

Resources on Affirmative Action

By Frank Alan Bruno

Affirmative action, a set of public policies and laws that helps eliminate past and present discrimination based on race, color, religion, sex, or national origin, has come under attack in recent years. In the spring of 2003 President Bush filed legal briefs with the United States Supreme Court supporting the *Grutter v. Bollinger* lawsuit, in which three white University of Michigan law school applicants asked for the elimination of preferential points awarded to minority candidates; in *Gratz v. Bollinger*, two white undergraduates applying to the College of Literature, Science, and Arts were denied admission and appealed the school's admission process, which favored minority students. On June 23, 2003, the Supreme Court ruled 6-3 in *Gratz v. Bollinger* that the university's policy of allocating 20 points to every minority applicant out of a possible 150 points required to guarantee admission violated the Fourteenth Amendment's "equal protection" clause. But in *Grutter v. Bollinger*, the Court ruled 5-4 that the law school was justified in ensuring that a "critical mass" of minority students was admitted, even if that meant that white students with higher test scores or grades were denied admission. Influential people and groups are still taking sides for and against such policies. This column will discuss a few sites where you can explore the issues and literature dealing with the pros and cons of affirmative action.

Extensive information about the results of these two cases, including full text of all the basic facts with Supreme Court opinions, can be found at the **University of Michigan Documents Center** (www.lib.umich.edu/govdocs/affirm.html). More specific information about the lawsuits' impact on the university is at the **University of Michigan—Information on Admission's Lawsuits** (www.umich.edu/~urel/admissions). A special issue of the *Ann Arbor News* (www.mlive.com/aanews/special/affirmative_action) has a large collection of articles, essays, and opinion pieces on the controversy.

A good general starting place concerning affirmative action is **Yahoo! Society and Culture** (http://dir.yahoo.com/Society_and_Culture/Issues_and_Causes/Affirmative_Action/), with more than 20 major sites listed. A few useful ones I haven't included earlier in this column but that can be explored in more depth are: **Affirmative Action Information Center** (www.feminist.org/other/ccri/cahome.html), **Affirmative Action Register** (www.aareeo.com), **Washington Post's Affirmative Action under Attack** (www.washingtonpost.com/wp-srv/politics/special/affirm/affirm.htm), **Californians for Justice** (www.caljustice.org), **Chinese for Affirmative Action** (www.caasf.org), and **An Ethical and Practical Defense**

of Affirmative Action (www.geocities.com/Athens/Ithaca/3638/action.html).

The Affirmative Action and Diversity Project: A Web Page for Research (<http://aad.english.ucsb.edu>) attempts to be scholarly and balanced. Diverse opinions regarding affirmative action topics are selected so that "Rather than taking a singular pro or con position, it is designed to help lend many different voices to the debates surrounding the issues of affirmative action. This site is an academic resource and it provides scholars, students, and the interested public with on-site articles and theoretical analyses, policy documents, current legislative updates, and an annotated bibliography of research and teaching materials." The organizers have succeeded for the most part with their mission.

A highly visible group that discusses affirmative action and civil rights is Harvard's **Civil Rights Project** (www.civilrightsproject.harvard.edu). Although the site is more concerned with the overall subject of civil rights, it includes hundreds of items about affirmative action. A specific section includes a treatment of the issue (www.civilrightsproject.harvard.edu/research/affirmative_action.php). The narrative description on affirmative action explains that Harvard's current focus is on the impact of race-blind admissions on campus diversity; the effectiveness of automatic admissions policies toward creating and maintaining a diverse student body; and impacts of affirmative action policies on the pipeline of students moving from college to post-graduate education. A couple of alternative reports to affirmative action found on the site are: "Appearance and Reality in the Sunshine State: The Talented 20 Programs in Florida" and "Percent Plans in College Admissions: A Comparative Analysis of Three States' Experience."

The Civil Rights Project site is arranged by topics: news and announcements, proposition and initiative action, changing definitions of discrimination, economics of affirmative action, quotas and proportional representation, recognizing merit, culture and affirmative action, individual versus group rights, gender-consciousness and gender blindness, race blindness and color blindness, University of California decisions, pending state and federal legislation, pending court cases, alternatives to affirmative action, and annotated bibliography. The "changing definitions of discrimination" section covers general approaches to discrimination, evolving understandings of discrimination, institutional discrimination, reverse discrimination, victim and perpetrator, evolution of gender discrimination law, the glass ceiling, and an annotated bibliography. The "economics of affirmative action" section covers general approaches to economics;

redistribution of wealth; race, gender and poverty; and economic competition in terms of gender and labor markets.

The “news and announcements” section includes seven years of selected articles arranged chronologically. The “proposition and initiative” section includes links to state initiatives from California, Washington, Florida, and Michigan.

The “quotas and proportional representation” section covers general approaches, process versus results orientation, quotas and education, quotas and labor, quotas and the Voting Rights Act, language barriers, redistricting, and underutilization. The “recognizing merit” section covers standardized tests and merit; intelligence, race, and gender; and knowledge and culture. The “culture and affirmative action” section covers multiculturalism and diversity; extending beyond the Afro-American experience; measuring cultural merit; European and non-European cultures; language multiplicity and standardization; and assimilation, integration, and separatism. The “individual versus group rights” section covers situating individual rights, language rights, entitlements and contracts, and majority versus minority interaction. Each of these sections contains an annotated bibliography.

The “gender-consciousness and gender blindness” section examines reverse sexism, legal approaches to gender, gender and diversity, and the evolution of policy decisions and features an annotated bibliography. The “race blindness and color blindness” section includes reverse racism; race, race-blindness, and constitutional law; evolution of policy decisions; and an annotated bibliography. The “University of California decisions” section features regents’ resolutions (SP1 and SP2); race and gender in admissions; race and gender in contracts and hiring; statements and votes by administrators, staff, faculty, and students; CAS polls and responses; and current policy statements.

The “pending state and federal legislation” section covers California Proposition 209 (also known as the California Civil Rights Initiative), pending federal action, pending state cases and ballot measures, Supreme Court cases (history and analysis), and penalties for practicing affirmative action, with annotated bibliographies. The “pending court cases” section includes the University of Georgia, the University of Maryland, the University of Michigan, the University of Washington Law School, the University of Texas and Texas Law School, and an annotated bibliography. “Alternatives to affirmative action” contains ten newspaper articles including the Texas College Diversity Plan. A separate annotated bibliography offers 30 sources from videos, journals, and books. The site has a basic search utility and includes an overview of affirmative action as well as a list of primary documents.

A **Color Lines Conference** (www.civilrightsproject.harvard.edu/convenings/colorlines/synopsis.php) is held each year at Harvard that includes papers and discussion on civil rights and affirmative action issues. The 2003 theme was “Culture, History & Identity; Policy, Law & Social Movements; Community, Institutions & Demography; Barriers & Opportunities,” with over 200 panelists participating.

Another site attempting to show the pros and cons of affirmative action is the National Center for Public Policy

Research’s **Affirmative Action Information Center** (www.nationalcenter.org/AA.html). The site is organized into Commentary, Legislation, Litigation, and Links. A weakness to the site is that its hodgepodge of information doesn’t seem to have much organization and makes researching the topic a bit more challenging. A better organized site is the National Center for Policy Analysis **Affirmative Action** (www.ncpa.org/~ncpa/pd/affirm/affirm.html). The site is divided into Contracting, Education, Effects, Enforcement, Gender Issues, Age Issues, Language Issues, Disabilities Issues, Reform Efforts, and Role of Markets. Its organizers have done a better job of selecting content as well.

The University of Texas has many useful rulings and opinions about legal proceedings affecting affirmative action. In the Pleadings Online area is a *Hopwood v. Texas* section (www.law.utexas.edu/hopwood/hopwood.htm) with many documents on this particular case. An interested person can view the original documents in PDF or html format.

Federal rulings about affirmative action can be found at the **Supreme Court of the United States** (www.supremecourt.us.gov), which includes oral argument transcripts not found in other sources such as Findlaw. The **U.S. Department of Justice’s Civil Rights Division** (www.usdoj.gov/crt/crt-home.html) is the institution within the federal government responsible for enforcing federal statutes prohibiting discrimination on the basis of race, sex, handicap, religion, and national origin. The Equal Employment Opportunity Commission (EEOC), a branch of this department, is where a person would file a harassment complaint. The site has step-by-step information for filing.

Although there are over 19 different federal entities that address affirmative action, substantial ones include the U.S. Department of Education’s **Office for Civil Rights** (www.ed.gov/offices/OCR) and U.S. Department of Health & Human Services **NOAA Civil Rights Office** (www.ofa.noaa.gov/~civilr/eo12900.htm). A search of the U.S. Department of Education’s site included 114 hits for materials on affirmative action. A search of the U.S. Department of Health & Human Services site (www.hhs.gov) included over 1,000 hits. A basic bibliography on affirmative action that includes sources and websites is ERIC’s **Critical Issue Bibliography (Crib) Sheet—Affirmative Action** (www.eric.org/crib/affirmative_action.html).

A group that supports affirmative action is the American Association for Affirmative Action, which consists of professionals who manage affirmative action, equal opportunity, diversity, and other human resource programs. Their **Affirmative Action.Org** (www.affirmativeaction.org) site “is dedicated to the advancement of affirmative action, equal opportunity and the elimination of discrimination on the basis of race, gender, ethnic background or any other criterion that deprives people of opportunities to live and work.” The site mostly covers information about the association, but does include a few significant news articles about affirmative action issues.

The American Council on Education supports affirmative action and has a special section on their site called **Making**

the Case for Affirmative Action in Higher Education (www.acenet.edu/bookstore/descriptions/making_the_case/index.cfm). The section is organized into Threats to Affirmative Action, Affirmative Action Works, Answering the Critics, Legal Issues, What You Can Do, and ACE and Affirmative Action. A few political action items suggested include visiting your representatives and writing to them to support affirmative action items. Another education group, the American Association of University Professors (AAUP) has a **Diversity & Affirmative Action in Higher Education** section (www.aaup.org/Issues/AffirmativeAction/) that lists documents describing their policies and ongoing work on the issue in higher education.

Civil Rights.Org's Affirmative Action section (www.civilrights.org/issues/affirmative/) reflects the views of the Leadership Conference on Civil Rights. The group was founded in 1950 by three powerful national groups: the Brotherhood of Sleeping Car Porters, the NAACP, and the National Jewish Community Relations Advisory Council. The site's content includes: More on Affirmative Action, Affirmative Action Resources, Check It Out, and The Buzz. On the day I visited, a few sample links in the More on Affirmative Action section included: Supreme Court Ruling on Michigan Cases Not the Final Word on Affirmative Action, Affirmative Action: A Needed Counterweight to Discrimination, Racial/Ethnic Data Needed for a "Color-Blind" Society. The site is arranged by specific ethnic groups with matters pertaining to each.

Another group that takes a strong stand on affirmative action is the National Organization of Women (NOW). Their site has a **NOW and Affirmative Action** section (www.now.org/issues/affirm/) that focuses on issues involving women. An Information area has articles about NOW's involvement in affirmative action. These include a viewpoint to save affirmative action, as well as nine ways NOW supports affirmative action. A More Background area includes more extensive pieces with hot links to other sites with content; there are a couple of interesting pieces on affirmative action in the broadcast industry and the origins of affirmative action.

BAMN, Coalition to Defend Affirmative Action & Integration and Fight for Equality by Any Means Necessary (www.bamn.com) is supported by activists at several colleges and universities. The purpose of the site, which was founded at UC Berkeley, is to start chapters devoted to the cause of affirmative action and to keep people informed about the issues. The site is organized into News, What You Can Do (Online Petitions), Form a BAMN Chapter, Literature, Our Program, Gallery, Chat and Links. The Literature section has some useful information including the University of Michigan Affirmative Action Cases, Fact Sheets and Arguments, Editorials, The Campaign to Eliminate the SAT, Reversing the Ban on Affirmative Action in the UC System, National Days of Action, Fighting Racism and Sexism on Campus, and Fighting Proposition 209.

The **American Civil Liberties Union** (www.aclu.org) has over 300,000 members and supporters. The ACLU official-

ly supports affirmative action. Their web site (www.aclu.org/RacialEquality/RacialEqualitylist.cfm?c=134) has five position papers supporting affirmative action. The papers are entitled "ACLU Urges Supreme Court to Uphold Affirmative Action Policies in College Admissions"; "ACLU Says Expected White House Brief Opposing Minority Equality in College Admissions Shows Lack of Commitment to Racial Justice"; "Turning Back Clock on Fairness, Court Rejects Univ. of Michigan's Affirmative Action Policy"; "Citing Value of Diversity, Federal Court Upholds University of Michigan's Affirmative Action Policy"; and "Appeals Court Allows Rights Groups to Enter Affirmative Action Battle in Michigan." The information is well researched and thought out.

The **American Civil Rights Institute (ACRI)** (www.acri.org) is a conservative group established to eliminate affirmative action. The ACRI motto is "race has no place in American law or life." The group is headed by Ward Connerly, a University of California regent instrumental in the passage in 1996 of California's Proposition 209 (www.cadap.org), which states that the state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

The **CATO Institute** (www.cato.org), a conservative think tank with a libertarian orientation, features opinion pieces and articles on the same subject. An interesting item on the site is an August 19, 2004 RealVideo forum that covers discussion by a panel on the cases.

Another group working to abolish affirmative action is **Americans Against Discrimination and Preferences** (www.aadap.org/Default.shtml). AADAP was formed by a group of Californians to promote the abolition of racial and gender discrimination and preferences at the local, state, and federal levels, along the lines established by Proposition 209. The site has extensive news coverage of the subject and is categorized by the Bush Administration, State and Local Politics, Law and the Courts, Religion, Hate Crimes, Business, African Americans, Muslim and Arab Americans, Immigration & Borders, National Politics, Activism and Activists, Business, Sports, Society, History and Culture, Opinion and Analysis, International, Special Updates, and Featured News and Views. There are dozens of articles here that cover all viewpoints. The Special Updates and Featured News and Views sections heavily reflect the site's view opposing affirmative action, but the other sections include whatever has been published about the subject.

The **Center for Equal Opportunity** (www.ceousa.org) is a think tank "devoted exclusively to the promotion of colorblind equal opportunity and racial harmony...[and] is uniquely positioned to counter the divisive impact of race conscious public policies. CEO focuses on three areas in particular: racial preferences, immigration and assimilation and multicultural education." The group's mission in the area of affirmative action is to block the expansion of racial preference in employment, education, and voting. A few of their publications, which can be read on the site, include "Racial

Discrimination Found at Virginia Law Schools," "Should the U.S. Strive for Equal Achievement Across Racial and Ethnic Groups?" "Adarand," "A Critique of the Expert Report of Patricia Gurin in *Gratz v. Bollinger*," and "Racial and Ethnic Preferences and Consequences at the University of Maryland School of Medicine."


I really haven't made up my mind yet about the applications of affirmative action. I have seen both positive and negative results. Despite the small gains in representation, I recognize that equality of access is still a problem in education, voting, and the workplace. I feel that educators and librarians need to become more informed on the issues of affirmative action and be proactive. There are still too few teachers and librarians of color. We need to sort out whether affirmative action will help remedy the situation. I have tried in my career to do something positive about promoting affirmative action and diversity in the library profession.

I have served on national committees in the American Library Association, including the Council on Diversity and the Ethnic Multicultural and Information Exchange Roundtable, where we have tried to address the issue of inclusion in the library profession by actively recruiting minority librarians and educators. [More information about diversity issues in the American Library Association can be found at their web site under the ALA's **Office of Diversity** (www.ala.org/ala/diversity/diversity.htm) and the ALA's **Office for Literacy and Outreach Services** (www.ala.org/ala/olos/literacyoutreach.htm)]. Members of my group have personally talked on numerous occasions with elementary school, high school, and college students about becoming librarians and educators. I think we have influenced a few of them to join the profession, but there are still too few. I even served as the Spectrum Initiative Trainer for California trying to promote a more equitable hiring of minority librarians in the California State University System and in the library profession throughout California.

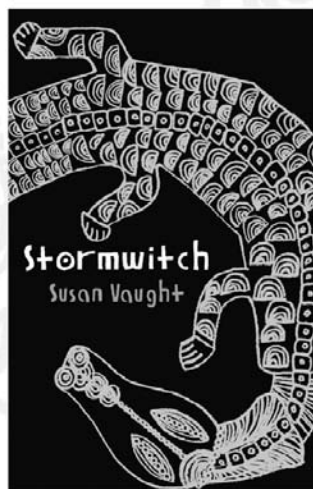
Despite such philosophical and pragmatic considerations, my fellow deans/directors and I were not overly successful in hiring large numbers of minority job candidates during the four years I worked in California or in the four years I have worked in Texas. In my own hiring decisions during the past 13 years I have hired too few minority candidates. Those whom I mentored now serve in responsible administrative positions, but there are still not enough even to fill administrative slots in historically Black colleges and universities and Hispanic-seeking institutions, let alone make gains in more majority schools. I have always applied strict affirmative action guidelines in my hiring practices to insure that the most qualified applicants were hired,

and fortunately some were African Americans and Latinos of high caliber.

Recently when I ran for the ALA Council I was surprised that a handful of librarians e-mailed me and expressed why they felt diversity should not be promoted by me or the Council. Their argument was that diversity made for exclusion rather than inclusion. A few said it promoted special groups rather than the profession as a whole. I responded that diversity helped to make sure that we had good representation of different members in the larger group and that minority librarians still did not approximate the general population percentages of minorities in the professions. I'm not sure most of them accepted my position.

One thing I do believe is that all of us need to be better informed about affirmative action and diversity issues. I hope that exploring affirmative action sites can raise our awareness and help give us ideas for rectifying the dearth of minorities in our profession. 

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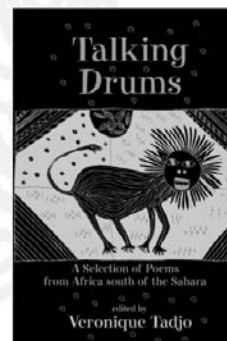
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