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Access and Equity for African American Students in Higher Education: A Critical Race Historical Analysis of Policy Efforts

Shaun R. Harper, Ph.D.
University of Pennsylvania, sharper1@upenn.edu

Lori D. Patton, Ph.D.
Iowa State University, lpatton@iupui.edu

Ontario S. Wooden, Ph.D.
North Carolina Central University, owooden@NCCU.EDU

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Abstract
Policies that have affected enrollments and degree attainment rates for African American students throughout the lifespan of higher education are analyzed in this article. Historically noteworthy progressive steps toward access and equity are juxtaposed with recent indicators of regression. Critical Race Theory is employed as an analytical framework for understanding how white supremacy and racist ideologies have shaped and undermined various policy efforts.

Keywords
Race, College Access, Critical Race Theory, African Americans

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Shaun R. Harper
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Access and Equity for African American Students in Higher Education: A Critical Race Historical Analysis of Policy Efforts

Higher education has been characterized as "one of the greatest hopes for intellectual and civic progress in this country. Yet for many Americans, however, it has been seen as part of the problem rather than the solution" (Boyer, 1997, p. 85). Some have acknowledged that higher education is a public good through which individual participation accrues benefits for the larger society (Institute for Higher Education Policy, 1998; Kezar, Chambers, & Burkhardt, 2005; Lewis & Hearn, 2003). Despite this, recent analyses have confirmed that too few African Americans are offered access to the socioeconomic advantages associated with college degree attainment (Harper, 2006; Perna et al., 2006). In some ways, the recurrent struggle for racial equity is surprising, given the number of policies that have been enacted to close college opportunity gaps between African Americans and their White counterparts at various junctures throughout the history of higher education.

Though presumably for the best, Tyack and Cuban (1995) acknowledge that education policymaking does not always lead to sustainable progress. Much evidence exists to confirm this has been the case with policies created to increase access and ensure equity for African American students in higher education. Such efforts are described in this article. While various scholars have offered insights into the educational histories of African Americans (e.g., Allen & Jewell, 1995; Anderson,

Shaun R. Harper is assistant professor of higher education management at the University of Pennsylvania, Graduate School of Education. Lori D. Patton is assistant professor of higher education at Iowa State University. Ontario S. Wooden is associate dean of University College at North Carolina Central University.

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1988; Gasman, 2007; Katz, 1969), comprehensive analyses of the underlying catalysts, low sustainability, and ultimate effects of policy efforts throughout the lifespan of higher education are scarce. This article seeks to fill that void. Policies that have affected participation and degree attainment rates for this population across various time periods are reviewed and discussed below. We juxtapose historically noteworthy progressive steps toward access and equity with recent indicators of backward movement. Implications of these policy shifts are considered and critiqued at the end of the article. But first, the lens through which we analyzed these policies is described in the next section.

Analytical Framework

Critical Race Theory (CRT) is used as an analytical framework in this article. This race-based epistemology is particularly useful here because it provides a lens through which to question, critique, and challenge the manner and methods in which race, white supremacy, supposed meritocracy, and racist ideologies have shaped and undermined policy efforts for African American student participation in higher education. CRT is interdisciplinary in nature, incorporating intellectual traditions and scholarly perspectives from law, sociology, history, ethnic studies, and women's studies to advance and give voice to the ongoing quest for racial justice (Bell, 1987; Delgado & Stefancic, 2001). Solórzano (1998) notes, "A critical race theory in education challenges ahistoricism and the unidisciplinary focus of most analyses, and insists on analyzing race and racism in education by placing them in both a historical and contemporary context using interdisciplinary methods" (p. 123). While no single definition exists for CRT, many scholars agree on the centrality of seven tenets:

1. Racism is a normal part of American life, often lacking the ability to be distinctively recognized, and thus is difficult to eliminate or address (Delgado, 1995; Delgado & Stefancic, 2001; Ladson-Billings, 2000; Solórzano, 1998). Racial microaggressions—"subtle insults (verbal, nonverbal, and/or visual) directed toward people of color, often automatically or unconsciously" (Solórzano, Ceja, & Yosso, 2000, p. 60)—replace more overt demonstrations of racism in most settings. A CRT lens unveils the various forms in which racism continually manifests itself, despite espoused institutional values regarding equity and social justice.
2. CRT rejects the notion of a "colorblind" society. Colorblindness leads to misconceptions concerning racial fairness in institutions;

tends to address only the most blatant forms of inequality and disadvantage; and hides the commonplace and more covert forms of racism. "Instead of tackling the realities of race, it is much easier to ignore them by embracing colorblind ideologies . . . it creates a lens through which the existence of race can be denied and the privileges of Whiteness can be maintained without any personal accountability" (Harper & Patton, 2007, p. 3). Critical race theorists continuously critique institutional claims of liberalism, neutrality, objectivity, color blindness, and meritocracy (Crenshaw, 1997). These ideas camouflage the socially constructed meanings of race and present it as an individualistic and abstract idea instead of addressing how racial advantage propels the self-interests, power, and privileges of the dominant group (Solórzano, 1998).

3. CRT gives voice to the unique perspectives and lived experiences of people of color. According to Solórzano (1998), "CRT recognizes that the experiential knowledge of women and men of color is legitimate, appropriate, and critical to understanding, analyzing, and teaching about racial subordination in the field of education" (p. 122). In acknowledging the validity of these lived experiences among persons of color, CRT scholars can place racism in a realistic context and actively work to eliminate it. CRT uses counternarratives as a way to highlight discrimination, offer racially different interpretations of policy, and challenge the universality of assumptions made about people of color.
4. CRT recognizes interest-convergence, the process whereby the white power structure "will tolerate or encourage racial advances for Blacks only when they also promote white self-interests" (Delgado, 1995, p. xiv). In this proposition, the argument of CRT scholars is that white people have been the main beneficiaries of civil rights legislation (Ladson-Billings, 2000). Delgado and Stefancic (2001) contend that efforts to eradicate racism have produced minimal results due to the insufficient convergence of interests by both white elites and African Americans. Consequently, racism continues to persist. Bell (2000) contends, "We cannot ignore and should learn from and try to recognize situations when there is a convergence of interests" (p. 9).
5. Revisionist History is another tenet of CRT. According to Delgado and Stefancic (2001), "Revisionist history reexamines America's historical record, replacing comforting majoritarian interpretations of events with ones that square more accurately with minorities' experiences" (p. 20). In essence, this suggests that American history be closely scrutinized and reinterpreted as opposed to being

accepted at face value and truth. It requires a more nuanced understanding as well as taking a critical perspective toward examining historical events.

6. CRT also relies on *Racial Realists*, or individuals who not only recognize race as a social construct, but also realize that "racism is a means by which society allocates privilege and status" (Delgado & Stefancic, 2001, p. 17). Racial Realists recognize the hierarchy that determines who receives benefits and the context in which those benefits are accrued. In addition, they point to slavery as the inception of prejudice and discrimination. In essence, there is a coming to terms with the reality that racism is a permanent fixture in society, including on college and university campuses (Harper & Patton, 2007). Bell (2005) contends that racial realism is a mindset that requires individuals to understand the permanency of racism while still working to create a set of strategic approaches for improving the plight of historically excluded groups.
7. CRT continuously critiques claims of meritocracy that sustain white supremacy (Bergerson, 2003). Valdes, McCristal Culp, and Harris (2002), explain three central beliefs of mainstream culture that must consistently be challenged: (a) blindness to race will eliminate racism; (b) racism is a matter of individuals, not systems; and (c) one can fight racism without paying attention to sexism, homophobia, economic exploitation, and other forms of oppression or injustice. When such beliefs are maintained in society through legal, educational, and sociopolitical channels, students of color, low-income persons, and other disenfranchised populations are silenced.

CRT is particularly useful for examining policies affecting African American students in higher education, as racial subordination is among the critical factors responsible for the continued production of racialized disparities and opportunity gaps. Moreover, CRT is especially useful in this article because it addresses what Taylor (1999) describes as "widespread historical illiteracy" and reinforces the notion that African American participation in higher education cannot be taken for granted or assumed to be a privilege that has always existed. On the contrary, this presence was precipitated by an "up-and-down" struggle for equity, access, and progressive policies mandated via judicial and legislative action. Through the use of CRT, we offer a critique of the progressive and regressive policy efforts associated with African American student participation in higher education.

Progressive Steps in the History of Higher Education

The earliest access for African Americans was initiated in the 1820s. In 1823, Alexander Lucius Twilight completed his studies and was awarded a degree from Middlebury College in Vermont (Bennett, 1988; Ranbom & Lynch, 1988). Two other African Americans graduated three years later from Amherst and Bowdoin, respectively. The occasional awarding of degrees signified the onset of a movement to gradually extend college opportunity to freed slaves. Oberlin College became the first institution to openly admit African Americans (Brazzell, 1996; Roebuck & Murty, 1993; Rudolph, 1990). Although some institutions had graduated one or two African Americans prior to the founding of Oberlin in 1833, no others had adopted policies specifically permitting them to attend in large numbers.

Established in 1837 as an elementary and high school for the education of freed slaves, Cheyney State Training School (now Cheyney University) frequently claims to be the first historically Black institution in America (Bennett, 1988; Roebuck & Murty, 1993). However, Ashmum Institute (now Lincoln University) was the first all-African American institution to remain in its original location, award baccalaureate degrees, and develop completely into a degree-granting college (Roebuck & Murty). Wilberforce University was established two years later. These three institutions, each created expressly for freed slaves and their children, ignited what would eventually become a major access movement for African Americans—the establishment of Historically Black Colleges and Universities (HBCUs).

One additional stride toward educational opportunity occurred in 1862 when Oberlin College student Mary Jane Patterson became the first African American female college graduate. That an African American woman was granted access to postsecondary education denotes progress, especially considering the inadequate representation of educated African Americans and the status of women during that era (Katz, 1969). However, serious, systematic policy efforts for African Americans up to this point in American history had been minimal at best.

After the Civil War, only 28 of the nation's nearly four million newly freed slaves had received bachelor's degrees from American colleges (Bowles & DeCosta, 1971; Roebuck & Murty, 1993). Although the lives of those educated few had changed tremendously, much work was needed to increase African American access to higher education. Upon passage of the Thirteenth Constitutional Amendment in 1865, two addi-

tional Black colleges, Virginia Union and Shaw, were established. Additionally, northern churches and white missionary groups provided funds and teachers to start more than 200 private institutions for African Americans in the South (Anderson, 1988; Drewry & Doermann, 2001; Gasman, 2007). The American Baptist Home Mission Society, the Freedman's Aid Society of the Methodist Episcopal Church, and the American Missionary Association were among these groups.

Many religious groups were active in the abolition movement and endeavored to continue their benevolence by addressing the poor state of literacy among freed African Americans. According to Allen and Jewell (2002), "these missionaries perceived Blacks as hapless victims of a corrupt and immoral system that inculcated values antithetical to 'civilization' and viewed as their God-given task to both 'civilize and educate' the freedmen" (p. 243). White Baptists, Methodists, Presbyterians, and other religious groups invested significant time and money into the establishment of schools for the training of African American teachers and preachers throughout the South. "Many included in their titles 'normal,' 'college,' and 'university,' though they were largely elementary and secondary schools . . . founded with haste and limited financial backing, many ceased to operate following 1900" (Roebuck & Murty, 1993, p. 25). The emergence of these institutions, as well as increased access to others, suddenly altered the racial makeup of higher education. This demographic shift did not occur without opposition though, as many southern conservatives saw higher education for African Americans as a threat to white supremacy (Allen & Jewell).

Fisk, Morehouse, Hampton, Howard, and the Atlanta Baptist Female Academy (now Spelman College) are among the 40 surviving private HBCUs founded between 1865 and 1890 (Drewry & Doermann, 2001). Most of these institutions (excluding Hampton) emphasized the liberal arts. The white founders and financial supporters were reluctant to entrust control of the institutions to African Americans; therefore, the schools continued to be governed almost exclusively by white administrators and teachers until the 1930s and 1940s. (Allen & Jewell, 2002; Anderson, 1988; Gasman, 2007; Roebuck & Murty, 1993). In addition to maintaining the leadership and governance of these private colleges, missionary groups also held strict control over curricula. Nearly everything that was taught to the former slaves did not reflect their own cultural history and heritage, but instead focused on white, European, and Westernized values and culture.

One of the biggest access-related policies for public higher education, and subsequently for African Americans, was introduced in 1862 with the implementation of the first Morrill Land Grant Act. The Act ushered

in the agricultural and mechanical arts educational movement, which provided funds and 30,000 acres of land for the establishment of public institutions in every state (Rudolph, 1990). Ten years after the passage of the Act, Alcorn College in Mississippi became the first land-grant institution to be established for African Americans. Regarding the Morrill Land Grant Act of 1862, Nevins (1962) asserts, "The law annexed wide neglected areas to the domain of instruction. Widening the gates of opportunity, it made democracy freer, more adaptable, and more kinetic" (p. vi).

Access was specifically extended to African Americans with the passage of the second Morrill Act of 1890, which mandated that funds for education be distributed annually on a "just and equitable" basis to African Americans in seventeen states (Brazzell, 1996; Bowles & DeCosta, 1971). This Act led to the establishment of 17 Black state-supported institutions, which joined the list of existing private Black colleges and 54 other Black institutions founded under the first Morrill Act (Rudolph, 1990). The Act also legalized the segregation of Black and white Public institutions and emphasized a curricular focus on mechanics, agriculture, and the industrial arts. This federally-supported model of vocational education, though attractive to some African Americans, promoted the idea that they were intellectually less capable than whites and should be offered a separate and lower-caliber education (Anderson, 1988; Davis, 1998).

Roebuck and Murty (1993) also posit that public HBCUs were created for the following reasons: "To get millions of dollars in federal funds for the development of white land-grant universities, to limit African American education to vocational training, and to prevent African Americans from attending white land-grant colleges" (p. 27). Regardless of the factors inspiring their founding, these institutions and their missionary-supported private counterparts collectively produced more than 3,400 African American college graduates by the turn of the century (Anderson, 1988).

The public HBCUs founded during this period were generally of poorer quality than their white public counterparts established under the 1862 Morrill Act. These institutions were forced to operate with inadequately trained faculty and substandard instructional facilities. Unlike the private HBCUs, Kujovich (1993/1994) reports that African American administrators were often selected to lead public HBCUs, as white southerners were unwilling to manage the poorly funded Black institutions. The *Plessy v. Ferguson* court case of 1896 ruled that states could continue the racial segregation of public schools only if accommodations and facilities were equal (Anderson, 1988). Ideally, advances to-

ward parity for the public Black land-grant institutions were to occur under the "separate, but equal" rule of *Plessy*. Unfortunately, public HBCUs remained disproportionately underfunded. Sekora (1968) reports that even after *Plessy*, white land-grant institutions were still receiving state appropriations at a rate of 26 times more than Black colleges. Similarly, Bowles and DeCosta (1971) found that the per-pupil state expenditure rate for African Americans equaled about one-fourth the rate for whites.

Despite these inequities, the Morrill Land Grant Acts and related legislation provided venues for the education of African Americans without much challenge. That is, the emergence and continuation of these institutions with public financial support went on uncontested because they provided an alternative to enrolling Negro students en masse at white colleges and universities. Although a few African Americans were allowed to matriculate at predominantly white institutions (PWIs) throughout this era, 90% of all African American degree-holders in the late 1940s had been educated at HBCUs (Davis, 1998). On the eve of desegregation, African Americans accounted for less than one percent of entering first-year students at PWIs.

In 1954, the U.S. Supreme Court ruled in *Brown v. Board of Education* that racial segregation, including the operation of "separate, but equal" facilities in public education would no longer be legal (Brown, 2001). This ruling did not immediately signal a victory for African Americans, as many whites were not receptive to the court's ruling. Kelly and Lewis (2000) suggest were it not for the Supreme Court's 1955 "with all deliberate speed" ruling, many probably would have given up their quest for desegregation. That the Supreme Court had to reinforce the decision a year later showed the seriousness of the anti-integration stance taken by some whites. Although primary and secondary schools were at the heart of this case, the precedent clearly applied to public postsecondary institutions. Conceivably, this policy would immediately extend access to previously segregated educational institutions. Brown (2001) contends, however, "the mandate to desegregate did not reach higher education until one decade after Brown, when President Lyndon B. Johnson signed the Civil Rights Act of 1964" (p. 49). Title VI of the Act provided that "no person in the United States, on the grounds of race, color, or national origin, be excluded from participation in, or the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance" (Malaney, 1987, p. 17). Title VI also restricted the distribution of federal funds to segregated schools.

Desegregation, as well as equal opportunity for African Americans and HBCUs, was significantly enhanced upon the implementation of an-

other piece of important legislation—the Higher Education Act of 1965. Title III of the Act, *Strengthening Developing Institutions*, favored HBCUs by providing certain subsidies for their survival. "The term 'developing institutions' was incorporated into the legislation as an apparent effort to avoid designating Black higher education institutions as the primary recipients of the federal assistance made available in the funding" (Roebuck & Murty, 1993, p. 40). Title III funds were provided for faculty and curriculum improvement, student services, exchange programs for faculty and students, and various administrative improvement policies. The Act sought to support HBCUs during the period in which increased numbers of African American students were beginning to seek educational opportunities elsewhere.

U.S. President John F. Kennedy first introduced the term "affirmative action" in a civil rights speech given on the campus of Howard University, an HBCU (Bowen & Bok, 1998). The term was soon followed by elaborate plans to remedy the problem of persistent exclusionary practices and decades of unfair treatment of women and racial/ethnic minorities in all facets of American life: housing, business, government, employment, and education. In 1965, U.S. President Lyndon B. Johnson officially brought Kennedy's vision to fruition with the signing of Executive Order 11246, which required federal contractors to increase the number of minority employees as an "affirmative step" toward remedying years of exclusion for minority workers in those firms; affirmative action was systematically enacted that year. This policy, like others mentioned in this section, positively affected African American participation in higher education.

Under this new legislation, African Americans were afforded opportunities to matriculate at institutions that were once completely inaccessible to non-whites. Notwithstanding, their enrollments at major colleges and universities would not reach noticeable increases until the late 1960s and early 1970s. Kelly and Lewis (2000) report that Black enrollments increased from 27% in 1972 to 34% in 1976, before dropping steadily during the subsequent decade.

40 Years of Regression in Access and Equity

Policy efforts enacted through the late-1960s opened many doors for African American students in higher education. However, to characterize the current status of African Americans as inequitable would be a gross understatement. Over a century of gainful policy efforts have been undermined by the following: the steady underrepresentation of African American students at PWIs; continued over-reliance on racially-biased

college entrance exams; consistent attempts to dismantle affirmative action; increased statewide admissions standards for public postsecondary education, without corresponding advances in public K-12 schools; reports of racism and negative African American student experiences at PWIs; low African American male student persistence and degree attainment rates; forced desegregation of HBCUs; inequitable funding for HBCUs; and the decline of need-based federal financial aid. Where does one begin? A list this extensive could make it hard to believe there were ever serious policy efforts enacted on behalf of African Americans.

While each issue noted above somehow contributes to the demise of previous policy efforts, it is simply impossible to provide detailed discussion about each in this one article. Therefore, we attempt to untangle pieces of the aforementioned web of policy issues by discussing them in two categories: (a) Enrollment declines, inequitable funding, and forced desegregation at HBCUs; and (b) access, affirmative action, and race-based admissions at PWIs.

Enrollment Declines, Funding Inequities, and Forced HBCU Desegregation

Brown v. the Board of Education and Title VI of the Civil Rights Act were meant to increase educational access for African Americans and other minorities; to some degree, they did just that. However, new opportunities for matriculation at PWIs quickly yielded negative consequences for HBCUs. As noted above, "over 90 percent of African American students (approximately 100,000 in 1950) were educated in traditionally Black schools" (Fleming, 1984, p. 7). According to Hoffman, Snyder, and Sonnenberg (1992), these numbers dipped significantly to 18.4% in 1976, then again to 17.2% in 1990. More recent data indicate that in 2004, PWIs enrolled 88.1% of all African Americans in higher education (U.S. Department of Education, 2007). HBCUs have clearly forfeited control over the education of African American students. Their collective inability to match the enrollment figures of earlier years, among other factors, presents negative financial repercussions.

The funding picture of HBCUs, which has remained consistently grim throughout their existence, has gotten extremely complex within the past 40 years. It is difficult to ascertain the effectiveness of various back-and-forth fiscal policies for Black colleges. Signed by U.S. President Ronald Regan, Executive Order 12320 established financial support for HBCUs (Roebuck & Murty, 1993). In the 1986 reauthorization of the Higher Education Act, Congress passed the Historically Black College Act as Part B of Title III, which authorized $100 million exclusively for HBCUs. In

addition to Title III funds, public HBCUs also rely on state appropriations. As was the case with the distribution of funds associated with the Morrill Acts, public HBCUs still receive disproportionately lower state appropriations than their predominantly white counterparts (Minor, 2008).

According to Lum (2001), the average per-student allocation of state appropriated funds during the 2000–2001 school year at public HBCUs was $6,064, compared to $10,266 at public PWIs. Hoffman (1996) also found that per-student allocations at HBCUs were on average 12% less than those given to PWIs. These figures clearly signify failed attempts to create financial parity between HBCUs and PWIs. Among a long list of other reasons, attempts to desegregate public HBCUs have been inspired by a desire to increase the institutions' funding to the levels enjoyed by the public white institutions in those states.

Policies to transform the racial demography of HBCUs have received considerable attention in the higher education literature (see Conrad, Brier, & Braxton, 1997; Darden, Bagakas, & Marajh, 1992; Brown, 2001; Hebel, 2001; Hossler & St. John, 1997; Southern Education Foundation, 1998). The *Adams v. Richardson* and *United States v. Kirk Fordice* cases "stand as the judicial guidepost for desegregation in those states that historically operated racially segregated dual systems of higher education" (Brown, 2001, p. 50). Hossler and St. John say the *Adams* case focused on desegregating state systems of higher education, which would subsequently increase the representation of African Americans at PWIs, as well as whites at HBCUs. *Fordice* mandated states to strategically employ efforts to eliminate all policies and practices that mirror a dual system of operation and keep public institutions racially identifiable.

These cases have placed extreme pressure on HBCUs to alter recruitment practices by redirecting their efforts to enrolling more non-African American students. This has been difficult for some institutions, as their poorer facilities, lack of resources, and largely regional reputations are unattractive to most white prospective college goers (Hebel, 2001). Although *Fordice* compliance has been repeatedly emphasized at HBCUs, states have failed to respond to the inequitable distribution of public funds between HBCUs and PWIs (Brown, 2001; Hossler & St. John, 1997). While *Fordice* and *Adams* have created obstacles for HBCUs, settlements from the *Ayers* and *Knight v. Alabama* (1995) cases have yielded rewards for HBCUs in the states of Mississippi and Alabama, respectively. These two cases revealed years of unequal funding for public HBCUs post-*de jure* segregation. Collectively, these cases and the desegregation mandates accompanying them continue to present negative

consequences for HBCUs, as they have been forced to rethink their missions and purposes (Minor, 2008). These institutions and their longstanding commitments to offering college opportunity for African American students are critically important, as Perna et al.'s (2006) study of 19 southern states revealed: "Public 4-year HBCUs are the only sector [of higher education] in which Blacks consistently approach or achieve equity in enrollment and degree completion" (p. 223).

Access, Affirmative Action, and Race-Based Admissions Policies at PWIs

Much like the HBCU desegregation literature, numerous books and articles have provided detailed discussion and multiple perspectives on access with regard to affirmative action and race-based admissions (see Allen, 2005; Bowen & Bok, 1998; Reisberg, 2000; Skrentny, 2001; Southern Education Foundation, 1998; St. John, Simmons, & Musoba, 1999; Trent, 1991; Tierney, 1996; Yosso, Parker, Solórzano, & Lynn, 2004). The affirmative action policies of the mid-1960s dramatically increased educational opportunities for African Americans, particularly at PWIs. In fact, Bowen and Bok (1998) say race-based college admissions policies "have led to striking gains in the representation of minorities in the most lucrative and influential occupations" (p. 10).

Despite its momentum, attempts to dismantle affirmative action at postsecondary institutions began in 1973 with the original filing of the landmark case, *Regents of the University of California v. Bakke* (Trent, 1991). Allan Bakke, a white male applicant who was denied admission to the University of California-Davis, believed he would have been admitted were it not for affirmative action programs. At the time of his application, there were two tracks by which applicants could gain admission to the medical school. The regular track denied candidates whose undergraduate grade point averages fell below 2.5 on a 4.0 scale. The "special" admissions track did not require candidates to have a 2.5 grade point average, and "disadvantaged" candidates were approved for entry on a case-by-case basis until 16 special admissions selections had been made.

During a four-year period, 63 minority students were admitted under these special arrangements and 44 under the general program. In 1973 and 1974, special applicants were admitted with lower scores than Bakke's. After being rejected the second time, he filed a lawsuit seeking mandatory admission to UC-Davis. A 1978 Supreme Court decision prohibited racial quotas, but allowed universities to consider race a factor among many in the pursuit of diversity (*Regents of the University of California v. Bakke*, 1978).

Policies to reform affirmative action across the nation have also been influenced by *Hopwood v. The University of Texas Law School*, in which a federal judge ruled that race could not be used to give preferential treatment to minority law school applicants in Texas (Southern Education Foundation, 1998; St. John et al., 1999). Cheryl Hopwood, a white woman from a working-class family, and three other students disputed their rejection by the University of Texas Law School. The court required schools to review applicants individually instead of using race as a proxy. The *Hopwood* case called into question the Supreme Court's ruling in *Bakke*. The Supreme Court's refusal to review this case raised questions about how to lawfully create admissions policies that take race into consideration.

Anti-affirmative action legislation has since restricted African American student access to postsecondary institutions in Texas and California. In fact, African American students at the University of Texas-Austin comprised 4.1–5.6% of the total student body between 1988 and 1996. "In fall 1997, the first year in which *Hopwood* banned race as a consideration in admissions and financial aid policies, African Americans made up just 2.7% of the first-time freshmen" (Southern Education Foundation, 1998, p. 50). Even more dramatic, California Institute of Technology, one of the nation's top universities, enrolled no African American first-year students during the 1999–2000 school term (Reisberg, 2000). According to data from the National Center for Education Statistics (2008), African Americans comprised less than 3% of undergraduates at both the University of California, Berkeley and UCLA in Fall 2006.

Policies that previously ensured access and the increased participation of African Americans in higher education have taken a downward turn in some states. Other states (e.g., Michigan, Oregon, and Arizona) have recently considered changes in their race-sensitive admissions policies that would further exclude racial/ethnic minorities (Allen, 2005; St. John et al., 1999). Continuing to challenge the admission of African Americans and other racial/ethnic minority students in higher education with regard to affirmative action policy were two recent cases at the University of Michigan. *Gratz v. Bollinger,* involving the University's undergraduate admissions policies, and *Grutter v. Bollinger*, which challenged Michigan's law school admissions policies, were filed in 1997. Regarding the Michigan cases, Allen (2005) noted:

> The battle lines were drawn for a struggle that engaged the nation's attention. At root were core sociocultural beliefs, values, and ideals about race, equity, and fairness in America. In this sense, the court cases symbolized a long national debate, joining *Dred Scott*; *Plessy v. Ferguson*; *Brown v. Board*

> *of Education of Topeka*; *Bakke v. Regents of the University of California* [*sic*]; and a plethora of other court cases that wrestled with race, equity, and opportunity in America. (p. 18)

In the first case, Jennifer Gratz, who applied for admission for fall 1995 and Patrick Hammacher who applied for admission for fall 1997, both white in-state applicants, were denied early admission and were later denied admission to the College of Literature, Science, and the Arts (*Gratz v. Bollinger*, 2003). The second case involved Barbara Grutter, a white applicant with a 3.8 undergraduate GPA and a 161 LSAT score, who applied for admission to the law school for fall 1996. She was first waitlisted for admission, but later rejected (*Grutter v. Bollinger*, 2003).

The issue in the *Gratz* case was whether the use of racial preferences in admissions to the undergraduate programs violated the Equal Protection Clause of the Fourteenth Amendment, Title VI of the Civil Rights Act, or 42 U.S.C. 1981. At issue in the *Grutter* case was whether diversity was a compelling interest that could justify the narrowly tailored use of race in selecting applicants for admission to public universities. More than 60 *amicus curiae* or "friend of the court" briefs were filed and separate decisions were made with different results in the two cases. In the undergraduate admissions case, the court found the admissions policy unlawful in a 6-3 decision, while the law school admission policy was upheld with a 5-4 decision. For the undergraduate admissions policies, the decision meant that schools could not award points to applicants based solely on race, but race could be used as a "plus" factor and in an individualized evaluation of applicants. Supreme Court Justice Sandra Day O'Connor wrote:

> Today we hold that the Law School has a compelling interest in attaining a diverse student body . . . The Law School's educational judgment that such diversity is essential to its educational mission is one to which we defer. The Law School's assessment that diversity will, in fact, yield educational benefits is substantiated by respondents and their *amici.* (as cited in NACUA, 2003, p. 2)

These decisions put to rest, at least in the short-term, the debates regarding the use of race in college admissions decisions; thus signifying a temporary victory for African American student access to higher education. However, there are already additional challenges to the use of race in admissions policies and campus leaders and policymakers will again be called upon to show the benefits of increased minority student participation in higher education. This most likely will further complicate or reduce African American student access to PWIs.

Discussion and Critical Race Analysis

In examining policy efforts for African Americans throughout the lifespan of higher education, there were numerous events, tumultuous and triumphant, that led to the current state of access and equity. In this section, we offer an analysis of these policies using CRT. Taylor (1999) purports, "the central tenets of CRT have yet to be extended into analyses of higher education, and their potential to inform strategies for reform has yet to be fully explored" (p. 182). Therefore, we critique some progressive and regressive policies enacted on behalf of African American students.

Parker (1998) discusses the importance that CRT attributes to linking history with contemporary social constructions of race. We have provided some historical policy insights associated with college access and equity, and now endeavor to demonstrate the historical centrality of race in policy efforts and the relevance of race when considering the current status of African American student enrollments at colleges and universities. To do so, we use CRT as a lens through which to examine history, and acquire a more sophisticated understanding of the realities of present dilemmas.

Racism: Indoctrinated, Normal, and Real

We begin our analysis by calling attention to the reality that racial issues have resurfaced at almost every juncture in the history of American education. Many policies described throughout this article were race-driven. Specifically, they were embedded within a mainstream, racist, and hegemonic framework that has consistently questioned the worthiness of African Americans as educated citizens and the legitimacy of their presence in higher education. The source of this racism goes beyond education, but for the purpose of this discussion, we contend that the question of worthiness was rooted in the idea that African Americans, based on the color of their skin, were intellectually inferior. In essence, it was ingrained into the fabric of education that African Americans did not possess the mental capacity to learn, nor had they any real need for formal postsecondary education. Our point is that from its inception, the United States was founded on racist principles that have permeated the systems upon which this country functions; education is no exception.

Due to enslavement and the construction of Africans as property, white privilege has been inextricably linked to African American subordination and serves as a foundation for white superiority in an oppressive educational system (Ladson-Billings & Tate, 1995). The systemic

subordination of African Americans was grounded in erroneous assumptions and judgments that were generated and subsequently cemented into the educational system; thus creating later challenges for this population in their pursuit of higher education. African Americans proved their intellectual worthiness in education thanks to early trailblazers like Alexander Lucius Twilight and Mary Jane Patterson. However, their accomplishments did not impede the consistent use of racism to maintain systemic exclusion and subordination (consider the elusive neutrality of the SAT discussed later).

Despite the odds, the number of degree holders increased and more African Americans participated in higher education. The Civil Rights Movement and later court cases such as *Brown v. Board of Education* emerged and legislation was passed (e.g., Title VI), requiring states to expand access to previously excluded groups. Although these mandates allowed African American students to attend PWIs in larger numbers, the doors to these institutions were neither instantly nor easily opened, confirming that African Americans were not welcomed or perceived as worthy of being educated. Race was used to indicate intellectual inferiority, promote their exclusion from white institutions, and ultimately keep African Americans from disturbing the white status quo in higher education. Even when legislative mandates were passed and policies were enacted, the decisions were largely race-based and geared toward promoting white interests as opposed to eliminating inequities. Although race has and continues to be central to the problems concerning African American college access and equity, its presence and consequences are hardly recognizable without performing a critical examination to uncover it. This type of examination easily leads to one conclusion: racism is real and unlikely to be eradicated despite incremental changes.

While our prediction may appear pessimistic, we are suggesting that if African Americans and other historically excluded populations continue to work within a paradigm based on an unrealistic goal, true progress and change will never be attained with substantial measure. Our position is consistent with Derrick Bell's (2005) perspective: "Racial equality is, in fact, not a realistic goal" (p. 73). He recommends that African Americans adopt a "racial realism" approach, which requires acknowledgement of subordination in a racist society. Upon accepting that race and racism are persistent and dynamic fixtures in American culture, we can avoid the continued frustrations associated with reaching for an unattainable goal and focus more realistically on strategies and approaches that will more comprehensively address racial inequities in higher education.

In concert with this idea, Bell (2005) also suggests African Americans have placed too much trust into policies guaranteeing equal rights. This

fallacy is based the belief that legislators and politicians will enact espoused promises for access and equity. As history has shown, the end results more often than not are disappointing discard for African Americans, particularly when the supposed outcomes of various policy efforts are piecemeal, slow moving, or ultimately overturned, as has been the case with affirmative action. As we discussed earlier, many academic programs and admissions policies that were supposed to be designed to increase college access for African Americans have received great opposition and been criticized for giving these individuals an unfair advantage over white students. Unsurprisingly, once these programs were halted, there were dramatic decreases in the number of students for which the programs were originally intended to serve (Southern Education Foundation, 1998).

Understanding the Convergence of Interests

Interest-convergence is another tenet of CRT that resonates throughout the history of African Americans in higher education. For the purposes of this discussion, we focus on four areas: (1) White missionary involvement in the establishment of HBCUs; (2) legislation such as the Morrill Acts, *Brown v. Board of Education*, and Title VI; (3) state support for Black Colleges; and (4) affirmative action and race-based approaches to college admission.

White missionary involvement. Earlier, we noted that religious missionaries were central to the founding of Black colleges (Anderson, 1988; Drewry & Doermann, 2001; Gasman, 2007). However, the question of why such support was offered merits attention. What gains and outcomes did Christian and philanthropic whites receive? It would seem naïve to think the altruistic "out of the kindness of my heart" motive was primary. Therefore we offer four possible explanations, each grounded in the interest-convergence principle. First, given the institution of slavery and the disgraceful rate of illiteracy among freed slaves, providing educational assistance to African Americans was a sure way to clear the conscious of white Christians. It is conceivable that White "benevolence" was more about alleviating their own guilt than it was about educating African Americans. Second, higher education for African Americans may have perceivably threatened the permanency of white supremacy (Allen & Jewell, 2002). Thus, white power could be maintained by providing the financial support for establishment of Black schools, which would ensure that the institutions were governed by white financers who would offer a curriculum grounded in whiteness, thus indoctrinating the superiority of whiteness into African American education.

In keeping with the indoctrination of "white as superior," our third proposition is that African Americans, deemed intellectually inferior, could at best be educated enough to remain relegated to a trade or vocation that would be useful toward advancing a labor force to serve the needs of White industrialists and farmers. Lastly, we offer that through the very establishment of separate schools, it was clear that African Americans were deemed unworthy and unwelcome at white institutions. The establishment of HBCUs ensured there would be no need for African Americans to attend the same institutions as the sons and daughters of the supposedly well-meaning White missionaries. While this analysis is certainly retroactive in nature, we argue that the interest of education converged for African Americans and White people, but came at a hefty price for the former, and at the self-interest of the latter.

(De)segregation legislation. "One cannot fairly discuss the legal struggle for educational opportunity for Blacks in the United States without first reviewing the history of the Supreme Court's role in protecting a racial social order that sought to place Whites in a superior and controlling position and relegate Blacks to an inferior, subservient one" (Byrd-Chichester, 2001, p. 12). The Morrill Land Grant Act of 1890 and the *Plessy v. Ferguson* decision firmly supported segregation and ultimately legalized the "separate but equal" doctrine. We argue that if in fact equality existed there would have been no reason to establish separate or segregated institutions. The mere acceptance of separation among the races and the inequitable distribution of resources to fund educational facilities imply the superiority of one race over the other. Public Black colleges were also disadvantaged by the limited curricular focus on vocational education. Ultimately, the establishment of separate facilities, namely public HBCUs, met a specific interest for African Americans and Whites. However, equality for African Americans during this time was not likely to occur because it fundamentally advanced White supremacy (Byrd-Chichester, 2001).

Interests in relegating African Americans to an industrial education and the need for continued monetary support at HBCUs converged, with the greatest rewards garnered by the White majority. Regarding the Booker T. Washington and W. E. B. Du Bois debates over the curricular foci of Black colleges (vocational vs. liberal arts), Bell (2005) asserted, "Whites welcomed Washington's conciliatory, non-confrontational policy, and deemed it sufficient self-acceptance for the society's involuntary subordination of Blacks in every area of life" (p. 86). The outcome of the debate rested with white people in powerful positions, who decided that African Americans were best suited for vocational education (Allen & Jewell, 2002). As we unravel and reinterpret historical policy

efforts for African Americans in higher education, it becomes clear that the foundation of early legislation impacting this population is better characterized as "pseudo-equality" under the guise of legally legitimized segregation and separatism.

At some point in history "separate but equal" became unfashionable. Perhaps it was the recognition that "separate" was obviously "unequal," but our analysis now turns to the *Brown v. Board of Education* ruling which is purported to be the legislation that dismantled the *Plessy* doctrine. Bell (2004) examines the sociopolitical circumstances that shifted the enactment of this ruling. He argues that despite previous legal battles over school desegregation, the *Brown* decision was made amid the backdrop of several sociopolitical factors including the return of African American soldiers from Vietnam and the mass publicity surrounding the murder of Emmett Till. It was highly unlikely that soldiers would return to the U.S. to be subjected to second-class citizenry after having recently defended the country abroad. Delgado and Stefancic (2001) contend that such treatment would have surely led to domestic unrest. In addition, the gruesome murder of Emmett Till and other racially-motivated violence against African Americans had created a tarnished international image of the U.S., a country known to impose its supposed democratic values upon other nations. Thus, the *Brown* decision was one vehicle by which the U.S. could respond to these issues, if not in depth, at least on the surface (Delgado & Stefancic, 2001). The ruling would help soften its international image and calm ensuing domestic tensions, while secondarily serving as a major breakthrough in educational access and finally offering a long overdue policy response to the *Plessy v. Ferguson* ruling (Taylor, 1999).

Several scholars (Bell, 2000, 2004; Crenshaw, 1997; Delgado & Stefancic, 2001; Taylor, 1999; Yosso et al., 2004) caution us to refrain from succumbing to overwhelmingly positive assertions about the *Brown* decision without first subjecting this policy as well as other historical events to close scrutiny. For example, one consequence of the *Brown* decision was the belief that African Americans would receive a better education at white institutions. "*Brown* has taken on a somewhat twisted meaning—namely, it implies that Blacks have to be in the company of Whites in order to earn or progress, an argument which implies that Blacks are inferior" (Byrd-Chichester, 2001, p. 15). A more realistic examination would likely yield a revisionist historical perspective (Delgado & Stefancic, 2001). It is perhaps fitting to consider a revisionist lens in examining the current status of African American students in higher education and our assertion that despite *Brown*, "separate but equal" remains largely undisrupted.

> We tend to characterize *Brown* as having successfully interred *Plessy*. Quite clearly, separate but equal is no longer the law of the land. But I think it would be a mistake to focus solely on the rejection of the formal doctrine while failing to uncover the continuity of *Plessy's* social vision. (Crenshaw, 1997, p. 283)

State support for Black colleges. The state's role in higher education for African Americans is a trend that has repeatedly manifested itself throughout history. While some of the most notable policies were associated with the Morrill Acts and public funding for higher education, the relationship between the state and postsecondary institutions has gone back and forth around issues of equity. The allocation of state funds for public PWIs and HBCUs has always been unjustifiably disparate. HBCUs established under the Morrill Acts were generally of poorer quality than public PWIs, and per-pupil state allocations were always significantly lower for the Black colleges (Roebuck & Murty, 1993). Apparently, limited progress has been made as inequities persist (Minor, 2008). Current funding gaps and declining African American student enrollments are evidence that HBCUs still need equitable resourcing and higher state appropriations in order to reach parity with PWIs.

The mission of HBCUs to educate African American students is being threatened by state-imposed desegregation mandates that would provide the additional funding needed to improve facilities and expand capacity in all its forms. This places HBCU leaders in a precarious position as they work to advance and promote these institutions. If there is a true commitment to improving the condition of HBCUs and a genuine interest in increasing African American participation in higher education, it would seem only logical and fair for historically Black institutions to receive greater funding from the states in which they are located. Byrd-Chichester (2001) maintains that a major issue in the desegregation of HBCUs is whether the court-mandated remedies will enhance the education of African Americans or serve as another barrier to access. Moreover, we wonder what measures are being taken to ensure that public PWIs in those same states are being held equally accountable for student diversity.

In short, pressure for desegregation should be equally applied. However, HBCUs and PWIs remain separate and receive unequal treatment under the law. Interest-convergence is central in this example, particularly with regard to desegregation, because PWIs are being encouraged to diversify their student populations (while maintaining their white cultural norms), but HBCUs on the other hand are being forced to do so under a mandate that threatens their historical mission and purpose. The problem is that HBCUs were never exclusive, while PWIs on the other hand remain covertly exclusive. The interests of PWIs are ultimately

protected because White people serve in powerful positions that affect state appropriations and allow them to make major decisions affecting both institutional types. As Taylor (1999) shared in his analysis of desegregation trends at Tennessee State University (an HBCU), most Black colleges continue to argue against state mandates that threaten their viability and existence, while PWIs will balk at suggested changes in the status quo that would threaten their racial identifiability.

The gradual abortion of affirmative action. The issue of interest-convergence becomes evident once again with the dismantling of affirmative action programs that have helped facilitate African American student entrée to PWIs. While viewed as remedies to racial inequality, affirmative action programs have received a wealth of criticism that has had long-lasting effects (Byrd-Chichester, 2001; Yosso et al., 2004). One such criticism has been that these programs promote reverse discrimination against white people. In considering interest-convergence, the ultimate issue is that in order to effectively achieve any form of equity, sacrifices must be made and opportunity must be distributed. Thus, the onus lies with the white majority who must share a portion of what has long been perceived as their rightful ownership of certain colleges and universities.

However, there is a problem with how much of the ownership should be shared, with whom, and for how long. When benefits to African Americans and other marginalized populations are considered too excessive, the situation becomes problematic for those who argue the existence of reverse discrimination or believe African Americans and Whites have reached parity. In essence, the interest-convergence principle is once again manifested in that white people will only support efforts for African Americans when their own interests are not threatened, or when they too stand to gain particular benefits. When the interests do not converge, it is clear that many white persons will champion policies that limit African American student access and further exacerbate racial inequities in higher education.

Conclusion

To achieve the racial justice promised in many early policy initiatives, more research regarding the status of African Americans in higher education are needed. That is, policymakers in public and institutional sectors must be made aware of the structural barriers that produce racial disparities in college access and attainment. Harper (2008) described numerous ways in which promises of the *Brown v. Board of Education* case had been realized by an elite group of African American undergraduates. Necessary are policy initiatives that make more accessible the social, political, and economic gains he described.

While on the one hand it may appear to some that tremendous strides have been made for African Americans throughout the lifespan of higher education, we have made clear in this article that much remains to be done to ensure equity and increase participation. Several areas that warrant urgent policy attention with regard to access and equity in higher education were identified in this article. The contemporary issues described herein must remain on the agendas of public policymakers, college and university administrators, and others who are concerned about the education of African Americans. Equally important are critical and ongoing analyses of policies that were supposedly enacted to improve educational outcomes for this population, as many have regressed in recent years.

CRT was useful for illustrating how various policy decisions have caused African Americans to essentially take three steps forward and two steps back over the lifespan of higher education. Unfortunately, progressive change has not occurred vigorously since the 1970s. This should concern public policymakers as it poses troublesome implications for the economic and sociopolitical status of African Americans. Increasing access to the public good of higher education is beneficial to everyone—public interests converge when more Americans across racial/ethnic groups earn college degrees and assume societal roles that enhance global competitiveness, decrease crime and poverty, and help the U.S. enact its espoused democratic ideals (Harper, 2006; Kezar et al., 2005; Lewis & Hearn, 2003). Consistent attacks on affirmative action; funding inequities for public institutions that annually offer college opportunity to more than a quarter million African American students; the implementation of policy initiatives that distract HBCUs from their original missions; and infrequent policy analyses will continually manufacture insufficient access and equity barriers for those who could ultimately benefit from college participation. While it is important to acknowledge and honor historical advances, contemporary times call for new policy efforts to solve persistent problems.

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