶

²⁴ Raymond Wolters, “Race and Science: A Review Essay Assessing the Debate of the 1950s and 1960s in the Light of Subsequent Research,” *Occidental Quarterly* 7 (Summer 2007): 1-34.

²⁵ John P. Jackson, *Social Scientists for Social Justice: Making the Case Against Segregation* (New York: New York University Press, 2001); Khalil Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, Mass: Harvard University Press, 2010).

²⁶ Beginning in the mid-1960s, social scientists began an intense debate about the value of the SAT as a valid predictor of “disadvantaged” students’ academic performance. Those who argued that standardized tests were adequate predictors of college performance for members of all races, include: John R. Hills, “Prediction of College Grades for All Public Colleges in a State,” *Journal of College Measurement* 1 (December 1964): 155-159; Angela M.B. Biaggio, “Relative Predictability of Freshman Grade-Point Averages from SAT Scores in Negro and White Southern Colleges,” *Technical Report No. 7*, Research and Development Center for Learning and Re-education, University of Wisconsin, Madison, 1966; J.P.

The first problem social scientists pinpointed was that administrators painted OAP students with a broad brush, assuming that all low-income black students came to Michigan with the same background and academic preparation. The language administrators used to describe all low-income black students and their high schools—“culturally disadvantaged,” “academically disadvantaged,” “ghetto,” “slum”—highlighted these assumptions. But low-income black students went to schools of varying degrees of quality, and received vastly different levels of academic preparation for college. Some black OAP students went to Detroit’s top-performing public schools, such as Cass Technical High School.²⁷ But other black OAP students attended high schools that prepared them for industrial labor, not post-secondary study. A 1963-64 NAACP report revealed that not a single student at predominantly-black Central, Northern, Northeastern and Northwestern high schools took an advanced placement test. Studies also revealed that most predominantly-black institutions implemented a “general track” curriculum—a curriculum that historian Jeffrey Mirel describes as based on the premise that “the less teachers demanded of students the more tractable the students

McKelpin, “Some Implications of the Intellectual Characteristics of Freshmen Entering a Liberal Arts College,” *Journal of Educational Measurement* 2 (December 1965): 161-166; Julian C. Stanley and Andrew Porter, “Correlation of Scholastic Aptitude Test Score with College Grades for Negroes Versus Whites,” *Journal of Educational Measurement* 4 (December 1967): 199-218. Social scientists who questioned the SAT as a valid predictor of “disadvantaged” students’ academic performance, include Kenneth Bancroft Clark and Lawrence Plotkin, *The Negro Student at Integrated Colleges* (New York: National Scholarship Service and Fund for Negro Students, 1964); Murray Melnick, “Testing the Disadvantaged,” *American Psychologist* (September 1975): 944-945. “Easier Test Improves Prediction of Black Students’ College Grades,” *Journal of Negro Education* 39 (1970): 320-324; John R. Hills and Julian C. Stanley, “Easier Test Improves Prediction of Black Students’ College Grades,” *Journal of Negro Education* 39 (Autumn 1970): 320-324. Michigan social scientists used their findings from studies of OAP students to enter into this debate and challenge the validity of SAT scores in predicting black students’ performance: Doris Metzger Miller and Patricia O’Connor, “Achiever Personality and Academic Success Among Disadvantaged College Students,” *Journal of Social Issues* 25 (Summer 1969): 103-116.

²⁷ Patricia O’Connor and Doris Miller to Members of the University Steering Committee on the Development of Academic Opportunities, December 9, 1966, Housing Division Records, Box 1, BHL.

would be.” Students at Northeastern High School, for example, complained that an “A” at Northeastern was worth a “C” at other schools, and students could pass classes simply by showing up to class. “You can’t go to any college, not even Wayne [State University] with the education at Northeastern,” one student explained.²⁸

The fact that OAP students came to Michigan with vastly different levels of academic preparation presented problems for admissions officers because high school standing was one of the key measures officers used to predict university-level academic success. The statistical correlation between OAP students’ high school class standing and their freshmen grade point average at Michigan was 0.02. In other words, social scientists found that an OAP student’s high school class standing explained only 0.04 percent of the variation among OAP students’ freshmen grade point averages at Michigan. In contrast, in a random sample of 255 Michigan freshmen, the correlation between high school class standing and college grade point average was 0.43. Researchers explained that the low correlations for black OAP students stemmed from the fact that black students who attended top-performing schools often ranked low in their high school class but performed well at Michigan. In contrast, many of the OAP students who “stood at the top of a graduating class...where standards are less rigorous” performed poorly at Michigan.²⁹

²⁸ Jefferey Mirel, *The Rise and Fall of an Urban School System: Detroit, 1907-81* (Ann Arbor: University of Michigan Press, 1993), 300; “The Making of a Rioter,” *Colored People’s Time*, WTVS Detroit Public Television. Detroit, MI, October 23, 1968. Accessed Online: <http://abj.matrix.msu.edu/videoofull.php?id=29-DF-28>.

²⁹ This 1965 study was summarized by Patricia O’Connor and Doris Miller to Members of the University Steering Committee on the Development of Academic Opportunities, December 9, 1966, Housing Division Records, Box 1, BHL.

Throughout the late 1960s, social scientists continued to examine how the academic preparation OAP students received in high school impacted how they would perform at Michigan. John Chavis, Director of the Opportunity Program, gave Ruth Eckstein, a researcher in the Counseling Division of the Bureau of Psychological Services at Michigan, access to the OAP office's records.³⁰ When Eckstein studied black OAP students who were admitted in the first three years of the program, she found it necessary to separate students from two Detroit High Schools—Cass and Central high schools—from the larger pool of OAP students because they were performing so well at Michigan that they were skewing data. She found that 188 black OAP students, 61 (32 percent) were no longer enrolled by 1967, but only 5 of 32 (15 percent) Cass and Central students were no longer enrolled. The findings surprised Eckstein because Cass and Central students did not score significantly higher on the SAT than other OAP students. Between 1964 and 1967, out of all black freshmen in the program, 62 percent scored below 500 on the SAT verbal section, and 46 percent scored below 500 on the SAT math section. Likewise, 50 percent of Cass and Central students scored below 500 on at least one section of the SAT. But of the students who did not attend Cass and Central high schools and scored below 500 on one of the SAT sections, 38 percent dropped out of Michigan for academic reasons. In contrast, only 14 percent of Cass and Central students who scored below 500 were no longer at Michigan. To researchers, the findings

³⁰ Ruth Eckstein, "Preface," in "A Study of Black Opportunity Award Freshmen at the University of Michigan, 1964-1967," January 30, 1969, John Chavis Papers, Box 1, BHL.

suggested that the quality of an OAP student's high school education was essential in determining whether students would graduate from Michigan.³¹

The results of the study left questions about how to use traditional methods of measuring academic capability to predict which OAP applicants would earn at least a 2.0 grade point average at Michigan. But researchers gave OAP administrators an alternative method to predict students' potential for academic achievement at the University. In 1964, during the first week of their freshman year, every member of the incoming class took the Opinion, Attitude and Interest Survey (OAIS). Beno Fricke, a psychology professor at Michigan, designed the survey as an alternative way to measure academic success. The test measured a variety of things, including "educational-vocational interest, psychological adjustment, and academic promise." Fricke designed one of the categories, the Achiever Personality Scale, to measure personality factors he associated with academic success, especially motivation. When researchers tested all University of Michigan freshmen, the median personality score was 43. Although the sample size was small, sixty-nine percent of OAP students who scored above the median OAIS score achieved a 2.00 grade point average or higher. Of those who scored below the median, only 35 percent earned a 2.00 grade point average or higher. The correlations between the tests and college performance were much stronger than high school class standing or SAT scores. Like all methods used to predict performance, the personality tests were an inexact science, but researchers at Michigan's Center for Research on Learning and Teaching, a research center on campus developed to help Michigan's faculty members

³¹ Ruth Eckstein, "A Study of Black Opportunity Award Freshmen at the University of Michigan, 1964-1967," January 30, 1969, John Chavis Papers, Box 1, BHL.

and departments improve classroom instruction, recommended that OAP administrators replace traditional methods of measuring student talent with the Achiever Personality Scale.³²

Vroman, however, did not follow the center's recommendation. Rather than looking for new tools to predict African Americans' performance, admissions officers continued to try to adapt traditional admissions tools to predict OAP students' college performance. Admissions officers did not incorporate the Achiever Personality Scale into admissions decisions until 1971—and then only for a short time. Internal documents do not reveal why administrators failed to take advantage of alternative measures to predict academic performance. Admissions officers would continue to argue that the SAT was a valuable predictor of black students' performance throughout the 1960s and 1970s, despite the fact that every OAP internal study suggested otherwise. But Michigan is not unique in this respect. One of the ironies of admissions at selective universities over the past fifty years has been that even when presented with studies that the SAT is a poor predictor of African-Americans' performance, and offered alternative methods of measurement, admissions officers have continued to use the SAT to measure African-Americans' academic capabilities. Nevertheless, the drop in attrition rates for OAP students did suggest that administrators learned from social scientists' studies. The academic services (e.g., tutoring, counseling, ect.) available to OAP students did not change significantly during the 1960s; however, attrition rates dropped after the first class

³² Patricia O'Connor and Doris Miller to Members of the University Steering Committee on the Development of Academic Opportunities, December 9, 1966, Housing Division Records, Box 1, BHL; Doris Miller, "The Relationship Between Achiever Personality Scores and Grade Point Average for Opportunity Award Students," December 9, 1966, Housing Division Records, BHL.

of OAP students. Even when administrators took the extremely high attrition rates of the first classes of the program into account, of the 554 students enrolled in the program between 1964 and 1968, 23 graduated as December 1968, and 425 (76 percent) were still enrolled in the winter term in 1969.³³

MANAGING THE SIZE OF THE PROGRAM

Still, the Opportunity Award Program remained relatively small throughout the 1960s. In 1969, 531 OAP students were on a campus of 32,003 students, which meant Opportunity Award Program students made up less than 2 percent of the University's student body.³⁴ The program remained small despite pressure from the Department of Defense (DoD), state politicians and African-American students to expand black enrollment at Michigan. As covered in Chapter One, the University's relationship with the DoD was important because the University benefited from defense contracts. When Congress passed the Civil Rights Act of 1964, the legislation gave the DoD—and all other federal agencies—the power to issue “rules, regulations, or orders” that protected American citizens from being “excluded from participation in...denied benefits of, or...subject to discrimination under any program or activity receiving [federal] financial assistance.” In 1966, the DoD investigated the University's compliance with the Civil Rights Act of 1964. At the conclusion of the investigation, the DoD called the University

³³ “Analysis and Evaluation of The University of Michigan Opportunity Award Program,” Winter 1969, Vice President for Academic Affairs, Staff Files, Box 50, BHL.

³⁴ “Analysis and Evaluation of The University of Michigan Opportunity Award Program,” Winter 1969, Vice President for Academic Affairs, Staff Files, Box 50, BHL.

a place for “rich white students” and urged Michigan administrators to increase the number of African-American students, staff and faculty.³⁵

Students also put pressure on administrators to increase black enrollment. In 1968, on the day of Martin Luther King’s funeral, black students peacefully occupied the Administration Building. The students chained the door shut, and only allowed President Fleming in the building to negotiate student demands to increase African-American enrollment and the number of African-American professors on campus. In the end, Fleming agreed to create a Martin Luther King scholarship fund and an endowed professorship in his name.³⁶

Administrators also received pressure from black politicians in Michigan. In 1969, Michael Winn, a staff member of Congressman John Conyers, visited Richard Cutler, Vice President of Student Affairs. Winn called the University a haven for “rich whites,” which “has no interest in and makes no contribution to Black children in the Detroit public schools.” The University’s administrators viewed their efforts differently. They thought that the University was making great strides in the area of civil rights. Between 1963 and 1969, black enrollment increased from 32 students to over 500. But Winn did not see this as adequate progress. At a public university with over 32,000

³⁵ Marcia Abramson, “King Shooting Sparks Building Seizure,” August 27, 1968, p.3. *Gratz, et al v Bollinger, et al* United States District Court, Eastern District of Michigan Southern Division, 13; “Title VI of the 1964 Civil Rights Act,” <<http://www.justice.gov/crt/cor/coord/titlevistat.php>>.

³⁶ “Why We Strike,” 1970, Madison Foster Papers, Box 1, BHL; “Civil Rights,” *A Decade of Dissent: Student Protests at the University of Michigan*, Online Exhibit, BHL, <http://bentley.umich.edu/exhibits/dissent/civilrights.php>.

students, in a state where African Americans made up over 10 percent of the population, vast racial disparities still persisted at the University.³⁷

Several factors constrained the expansion of OAP. First, in contrast to the large and active antiwar movement on campus that continuously pressed administrators for action, students campaigning for the administration to increase the number of black students were small and unorganized in comparison. In fact, black students' unwillingness to lead large-scale protests brought criticism from more radical white student leaders at Michigan and the staff at the *Michigan Daily*, the student newspaper. In the late 1960s, black students were waging protests across the country to demand black studies programs and commitments from university administrators to increase minority enrollment. At Cornell, for example, black students seized an administrative building with guns in hand. In contrast, as *Michigan Daily* writers pointed out, black students at Michigan "have pressed their demands and proposals through normal administrative channels." Black students' protest on the day of Martin Luther King's funeral, for example, involved a relatively small group of students that quickly accepted Fleming's proposal for a new scholarship and professorship targeted for African Americans. Fleming publicly lauded the black students for being "very reasonable and constructive"—for white students, a sign that black students had not pressed hard enough.³⁸

³⁷ Richard Cutler to William Cash, et al., March 17, 1969, John Chavis Papers, Box 1, BHL.

³⁸ Nadine Cohodas, "Black Student Union: Mild Activism," *Michigan Daily*, August 27, 1969, p.5; Brune, "Conflict and Conciliation," 42. When Fleming listed the important protests of the late 1960s in his memoir, he did not even mention the fact that black students locked themselves inside the University's

The problem was not that Fleming and his administration did not care about the issue of civil rights. In Fleming's public speeches he often expressed sympathy with civil rights protests. For example, in 1969, he testified in front of the United States House of Representatives Special Subcommittee on Education about student unrest in America. Rather than condemning African-American protesters, he explained to the subcommittee that students across the country were reacting to the "dreadful inequities which continue to exist."³⁹ At the time, Fleming also assumed that large-scale protests to increase black enrollment, which were ensuing throughout the country, would inevitably begin at Michigan. Years later, he recalled that "We [the administration] were very conscious that this [black enrollment] was going to be an issue because it was getting to be an issue everywhere; it was an integral part of the tension of the time."⁴⁰ Still, Fleming was not willing to lead a dramatic expansion of black student enrollment on his own initiative.

Second, the program suffered from a lack of financial resources and staff members. In 1969, when Fleming testified in front of the House subcommittee on education, he criticized Congress's planned reductions in the federal Opportunity Grant Program (OGP) appropriations. Michigan largely relied on the grant program to fund OAP. In 1969, Michigan colleges alone requested over \$4 million from OGP to fund similar minority admissions programs for the 1969-70 academic year; however, Congress planned to make only \$16 million available for initial grants for schools nationwide. At

Administration Building. Robben W. Fleming, *Tempest into Rainbows: Managing Turbulence* (Ann Arbor: University of Michigan Press, 1996), 181-206.

³⁹ "Statement of Robben W. Fleming," 1969, Robben W. Fleming Papers, Box 19, BHL.

⁴⁰ Brune, "Conflict and Conciliation," 43.

the same time, universities across the country were suffering from their own internal financial problems, and Michigan was no exception. In a 1970 survey of 41 colleges, 71 percent were either “headed for financial trouble” or already in trouble.⁴¹ A decline in state appropriations ensured that the University of Michigan would not avoid this trend. Beginning in the late 1960s, the state of Michigan decreased appropriations to the University each year until the late 1970s.⁴²

As much as funding cutbacks help explain why the program remained small, budgets always reflect spending priorities. In the late 1960s, the University certainly suffered from declining funds from the state and federal government, but when administrators faced student pressure in 1970, administrators were able to relocate money within the University to expand OAP. In the late 1960s, without a large campus-wide protest, President Fleming was unwilling to sacrifice spending in other areas of the University to increase OAP funding.

Finally, the program suffered from the lack of remedial resources available to black students once they were on campus. The original outline of OAP made remedial resources a central part of the program. In 1963, Michigan President Harlan Hatcher envisioned a program that would bring students to the University who showed they had the potential to succeed at Michigan once “*allowance was given for academic deficiencies and the opportunity was provided for special counseling and remedial work*

⁴¹ Brubacher, *Higher Education in Transition*, 383.

⁴² Robben Fleming to William Milliken, October 29, 1976, President Records, Box 97, BHL.

in key subject areas.”[italics added]⁴³ When OAP administrators put this idea into practice, the program’s students simply had the option of acquiring tutors, just like any other student on campus. However, throughout most of the 1960s, the program provided virtually no remedial services for OAP students. This limited the number of students that administrators could recruit and admit, as OAP administrators had to search for students they thought could immediately step onto campus and successfully complete coursework without special academic services.⁴⁴

The limited funding for the program, of course, was part of the problem. The program lacked the staff to provide a wide array of academic support for OAP students. One of Sain’s successors, John Chavis, commented on this situation in the late 1960s, lamenting, “Why should only two Negroes on the campus at the University of Michigan have to tackle the whole problem of caring for disadvantaged students?” At the same time, administrators used the absence of remedial resources as a public relations tool. For anyone concerned that the program lowered Michigan’s academic standards, OAP administrators reassured them that “There is no attempt to obtain any kind of special or preferential treatment for them. In fact, we go to a great deal of trouble to make certain this does not happen.” Once on campus, “the only special service available to them...is counseling from [an OAP administrator] or regular U-M counselors” about “personal-

⁴³ “The University of Michigan Opportunity Award Program, 1964-1968,” Assistant to the President Records, Box 38, BHL.

⁴⁴ “The University of Michigan Opportunity Award Program, 1964-1968,” Assistant to the President Records, Box 38; Ruth Eckstein, “A Study of Black Opportunity Award Freshmen at the University of Michigan, 1964-1967,” January 30, 1969, John Chavis Papers, Box 1, BHL.

adjustment problems” which “may arise specifically because of their cultural background.”⁴⁵

Michigan social scientists were the first to criticize the lack of special services OAP staff provided for students. When social scientists began to study the high attrition rates of the program, they began to question how OAP administrators were running the program. Ruth Eckstein called OAP administrators’ approach the “treat them like any other student idea,” which she found to be ineffective. Eckstein claimed that coming to Michigan required a significant emotional adjustment for many black students. Especially for many of those that did not go to Cass or Central high school, OAP students had to come to terms with the fact that their high schools poorly prepared them to compete at Michigan. The process of realizing how race and social class impacted African-Americans’ life chances and their probability of success at Michigan often led to self-doubt, as students questioned whether they could graduate from the University. Almost all OAP students had graduated in the top 10 percent of their high school classes, and according to Eckstein, were “accustom[ed] to above average levels of academic achievement and encouragement for their performance.” However, administrators of the program did not prepare OAP students for the psychological adjustment of learning that their high school provided them with a “competitive handicap in relation to regularly admitted students, and for a C level of grade achievement, which is the most to be expected initially.”⁴⁶

⁴⁵ “Need to Recruit Poor Cited at U-M,” *Michigan Daily* January 11, 1967, p.2.

Eckstein suggested that, unless black students went to Cass or Central high school, OAP administrators could not treat OAP students like non-OAP students. These students needed to know, either at the time of recruitment or by time they made course selections, that “they might have some limitations in preparation for U of M course work.” Eckstein argued OAP students should start with a modest course load and receive remedial assistance as soon as they show signs that they were struggling. She also suggested Opportunity Award Program students should begin in the summer with a light course load to ease into the competitive environment of the University. Finally, depending on the OAP students’ gender, she recommended that they avoid taking more than one heavy reading course per semester, defer language courses and math courses until their sophomore year, and avoid taking a laboratory science before taking a non-laboratory science. All of these suggestions were meant to reduce the shock these students experienced when they learned of the “competitive handicaps” that their high school had provided them.⁴⁷

In 1969, OAP administrators were just beginning to use these criticisms to reform the program. The high attrition rates and the findings of social scientists suggested that the “treat them like everyone else” approach was not working. If the program was going to help “disadvantaged” black students who did not go to Cass or Central high schools, administrators understood they needed to rethink the goals of the program. George Goodman, the admissions counselor that oversaw OAP applications and future director of

⁴⁶ Ruth Eckstein, “A Study of Black Opportunity Award Freshmen at the University of Michigan, 1964-1967,” January 30, 1969, John Chavis Papers, Box 1, BHL.

⁴⁷ Ruth Eckstein, “A Study of Black Opportunity Award Freshmen at the University of Michigan, 1964-1967,” January 30, 1969, John Chavis Papers, Box 1, BHL.

OAP, wrote in 1969 that “in order to effectively promote equal education opportunity we must consider the possibility that the programs should compensate to some degree for the deficient areas.” “Whether we term our current program remedial, tutorial, or compensatory training,” Goodman continued, “it is obvious that our supportive services should provide the type of counseling and academic assistance which goes much farther than simply tutoring or assisting a student in a particular class.”⁴⁸

Goodman recommended several new policies. First, he suggested that the University’s schools and colleges “develop special kinds of courses and programs to provide the necessary academic background that many of the so-called high risk students do not possess but will need in order to move successfully into the mainstream of the University community.” Second, the program should provide an orientation program that made “explicit statements about the problems of black students in a predominantly white campus,” and tips to help them deal with these problems. Third, the program should provide tutoring to strengthen oral and written communication. Fourth, the program should provide a skill-based program that taught organization, note taking, and study skills. Fifth, Goodman suggested that OAP develop a monitoring system that constantly evaluated student performance to immediately provide students with academic help when they were struggling in a course.⁴⁹

⁴⁸ Nellie Varnor and George Goodman to Coordinating Committee for Human Relations, February 13, 1969, Vice President for Academic Affairs, Staff Files, Box 60, BHL.

⁴⁹ Nellie Varnor and George Goodman to Coordinating Committee for Human Relations, February 13, 1969, Vice President for Academic Affairs, Staff Files, Box 60, BHL.

Goodman's suggestions were simply proposals in early 1969. Programs that increased African-American enrollment and better prepared students to compete at the University did not come quickly, and African-American students at Michigan were not willing to wait for university administrators to slowly change the institution from within. By the late 1960s and early 1970s, African-American students had already come to the conclusion that Michigan "functions primarily to provide manpower for large corporations, government, and educational institutions," not to serve the "needs, goals, and values of black people."⁵⁰

BLACK ACTION MOVEMENT

During the fall 1969 term, a more organized African-American student movement made up of members of the Black Student Union, Black Law Student Association and Black Social Work Student Union—a coalition that would become the Black Action Movement (BAM)—began to discuss methods to increase African-American enrollment at the University. In November 1969, the group won their first major victory. On November 21st, Law School Dean Francis Allen announced that he would double the amount of financial aid available to black students, from \$44,000 to \$100,000. During the same month, the coalition also witnessed the first act of resistance on the part of the administration. On November 19, the Student Government Council called for "large and sudden increases" of black students on campus. Three days later, President Fleming responded by arguing "The major problem of increasing black enrollment is the lack of funds. Most of those black students who are admitted need some kind of financial aid";

⁵⁰ "BAM: Do or Die," 1970, James Duderstadt Papers, Box 23, BHL.

however, “Right now, there just aren’t enough funds available for this purpose.” Fleming added, “Such things do not occur overnight.”⁵¹

Fleming’s excuses about the lack of funding did not satisfy African-American students. They continued to pressure Fleming to increase black enrollment. Finally, in February 1970, Fleming invited black student representatives to his house to discuss their concerns. Instead, black students protested in front of his house and gave him a set of demands. The administration, students demanded, should be responsible for increasing the black student body to 10 percent of the total student body by the 1973-74 academic year. The students also demanded that at least 450 black freshmen, 150 black transfer students and 300 black graduate students should be admitted in 1970-71. Finally, the students demanded that no black Michigan resident be required to pay tuition, and a mandatory student fee be used to create an endowment for the Martin Luther King Scholarship Fund.⁵²

Fleming did not have the authority to give the students all of these things. Fleming oversaw a large, decentralized management structure. In the coming months, students would learn many lessons about the various centers of power at Michigan. The decentralized management structure was not unique to Michigan. As universities grew in size in the postwar years, new styles of management emerged. Universities became “multiversities” with many different colleges and schools run by deans and other administrators. In 1963, when Clark Kerr gave his famous Godkin lectures at Harvard,

⁵¹ Susan Brune, “Conflict and Conciliation: A Review of the Black Action Movement at The University of Michigan,” *Michigan Journal of Political Science* 5 (1984): 45.

⁵² Brune, “Conflict and Conciliation,” 45-6.

he suggested that the “multiversity” had caused “‘a kind of lawlessness’ in any large university with separate sources of initiative and power.” Rather than a hierarchical structure, there were “several nations of students, of faculty, of alumni, of trustees, of public groups. Each has its territory, its jurisdiction, its form of government.” The president’s task, Kerr argued, was one of a mediator to “keep this lawlessness within bounds.”⁵³

Fleming was an experienced mediator. The year before he took the job as Michigan’s president, he served as the University of Wisconsin’s first Chancellor, and as president of the National Academy of Arbitrators. He had spent much of his professional life studying labor relations as an assistant professor and director of the Industrial Relations Center at the University of Wisconsin, and as the director of the University of Illinois’ Institute of Labor and Industrial Relations. The events of the late 1960s and early 1970s at Michigan put his mediation skills to the test. Fleming informed the students that the Board of Regents, the University’s governing body, would have to approve their goals. Fleming often deferred to the Board of Regents on controversial issues. Fleming did not inform the students that to pay for such a dramatic increase in black enrollment would require deans and faculty members in the University’s various schools and colleges to give up a percentage of their annual funding—a fact that students would only later learn. Nevertheless, Fleming asked students to let him discuss the proposal with Regents at the Board of Regents meeting before students went further.⁵⁴

⁵³ Quoted in George Keller, *Academic Strategy: The Management Revolution in American Higher Education* (Baltimore: Johns Hopkins University Press, 1983), 28.

On February 19, BAM leaders ignored Fleming's request and presented the demands to the Board of Regents. Reports suggest that members of the Board were sympathetic to BAM's message, but they were unwilling to accept the group's demands. Instead, Regent members told Fleming to create an alternative solution. Unhappy, BAM members walked straight to the Undergraduate Library and threw thousands of books off of shelves. The next day, BAM members went back to the library and repeated the action. On February 21, members continued their assault on the library taking their actions a step further in setting off a stink bomb there.⁵⁵

At the executive administrative level, the tension between equity and quality framed the way administrators responded to BAM. After BAM members made their demands to the Board of Regents, President Fleming and his executive officers went to work on drafting a set of solutions that would satisfy both BAM and the Board members. The viability of BAM's demand to increase black student enrollment to 10 percent of the total student body by the 1973-74 academic year represented the most controversial issue. The President and his executive officers expressed concern that they could not increase African-American enrollment to 10 percent without lowering academic standards. OAP students already dropped out in higher numbers than non-OAP students, but administrators argued that the rates "were still tolerable in terms of what is being accomplished." But "at some point it is clear that the student is far better off to enter a

⁵⁴ Brune, "Conflict and Conciliation," 46.

⁵⁵ W. Ellison Chalmers, "The University of Michigan and the Black Action Movement," April 17, 1971, President Records, Box 106, BHL; Brune, "Conflict and Conciliation."

community college where the competition is less severe and where the course options are less academically oriented.”⁵⁶

An early draft of the President’s response to BAM’s demands reflected administrators concerns that increasing African-American enrollment to 10 percent of the student body would threaten the quality of the institution. Fleming and his executive officers suggested that the University could only double African-American enrollment to about 7 percent without lowering academic standards. Nevertheless, the draft made a firm commitment to doubling African-American enrollment, rather than establishing a goal to do so: “The number and proportion of black student enrollment will be at least doubled by the academic year 1973-74.” When Robert Nederlander, a member of the Board of Regents, reviewed the document he crossed this sentence out. He then rewrote the sentence to read: “We establish as a goal, sufficient funds for student aid will be made available as much as needed to double the number of disadvantaged students.” Nederlander crossed out another sentence that committed the University to tripling expenditures for monetary aid and supportive services to black students. In other parts of the document, Nederlander crossed out “black student” and replaced it with disadvantaged.⁵⁷

Nederlander’s edits highlight the precarious legal position BAM leaders put administrators in. In the early 1970s, it was still unclear how universities could use race

⁵⁶ “Statement of Increased Enrollment of Black Students,” March 4, 1970, Robert Nederlander Papers, Box 1, BHL.

⁵⁷ “Statement of Increased Enrollment of Black Students,” March 4, 1970, Robert Nederlander, Box 1, BHL.

as a factor in admission decisions. Eight years before *Regents of the University of California v. Bakke* (1978), administrators worked in an uncertain legal environment surrounding race and admissions. Administrators tried to take the safest approach in facilitating racial equity by framing OAP in color-blind but class-conscious language—even though, in practice, the program primarily served African Americans. But BAM was pushing administrators into uncomfortable territory. BAM wanted explicitly race-conscious policies that guaranteed black enrollment would reach 10 percent of the student body.

The final draft of Fleming’s proposal to the Regents, submitted on March 5, reflected Nederlander’s edits. Firm commitments became goals, and the racially-ambiguous term “disadvantaged” replaced references to black students: By 1973, “as a goal, the availability of education [at the University of Michigan] for double the present enrollment of disadvantaged students.”⁵⁸ Fleming sent the revised proposal to the leaders of BAM. He enclosed a letter to the group’s members stating the University did not have enough available funds to increase African-Americans’ share of the student body to 10 percent.⁵⁹

By March, what was a relatively small, but vocal, group of black protesters grew in size and strength. Four days before Fleming released the final draft of the proposal, BAM leaders drew several hundred black and white supporters to a campus march. On March 12, the student government released a statement that called upon Fleming to

⁵⁸ “Executive Officers Plan to Regents,” March 5, 1970, Madison Foster Papers, Box 1, BHL.

⁵⁹ W. Ellison Chalmers, “The University of Michigan and the Black Action Movement,” April 17, 1971, President Records, Box 106, BHL.

accept BAM's demands. Members of the faculty also joined together to support BAM. A group of faculty members, referring to themselves as the "Radical Faculty," announced their support for BAM. In a separate declaration, thirty black faculty and staff members signed a different statement in support of BAM.⁶⁰

On March 18, BAM leaders again presented their demands at an open meeting of the Board of Regents. When regents refused to accept BAM's 10 percent goal, the group's leaders announced a one-day campus-wide boycott of classes. When the Regents met again the next day, one regent suggested that the University set an "admissions goal which is designed to produce by 1973-74 admissions aimed at 10 percent enrollment of black students..." but only commit to allocating funds to finance seven percent black enrollment. The plan, then, would satisfy the administration's position that the University did not have enough money to fund more than seven percent black enrollment, and BAM leaders, who wanted to increase African-American enrollment to 10 percent.⁶¹

BAM leaders considered this plan a disingenuous solution to the problem. How could the University increase African-American enrollment to 10 percent without the funds to do so? BAM leaders called on students to extend the boycott of classes until members of the Board of Regents acceded to BAM's demands. Support of the strike grew as the week progressed. On March 24, one thousand people participated in a campus protest in support of BAM. Two days later, 75 percent of students in the College

⁶⁰ "Black Faculty of the University of Michigan School of Social Work Response to the BAM Demands," March 23, 1970, Madison Foster Papers, Box 1, BHL.

⁶¹ W. Ellison Chalmers, "The University of Michigan and the Black Action Movement," April 17, 1971, President Records, Box 106, BHL.

of Literature, Science, and the Arts, the University's largest college, did not attend classes.⁶² The School of Public Health and School of Social Work reported a sixty percent and ninety percent drop in attendance, respectively.⁶³ On March 25, a group of students took their protest a step further when they entered the chemistry and economics buildings and disrupted lectures by hitting trashcans with sticks and pipes. They also broke windows, set small fires and sprayed water on the floors with the buildings' fire hoses.⁶⁴

At the same time, key faculty members mobilized to support BAM. Immediately after the Regents meeting on March 19, an executive committee of the Senate Advisory Committee for University Affairs (SACUA)—an organization that represented the interests and concerns of faculty members—urged faculty members to work within their schools and colleges to make budgetary decisions that would meet BAM's 10 percent goal. Six days later, after student protesters took over the chemistry and economics building, the Senate Assembly considered the resolution of the executive committee. When SACUA representatives brought BAM leaders into the meeting to explain their goals, BAM leaders received another lesson about the various centers of power on Michigan's campus. When Fleming argued that the University lacked the money to increase black enrollment to 10 percent, BAM leaders did not have a clear idea about how funding was distributed and who had the power to relocate University money to fund

⁶²W. Ellison Chalmers, "The University of Michigan and the Black Action Movement," April 17, 1971, President Records, Box 106, BHL, 10.

⁶³James D. Anderson, "Past Discrimination and Diversity: A Historical Context for Understanding Race and Affirmative Action," *Journal of Negro Education* 76 no. 3 (Summer 2007): 205.

⁶⁴ Susan Brune, "Conflict and Conciliation," 54; "On Strike at the University of Michigan," *Harvard Crimson* April 10, 1970 <http://www.thecrimson.com/article/1970/4/10/on-strike-at-the-university-of/>.

BAM's goals. Funding such a dramatic increase in African-American enrollment would require the University's schools, departments and colleges to make sacrifices. Before the invitation to the meeting, BAM did not think of SACUA as a useful ally in their effort to increase black enrollment—in fact, BAM members probably did not even know it existed. But SACUA's support provided the final push BAM needed. Members first defeated a proposal that would force faculty members to donate 1 percent of their salary to provide funds to increase black enrollment. Instead, the assembly adopted a motion closer to the executive committee's original proposal that urged "the faculties of the schools and departments...to work with the administration to achieve" BAM's enrollment goals.⁶⁵

The faculty's new financial commitment pushed Fleming to open negotiations once again with BAM leaders. If faculty members supported budget reallocations, then Fleming might be able to find enough money to fund BAM's goal of 10 percent African-American enrollment. The negotiations began with Madison Foster, a black faculty member who served as a negotiator for BAM, announcing "he was tired of the University dealing with folks as their niggers." Despite a contentious meeting, Fleming got what he wanted. BAM agreed to suspend the strike, while Fleming pursued money to fund BAM's goals. After the meeting, Fleming asked the deans of the University's schools and colleges to affirm their commitment to allocate part of their budget to fund the goal of 10 percent black enrollment. Over the next two days, the various deans met with faculty members and department representatives. Not all faculty members supported

⁶⁵ Susan Brune, "Conflict and Conciliation," 54.

BAM. At a heated College of the Literature, Science, and the Arts faculty meeting, Professor Gardner Ackley tried to play on fears that increasing black enrollment would threaten the quality of the institution, arguing that conceding to BAM's demands were leading to "the destruction of the University as a great center of learning." Nevertheless, the majority of LSA faculty still voted to support the 10 percent goal by allocating funds from the college's budget, and the other schools and colleges on campus made similar commitments.⁶⁶

As Fleming sought out the necessary support to make BAM an offer, BAM leaders were dealing with troubles of their own. The difficulty of leading a strike over long period of time began to show. Some members worried that as students sensed that the end was in sight, they would lose support on campus. By the end of March, BAM leaders were ready to strike a deal.⁶⁷ On March 31st, Fleming and BAM leaders settled on a compromise. Fleming agreed to provide enough funds to support BAM's goal of 10 percent black enrollment by 1973-74. Providing money was not the same as the firm commitment to increasing black enrollment, but it was more than the goal of seven percent that administrators were willing to agree to just weeks before. On April 1, Governor William Milliken called for the end of the strike and extended his support to increase black enrollment at Michigan's post-secondary institutions. On the same day members of the Board of Regents gave their support to the compromise.⁶⁸

⁶⁶ W. Ellison Chalmers, "The University of Michigan and the Black Action Movement," April 17, 1971, President Records, Box 106, BHL, 11-14; Susan Brune, "Conflict and Conciliation," 57.

⁶⁷ Ronald Thompson, phone interview with author, 10 March 2011.

DEFENDING THE BAM CONCESSIONS

When Fleming struck the deal with BAM, he knew it would be unpopular outside of the University community. Beginning in late March and continuing in the aftermath of the strike, angry alumni and Michigan citizens flooded Fleming and the Board of Regents with letters. Most letter writers that opposed the agreement had a different vision of how to balance the goals of equity and quality. They had faith in the fairness of the ideal of color-blind meritocracy, and in the tools that measured which students were most “talented.” As the state’s flagship institution, they believed that the University of Michigan had no role to play in alleviating racial disparities in society beyond implementing color-blind policies. Their solution was simple. Those students who did not meet the University of Michigan’s admissions standards, regardless of race, needed to attend less selective universities. These critics, of course, said nothing of the athletes and children of alumni who were given preferences in the admission process.⁶⁹

A letter from James LoPrete, a Michigan alumnus, provides a typical example of the arguments letter writers put forward against race-conscious policies. “It seems to me, LoPrete wrote, “the primary task of the University is to take students who have the required ability and have reached a certain education level.” Michigan’s “primary function is not to cure the ill’s [sic] of society but to educate qualified persons who in turn can work to better society.” As an elite post-secondary institution, Michigan was not meant to provide remedial education to “take students who are not qualified...and

⁶⁸ James D. Anderson, “Past Discrimination and Diversity: A Historical Context for Understanding Race and Affirmative Action,” *The Journal of Negro Education* 76 no. 3 (Summer 2007): 205.

⁶⁹ Letters to both Fleming and Board of Regents member Robert Nederlander can be found in Robert Nederlander’s Papers, Box 1, BHL.

attempt to prepare them to participate in the University's regular programs." Instead, "I see this responsibility as one of community colleges and the secondary schools." A special admissions program, according to LoPrete, out "of necessity must lower the standards of the University."⁷⁰

By 1970, affirmative action was already a contentious political issue. When Michigan administrators conceded to the 10 percent goal, politicians and public commentators were ready to use the concessions for their own political ends. In May, at a Republican Party fundraiser in Iowa, Vice President Spiro Agnew specifically used the University of Michigan's new minority admissions goals to inflame prevailing anti-affirmative action sentiment, telling the audience "Unqualified students are being swept into college on the wave of the new socialism." Fleming, Spiro argued, compromised the University's standards by surrendering to the demands of militant black students.⁷¹ A *Wall Street Journal* writer misrepresented Michigan's plan as a quota system, and he fed fears about the incompatibility of Michigan's plan to expand African-American enrollment and maintain academic standards. The writer warned that the quota would force Michigan down one of two paths. First, administrators could lower academic standards, which "degrades the value of a college education"; or, maintain academic standards and admit black students who inevitably "face personal frustration" when they find out they cannot meet those standards.⁷²

⁷⁰ James H. LoPrete to Robben Fleming, April 6, 1970, Robert Nederlander Papers, Box 1, BHL.

⁷¹ Reuben, "Merit, Mission, and Minority Students," 195; "Agnew is Scored by College Head," *New York Times*, May 3, 1970, p. 39.

⁷² "Reactions to Racial Quotas," *Wall Street Journal*, July 22, 1970, p. 10.

This focus on quality represented a common critique of race-conscious admissions, hiring and busing programs in the late 1960s and early 1970s. At the time, the terms race and quality seemed inseparable, as the idea that affirmative action threatened the quality of American institutions by giving advantages to “unqualified” individuals became a popular argument against race-conscious practices. For example, in 1969, when the City College of New York decided to implement an “open admissions” system, a *Los Angeles Times* writer suggested that college officials had to decide between “quality education and a quota system.” Business managers discussed affirmative action in similar terms. A study of aeronautical companies summarized hiring managers’ reaction to affirmative action: “Social programs are admirable,” but the “quality of workmanship cannot be compromised” to give minorities better job opportunities. Army officials applied the same concerns about quality to discussions about the changing racial composition of the Army as it moved to an all-volunteer force.⁷³

Michigan administrators addressed concerns about how affirmative action would affect the quality of the institution by emphasizing that the program would not lower the standards of the University. “On the matter of performance standards,” the University Relations Office reminded readers, “we do not expect to lower them. We recognize the need for supportive services, but we will not be lowering performance requirements for our degrees.”⁷⁴ They also challenged the assumption that there were reliable tools to

⁷³ Max Lerner, “College Quotas or Quality?” *Los Angeles Times* May 30, 1969, B7; Herbert Nothrup, “The Negro in Aerospace Work,” *California Management Review* 11 (Summer 1969): 24; Beth Bailey, *America’s Army: Making the All-Volunteer Force* (Cambridge: Belknap Press, 2009), 88-129.

measure “talent,” regardless of race. In this case, administrators called upon the studies of OAP students to show that SAT scores and grade point averages were not reliable predictors of performance for African-American students. Thus, as Fleming explained when he returned letters to critics, “a different standard [for admission] does not mean having no standard.”⁷⁵

Administrators also challenged critics who argued that Michigan, as a selective university, had no role to play in using race-conscious practices to facilitate racial equity. Fleming responded to a student who criticized different entrance requirements for minorities and other students by suggesting “Given our deep societal problems in trying to adjust racial inequities, we have thought this fair.”⁷⁶ After Agnew attacked Fleming at the Republic fundraiser, Fleming responded in a *New York Times* article: “Every college and university which dedicates itself to an increase of opportunities for black students does so in the belief that America cannot be true to its heritage unless it is willing to correct long-standing inequities.”⁷⁷ Similarly, the University Relations Office sent out an official statement in April defending affirmative action, stating “This is no more than saying that if our system were working to benefit all members equally, no such special programming would be necessary in any of our institutions.”⁷⁸

⁷⁴ University Relations Office, “Answers to Some Frequently Asked Questions About the Expanded Opportunity Award Program at the University of Michigan,” April 28, 1970, Affirmative Action Office Records, Box 38.

⁷⁵ Robben Fleming to Douglas Wilson, March 24, 1970, President Records, Box 106, BHL.

⁷⁶ Robben Fleming to Douglas Wilson, March 24, 1970, Presidents Records, Box 106, BHL; Wilson’s letter to Fleming is also located in Box 106.

⁷⁷ “Agnew is Scored by College Head,” *New York Times*, May 3, 1970, p. 39

Michigan never needed an expensive public relations campaign, because conservatives never mounted an effective political or legal challenge to affirmative action in the early 1970s. Administrators at the University of Michigan benefited from the fact that opposition to race-conscious policies in universities was not well organized. Michigan alumni, who were among the most vocal critics, were spread out across the state and the nation making it difficult to organize. Some alumni threatened to stop donating money to Michigan, but they were not able to effectively mobilize. In contrast, opponents of race-based busing often formed well-organized local groups. For example, in the same month BAM presented demands to President Fleming and the Regents, a U.S. District Court Judge ruled that the Pontiac (Michigan) School District, just over fifty miles away from the University, would have to bus students to facilitate racial integration. Almost immediately, suburban whites impacted by the ruling organized anti-busing groups to resist the decision.⁷⁹ Similar stories of strong, well-organized community opposition to busing fill the histories of the 1960s and 1970s.⁸⁰

Michigan administrators also benefited from the Board of Regents' relationship to the state's political structure, which gave the University an important degree of autonomy from the state government. This autonomy stemmed from the state's 1850 Constitution, which made the University's Board of Regents—the governing body of the institution—

⁷⁸ University Relations Office, "Answers to Some Frequently Asked Questions About the Expanded Opportunity Award Program at the University of Michigan," April 28, 1970, Affirmative Action Office Records, Box 38, BHL.

⁷⁹ Andrew R. Highsmith, "Demolition Means Progress: Race, Class, and the Deconstruction of the American Dream in Flint, Michigan," (PhD Diss., University of Michigan, 2009), 378.

⁸⁰ A few examples include: Matthew Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton: Princeton University Press, 2006); Ronald Formisano, *Boston Against Busing: Race, Class, and Ethnicity in the 1960s and 1970s* (Chapel Hill: University of North Carolina Press, 2004).

popularly elected but autonomous from the state legislature and governor. The Michigan State Supreme Court would later rule in 1896 that the University of Michigan was virtually a fourth branch of government—the state legislature and governor could not exercise control of the university. The state government could still exercise its muscle through state budget decisions by decreasing the amount of money it gave the University, but Michigan governors and legislators did not have the power that political leaders in other states had over state universities.⁸¹

This autonomy set the University apart from other state institutions, such as the University of California. In California, the governor appointed individuals to the Board of Regents to twelve-year terms. The governor's power to appoint regents would have consequences at the University of California. With the exception of Democrat Jerry Brown, Republicans occupied the Governor's mansion in California from 1967 to the late 1990s, and they appointed Republican regents who opposed affirmative action. Consequently, by the mid-1990s, Republican appointees dominated the board and they were able to ban race-conscious admissions practices. The University of Michigan, in contrast, enjoyed a unique independence from the politics of the state government because the governor and state legislators did not have control over who sat on the University's Board of Regents.⁸²

⁸¹ Brubacher, *Higher Education in Transition*, 354-5

⁸² Brian Pusser, *Burning Down the House: Politics, Governance, and Affirmative Action at the University of California* (Albany, NY: State University of New York Press, 2004), 36-39.

FROM PROTEST TO IMPLEMENTATION

Administrators found that defending the 10 percent goal proved easier than actually putting it into practice. Since the early 1960s, the OAP was responsible for almost all of the growth in Michigan's minority enrollment, and administrators expected that would not change in meeting the new enrollment goals. In part, this reflected the interests of the Black Action Movement. BAM leaders wanted the University to use race-conscious admissions primarily for lower-income black students. BAM leaders rarely mentioned social class in their public statements, but one of the leaders of movement, Ronald Thompson, later explained that members of BAM did not think they needed to explicitly mention social class. "The thought that the University could cherry pick middle-class black students," to attain the 10 percent goal, Thompson explained, "was inconceivable at the time."⁸³ Administrators also assumed that most new black students would come through the OAP because that was the only way the admissions office could take race into account in the admissions process. In 1970, the admissions office only asked for the racial background of an applicant if the applicant applied through the OAP. The traditional admissions application did not include questions of race until 1976.⁸⁴

The expectation that the OAP would be responsible for fulfilling much of the 10 percent goal meant that the program would have to expand dramatically. The first task was to hire new staff members to lead the effort. Between the conclusion of the BAM

⁸³ Ronald Thompson, phone interview with author, 10 March 2011.

⁸⁴ "Proposed New Directions for the Opportunity Program," November 1975, Provost and Executive Vice President of Academic Affairs, Staff Files, Box 60, BHL; "Minority Students Enrolled in the University of Michigan," Fall 1971, Vice President for Academic Affairs, Staff Files, Box 50, BHL. In fall 1971, 81 percent of African-American students enrolled in the Opportunity Award Program.

strike in March and October, a committee made up of students, faculty members and OAP representatives hired ten new OAP staff members. Many of the staff members were African American and had worked in Detroit. The hiring process shows that generally only African Americans who had experience working in African-American communities in Detroit could claim authority and legitimacy in issues of race and admissions at Michigan. For example, Gilbert Maddox, an African American who filled the Director of Special Projects position, was the former director of the Technical Assistance Center (ATTAC). ATTAC was a joint program between the University of Michigan's Center for Adult Education and Wayne State, and was funded by the U.S. Office of Economic Opportunity to provide job-training activities in Detroit. Raymond Padilla, a recent graduate and former member of Michigan's basketball team, had served as a youth counselor in Detroit. Others had experience in implementing similar programs. But because affirmative action was no longer a novelty in 1970, the University could also recruit individuals with experience in managing affirmative action programs. William Fenstermacher, a white man with no experience working in Detroit or any other African-American community, for example, had helped to develop an affirmative action program at Oberlin College before taking a position at Michigan.⁸⁵

The staff first had to address concerns expressed by faculty members about how the University would balance the goals of equity and quality. In the aftermath of the BAM strike, even faculty members who supported the 10 percent goal still worried about how administrators would actually increase African-American enrollment without

⁸⁵ "Special Report on Opportunity Program," October 1970, Vice President of Academic Affairs, Staff Files, Box 51, BHL.

lowering academic standards or frustrating black students who might not be able to meet them. They expected that for an affirmative action program to work, OAP students needed special academic services. The “treat them like everyone else” method that OAP administrators used in the 1960s would not sustain a more aggressive affirmative action program. A professor of physics, for example, expressed concern that administrators were not discussing the “special programs of instruction” to prepare students from what he called “substandard ghetto schools” for the rigorous standards of the University of Michigan. Without programs of remedial instruction, he assumed the University would face a large number of frustrated black students “seeing their dreams for a better life crumbling. The resulting riots and destruction would far eclipse the present problems.” He feared that the riots would force administrators to grant “soft degrees.”⁸⁶ Eight African-American faculty members in the School of Social Work also pushed for supportive academic services for OAP students. These faculty members were less concerned about the impact these new students might have on the standards of the University than the negative impact the University’s competitive environment might have on black students. “To increase the enrollment of Black students without an accompanying program of supportive services,” the faculty members wrote, “would be illusory and cruel.”⁸⁷

⁸⁶ Professor P. Roe to Stephen Spurr, April 3, 1970, Vice President for Academic Affairs, Staff Files, Box 51, BHL.

⁸⁷ “Black Faculty of the University of Michigan School of Social Work Response to BAM Demands,” Madison Foster Papers, Box 1.

Black students also called for new services. During a conference with OAP students, organized by Gilbert Maddox, the new director of special programs, Maddox asked black students to identify ways to improve the program. The students overwhelmingly agreed that the program needed to provide better academic support services and needed to help students “in overcoming feelings of inadequacy and self-doubt.” Maddox understood what the students were feeling. Like many of the students in OAP, he grew up in Detroit. He spent much of his childhood in the city’s Brewster Housing Project, living only with his mother after his father died when he was six months old. He eventually graduated from Wayne State University in 1951, but only after almost failing out during his freshman year. After teaching in the Detroit Public School District, he went back to graduate school and received his doctorate degree in Speech in 1970. If the program was going to expand and retain students, Maddox knew that the services the program provided to students needed to expand as well.⁸⁸

Finally, in fall 1970, the University created the Coalition for the Use of Learning Skills (CULS), the first major program to provide supportive services. CULS was open to all students, but especially targeted black OAP students. The College of Literature, Science, and Arts, in which almost every black student enrolled, hosted the central branch of the program. CULS offered a variety of new services, including an orientation for black OAP students before they started classes in the fall to prepare them for the potential

⁸⁸ Gilbert Maddox, “A Plan for the Creation of a Supportive Environment for Black Students at the University of Michigan,” December 1970, Vice President for Academic Affairs, Staff Files, Box 51; Dennis Lampron, “Throwing the White Masks Away,” *Huron Valley Advisor*, October 27, 1971, News and Information Services Faculty and Staff Files, Box 81, BHL; “Release on Receipt,” September 17, 1970, News and Information Services Faculty and Staff Files, Box 81, BHL.

emotional and academic obstacles they might face once the school year began. CULS also greatly improved upon the academic support black students received in previous years. For required freshmen courses, CULS provided course-specific study groups led by specially-trained upper classmen, graduate students, or faculty members. In addition to helping students master the course material, the study sessions worked to improve the basic skills necessary to succeed at the University: “analytical reading, note-taking, clear writing, systematic problem solving and...test-preparation.”⁸⁹

CULS also offered special sections of English 123, a required composition course for all freshmen, specifically for minority students and taught by non-white teaching assistants. CULS developed the special sections with the “assumption that for minority students, a racially homogenous atmosphere is more conducive to the improvement of writing skills.” Rather than reading Thoreau and Shakespeare, the course material revolved around literature written by African Americans. Ten minority students took advantage of the special section in 1970, but enrollment expanded quickly. In 1973, 192 African Americans and ten other minority students enrolled in CULS’s sections of English 123.⁹⁰

⁸⁹ Gilbert Maddox, “A Plan for the Creation of a Supportive Environment for Black Students at the University of Michigan,” December 1970, Vice President for Academic Affairs, Staff Files, Box 51; “Coalition for the Use of Learning Skills: Schedule of Options: Study Groups, Classes, Writers’ Clinic,” Winter 1971, Housing Division Records, Box 2, BHL.

⁹⁰ “English 123-A Racially Homogenous Courses for Black Freshmen,” 1973, Vice President for Academic Affairs, Central Files, Box 50; Gilbert Maddox, “A Plan for the Creation of a Supportive Environment for Black Students at the University of Michigan,” December 1970, Vice President for Academic Affairs, Staff Files, Box 51; “Coalition for the Use of Learning Skills: Schedule of Options: Study Groups, Classes, Writers’ Clinic,” Winter 1971, Housing Division Records, Box 2, BHL.

Adding supportive services took pressure off of recruiters to find students who could immediately step on to campus and successfully complete coursework without academic support. Between 1964 and 1968, admissions officers rejected 42 percent of OAP applicants. During that period, evidence also suggests that admission counselors tried to dissuade certain students from applying to the University. A black student who matriculated at Michigan in the late 1960s testified that an admission counselor told her that “community college might be better suited for [her].” George Goodman, the admissions officer in charge selecting students for OAP, later confirmed this practice. He encouraged students to enroll in junior college and reapply after one or two years. In other cases, he asked them to enroll in summer school to prove they could compete at Michigan before he officially admitted them.⁹¹ In order to almost triple the number of African Americans on campus, administrators had to recruit and admit students that they would not have sought out in previous years. Between 1970 and 1973, the percentage of OAP students scoring between 200 and 399 on the SAT-Verbal rose from 36 to 42 percent (it jumped to 48 percent in 1972). During the same years, OAP students scoring between 500 and 800 on the SAT-Verbal dropped from 32 percent to 22 percent. The percentage of students scoring from 500 to 800 on the SAT-Math dropped from 42

⁹¹ Admission to a four-year university, rather than a community college, is important because studies show that community colleges provide many roadblocks to students who want to pursue a four-year college degree. Studies suggest that students have a better chance of attaining a bachelor’s degree by entering a four-year post-secondary institution as a freshman than beginning college at a two-year institution: Burton Clark, “The ‘Cooling Out’ Function in Higher Education,” *American Journal of Sociology* 65 (May 1960): 569-576; Richard Alba and David E. Lavin, “Community Colleges and Tracking in Higher Education,” *Sociology of Education* 54 (October 1981): 223-237; Katherine E. McClelland, “The Social Management of Ambition,” *The Sociological Quarterly* 31 (June 1990): 225-251; Steve Brint and Jerome Karabel, *The Diverted Dream: Community College and the Promise of Educational Opportunity in America, 1900-1985* (New York: Oxford University Press, 1989).

percent to 32 percent. In contrast, in 1973, the average SAT scores for all incoming in-state students in the College of Literature, Science, and the Arts was 544 on the verbal section and 586 on the math section. For out-of-state students, the average scores were 608 and 645, respectively.⁹²

Admissions officers faced the difficult task of determining which African-American students, many with lower SAT scores than OAP students in prior years, could graduate from Michigan. Given this situation, admission officers embraced admission practices that they were not willing to implement years before. Recall that in 1966, the Center for Teaching and Learning recommended that admission staff adopt the Achiever Personality Scale to measure African-Americans' academic capabilities; instead, admission office remained committed to using the SAT.⁹³ Suddenly, under pressure to expand African-American enrollment, admission officers began using the Achiever Personality Scale in "marginal cases," when administrators were unsure if a student could graduate from Michigan. They also paid particular attention to students' personal record, looking for signs of students' motivation to succeed.⁹⁴

⁹² "Analysis and Evaluation of The University of Michigan Opportunity Award Program," Winter 1969, Vice President of Academic Affairs, Staff Files, Box 50, BHL; *Gratz, et al v Bollinger et al*, United States District Court, Eastern District of Michigan, Southern Division, 13; George Goodman, phone interview by author, February 15, 2011; Robert A. Popa, "U. of M. Recruiters Woo Black Students," *Detroit News*, February 22, 1971, 2B, Vice President for Academic Affairs, Staff Files, Box 51, BHL. George Goodman mentions that admissions was admitting students who would not have previously been admitted; Ruth Eckstein, "Trends in Admission Standards, Academic Performance and Retention of New Black Freshmen, 1970-1973," p. 4, College of Literature, Science and the Arts, Box 237, BHL; Lance Erickson, "Admissions Office Report to the Admissions Committee of the College of Literature, Science and the Arts," September 21, 1973, 1973, College of Literature, Science and the Arts, Box 237, BHL.

⁹³ Doris Miller, "The Relationship Between Achiever Personality Scores and Grade Point Average for Opportunity Award Students," December 9, 1966, Housing Division Records, BHL.

⁹⁴ Memo from George Goodman to Opportunity Program Committee, October 19, 1970, Vice President for Academic Affairs, Staff Files, Box 50, BHL.

These policy changes—increased funding, a larger staff, new academic support services, and new methods to measure “ability”—made an immediate impact on the program. African-American enrollment in the OAP program rose from 229 in 1970 to 362 in 1971 and 442 in 1972.⁹⁵ But by 1973, African-American enrollment peaked at 7.3 percent of the total student body. African-American enrollment more than doubled after the BAM strike, but administrators did not meet the 10 percent goal.⁹⁶

Administrators ran into what they thought was a familiar problem: OAP students were dropping out in high numbers. During the 1971-72 academic year, twenty percent of OAP students dropped out (another seven percent graduated). So, the next year, when OAP staff members increased the program’s enrollment by 26 percent, it meant that much of the enrollment increase went to filling the attrition gap. However, the problem was not as straightforward as they assumed. When social scientists at the University began studying the attrition rates, they noted that half of the OAP students who dropped out were in good academic standing (2.00 g.p.a or above). Even among those black OAP students who were in what administrators termed the “high achievers” classification (3.00 g.p.a or above), 22 percent left the University without a diploma.⁹⁷

CONCLUSION

These findings were especially frustrating for admissions counselors and OAP administrators. They had spent the larger part of a decade studying methods to predict

⁹⁵ “The State of Opportunity Undergraduate Enrollment, Fall 1972,” College of Literature, Science and the Arts Records, Box 221, BHL.

⁹⁶ Peckham, *The Making of the University of Michigan*, 309.

⁹⁷ Ruth Eckstein, “The State of the Opportunity Undergraduate Enrollment, Fall 1972,” November 17, 1972, Vice President for Academic Affairs, Staff Files, Box 50, BHL.

which OAP applicants could graduate from the University and the academic services those students needed once they were on campus, but Eckstein's findings suggested that non-academic factors also contributed to high attrition rates. Even before statistical evidence was available, Charles Kidd, Assistant Vice President of Student Services, was already claiming that academic failure did not explain the high drop-out rates. Kidd argued that black students' "inability to adjust to the university environment" due to the "drastic change from urban ghetto life to a large predominantly white university" explained the attrition rates.⁹⁸

Chapter Three analyzes how administrators tried to address what Kidd called the difficult "cultural transition" to a predominantly-white university. Administrators created new ways to manage racial tension and African-American students' feelings of cultural alienation on a predominantly-white campus. However, combating racial tension and addressing African-American students' feelings of cultural alienation on a predominantly-white campus proved even more difficult than increasing African-American admissions.

⁹⁸ Charles Kidd to University of Michigan Regents, March 8, 1972, Robert Nederlander Papers, Box 1, BHL.

CHAPTER 3

MANAGING RACE AND SPACE ON CAMPUS

The Opportunity Award Program represented a radical departure from administrators' previous efforts to make Michigan more accessible to black students. For the first time, administrators shed their commitment to color-blindness in the admissions process and accepted the fact that race-conscious policies were necessary to combat racial inequity in the United States. Once African Americans were on campus, however, administrators expected African Americans to "fit in" and socialize with white students. Administrators assumed that, through interracial contact, black and white students would overcome any cultural differences or prejudices and come to see fellow students as individuals, not as members of a racial group. In practice, these assumptions had disastrous effects on African-American students. African-American students reported racial tension and intense feelings of alienation and isolation at Michigan. To deal with this reality, African-American students wanted to exercise more control over their educational, cultural and social life on campus while living within a sea of white students, faculty members and administrators.

Historians have told one part of this story. African-American students struggled to reform curricula in post-secondary institutions across the country in the Sixties and Seventies.¹ At Michigan, as at many other universities, black students successfully

¹ Some examples include: Noliwe M. Rooks, *White Money/Black Power: The Surprising History of African American Studies and the Crisis of Race* (Boston: Beacon Press, 2006); Fabio Rojas, *From Black Power to Black Studies: How a Radical Social Movement Became an Academic Discipline* (Baltimore: Johns Hopkins University Press, 2010); Joy Ann Williamson, *Black Power on Campus: The University of Illinois, 1965-75* (Urbana: University of Illinois Press, 2003); Wayne Glasker, *Black Students in the Ivory Tower:*

fought for African-American history courses and eventually for a Center for Afroamerican and African Studies (CAAS). This chapter, however, focuses on a more contentious battle over space on campus. Black students did not simply want new courses; they wanted physical spaces—student centers and dorms—reserved exclusively for black students to live and socialize. More than any of black students' demands, the fight for exclusively black spaces challenged administrators' ideas about the value of interracial interaction and the meaning of both racial integration and separatism.

The first articulation of the value of cultural diversity—the idea that people should respect and embrace cultural differences among racial groups—at the University of Michigan emerged out of this fight over the use of space on campus. Knowing that Michigan's Board of Regents would vote against an exclusively black housing unit, black students and black administrators in the housing office proposed an Afro-American Cultural Living Unit, designed to teach white and black students to respect their cultural differences. The proposal had a long-lasting impact at Michigan. Although the Board of Regents voted against the living unit, administrators in the housing office incorporated the ideal of cultural diversity by developing sensitivity training programs and social events meant to teach students the value of respecting cultural differences. In essence, the ideal of cultural diversity was a compromise between administrators and black students that preserved the goal of integration, while accommodating black students' rejection of universalism.

THE IDEAL OF INTEGRATION

In 1959, University housing officials removed the last policies that supported racial segregation within student housing. Until then, student housing applicants responded to the question “are you interested in a roommate of a nationality, or race other than your own?” Most students responded negatively and University administrators allowed students who responded negatively to live with a student of the same race. In 1958, of thirty-five African-American students living in Michigan’s student housing, only eighteen lived in a room with a white student.² George Palmer, a professor at Michigan’s Law School and a member of the governing body of student housing, argued in 1958 that the University had a role to play in eliminating racial discrimination and in facilitating interracial contact. He believed that allowing white students or black students to intentionally segregate themselves from members of other racial groups merely perpetuated racial prejudices. Palmer claimed that if a student who holds racial prejudices “associates with a member of such a group long enough to learn something about his qualities as a human being, it is possible that he will change his attitude toward this group.” Forcing white and black students to live together in a dorm room, Palmer thought, was one way the University could “purge...something that lies heavy on the conscience of the American people; the treatment of the Negro.”³

Palmer’s comments reflected widely shared assumptions among administrators, and racial liberals more generally, about the value of universalism and interracial contact.

² “Assignment of Negroes in South, East, and West Quadrangles,” 1958, Housing Division Records, Box 1

³ George Palmer to James E. Lewis, May 22, 1958, Housing Division Records, Box 1, BHL; Board of Regents Minutes, November 1959, Proceedings of the Board of Regents, 1957-1960, p. 1099.

Universalism, one of the cornerstone ideas of racial liberalism in the postwar years, emphasized similarities among humans that transcended the particularisms of race, ethnicity, religion and nationality. Social scientists supported these ideas. For example, the noted sociologist Robin William, Jr. argued that downplaying racial and ethnic differences while developing a shared sense of American cultural identity was essential in attacking racial prejudice. Social scientists also supported ideas about the value of interracial contact. In the 1950s, noted psychologist Gordon Allport developed the “contact hypothesis,” which postulated that interpersonal contact between whites and African Americans provided an effective method of reducing racial prejudice. These ideas represented the underlying faith behind integration in the postwar years. At Michigan, administrators took for granted the idea that interracial contact reduced racial prejudice and allowed students to understand the cultural and social values they shared. Essentially, administrators assumed that black students would simply “fit in” if given the chance to socialize with white students.⁴

Administrators, however, underestimated the difficulties African Americans would face in “fitting in” with white students at Michigan. Before black students began protesting for African-American history courses and all-black dorms, administrators at Michigan never thought to ask African American students whether they enjoyed living on a predominantly white campus; administrators simply assumed that integration was always a good thing for black students. The reality was that living and learning in a predominantly white environment created a new and often uncomfortable experience for

⁴ Walter Jackson, *Gunnar Myrdal and America's Conscience: Social Engineering and Racial Liberalism, 1938-1987* (Chapel Hill: University of North Carolina Press, 1990), 33, 286, 292; Gordon Allport, *The Nature of Prejudice* (Cambridge, MA: Perseus Books, 1954).

most black students. Most of the University's black students had attended wholly or predominantly black high schools and lived in predominantly black neighborhoods. In fact, students from Detroit grew up in one of the most racially segregated cities in the United States. In 1970, the index of residential racial segregation in Detroit was 82.1. To put this number in readable terms, in a city where every city block had an equal number of whites and blacks, the index would be 0. In a city where not a single residential block included a member of a different racial group, the index would be 100.⁵ Because most black students grew up in predominantly black neighborhoods and attended predominantly black schools, sleeping in housing units dominated by whites, sitting in classrooms dominated by whites, and eating in cafeterias dominated by whites on a daily basis were all new experiences for most African-American students at Michigan.

The feelings of discomfort that accompanied the difficult transition to a predominantly white school did not go away, as administrators assumed, as black students got to know white students as individuals. A study completed in 1969 showed that 40 to 50 percent of African-American students at Michigan reported holding more antagonistic feelings towards whites after they enrolled at the University, and African Americans at Michigan took part in fewer extracurricular campus activities than whites. Another study completed in 1970 revealed that black students were also much more likely than white students to view faculty and dormitory staff "as relatively impersonal, cold, unfriendly, not likable." Furthermore, 60 percent of white students thought that they genuinely accepted black students at the University, while 60 to 70 percent of black

⁵ Annemette Sorensen and Karl E. Taeuber, "Indexes of Racial Residential Segregation for 109 Cities in the United States, 1940-1970," *Sociological Focus* 8, no. 2 (April 1975): 128-29.

students felt that white students only superficially accepted them. Black students described the University as a hostile, foreign world; administrators thought of the University as a model of racial integration.⁶

African-American students reported similar feelings of isolation on campuses around the country. In 1969, when scholars Charles Willie and Arline McCord studied predominantly white post-secondary institutions in upstate New York, they found that 73 percent of black students reported that almost all of their closest friends were black, and 43 percent reported that they had not participated in a racially mixed social group in the six months leading up to the survey.⁷ Another scholar found the black students he interviewed also experienced “intense feeling[s] of alienation from white culture and institutions.”⁸

All of these studies were trying to make sense of the changing demands African-American students were making on college campuses. At college campuses around the country, African-American students were rejecting the ideal of universalism and asserting the value of race-based cultural and political expression. African-American students challenged universalism in a variety of ways. In 1968, students at San Francisco State began campus strike for a black studies program. In 1969, a group of black students at

⁶ James M. Hedegard and Donald R. Brown, “Encounters of Some Negro and White Freshmen with a Public Multiversity,” 1969, p. 18-19, Assistant to the President Records, Box 41, BHL; William Fenstermacher to John Chavis, January 9, 1970, Assistant to the President Records, Box 38, BHL.

⁷ Charles V. Willis and Arline Sakuma McCord, *Black Students at White Colleges* (New York: Praeger Publishers, 1972), 15.

⁸ Martin Kilson, “Anatomy of the Black Studies Movement,” *The Massachusetts Review* 10, no.4 (Autumn 1969): 719-720; “Excerpts from Harvard Report on American Negro Studies Program,” *New York Times* January 22, 1969, 22; “The Case for Black Studies,” *New Pittsburgh Courier*, August 2, 1969, p. 3; Helen Dewar, “Report Raps U. of Virginia Bias, Unconcern,” *Washington Post* September 19, 1969, C1.

Cornell University occupied a campus building with guns for thirty-six hours, demanding a separate college administered completely by African Americans. Also in 1969, black students at Duke University and North Carolina Central University opened Malcolm X Liberation University in an old warehouse in Durham, North Carolina. The organizers designed the university to serve African Americans exclusively in order to analyze the “American system, and of all the other institutions of colonizing societies, which served the process of Black dehumanization.”⁹

African American students at Michigan never called for a separate university, but beginning in the mid-1960s, black students began to push for institutional changes that would address their feelings of alienation at Michigan. Michigan administrators did not know that they were recruiting African-American student leaders from Detroit who were already well versed in the emerging demands of black power and cultural nationalism. Administrators were recruiting students from Detroit, such as Ronald Thompson, who had spent much of his youth marching down the Motor City’s streets with his parents, and Jo Ann Watson, who had pressed for an Afro-centric curriculum and more black faculty members in her high school.¹⁰

Once on campus, black students argued that reclaiming pride in cultural identity and building a sense of community among black students was necessary to combat the social and cultural alienation black students experienced at Michigan. In 1967, African-

⁹ Noliwe Rooks, *White Money/Black Power: The Surprising History of African American Studies and the Crisis of Race in Higher Education* (Boston: Beacon Press, 2006), 37-65; Chuck Hopkins, “Interim Report,” *Negro Digest* (March 1970): 38-43.

¹⁰ Ronald Thompson, phone interview by author, March 10, 2011; Jo Ann Watson, E-Mail to author, December 16, 2010.

American students successfully petitioned the history department to provide African-American history courses. But black students faced resistance in November 1968 when representatives of the student group Pro-Black Students met with Michigan's President Robben Fleming to discuss black students' preference to live with members of their own racial group. Ron Thompson, the group's leader, complained to Fleming that black students were frequently embarrassed when they were assigned to rooms with white students. According to Thompson, the tension led African-American and white students to find ways to change rooms to live with members of their own racial group by the end of the semester—even though University policy prohibited students from changing rooms simply because a roommate was of a different racial group. Allowing African-American students to room together from beginning of the academic year, Thompson suggested, would help black students avoid the uncomfortable feelings that came with rooming with a white student. "My own feeling is," Fleming wrote after the meeting, "that we were doing something good, we deliberately desegregated dormitories. Perhaps this was in error, and doubtless we were too insensitive to the wishes of the black students."¹¹

President Fleming looked to Vice President of Student Affairs Barbara Newell—the executive administrator who oversaw the housing office—to come up with a resolution to black students demands. The issue of housing revealed the different ways in which the Vice President of Academic Affairs and the Vice President of Students Affairs tackled issues of race. In the early 1960s, the Vice President of Academic Affairs, Roger Heyns, was concerned about who had the authority and legitimacy to create and monitor

¹¹ Robben Fleming to Barbara W. Newell, November 7, 1968, University of Michigan Housing Division Records, Box 7, BHL.

an affirmative action admissions program. He did not think the all-white admissions staff was prepared to meet the challenge. Heyns initially hired Leonard Sain, an African-American principal of a Detroit high school. He then created the Opportunity Award Program Office, filled with African-American staff members. When black students began to complain about feelings of cultural alienation and about racial tension in student housing, Barbara Newell did not express the same concern over who had the authority and legitimacy to respond to black students' complaints. Instead of hiring new staff members to tackle the black students' demands, Newell immediately delegated the job to John Feldkamp, the University's twenty-nine-year-old white Director of University Housing.¹²

The young housing director faced the difficult task of addressing black students' demands at a time when the issue of racial integration seemed more important than ever to racial liberals. The urban rebellions of 1967 and 1968 had left vivid images of communities on fire, looted storefronts and violence. More important for the ideal of racial integration, the Kerner Report blamed racial separatism for these uprisings. In the report's most famous line, its authors claimed that American was becoming "two societies, one black, one white—separate and unequal."¹³

At first, Feldkamp seemed like an unlikely ally for black students. He was a politically active Republican who served on the Ann Arbor City Council, while

¹² R.W. Fleming to Barbara Newell, November 7, 1968, Vice President for Students Affairs Records, Box 9, BHL; Barbara Newell to John Feldkamp, November 12, 1968, Vice President for Student Affairs, Box 9, BHL.

¹³ Sugrue, *Sweet Land of Liberty*, 348.

performing his duties as housing director. But Feldkamp proved that he was willing to depart from conservative Republicans on social issues. For example, in the late 1960s, race was not the only issue that troubled housing officials. Students were putting pressure on the administration to live in gender-integrated dorms. Feldkamp supported these efforts to create co-educational dorm buildings, as well as policies that allowed men and women to socialize together in dorm rooms despite harsh criticism from Republican state congressmen. He later refused to implement a housing policy board decision to ban “cohabitation, overnight visitation and premarital sexual intercourse”¹⁴

Feldkamp was also on the front lines of the fight to implement integrationist policies at Michigan, and he was unwilling to give up on those policies. Until 1959, housing applications gave students the option of living with members of their own racial group. When the housing office took questions of racial preference off of applications, Feldkamp and other housing officials had to defend the policies of integration against white parents’ objections to their children rooming with African Americans. Although the policy initially led to angry confrontations with white parents in the early years of the policy, Feldkamp credited the fact that the housing office did not receive any room change requests from white parents in recent years to his adherence to the non-discrimination policies. He worried that returning to old policies, which allowed students to choose roommates based on race, would “accommodate black identity desire but would also cater to elements of the white community who are highly prejudiced to other

¹⁴ John Feldkamp to Thomas Sharpe, March 7, 1968, Vice President of Student Affairs, Box 9, BHL; Interested West Quad Residences to Barbara Newell, November 25, 1968, Vice President for Student Affairs, Box 9, BHL.

racess.”¹⁵ A graduate of Michigan’s law school, he must also have known that the law was changing at the same time. Just months before Thompson met with Fleming, Lyndon Johnson had signed the Civil Rights Act of 1968. Title VIII of the legislation, more commonly known as the Fair Housing Act, prohibited providers of housing from discriminating in selling or renting housing to individuals based on race.¹⁶

Still by the end of 1968, Feldkamp understood that the practice of assigning students to dorm rooms, without regard to race, was not playing out the way he had hoped. Feldkamp suggested that the housing division should designate a specific building with a “pro-black, black, or Afro-American identity.” African-American students could choose to live there on a voluntary basis, but, to continue facilitating interracial interaction, white students who were “sincerely interested in blacks” could also live in the building—although it was unclear how white students would prove their sincere interest or what that even meant.¹⁷

The ambiguity of the proposal highlighted the novelty of the situation. Feldkamp was trying to find a middle ground between what he saw as racial separatism and the housing office’s color-blind housing selection policies. Feldkamp had few models to rely on. No one within the institution had tackled this issue before. Administrators at other

¹⁵ John Feldkamp to Barbara Newell, “Housing Issues Concerning Black Students,” January 2, 1969, Housing Division Records, Box 7, BHL.

¹⁶ “Faculty Biographical Data,” News and Information Services Faculty and Staff Files, Box 42; “Housing Director Leaves University,” *Ann Arbor News* August 28, 1977, News and Information Services Faculty and Staff Files, Box 42, BHL; “Fair Housing Act,” Department of Justice, accessed May 20, 2011 <http://www.justice.gov/crt/about/hce/title8.php>.

¹⁷ John Feldkamp to Barbara Newell, “Housing Issues Concerning Black Students,” January 2, 1969, Housing Division Records, Box 7, BHL.

universities had either accommodated black students' requests for separate living facilities, or had rejected them entirely. For example, administrators at Cornell University created separate residence halls for black men and women, and administrators at Northwestern University reserved separate sections of dormitories exclusively for black students.¹⁸

Feldkamp's proposal needed the approval of the Board of Regents before the housing office could put it into practice. The fact that the Board of Regents never voted on the matter suggests that either Vice President Newell or President Fleming rejected the proposal. The "Pro-black" dorm buildings were a controversial solution to a controversial problem. Although President Fleming initially expressed sympathy with the black students who complained about integrated housing, he did not at the time support any proposal that even hinted of racial separatism.

BUILDING INSTITUTIONAL CAPACITY

One of the problems Michigan faced was that the University lacked the institutional capacity to effectively respond to black students' demands. While a small group of administrators led the effort to bring black students to campus, virtually no administrator was prepared to lead a programmatic effort to address black students' cultural and social alienation on campus. Throughout the late 1960s, Michigan lacked a single administrator to lead programmatic efforts to address black students' feelings of alienation. The Black Action Movement (BAM) strike changed that. BAM protesters

¹⁸ Joy Ann Williamson, *Black Power on Campus: The University of Illinois, 1965-1975* (Urbana: University of Illinois Press, 2003), 30; "Black Students Win Many Demands After 38-Hour Bursar's Office Sit-in," *Daily Northwestern*, May 6, 1968, p.2.

primarily focused on increasing African-American admissions, but the strike inadvertently brought administrators to campus who were interested in addressing black students' feelings of cultural alienation. After the strike, when faculty members and black students began to raise concerns about the lack of academic services for black students, Vice President of Student Affairs hired Gilbert Maddox as the Special Assistant of Academic Projects. Maddox was supposed to create new academic support programs to help African-American students graduate from the University.¹⁹

Maddox had no experience in higher education administration, but he understood that black students needed more than traditional academic support services. He understood the struggles black students at Michigan faced as minorities. "When I was very young I didn't want to be black," Maddox recounted. He remembered trying to lengthen his nose so it looked more like a white person's when he played the role of a slave in a play based on Mark Twain's novel *Huckleberry Finn* in elementary school. The moment he took pride in being black represented a transformative moment in his life. He dated the moment back to junior high school, when he met Langston Hughes. Hughes performed a reading and gave Maddox several autographed copies of his work.²⁰

Maddox spent much of his life promoting African-American history and culture. In 1960, six years before black students began pushing for black history courses at Michigan, Maddox produced and hosted an eighteen-week black history television and radio series. He directed plays at the Concept East Theatre, a Detroit theater that targeted

¹⁹ "Press Release," September 17, 1970, News and Information Services Faculty and Staff Files, Box 81.

²⁰ "Press Release," September 17, 1970, News and Information Services Faculty and Staff Files, Box 81; Dennis Lampron, "Throwing the White Masks Away," *Huron Valley Advisor* October 27, 1971, News and Information Services Faculty and Staff Files, Box 81.

an African-American audience. He hosted and produced “Profiles in Black,” a Detroit public television series that profiled important African-American leaders across the political spectrum.²¹

Maddox made a direct connection between African-Americans academic success and their sense of pride in their racial identity. Black students had been calling for a black student center with little success. When Maddox took the position, he thought that a black student center was necessary to build a strong African-American student community. Maddox went to his supervisor, Stephen Spurr, Vice President of Student Affairs, with the idea. Although Spurr did not necessarily know how best to respond to black students’ demands, he was often sympathetic to their concerns. He later proved at the University of Texas at Austin that he was willing to put his job on the line for issues of racial equity. In 1971, Spurr became President of the Texas’s flagship university, and was fired just a few years later after he created a minority recruitment program—an effort the Board of Regents opposed. Spurr thought Maddox’s idea had “a great deal of merit.” Spurr only wanted to make sure that black students could still use “conventional services,” so participation in a “racially segregated center” did not become compulsory for black students.²²

²¹ “Press Release,” September 17, 1970, News and Information Services Faculty and Staff Files, Box 81; Dennis Lampron, “Throwing the White Masks Away,” *Huron Valley Advisor* October 27, 1971, News and Information Services Faculty and Staff Files, Box 81.

²² Stephen H. Spurr to Gilbert Maddox, October 24, 1970, Vice President for Academic Affairs, Staff Files, Box 51, BHL; “Education: Bushwaked in Texas,” *Time* October 28, 1974 <http://www.time.com/time/magazine/article/0,9171,908939,00.html>; Spurr also refused to support the admission of friends of Regent members to the law school and refused to discipline the student newspaper, which was especially critical of the Regents.

Maddox soon learned that there were severe limitations on his power and authority to lead program initiatives. Spurr reminded Maddox that the Board of Regents would have to approve the proposal. Shortly thereafter, the Board of Regents voted against Maddox's proposal, claiming that a black student center would promote racial separatism. The vote highlighted the disconnect between what administrators in the Office of Student Affairs thought was necessary to address black students' needs and what was politically possible at Michigan.²³

The case of the black student center highlighted the fact that administrators were entering into uncharted territory. At Michigan, administrators had a difficult time establishing a clear definition of separatism, which only led to confusion about how to respond to black students' demands. The Board of Regents served more as a referee, judging the political merits of each administrative proposal responding to black students' demands, than as a leader outlining acceptable programs. President Fleming only offered vague speeches about separatism that never outlined his definition of the term. Less than a year before Maddox proposed the black student center, Fleming gave a speech where he argued that black power and integration were compatible ideals. "King," Fleming reminded the audience, "fought for an integrated society—a society in which the concepts of love and understanding which he so strongly embraced would apply to a true brotherhood of man." But he also reminded listeners that King advocated ideas that resembled separatism toward the end of his life. "Inevitably," Fleming said, "this raises

²³ Carla Rapoport, "Blacks at 'U': Support Lags Behind," *Michigan Daily* December 3, 1971, p. 6; Carla Rapoport, "'U': Enrolling Blacks With Both Eyes Closed," *Michigan Daily* December 8, 1971, p. 4.

the question of whether the two are compatible.” Fleming recognized that many whites saw calls for black power as “the doom of ultimate equality and the tragedy of two separate but unequal societies.” But Fleming asked white members of the audience to consider the fact that many black activists questioned “whether integration can indeed come about.”²⁴ He concluded: “If I understand what my white eyes tell me...there is no necessary conflict between black pride, black consciousness, black dignity, black power, and an integrated society.”²⁵

Maddox agreed that black pride and integration were compatible goals. To Maddox, the black student center symbolized the compatibility of black pride and integration. The center would give students a space to develop the racial pride that was necessary to build an integrated society. Fleming disagreed. He characterized Maddox’s proposal as a “kind of separatism which we thought was undesirable.” In what appeared to contradict his speech in 1969, Fleming claimed that administrators should treat students the same, regardless of racial background. Fleming contended that “Gradually, as their numbers increase, I think black students will feel more comfortable here.” “I would hope our black students would recognize the good faith effort on the University’s part,” Fleming went on, “and understand that we can’t change everything overnight.” The last time Fleming told black students that institutional change did not happen

²⁴ Robben Fleming, “Martin Luther King, Jr. Commemoration Service Speech,” April 4, 1969, Robben W. Fleming Papers, Box 19, BHL.

²⁵ Robben Fleming, “Martin Luther King, Jr. Commemoration Service Speech,” April 4, 1969, Robben W. Fleming Papers, Box 19, BHL.

overnight, he was trying quiet protests to increasing the number of black students on campus. The BAM strike broke out less than a month later.²⁶

Fleming's comments invited criticism from black students who were not willing to wait for gradual change or to accept Fleming's appeal to color-blindness. One student called Fleming's argument "alarmingly simplistic." For black students, she contended, coming to the University was like coming to a "foreign, unfriendly country." Like foreign visitors, a variety of social and cultural characteristics, including speech patterns and social conventions, set black students apart at a predominantly white university. African Americans' unique position, the student argued, meant that the University needed to recognize them as a distinct group with different needs. Black students also expressed frustration with the slow pace of institutional changes to effectively address their feelings of alienation. "When the University decides to change itself," one black student commented, "it moves like a huge, tired animal. Departments and offices...are shaken up a bit and put back a few yards ahead. Old policies and old attitudes slowly peel off like dead skin."²⁷

In fact, black administrators and faculty members questioned whether any change had happened at all. In 1971, Maddox resigned from his position after the Board of Regents rejected his proposal. He then joined with Frank Yates, director of CULS, and Charles Kidd, a professor in Michigan's School of Public Health, to write a scathing opinion piece in Michigan's student newspaper about the University's efforts to bring

²⁶ Carla Rapoport, "Blacks at 'U': Support Lags Behind," *Michigan Daily* December 3, 1971, p. 6; Carla Rapoport, "'U': Enrolling Blacks With Both Eyes Closed," *Michigan Daily* December 8, 1971, p. 4.

²⁷ Carla Rapoport, "'U': Enrolling Blacks With Both Eyes Closed," *Michigan Daily* December 8, 1971, p. 4.

about “substantive change” for black students. The group accused the University of hiring black administrators without giving them any power. The group argued that hiring black administrators represented a “calculated attempt to fool” people “into thinking that great progress is being made.” The group went even further, accusing executive administrators of using black administrators as scapegoats for the lack of institutional change. “The fundamental issue is power and authority,” the group concluded. The “trick” executive administrators were playing on the University community was giving black administrators “responsibility but no power.”²⁸

Six days after accusing the University of using black administrators as scapegoats, Kidd accepted the position of Assistant Vice President of Student Affairs, making him the highest-ranking African-American administrator at Michigan. He seemed like an unlikely choice for the position. Aside from the fact that Kidd just made serious accusations against the University’s commitment to racial justice, he had no experience in higher education administration, and he did not bring Maddox’s background in producing programs that promoted African-American history and culture. Kidd also had no connection to Detroit, unlike most other black administrators. Kidd had grown up in Washington, D.C. and went on to become a highway-bridge engineer in Ohio after graduating from Case Institute of Technology in 1958. He then became a bioenvironmental engineer in the Air Force from 1960 to 1963. Nevertheless, at thirty-four, he symbolized the University of Michigan’s efforts to train future African-American

²⁸ Charles Kidd, Gilbert Maddox, Dave Wesley, and Frank Yates, “Black Administrators: Responsibility Without Power,” *Michigan Daily* April 10, 1971, p. 4.

faculty members from within the institution.²⁹ After leaving the Air Force, he received three graduate degrees from the University of Michigan, including a PhD in environmental health. Michigan's School of Public Health hired him a year before he graduated.³⁰

Although Kidd did not bring Maddox's background, he continued many of his initiatives. Building a center specifically for black students was one of Kidd's primary goals. Notably, Kidd had also learned from Maddox's mistakes. He knew, if given the chance, the Board of Regents would squash the project. Creating the center became an exercise in political maneuvering. Therefore, since the Board of Regents had ruled that University funds could not be used to establish a black student center, Kidd found a way around the ruling by gathering enough gift funds to create the center. In the fall of 1971, Kidd announced the opening of the Trotter House, a three-story, fifteen-room house on Michigan's campus. The building housed counselors for black students, meeting rooms for black student organizations and spaces for social events, exhibits and lectures. The building, Kidd stated explicitly, was for black students to create a central location to hold social and culture events relevant to African-American students. Kidd hoped the Trotter House would foster "better unity amongst the black community." The house did not

²⁹ Recall that increasing African-American faculty members represented one of the original goals of Michigan's minority admissions program.

³⁰ Charles Kidd, Curriculum Vitae, News and Information Services Faculty and Staff Files, Box 71, BHL; Press Release, April 16, 1971, News and Information Services Faculty and Staff Files, Box 71, BHL.

accommodate members of other racial groups because, according to Kidd, “Different groups would demand different things to create a home-like atmosphere.”³¹

THE VALUE OF DIVERSITY

The creation of the Trotter House suggested to black students that racially segregated buildings on campus were politically possible at Michigan. In December 1971, not long after the Trotter House opened on campus, a group of African-American women living in Stockwell Hall, led by Gayle Nelson, and members of the South Quad Minority Council, led by Lee Gill, renewed the fight for racially exclusive living options. Nelson and Gill went further than Ron Thompson in his 1968 meeting with Fleming. The two did not want to express racial preferences on housing applications; they wanted an all-black living unit. They justified the unit by citing “gross inequities,” “dehumanizing” conditions and “double standards” within Michigan’s student housing. Racially integrated housing facilities, Nelson claimed, impeded black students’ “psychological, sociological and intellectual development.” Instead, an all-black corridor would offer a form of protection against the realities of living in a predominantly white dormitory.³²

Gill later called the original proposal for all-black living units “part of being naïve and not understanding the political process” at Michigan. Although the Trotter House established a separate physical space for black students on campus, the Board of Regents would never approve racially segregated housing. In order to gain the support of

³¹ P.E. Bauer, “Trotter House to Provide New Services for Blacks,” *Michigan Daily* July 20, 1971, p.3, 6; “Press Release,” September 16, 1971, News and Information Services Faculty and Staff Files, Box 71.

³² “Proposal for an All-Black Corridor by the Black Women of Stockwell,” December 10, 1971, Vice President of Student Affairs Records, Box 24, BHL.

administrators and to fulfill their own goals of creating a housing situation more hospitable to African-American students, black students understood that they had to change the way they pitched the living units. They received help from Georgia Williams, the Assistant Director for Special Programs in the housing office. Williams' efforts highlight the impact of the University's efforts to increase African-American administrators in the housing office. In the wake of the BAM strike, the housing office began an aggressive affirmative-action hiring campaign to increase black staff members. Williams became an especially helpful ally for black students. She was already familiar with Lee Gill before she met with students advocating for the units, as Gill had served as her assistant in the housing office. Gill later described her as a mentor to black students, and someone who saw her job as something more than a way to pay her bills. She created programs meant to raise black students' awareness of issues facing African-American communities, taking students to the first Operation PUSH conference in Chicago and similar events around the country.³³

Williams helped students carefully craft language that would avoid any claims of intentional segregation, while still fulfilling their goal of living in a community with other black students interested in cultivating racial pride. They proposed African-American Cultural Living units, which they described as spaces with "an educational, cultural, and social identity with Afro-American and African life-styles," leaving open the possibility that white students could also live there. For a model, they used existing housing communities at Michigan where students chose to live together because of common

³³ Lee Gill, Phone interview with author, January 19, 2011.

interests (e.g., learning a foreign language). Anticipating claims that the students would only choose other African-American students to live in the units, drafters of the proposal created a set of criteria that they saw as color-blind. To live in the units, applicants would have to meet at least three of five requirements:

1. Participation in Afro-American and African courses.
2. Participation in educational, social, or cultural activities designed to promote better multi-ethnic sensitivity and understanding.
3. Participation in experiences which were designed to promote more positive race relations.
4. Living experience in a multi-ethnic environment.
5. Human relations skills for the implementation of the goals and objectives of the Afro-American and African Cultural Living Unit, namely designing and implementing activities which will promote educational, cultural, and social identity with Afro-American and African life styles.

It was unclear which activities qualified as promoting “multi-ethnic sensitivity,” or how applicants could prove they had “human relations skills,” but housing staff believed that the criteria provided a color-blind method for selecting students that would help to avoid claims of intentional segregation.³⁴

In the coming months, black students, with the help of Williams, continued to develop new rationales for the living units. An early rationale for the units suggested that they were necessary to protect African-American students from whites. But students eventually realized that in order to get support from Michigan’s administrators, they needed to show how the living units benefited both black and white students, and, in particular, how the units would lead to better race relations. Lee Gill wrote in the *Michigan Daily* that, if black students wanted to segregate themselves, they would have chosen a facility on the outskirts of campus. Instead, they chose a space on the middle

³⁴ “Proposal for an Afro-American and African Cultural Residence Hall,” January 26, 1972, Vice President of Student Affairs Records, Box 24, BHL.

floors of the South Quad complex “because we did not want to be isolated or segregated, but wanted to be in a place where interaction and involvement was guaranteed.” After black students developed a “black consciousness,” students and staff in the housing unit would lead “outreach activities” that “would bring minority people into interactions with the majority to promote greater understanding and more livable co-existence with each other.”³⁵

In their final proposal in March, black students settled on a mixture of old and new ideas. The students continued to promote the benefits the living units held for black students. The units, students suggested, would help African Americans “gain a greater knowledge of themselves,” which would “increase [black students’] psychological, sociological and intellectual development.” The students also kept in mind that the Board of Regents opposed any proposal with hints of racial separatism, and was more interested in improving relationship between black and white students than in cultivating African-American identity. Crafters of the proposal requested weekly race awareness workshops, forums and seminars designed to build “racial understanding, individually and culturally.” The students pitched the living units as a place where white and black students could learn to live with “different races and cultures.”³⁶

Black students did not know it at the time, but this proposal would transform the way administrators would articulate the value of a heterogeneous student body for decades to come. The idea that the University could be a place where students of

³⁵ Lee Gill, “Building a Black Power Base in the Dormitories,” *Michigan Daily*, February 17, 1972, Robert Nederlander Papers, Box 1.

³⁶ “Organizing Structure and Proposed Educational Programs,” March 10, 1972, Campus Broadcasting Network Records, Box 3, BHL.

different cultures could learn to respect and embrace their differences was a radical departure from the way students and black administrators justified past programs meant to address black students' cultural alienation. When arguing for programs in the past, black students explained the necessity of developing a sense of racial identity and community to be able to survive on a predominantly white campus. The programs were about cultural accommodation; they did not promote white and black students to learn about, value and embrace their cultural differences.

However, the idea that an institution could teach individuals to respect cultural differences was not unprecedented. Military officers, for example, were making a similar transition in the way the military managed race. In the late 1960s, military officers created policies to allow African Americans to express their racial identity, but they did not offer programs to teach inductees to respect cultural differences. In July 1969, a fight among white and black Marines stationed at Camp Lejeune left one Marine dead and fifteen injured. In response, General Leonard F. Chapman, the Marine Corps Commandant, implemented new policies, which allowed African Americans to express their racial identity, in order to address racial strife. On September 2, 1969, he gave African-American Marines permission to wear an Afro haircut and give the "black power clenched-fist salute as long as it did not suggest direct defiance to duly constitute authority." In the following months, the Army, Navy, and Air Force implemented similar accommodationist policies which resulted in military-sponsored "soul music, soul food, ethnic literature and cosmetics."³⁷ By early 1971, Army officials shifted their policy of

³⁷ Richard Stillman, II, "Racial Unrest in the Military: The Challenge and the Response," *Public Administration Review* 34, no.3 (May-June 1974): 221-23.

accommodation to begin training inductees to respect cultural differences. New inductees learned that an African American raising a black fist “does not always mean revolution nor that black people want to beat you about the head and shoulders.... It’s a greeting among brothers.” One newly enlisted white soldier confessed during the training that “I come from a very square society.... I compare long hair or an Afro with people who are rioting and tearing up things like that.” But now “I realize, however, that you can’t really look at a guy’s hair and tell what he’s really like.” After the training, another white soldier explained that the session “kind of gave me an idea of why black people act the way they do.”³⁸

For some, black students’ idea of creating living situations that brought white and black students together to learn about their cultural differences sounded like a viable alternative to the administration’s current housing policies. Michigan’s Student Government Council supported the living units by arguing that the administration’s current housing policies more closely resembled segregation than the black students’ proposal. “Black and white students,” the council reported, “eat at separate tables, use separate lounges, have separate governments, attend separate parties, and, in short, live separate, segregated lives.” Two African-American students in a corridor dominated by white students “is hardly a real integration of the two cultures.” In contrast, the Council thought that black students’ proposal represented a more legitimate attempt at integration

³⁸ Thomas A. Johnson, “200 Trainees at Ft. Dix Get Course in Race Relations,” *New York Times* February 5, 1971, p. 33; Military officials were making many changes in the way they managed race in the late 1960s and early 1970s as the racial composition of the military was changing dramatically: see Beth Bailey, *America’s Army: Making the All-Volunteer Force* (Cambridge, MA: Belknap Press, 2009), 88-129.

where white and black students would live together and “work out the difficult problems of mutual racism and cultural difference.”³⁹

A group of women living in Bush House of South Quad disagreed. The women did not think that black students actually wanted to live with white students. The proposal, in their eyes, was an attempt to create an all-black dorm. They co-opted black students’ language, and argued that the living units would take away the important experience of living with individuals from a “diversity of backgrounds, cultures, and races.” The value of an integrated space, they argued, was living in a space where individuals from different cultural backgrounds “can influence and educate one another in more than just the academic sense.”⁴⁰

As students debated the merits of the proposal, President Fleming struggled over whether to support the living units. Only months earlier, Fleming had accused Gilbert Maddox of advocating for racial separatism after proposing a black student center. The living units, however, did not fit neatly into his concepts of integration and separatism. He later admitted that there was no issue that had troubled him more than the proposal for the living units since he became president. Coming from a man who ushered the University through Students for a Democratic Society protests, teach-ins and the Black Action Movement strike, the statement spoke volumes about how difficult and important the issue of integration became for Fleming.⁴¹ The issue perplexed Fleming so much that

³⁹ Student Government Council, “Position Statement on the Proposed Afro-American/American Cultural Living Unit,” March 16, 1972, Robert Nederlander, Box 1, BHL.

⁴⁰ Barbara Ann Meyer to Robben Fleming, March 25, 1972, Robert Nederlander Papers, Box 1, BHL.

⁴¹ “Special March Meeting, 1972,” Proceedings of the Board of Regents (1969-1972), p. 1437.

he turned to organizations and individuals that he thought were authorities on the issue of integration to give him advice on the legal and moral merits of the proposal.

The Michigan Civil Rights Commission, created in 1963 as part of the state's new constitution to investigate claims of discrimination based on "religion, race, color or national origin," responded to Fleming request with a damning report of the way housing officials handled race relations on campus.⁴² The Commission depicting Michigan's student housing units as uncomfortable, even violent, places for African-American students. More importantly, the commission supported the way students articulated the value of the living units for both white and black students. The students who advocated for the cultural living units, the commission contended, were "wise enough to realize that better race relations begin with being color-conscious." Color-blindness reflected the dubious notion that "if everyone could just treat each other as fellow human beings everything would be alright." But those who advocated for color-blindness "failed to realize...that students (and staff) from segregated backgrounds cannot accept each other as human beings until they have first confronted, and accepted, their racial differences." The living units presented a unique chance for white and black students "seriously committed to an integrated society, free of racism" to "begin to act out that commitment."⁴³ Fleming also asked the American Civil Liberties Union, the Detroit Urban League the Michigan Democratic Black Caucus for advice. Each organization

⁴² "The Michigan Civil Rights Commission & Department of Civil Rights," Michigan.gov <http://www.michigan.gov/mdcr/0,1607,7-138-4951-9283--,00.html> (1 December 2010).

⁴³ Civil Rights Commission to William Bledsoe, March 7, 1972, Robert Nederlander Papers, Box 1, BHL.

joined with the Michigan Civil Rights Commission in supporting the proposal.⁴⁴ By March, key University administrators John Feldkamp, Director of Housing, and Frank Yates, Director of CULS had given their support to the living units, and the housing office was already preparing plans to implement the students' proposal.⁴⁵

Still, one organization that Fleming consulted remained critical of the proposal. Representatives of the NAACP in Detroit suggested that the "color-blind" criteria that supposedly allowed white students to live in the living units represented a veiled effort to hide black students' true intention to create a segregated dormitory. If the living units were really open to white students, "there would be no need for the proposals as they are currently written." To condone racial isolation as a way to solve racial tension, the executive board argued, would be to nurture the root of the problem: "years of racial isolation in segregated schools and communities."⁴⁶

For members of the NAACP, the living units represented a challenge to their long-fought battle against housing segregation. Executive Director of the national organization, Roy Wilkins, spoke about the ironies of college students around the country making what he considered separatist demands at the very moment when civil rights organizations had scored legislative victories, such as the Fair Housing Act of 1968.

⁴⁴ Francis Kornegay to Robben Fleming, March 15, 1972, Robert Nederlander, Box 1, BHL; "Resolution Adopted by the Executive Board of the Ann Arbor-Wastenaw County Branch of the American Civil Liberties Union," March 13, 1972, Robert Nederlander Papers, Box 1, BHL; David Holmes to Robben Fleming, March 29, 1972, Robert Nederlander Papers, Box 1, BHL..

⁴⁵ John Feldkamp to Housing Policy Committee, February 8, 1972, Vice President of Student Affairs Records, Box 24, BHL; Frank Yates to Georgia Williams, March 14, 1972, Robert Nederlander Papers, Box 1, BHL.

⁴⁶ Jesse F. Goodwin to Robben Fleming, March 15, 1972, Robert Nederlander Papers, Box 1, BHL.

“Just when white Americans thought they must at last give in and open the door to opportunity and equality,” Wilkins lamented, “a small school of vociferous young Negroes, including, of all people, some Negro college students, are chanting, ‘We want to be alone.’”⁴⁷

Finally, the University’s legal counsel, R.K. Daane, raised concerns about the possible legal problems the units presented to administrators. Like the NAACP, Daane believed that the living units were really just for black students, and *de facto* segregation would emerge despite the “color-blind” language of the proposal. He warned that if the units became *de facto* segregated, then the University would face “an entire galaxy of legal problems ranging from equal protection and freedom of association to the more arcane questions arising under the 1964 and 1968 Federal Civil Rights Acts and the Fair Housing Act.” Daane feared that using race as a factor in the admission process offered the only way to ensure that the units would be multi-racial; otherwise, the units had the potential to become entirely black.⁴⁸ But Daane warned the Regents that using race as a factor in selection, even to create a multi-racial unit, would invite potential lawsuits.⁴⁹

The critiques raised questions about the definition of segregation and integration, and about legitimate methods administrators could use to preserve integration. These questions did not stop Fleming from supporting the black students’ proposal. Fleming struggled with the issue for three months, reading the opinions of various civil rights

⁴⁷ Gilbert Jonas, *Freedom’s Sword: The NAACP and the Struggle Against Racism in America, 1909-1969* (New York: Routledge, 2005), 331.

⁴⁸ R.K. Daane to Robben Fleming, March 17, 1972, Robert Nederlander, Box 1, BHL.

⁴⁹ Linda Dreeben, “Regents to Consider Afro Housing Units,” March 29, 1972, Robert Nederlander Papers, Box 1, BHL.

groups and the University's legal counsel. As the Board of Regents were set to vote on the proposal, Fleming testified in support of the living units. He pointed out that many of the housing units on campus were overwhelmingly white, but none of the critics of the proposal questioned whether they were segregated. "Is 95 per cent white segregated?" Fleming asked. "Or is it 90 per cent or 70 per cent? We don't really know. When our dorms are 95 per cent white....we haven't called it that." Fleming argued that critics of the proposal were applying a different standard of integration to black students, because most white students were able to live together on campus without any questions from the NAACP or the University's legal counsel.⁵⁰

When the Board of Regents finally ruled on the proposal, only Regent James Waters fully supported the proposal—at least at the beginning of the Regents meeting. Elected the year before at the age of 30, Waters was the youngest member of the Board of Regents since 1868, and the only African American on the Board. Waters had just earned his bachelor's degree from Western Michigan University in 1967, and had graduated from the University of Michigan Law School in 1970, where he was chairman of the Black Law School Student Alliance.⁵¹ Leading up to the meeting, Waters was optimistic that the Board would approve the proposal as long as long as the "units will be multi-racial."⁵² At the beginning of the session, he expressed his support, but then eventually voted with the rest of the Regents to deny the proposal. After the session,

⁵⁰ Tony Schwartz, "Regents Reject Afro Unit, New Committee Probe," March 30, 1972, Robert Nederlander, Box 1.

⁵¹ "Newly Elected Regents," *Michigan Today*, 3, no.1 (Winter 1970).

⁵² Tony Schwartz, "Regents Reject Afro Unit, New Committee Probe," March 30, 1972, Robert Nederlander, Box 1.

Waters explained his reversal, stating “While I originally supported the proposal, I had serious reservations about the units becoming completely segregated.”⁵³ Two other Regents, Paul Brown and Gertrude Huebner, stated that they would support the proposal with “minor changes,” but they did not state what those changes might look like.

Other Board members were sympathetic to the proposal but refused to support the proposal on legal grounds. Although the housing office had already completed the application process for the living units and could show Board members that 103 students—73 African-American and 30 white—were accepted, several Board members argued that the housing office could not guarantee that the living units would not become *de facto* segregated in the future.⁵⁴ Regent Gerald Dunn made it clear that he “didn’t want us as a public body to go on record in support of segregation of any kind.”⁵⁵ Regent Lawrence Lindemer went further in calling the proposal “among the most counter-productive moves suggested on the University campus in a long time.”⁵⁶ The Regents then unanimously supported a resolution that Regent Paul Brown introduced, which recognized that “there are serious academic, counseling, and living problems for minority

⁵³ John E. Peterson, “U-M Rules Out Special Living Units for Blacks,” *Detroit News* March 30, 1972, Robert Nederlander Papers, Box 1, BHL.

⁵⁴ Linda Dreeben, “Regents to Consider Afro Housing Units,” March 29, 1972, Robert Nederlander Papers, Box 1, BHL.

⁵⁵ Tony Schwartz, “Regents Reject Afro Unit, New Committee Probe,” March 30, 1972, Robert Nederlander, Box 1, BHL.

⁵⁶ Roy Reynolds, “‘Afro’ Housing Vetoed,” *The Ann Arbor News* March 30, 1972, Robert Nederlander Papers, Box 1, BHL.

students on campus” but the “Regents do not approve the proposal for Afro-American and African Cultural Living Units.”⁵⁷

In the end, black students and the administration agreed on a compromise: an African American Cultural Lounge in South Quad. The Regents approved the idea in the fall semester. Stocked with books about African-American history and African-themed murals on the walls painted by CAAS instructor and professional artist Jon Onye Lockard, the lounge became an important space on campus for African-American students to socialize and hold meetings.⁵⁸

But the students left a more enduring mark on the University. The ideal of cultural diversity that black students promoted—where students learned to respect and embrace cultural differences—became a central part of housing administrators’ plan to improve race relations at Michigan. After the Board of Regents voted against the cultural living units, housing administrators implemented Project Awareness, a sensitivity training program developed for “students and staff to gain a knowledge of dealing with different races and cultures” and the “problems... arising because of differences.”⁵⁹ Not surprisingly, Georgia Williams, who helped black students craft the proposal for the living units, played an important role in implementing the program.

Project Awareness represented a variety of programs meant to introduce students to different cultures and to teach students how to live in racially integrated spaces. For

⁵⁷ “Special March Meeting, 1972,” Proceedings of the Board of Regents (1969-1972), p. 1437.

⁵⁸ Janet Cooper to Robben Fleming, September 13, 1972, Robert Nederlander Papers, Box 1, BHL; Lee Gill, Phone Interview by author, January 19, 2011.

⁵⁹ Melvia Miller, “Proposal for the Establishment of ‘Project Awareness.’” June 22, 1972, Vice President of Student Affairs, Box 24, BHL.

example, students in Mosher-Jordan Hall, one of Michigan's dormitories, watched *Black History: Lost, Stolen or Strayed* narrated by Bill Cosby. The film explained the importance of racial identity to African Americans and showed the lengths that African Americans went through to assimilate into the white world. One scene juxtaposed an African-American male going through the painful practice of getting his hair processed with an African-American man getting his Afro trimmed. Bill Cosby closed the film by justifying African Americans' rejection of the assimilationist ideal. "It's 300 years we've been in this American melting pot," Cosby reminded viewers, "and we haven't been able to melt in yet. And that's a long wait." African Americans had been "trying to play it straight and white. But it's just been bit parts. From now on we're going to play it black and American, cause we're proud of both."⁶⁰ Students in Couzen Hall attended the talk "Black Language—Fact or Fiction," in addition to participating in an interracial dance and events organized around African-American art, food and beauty.⁶¹

By 1974, Vice President of Student Affairs Henry Johnson, who oversaw the housing office, endorsed this vision of cultural diversity. "A diverse black population within the predominantly white institution," Johnson contended, "can offer a mutual learning experience—of great value to the black student community" and "of great value to the white community as well. The interchange of experience can benefit us all."⁶²

⁶⁰ *Black History—Lost, Stolen or Strayed?* Columbia Broadcasting Company, 1968.

⁶¹ G.F. Burkhouse to Leonard Spillane, October 12, 1972, University of Michigan Housing Division Records, Box 7, BHL.

⁶² Henry Johnson, "Black Students at White Institutions: Coping with Conflicts," March 26, 1974, Assistant to the President Records, Box 38, BHL.

CONCLUSION

At the University of Michigan the ideal of cultural diversity emerged out of a battle over racially segregated university housing. While African American students' efforts to create black housing units were shot down by the board of regents, housing officials still turned to the ideal of cultural diversity to address black students' feelings of alienation and to improve race relations. Housing officials created sensitivity training sessions and social events meant to teach students to respect cultural differences—programs that University of Michigan officials still use today.

In the late 1980s, administrators would eventually build on the idea of cultural diversity to provide a new rationale for affirmative action, arguing that diversity improved academic excellence and prepared citizens to live in a multiracial democracy. To show how a diverse student body prepared students to live in a heterogeneous society, Michigan would spend millions of dollars each year on programs promoting cultural diversity. What began as a housing office initiative, eventually developed into a campus-wide effort to teach students the value of cultural differences.

CHAPTER 4

WHO SHOULD THE UNIVERSITY SERVE?: RACE, CLASS AND ACCESS

In 1975, administrators at the University of Michigan took a major turn in their efforts to balance the goals of equity and institutional quality. Five years prior, as a result of the Black Action Movement (BAM) strike, President Fleming agreed to raise African-American enrollment to ten percent of the student body by the 1973-74 academic year. Most of these students would come to the University through the Opportunity Program—a special admissions program set up primarily for low-income black students in Michigan’s cities. But in 1975, African-American enrollment stood at just over 7 percent, and the attrition rates of black Opportunity Program students remained two to three times as high as those of the rest of the student body. Black students accused the administration of not being serious about meeting the BAM concessions of 1970. Faculty members expressed a different set of concerns as the average SAT scores of incoming black and white students began to decline. Faculty members feared that declining SAT scores put Michigan’s future as an elite University into question, and they wanted the admissions office to raise admissions standards. Admissions officers faced a set of difficult questions: how would they raise both overall admissions standards and African-American enrollment when they were already having trouble meeting the 10 percent goal? Could they continue an aggressive recruiting and admissions project that focused on low-income black students in Detroit, Grand Rapids and Flint if they raised admissions criteria? The future of affirmative action and African-Americans’ access to the University was at stake.

In the ensuing decade, black students' share of the student body at Michigan dropped from 7.2 to 4.9 percent.¹ By 1984, almost all of the enrollment gains black students won after the 1970 BAM strike disappeared. The more long-lasting development, however, was that the socio-economic background of black students at Michigan changed. Beginning in 1963, Michigan administrators demonstrated a commitment to recruiting and admitting low-income black students from Michigan's cities. In contrast, by 1979, most black students at Michigan came from middle-class families, many from out-of-state suburban areas. The number of black students at Michigan would fluctuate dramatically over the next three decades, but their socio-economic background would not. Never again would the majority of black students at Michigan come from low-income families.

In this chapter I argue that beginning in the mid-1970s, administrators and faculty members redefined both who the University should serve and the University's social responsibility to provide opportunities for social mobility for low-income black students in Michigan cities. In short, administrators and faculty members rethought the intimate relationship between racial and socio-economic inequality in their conceptions of racial justice. In practice, this shift meant that administrators and faculty members primarily used the University's financial resources, and race-conscious admissions and recruiting practices to bring middle-class black students to Michigan. The representation of black students at the University, regardless of social class, became administrators' marker to evaluate Michigan's efforts in facilitating racial justice.

¹ Niara Sudarkasa, "U-M Steps Up Minority Recruitment," September 1984, Vice Provost for Multicultural Affairs Records, Box 14, BHL.

Many scholars have written about the declining African-American enrollment in higher education in the late 1970s and early 1980s. These scholars highlight the fact that 1975 represented the first and last time in American history that black and white high school graduates attended college at the same rate. In the decade that followed, the number of African Americans attending post-secondary institutions declined rapidly. But by focusing solely on race, most scholars have missed a more complicated story about the changing socio-economic composition of black students in higher education. This chapter makes social class central to the story of African Americans' declining access to higher education.²

SOCIAL RESPONSIBILITY AND THE OPPORTUNITY AWARD PROGRAM

Throughout the 1960s and early 1970s, Michigan administrators thought they had a social responsibility to use the University to help address the lack of opportunities for social mobility for low-income black youth in the state's cities, especially Detroit. During this period, the threat of urban rebellions shaped Michigan administrators' policies and efforts to recruit African-American students. Michigan administrators viewed Detroit as a volcano waiting to erupt. Stories and images of African Americans breaking storefront windows and attacking police cars in cities across the country pervaded the national media. Michigan administrators shared the assumption that the lack of avenues available to African Americans to escape urban poverty contributed to

² Some examples include: Robert M. Hauser, "The Decline in College Entry Among African Americans: Findings in Search of Explanations," in *Politics, Prejudice and the American Dilemma* edited by Paul M. Sniderman, Philip E. Tetlock and Edward G. Carmines (Stanford: Stanford University Press, 1993): 271-306; Melvin L. Oliver and Thomas M. Shapiro, *Black Wealth/White Wealth: A New Perspective on Racial Inequality* (New York: Routledge, 1997), 24.

the urban rebellions of the 1960s, and they were confident that the University of Michigan could serve as a safety valve by offering admission to young African Americans from families living at or below the poverty line. Recall that President Harlan Hatcher introduced the Opportunity Award Program in 1963 after a meeting with President John F. Kennedy, who was looking for educational institutions to provide opportunities for young African Americans because he feared the growing unrest in America's cities. Four years later, the Detroit Rebellion provided a reminder of what was at stake in addressing racial inequity in Michigan's cities.

Many universities and corporations across the country shared this same sense of social responsibility. Michigan's Opportunity Award Program was one of the first to focus on "disadvantaged" students, but by the late 1960s, universities across the country adopted similar programs, focusing on low-income minorities from America's cities. The practice was so widespread that Thomas Sowell, an economist at the University of California, Los Angeles, criticized universities for "skipping over competent blacks to admit 'ghetto' types."³ Corporations also tried to address racial and socio-economic inequality by participating in training programs for the "hard-core unemployed"—a euphemism for unemployed minorities in urban areas. Detroit-based companies represented some the most ardent participants in these programs, especially after the Detroit Rebellion of 1967. In 1968, General Motors hired 21,706 "disadvantaged"

³ Thomas Sowell, "Colleges Are Skipping Over Competent Blacks to Admit 'Authentic' Ghetto Types," *New York Times Magazine* December 13, 1970, p. 34.

workers. In 1969, the Chrysler Corporation agreed to train 4,450 “hard-core unemployed” individuals.⁴

These programs depended on the financial support of the federal government. After President Lyndon Johnson announced his vision of the Great Society on the University of Michigan’s campus in 1964, he waged a War on Poverty that funneled billions of dollars to institutions, city governments and urban community groups across the country. Like Michigan administrators, Johnson was optimistic that large institutions could play an effective role in eradicating urban poverty—so optimistic that he announced on Michigan’s campus that the end of poverty was not one-hundred or two-hundred years away, but Americans would see the end of poverty “in our time.”⁵

Political and institutional leaders thought there was much at stake in these projects. In the Sixties, Johnson, like Michigan administrators and General Motors executives, still tied the future of America to the nation’s cities. The process of deindustrialization and white flight that wreaked havoc on the job opportunities and tax bases in northeastern and midwestern cities, such as Detroit, had already begun, but the future of those cities were still in question. As Thomas Sugrue has pointed out, manufacturing employment dropped in Detroit from 338,400 in 1947 to 204,400 in 1958, and production employment dropped from 281,500 to 145,100 during the same period. But those numbers stabilized, and even increased slightly in the 1960s. In 1967, Detroit

⁴ For an excellent analysis of NAB and Johnson and Nixon’s efforts to address urban poverty through job programs, see Jennifer Delton’s *Racial Integration in Corporate America, 1940-1990*, 227-239.

⁵ Lyndon Johnson, “Remarks at the University of Michigan,” May 22, 1964, *Lyndon Baines Johnson Library and Museum* <http://www.lbjlib.utexas.edu/johnson/archives.hom/speeches.hom/640522.asp>.

still offered 209,700 manufacturing jobs and 149,600 production jobs, not counting jobs in other employment sectors.⁶ In 1969, 891,000 whites still lived in Detroit, a city of just over 1.5 million.⁷ The United States was not yet a suburban-majority nation, and cities still held the vast majority of the country's jobs and population.

A DREAM DEFERRED

If the Sixties was an age of optimism, the Seventies was an age of harsh realities. By the early 1970s, University of Michigan administrators thought they had figured out how to use University admissions to address the lack of opportunities for social mobility for low-income black students in the state's cities, while still preserving the University's reputation as one of the nation's elite public universities. As covered in Chapter One and Two, University administrators set up the Opportunity Program to create opportunities for low-income black students who were not competitive in the traditional admissions process. After the BAM strike of 1970, administrators were confident that they could almost triple the number of African-American students on campus to 10 percent of the student body, primarily through the Opportunity Program. Finally, administrators shared a sense of optimism that with the help of support services, like those provided by Coalition for the Use of Learning Skills, these students could eventually graduate from the University.

⁶ Thomas Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 1996), 144.

⁷ Heather Ann Thompson, *Whose Detroit?: Politics, Labor, and Race in a Modern American City* (Ithaca: Cornell University Press, 2001), 206; total population taken from 1970 in Sugrue, *Origins of the Urban Crisis*, 22.

By the mid-1970s, that optimism was gone. African-American enrollment stood at 7.3 percent of the student body in the fall of 1973, almost three full percentage points short of the BAM goal. The problem became more acute when faculty members began putting pressure on admissions staff to raise the “quality” of the student body. The average SAT scores and the percentage of students who graduated in the top 10 percent of their high school graduating class, for both black and white students, were declining at Michigan. Furthermore, attrition rates among OAP students remained two to four times as high as non-OAP students. By 1974, administrators expressed little confidence that the number of black students would dramatically increase the next year. If the admissions office raised admissions requirements for the OAP, numbers would almost certainly decline.⁸

Black students saw the administrations’ commitment to the BAM concessions dwindling. In November 1975, black students organized BAM II to pressure the administration to renew their commitment to increasing black enrollment to ten percent of the student body. Before another long strike began on campus, President Fleming quickly announced that the University would make a new commitment to the original BAM concessions.⁹

Students might have pressed harder if they knew about the policy changes brewing in the offices of the Opportunity Program and Admissions. In the same month

⁸ Cliff Sjogren, “Report to the LSA Faculty Meeting,” January 7, 1974, College of Literature, Science and the Arts Records, Box 227, BHL.

⁹Howard H. Peckham, *The Making of the University of Michigan, 1817-1992* (Ann Arbor: Bentley Historical Library, 1994), 309

that BAM II activists forced Fleming to announce a renewed commitment to the original BAM goals, staff members in those offices began initiating a series of policies that would forever change African Americans' access to the University. Two individuals, Cliff Sjogren, director of admissions, and George Goodman, director of the Opportunity Program, relatively new to their positions, initiated these policy shifts. Sjogren and Goodman were not apathetic to goals of racial equity. They had never marched in a civil rights protest, but the two administrators were deeply committed to affirmative action. Cliff Sjogren became director of admissions in 1972, taking over for Clyde Vroman. He had been a member of the admissions staff since 1964, and assistant director since 1970. As assistant director of admissions during the BAM strike, he helped the office expand African-American enrollment through an aggressive recruitment and admissions program after the BAM strike. Once he became director, he also filled every job opening in the admissions office with minority candidates in the 1970s, because he thought that was a necessary step to increase minority enrollment. George Goodman took control of the Opportunity Program in 1973, after serving as an admissions counselor since 1968. As an admissions counselor, he was responsible for Opportunity Award Program recruiting and admissions. In his recruiting role, he travelled to every school in the state that enrolled a significant number of African-American students in order to encourage black students to apply to Michigan. In his role in selecting candidates for admission, he often called high school counselors when he was unsure whether a student could compete at Michigan, rather than judging their applications on SAT scores, grade point averages and high school coursework alone.¹⁰

¹⁰ George Goodman, phone interview by author, February 15, 2011; Cliff Sjogren, interview by author,

In the mid-1970s, the future of affirmative action at Michigan was in Sjogren and Goodman's hands. Two men with no connection to the civil rights movement found themselves trying to figure out how to react to persistently high attrition rates among Opportunity Program students and pressure from both black students and faculty members. Goodman was the first to react to this situation. He did not think the Opportunity Program could accommodate more students. In fact, in light of the high attrition rates, he wanted to constrict the size of the program. Goodman summarized the situation bluntly: although some Opportunity Program students enrolled in the Honors Program and graduated with distinction, "the average grades earned at the University during the freshmen year are generally below the University average" and "an alarming number are below 2.0 [grade point average]." Goodman concluded that the "number of students in the program has reached a number that make it physically impossible for the existing staff to effectively handle," thus "a new approach is needed."¹¹

Goodman also thought the current program violated former Michigan President Harlan Hatcher's original intentions for the program. Hatcher introduced the program as an organized effort to recruit low-income black students who would not normally be competitive in the University's traditional admission practices, but, with the help of academic services, could graduate from Michigan. But in the decade since the program's inception, OAP became an umbrella program, providing full scholarships for all low-income black students, regardless of whether they needed tutoring or counseling services. Goodman saw the future of the Opportunity Program—a program he had devoted his

August 15, 2010.

¹¹ George Goodman, "Proposed New Directions for the Opportunity Program," November 1975, Vice President of Academic Affairs, Staff Files, Box 60, BHL.

professional life to since 1968—crumbling as high attrition rates persisted into the mid 1970s. Goodman's wanted to constrict the size of the program to focus academic support resources on the students that needed them most, and to shed the program of students who simply enrolled in the program to get a full scholarship. So, George Goodman, director of the Opportunity Program, with the help and support of Cliff Sjogren, director of admissions, changed the criteria of the program. The new criteria limited admission to the program only to those students who scored below 1000 on the SAT and earned less than a 3.0 high school grade point average. All students would then have to enter into a contractual relationship with the Opportunity Program, which required students to use the tutoring and counseling services of the program. Sjogren and Goodman made another crucial change to the wording of the program that impacted low-income black students' access to the University. The two staff members opened the Opportunity Program to all students who scored below 1000 on the SAT and earned lower than a 3.0 grade point average in high school, regardless of their socio-economic background.¹²

Sjogren and Goodman might not have anticipated that the new policy would cause such a dramatic shift in the socio-economic composition of Michigan's black students in the coming decade, but they did understand that the policy change would affect the financial aid available to low-income black students. Before the two administrators made any decisions, they commissioned studies of the new policy's potential impact. These studies revealed that the new criteria would force those low-income black students who scored too high on the SAT or graduated too high in their high school class to pay as

¹² "Proposed New Directions for the Opportunity Program," November 1975, Provost and Executive Vice President of Academic Affairs, Staff Files, Box 60, BHL.

much as \$1550 through loans and work study.¹³ These were low-income students who would have previously benefited from full scholarships through the Opportunity Program. One staff member, Pat Wilson, raised the key question: “Will we lose bright, but poor minority students (who will not be coded as Opportunity Program applicants) because they will receive less grant funds from the University?” Wilson answered her own question. “The concerns about Financial Aid are great,” Wilson wrote, but the “new procedure cannot be avoided, nor can we revert to the old procedure, at this point in time.”¹⁴

The policy shift made an immediate impact on the program. In 1971, 70 percent of the University’s black students enrolled in the Opportunity Program.¹⁵ By 1977, the ratio of black Opportunity to non-Opportunity Program students was 63 to 38. By 1978, the ratio was 53 to 47.¹⁶ By 1982, more minority students from families making less than \$6,000 (equivalent to the buying power of \$13,557.89 in 2010¹⁷) were enrolled outside the Opportunity Program than within it, forcing them to find other ways of financing their education. In their place, middle and upper class minority students took advantage of the financial aid benefits of the program. In 1982, five students from

¹³ Pat Wilson, “Changes in Admissions Guidelines for Opportunity Program Applicants,” September 22, 1975, Provost and Executive Vice President of Academic Affairs, Staff Files, Box 60, BHL.

¹⁴ Pat Wilson, “Changes in Admissions Guidelines for Opportunity Program Applicants,” September 22, 1975, Provost and Executive Vice President of Academic Affairs, Staff Files, Box 60, BHL.

¹⁵ Carla Rapoport, “Black Enrollment Swells,” *Michigan Daily*, p.1.

¹⁶ “Entry Characteristics of New Freshmen, Fall 1976-1978,” Vice President for Academic Affairs, Staff Files, Box 63, BHL.

¹⁷ I used the United States Department of Labor Bureau of Labor Statics inflation calculator to determine inflation < http://www.bls.gov/data/inflation_calculator.htm>.

families making over \$52,000 (\$117, 501.68 in 2010 dollars); four students from families making between \$46,000 and 51,9999 (\$103,943.79 and \$117, 499.42); eleven students from families making from \$40,000 to 45,999 (\$90,385.91 to \$103, 941.53); nine from families making \$36,000 to 39,000 (\$81,347.32 to \$88,126.26); and twenty-four students from families making \$30,000 to \$35,999 (54,231.54 to \$81,345.06) took advantage of the financial benefits of the Opportunity Program.¹⁸

The policy changes shifted the financial burden of paying for low-income students' education from the University to the federal government at a time when federal grant funding was also declining. Since its inception in 1972, the Pell grant program had been the most important piece of federal funding for low-income students. But between 1975 and 1990, the purchasing power of the maximum Pell Grant award declined dramatically. The maximum award only increased from \$1400 in 1975-76 to \$1,750 in 1980-81, and \$2300 in 1993-94. When converted to constant 1997-98 dollars, the maximum award actually decreased by over \$800 between 1975-76 and 1980-81, and it decreased by another \$485 over the next decade. Other federal grants did not fill in the gap. The total federal grant dollars for student aid decreased from \$19.3 billion in 1975 to \$12.6 billion in 1980. Instead, federally-backed student loans filled in the gap to help students pay for college.¹⁹

¹⁸ Office of Financial Aid, "Report on Minority Student Recruitment and Retention," January 1982, Provost and Executive Vice President of Academic Affairs, Staff Files, Box 108, BHL.

¹⁹ Edward P. St. John and Eric H. Asker, *Refinancing the College Dream: Access, Equal Opportunity, and Justice for Taxpayers* (Baltimore: Johns Hopkins University Press, 2003), 18-22, 80.

At first glance, the economic realities of the mid-1970s appear to offer a partial explanation for Goodman's decision to constrict the size of the program. The Opportunity Program was expensive. In 1966-67, administrators used \$71,475 of Michigan's General Fund to manage the program and provide financial assistance to OAP students. By 1973-74, the cost of the program increased to \$2,787,983. During that academic year, OAP students accounted for 20 percent of student aid that Michigan officials distributed through its general funds, even though OP students accounted for only about 5 percent of the student body. As the cost of the program skyrocketed, the University faced an unprecedented budget crisis. Beginning in the mid-1960s, state funding to the University decreased every year, and the economic recession of the mid-1970s created a state funding crisis at Michigan. The Middle East Oil Embargo, which began in 1973, hit the state's automobile industry especially hard. The price of gasoline tripled between 1973 and 1974, and Michigan's unemployment rate reached 12.5 percent. By 1975, the state faced a budget deficit of \$180 million, which was especially problematic in a state with a constitution that required legislators to balance the annual budget.²⁰ The state's budget crisis put great financial strain on the University of Michigan. To put the University's financial relationship with the state into perspective, between 1966-67 and 1976-77, the state of Michigan ranked 49th among states in terms of increasing state support for higher education. Between 1974-75 and 1976-77, flagship universities in only four other states (Maine, Vermont, Florida and New Jersey) saw smaller percentage increases in state funding than the University of Michigan. To make matters worse for the University of

²⁰ Dave Dempsey, *William G. Milliken: Michigan's Passionate Moderate* (Ann Arbor: University of Michigan Press, 2006), 206.

Michigan, between 1965-66 and 1975-76, the University's share of total state appropriations for higher education also decreased from 18.4% to 14%. During that period, the state of Michigan redistributed higher education appropriations to community colleges, as community colleges' share of higher education funding distributed by the state increased from 19.2% to 32.2%.²¹

Despite these harsh economic realities, Goodman argued that the University never put pressure on him to reduce the size of the Opportunity Program because it was too expensive. He always felt that Michigan's executive administrators were committed to meeting BAM's goals of ten percent African-American enrollment, no matter how much it would cost the University. He made the decision to change the criteria of the program to help students who needed academic support the most—those students who he felt were most in danger of failing out of the University. But he also admitted that he did not think about what would happen to the low-income students who would no longer have access to the program. In response to the question “Do you think those students left out of the program would have a harder time getting in and paying for Michigan's tuition,” he responded “probably.”²²

Goodman left the fate of future low-income students who did not meet the new criteria of OAP in the hands of Cliff Sjogren. At the same time that changing OAP criteria threw many low-income urban black students into the traditional admissions process, Sjogren changed the admissions office's recruitment and admissions practices.

²¹ Robben Fleming to William Milliken, October 29, 1976, President Records, Box 97, BHL; University of Michigan, Ann Arbor, Budget vs. Expense Report, 1975-76, P.5, Box 97, BHL.

²² George Goodman, phone interview by author, February 15, 2011.

For the first time, Sjogren put questions of race on admissions applications. Prior to 1976, admissions applications were “color blind.” Only applicants to the Opportunity Award Program revealed their racial background. But when Sjogren put questions of race onto applications, he created special criteria for admissions officers to use when judging all minority applicants.²³ Under the new admissions guidelines, minority applicants with a 2.7 grade point average and an SAT score of 750 were guaranteed admission to the University.²⁴ Putting questions of race on admissions applications allowed Sjogren to take race into account in the admissions process at a time when Goodman was reducing the number of students in OAP. But that did not mean that Sjogren would continue OAP’s previous mission of recruiting and admitting low-income black students.

Sjogren had to contend with pressure from faculty members to raise admission standards as average SAT scores of both black and white incoming freshmen were declining.²⁵ Between 1969 and 1973, the number of LS&A applicants, the University’s largest college, declined from 5,418 to 4,648, and non-resident applicants fell from 4,051 to 2,718. To make matters even more difficult for admissions officers, the average SAT

²³ Cliff Sjogren, phone interview by author, August 15, 2010. Sjogren said he meant this as a general guideline, leaving room for admissions officers to take into account students’ high school coursework, recommendations and other important factors.

²⁴ Lance Erickson to Counselors, Supervisors, and Secretaries, September 6, 1979, Provost and Executive Vice President of Academic Affairs, Staff Files, Box 60, BHL.

²⁵ Cliff Sjogren, “Report to the LSA Faculty Meeting,” January 7, 1974, College of Literature, Science and the Arts, Box 227, BHL.

score of applicants declined. So, the pool of college students and the quality, at least as defined by admissions officers, declined simultaneously.²⁶

The important question was how the faculty's concern about the declining quality of the student body would affect the University's commitment to racial equity. Most faculty members remained committed to the ten percent goal, but in Sjogren's words, faculty members sent him the message "give us more minorities and smarter minorities." Sjogren did not need much of a push to raise admissions standards for African-American students. He thought the admissions office had taken "too many chances at first on minority students in making a valiant effort in getting to the ten percent goal." Sjogren needed to find a better method to balance the goals of racial equity and institutional quality.²⁷

Under pressure from faculty to sustain enrollment numbers and increase the "quality" of the student body, Sjogren decided that increasing out-of-state enrollment represented his only alternative. This decision had repercussions for African Americans in Detroit, Flint and Grand Rapids. Rather than picking up the slack for the Opportunity Award Program, Sjogren put more of his office's resources in recruiting students from outside of the state. Sjogren focused his efforts on recruiting what he saw as the "most talented" African Americans, regardless of their socio-economic background or whether they grew up in Detroit. Furthermore, Sjogren began putting more emphasis on the "quality" of students' high schools in determining which minority students to admit.

²⁶ Cliff Sjogren, "Report to the LSA Faculty Meeting," January 7, 1974, College of Literature, Science and the Arts, Box 227, BHL.

²⁷ Cliff Sjogren, phone interview by author, August 15, 2010.

Students who did not have access to college preparatory courses, or attended high schools with a history of sending students to Michigan only later to drop out, had little chance of attending Michigan. By 1975, only Cass Technical High School garnered a reputation among Michigan admissions officers of preparing students to compete at the University.²⁸ African-American students from Detroit who did not get into Cass faced an uphill battle if they wanted to go the University of Michigan.

Sjogren's efforts to increase out-of-state enrollment to improve the quality of the student body were unprecedented at the University of Michigan. Between 1975 and 1985, the percentage of out-of-state students at Michigan nearly doubled, from twenty percent to thirty-nine percent.²⁹ Sjogren's efforts to recruit more out-of-state students black and white did not initially invite resistance from other administrators, in part, because the University no longer looked like a state institution; private donations accounted for almost its entire budget. Effectively, the state's budget crisis, covered above, changed the relationship between the University of Michigan and the state. The University of Michigan could no longer rely on the state government to provide a significant portion of the University's budget. To fill the gap, Michigan administrators began unprecedented private fundraising campaigns that relied on an alumni network that stretched across the United States and the world. The University also restructured its

²⁸ Cliff Sjogren, phone interview by author, August 15, 2010.

²⁹ "Report of the Task Force on Undergraduate Admissions," July 21, 1986, President Records, Box 207, BHL.

administrative structure to guide this shift, creating the Vice President for University Relations and Development to lead private fundraising campaigns.³⁰

Without resistance from the administration, Sjogren searched for a new set of tools to identify potential out-of-state students. To recruit out-of-state minority students, Sjogren enlisted the help of the College Board Search Program, which provided the names of minority students who met the minimum admissions requirements of the University. He also utilized the National Scholarship Services and Fund for Negro Students (NSSFNS), also connected universities with students who attained certain grade point averages and SAT scores.³¹ The irony here was that these services were set up to push forward the goal of racial equity, connecting African-American students to institutions of higher education, at a time when many universities did not know how to recruit black students. However, Sjogren used the services to shift the University's goals of recruiting low-income black students to what administrators and faculty members would later call "high quality" black students, most of whom belonged to middle-class, suburban families.

These services linked Sjogren to a growing black middle-class that increasingly escaped America's cities in the Sixties and Seventies. In the early 1960s, when the University first implemented affirmative action admissions, only 2.5 million African Americans lived in suburban areas. By 1980, the number had leaped to 6.1 million. Like

³⁰ Howard H. Peckham, *The Making of the University of Michigan, 1817-1992* edited and updated by Margaret L. Steneck and Nicholas H. Steneck (Ann Arbor: Bentley Historical Library, 1994), 305.

³¹ David Robinson to Roger Holmes, October 11, 1982, Provost and Executive Vice President of Academic Affairs, Staff Files, Box 108, BHL.

their white counterparts, middle-class African Americans used the resources their social position afforded them to seek out better schools and social mobility opportunities for their children. Some moved to predominantly-white suburbs, but a larger number pioneered the development of black middle-class suburbs. Theodore Wheeler represented one of these pioneers. He moved his family out of Chicago, and eventually to the black Chicago suburb of Maywood. “We were looking for the better schools,” Wheeler later said.” “In Chicago we were looking at the ACT scores and they were dismal,” but in Maywood, “the school was outstanding.” Sjogren was searching for children of families like the Wheeler’s—families that had used their social status to escape what he saw as deteriorating urban school districts.³²

Sjogren’s new effort to recruit out-of-state students and his decision to raise admissions standards for minority students made an immediate impact on African-American enrollment. Between 1978 and 1979, the number of freshman African-American applicants offered admissions declined 27.6 percent. Sjogren also found that finding “high quality” black students across the country was easier than getting them to enroll. During the same period, the number of African-American applicants that eventually enrolled declined 37.2 percent.³³ By the late 1970s, African-American enrollment was at its lowest level since the late 1960s. The policies also impacted black students’ socio-economic background. In 1979, the average family income of African-American students at Michigan was \$20,000 (\$60,070.52 in constant 2010 dollars). To

³² Andrew Wiese, *Places of Their Own: African American Suburbanization in the Twentieth Century* (Chicago: University of Chicago Press, 2004), 5, 255, 232-3.

³³ Office of Undergraduate Admissions Report, June 1, 1979, Vice President for Academic Affairs, Central Files, Box 99, BHL.

put that number into perspective, in 1979, the median income of African-American families nationwide was \$14,000. The median income of black students' families at Michigan almost matched the median income of white families nationwide, which was \$23,000. Calculating social class is always difficult because income is only one of many factors, including education, homeownership, and total assets.³⁴ The term middle-class is especially problematic, because it often hides disparities in wealth and income.³⁵ While this chapter highlights the fact that by the late 1970s and early 1980s the majority of African-American students at Michigan no longer came from low-income urban families, it is also important to point out that there were still disparities between white and black middle-class students coming from suburban America. The average family income of white students at Michigan, for example, was \$31,800.³⁶

BAKKE

Considering how much attention scholars have given *Regents of the University of California v. Bakke* (1978), and the diversity rationale attached to the case, it is remarkable how little influence the Court's decision had at the University of Michigan in the late 1970s and early 1980s. In the 1970s, the case represented one of the most anticipated cases concerning race and university admissions in American history. The

³⁴ Douglas S. Massey and Mitchell L. Eggers, "The Ecology of Inequality: Minorities and the Concentration of Poverty, 1970-1980," *American Journal of Sociology* 95 no. 5 (March 1990): 1159, 1161.

³⁵ For an excellent discussion of the disparities among middle-class black and white families nationwide, see Mary E. Pattillo, *Black Picket Fences: Privilege and Peril Among the Black Middle Class* (Chicago: University of Chicago Press, 1999).

³⁶ Office of Academic Affairs, "A Report to the Regents on Minority Recruitment, Enrollment, Retention, and Graduation at the University of Michigan, Fall 1980," March 1981, Vice President for Student Affairs Records, Box 17, BHL.

plaintiff, Allan Bakke, was a thirty-three year old white male who wanted to go to medical school. In 1973, he applied to eleven different medical schools, including the University of California at Davis. All eleven rejected his application.³⁷ Bakke was not willing to give up. He talked to an assistant dean at the University of California at Davis Medical School, who informed him that if he were part of the school's special admissions program for minorities, his grades and scores would have been high enough to gain admission. The administrator suggested that the program had "overtones of a quota," and he gave Bakke the names of two legal experts on affirmative action. Bakke hired a lawyer and brought a suit against the University of California, Davis Medical School.³⁸

As it turned out, the administrator's suspicions were correct. When Bakke applied in 1973, Davis's medical school had a special admissions program to increase minorities' access. The wording of the program appeared similar to Michigan's original Opportunity Award Program. According to Davis's application, "Applicants from economically and educationally disadvantaged backgrounds are evaluated by a special subcommittee of the admissions committee." But, in practice, Davis's program looked drastically different than the University of Michigan's original Opportunity Award Program. Davis set aside sixteen places out of one hundred for special admissions candidates, and never let in a white candidate through the program. In contrast, the

³⁷ Rebecca Stefoff, *The Bakke Case: Challenging Affirmative Action* (New York: Marshall Cavendish Benchmark, 2006), 7-16.

³⁸ Laura, Kalman, *Right Star Rising: A New Politics, 1974-1980* (New York: W.W. Norton, 2010), 185.

University of Michigan's Opportunity Award Program never implemented a quota system, and let in a small number of white students each year.³⁹

In 1976, when Sjogren first began implementing the policy changes to the Opportunity Award Program, the California Supreme Court, known at the time as one of the most liberal high courts in the country, ruled that Davis's program was unconstitutional. The issue in the case was whether race-conscious admissions programs meant to address a long history of discrimination and inequality provided a "compelling state interest" to justify their implementation. The California Supreme Court ruled that it did not. If the Supreme Court upheld the decision, it posed serious consequences for Sjogren's new admissions program. Especially problematic for Sjogren, the California Supreme Court did not just rule that racial quotas were unconstitutional, the justices banned admissions programs from taking race into account in the selection process altogether. Justice Stanley Mosk, who wrote the majority opinion, promoted a class-based program. In order for an affirmative action admissions program to meet Constitutional standards, Mosk wrote, "Disadvantaged applicants of all races must be eligible for sympathetic consideration."⁴⁰

The goals and practices of the original Opportunity Award Program, which admitted "disadvantaged" applicants of all racial groups, appeared to be a model example in Mosk's formulation. And Sjogren's new affirmative action admissions program that judged black and white applicants differently clearly conflicted with Mosk's ruling. But

³⁹ Rebecca Stefoff, *The Bakke Case: Challenging Affirmative Action*, 15.

⁴⁰ Kalman, *Right Star Rising*, 186.

Sjogren decided to push ahead with his admissions program and wait for the United States Supreme Court to rule on the case.

Administrators at other schools, who were also invested in the future of affirmative action, did not sit back and wait for the Supreme Court decision. After the California Supreme Court ruled that a long history of racial discrimination did not justify race-conscious admissions, a group of university presidents joined together to offer the Supreme Court a different rationale for affirmative action. Schools such as Harvard University and the University of Pennsylvania had already started justifying race-conscious admissions practices by emphasizing the value of a “diverse” student body. In 1967, at the University of Pennsylvania, members of the Committee on Undergraduate Admissions recommended that administrators embrace the value of a “diverse” student body because it facilitated the “mingling of cultures.” The committee went on to argue that “diversity of student background is a positive educational value and should be positively pursued, even at the expense of desirable attributes,” such as high SAT scores.⁴¹ At Harvard, administrators had used similar concepts to justify recruiting students from different regions of the country since the early twentieth century. In the late 1960s, Harvard’s justification for race-conscious admissions practices mirrored the diversity rationale put forth by the University of Pennsylvania. Presidents at Columbia University and Stanford University, joined Harvard University and University of Pennsylvania in submitting an amicus brief to the United States Supreme Court, which argued that a diverse student body was a compelling state interest because diversity was

⁴¹ Wayne Glasker, *Black Students in the Ivory Tower: African American Student Activism at the University of Pennsylvania, 1967-1990* (Amherst: University of Massachusetts Press, 2002), 23-24.

an essential part of students' learning experience, and diversity improved educational quality.⁴²

Thanks, in part, to that amicus brief, the Supreme Court provided a slightly more favorable ruling for Sjogren in 1978. In a five to four decision, Justice Louis Powell wrote the Court's majority opinion. Heavily citing the university presidents' brief, Powell ruled that universities could take race into account in the admissions process to create a "diverse" student body. Because, as Powell argued, "Physicians serve a heterogeneous population," Powell suggested, candidates with a "particular background—whether it be ethnic, geographical, culturally advantaged or disadvantaged—" might contribute "experiences, outlooks, and ideas that enrich the training of its student body and better equip its graduates to render with understanding their vital service to humanity." In the interest of creating a diverse student body, universities could use race as one of many different factors considered in admissions decisions. Powell used Harvard College's admissions policies as an example. "A farm boy from Idaho," Harvard admissions policy stated, "can bring something to Harvard College that a Bostonian cannot offer. Similarly, a black student can usually bring something that a white person cannot offer..."⁴³

But he placed limits on how universities could use race in selecting candidates. Powell concluded that post-secondary institutions could use race in admissions only if

⁴²Jerome Karabel, *The Chosen: The Hidden History of Admission and Exclusion at Harvard, Yale, and Princeton* (Boston: Houghton Mifflin, 2005), 489-500.

⁴³ *Regents of the University of California v. Bakke* (1978) 308-309, 314, 316.
http://www.law.cornell.edu/supct/html/historics/USSC_CR_0438_0265_ZO.html

race was one factor in a program that was “flexible enough to consider all pertinent elements of diversity in light of the particular qualifications of each applicant.” He pointed to Harvard’s admissions policies as a model of a “flexible” program, where after the “Committee on Admissions reviews the large middle group of applicants who are ‘admissible’” the “race of an applicant may tip the balance in” a candidate’s “favor just as geographic origin or a life spent on a farm may tip the balance in other candidates cases.” Powell concluded that “race or ethnic background may be deemed a ‘plus,’” but race could not “insulate the individual from comparison with all other candidates for the available seats.”⁴⁴

Even though Powell used Harvard’s admissions policies as an example, his ruling was vague and difficult to interpret. The ruling made clear that Michigan’s original Opportunity Program, which admitted “disadvantaged” students of all races was constitutional, but it was unclear whether Sjogren’s new admissions program complied with Powell’s ruling. Sjogren’s new admissions program did not include a quota, but it did judge all white and black candidates with different admissions standards from the beginning of the admissions process. Sjogren did not wait to use race as a way to ensure a “diverse” student body after the admissions committee judged applicants individually and created a pool of “qualified” applicants. Sjogren’s new affirmative action program put the University of Michigan into a legal gray area that hinged on how judges would determine which practices insulated applicants “from comparison with all other candidates for the available seats.” The fact that Sjogren pushed ahead with his

⁴⁴ Kalman, *Right Star Rising*, 199; *Regents of the University of California v. Bakke* (1978) 308-309, 314, 316. http://www.law.cornell.edu/supct/html/historics/USSC_CR_0438_0265_ZO.html

affirmative action program showed how important dismantling the original Opportunity Program was to the University. Sjogren, feeling pressure from faculty to improve the “quality” of the student body, wanted to shift the University’s focus away from low-income black students from Michigan’s cities to middle-class students from suburban areas with higher SAT scores and better high school preparation. And Sjogren was willing to put the University into a legal gray area to do it.⁴⁵

STUDENT PRESSURE

Until 1979, recruitment efforts to bring low-income minority students to campus died a silent death at Michigan. There were no public debates about the merits of focusing on middle-class black students. The shift might have gone unnoticed outside of the admissions office and administration if minority students did not realize that most African-American students were coming to the University from middle-class families from suburban areas in New York, Ohio, Illinois and Pennsylvania, not low-income families in Detroit, Flint and Grand Rapids.

The fact that Goodman and Sjogren could make the policy changes without public debate reflected the decentralized centers of power and the lack of transparency at large public research institutions. Since the inception of the Opportunity Award Program, executive administrators (the University president, provosts and vice presidents) provided little leadership and oversight in the area of minority admissions. Sjogren worked with admissions committees at the University’s seventeen different colleges to set admissions standards, but the admissions office retained more control over minority admissions

⁴⁵ *Refents of the University of California v. Bakke* (1978) 308-309, 314, 316.
http://www.law.cornell.edu/supct/html/historics/USSC_CR_0438_0265_ZO.html

criteria. Sjogren and Goodman also had no obligation to search out or entertain input from black students.

Four years after Goodman and Sjogren shifted their recruiting and admissions policies, black students pushed administrators to reaffirm their commitment to recruiting low-income students from Michigan's cities. In April, members of the Black Student Union sent the Board of Regents a memorandum in advance of their monthly meeting, asking for a task force to investigate several of issues including "recruitment activities...to attract a minority student body that is more representative of minority communities, especially that of inner-city Detroit."⁴⁶ In the same year, Pam Gordon, Vice President for Minority Affairs on the Michigan Student Assembly (Michigan's student government) raised similar concerns at a University Budget Committee meeting. "Any so-called affirmative action program," Gordon concluded, that does not include low-income students from urban areas, "where a brilliant mind has a greater chance of ending up in a penal or mental institution" than at a university "is a superficially and fundamentally useless affirmative action program." Recruiting "upper and middle class Black students from Detroit's Cass Tech," she continued, "without a comparable number of potentially capable students from lower rated high schools" is "an unacceptable policy of recruitment." She imagined the University of Michigan playing an important role in the "revitalization of important American cities like Detroit" because the more

⁴⁶ "Report of the Task Force on Minority Concerns," March 1981, p. 3-4, President Records, Box 106, BHL; April Meeting, 1979, Proceedings of the Board of Regents, 1978-1981, p. 285, BHL.

“disadvantaged minority students from poorer communities” will “be given the chance for more productive lives.”⁴⁷

Gordon’s speech sounded like administrators’ memorandums and press releases in the 1960s and early 1970s. But in 1979, her words looked foreign and outdated at Michigan. At least four years had passed since a key administrator in admissions or the Opportunity Program offices described their key task as addressing the lack of social mobility opportunities for “disadvantaged” youth in Michigan’s cities. In fact, the words “disadvantaged,” “ghetto,” “urban”—the euphemisms administrators used to describe low-income black students—had all but disappeared from public discussions and internal correspondence about minority students.

Black students challenged this shift as the fate of cities and the opportunities for the people who lived within in them looked bleak. Businesses and white residents abandoned cities at an unprecedented pace in the 1970s. In Detroit, for example, white flight in Detroit proceeded slowly in the 1950s and 1960s. By the 1970s, in historian Heather Thompson’s words, whites’ exodus turned into a “virtual stampede.” Between 1970 and 1990, African Americans went from a minority group in the city, making up 44.5 percent of Detroit’s population, to the city’s majority group, making up 78.4 percent of city’s population. Businesses also fled Detroit at an alarming rate. During the

⁴⁷ Pam Gordon, “University Budget Committee Speech,” 1979 Office of Financial Aid Records, Box 3, BHL; The document does not list a date, but the contextual information in the document suggests Gordon makes this speech in 1979.

economic recession of the mid-1970s, Detroit lost 56,400 jobs, and the unemployment rate for African Americans in Detroit reached 25 percent.⁴⁸

These changes were part of a national trend. In the 1970s, Philadelphia, for example, lost 150,000 jobs. By 1980, a full twenty-five percent of African-American men nationwide were disconnected from the formal labor market. Poverty rates, which fell during the 1960s, stagnated in the 1970s. The gap between white and black high school graduates who went to college, which diminished in the mid 1970s, opened again and began to expand rapidly by the end of the decade. Housing and school segregation became even more rigid, especially in the North. White flight, too, was not unique to Detroit. By 1980, more Americans lived outside of cities for the first time since the early twentieth century. A front page 1979 *Pittsburgh Courier* article entitled “The More Things Change, The More They Stay Same,” summed up the persistence of racial and socio-economic inequality more fifteen years after President Johnson signed the Civil Rights Act of 1964.⁴⁹

As the fate of African Americans living in Detroit and other American cities hung in balance, the shared sense of obligation to solve urban problems and the optimism that large institutions could effectively address urban poverty, which had previously pushed politicians and institutional leaders into action, diminished. At the federal level, President Jimmy Carter continued Richard Nixon’s domestic policy agenda and began dismantling many of Johnson’s Great Society programs, shifting the responsibility of

⁴⁸ Thompson, *Whose Detroit?*, 206-8.

⁴⁹ Sugrue, *Sweet Land of Liberty*, 518, 514, 515; Charles Cobb, “The More Things Change, The More They Stay Same,” *New Pittsburgh Courier* January 6, 1979, p.1.

addressing urban poverty from the federal government to states, cities and community groups.⁵⁰ In fact, Carter's Commission for a National Agenda for the Eighties—a commission Carter organized to provide a vision for his 1980 Presidential campaign—suggested that Americans should accept the “inevitable decline” of northeastern and midwestern cities.⁵¹ President Ronald Reagan went even further, cutting social programs by \$35 billion in 1982, and cutting \$7 billion in job training and other programs associated with Johnson's War on Poverty. He also helped to popularize the image of the “welfare queen”—a stereotype of supposedly lazy urban African-American mothers who took advantage of hard-working Americans by cheating expensive social programs. Reagan's campaign speeches often included a Chicago woman who “has 80 names, 30 addresses, 12 Social Security cards” making “tax-free cash income...over \$150,000.” While Reagan found reasons to cut social programs for low-income families, he increased funding to law enforcement agencies to fight the War on Drugs. Between 1981 and 1987, Reagan increased funding to the Drug Enforcement Agency from \$219 million to over \$773 million.⁵² Between 1981 and 1991, allocations to the Department of Defense for drug-law enforcement increased from \$33 million to over one billion

⁵⁰ Thomas Sugrue, “Carter's Urban Policy Crisis,” in *The Carter Presidency: Policy Choices in the Post-New Deal Era* edited by Gary M. Fink and Hugh Davis Graham (Lawrence: University Press of Kansas, 1998), 152.

⁵¹ Vincent J. Cannato, “Bright Lights, Doomed Cities: The Rise or Fall of New York City in the 1980s?” in *Living in the Eighties* edited by Gil Troy and Vincent J. Cannato (New York: Oxford University Press, 2009), 71.

⁵² United States Drug Enforcement Administration, “DEA Staffing and Appropriations, FY 1972-2005,” <http://webcache.googleusercontent.com/search?q=cache:vfrDNEQTvTEJ:www.justice.gov/dea/agency/stafing.htm+budget+and+anti+drug+enforcement+1984&cd=2&hl=en&ct=clnk&gl=us&source=www.google.com>.

dollars.⁵³ The War on Poverty turned to the War on Drugs, and federal money went to sending low-income youth living in America's cities to prisons rather than to colleges.

Universities across the country made similar transitions, shedding their commitment to low-income urban black students and starting national searches for "high quality" students. For example, after active efforts in the 1960s and 1970s to recruit African-American students from low-income families, Harvard administrators eventually changed the institution's recruiting practices to attract middle and upper-class black students that matched the social backgrounds of Harvard's white students. In 1969, about 40 percent of African-American students came from what Harvard identified as low-income, but by 1980 only 25 percent came from low-income backgrounds. In 1980, a doctoral student writing his dissertation on Harvard's admissions practices asked a Harvard admissions counselor what caused that shift. The officer responded "It is right for Harvard and better for students, because there is better adjustment and less desperate alienation."⁵⁴

Historian Suleiman Osman has recently argued that at the local level, African-American groups also rejected the intervention of large institutions in addressing urban problems. He shows how some African-American activists saw top-down federal programs as destroying American cities, rather than effectively addressing urban poverty. Consequently, he argues, black activists created a local political orientation, where they

⁵³ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010), 49.

⁵⁴ David Karen, "Who Gets into Harvard," (PhD diss, Harvard University, 1985), 147.

saw solutions to urban problems coming from neighborhood groups, rather than large institutions outside the community.⁵⁵ But black students at Michigan did not share that mindset. They still believed that large institutions, like the University of Michigan, had to play a central role in addressing urban poverty.

WHO SOULD THE UNIVERSITY SERVE

At Michigan, the major question of the late 1970s and early 1980s was whether the University should renew its commitment to low-income African-American students in Michigan's cities. Black students' efforts to create a public discussion about the issue brought more people into policy discussions, which had been largely isolated conversations among administrators in the Opportunity Program and admissions Office. In 1979, in response to black students' request, the Board of Regents created a task force to investigate recruiting practice. The task force would weigh in on the big question: who should the University serve?⁵⁶

Vice President of Academic Affairs Allan Smith appointed six students, two faculty members, two administrators and two staff members—the identity of which remain unknown—to the task force. This represented a moment when a committee of faculty members, students, staff members and administrators could make recommendations to turn the admissions office's focus back to recruiting low-income black students in urban areas. Instead, after a two-year investigation, the task force vindicated the practices of the admissions office and Opportunity Program. The task

⁵⁵ Suleiman Osman, *The Invention of Brownstone Brooklyn: Gentrification and the Search for Authenticity in Postwar New York* (New York: Oxford University Press, 2011).

⁵⁶ Report of the Task Force on Minority Concerns, March 1981, President Records, Box 106, BHL.

force recognized the Black Student Union's concerns that minority students at Michigan came "predominantly from middle-class groups with inadequate representation from lower social classes whose mobility would be most enhanced by a university education." But in light of the high attrition rates of low-income students, the task force expressed concerns about an intensive recruiting program that refocused recruiting efforts on low-income black students from Detroit. The task force concluded that the "University should do a better job with [the low-income students] it already admits before its seeks to recruit and admit students who are greater academic risks."⁵⁷

The task force's report marked a clear shift in the way faculty members and administrators viewed the University's social responsibilities. The black students who called for the task force in 1979 hoped that the University would return to implementing a vision of racial justice that saw race-conscious admissions policies as necessary to address racial and socio-economic inequality in Michigan's urban areas. But the task force confirmed that vision of racial justice had no place at Michigan anymore. When faculty members and administrators expressed concerned that declining SAT scores put the University's reputation as an elite public university into question, they suddenly rejected the University's social responsibility to address the lack of social mobility opportunities for low-income black students in Michigan's cities. In doing so, they disconnected issues of racially bound and socio-economic inequality from their conceptions of racial justice.⁵⁸

⁵⁷Report of the Task Force on Minority Concerns, March 1981, President Records, Box 106, BHL.

⁵⁸Report of the Task Force on Minority Concerns, March 1981, President Records, Box 106, BHL.

In the 1960s and early 1970s, administrators and faculty members looked at black students in Michigan's inner cities as promising students who could flourish at the University if given the chance. By the early 1980s, administrators and faculty members often likened low-income black students to risky assets in a stock portfolio. In the process, they intimately linked race, social class and academic ability, juxtaposing "smart" and "valuable" black students with "risky" low-income students from Michigan's cities. Faculty members and administrators created a new set of marketplace terms to refer to black students and the recruiting process—value, risk, competition, marketplace, and quality. They used these terms to communicate a fear about the future reputation of the University in light of declining SAT scores and the difficulty the University faced in attracting "high quality" black students. The number of in-state black students that admissions officials deemed eligible for admissions (2.64 g.p.a. and 800 SAT score) was declining, and administrators increasingly needed to compete with other schools for "qualified" black students. In the early 1980s, admissions officials estimated that only 742 black students in the entire state might qualify for admissions at Michigan.⁵⁹ Sjogren had already started to recruit out-of-state black students, but he was failing miserably to get them to enroll. Studies in the early 1980s revealed why. Universities around the country were also competing for minority students with the highest SAT scores, and those who were lucky enough to attend high-rated high schools. When an admissions staff member called twenty-eight black students from Illinois, Ohio and Indiana who were admitted to Michigan but did not enroll, he found out who Michigan was competing

⁵⁹ Cliff Sjogren and Lance Erickson to B.E. Frye, February 11, 1981, Vice President for Academic Affairs, Staff Files, Box 60, BHL.

with: Yale, Duke, Stanford, Cornell, Brown and Northwestern. When the staff member asked the students why they chose those schools over Michigan, most of the students responded that those schools offered more scholarship money.⁶⁰

This signified new territory for the admissions office. Few of these schools were competing with Michigan in the 1960s for low-income students from Detroit with SAT scores of six hundred. Michigan administrators found themselves in a scholarship war with other selective schools. Michigan did not offer out-of-state black students as much money as schools, such as Yale. The situation led David Goldberg, a faculty member on the LSA admissions committee, to ask when Michigan planned to “stop beating the hell out of those smart out-state kids.” By not offering more money to out-of-state students, Goldman explained, “we are pricing ourselves out of a national market.”⁶¹

If the University wanted to recruit “high quality” students, and compete with the scholarship packages offered at Yale and Northwestern, Michigan needed to increase merit-based scholarship packages to out-of-state students. At the same time, administrators understood that, on average, “high quality” students—when “high quality” is measured by SAT scores and high school reputation—were from middle- and upper-income families. Taking resources away from need-based aid would make it more difficult for low-income students to attend Michigan. A task force on undergraduate student aid—made up of two associate deans, the Assistant Chief Financial Officer, an

⁶⁰ David Robinson, Cancellation Survey of Midwest Black Students Admitted to the University of Michigan for Fall Term, 1984, September, 19, 1984, Vice President for Academic Affairs, Staff Files, Box 102, BHL.

⁶¹ David Goldberg to Harold Shapiro, March 11, 1980, Vice President for Academic Affairs, Central Files, Box 69, BHL.

Opportunity Program staff member, an alumni representative and a student representative—discussed the consequences of devoting more of the University’s resources to merit-based aid, rather than need-based aid. “It is not easy,” the task force concluded, “to choose between” funding low-income and middle-income black students. But increasing merit aid was vital to “attract large numbers of good students...and the value of these students in preserving overall academic quality levels at UM will be important.” “The numbers of high ability undergraduates at UM are slipping at a noticeable rate,” the task force went on. “There is...an unusual risk in doing nothing.”⁶²

The faculty members and administrators on these task forces did not think that purging programs that recruited low-income black students conflicted with the mission of racial justice. They continued to use the terms of the 1960s and early 1970s to describe the mission of the University’s admissions and scholarship programs: racial justice, social justice and equity. But these terms meant something different in early 1980s. Justice and equity no longer meant tackling the hurdles that low-income black students faced in urban areas; they simply meant increasing African-American enrollment.

THE ABSENCE OF DIVERSITY

Despite the fact that the diversity rationale garnered widespread attention after Powell released his opinion in the *Bakke* case, faculty members and administrators rarely used the term. They decided to use marketplace language when discussing race and admissions, even though the concept of diversity seemed to offer many advantages to those attempting to purge efforts to recruit low-income students. Even when universities contended that recruiting a diverse student body included students from different socio-

⁶² Report of the Task Force on Undergraduate Student Aid, June 1984, President Records, Box 207, BHL.

economic backgrounds, the ambiguity of the term supported admissions practices that focused almost exclusively on middle-class students. Take, for example, Harvard University's admissions policies, which Powell used as a model in his opinion in *Bakke*. Harvard's policies suggested that students from all socio-economic backgrounds contributed to diverse viewpoints in the classroom, an essential component of learning. But that did not ensure an aggressive campaign to bring low-income students to the University. Harvard suggested that admissions committee might take race and social class into account, if it found "itself forced to choose between...the child of a successful black physician" and a black student "who grew up in an inner-city ghetto of semi-literate parents whose academic achievement was lower" than the child of the physician. If the admissions committee had already admitted many students from middle-class black families but few from low-income backgrounds, according to Harvard's admissions policies, the committee would choose the "inner-city" black student over the child of the black physician.⁶³ However, Harvard's admissions policies, for example, never explained how the admissions office should balance middle-income and low-income black admission candidates. If low-income black students added value to the University because they brought alternative viewpoints into the classroom, how many low-income black students did the University need to fulfill the goal of diversity? Were two low-income black students enough? Recall that Harvard drastically reduced the number of low-income minority students during the 1970s while simultaneously promoting the virtues of diversity.

⁶³ *Regents of the University of California v. Bakke* (1978), 324.
http://www.law.cornell.edu/supct/html/historics/USSC_CR_0438_0265_ZO.html

In the early 1980s, administrators and faculty members at Michigan had not yet figured out what the diversity rationale offered the University. The rationale's legal utility was obviously not enough for the University to adopt the concept when discussing race and admissions. Despite the fact that the diversity rationale was well publicized after the *Bakke* ruling, it rarely appeared in discussions of race and admissions. Chapter Five will demonstrate how the concept of diversity allowed administrators to talk about race without discussing social class, but it is important to note that Michigan did not need the concepts of diversity to change the goals of the Opportunity Program and end a decade-long commitment to recruiting low-income black students.

CONCLUSION

In the 1960s and early 1970s, Michigan administrators and faculty members thought they had a social responsibility to address the lack of opportunities for social mobility for low-income black students in the state's cities. Places such as Detroit, administrators and faculty members argued, were filled with promising young black students who did not score high enough on the SAT to be competitive in the normal admission process, but could flourish at the University if given the chance. By the late 1970s and early 1980s, administrators and faculty members changed the way they viewed these students. Rather than talented young students who could flourish at Michigan, administrators and faculty members painted them as risks to the University's reputation as an elite institution. In the process, administrators and faculty members disconnected the issues of racial and socio-economic inequality from their conceptions of racial justice. In the subsequent decades, Michigan public relations staff would distribute countless

press released hailing the steep rise in African-American enrollment. But the statistical data would hide the fact that most of those students were from middle-class suburban families. Low-income black students from Detroit regularly visited the University of Michigan as teenagers during school trips, but the policies initiated during the mid-1970s ensured that most would remain just that for the rest of their lives: temporary visitors.

CHAPTER 5

IMPLEMENTING THE MICHIGAN MANDATE

During the 1980s, dipping African-American enrollment and highly-publicized incidents of racism created a managerial crisis at the University of Michigan. In 1984, African-American enrollment fell to 4.9 percent, the lowest level since the early 1970s. At the same time, incidents of racism drew journalists from around the country and placed the University at the center of a national conversation about the persistence of racism two decades after the civil rights victories of the mid-1960s. In 1987, African-American students took advantage of the media's focus on Michigan and organized another Black Action Movement on campus, pushing the administration to increase black enrollment and address racism. The protest put administrators in a difficult position. Most faculty members and administrators were wary of another commitment to significantly increase black enrollment in light of the fact that OAP yielded high attrition rates. Furthermore, despite the fact that administrators had spent the last two decades trying to improve race relations on campus, racist incidents continued unabated and black students still reported feelings of discomfort and alienation on campus. In short, all of the issues that administrators had been struggling to address since the Sixties remained unresolved.

This was the world that James Duderstadt stepped into as Michigan's new president in 1988. In September of 1988, he introduced the Michigan Mandate, a new plan to substantially increase minority enrollment and address racism. In its formation, the plan showed the scars of three decades of internal battles over race at Michigan. In

order to gain support for a new campaign to substantially increase minority enrollment, Duderstadt knew he needed to address the perceived tension between racial equity and institutional quality, which had stymied minority enrollment growth. Duderstadt argued that a diverse student body and institutional quality were intimately linked, and that this justified an aggressive campaign to increase underrepresented minority students.

Diversity in the classroom, he argued, improved learning outcomes and created intellectual discussions that would be absent in racially-homogenous classrooms. To address racial tension, he built on an ideal of cultural diversity that grew out of the battles over housing at Michigan in the early 1970s. The housing office had, subsequent to those battles, implemented sensitivity training and social activities to promote cultural understanding. Duderstadt wanted to expand the housing office's efforts in order to create a multi-million dollar, University-wide initiative to teach students to value cultural differences. To gain support for this initiative, he argued that cultural diversity initiatives would prepare students to live in an increasingly multiracial democracy and work for corporations that increasingly engaged with clients outside the United States' borders. Accordingly, Duderstadt used the concept of diversity as a political tool to gain support for an aggressive affirmative action campaign and a costly programmatic effort to address racial tension.

The Mandate also represented a revolution in the president's role in managing issues of race. Duderstadt criticized past presidents for not providing a leadership role in the University's efforts to increase minority enrollment and address racial tension. He believed that past efforts to manage race were too decentralized and lacked oversight. He

envisioned a small group of administrators, who he could hold accountable for producing results, leading new initiatives to increase minority enrollment and address racial tension. This chapter begins with an analysis of the administrative struggles to increase minority enrollment and address racism on campus that led to the “Michigan Mandate.” It then examines how Duderstadt formulated and implemented the Mandate.

A QUESTION OF LEADERSHIP

Since President Harlan Hatcher introduced the University’s first affirmative action program, the President and the Vice President of Academic Affairs had provided little oversight of the admissions office. This relationship worked when admissions officers produced the types of outcomes that executive administrators wanted. Vice President of Academic Affairs Bill Frye and Assistant Vice President of Academic Affairs Robert Holmes began to understand what a big problem this was in the early 1980s, when their goals for minority enrollment conflicted with what director of admissions Cliff Sjogren was willing to do. In 1983, as minority enrollment reached the lowest level in over a decade, Holmes asked Sjogren to set a goal to increase the enrollment of underrepresented minorities by 50 percent over the next five years. Sjogren argued that this goal was unattainable because the state of Michigan offered a small pool of “qualified” underrepresented minorities, and the University did not provide enough full scholarships to attract highly qualified out-of-state students. Sjogren went further in writing that he was unwilling to set goals for increasing minority enrollment. Frustrated, Holmes wrote to Frye that Sjogren needed to “‘get the message’ that you and

[University President] Harold [Shapiro] are serious” about increasing minority enrollment.¹

The letter led Frye to create a new Associate Vice President for Academic Affairs position to provide centralized management and senior leadership, specifically to increase minority enrollment. Frye appointed Niara Sudarkasa, Professor of Anthropology and director of the Center for AfroAmerican and African Studies. Sudarkasa’s appointment was a symbolic and strategic decision for an administration trying to show it was serious about meeting BAM goals, despite the fact that African-American enrollment was declining. She came to the University in 1969 as a junior faculty member. The next year she helped students organize the first BAM strike and negotiate with President Fleming. Student leaders of BAM met at her house and she stood side-by-side with students as they picketed on campus.² Now she found herself as an administrator, leading a new initiative to try to meet the BAM concessions that she had helped negotiate over a decade earlier.³

Upon stepping into office, Sudarkasa laid out a new admissions plan, under which minority students with grade point averages of 3.2 or above but low test scores (below 800 of 1,600 on the SAT), would be given special consideration for admission. In doing so, Sudarkasa questioned the way Sjogren measured who was qualified, especially

¹ Robert Holmes to Lance Erickson and Clifford Sjogren, March 24, 1983, Vice President for Academic Affairs, Staff Files, Box 102, BHL; Cliff Sjogren and Lance Erickson to Robert Holmes, April 12, 1983, Vice President for Academic Affairs, Staff Files, Box 102, BHL; Robert Holmes to Bill Frye, June 13, 1983, Vice President for Student Affairs Records, Box 17, BHL.

² “Sudarkasa Set to Challenge ‘U’,” *Michigan Daily* February 12, 1984, pg. 2.

³ Billy Frye, “Creation of a New Position—Associate Vice President for Academic Affairs,” October 1983, Vice Provost for Multicultural Affairs, Box 14, BHL.

critiquing Sjogren's overreliance on standardized testing to predict minority students' academic performance at Michigan. Sudarkasa's criticism echoed the critiques of the late 1960s and early 1970s, when faculty members and administrators justified admitting low-income students with lower-than-average SAT scores by arguing that standardized test scores were poor predictors of African-American students' academic performance. This argument disappeared in the mid-1970s, when high attrition rates among OAP students and concerns about the declining quality of the student body made people question whether the University could effectively balance the goals of equity and quality.

In order to lead a renewed effort to increase minority enrollment, Sudarkasa and Vice President Frye had to convince faculty members that a new program would not replicate the high attrition rates of the early 1970s. Frye tried to address concerns about attrition in the *Michigan Daily*, the University's student newspaper, by arguing that the high dropout rates among black students in the 1970s will make the University "more cautious" in implementing the program. "We don't want to admit students to have them flunk out," Frye explained.⁴

Unlike administrators in the 1960s and early 1970s, Sudarkasa also had to think about how the BAM enrollment goals, which specifically concerned black students, would work when the number of students from other minority groups were doubling and tripling. As late as 1973, non-black minority students only represented 2 percent of the student body, which made it easy for administrators to think about the issue of race in black and white terms. However, between 1973 and 1983, Asian enrollment increased from 1 percent to 3.7 percent, Hispanic enrollment increased from 0.8 percent to 1.5

⁴ Nora Thorp, "'U' Officials Question Black Admission," *Michigan Daily* April 3, 1985.

percent, and Native American enrollment increased from 0.2 percent to 0.4 percent of the student body. During the same period, African-American enrollment declined dramatically. When Sudarkasa accepted the job as the Associate Vice President of Academic Affairs, the sum of non-black minority students exceeded African-American enrollment for the first time in Michigan's history.⁵

Sudarkasa had to figure out how African Americans, and the BAM concessions, fit into the University's new efforts to increase minority enrollment when the University's student body was no longer almost completely black and white. For Sudarkasa, the answer was not as simple as dividing students into white and non-white categories. Administrators had already started to use the term "underrepresented minority." To be underrepresented, according to administrators' formulation, a group's share of the student body had to be less than its share of either the state population or the state's high school population. "Underrepresented minority" was an awkward term that tried to recognize the multiracial character of the student body, but at the same time sequester Asian students—who had higher median SAT scores and grade point averages than white students—from other minority groups that struggled to gain access to Michigan. Still, Sudarkasa found the term "underrepresented minority" problematic because it lumped African-American, Hispanic and American Indian students together, as if they faced the same obstacles in gaining admission to the University of Michigan. She knew she could not think about the University in black and white terms anymore, but she still thought African Americans were a unique minority group that faced special

⁵ Niara Sudarkasa, "U-M Steps Up Minority Recruitment," September 1984, Vice President for Multicultural Affairs, Box 14, BHL.

obstacles. Sudarkasa pointed out that African-American students were still the most “seriously underrepresented” group among minority students. As such, she argued that original BAM goals of ten percent black enrollment still had merit because African Americans made up ten percent of the state’s high school population, yet made up only five percent of the University student body. American Indian and Hispanic students also deserved access to affirmative action programs because they were underrepresented at Michigan; however, African Americans, according to Sudarkasa, held a special place because American Indian and Hispanic students’ representation at the University almost mirrored their representation in Michigan’s high school student population. In contrast, Asian students’ share of the University’s student body far outweighed their share of Michigan’s high school population, so they needed to be treated as white students in admissions process.⁶

Despite her vocal support of the ten percent enrollment goal, Sudarkasa never addressed why African-American students were highly underrepresented at the University. Despite the fact that most minority students no longer came from low-income families, internal studies provided one of the important answers. The studies revealed huge disparities among Asian, Hispanic and African-American students’ family incomes. The issue offered an opportunity for her to discuss publicly the intersection of socio-economic inequality and educational disadvantage, and how the University might play a role in addressing those problems. However, Sudarkasa never publicly discussed race and social class together. The high attrition rates in the OAP in the Seventies had

⁶ Niara Sudarkasa, “Admissions and Recruitment Activities, Discussion Paper on Undergraduate Minority Enrollment,” October 1984, Vice President for Academic Affairs, Central Files, Box 202.

rendered faculty members and most administrators wary of another initiative to bring low-income minority students to campus in large numbers. By the early Eighties, faculty members and administrators became more comfortable talking about race without any reference to social class.⁷

Nevertheless, evidence suggests that Sudarkasa fought with Sjogren privately over increasing low-income black students' access to the University. She wanted to double the enrollment of black students, and she wanted many of those students to come from Detroit high schools. Importantly, she did not want them to come from Cass and Renaissance, two special admit high schools that admitted students partly based on standardized test scores (Renaissance joined Cass as a public special-admit high schools in 1979).⁸ This presented a problem as Sjogren was already excluding most high school students in Detroit because he thought the quality of their high schools did not prepare them to compete at Michigan. In the early 1980s, the attrition rate for Michigan students from Detroit high schools was at sixty to seventy percent. Instead, Sjogren focused on students from Cass and Renaissance because he thought they were better prepared for the academic challenges Michigan presented and they were less likely to drop out.⁹

Publicly, Sudarkasa set a goal of doubling African-American enrollment in three to five years without any reference to social class. In so doing, she legitimized the admissions and financial aid practices of the late Seventies and early Eighties that

⁷ Office of Academic Affairs, "A Report to the Regents on Minority Recruitment, Enrollment, Retention, and Graduation at the University of Michigan, Fall 1980," March 1981, Vice President for Student Affairs Records, Box 17, BHL.

⁸ Joan Lipsitz, *Successful Schools for Young Adolescence* (New Brunswick, New Jersey: Transaction Publishers, 1984), 84.

⁹ Cliff Sjogren, phone interview with author, August 15, 2010.

brought primarily middle-class suburban minority students to campus. Sudarkasa publicly supported Sjogren's efforts to recruit more out-of-state minority students, and agreed with the task force on financial aid that the University needed to increase financial aid packages to "highly qualified" minority students outside the state.¹⁰ She implemented the task force's recommendations to increase merit-based aid for minority students, increasing Michigan's Achievement Award Program funds—a fund specifically for "highly qualified" minority students—from \$30,000 in 1983 to \$500,000 in 1986. She expected it to reach over one million dollars at the turn of the decade. As Chapter Four revealed, these types of initiatives decreased the percentage of low-income minority students' at Michigan.¹¹

Despite her position as Associate Vice President of Academic Affairs, Sudarkasa found that she had less power than she expected. Sjogren stated publicly that Sudarkasa's goal of doubling undergraduate minority enrollment in three to five years was unrealistic. He also made private discussions public by calling her goal of enrolling more students from Detroit who did not go to Cass or Renaissance high schools virtually impossible. Sjogren's remarks in the University's student newspaper reminded Sudarkasa that she was "not in charge with carrying out the programmatic initiatives to reach the minority enrollment goal." She lamented that without the authority to hold these directors accountable, her role was basically to advise executive officers on ways to

¹⁰ Niara Sudarkasa, "U-M Steps Up Minority Recruitment," September 1984, Vice Provost for Multicultural Affairs, Box 14, BHL.

¹¹ Niara Sudarkasa, "Some Key Accomplishments in the Minority Affairs Area, 1984-87," Vice President of Academic Affairs, Staff Files, Box 177, BHL.

increase minority enrollment and assess the effectiveness of the University in those efforts. But Sudarkasa felt that she was “being put in the position of having to take personal responsibility for accomplishing the goals which the University has set, whereas this is not my role.” “I don’t have the authority to bring” Sjogren and other directors “on board.” She wrote that only the Vice President of Academic Affairs and the University President could do that.¹² Sudarkasa’s complaints echoed the sentiments of Gilbert Maddox, Charles Kidd and Frank Yates—all African-American administrators at Michigan in the early 1970s—who had accused University of using black administrators as scapegoats and giving them no power.¹³

Sudarkasa’s experience provided a case study in the importance of leadership at the very top of an institution in order to advance goals of racial justice. As an executive officer, she brought new oversight and leadership to what was a decentralized and unorganized effort to increase the number of African-American students on campus. However, she lacked the power and support from the University president and Vice President of Academic Affairs to increase the number low-income black students on campus. She did not have the authority to fire Sjogren— or force him to do anything— and he knew that. As a result, her admissions proposals devolved into mere suggestions.

¹² Niara Sudarkasa to B.E. Frye, November 26, 1985, Vice President for Academic Affairs, Central Files, Box 202.

¹³ Charles Kidd, Gilbert Maddox, Dave Wesley, and Frank Yates, “Black Administrators: Responsibility Without Power,” *Michigan Daily* April 10, 1971, p. 4.

COMBATTING RACISM

The Sudarkasa-Sjorgen policy struggle was not occurring in a vacuum. A series of racial incidents at the University of Michigan in the 1980s demonstrated to administrators the stakes involved in the struggle over racial justice at the university. The most tragic of these incidents came at the end of the spring quarter in 1981. Just after 6 A.M. on April 17, 1981, Leo Kelly set off several Molotov cocktails on the sixth floor of Bursley Hall, a dormitory on Michigan's North Campus. When students ran out of their rooms, the twenty-two year old black student was ready with a sawed-off shotgun, eventually shooting two white students at point-blank range, killing both. Police found him sitting calmly on his dorm room bed. Some of the last words he wrote before the slaying were found in a notebook in his dorm room: "The civil rights movement 1950 to 1964, Brown vs. Board of Education, Topeka, Kansas. It's all meaningless. That is all." He underlined the last two sentences three times.¹⁴ At his trial, he pleaded insanity, citing the difficulties of being African American at the predominantly white University.¹⁵

The murders represented an extreme reaction to the cultural alienation black students felt at Michigan, despite the efforts of housing staff to implement diversity training programs in the early 1970s. One African-American student tried to explain to white students what it felt like for black students at Michigan. He asked white students to imagine going to a predominantly-black college in a predominantly-black community.

¹⁴ *Detroit Free Press*, May 27, 1982, p. 9A.

¹⁵ Kelly Fraser, "Tragedy in Bursley," *Michigan Daily* January 17, 2007 <http://www.michigandaily.com/content/tragedy-bursley>; Ivan Peterson, "Student Held in Blazes and 2 Shotgun Deaths at Dorm," *New York Times*, April 18, 1981, Section 1, p. 6; Bill Spindle, "Are Blacks Losing Out on Campus," *Michigan Daily* October 22, 1982, p.4.

“You go to the bank, and all the tellers are black. You go to buy clothes, and you can’t find any. You start to talk and people say ‘Huh?’” He explained that he had “seen a lot of people become unstable [at Michigan] because of the isolation.” Another student explained the joy black students felt when they saw another black student on campus. “[E]ven if we don’t know each other,” the student explained, “we often offer a greeting in support. In most of my classes, the few black students in a class of 200 will sit together, as they do in the cafeteria—an attempt to survive in a white-elite institution.”¹⁶

Despite programs meant to celebrate and embrace cultural diversity, African-American students still felt pressure to, as one advisor to Michigan’s black students explained, “assimilate to try to understand...the dominant [white] culture.” “That’s where the frustration comes in,” the advisor added. “You want to keep your own values, but there’s pressure that you can’t succeed unless you conform to white values.” Some black students who resisted that pressure formed African-American social groups, such as “The Family,” to lessen feelings of alienation. Michigan’s black fraternities, such as Alpha Phi Alpha, served similar social purposes.¹⁷

The 1984 edition of *The Black Student’s Guide to Colleges* provided a similar depiction of African-Americans’ experience at Michigan. Barry Beckham, the guide’s editor, wrote that “Superficial relationships” at Michigan “are easy to establish but there is much underlying hostility. There seems to be little exchange of ideas, and segregation is practiced by both sides.” He quoted one black student who argued that African

¹⁶ Veronica Woolridge, “University of Michigan,” *New York Times*, April 5, 1985.

¹⁷ Bill Spindle, “Are Blacks Losing Out on Campus,” *Michigan Daily* October 22, 1982, p.4.

Americans at Michigan “must make a choice between being ‘white’ or ‘black’.”

Beckham concluded that black students thinking of attending Michigan should be “prepared to combat possible culture shock and social alienation.”¹⁸ The diversity ideal that black students pushed for in 1972, which promoted the value of cultural exchange among students of different racial background, was still an ideal, not a reality.

To put it simply, many black students were unhappy at the University, and they did not think faculty members and administrators did enough to improve African-Americans’ experience on campus. For example, in April 1985, faculty members voted against a proposal that would have required students to take a course on “race, ethnicity and racism”—a course that African-American students were calling for at Michigan. In the mid-1980s, African-American students were having trouble pushing the administration and faculty members to confront issues of racism and feelings of alienation among African-American students on campus. That would slowly change when a string of racist incidents hit Michigan’s campus.¹⁹

Not long after faculty members voted down the proposal for a required course on “race, ethnicity, and racism,” a flier appeared on campus that advertised April as “White Pride Time,” with events such as “counciling [sic] sessions on how to deal with uppity niggers.”²⁰ Later that month, Michigan President Harold Shapiro released an open letter to the University community. In the letter, Shapiro reaffirmed the University’s

¹⁸ Barry Beckham, ed., *The Black Student’s Guide to Colleges*, second edition (Providence, R.I.: Beckham House Publishers, Inc, 1984), 281-2.

¹⁹ Veronica Woolridge, “University of Michigan,” *New York Times*, April 5, 1985.

²⁰ Woolridge, “University of Michigan.”

commitment to the values of diversity, and the important contributions “pluralism makes to the academic and social life of our community.” “A single racial or ethnic insult or epithet, Shapiro wrote, “is one too many.”²¹ Shapiro asked Sudarkasa and Vice President of Student Affairs Henry Johnson to come up with ways to respond to charges of racism on campus.²²

The incident revealed the tension between President Shapiro and Sudarkasa. Sudarkasa suggested that Shapiro endorse a “series of discussions related to the need to understand our pluralistic environment.” But Shapiro deemed these discussions inappropriate.²³ When students returned for the fall semester, minority students continued to expressed concern that the University was not “paying enough attention to retention the quality of life of minority students,” especially the University’s lack of attention to subtle and overt expressions of racism. In November, Sudarkasa presented another proposal to Shapiro, asking Shapiro to write a letter stating that the upcoming Martin Luther King national holiday should mark the beginning of a year devoted to the theme: “Understanding the Value of Diversity at the University and Society.” During the year, the colleges and departments on campus would organize activities and talks to “explore, understand, and reaffirm the value of diversity for strengthening the intellectual

²¹ Harold Shapiro, “Open Letter to the University of Michigan Community,” April 22, 1985, Vice President for Academic Affairs, Staff Files, Box 65, BHL.

²² Niara Sudarkasa to B.E. Frye, November 26, 1985, Vice President of Academic Affairs, Central Files, Box 202, BHL.

²³ Niara Sudarkasa to B.E. Frye, November 26, 1985, Vice President of Academic Affairs, Central Files, Box 202, BHL.

and cultural life of our campus.”²⁴ To justify her proposal, Sudarkasa warned that minority students already felt that the administration was disinterested in the problems of racism on campus.²⁵

Shapiro did not send the letter Sudarkasa asked for or endorse her plan that would begin on the first official Martin Luther King national holiday in January. Instead, he did permit a committee to create a proposal for a year of understanding. In July 1986, a newly formed “Committee on Diversity” composed of administrators, faculty members and students, including Sudarkasa and Johnson, sent Shapiro a full proposal for “A Year of Understanding the Value of Diversity at the University and in Society.” The committee asked for \$60,000 to develop programs that would “celebrate the rich racial, ethnic and cultural diversity of our campus community and society-at-large” and “study the implications, contributions and problems of such diversity.” The program would sponsor a year-long series of lectures and panels to discuss cultural diversity. Shapiro decided to delay his consideration of the proposal because two programs beginning in the fall of 1986 “will tax my discretionary resources.” One program, a set of seminars on Martin Luther King, he suggested, furthered the goals of committee. The other was the sesquicentennial celebration for the state of Michigan. So Shapiro suggested he would revisit the possibility of a year devoted to understanding diversity in 1987.²⁶

²⁴ “Proposal for a Year on Understanding the Value of Diversity at the University and in Society,” November 20, 1985, Vice President for Academic Affairs, Central Files, Box 202, BHL.

²⁵ Niara Sudarkasa to B.E. Frye, November 26, 1985, Vice President of Academic Affairs, Central Files, Box 202, BHL.

²⁶ “Report to the President Submitted by the Committee on Diversity,” July 11, 1986, Vice President for Student Affairs Files, Box 22, BHL; Harold Shapiro to The Committee on “A Year on Understanding the

In the meantime, more racist incidents rocked Michigan's campus. From the winter term of 1986 through the winter term of 1987, anti-South African apartheid shanties set up on campus were repeatedly vandalized, referred to as a "nigger shack" by one graffitist, and then eventually burned. Graffiti with equally racist attacks on black students appeared on buildings and in restrooms across campus. Furthermore, in October 1986, a group of white males yelled "hurry up, nigger" to a black graduate student crossing the street on campus. In December 1986, the *Michigan Daily* published a cartoon depicting black teenagers in Detroit as criminals.²⁷

By start of the winter term of 1987, racial tension at Michigan had been building. In January and February, two incidents set off student protests. On January 27, black students were meeting in a room in Couzens dormitory when a white student slipped a flier under their door declaring "Open Hunting Season on Spooks Porch Monkeys and Saucerlips." Just days later, on February 4, 1987, a disc jockey at the university-funded radio station played the laugh-track while a caller told racist jokes on the air, such as "Why do Black people smell? So blind people can hate them too."²⁸

Print and media journalists swarmed Michigan's campus. The *New York Times*, *Washington Post*, *Los Angeles Times*, *CBS News* and *ABC News* all ran stories on the

Value of Diversity at the University and in Society," July 22, 1986, Vice President for Student Affairs Files, Box 22, BHL.

²⁷ "Series of Racist Incidents at the University of Michigan," Vice Provost for Multicultural Affairs Files, Box 7, BHL.

²⁸ "Series of Racist Incidents at the University of Michigan," Vice Provost for Multicultural Affairs Files, Box 7, BHL.

incidents at Michigan.²⁹ Journalists saw this as part of a larger trend. In late 1986 and early 1987, national media outlets reported upswings in incidents of overt racism around the country. National coverage began in October 1986 when a rash of racist incidents attracted reporters to the issue. At the Citadel, a South Carolina military academy, white cadets dressed as Ku Klux Klan members broke into a black cadets' room and yelled racial slurs. Students at Smith College defaced the school's minority cultural center with the phrases: "Niggers, chinks and spics stop your complaining" and "Niggers go home." Later that month, two black students at Smith found a note attached to their door that read: "We don't want niggers on our floor. Leave tomorrow or die." But the most reported story of the month involved a fight between white and black students at the University of Massachusetts at Amherst following game seven of the World Series; a fight that left one black student unconscious. Because universities have historically often failed to report incidents of racism, it is difficult to measure whether incidents of racism actually increased during the late 1980s. Nevertheless, the perception of the rising tide of racial prejudice made racist incidents on college campuses the hot news story of the day, and reporters did not have a difficult time tracking down stories.³⁰

Incidents of racism outside of higher education also caught the media's eye. One of the most notable occurred in December 1986, in the small Queens neighborhood of

²⁹ Jonathan Yardley, "On Campus, Civil Rights and Wrongs," *Washington Post* March 23, 1987, p. C2.

³⁰ George Curry, "Racial Climate Turns Cool on College Campuses," *Chicago Tribune* February 17, 1987, p.1, 8; Lee Altken, "Racism on Campus: Beyond the Citadel," *People Weekly* December 15, 1986, 58; Raoul Dennis, "Racism on the Rise," *Black Enterprise* April 1987, 17; Dudley Clendines, "Citadel's Cadets Feeling Effects of a Klan-Like Act," *New York Times* November 23, 1986, 26; Carolyn Lumsden, "Race Tensions Smolder in College Community," *The Washington Post* November 11, 1986; "Racism Rising at Colleges," *New Pittsburgh Courier* January 10, 1987, 3; "Racism: From Closet to Quad," *New York Times* April 1, 1987, A30.

Howard Beach. Tucked away in southwest Queens and bordered by water on three sides, the small community appeared to be a world apart from the rest of New York City. Many of the residents had escaped other New York neighborhoods as minority populations grew. In 1986, even as once predominantly white Queens neighborhoods grew more racially diverse, Howard Beach remained 98 percent white. This was a community on guard against racial integration and especially attuned to increasing crime rates in the community, which community members attributed to African Americans. In the months leading up to the incident, racial tension was building. In December, a dozen white men attacked three African Americans, killing one after striking him with a car. One high school student explained the murder, and the rising tension surrounding race and crime: “We’re a strictly white neighborhood,” Michelle Napolitano explained. “They had to be starting trouble.”³¹

A perfect storm was brewing in early 1987 for University of Michigan administrators. National media outlets were searching for stories of racism and beginning a discussion of about the fate of the civil rights movement. In the spring of 1986, the racist graffiti on the anti-Apartheid shack or in campus bathrooms did not gain media attention outside of campus. Now, in early 1987, incidents of racism on college campuses no longer went unnoticed. The racist flyer and radio station jokes attracted national media attention and put administrators’ response under a national microscope; a situation that African-American students took full advantage of.

³¹ Samuel G. Freedman, “In Howard Beach, Pride and Fear in a ‘Paradise’,” *New York Times* December 23, 1986, B4.

BAM III

When the highly-publicized incidents mentioned above rocked Michigan's campus, a large number of African-American students were already part of the organization United Coalition Against Racism (UCAR). The organization evolved out of the Free South African Coordinating Committee, a student-run committee, which pushed the University to disinvest in companies that profited from South African Apartheid. By early 1986, students changed the group's name to UCAR as the organization shifted its focus to racism on campus.³²

Until the winter of 1987, the group made little headway in pushing the administration to implement programs to address racism. The incidents in early 1987, and the ensuing national media attention, created an opening for UCAR to build a sustained movement for substantive change. They used the favorable political environment to push for more than programs to combat racism. On March 4, UCAR organized its first protest in response to the racial slurs made on the campus radio program, demanding the administration substantially increase black enrollment, establish an Office of Minority Affairs, grant tuition waivers for low-income minority students and establish a required course on racism and bigotry. The next day, state Representative Morris Hood, the chairman of the state's Higher Education Appropriation Committee in the Michigan House of Representatives, came to campus to hold hearings on racism at the University. Hood held the hearings in the Michigan ballroom to accommodate the nearly six hundred faculty members and students who showed up to the hearings. At one point, members of UCAR stood up and recited in unison demands they presented the day

³² Charles Moody, phone interview, August 25, 2010.

before to the administration. Members of the UCAR also asked Hood to block the University's \$233 million annual state appropriations until Shapiro met their demands. The next day, the *Detroit Free Press* ran the headline "U-M President Is Soft on Racism, Blacks Charge at Panel Hearing."³³

Charges that Shapiro did not care about racism on campus were unfair, but combating racism was not high on his list of priorities as president. He did not see leading a programmatic effort to combat racism as one of the important functions of a university president. Before the flyer and radio station incidents, black students were already claiming that racism was growing on campus and Shapiro needed to do something about it. Rather than staying at the University and confronting this serious issue, Shapiro took a scheduled sabbatical. In January, he was in London doing research, and in February, he was at the Ford Foundation.³⁴ When he ended his sabbatical early to fly back to Ann Arbor to deal with growing racial tension, Shapiro entered into an already volatile situation. Shapiro's reputation was already heavily damaged, and he did little to repair it in the coming weeks.³⁵

Shapiro did not concede to any of black students' demands to increase black enrollment and create mandatory courses to confront racism on campus. Under a national spotlight, he felt the consequences. On March 23, Jesse Jackson, in the early phase of his

³³ Stephen Franklin, "Michigan Students Decry Racial Attacks," *Chicago Tribune* March 6, 1987, 12; H. Keith Brodie and Leslie Banner, *The Research University Presidency in the late Twentieth Century: A Life Cycle/Case History Approach* (Westport, Conn.: Praeger Publishers, 2005), 81; James Duderstadt, "The History of the Michigan Mandate: A Personal Narrative," unpublished in the author's possession.

³⁴ Brodie and Banner, *The Research University Presidency in the Late Twentieth Century*, 161.

³⁵ James Duderstadt, "The History of the Michigan Mandate: A Personal Narrative," June 15, 1991, p.7, in author's possession.

campaign to run for election as President of the United States, came to campus to negotiate an end to BAM III protests.³⁶ Jackson brought about twenty people with him—each representing different community and student groups—to meet with Shapiro, Duderstadt and Dean John D’Arms. Jackson began the meeting by stating that he wanted the University to agree to a goal to increase black enrollment at Michigan to 24 percent of the student body within five years. Jackson chose that number because African Americans accounted for 24 percent of southeastern Michigan’s population. He then asked the representatives that he brought with him to announce their demands. One black student announced that he wanted \$35,000 for the Black Student Union, another announced he wanted an Office of Minority Affairs. A black faculty member wanted money for his own research. Shapiro, Duderstadt and D’Arms waited as every person around the table announced their demands.³⁷

The administrators had one advantage in the negotiations. The meeting started at 10 A.M. and Jackson had already scheduled a rally on campus at 4 P.M. with the national media in attendance. If Jackson wanted to celebrate his skills in reconciling racial tensions on national television, he could not show up to the rally blaming racist white administrators for undermining negotiations. The administrators formed a plan to hold out for more favorable terms. The goal of 24 percent black enrollment was especially worrisome. The University had not come close to topping 8 percent in over a decade. In fact, Shapiro, Duderstadt and D’Arms did not want to commit the University to a target

³⁶ “University of Michigan Agrees to Blacks’ Demands; Jesse Jackson Assists,” *Jet* April 13, 1987, p. 5.

³⁷ James Duderstadt, “The History of the Michigan Mandate: A Personal Narrative,” June 15, 1991, p.7, in author’s possession.

percentage at all. They thought that was one of the major mistakes administrators made during the original BAM strike. However, members of Jackson's entourage objected to any agreement that did not include a target for African-American enrollment. As the clock clicked closer to four o'clock, Jackson convinced them to go along with concessions that did not include targets. Jackson and the administrators agreed to six concessions, which administrators later referred to as the "Six Point Plan." The concessions included the establishment of a Vice Provost for Minority Affairs; \$35,000 for the Black Student Union; funds for minority faculty development; plans and eventual targets for minority enrollment, and faculty and staff hiring; development of a racial harassment policy; and the creation of an advisory committee on minority affairs to advise the University President. At the subsequent rally, Jackson brought Shapiro up on stage with him, praising him for agreeing to their demands. It was an odd and quick shift for Shapiro. Just minutes before he was a villain on campus. Suddenly he stood before a large gathering of students, faculty and Ann Arbor community members, while Jackson and others involved in the negotiations praised him for his leadership. "People from the state legislature whom I had had so much trouble with were all on the platform" saying "what a wonderful person I am," Shapiro remembered. The "issue that had generated so much tension was gone. It just went, like a wave, it just went. It's magical that way."³⁸

One month later, Shapiro announced that he would leave Michigan to become the president at Princeton University. The events surrounding the BAM III protest were not

³⁸ Brodie and Banner, *The Research Presidency*, 172-3; James Duderstadt, "The History of the Michigan Mandate: A Personal Narrative," June 15, 1991, p.9; Keith Brodie and Leslie Banner, *The Research University Presidency in the late Twentieth Century: A Life Cycle/Case History Approach* (Westport, Conn.: Praeger Publishers, 2005), 81-2.

the only factors that pushed Shapiro to leave Michigan. Princeton had been courting Shapiro for a year, and he had been contemplating the move. The events in spring 1987, however, did make him think seriously about whether Ann Arbor was the best place for him and his family. Criticism of his leadership from African-American politicians and radio hosts in Michigan made him question whether he could be “a good representative of the university anymore.” He later recounted, “‘You know, I don’t need to do this, I don’t have to put up with this.’ I viewed myself as trying to provide a social product for the state,” and he thought the African-American legislators’ efforts “to take advantage of a difficult ongoing situations to lay the burden of all the social pathology of this country on the university and on my shoulders” was unfair. His wife also became unsettled by anti-Semitic remarks and threats of violence that had been directed toward their family. He finally determined, “‘Gosh, what do I need this for? I’ve got a nice life, I don’t have to put up with this.’”³⁹

Although Shapiro announced his departure just before Michigan’s Spring 1987 commencement, he decided to stay on as president for another seven months, until the end of the 1987 calendar year. Shapiro’s decision to stay on as a lame-duck president created an awkward situation at Michigan. As the Board of Regents searched for Shapiro’s replacement, it was unclear who actually had more power at Michigan, Shapiro or Duderstadt, and who would lead the University’s implementation to UCAR/BAM III concessions. When Shapiro announced his intended departure, James Duderstadt, as Vice Provost and Executive Vice President of Academic Affairs and the University’s

³⁹ H. Keith H. Brodie, *The Research University Presidency in the Late Twentieth Century: A Life Cycle/Case History Approach* (Westport, Conn.: Praeger Publishers, 2005), 81-2; James Duderstadt, “The History of the Michigan Mandate: A Personal Narrative,” June 15, 1991, 6. In author’s possession.

second-ranking officer, suddenly gained more power at Michigan. Faculty members and deans who needed administrative commitments to programs that would last beyond Shapiro's departure came to Duderstadt, rather than Shapiro. At the same time, Shapiro's announcement that he would leave threw Duderstadt into a national competition to be Michigan's next president—the Provost position at Michigan had served as a grooming position for the presidency, whether at Michigan or at other large universities. Many in the University community, including Duderstadt, thought he would succeed Shapiro.⁴⁰

Duderstadt and Shapiro saw the responsibilities of a university president differently. Shapiro, an economist, thought of himself as an intellectual, and often approached problems philosophically, not bureaucratically. After the student protests, Shapiro began drafting an essay on the rhetoric of racism and value of cultural pluralism, entitled “Confronting Reality While Building the Future—Beyond the Rhetoric of Racism to a Changed World.” He sent the essay to eight other university presidents for comments, including William Bowen of Princeton University, Derek Bok of Harvard University and Donald Kennedy of Stanford University. Shapiro theorized that what he called the “rhetoric of racism” in public discourse worked to place blame on people and institutions and produced “passion and guilt,” causing “Black and whites to be seen as victims and thus leads to a kind of community-wide paralysis of will.” Both whites and African Americans, then, were characterized “as the victim of inherited prejudices and special privilege, and incapable of undertaking new moral initiatives.” Instead, Shapiro argued that Americans needed to transcend the rhetoric of racism and embrace the idea of

⁴⁰ James Duderstadt, *View From the Helm: Leading the American University during an Era of Change* (Ann Arbor: University of Michigan Press, 1997), 68-9.

diversity, which Shapiro thought was the cornerstone of Western liberalism. Indeed, Shapiro proposed that the great mystery of the late twentieth century was how to get different cultures to work together. Absent from the essay was any strategy for universities to actually implement the concept of diversity, or outlines for potential programs.⁴¹

Shapiro's abstract, intellectual approach was not how Duderstadt worked. Duderstadt, a one-time professor of engineering, did not care if anyone thought he was an intellectual. He was not interested in how the concept of diversity fit into western thought; he was more interested in functional questions about how to actually change the culture of a massive research institution. He wanted find the institutional barriers to confronting racism and increasing minority representation at the University, and figure out what he needed to do to overcome those barriers. Nothing in Duderstadt's background suggested that he had a deep commitment to racial justice. But Duderstadt was a classic-type of problem-solving engineer who saw race as a problem waiting to be solved.⁴²

Duderstadt's use of experts within the University also set him apart from past presidents. The University of Michigan housed and supported some of America's most prolific scholars and institutional programs that dealt specifically with how institutions could make substantial organizational changes to confront issues of racial justice and equity. For example, in 1970, the University hired Charles Moody to lead Michigan's

⁴¹ "Conversations with History: Harold T. Shapiro," University of California Television, November 2003, <http://www.youtube.com/watch?v=-OZDMvkUqRo>; Harold Shapiro, "Confronting Reality While Building the Future—Beyond the Rhetoric of Racism to a Changed World," September 1987, President Records, Box 206, BHL.

⁴² James Duderstadt, interview with author, July 7, 2010.

Program for Educational Opportunity to help public primary and secondary schools comply with the Civil Rights Act of 1964, and help them implement multicultural programs to address racism. In addition, Marc Chesler, Professor of Sociology at Michigan, specialized in organizational change. Since the late 1960s, he had published works on desegregation and racism in public schools, and served as a consultant to universities, businesses and primary and secondary schools on how to make substantive institutional changes to confront issues of racism and inequity.⁴³

In the Seventies and Eighties, institutions across the country courted these two men to advise them on how to implement effective institutional change; however, until Duderstadt's presidency, administrators at their own institution—the institution that provided their primary paychecks—did not take advantage of Chesler and Moody's expertise in any of the University's efforts to address issues of prejudice and access. This was emblematic of a disconnect between University leadership and the resources faculty members could provide that had plagued Michigan throughout its history. Duderstadt tried to bridge that gap by surrounding himself with people within the University community who understood large bureaucracies and institutional change. In addition to taking advantage of Chesler's and Moody's expertise, he looked to Joe White, Associate Dean of Michigan's business school and former Vice President for Human Resources at Cummings Engine Company; Chuck Vest, Dean of the College of Engineering, and who had worked closely with Duderstadt on organizational problems in the past; and Shirley

⁴³ James Duderstadt, "The History of the Michigan Mandate: A Personal Narrative," June 15, 1991, p. 11, unpublished in author's possession.

Clarkson, assistant to the President and former projects manager at the Center for African and Afro-American Studies.⁴⁴

Duderstadt organized a series of day-long executive officer retreats to identify institutional problems that needed to be addressed. He asked Mark Chesler to lead the retreats with Bailey Johnson of the University of Massachusetts—another prominent scholar of institutional change and involved in advising institutions on how to address issues of racism and access. Two key ideas that Duderstadt took from these meetings, and other discussions with key individuals familiar with institutional change, were the important of leadership at the very top of the institutional hierarchy and the need to convince faculty and staff members of the importance of key initiatives. The need for leadership at the top of an institution was an idea that especially resonated with Duderstadt. As a member of the College of Engineering, he had already developed a “great skepticism for bureaucracies—organizations, policies and procedures,” especially regarding affirmative action. Duderstadt thought that affirmative action programs implemented in the previous decades shifted the “responsibility for minority representation and minority concerns away from the leadership of the institutions to bureaucratic structures so that it would become out of sight, out of mind.” When that happened, issues of racial equity were no longer at the top of the institution’s priorities. As president, Duderstadt thought that he needed to be a visible figure in promoting solutions to racial issues, and he needed to make sure the administrators below him effectively implemented those policies. Efforts to increase minority enrollment and

⁴⁴ James Duderstadt, “The History of the Michigan Mandate: A Personal Narrative,” June 15, 1991, p. 11, unpublished in author’s possession; Charles Moody, phone interview by author, 25 August 2010; Mark Chesler, interview by author, Ann Arbor, MI., 16 July 2010.

confront racism, Duderstadt contended, would never be “out of sight, out of mind” during his administration.⁴⁵

Duderstadt began to put these ideas into practice even before he won the job as Shapiro’s successor. Duderstadt wanted to build a public relations campaign that would alert the University community to the actions the University was making in the area of minority enrollment. To that end, Duderstadt asked editors at the *University Record*, a weekly newspaper for Michigan’s faculty and staff, to publish a second regular weekly edition devoted to highlighting the University’s affirmative action efforts. The editorial staff opposed Duderstadt’s request. As the Provost and Vice President for Academic Affairs—the University’s chief financial officer— Duderstadt threatened to cut off the publication’s funding if they did not create the second weekly edition. They complied. He would continue these strong-arm tactics once he became president.⁴⁶

The second issue Duderstadt confronted, which came out of his meetings with experts on institutional change, was how to convince the University community that “there is a real stake for everyone in seizing this moment” to improve access for minority students. In this respect, Charles Moody, now Vice Provost of Minority Affairs, proved especially helpful. The perceived conflict between expanding access and maintaining the quality of the University made affirmative action a hotly contested issue at Michigan. The two administrators knew that as long as members of the University community perceived affirmative action as a risk to the quality of the University, administrators

⁴⁵ James Duderstadt, “The History of the Michigan Mandate: A Personal Narrative,” June 15, 1991, p. 11, unpublished in author’s possession.

⁴⁶ James Duderstadt, “The History of the University of Michigan: A Personal Narrative,” June 15, 1991, p. 11 unpublished in author’s possession.

would have trouble significantly expanding minority enrollment. As a faculty member in Michigan's School of Education and Director of the Program for Educational Opportunity, he was well aware of the diversity rationale presented by Justice Louis Powell in the *Bakke* case, and he understood that the term could have political utility at Michigan. The social responsibility arguments that worked in the 1960s and early 1970s to organize faculty support for affirmative action were no longer enough in the Eighties. The "vital step," Duderstadt later explained, "was to link diversity and excellence as the two most compelling goals before the institution."⁴⁷

Duderstadt and Moody also expanded on Powell's use of diversity to make it more appealing to a late-1980s audience. During the summer of 1987, the Hudson Institute released the highly influential report *Workforce 2000: Work and Workers for the 21st Century*. The report made two important assertions. First, due to immigration the racial and ethnic composition of the United States was changing rapidly and whites would no longer dominate the country's population in the near future. Second, American corporations were doing more business outside domestic borders. Duderstadt suggested that the University of Michigan prepare students to deal with this new world. Duderstadt suggested the University community needed to understand that "these goals were not only complementary but would be tightly linked in the multicultural society characterizing our nation and the world ahead."⁴⁸ He argued that the University could be

⁴⁷ Charles Moody, phone interview by author, 25 August 2010; James Duderstadt, interview by author, Ann Arbor, MI., 7 July 2010; James Duderstadt, "The History of the University of Michigan: A Personal Narrative," June 15, 1991, 11 unpublished in author's possession.

⁴⁸ James Duderstadt, "The History of the University of Michigan: A Personal Narrative," June 15, 1991, p.11, unpublished in author's possession.

a site where students learn to live and work in a multicultural world. Various university programs would teach students to respect cultural differences and interact with people from different racial backgrounds. The housing office had been doing this since the early Seventies, but Duderstadt was proposing a University-wide effort that would have access to millions of dollars in University funds. He also played on new concerns about the anticipated changes to the racial make-up of the country and corporate business practices. By creating a racially-diverse campus and teaching students how to interact with students from different backgrounds, Duderstadt also suggested, the University was serving the country's interest by preparing students to excel within corporations that increasingly engaged in business overseas. Programs that taught students to respect cultural differences, then, would provide a solution to racial tension on campus and also provide a new justification for affirmative action.⁴⁹

Finally, the vagueness of the concept of diversity was useful to administrators. Few people argued with the premise that students with different views and experiences improved the classroom environment, but what did that actually mean for the University? Duderstadt made it clear that increasing minority access to the University represented one component of the diversity goal, but how many minority students actually made a campus diverse? Duderstadt never stated how many more minority students he wanted to recruit; whether the diversity goal meant that the admissions office would change admissions standards; what parts of the country minority students would come from; or the amount of money he planned to redistribute from other colleges, departments and schools to

⁴⁹ James Duderstadt, "The History of the University of Michigan: A Personal Narrative," June 15, 1991, p. 11 unpublished in author's possession.

recruitment efforts were unclear. Charles Moody later explained that keeping the meaning of diversity vague ensured that “many people had no idea what they were really supporting.” When African-American enrollment suddenly spiked dramatically in the subsequent years, “they didn’t know what hit them.” That was important for Duderstadt because it gave him room to plan and implement an aggressive affirmative action program without controversy, debate and resistance.⁵⁰

MICHIGAN MANDATE

Duderstadt incorporated all of these ideas—the importance of leadership and accountability, and the utility of the concept diversity in building support for his initiatives—in his first official plan to address the issues of low minority enrollment and racism on campus. In September 1988, in his first full semester as president, he released “The Michigan Mandate: A Strategic Linkage of Excellence and Diversity.” The subtitle made it clear that linking the University’s definition of institutional quality to increasing minority enrollment was essential to gaining support for his initiatives. The “fundamental premise” of his new initiatives, Duderstadt argued in the mandate, was that “Diversity is a necessary condition for the achievement of excellence.” Furthermore, he pressed that the University had a “particular responsibility to develop models of multicultural communities” by teaching students how to live in culturally diverse environments because the racial make-up America was changing. These were both ideas that came out of discussions with Moody about how to convince faculty members of the importance of initiatives to increase minority access and address racism.

⁵⁰ Charles Moody, phone interview by author, 25 August 2010.

The lessons Duderstadt learned about the importance of leadership and accountability were also represented in the mandate. He did not simply lay out a vision for a more diverse campus community; he outlined a new management structure to implement that vision. The mandate introduced a “very simple leadership structure, involving a relatively small number of people who will be asked to assume responsibility and who will be held accountable for our success in key areas.” Duderstadt wanted a small group of administrators to lead these initiatives. He did not want to create another decentralized bureaucracy, in which leadership from executive administrators was virtually non-existent—what Duderstadt called “out of sight, out of mind.” The Michigan Mandate held Michigan’s Provost and deans accountable for implementing a program that increased minority enrollment.⁵¹

INCREASING MINORITY ADMISSIONS

In the area of minority recruitment and admissions, Duderstadt laid out more than a vision. One of the most important differences between Duderstadt and his predecessors was his willingness to fire people who were not producing results (or, as Duderstadt liked to put it, “not renew their contract”). As noted earlier in this chapter, Assistant Vice President of Academic Affairs Robert Holmes pleaded with Vice President of Academic Affairs Bill Frye and President Shapiro to tell Clifford Sjogren that the administration was serious about target enrollments when Frye could not convince Sjogren to accept target enrollments. During Shapiro’s time as University President, he never forced Sjogren to do anything. Duderstadt, on the other hand, was willing to use his power as

⁵¹ “The Michigan Mandate: A Strategic Linkage of Excellence and Diversity,” September 1988, in author’s possession.

president to force other administrators into action. Sjogren, the University's long-time admissions director, resigned just before Duderstadt announced the Mandate. When one of Sjogren's successors did not show Duderstadt that he was serious about implementing the Mandate, Duderstadt found a replacement. Duderstadt, unlike past presidents, was willing to hold people accountable for not meeting the University's admissions goals.⁵²

Over the course of the next eight years, the admissions office transformed their admissions practices and increased minority enrollment substantially. By 1996, the admissions office created a new system to admit students applying to the University's College of Literature, Science, and the Arts—the University's largest college. Admissions counselors created a complicated formula that gave students a score based on many different factors, including grade point average, strength of high school curriculum and standardized test results. Once admissions counselors used the formula to give a student an admissions score, they used a predetermined grid to figure out whether the score meant that the student would be admitted, rejected or placed on the waiting list. To increase minority admission, admissions counselors used a different grid for white and underrepresented minority students. In this system, underrepresented minority students needed a lower score than white students to gain admission to Michigan. By 1997, minority enrollment reached 25 percent, the highest in Michigan's history.⁵³

The spike in minority enrollment did not mean that low-income African American enrollment increased. The concept of diversity did not conflict with the University's

⁵² James Duderstadt, interview with author, July 7, 2010.

⁵³ Barbara A. Perry, *The Michigan Affirmative Action Cases* (Lawrence: University of Kansas Press, 2007), 55-7.

efforts to recruit middle-class African-American students. In fact, where the marketplace language discussed in Chapter Four focused on inherent risk of low-income black students to the University, the vagueness of diversity hid discussions about the intersection of race and social class. This vague language was useful at Michigan because the marketplace language made some people within the University uncomfortable, even those who thought the University should shift its focus away from recruiting low-income urban black students.⁵⁴

The “Michigan Mandate” made no mention of social class. Duderstadt’s diversity goals supported the continuation of the recruiting and admissions policies that Sjogren and Goodman began in the mid-1970s. By the late 1980s, there was no need for a frank discussion about the merits of focusing recruiting efforts on middle-class black students because administrators no longer thought an aggressive recruiting campaign for low-income students was viable. When asked about whether he and his executive officers included low-income black students in Detroit in the recruitment goals for the “Michigan Mandate,” Duderstadt looked surprised that the issues of social class and race were raised together. He said that he “didn’t think about class. The numbers [of minority students] were so low when I became president, my goal was to raise minority representation as quickly as possible.” So, while Duderstadt put pressure on the admissions office to increase the “diversity” of Michigan’s campus, he continued to support the admissions

⁵⁴ Robert Holmes to Eugene Feingold, April 10, 1981, President Records, Box 106, BHL.

office's practices of recruiting middle-class minority students, largely from suburban areas around the country.⁵⁵

Duderstadt's lack of attention to low-income minority students in urban areas was surprising considering his background. Perhaps more than any other Michigan president in recent history, Duderstadt knew what it was like to come from public schools that did not prepare students to gain admissions to selective colleges. Duderstadt grew up in Carrollton, Missouri, a farming town of 5,000 people. In the late 1950s, as he entered his senior year of high school, few of his peers even considered going to college. In Carrollton, Duderstadt explained, "most of the boys were expected to become farmers, while the girls were expected to become housewives." In fact, he was only the second person in his high school's history to have taken the SAT. He only learned that Yale University and Harvard University were in New England, rather than England, when he started the application process. "I decided on a whim," Duderstadt later wrote, "to apply to Yale, knowing absolutely nothing about it." When he arrived at Yale he immediately felt overwhelmed. Duderstadt sat in classrooms with students educated at northeastern preparatory schools, such as Exeter and Andover, who he described as "already well prepared for both the academic rigors and the social graces of a blue-blooded institution." "In contrast," when he arrived on campus, he "was quite unprepared for its academic rigor—having never done any homework in my life—and equally unprepared for the pace of its extracurricular life." He struggled academically early in his career at Yale, but

⁵⁵ James Duderstadt, interview by author, July 7, 2010

with hard work he raised his grades to an “A” average. He eventually graduated *summa cum laude* with an electrical engineering degree.⁵⁶

Nothing in Duderstadt’s background prepared him to tackle new demographic trends. As the nation’s Asian and Hispanic population skyrocketed, Duderstadt did not put much thought into what a diverse student body would actually look like. Did a diverse student body reflect the racial character of the state’s population? Did diversity mean that no racial group would make up the majority of the student body? Without putting much thought into what diversity actually meant, Duderstadt’s Michigan Mandate continued another trend that began in the 1970s. Asian-American and Hispanic enrollment growth outpaced African-American enrollment. By 1997, minority enrollment made up 25 percent of Michigan’s student body. African-American enrollment had reached 8 percent, Hispanic enrollment represented 6 percent and Asian enrollment constituted 10 percent. Only fourteen years earlier, minority enrollment stood at 10.5 percent. In that time, African-American enrollment increased by 163 percent, Asian-American enrollment increased by almost 300 percent and Hispanic enrollment increased by 400 percent. Niara Sudarkasa would not have praised these numbers. Before the Michigan Mandate, Sudarkasa measured the University’s success in meeting racial justice goals by comparing the racial composition of the student body to the racial composition of the state population. Whites composed 83 percent of the state’s population, but only 75 percent of Michigan’s student body. African Americans comprised 14 percent of the state’s population but 8 percent of the student body. But

⁵⁶ Duderstadt, *The View from the Helm*, 48-49.

Hispanic students' proportion of Michigan's student body doubled their share of the state's population. Furthermore, Asian-American students' share of the University's student body was ten times their share of the state's population. Duderstadt did not define a diverse student body the same as Sudarkasa defined an equitable student body. This difference in meaning was one of the dangers of a diversity policy for African Americans. University administrators could claim that they were successfully carrying out its diversity mission, while black students remained underrepresented.⁵⁷

TEACHING THE VALUE OF CULTURAL DIVERSITY

Before Duderstadt implemented the "Michigan Mandate," programs that educated students about the value of cultural pluralism were few in number and were all led by a small group of people in the housing division. By the early 1990s, the University released a "diversity directory" which listed over one hundred University programs relating to Michigan's diversity goals. The housing division ran many new programs, but Duderstadt's efforts helped to spread diversity programs to colleges, schools and departments across campus. For example, the School of Music developed lectures and performances on the Harlem Renaissance; the School of Nursing created videos for students promoting cultural diversity; the University Library hosted a "Diversity Film Festival"; and the School of Education developed "small-group diversity sessions." Faculty in academic departments also worked to transform the curriculum. In 1991, the College of Literature, Science, and the Arts faculty voted to implement a "Race and Ethnicity" curriculum requirement, which required students to take a course on multiculturalism in the United States or abroad. Faculty members in departments in the

⁵⁷ Perry, *The Michigan Affirmative Action Cases*, 55.

humanities and social sciences hurried to develop new courses to meet the new requirement. For example, in Department of English Language and Literature, students could take “Bigotry and Maturing in the Literature of Two Cultures.” In the Department of History, students could enroll in “Diversity, Ethnicity and Conflict in Asia.” By 1994, LS&A had approved 111 courses that met the Race and Ethnicity requirement. In this respect, Michigan followed a growing nationwide trend on college campuses. In a 1991 survey, over one-third of 200 universities represented had already established a “multicultural general education requirement.” The University of California, Berkeley implemented its “American Cultures” curriculum program and Stanford University adopted a “Cultures, Ideas, and Values,” curriculum requirement, which introduced students to non-Western cultures.⁵⁸

The size of the “diversity directory” actually highlighted problems in implementing the Michigan Mandate. Duderstadt originally placed an emphasis on the need for centralized leadership in issues regarding race. He wanted a small group of people leading initiatives that he could hold accountable. At the same time, he wanted to get as many people invested in the goal of cultural diversity as possible. In order to achieve that goal, he thought he needed to get as many people to participate in cultural diversity programs as possible. In practice, however, this meant that Duderstadt did not exercise the same control over cultural diversity initiatives as minority admissions efforts.

⁵⁸ Frederick Lynch, *The Diversity Machine: The Drive to Change the “White Male Workplace”* (New York: The Free Press, 1997), 283-5; Patricia Gurin, Eric L. Dey, Sylvia Hurtado and Gerald Gurin, “Diversity and Higher Education: Theory and Impact on Educational Outcomes,” *Harvard Educational Review* 72, no.3 (Fall 2002): 345; Mark Brilliant, “Intellectual Affirmative Action: How Multiculturalism Became Mandatory and Mainstream in Higher Education,” in *Living in the Eighties* edited by Gil Troy and Vincent J. Cannato (New York: Oxford University Press, 2009), 99.

In part, Duderstadt's lack of supervision over cultural diversity programs also reflected the fact that Duderstadt was always uncomfortable discussing issues of race relations. In Duderstadt's mind, increasing minority enrollment seemed easy. The president could ensure more money was available for minority student recruitment and scholarship aid, put pressure on the admissions office to admit more minority students and fire people who did not get results. But getting students to change their behavior and views toward students of different racial groups was more complicated.

One of the major problems was that Duderstadt never established who had the authority and expertise to guide efforts to teach about the value of cultural diversity. This is surprising because the University of Michigan hosted the Institute for Social Research, one of the nation's most famous social science research centers. Within the Institute, the Research Center for Group Dynamics focused on issues of racism and race relations. Although Duderstadt took advantage of the University's expertise to learn how to transform an institution, he missed an opportunity to take advantage of resources ISR provided.⁵⁹

Rather than appointing a small team of experts to lead cultural diversity programs, initiatives to teach students about the value of cultural diversity became decentralized and unorganized. Student acting troupes had the same authority to create cultural diversity programs as social psychologists with expertise in creating programs meant to improve race relations. For example, during summer orientation in 1988, 4,100 incoming freshmen watched the student theatrical troupe associated with the residence hall system and Hillel foundation, "Talk to Us," perform skits that tackled issues of racial prejudice

⁵⁹ "ISR—Sixty Years and Counting, 1949-2009," <http://www.isr.umich.edu/home/about/>.

and promoted the value of cultural diversity. In short, the skits were meant to teach incoming freshmen, many who lived in communities and went to schools dominated by members of their own racial group, how to act in more a more heterogeneous environment. During the 1988 summer orientation, students watched a skit entitled “Black Roommate.” The skit began in a dorm room with one white woman telling her friend that she needed to try to switch rooms before her black roommate arrived. Both women made assumptions that led the audience to believe the black roommate was from a lower-class urban background. They mentioned that she must be on scholarship, live in Detroit and listen to rap music. When the black roommate arrived, one of the white women asked her about the traffic coming from Detroit. But the black roommate surprised them by telling the white students that she was actually from Boston and she just returned from a summer abroad in Europe. Suddenly, the students found they had much in common—they liked the same music and movies, and they both spoke French.⁶⁰

The premise of the entire skit was to teach incoming white students not to assume that black students come from low-income backgrounds from Detroit. The skit eventually led to criticism from the United Coalition Against Racism (UCAR). The group questioned the utility of developing an “ideal Black person, one who would be palatable to both white orientees and white society as a whole.” By idealizing an “upper middle class Bostonian,” the group argued, the “message sent by the skit was that only certain kinds of Black people are ‘acceptable.’”⁶¹

⁶⁰ “Black Roommate,” 1988, Vice Provost for Multicultural Affairs, Box 7, BHL; “Skits Off Mark, Protesters Say,” *Detroit News* July 29, 1988, News and Information Services Faculty and Staff Files, Box 125.

The controversy over the skit did not lead Duderstadt to clarify who had the authority to create cultural diversity programs. Two years later, Duderstadt cancelled classes on Martin Luther King, Jr. Day to hold a campus-wide event to promote cultural diversity. Robert Zajonc, one of the nation's leading social scientists and a member of Michigan's Institute for Social Research, developed seminars where faculty members, students and staff watched Spike Lee's "Do the Right Thing" and discuss issues of race afterwards. Zajonc argued that the program "will force people to examine their perspective and recognize that there's more than one." Zajonc had to compete with many other seminars on King's birthday, produced by people with no expertise in race relations. Students could attend a seminar on "Ancient Greece and the Black Experience," produced by the classical studies department. The nuclear engineering department produced a seminar entitled "Your Success Can Be Enhanced by Positive Race Relations." The School of Natural Resources produced a lecture called "Environmental Issues and Concerns: The Impact on People of Color."⁶²

Two years into the project, Duderstadt began to wonder how the University would actually measure the effectiveness of these programs. Determining whether the University was succeeding in creating a diverse student population involved a simple numbers test. When minority student numbers went up, administrators were doing something right; when minority numbers went down, they were doing something wrong. But measuring changes in students' behavior and views towards students of different

⁶¹ "Student Activist Groups Statement on Summer Orientation," July 26, 1988, Vice President for Student Affairs, Box 22, BHL.

⁶² Isabel Wilkerson, "U. of Michigan Fights the Taint of Racial Trouble," *New York Times* January 15, 1990, p. A12.

racial groups was much more difficult. Did a decline in reported incidents of racism each year indicate successful diversity programs? Did an increase in the number of white and minority students sitting together at cafeteria tables signal success?

In 1990, Duderstadt commissioned the Michigan Student Survey. While Duderstadt never designated a group of experts to lead cultural diversity programs, he turned specifically to social scientists to study the program's impact on students. John Matlock, the Associate Vice Provost and Executive Vice President for Academic Affairs, and Gerald Gurin, a social psychologist at Michigan's Institute for Social Research and Professor of Higher Education, led the study, with a research team of undergraduate and graduate students. Matlock and Gurin developed a longitudinal study that tracked changes in students' perceptions of race relations over the course of four years. He used Michigan's Class of 1994, so the study ran from the students' freshman year in 1990 to their senior year in 1994.⁶³

The study revealed that 55 percent of African-American seniors reported difficulty "feeling comfortable in the campus community." Half of black students reported "quite a bit" or "a great deal" of "racial conflict on campus." Only 52 percent of black students reported that there was "a great deal" or "quite a bit" of "friendships between students of color and White students." Over the course of four years at Michigan, the percentage of African-American students who reported that at least one of their six closest friends were members of another racial/ethnic group only increased from 47 percent to 54 percent. When asked "How much impact has the University's

⁶³ John Matlock, Gerald Gurin and Katrina Wade-Golden, "The Michigan Student Study: Students' Expectations of and Experiences with Racial/Ethnic Diversity," 21, 19, 26, 32. <http://www.oami.umich.edu/mss/downloads/synopsis0103.pdf>

focus on racial and ethnic diversity had on your experiences on campus?”, 59 percent of African-American students replied “little” to “none.” Finally, 59 percent of black students reported encountering “faculty and students who feel I don’t have a right to be here.” The study was hardly an endorsement of the value of cultural diversity programs for black students.⁶⁴

The study found that African Americans’ experience at Michigan was unique. The proportion of whites who reported having at least one friend who was not white increased from 32 percent to 46 percent. By the time they left Michigan, 90 percent of Asian students and 95 percent of Hispanics had at least one close white friend. Only 34 percent of Hispanic, 22 percent of Asian American and 21 percent of white students reported difficulty in “feeling uncomfortable in the campus community.” Only 29 percent of Asian American, 30 percent of Hispanic and 22 percent of white students reported “quite a bit” or “a great deal” of “racial conflict on campus.” About 67 to 70 percent of Asian American, Hispanic and white senior reported that there was “a great deal” or “quite a bit” of “friendships between students of color and White students.” Finally, only 26 percent of Hispanic students, 15 percent of white students and 15 percent of Asian-American students reported encountering “faculty and students who feel I don’t have a right to be here.”⁶⁵

The different pre-college experiences help explain some of the disparities between black students and other minority groups on campus. Seventy percent of Hispanic and

⁶⁴ Matlock, “The Michigan Student Study.”

⁶⁵ Matlock, “The Michigan Student Study,” 24-5, 19, 32.

Asian-American students grew up neighborhoods that were predominantly white, and about two-thirds attended high schools that were predominantly white. Before they set foot on Michigan's campus, 69 percent of Asian-American students and 80 percent of Hispanic students reported that at least half of their closest friends were members of a different racial/ethnic group. In contrast, 52 percent of black students grew up in predominantly black neighborhoods and only 32 percent reported a close friend of a different racial/ethnic group before coming to Michigan.⁶⁶

CONCLUSION

The Michigan Mandate evolved out of three decades of political battles over race at the University of Michigan. Duderstadt used the concept of diversity as a political tool to lead a campaign to increase minority enrollment and address racism on campus. Duderstadt knew that the perceived tension between equity and quality had long been an obstacle in increasing minority enrollment. To address these concerns, he argued that diversity and institutional quality were intimately linked. He also used the concept of cultural diversity, which emerged as an institutional priority at Michigan during a battle over housing in the early 1970s, to address racism. He took an initiative limited to the housing office and created a multi-million dollar, campus-wide campaign to teach students the value of cultural difference.

By the time Duderstadt resigned in 1996, the Michigan Mandate had left a mixed legacy on Michigan's campus. Minority enrollment reached its highest level in Michigan's history, but African-American students were still underrepresented on

⁶⁶ Matlock, "The Michigan Student Study," 24.

campus. Michigan's cultural diversity initiative spread to almost every school and department on campus, but the initiative became decentralized and lacked leadership. Studies in the early 1990s also showed that African-American students still struggled with feelings of cultural alienation and experienced racism.

Duderstadt's successors inherited these issues and also faced new problems. Duderstadt was mainly concerned about internal institutional roadblocks to effectively addressing issues of racial justice. As he resigned, opponents of affirmative action were scoring legal and political victories across the country. Duderstadt's successors would have to withstand new external legal and political challenges to affirmative action—challenges that administrators at Michigan had never faced before.

CHAPTER 6

DEFENDING DIVERSITY

When President James Duderstadt crafted the diversity rationale and implemented the Michigan Mandate, Michigan administrators had been utilizing race-conscious admissions practices for almost thirty years without facing a single legal challenge. But that sense of legal invulnerability ended in the mid-1990s when the political and legal tides turned against affirmative action in the United States. In 1995, the University of California Regents banned affirmative action admission practices, and the next year California voters banned affirmative action policies in all state institutions. In 1996, the Center for Individual Rights (CIR)—a small public-interest law firm—won the first anti-affirmative action admissions lawsuit since *Bakke*. In *Hopwood v. Texas* a federal district court ruled that the University of Texas Law School’s race-conscious admissions policies were unconstitutional. University of Michigan administrators could not escape the growing backlash against affirmative action. In 1997, CIR brought lawsuits against Michigan’s College of Literature, Science, and the Arts (*Gratz v. Bollinger*) and its Law School (*Grutter v. Bollinger*), challenging the legal merits of their affirmative action admissions programs.

Legal scholars have produced countless analyses of these two cases. By examining the legal arguments made in the courtroom, these scholars place lawyers and judges at the center of their analysis.¹ In contrast, this chapter argues that institutional

¹ Michelle Adams, “Searching for Strict Scrutiny in *Grutter v. Bollinger*,” *Tulane Law Review* 78 (2003): 1941-1954; Paul R. Baier, “On *Bakke*’s Balance, *Gratz* and *Grutter*: The Voice of Justice Powell,” *Tulane Law Review* (2003): 1955-2008; Sylvia R. Lazos Vargas, “Does a Diverse Judiciary Attain a Rule of Law

managers and social scientists at the University of Michigan shaped the outcome of the case. Working behind the scenes, social scientists provided empirical evidence that supported administrators' claims about the value of diversity, while administrators courted other university presidents, corporate CEOs and military officers to sponsor amicus briefs in support of the University of Michigan's policies. Furthermore, for administrators at the University of Michigan, their efforts did not end with the Supreme Court's decision in 2003. The Supreme Court struck down undergraduate admissions policies in the College of Literature, Science, and the Arts, but upheld the University's ability to take race into account in a more limited fashion. After the decision, admissions officers had to create new admissions policies that complied with the Supreme Court's ruling, while furthering the University's diversity mission.

BACKLASH AGAINST AFFIRMATIVE ACTION

By the time the Center for Individual Rights (CIR) sued the University of Michigan in 1997, Michigan administrators were already preparing for a legal and political fight over affirmative action. During the previous three years, Michigan administrators could sense the political and legal tides were shifting against race-conscious policies. In 1994, CIR challenged the University of Texas Law School's affirmative action admissions policies in court. In response, University of Texas lawyers argued that Supreme Court Justice Louis Powell had already held that a diverse student

That is Inclusive?: What *Grutter v. Bollinger* Has to Say About Diversity on the Bench," *Michigan Journal of Race & Law* 10 (2004): 101-152; Kenneth L. Karst, "The Revival of Forward-Looking Affirmative Action," *Columbia Law Review* 101 (Jan 2004): 60-74; Victoria Choy, "Perpetuating the Exclusion of Asian Americans from the Affirmative Action Debate: An Oversight in the Diversity Rationale in *Grutter v. Bollinger*," *UC David Law Review* (February 2005):546-559; Mary Kate Kearny, "Justice Thomas in *Grutter v. Bollinger*: Can Passion Play a Role in a Jurist's Reasoning," *St. John's Law Review* 78 (Winter 2004): 15-35; Robert Sedler, "Affirmative Action, Race, and the Constitution: From *Bakke* to *Grutter*," *Kentucky Law Journal* 92, issue 1 (2003-2004): 219-240.

body provided universities with a compelling state interest in order to take race into account in the admissions process in *Bakke* (1978). But CIR lawyers disagreed. They argued that Powell only provided the tie-breaking vote in the *Bakke* case, and his opinion did not represent the majority of justices on the Supreme Court. Federal judges in the Fifth Circuit Court of Appeals ruled in CIR's favor. For the first time since Supreme Court Justice Louis Powell issued his decision in *Bakke*, a federal appeals court disregarded his legal rationale for race-conscious practices. The Fifth Circuit justices held that "any consideration of race or ethnicity by the law school for the purpose of achieving a diverse student body is not a compelling state interest under the Fourteenth amendment." "The use of race," the Justices went on, "to choose students simply achieves a student body that looks different. Such criterion is no more rational" than selecting students based on the "physical size or blood type of applicants."²

Michael Greve, executive director of CIR, called the ruling a "powerful blow for a colorblind Constitution."³ John A. Blackburn, dean of admissions at the University of Virginia, told the *Chronicle of Higher Education* that the *Hopwood* ruling was "an incredibly stupid decision," which had left "[a]ll of us dazed, wondering, 'What Does it mean?'"⁴ University of Michigan President James Duderstadt told the *Chronicle of Higher Education* that Michigan would continue to utilize affirmative action "until the Supreme Court says we can't anymore." As if to warn opponents of affirmative action

² Laura C. Scanlan, "Hopwood v. Texas: A Backward Look at Affirmative Action in Education," *New York University Law Review* 71 (1996): 1580-2, 1600.

³ Michael S. Greve, "Ruling Out Race: A Bold Step to Make Colleges Colorblind," *Chronicle of Higher Education* March 29, 1996.

⁴ Scott Jaschick and Douglas Lederman, "Appeals Court Bars Racial Preference in College Admissions," *Chronicle of Higher Education* March 29, 1996.

that their legal and political campaigns against race-conscious policies were fruitless, Duderstadt stated, even “[i]f certain avenues are shut off, we’ll try to find other ways to get the same result.”⁵ In 1996, Duderstadt did not have to try to find other methods. The Supreme Court declined to hear *Hopwood v. Texas*, so universities outside the Fifth District (Texas, Louisiana and Mississippi) did not have to comply with the decision.⁶

Nevertheless, political challenges to affirmative action threatened the future of race-conscious admissions practices outside the Fifth district. Until, the mid-1990s, conservative activists primarily utilized the legal system to challenge race-conscious practices in higher education. But beginning in 1995, conservative activists began using different tactics. In that year, California’s Republic governor Pete Wilson used his clout with the University of California Board of Regents to ban race-conscious policies in all University of California institutions.⁷ The next year, Wilson and UC Board of Regent member Ward Connerly led a fight to ban race-conscious practices in all state institutions. In 2006, California voters approved Proposition 209, an amendment to

⁵ Douglas Lederman, “Split on Racial Preferences,” *Chronicle of Higher Education* April 5, 1996, A29.

⁶ Scanlan, “*Hopwood v. Texas*, 1600.

⁷ Brian Pusser, *Burning Down the House: Politics, Governance, and Affirmative Action at the University of California* (Albany, NY: State University of New York Press, 2004), 36-9. Amy Wallace and Dave Leshner, “UC Regents, in Historic Vote, Wipe Out Affirmative Action,” *Los Angeles Times* July 21, 1995 http://articles.latimes.com/1995-07-21/news/mn-26379_1_regents-vote-affirmative-action-university-of-california-regents; Republican California Governor Pete Wilson was planning to make a presidential run, and he wanted to make affirmative action an important issue in upcoming election. In order to gain a reputation as an opponent to affirmative action, he pushed the University of California Regents to ban race-conscious policies. Wilson had political clout with the Board of Regents because, unlike at the University of Michigan, the governor appointed University of California Board members to twelve-year terms. Luckily for Wilson, a Republican had sat in the governor’s mansion since 1983, each appointing individuals to the Board who had a strong record or service in the Republican party or had close personal ties to the governor. In July 1995, Board members voted fourteen to ten to ban race-conscious admissions practices from all University of California institutions.

California's constitution, which banned "racial preferences" in all public institutions.⁸

Conservative columnist Charles Krauthammer noted the importance of the political victory for opponents of affirmative action. Krauthammer announced that conservatives did not have to worry about fighting affirmative action in the Supreme Court anymore. "Affirmative action is dying," Krauthammer wrote in an opinion piece that was published in newspapers across the country, "and the cause of death will be legislative not judicial."⁹

In the state of Michigan, state politicians were leading their own fight against affirmative action. In the first six months of 1995, three Republicans in Michigan's House of Representatives introduced two separate bills and a proposition for an amendment to the state constitution, each intending to end or modify race-conscious practices in public institutions. In January, Republican Representative Penny Crissman introduced an amendment to Michigan's Elliot-Larsen Civil Rights Act of 1976. Crissman's proposed amendment would prohibit employers and universities from "adjusting test scores, using different cut-off scores, or otherwise altering the results of a test on the basis of religion, race, color, national origins, or sex." Michigan officials were not worried about Crissman's bill because the University did not technically alter test

⁸ Brian Pusser, *Burning Down the House*, 36-9; James Carney, "Affirmative Action: Mend It, Don't End It," *Time* Monday July 31, 1995 <http://www.time.com/time/magazine/article/0,9171,983257,00.html>.

⁹ Charles Krauthammer, "Taking Affirmative Action Out of the Judges' Hands," *Seattle Times* June 19, 1995, <http://community.seattletimes.nwsourc.com/archive/?date=19950619&slug=2127126>; "How Affirmative Action Will Meet Its Demis," *Chicago Tribune* June 16, 1995 http://articles.chicagotribune.com/1995-06-16/news/9506160090_1_adarand-constructors-affirmative-action-abortion-law; "Legislative Death Awaits Affirmative Action," *Desert News* June 18, 1995 <http://www.deseretnews.com/article/423228/LEGISLATIVE-DEATH-AWAITS-AFFIRMATIVE-ACTION.html>.

scores or use different “cut-off” scores for white and minority applicants. Two other measures did threaten their admissions practices. In March, Republican Representative David Jaye introduced an amendment to Michigan’s Constitutions that mirrored California’s Proposal 209, which proposed to eliminate “racial preferences” in public employment and higher education. In June, Republican Representative Michelle McManus introduced a bill that proposed to ban “preferential treatment” in both private and public institutions in the state of Michigan. Ted Spencer, the University of Michigan’s director of undergraduate admissions told the *Chronicle of Higher Education* that the Jaye Resolution and McManus Bill would lead to a “brain drain of minority students from the state.” After a year of debate, however, state legislators never voted on the McMannis Bill or the Jaye Resolution. Instead, they voted to approve the Crissman Bill, which did not affect the University of Michigan’s admissions practices.¹⁰

As confident as Krauthammer had been that political initiatives would eliminate affirmative action programs in the United States, opponents to affirmative action in Michigan could not gain enough political support to pass the McMannis bill or the Jaye Resolution. When those efforts failed, conservative legislators turned to the courtroom to challenge affirmative action. They found an important ally in Carl Cohen, a philosophy professor at the University of Michigan. Cohen had been fighting a one-man battle against Michigan’s affirmative action admissions policies since the 1970s, making regular appointments with former admissions director Cliff Sjogren. He had also corresponded with Allan Bakke’s lawyers as they prepared their arguments against the

¹⁰ Brent E. Simmons, “Affirmative Action: The Legislative Debate in the Michigan House of Representatives,” *Thomas M. Cooley Law Review* 14 (1997): 267-316.

University of California at Davis Medical School's race-conscious admissions program for the Supreme Court in 1978. Nationally, he was a well-known critic of affirmative action, authoring over a dozen articles opposing race-conscious policies. In December 1995, Carl Cohen could sense the political and legal tides were turning against affirmative action. He filed a Michigan Freedom of Information Act request in order to obtain documents regarding the University's affirmative action policies. When Cohen received a detailed outline of the University's separate admissions grids for white and minority students (discussed in Chapter Five), he felt that that he finally had the ammunition he needed to effectively challenge Michigan's affirmative action program. He published a description of Michigan's admissions practices in *Commentary*, and then the *Detroit News* published an article on Cohen's findings with a full copy of Michigan's admissions chart.¹¹

Republicans in Michigan's House of Representatives' Constitutional Committee invited Cohen to testify about the admissions documents he received. Afterwards, Deborah Whyman, a Republican committee member and opponent of affirmative action, sensed that these documents gave conservatives an opportunity to challenge the University's affirmative action policies in court. Whyman called representatives at CIR, who expressed interest in the case. She then led a media campaign, appearing on talk radio and television, asking for potential plaintiffs to step forward for a lawsuit that

¹¹ "Articles," *Carl Cohen.Org* <http://carl-cohen.org/articles.cfm>; Carl Cohen to Reynold H. Colvin, June 1, 1977, Carl Cohen Papers, Box 46, BHL; Reynold H. Colvin to Carl Cohen, Mary 10, 1977, Carl Cohen Papers, Box 46, BHL..

would challenge the legal merits of the University's affirmative action admissions program.¹²

PREPARING FOR A LAWSUIT

In October 1995, in the midst of the backlash against race-conscious policies, President James Duderstadt announced that he would step down as President the following summer. Upon announcing his departure, Duderstadt praised the Michigan Mandate. Thanks to the Mandate, Duderstadt remarked, the University of Michigan had "the highest representation of people of color" in the school's history.¹³ But Duderstadt left the next president with a difficult challenge in defending the principles of the Michigan Mandate against a growing conservative backlash against race-conscious policies.

The Board of Regents chose Lee Bollinger, Provost of Dartmouth College and former dean of the University of Michigan Law School, to succeed Duderstadt. Bollinger's actions as a University administrator made him an appealing candidate to lead the University of Michigan through the new political and legal environment surrounding affirmative action. Bollinger was among a small group of university officials who testified in the courtroom about the institutional value of diversity in *Hopwood*. Many university officials had refused to testify in the case, worried that their testimony might lead to a lawsuit at their own institution. Bollinger vowed that he would continue to be an ardent defender of race-conscious admissions practices as President at the University

¹² Barbara Perry, *The Michigan Affirmative Action Cases* (Lawrence: University of Kansas Press, 2007), 57.

¹³ "Duderstadt to Retire from Presidency," *Michigan Today* October 1995, 5.

of Michigan. Bollinger recognized that the political and legal environment surrounding affirmative action had shifted, and the President of the University of Michigan had a responsibility to defend race-conscious practices in public forums. “Ten years ago, when I became dean of the Law School, there [were] virtually no public discussions in this country about affirmative action programs,” Bollinger told a reporter for the University of Michigan newspaper *Michigan Today*. “We are now in a period of national reassessment of this major public policy,” he continued, and “it is incumbent upon the institution to help make a case for that policy. I am eager to do that.”¹⁴

He also had a reputation as a reformer, willing to modify affirmative action policies in order to avoid lawsuits. When he accepted the position of dean of Michigan’s Law School in 1987, he became concerned that nobody within the Law School had actually investigated whether the Law School’s affirmative action admissions practices actually complied with the *Bakke* ruling. In 1991, in an effort to bring the Law School’s admissions practices in line with *Bakke*, he appointed a committee, which included prominent constitutional scholars at Michigan’s Law School, to rewrite the Law School’s admissions policies. The committee rewrote admissions policies to use the concept of diversity to justify race-conscious practices for the first time. The new policy stated that the Law School sought “to admit a group of students who individually and collectively are among the most capable students applying to American law schools” and sought to create “a mix of students with varying backgrounds and experience who will respect and learn from each other.” He was also concerned that the methods of selecting students

¹⁴ “Bollinger Comes Home,” *Michigan Today* 28 (Winter 1996): 4.; Stohr, *A Black and White Case*, 35.

might also conflict with the law. At the time, Allan Stillwagon, assistant dean and director of admissions, still used an admissions process developed in the early 1970s. Stillwagon admitted 50 percent of the class based purely on undergraduate grade point average and LSAT scores. Stillwagon chose the second half of the class based on whether they would make the law school a “livelier place.” Using these policies, Stillwagon tried to ensure that underrepresented minority students composed 10 to 12 percent of each freshman class. Bollinger wanted to eliminate these practices, and create new practices from scratch. When he thought that Stillwagon would resist changes to admissions practices, he asked him to resign. Bollinger then asked the admissions committee and newly hired admissions director Dennis Shields to reform the selection process. The committee eliminated the admissions system that measured half the class by grades and standardized test scores, and the other by their contribution to the “liveliness” of the class. In its place, the committee developed a “holistic” review process, where admissions officers would evaluate every piece of a student’s application. As Shields later described: “We had to sit down and read the whole file and make a judgment based on everything you saw there. There was no one thing” that admissions officers focused on. “A remarkable essay,” Shields explained, might be the factor that leads to one student’s admissions, while a strong LSAT score might lead to another student’s admission. Another student might have a low LSAT score, but have overcome personal barriers that suggest that he would contribute to the diversity of the class and succeed academically. Admissions officers did not give a predetermined weight to any factor in the admissions process, including race. As Shields explained, race “may carry more

weight in one file” and “it may case less weight into [sic] another file.” The process gave admissions officers a lot of discretion in determining which students to admit and reject.¹⁵

When Bollinger accepted the position of president six years later, he led a similar review of Michigan’s undergraduate admissions process. By the time he took the helm in February 1997, Cohen had already published articles about the University’s admissions policies, and Republican legislators were searching for plaintiffs in a lawsuit against the University. Bollinger anticipated a lawsuit was on the horizon. He immediately stopped using the term “Michigan Mandate” because he thought the term brought unwanted attention to the University. Bollinger also worried that separate admissions grids for white and underrepresented minority students, which Cohen published in national publications, were unconstitutional. He wanted to implement an admissions program that took race into account, but used a more “holistic” model of selecting students, which did not put a predetermined weight on any factor, including race. But admissions officers resisted such a dramatic change. The “holistic model,” which required admissions officers to read every piece of a student’s application and make nuanced decisions about their contribution to the University, required more time of admissions officers than the grid system. Admissions officers argued that they needed an efficient process to sort through the approximately 14,000 applications that Michigan’s College of Literature, Science, and the Arts received each year. In the end, Bollinger and the admissions office settled on a compromise. Admissions officers eliminated the two separate grid systems,

¹⁵ Testimony of Lee Bollinger, *Grutter v. Bollinger*, 137 F.Supp.2d 821 (E.D. Mich. 2001); Testimony of Richard Lempert, *Grutter v. Bollinger*, 137 F.Supp.2d 821 (E.D. Mich. 2001); Testimony of Allan Stillwagon, *Grutter v. Bollinger*, 137 F.Supp.2d 821 (E.D. Mich. 2001); Testimony of Dennis Shields, *Grutter v. Bollinger*, 137 F.Supp.2d 821 (E.D. Mich. 2001); Stohr, *A Black and White Case*, 34.

which evaluated white and underrepresented minority students using different criteria. Instead, admissions officers used a single grid, where students of all races would need the same number of total points to gain admission. However, to continue taking race into account, the admissions office simply awarded all underrepresented minority students twenty automatic points.¹⁶

In October 1997, just eight months after Bollinger took office, CIR brought lawsuits against the University of Michigan's Law School and College of Literature, Science, and the Arts. For all of the changes Bollinger made leading up to the lawsuit, none of his actions actually addressed one of the key issues in the case: why did the goal of diversity justify race-conscious policies? The *Hopwood* decision revealed that universities had the burden to prove that diversity represented a compelling state interest. In *Hopwood*, University of Texas lawyers could only provide anecdotal evidence that diversity provided a compelling state interest, but judges on the Fifth Circuit Court of Appeals were not willing to accept personal stories about how diversity improved learning outcomes. Jonathan Alger, Counsel for the American Association of University Professors, explained the problem University of Michigan lawyers faced shortly after CIR brought the lawsuits against the University. The "need to prove the linkage between diversity and educational quality," Alger explained, "lies at the heart of today's

¹⁶ Monica L. Rose, "Proposal 2 and the Ban on Affirmative Action: An Uncertain Future for the University of Michigan in Its Quest for Diversity," *Boston University Public Interest Law Journal* 17 (Spring 2008): 312; Brief for the United States as Amicus Curiae Supporting Petitioners, *Gratz v. Bollinger*, 539 U.S. 244 (2003) (No. 02-516); Marcia G. Synnott, "The Evolving Diversity Rationale in University Admissions: From *Regents v. Bakke* to the University of Michigan Cases," *Cornell Law Review* 90 (2004): 480. "Date Set for Presidential Inauguration," *University Record* April 1, 1997. http://ur.umich.edu/9697/Apr01_97/artcl01.htm.

unfinished legal homework assignment.” “Broad platitudes about the value of diversity,” he continued, “must be backed up with concrete, systematic, articulated evidence...”¹⁷

The problem was that Michigan officials, just like officials at other universities, had virtually no evidence to support their claims that a diverse campus improved educational quality and better prepared students to become citizens in a racially diverse democracy. Thankfully for Bollinger, one of his executive officers, Nancy Cantor, knew that social scientists at the University could provide this evidence. Bollinger appointed Nancy Cantor to the position of Provost and Executive Vice President for Academic Affairs soon after he became president. She had been a faculty member in Michigan’s psychology department and knew of several Michigan psychologists who studied issues of race and were qualified to investigate Michigan administrators’ claims about the virtues of diversity. Cantor connected Michigan’s lawyers with four U-M psychologists: Gerald Gurin, Patricia Gurin, Sylvia Hurtado and Eric Dey.

The four psychologists began collecting data to test Michigan’s claims about the virtues of diversity. They settled on data from three separate studies that had already been completed, none of which were conducted specifically to provide evidence to support Michigan’s diversity rationale. Two of the studies were internal investigation of U-M’s programs. The Michigan Student Study (MSS), discussed in Chapter Five, was a longitudinal study that tracked Michigan Class of 1994 from freshmen to senior year to judge the students’ experience within a diverse student body. The second study, conducted by Michigan’s Program on Intergroup Relations, Conflict and Community

¹⁷ Jonathan R. Alger, “Unfinished Homework for Universities: Making the Case for Affirmative Action,” *Journal of Urban and Contemporary Law* 54 (Summer 1998): 76, 78.

(IRCC), investigated the effectiveness of classrooms where dialogue groups about race relations were part of formal classroom instruction. Finally, the survey conducted by UCLA Higher Education Research Institute (HERI) extracted survey responses from 9,316 students at nearly two hundred post-secondary institutions concerning their experience during college. Like MSS, the survey was longitudinal study that tracked change over time, but, unlike MSS, the study did not focus exclusively on issues of race.¹⁸

With this data, the four psychologists began investigating whether the data showed that diverse classrooms actually improved learning outcomes and whether a diverse student body improved what the group called “democracy outcomes.” In short, psychologists defined “democracy outcomes” as factors that “better able [students] to participate in an increasingly heterogeneous and complex society.” To participate in that society, the psychologists argued that students needed to consider “multiple perspectives that are inherent in a diverse environment”; negotiate the conflicts that sometimes come accompany a population with different perspectives; and appreciated “these differences in pursuit of the broader common good.”¹⁹

Their findings gave Michigan’s lawyers the evidence they were looking for. The psychologists’ report—known as the Gurin report because Patricia Gurin represented the group as the expert witness—never defined what a diverse classroom actually looked like, but nevertheless argued that students with the most experience in diverse classrooms

¹⁸ Expert Witness Report of Patricia Gurin, *Gratz v. Bollinger*, 135 F. Supp. 2d 790 (E.D. Mich. 2001) (No. 97-75321).

¹⁹ Expert Witness Report of Patricia Gurin.

experienced the greatest growth in their complex and active thinking skills and thought more deeply about social issues. These findings came from the IRCC study, which evaluated students learning progress in classes designed to facilitate discussions about race. The report also found that a diverse student body (again, a diverse student body was not defined) produced positive “democracy outcomes.” Contact with members of other racial groups in college led students to seek out diverse personal relationships, neighborhoods and workplaces.²⁰

The Gurin report also emphasized the value of diversity to white students in order to prove to the justices that diversity policies were not remedies for historical injustices. For example, Gurin argued that white students who took advantage of diverse classrooms and interacted with members of other racial groups reported feeling the most prepared for graduate school or for their post-college job. Furthermore, white students who took courses on race and ethnicity and interacted with members of other racial groups during college were most likely to engage and discuss issues of race after college. The expert report provided Michigan’s lawyers with evidence that diversity improved educational outcomes and prepared students to participate in a multiracial democracy—crucial evidence that the University of Texas lawyers did not have in the *Hopwood* case.

GAINING SUPPORT FOR DIVERSITY

The Gurin report provided the evidence that would become the cornerstone of Michigan’s legal defense; however, Bollinger still worried about three issues. First, he feared that justices might view Michigan’s diversity argument as an anomaly that did not

²⁰ Expert Witness Report of Patricia Gurin.

have widespread support among America's institutional leaders. Second, he worried that the justices would not realize what was at stake in eliminating race-conscious practices within higher education. Third, he feared that CIR would win a public relations battle over affirmative action, which would influence the outcome of the case.²¹

By the time CIR sued the University of Michigan, diversity policies were commonplace in institutions across the country. Many selective universities had already adopted the diversity rationale to justify race-conscious admissions practices for decades. Furthermore, by the 1990s, huge corporations and military branches had also accepted the idea that diversity improved institutional quality, and they relied heavily on minority graduates from selective universities to fulfill their own diversity goals. This meant that many different institutions had a stake in the outcome of the Michigan case. Nevertheless, few institutional leaders initially jumped to publicly support the University of Michigan. As President Bollinger noted, "whenever an institutions is sued, other similar institutions frequently want to back away from them."²²

Bollinger started a campaign to seek out public support for Michigan's diversity policies by first courting leaders within higher education. Ultimately, he wanted higher education leaders to write amicus briefs to the Court. He started by contacting two of higher education's most important national organizations—the American Association of University Professors (AAUP) and the American Council on Education (ACE)—to give

²¹ Lee Bollinger, "A Comment on *Grutter and Gratz v. Bollinger*," *Columbia Law Review* 103 (October 2003): 1588-1595.

²² Denise O'Neil Green, "Fighting the Battle for Racial Diversity: A Case Study of Michigan's Institutional Responses to *Gratz* and *Grutter*," *Educational Policy* 18 (November 2004): 744.

public support of Michigan's policies and the diversity rationale.²³ Representatives of AAUP and ACE gave Bollinger more than he expected. They eventually joined with fifty-two other higher education organizations to write an amicus brief supporting the value of diversity in higher education. Furthermore, eighty-seven different post-secondary institutions joined together to produce eight different amicus briefs in support of Michigan's admissions policies and the diversity rationale. In all of these briefs, representatives of higher education argued that diverse student bodies improved educational quality.²⁴

Once Bollinger was confident that he would receive widespread support from postsecondary organizations and institutions, he moved to courting the support of businesses. Bollinger wanted justices to understand that Michigan's diversity policies benefited institutions outside of education, and that many non-academic institutions shared the belief that diversity improved institutional quality. With the help of Harvard President Neil Rudenstine, Bollinger created the *Diversity Initiative of the Business-Higher Education Forum*, which formed a partnership between the American Council on Education and the National Alliance of Business. Bollinger created the forum to get business leaders and education leaders to come together and speak publicly about the

²³ Green, "Fighting the Battle for Racial Diversity," 744.

²⁴ Brief of the Texas Percent Plan as Amicus Curiae Supporting Respondents, *Gratz v. Bollinger* 123 S. Ct. 602 (2002) (No. 02-516); Brief of Carnegie Mellon University and 37 Fellow Private Colleges and Universities as Amicus Curiae Supporting Respondents; Brief of The College Board as Amicus Curiae Supporting Respondents; Brief of Columbia, Cornell, Georgetown, Rice, and Vanderbilt Universities as Amicus Curiae Supporting Respondents; Brief of Harvard University, Brown University, et al. as Amicus Curiae Supporting Respondents; Brief of Howard University as Amicus Curiae Supporting Respondents; Brief of Massachusetts Institute of Technology, Stanford University, Du Pont, IBM, et al. as Amicus Curiae Supporting Respondents.

institutional value of diversity. The forum, however, did not necessarily translate to public support for Michigan's policies from business leaders. Bollinger had to fight for support by personally contacting executives from companies around the country. After the meeting with Harry Pearce, Vice Chair of General Motors, Pearce agreed to submit an amicus brief in support of the University of Michigan. Soon thereafter, Bollinger won the support of Jim Hackett, CEO of Steelcase, who personally courted other business leaders to support the University of Michigan.²⁵ By following fall, twenty Fortune 500 corporations, including Microsoft, Johnson & Johnson and Proctor & Gamble filed a joint amicus brief in support of the University. Eventually, Music Television Networks (MTVN), which included the popular television networks: Music Television (MTV), Video Hits One (VH1), Country Music Television (CMT) and Nickelodeon, joined GM and the twenty Fortune 500 companies in a separate amicus brief.²⁶ In their briefs, these companies agreed that a diverse workforce offered more creative approaches to problem solving; was better prepared to compete in a global marketplace; and decreased racial tension within the workplace.²⁷

Gaining support from military officials proved the most difficult for Bollinger. Over lunch, James Cannon, former Assistant to the President for Domestic Affairs under Gerald Ford, gave Bollinger the idea to ask military officials for their support. Cannon

²⁵ Lee Bollinger, "A Comment on *Grutter* and *Gratz v. Bollinger*," *Columbia Law Review* 103 (October 2003): 1594.

²⁶ Green, "Fighting the Battle for Racial Diversity," 744.

²⁷ Brief for 65 Leading American Businesses as Amicus Curiae Supporting Respondents, *Gratz v. Bollinger* 123 S. Ct. 602 (2002) (No. 02-516); Brief of MTV Networks as Amicus Curiae Supporting Respondents, *Gratz v. Bollinger* 123 S. Ct. 602 (2002) (No. 02-516); Brief of General Motors Corporation as Amicus Curiae Supporting Respondents, *Gratz v. Bollinger* 123 S. Ct. 602 (2002) (No. 02-516).

had served as Chair of Visitors of the Naval Academy, and he was aware of the military's effort to create a diverse officer corps through affirmative action policies. Bollinger thought an amicus brief from military officials would be a great asset "because of the respect accorded to the military in society." Connecting affirmative action to the national security, Bollinger also thought, would show "the risk of [affirmative action] coming undone."²⁸ In particular, he wanted Secretary of State Colin Powell to affirm that race-conscious admissions in American military academies were essential to creating a diverse officer corps, which in turn, improved the quality of the military. Instead, Powell gave a cautious public statement in support of Michigan's policies, and he did not connect the value of diversity to military effectiveness. In lieu of an amicus brief from Powell, Bollinger courted a large group of former high-ranking military officers in every branch of the military and present and former members of the United States Senate to join in a brief that linked national security to the diversity of the military's officer corps. "Military effectiveness," the group argued, "depends upon unit cohesion. In turn, group cohesiveness depends on a shared sense of mission and the unimpeded flow of information through the chain of command." The group cited racial tension during the 1960s and 1970s within the military to show the consequences of an almost all-white officer corps leading a racially-heterogeneous fighting force. A history of racial tension, they argued, showed that racial homogeneity in the officer corps undermined the chain-of-command, communication and cohesiveness of military units.²⁹

²⁸ Lee Bollinger, "A Comment on *Grutter* and *Gratz v. Bollinger*," 1594.

The briefs from military officers and corporate executives also emphasized that the elimination of race-conscious practices in selective universities would threaten the diversity of corporate workforces and the military's officer corps. The amicus briefs made it clear that these institutions wanted to recruit minority candidates from what they considered the "leading" universities in the country.³⁰

Finally, Bollinger worried that conservatives would use the case to increase anti-affirmative action sentiment in the United States. Winning the public relations battle over affirmative action was important, Bollinger thought it was "naïve to think that a constitutional issue of this magnitude would be decided in isolation from the surrounding national debate" about affirmative action. The fight to influence Americans' views about affirmative action, Bollinger thought, would influence the outcome of the case.³¹ Soon after CIR brought the lawsuits against the University, Bollinger began a public relations campaign. One of the key questions for Bollinger was how to articulate the importance of affirmative action to the public. Bollinger understood that the diversity rationale was useful in explaining the value of race-conscious practices in the courtroom and on campus, but he questioned the value of the diversity rationale in public debates about affirmative action. He worried that arguing race-conscious policies were necessary to

²⁹ Brief of the Lt. Gen Julius W. Becton, Jr., Adm. Dennis Blair, Maj. Gen. Charles Bolden, Hon. James M. Cannon, et. al. as Amicus Curiae Supporting Respondents, *Gratz v. Bollinger* 123 S. Ct. 602 (2002) (No. 02-516); Green, "Fighting the Battle for Racial Diversity," 745; Charles C. Moskos and John Sibley Butler, *All That We Can Be: Black Leadership and Racial Integration the Army Way* (New York: Basic Books, 1996).

³⁰ Brief of the Lt. Gen Julius W. Becton, Jr., Adm. Dennis Blair, Maj. Gen. Charles Bolden, Hon. James M. Cannon, et. al.; Brief for 65 Leading American Businesses; Brief of MTV Networks; Brief of General Motors Corporation.

³¹ Bollinger, "A Comment on *Grutter* and *Gratz v. Bollinger*," 1592.

improve the quality of the institution would not be compelling to whites who thought affirmative action gave unfair advantages to minorities. A month after CIR initiated *Gratz and Grutter*, Bollinger announced in a meeting with faculty members that he preferred to talk about the case in terms of integration, not diversity. “To my mind,” Bollinger explained, “the question is: Do the ideals of *Brown v. Board of Education*...still have vitality and meaning at the end of the century, or will they slip into obscurity, a noble but largely failed effort of the romantic 20th century?” By thinking about affirmative action in terms of integration, Bollinger hoped that “we will not be beguiled or bedeviled by our current language, by our terminology of diversity...into thinking that we are only concerned with learning from diversity.”³² Michigan took this message about integration around the country. Bollinger, Provost and Executive Vice President of Academic Affairs Nancy Cantor, and Associate Vice President and Deputy General Counsel Liz Barry and Dean of the Law School Jeffrey Lehman visited editorial boards at newspapers around the country, articulating the University’s position in the case and letting reporters ask them questions. Lehman later claimed that their relationship with editorial boards made “a big, big difference” in the way newspapers covered the case.

Bollinger also courted national figures to write opinion pieces in widely read newspapers in support of Michigan’s policies. After speaking to Bollinger, Republican President Gerald Ford, a Michigan alumnus, wrote an opinion piece in the *New York Times* defending the University’s policies. Ford wrote that “[t]olerance, breadth of mind

³² Jane R. Elgass, “Bollinger Lists Issues, Comments on Lawsuit in Assembly Address,” *The University Record* November 5, 1997.

and appreciation for the world beyond our neighborhoods” are all values that Americans can learn in the college classroom when students “are exposed to America in all her variety.” But Ford remembered that the lack of diversity at Michigan when he was a student in the 1930s meant that his classmates were not given those learning opportunities. “I have often wondered,” he continued, “how different the world might have been in the 1940’s, 50’s and 60s—how much more humane and just—if my generation had experienced a more representative sampling of the American family.” Eliminating affirmative action, Ford argued, risked “turning back the clock to an era” when minorities “were isolated and penalized for the color of their skin, their economic standing or national ancestry.”³³

IN THE COURTROOM

CIR introduced *Gratz v. Bollinger* in the Eastern District Court of Michigan. Like in the *Hopwood* case, CIR lawyers argued that a diverse student body did not provide a “compelling state interest” to justify affirmative action. But Michigan social scientists gave University of Michigan lawyers something University of Texas lawyers did not have: empirical evidence that diversity actually improved learning outcomes and prepared students in a multiracial democracy. Heavily citing Patricia Gurin’s expert report, Judge Patrick Duggan held in his opinion that the University of Michigan “presented this Court with solid evidence regarding the educational benefits that flow from a racially and ethnically diverse student body.” The ruling set the stage for the first affirmative action admissions case since *Bakke* to make it to the Supreme Court.

³³ Gerald Ford, “Inclusive America, Under Attack,” *New York Times* August 8, 1999 <http://www.ford.utexas.edu/library/speeches/990808.htm>.

The Supreme Court provided the University of Michigan with a mixed victory. The justices ruled on the law school case first. In a five to four decision, Sandra Day O'Connor provided the University of Michigan with the crucial tie-breaking vote. O'Connor ruled that diversity provided a compelling state interest that justified race-conscious admissions practices. Again, Gurin's report proved crucial. O'Connor cited Gurin's expert report directly in arguing that a diverse student body improved educational outcomes and students to participate in an increasingly multiracial society. She cited the amicus briefs from corporate CEOs and military officers in arguing that the "benefits [of diversity] are not theoretical, but real." "[A]s major businesses have made clear," O'Connor held, "the skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints." And as "high-ranking retired officers and civilian leaders of the United States military assert," she continued, "a 'highly qualified, racially diverse officer corps...is essential to the military's ability to fulfill its principal mission to provide national security.'"³⁴ Furthermore, O'Connor held that the way in which the Law School used race in the admissions process complied with Powell's ruling in *Bakke*, which demanded that admissions officers use race in "a flexible, nonmechanical way." The Law School, according to O'Connor, complied with *Bakke* because admissions officers used race "flexibly as a 'plus' factor' in the context of individualized consideration of each and every applicant." Unlike admissions officers at the undergraduate level, the Law School did not award "mechanical predetermined diversity 'bonuses' based on race or ethnicity." In other words, O'Connor held that the Law School's use of race complied with *Bakke*

³⁴ *Grutter v. Bollinger* 539 U.S. 306 (2003).

because admissions officers did not give a predetermined weight to race when judging each applicant.³⁵

Because O'Connor already held that diversity was a compelling state interest in *Grutter*, the only issue justices ruled on in the *Gratz* case was whether the methods the undergraduate office used to take race into account complied with *Bakke*. Chief Justice Rehnquist (joined by Justices Sandra Day O'Connor, Antonin Scalia, and Clarence Thomas) held that the undergraduate admissions process was unconstitutional. Providing twenty points to underrepresented minority groups was not "narrowly tailored" to build a diverse student body. The Justices ruled that admissions officers could not grant a predetermined set of points based on race for every minority applicant. Admissions officers could only use race as a "plus" factor, and should not be used alongside many other factors that contribute the diversity of the student body.³⁶

IMPLEMENTING *GRATZ*

Edward Blum, a senior fellow at the conservative think tank the Center for Equal Opportunity, called the decisions a "disaster" in *Time Magazine*.³⁷ Even though the Supreme Court struck down admissions practices in the College of Literature, Sciences, and the Arts, Charles Lane, a *Washington Post* writer, called the decisions a "resounding

³⁵ *Grutter v. Bollinger* 539 U.S. 306 (2003).

³⁶ Barbara Perry, *The Michigan Affirmative Action Cases*; Jonathan R. Alger, "Life After the University of Michigan Cases: Striving for Student Diversity in Higher Education," Fall 2005 <http://generalcounsel.rutgers.edu/alger.shtml>; *Gratz v. Bollinger* 539 U.S. 244 (2003).

³⁷ Perry Bacon, Jr., "And the Winner Is...Affirmative Action," *Time* June 23, 2003 <http://www.time.com/time/nation/article/0,8599,460435,00.html>.

endorsement of affirmative action.”³⁸ At Michigan, however, it was still unclear how admissions officers in the undergraduate office would translate the mixed legal victory into new admissions practices that maintained the level of underrepresented minority enrollment.

After the decision, the admissions office eliminated the systematic selection process that gave students points. To further the University’s diversity mission and comply with the ruling, the admissions office moved to what officials called a process with “multiple levels of highly individualized review,” which analyzed each individual application “holistically.” To continue to put weight on race and ethnicity in the admissions process without giving points, the admissions office required students to write an essay that asked students to respond to one of two questions relating to the University’s diversity mission. The first choice asked “At the University of Michigan, we are committed to building an academically superb and widely diverse educational community. What would you as an individual bring to our campus community?” The second choice asked students to “Describe an experience you’ve had where cultural diversity—or the lack thereof—has made a difference on you.”³⁹ Peter Wood, a conservative law professor and vocal opponent of affirmative action, called the

³⁸ Charles Lane, “In Split Decision, Court Backs Affirmative Action,” *Washington Post* June 23, 2003. <http://www.washingtonpost.com/ac2/wp-dyn/A22477-2003Jun23>.

³⁹ Rose, “Proposal 2 and the Ban on Affirmative Action,” 316; Peter Schmidt, “New Admissions System at U. of Michigan to Seek Diversity Through Essays,” *Chronicle of Higher Education* September 5, 2003, p. 28.

University of Michigan's "diversity essay" a "coy device" that allowed that University to continue to focus on race while appearing to be concerned about the "whole person."⁴⁰

Using essays presented difficulties for undergraduate admissions officers. Using the point system, admissions officers could efficiently move through the 25,000 applications the University's undergraduate admissions office received each year. Admissions officers applied the same formulaic system when evaluating each applicant. By adding up points, officers could tell within a matter of minutes whether an applicant would receive an acceptance, waiting list or rejection letter. The "holistic" "individualized" review took more time and was more complicated. A trained application reader and a professional admissions officer familiar with the applicant's region read each essay and made recommendations for admission. Although the admissions office provided target grade point averages and SAT scores, there were no predetermined points. Reviewers had to read the entire application and subjectively weigh many different factors, including a student's contribution to the diversity of the student body. If the two reviewers did not agree on whether to admit the students, and the assistant director of admissions director could not resolve the disagreement, a special committee would make the final decision.⁴¹

Implementing these changes was expensive. Theodore Spencer, director of undergraduate admissions, had to hire sixteen application readers and five additional full-

⁴⁰ Peter W. Wood, "Imaginary Friends: How to Write a Diversity Essay," *National Review* September 30, 2003 <http://old.nationalreview.com/comment/wood200309300825.asp>.

⁴¹ Rose, "Proposal 2 and the Ban on Affirmative Action," 316; Peter Schmidt, "New Admissions System at U. of Michigan to Seek Diversity Through Essays," *Chronicle of Higher Education* September 5, 2003, p. 28.

time admissions counselors to evaluate applications under the new system. Hiring twenty-one additional employees was costly, but Mary Sue Coleman, who replaced Bollinger as President when he moved to Columbia in 2001, made it clear after the court decisions that the University would invest the money necessary to comply with the law and maintain minority enrollment levels.⁴²

The money Coleman spent on the new admissions process paid off for Michigan officials who wanted to make sure race still mattered in the admissions process. The admissions rate for African Americans actually increased under the new admissions system. In 2003, under the point system, admissions officers accepted 58 percent of African-American applicants. In 2004, the first year the admissions office implemented the “holistic” admissions system, admissions officers admitted 70 percent of African-American applicants. The next year, the admissions rate for African-American students increased to 71 percent.⁴³

Despite the high admissions rate, the number of African American freshmen who enrolled in 2004 actually decreased by sixty students. While admissions officers focused on creating a new “holistic” admissions system that yielded similar results to the point system, they overlooked other consequences of the Supreme Court’s decision in *Gratz*. The year after the ruling, the number of African-American applications dropped by 25

⁴² University of Michigan News Service, “New U-M Undergraduate Admissions Process to Involve More Information, Individual Review,” August 28, 2003, <http://ns.umich.edu/index.html?Releases/2003/Aug03/admissions>; Jodi S. Cohen, “Michigan Applicants to Pen Diversity Essay,” *Chicago Tribune* August 28, 2003 http://articles.chicagotribune.com/2003-08-28/news/0308280361_1_application-supreme-court-essay

⁴³ Althea K. Nagai, “Racial and Ethnic Preferences in Undergraduate Admissions at the University of Michigan,” 2006, 13. In author’s possession.

percent. The decline suggested that the Supreme Court's ruling that the University's point system for minority applicants was unconstitutional deterred some African-American students from applying, presumably because they thought their chances of gaining admissions declined.⁴⁴

When the admissions office released the new enrollment numbers, President Coleman initiated a new recruiting drive meant to improve the University's image in African-American communities and increase application rates. The next step, according to Coleman, was "ensuring students of color hear the message that they are welcome at Michigan." Lester Monts, Senior Vice Provost for Academic Affairs, who oversaw the admissions office, managed the recruiting effort. Monts ordered admissions counselors to step up "outreach activities," "especially focusing on parents and high school counselors, since they are very influential in students' decision making process." Admissions counselors increased their presence in high schools that primarily served minority students, and ran radio advertisements in urban areas, which targeted minority students. They also held application workshops for potential applicants in Detroit. Furthermore, Coleman traveled the state, spreading the message that the University of Michigan wanted students of color to apply. She spoke at African-American churches in Detroit, Grand Rapids and Kalamzoo, trying to encourage African-American students to apply to Michigan.⁴⁵

⁴⁴ "2004 Enrollment Sets Records at Every Level," University of Michigan News Service October 14, 2004 <http://ns.umich.edu/index.html?Releases/2004/Oct04/r101404>.

⁴⁵ "2004 Enrollment Sets Records at Every Level," University of Michigan News Service October 14, 2004 <http://ns.umich.edu/index.html?Releases/2004/Oct04/r101404>; "Early U-M Application Numbers Show Gains Over 2004," January 20, 2005 <http://ns.umich.edu/index.html?Releases/2005/Jan05/r012005a>; Julie

The next year, applications from African-American students soared, and so did enrollment numbers. Four hundred forty-three African American students enrolled at Michigan (7.5 percent of the freshman class), a 26 percent increase from 2004. The number matched African-American freshman enrollment in 2002, when admissions officers still used the point system.⁴⁶ By the end of 2005, administrators were optimistic that the number of African-American freshman at Michigan would continue to rise. Monts reported that the admissions office was already receiving more applications from African-American students for the 2006 admissions cycle than the previous year.⁴⁷

CONCLUSION

Institutional managers played a fundamental role in the outcome and implementation of *Gratz v. Bollinger* and *Grutter v. Bollinger*. Leading up to the case, administrators connected lawyers with Michigan social scientists who provided empirical evidence that showed how a diverse student body improved education outcomes and better prepared students to participate in a multiracial democracy. Administrators also courted educational, business and military leaders to write amicus briefs in support of Michigan's admissions policies and claims about the virtues of diversity. Finally, administrators made their case about the importance of affirmative action in newspapers across the country, shaping public debate over race-conscious practices. When the Supreme Court struck down the College of Literature, Science, and the Arts' point-based

Peterson, "Enrollment for 2005 Sets Another Record," University of Michigan News Service, October 31, 2005 http://www.ur.umich.edu/0506/Oct31_05/00.shtml.

⁴⁶ Julie Peterson, "U-M 2005 Enrollment Sets Another Record," October 26, 2005, <http://ns.umich.edu/index.html?Releases/2005/Oct05/r102605>.

⁴⁷ Peterson, "U-M 2005 Sets Another Record"; Maryanne George, "Number of Minority Freshmen Up at Michigan," *Detroit Free Press* June 7, 2005.

admissions system, but upheld the University's ability to use race in a more limited fashion, administrators created a new race-conscious admissions system. When applications from African Americans declined after the ruling, administrators increased their recruiting efforts in African-American communities.

The battle over *Gratz* and *Grutter* showed the importance of institutional managers in the fight for racial justice. While legal scholars focus on the battles between lawyers and judges in the courtroom, institutional managers at the University of Michigan worked tirelessly outside the courtroom to influence the outcome of the case. Furthermore, the consequences of *Gratz* did not end once the Supreme Court issued its ruling. Underrepresented minorities' access to Michigan depended on the actions of administrators after the ruling.

EPILOGUE

MAKING RACE MATTER IN THE AGE OF COLORBLINDNESS

Opponents of affirmative action were not happy with the way the Supreme Court ruled on *Gratz v. Bollinger* and *Grutter v. Bollinger*. Jennifer Gratz, the lead plaintiff in the undergraduate case, was especially unhappy that University of Michigan administrators were able to modify admissions practices to continue to take race into account. While Michigan officials celebrated the fact that minority enrollment numbers were increasing after the Supreme Court ruling, Gratz began a political effort to eliminate race-conscious practices in state institutions. In 2006, she gained enough signatures to put Proposition 2, also known as the Michigan Civil Rights Initiative, on the state ballot. The initiative proposed to amend the state constitution to prohibit all state institutions from “discriminat[ing] against, or grant[ing] preferential treatment to, any individual on the basis of race, sex, color, ethnicity, or national origin.”¹

When Proposition 2 made it onto the state ballot, Michigan administrators knew what was at stake. The University of California Regents banned affirmative action in 1995, and in 1996 California voters passed Proposition 209, a constitutional amendment banning race-conscious practices in public institutions. Since then, underrepresented minority enrollment (African Americans, Hispanics and American Indians) had plummeted at the University of California at Berkeley (UCB)—the University of California system’s most selective school. In 1995, underrepresented minority

¹ “Proposal 2,” <http://www.diversity.umich.edu/legal/prop2amend.php>.

enrollment stood at 26.1 percent at the UCB.² Ten years later, underrepresented minority enrollment dropped to 14.9 percent at UCB.³ A year before Gratz put Proposition 2 on Michigan's ballot, former University of California President Richard Atkinson spoke about the consequences of the ban on race-conscious practices for the University of California system. "Despite enormous efforts" over the past decade, Atkinson lamented, "we have failed badly to achieve the goal of a diverse student body. The evidence suggests that without attention to race and ethnicity this goal will ultimately recede into impossibility."⁴

On November 7, 2006, Proposal 2 became an amendment to Michigan's Constitution with 57 percent of the votes cast in its favor. Supporters of the proposal celebrated what they thought was a clear victory. Proposal 2 was not a nuanced court opinion that struck down some forms of race-conscious practices, while upholding others. "I think it's perfectly clear," Gratz declared, "and I think it was perfectly clear to the voters. It's now unconstitutional in Michigan to use racial preferences in public education, contracting or hiring." Gratz thought she had scored a major victory for advocates of colorblindness. Race-based admissions and financial aid practices at public institutions, she thought, were now illegal.⁵

² University of California Office of the President of Student Academic Services, "Undergraduate Access to the University of California After the Elimination of Race-Conscious Policies," March 2003, 19. http://ucop.edu/outreach/aa_finalcx%202.pdf

³ University of California at Berkeley, "Total Student Enrollment by Student Status, Gender, and Ethnicity, Fall 2005 and Fall 2006 Terms" http://www.berkeley.edu/news/media/releases/2006/12/19_enroll_table.shtml

⁴ Tamar Lewin, "Campaign to End Race Preferences Splits Michigan," *New York Times* October 31, 2006, A1; James Duderstadt, *View from the Helm*, 235.

University of Michigan President Mary Sue Coleman, however, sent a different message to opponents of affirmative action. On Michigan's campus, in front of 1,700 students, faculty and staff, Coleman declared that "If November 7th was the day that Proposal 2 passed, then November 8th is the day that we pledged to remain in our fight for diversity." Coleman vowed to "find ways to overcome the handcuffs that Proposal 2 attempts to place on our reach for greater diversity." "I will not stand by while the very heart and soul of this great university is threatened," Coleman continued. "We are Michigan and we are diversity."⁶

Gratz immediately accused Coleman of trying to "circumvent the law" and undermine the will of Michigan voters. Coleman, on the other hand, claimed that she "respect[ed] the democratic process," but she had "a large responsibility to keep the university the best" she could "for the people of Michigan." Coleman's comments raised questions about what happens when government policy conflicts with institutional goals. What responsibility, in other words, do institutional managers have in carrying out the intentions of the law when loopholes are available to advance the goals of the institution?

Gratz thought Michigan voters had spoken, and University of Michigan administrators should implement a new vision of colorblindness. Coleman told University administrators that their new task was making race matter in a legal environment where it was not supposed to count anymore. After Michigan voters passed Proposal 2, University administrators molded the concepts and practices of diversity to

⁵ Tamar Lewin, "Michigan Rejects Affirmative Action, and Backers Sue," *New York Times* November 9, 2006, P16.

⁶ "U-M President Mary Sue Coleman: 'Diversity Matters at Michigan,'" University of Michigan News Service, November 8, 2006, <http://ns.umich.edu/htdocs/releases/story.php?id=1050>.

try to maintain the level of underrepresented minority students at the University.

One month after Michigan voters passed Proposition 2, University of Michigan President Mary Coleman announced the Diversity Blueprints Task Force, headed by Provost Teresa Sullivan and Senior Vice Provost for Academic Affairs Lester Monts. Coleman asked the task force, which consisted of fifty-five faculty, staff, students, alumni and administrators, to recommend new policies that complied with Proposal 2, while still furthering the University's goal of diversity. Sullivan and Monts took advantage of the fact that post-secondary institutions in other states had already faced similar bans on race-conscious practices. By the time Michigan voters passed Proposal 2, public post-secondary institutions in California, Washington state, Georgia and Florida were all dealing with bans on race-conscious practices. Administrators in other states, such as Texas, also had past experience in dealing with court-ordered bans on affirmative action before the Supreme Court ruled on *Gratz* and *Grutter*. Sullivan and Monts organized a two-day workshop with representatives from the University of California at Berkeley, University of Texas at Austin and the University of Washington—all flagship public universities—to discuss how they responded to bans on affirmative action admissions practices in their own states.⁷

Administrators at these institutions implemented a wide-range of strategies to maintain underrepresented minority enrollment. Both the University of California and the University of Texas systems used systematic percentage plans to enroll underrepresented minority students without using race as a factor in admissions. The University of Texas

⁷ “Summary of Workshop on the Judicial Impact of Ballot Initiatives and Judicial Decisions,” January 23-24, 2007. <http://www.diversity.umich.edu/about/bp-workshop-summary.pdf>.

offered admission to any high school student who graduated in the top ten percent of their high school class, while the University of California system offered admission to any student who graduated in the top 12 percent of their class. Unlike the University of Texas plan, however, the California plan did not guarantee these students admission to the state's flagship institution. In other words, African-American students in California who graduated in the top 12 percent of their high school class might gain admissions to the University of California at Santa Barbara, but not the University of California at Berkeley. Nevertheless, by admitting the top graduates of each high school class, administrators tried to take advantage of the fact that many high schools were still highly segregated by race, which guaranteed that the top underrepresented minority graduates at segregated high schools would gain admission.⁸

The University of Washington, on the other hand, resisted any systematic admissions plan after the ban on affirmative action. Instead, admissions officers continued to use a "holistic" admissions process, similar to the University of Michigan, which judged each application individually. In order to comply with the ban, admissions officers at the University of Washington put less weight on grade point averages and test scores and put more weight on "overall talents and experiences that would enrich the student body." Washington administrators also adapted the concept of diversity in order to comply with the ban, but still take race into account. To do so, admissions officers included essays about how students might contribute the diversity of the institution. The assumption was that underrepresented minority students would write about experiences

⁸ "Summary of Workshop on the Judicial Impact of Ballot Initiatives and Judicial Decisions," January 23-24, 2007. <http://www.diversity.umich.edu/about/bp-workshop-summary.pdf>.

and characteristics that were unique. In practice, it placed the burden on underrepresented minority students to justify their contributions to the University, and establish what set them apart from white and Asian students.⁹

Representatives from the University of California also reiterated the importance of scholarships and financial aid for minority students. The University of Michigan might find ways to admit underrepresented students, California representatives warned, but without strong financial aid and scholarship packages, minority students would not enroll. The University of California learned this first hand. Low-income minority students were still eligible for Pell grants and other awards that covered most of their education costs; however, the University of California was not able to award special scholarships to middle-class black and Hispanic students. As a result, many middle-class underrepresented minority students attended private institutions, such as Stanford or the University of Southern California, which could still award race-based scholarships under Proposition 209. Consequently, University of California representatives reported most students were either from low-income or wealthy backgrounds; the number of middle-class students was shrinking.¹⁰

The task force also learned about methods that had failed to increase underrepresented enrollment. The task force learned from Walter Robinson (Director of Undergraduate Admissions at UC-Berkeley) and Susan Wilbur (Director of Undergraduate Admissions of the entire UC system) that admissions officers could not

⁹ “Summary of Workshop on the Judicial Impact of Ballot Initiatives and Judicial Decisions.”

¹⁰ “Summary of Workshop on the Judicial Impact of Ballot Initiatives and Judicial Decisions.”

simply substitute socioeconomic status for race in the admissions process and maintain the number of underrepresented minority students. While admissions officers could use socio-economic status in combination with other factors to raise underrepresented minority enrollment, there were simply more low-income white students who applied than low-income minority students to effectively use socio-economic status as the only proxy for race.¹¹

After meeting with representatives from California, Washington and Texas, the task force recommended that the University continue its holistic review process. Like at the University of Washington, the task force wanted Michigan admissions officers to put more weight on a student's contributions to the University's diversity mission that would allow admissions officers to enroll more underrepresented minority students. The task force recommended questions that would measure students' "ability to overcome barriers" and students' "diverse thinking and capacity for engaging with diverse perspectives." They also recommended that, in combination with questions about diversity, "stronger consideration to socioeconomic status and first generation students" could also help the effort to enroll underrepresented students. To distribute money to underrepresented students, the task force recommended giving full tuition scholarship to students from "targeted geographical locations" and to students from underperforming high schools.¹²

The admissions office has implemented many of these ideas. Admissions officers now rate applicants based on three criteria. Using the first criterion, "Academic

¹¹ "Summary of Workshop on the Judicial Impact of Ballot Initiatives and Judicial Decisions."

¹² "University of Michigan Diversity Blueprints final Report."

Achievement, Quality, and Potential,” admissions officers analyze an applicant’s grades, standardized test scores, the number of honors and advance placement courses and the quality of the applicant’s high school. Using the second category, “Personal Characteristics and Attributes,” admissions officers give weight to a student’s potential contribution to the University’s diversity mission. Admissions officers look for students who “demonstrate evidence of familiarity with, or interest in, other cultures”; “demonstrate a strong respect for others and their perspectives”; “live in neighborhood and High School clusters that are characterized by families with limited access to educational opportunities”; and had to overcome “barriers,” of “adverse family, social, or economic conditions, including prejudice or discrimination.” The final criterion, recommendation letters, allows admissions officers to evaluate both personal and academic qualifications.¹³

To evaluate students’ contribution campus diversity, admissions officers have created essays about identity and life experiences. One essay, which is required of all students, asks applicants to respond to the prompt: “Everyone belongs to many different communities and/or groups defined by (among other things) shared geography, religion, ethnicity, income, cuisine, interest, race, ideology, or intellectual heritage. Choose one of the communities to which you belong, and describe that community and your place within it.” An optional prompt asks students to “describe an experience that illustrates what you would bring to the diversity in a college community or an encounter that demonstrated the importance of diversity to you.”¹⁴

¹³ “University of Michigan 2010-2011 Undergraduate Application,” in author’s possession.

To evaluate whether a student “live[s] in neighborhood” or attended a high school that is “characterized by families with limited access to educational opportunities,” the admissions office pays \$15,000 per year to use “Descriptor Plus.” The College Board developed Descriptor Plus to help schools “shape [their] class profile” and “[t]arget hard-to-attract populations,” including minority students. The tool utilizes College Board and U.S. census data to divide high schools into 180,000 different geographic neighborhood clusters that have, what the College Board called, “unique behavior profiles.” In short, the College Board divides high schools into neighborhood clusters that share students with similar SAT scores, college acceptance rates, incomes and racial backgrounds. Using an applicant’s information, University of Michigan admissions officers search for whether an applicant went to an underperforming high school or lived in a neighborhood marked by “limited access to educational opportunities.” The assumption, of course, is that a higher percentage of underrepresented minority students attend underperforming schools.¹⁵

Despite these efforts, underrepresented minority students’ share of Michigan’s student body has declined since voters passed Proposal 2. In 2006, underrepresented minority students composed 12.2 percent of incoming freshmen. In 2010, their share of incoming freshman stood at 10.8 percent. Furthermore, Proposal 2 impacted African-American enrollment even before Michigan voters passed the initiative. African-American applications to the University of Michigan dropped dramatically during the

¹⁴ “University of Michigan 2010-2011 Undergraduate Application,” in author’s possession.

¹⁵ Kristen Jordan Shamus, “U-M Targets a Mix of Traits,” *Detroit Free Press* March 29, 2007 <http://www.freep.com/apps/pbcs.dll/article?AID=2007112130044>; “Descriptor Plus,” http://www.collegeboard.com/prod_downloads/highered/ra/descriptor-plus_06.pdf.

contentious debate over Proposal 2. As a result, African Americans' share of incoming freshmen dropped from 7.2 percent to 6.1 percent between 2005 and 2006. Since then, African-American freshman enrollment has hovered between 4.8 and 6.4 percent.¹⁶

Nevertheless, these efforts have raised the admissions rate of underrepresented minority students since Michigan voters passed Proposal 2. Statistical data shows that during the fall semester of 2006, before the initiative went into effect, the admission office admitted 76 percent of underrepresented minority applications. During the following semester, after Proposition 2 went into effect but before administrators could implement new admissions strategies, that number dropped to 33 percent.¹⁷ The most recent data shows that the admissions office admitted 44 percent of underrepresented minority students who applied for fall 2010 admission.¹⁸ Michigan's admissions rate of underrepresented minority students is competitive with other selective universities impacted by similar bans on affirmative action. At the University of California at Berkeley, the admissions rate of underrepresented minorities dropped from 54.6 percent to 20.2 percent the year after the ban went into effect. Four years later, admissions officers were only able to increase the admissions rate to 23.3 percent.¹⁹ The efforts of Michigan administrators to increase the admissions rate of underrepresented minority

¹⁶ "New Freshman Enrollment, Fall 2005-2010," and "Fall Enrollment, 1999-2008," in author's possession.

¹⁷ Rose, "Proposal 2 and the Ban on Affirmative Action," 323.

¹⁸ "U-M Applications, Projected Freshman Enrollment at All-Time High," University of Michigan News Service, June 30, 2010 <http://ns.umich.edu/htdocs/releases/story.php?id=7862>.

¹⁹ "Undergraduate Access to the University of California," A-5 http://ucop.edu/outreach/aa_finalcx%202.pdf.

applicants has saved the University of Michigan from the dramatic decline in underrepresented minority students that the University of California at Berkeley has experienced.

The fact is that in the post-Proposal 2 colorblind legal environment, race still matters at the University of Michigan. The tension between the intentions of Proposal 2 and the way institutional managers responded to the constitutional amendment gets to the heart of this dissertation. The story of racial justice does not end with a protest, the passage of a new law or a court ruling. This dissertation has argued that institutional managers mattered in the story of racial justice in the United States. At the University of Michigan, University presidents, admissions officers, housing officials, deans and faculty members put the demands of activists, new government policies and court decisions through the meat grinder of implementation. The actions of University administrators after Michigan voters passed Proposal 2 show that institutional managers continue to matter at the University of Michigan. The fate of racial equity at Michigan now lies in the efforts of administrators to make race matter in a legal world where it is not supposed to count anymore.

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