

1

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
damoneaves@gmail.com

August 31, 2006

To: Staff, Faculty & Deans of the University of California at Berkeley  
From: The Woozy  
RE: Chancellor Robert Birgeneau & The Berkeley Strategic Diversity Plan

Dear Berkeley Staff, Faculty and Deans:

In terms of higher education, the events of the 15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> century are still being played out. Operations have become more complex, society has grown and in many ways we have advanced and evolved. On the other hand we have taken a turn in the road and instead of helping all men to rise to a level of at least seeming equality and opportunity, a relatively small number of individuals have amassed incomprehensible wealth and power to shape the world's future.

In the temples of higher education, diversity-as represented by inclusion, has once again been rendered to the sidelines. It has been decided that intellectual elitism and brainpower, as demonstrated through the narrow focus of a particular brand of intelligence-one most responsive to the infusion of economic advantage, will be the harbinger of who will get what. But this would not be possible, if the deadly cycle of exclusion had not already wrought it's verdict, by neglecting the needs of those who are not represented. In the final analysis, it is the lack of inclusion of the oppressed peoples themselves in who is to be included and excluded from societies most precious resource-access to educational opportunities.

It has been proven repeatedly and beyond a doubt that the most significant impact you can make, in an individual, in a family and in a community, is to expose individuals to educational opportunities. Nothing has the same potential to affect income, lifestyle and future generations than education.

Chancellor Robert Birgeneau's statement on the 24<sup>th</sup> of August, 2006 trumpeting a new era in Berkeley with the creation of a Berkeley Diversity Research Initiative and the creation of a new Vice-Chancellor for equity and inclusion on the surface appears to be a bold and creative step in the leadership of a long forsaken and unattended issue of racial disparity on the Berkeley campus in terms of historically under-represented groups. In fact it represents a backwards step in the ongoing struggle for equality for those who have historically been left out of higher education.

Several months ago, the shape and tenor of the Berkeley diversity project seemed to moving in a positive direction behind the leadership of Professor Emeritus Karl Pister, who provided leadership from the perspective of his own, "dawning realization" over 4 decades ago about, "the inequity that existed in terms of access to education in our society." Somehow, several months later, on the 24<sup>th</sup> of August, Chancellor Birgeneau described the apparent derailment and break with reality that lead to a diversity initiative that has absolutely no focus or concern with the most pressing issue on campus, which is increasing the number of historically under-represented students accepting, progressing and graduating from Berkeley:

"Let me tell you a little bit about this position and how it came about... After a year of broad consultation, consulting with all of the elements of the community — faculty, student and staff — we decided that we needed to create a new organizational structure which will look at issues of equity and inclusion holistically."

-Chancellor Birgeneau

So an effort to address "inequity that existed in terms of access to education in our society" as articulated by Professor Pister, distilled into a commitment to "look at issues of equity and inclusion holistically". This effort includes "six faculty positions to this new interdisciplinary area of research" including, "health disparities", "diversity and democracy" and diversity and education" which he says will all culminate in research into "health, education and democratic structure." ... And once again, nothing is being done to increase the number of students, faculty and staff from historically under-represented groups.

*The WOOZY*  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
damoneaves@gmail.com

Despite Birgeneau completely missing the boat, diversity and planning for diversity inclusion *is* an important and essential undertaking. Birgeneau may be too dense to serve as an effective leader in diversity, but he certainly can't plead ignorance as to the definition the community understands when speaking about achieving diversity at Berkeley. In Birgeneau's words, "All too often we get asked, 'so you have 109 African-American students three years ago, and how many do you have now?' and obviously that's important, but it's much more than that." And yet, he then goes on to articulate a plan that is so much *less* than that. The bottom line on diversity is reflected in the number of under-represented students invited to participate in the campus experience. If that number does not approach the numbers of those potential students in the community, then they have failed, regardless of how many essential building blocks of multi-culturalism, his researchers discover.

The Strategic Diversity plan outlined in this document is a real beginning, a real direction. This is a real plan that can be enacted and, if allowed to take root and to grow, can effectively transform the Berkeley campus into a learning atmosphere that celebrates and enjoys real diversity in the form of increased numbers of historically under-represented groups taking part in a higher education experience at Berkeley.

Sincerely,

*The WOOZY*

***The WOOZY***  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

**This report is divided into two sections.**

**SECTION 1:**

Contains The Berkeley Strategic Diversity Plan.

**SECTION 2:**

Contains information about major admissions elements and policies used nation-wide by colleges and universities and aspects of these elements and policies which propagate and perpetuate ongoing disparities in historically under-represented groups. The analysis of these admission elements and policies calls attention to the need for a strategic diversity plan for the University of California at Berkeley.

**About The WOOZY:**

The Woozy is a grass roots community based policy institute centered in West Oakland, California. The purview of The Woozy is everything that has anything to do with how life is organized and lived in the inner city ghettos of America.

For Information requests, The Woozy may be emailed at: [thewoozy@gmail.com](mailto:thewoozy@gmail.com) or [thewoozy@thewoozy.com](mailto:thewoozy@thewoozy.com)  
 The website is: <http://www.thewoozy.com>

**SECTION 1**

**TABLE OF CONTENTS**

1. THE BERKELEY STRATEGIC DIVERSITY PLAN
2. ESSENTIAL ELEMENTS
3. OBJECTIVES
4. CHALLENGES
5. STRATEGIC CONSIDERATIONS
6. TARGET SETTING
7. MONITORING AND TRACKING
8. ADMINISTRATIVE CONSIDERATIONS
9. EMBEDDING THE PROCESS
10. AN EXAMPLE OF EXEMPLARY PROGRAM ELEMENTS

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

## THE BERKELEY STRATEGIC DIVERSITY PLAN

### 1. THE BERKELEY STRATEGIC DIVERSITY PLAN

In order to make Berkeley's diversity recruitment efforts more than superficial, a strategic plan, with built in evidence based evaluation elements must be adopted and enacted.

The reality of proposition 209 is a factual restriction on a certain specific recruitment strategy, but there is no stipulation on the valuing of diversity, or on developing a strategic plan on diversity. What proposition 209 does not exclude constitutes a list infinitely longer than what it does exclude. The functional and practical restrictions caused by proposition 209 is dwarfed by the virtual wholesale surrender of any efforts to deal critically with the ongoing diversity crisis on the part of the University. Proposition 209 is a pretense that has given the Brahmin of Berkeley permission to move in the direction of tacit exclusion on one hand, and on the other hand a re-definition and obfuscation of the true meaning of diversity. This should not be surprising, seeing as Ward Connerly, the architect of 209 was a former Regent and cohort of those that now turn their backs on strategic diversity inclusion. They have simply abandoned their responsibility to the greater community. The greatest single challenge to higher education, and the single largest factor in continuing the historical disparity for under-represented peoples is access to higher education. To plead ignorance or feign tied hands is a juvenile and small minded response to the crisis.

What follows is a template for just such a strategic plan.

There are many diversity recruitment efforts in colleges and universities the world over, so it should not be difficult to, in short order, get up and running with an effective plan to at least discuss diversity, if not to formulate an actual diversity plan. In light of Chancellor Birgeneau's attempt to re-define diversity, I must add, that the discussion of diversity must stay on track, despite the multitude of patty-cake divergences and elitist digressions that may temptingly reveal themselves along the way.

Perhaps the most important aspect or step in the "plan" is not the plan itself, rather, the grass-roots effort within the school itself to coordinate and "grow" critical mass for such an undertaking.

Certainly, besides a finished effective product, the most important aspect in a strategic diversity undertaking is the movement from within; that is, the attitudes and desires of the staff and administration itself and the presence of passionate, intelligent leadership that recognizes and champions the move towards real diversity. And once again, we are speaking her about dimensions of diversity inclusion more tangible and sustained than mere lip service shouted out from behind a door that is nailed shut.

With that thought in mind, this "plan" with it's included historical information is being distributed to the University of California at Berkeley Staff and administration with the hopes that there are kindred minds and hearts within the school that need just such a push from the outside as a catalyst to move forward.

Such a movement can be started by a single like-minded individual, who is bold enough to state in a staff meeting "What are we doing to do about diversity in the coming year?" or, "Let's put diversity on the agenda and save a few minute to talk about it."

From there, a group can be formed, a meeting can be called, and a committee organized that is charged and empowered with the task of effectively developing the schools efforts towards strategic diversity inclusion. From the perspective of sparking a movement, everything in this report and what follows is intended as a basic course that can be used as a starting point towards entrenching diversity as a core value within the school.

### 2. ESSENTIAL ELEMENTS

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

To undertake this effort will require many networking and coordinated efforts such as:

- An **honest** self-critical assessment of the School's performance in establishing, devising and enacting a diversity plan
- Inclusion of best practices found in other Colleges and Universities
- Building and strengthening partnerships with diverse communities, businesses and civic and community organizations to support diversity and multiculturalism in the university and in external communities
- Establishment of strategic diversity components, which are monitored and make use of collaboration with other individuals (consultants, students, faculty, administration) and groups (community, municipal, academic)
- The use of what has been termed, "SMART" targets (specific, measurable, achievable, realistic, timely). To achieve net results that evidence progression towards diversity recruitment, enrollment, retention and graduation
- Development and execution of a comprehensive Diversity Communication Plan
- Coordinated diversity trainings for school administrators & school and colleges admissions personnel, covering effective and alternative recruitment strategies from best practice models
- University-wide diversity committee, made up of school admissions directors to report back on effectiveness of strategic diversity recruitment efforts
- Economic and recognition based incentives to participate in strategic diversity initiatives that result in demonstrated widening participation of historically under-represented groups

### 3. OBJECTIVES

- Increase the proportion of applicants from historically under-represented groups
- To increase proportion of applicants from historically under-represented groups who accept offers (admissions uptake)
- Increase the proportion of historically under-represented groups who progress to graduation
- To provide the supports necessary to decrease drop-out levels to that of non-historically under-represented groups
- Institution of an unbiased admissions process, which is more indicative of student potential for success than, standardized tests, and traditional routes of admission
- Coordination of scholarship, stipend, grant and work opportunities to historically under-represented groups on a level equal to that of non-historically under-represented groups
- University-wide adoption of strategic diversity initiatives as a core value of the University
- \*(Monitoring & Tracking) Research reasons for low retention and inability to progress to graduation and institute added supports to under-represented students to increase; retention, graduation and the ability to participate fully and on an equal basis in all aspects of University life

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

#### 4. CHALLENGES

- Identification and outreach to under-represented students who will benefit from the Universities curriculum
- Countering negative perception towards Berkeley amongst under-represented students
- Expanding non-traditional progression routes to enrollment beyond high school graduates and community college/2-yr. College transfer students, to include mature students in other programs (continuing education, extension, life-long learning, professionals)
- Breaking away from traditional criteria for admissions, which are historically low producers of under-represented groups
- For Berkeley, given the high level of highly competitive applications combined with competitive entry requirements and large numbers of applicants from highly resourced private and affluent public schools, developing an “inclusive” admissions policy is particularly challenging
- Adoption of innovative ways to assess student potential and the adoption of more flexible assessment that considers applicants with a wider range of qualification and experience that is currently evaluated
- To increase among the colleges and schools, educational opportunities and options offered; [i.e. evening, week-end, summer and part-time options] for working students, mature students and single parents

#### 5. STRATEGIC CONSIDERATIONS

- Throughout the process the University must re-affirm that it will continue to admit only those students whom it has reason to believe are capable of benefiting from study and able to succeed
- Whatever procedures are adopted will be publicly declared and open to scrutiny. The community must be educated and kept abreast of all decisions as well as the rationale
- Attempts should be made in the admissions processes to compensate for the circumstances of an applicants schooling and thereby to obtain a student intake with better indicators of future success than AP scores, standardized tests and letters of recommendation

The specific purpose of this proposal is to provide equity in admissions amongst applicants by considering a student’s application packet in the social and cultural context in which they are achieved. It is proposed to introduce a mechanism by which to take account of a student’s performance in relation to the performance of their school. This proposal would attempt to recognize that able students in different school contexts do not have equivalent opportunities to develop and demonstrate their full potential. It also recognizes that due to the lack of opportunities in impoverished schools, students that are capable of performing at levels much higher than indicated may have transcripts indicative of “underperformance” vs. inability to perform

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

- In many colleges and schools of Berkeley, the grades required for entry are largely dependent on the demand for places. The underling fact of the current policy is that it overwhelmingly admits those who achieve the best grades in standardized tests and these individuals were largely schooled in enriched academic and home environments. The assumption we must transform is that “enriched” students are “better” than those who are not from enriched academic environments. Berkeley must transform the definition of “best” to with the ability and potential to benefit from and succeed in our courses. There is an increasing body of evidence to support the contention that able students, with the ability to benefit from demanding courses, may be done an injustice by many of the current measures that are used for undergraduate and graduate admissions
- Concern has been expressed that such procedures might lead to action against Berkeley on the grounds of discrimination as articulated in proposition 209. In defense it should be argued that U.C. Berkeley, is entitled to use it’s own judgment to select students best able to benefit on the basis of a range of information, as is done at present. The very presence of school reports, interviews and personal statements in the application packet is a tacit acceptance of this

## 6. TARGET SETTING

The University sets its own strategic diversity agenda by identifying its own priorities, and sets targets at University and College (or School) level which have a realistic chance of delivering measurable progress within a reasonable time frame in the areas of recruitment, admissions and retention

## 7. MONITORING AND TRACKING

The collection and analysis of robust data on applications, offers, acceptances and entrants, linked to data on retention and progression, is essential to the evolution of strategies for the recruitment and retention of students from historically under-represented groups, for target setting and monitoring progress against targets. As well as factors such as age, gender, social class, school type, domicile, ethnicity, disability and post code (for information on low participation neighborhoods), and their inter-relationship, a detailed analysis of the relationship between entry qualifications, retention and progression outcomes is required. Sound interpretation of the data relies on expert analysis

If the University is to make an ongoing commitment to strategic diversity inclusion, they must demonstrate the ability to empirically evidence an effective outcome based strategy with attendant strategic adjustments, new initiatives and abandonment of unfruitful avenues

To allow strategic diversity elements which are unsuccessful to persist, is tantamount to complicity in the creation of criticisms that may threaten the future existence of the strategic diversity initiative

## 8. ADMINISTRATIVE CONSIDERATIONS

- If widening participation is to become a reality it needs to be supported by senior management, embraced by the University community as a whole and made central to our mission
- It is important that we do not assume that we simply need to diversify the intake and then it is the students themselves who will need to make all the adjustments if they are to succeed. The University will also need to make adjustments and this will affect not only teaching but also all staff. It is anticipated that the audit of existing widening participation activity, expertise and relevant research interest will identify not only individuals and groups across the University

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

with an interest in bringing about change but also staff development needs

- The School may also need to look critically at modes of teaching and learning to ensure that students from under-represented groups are enabled to fulfill their potential and participate fully and on an equal basis in all aspects of University life

### 9. EMBEDDING THE PROCESS

- Endorsement/approval from relevant University Committees. Individually tailored strategic diversity plans among schools and colleges
- The establishment of the Advisory Group on Recruitment, Admission and Retention Strategy
- Inclusion of the School's strategies within an overall University strategy that takes account of potentially competing priorities
- Communication with staff and students across the University on the aims of strategic diversity
- Communication with a variety of external groups on the University's commitment to strategic diversity
- An important aspect will also be the creation of seminars, trainings, and national and perhaps international travel to advertise and inform other universities of the Schools efforts
- Staff development aimed at understanding the issues surrounding strategic diversity, and of their individual role in responding to a more diverse student body
- Long-term supported commitment to strategic diversity with the resource (staffing, including administrative and secretarial support, staff and student time, and running costs in support of activity)
- Funding and grant creation for strategic diversity to ensure continuation

### 10. AN EXAMPLE OF EXEMPLARY PROGRAM ELEMENTS

The following example come from the Committee on Institutional Cooperation (CIC): Graduate Recruitment for Diversity: Discipline-based Recruitment and Retention Strategies. April 2006.  
 1819 S. Neil Street, Suite D  
 Champaign, IL 61820-7271  
<http://www.cic.uiuc.edu/>

#### DEPT. OF COUNSELING PSYCHOLOGY

Univ. of Wisconsin  
<http://www.education.wisc.edu/cp/>

#### SUCCESES:

- Racial and ethnic minorities comprise 54% of students who earned a PhD in the last 5 years
- 37% of students enrolled in the doctoral program in the past five years
- 50% of 2005 cohort
- 44% of the core faculty members
- 97% retention rate for students of color has been consistent for the last 15 years

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

- Previously unranked, the department is now ranked fourth in the 2005 U.S. News and World Report
- 2005 Suinn Minority Achievement Award from the American Psychological Association for its achievements in the recruitment, retention and graduation of ethnic minority students in psychology

**BACKGROUND:**

The Trigger for change occurred in the year (early 1990's) that no minority student was admitted to the PhD program. Realizing that the recruitment activities of the department were not working to attract a diverse student pool, the department initiated a process of internal change, one that led them through states to a redefinition of who they were as a department.

The department articulated a mission to prepare counselors for a multicultural world. As they began making changes to the courses they taught, infusing multicultural thinking into their curriculum, and charging every faculty member to advance this mission, the department began to transform itself. The program became more rigorous and vibrant; faculty and students with commitments to diversity were attracted to the program, and this process further reinforced the quality of the program. Now the program, previously unranked, is among the top programs for counseling psychology in the nation. Previously, its graduate students came from the surrounding region; today, students come from all over the country, and the department enjoys greater success in faculty recruitment initiatives.

**KEY FEATURES:**

- Diversity articulated as a key/core value in the mission of the department, and this value is infused throughout the curriculum, training, research and programming activities. Students and members of the faculty are expected to model these values in their professional roles.
- The Diversity Committee (DC) coordinates and provides programming that supports the mission and philosophy of multiculturalism and diversity through personal and professional interactions to learn about self and others. Such activities include speaker series, brong0bages events, faculty/student-facilitated movie nights, and "potlucks with purpose."
- The department hosts an annual conference focused on multicultural counseling, competence and issues related to social justice. The event includes a student colloquium, roundtable sessions and workshops, and keynote presentations by invited local and national speakers.
- All students and faculty members of the faculty engage in critical self-reflection, exploring their own attitudes and behaviors regarding diversity and multiculturalism on an ongoing basis. These issues are addressed in the classroom, in research and community activities.
- A desire for applicants with diverse backgrounds and experiences is explicitly stated in the admissions information posted on the department website.

**FACTORS OF SUCCESS:**

Rather than starting with recruitment strategies to increase the numbers of minority applicants to the program, the faculty began with a commitment to examine themselves. They internalized a commitment to diversity and multiculturalism that they then applied intentionally to every aspect of their program-curriculum and pedagogy, faculty-student interactions, and the broader climate in the department. Moreover, the faculty and students reaffirm their core values on an ongoing basis and reflect on how to incorporate them into their training research and professional relationships.

**11. OTHER IMPORTANT FACTORS (not part of the CIC draft report):**

- Recruitment activities include faculty visits to minority serving institutions to meet with faculty, students and to deliver seminars presentations.
- For admission review, undergraduate, and graduate GPA, regardless of the undergraduate institution, is used as a strong indicator of the student's ability to do well as it reflects a student's seriousness, diligence and perseverance. AMONG ALL PROGRAMS: standardized test scores are given less weight as an indicator of the student's performance ability.
- Graduate program directors are fully involved in the outreach activities. Only students who have been deemed admissible by the faculty are invited to visit and are offered financial support straightaway for those students who are successfully recruited, super systems are in place to facilitate the integration of student into the field and to promote their professional development.

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

## SECTION 2

### TABLE OF CONTENTS

- 1. The Bakke Decision & The Grutter Decision: What it means to Higher Education Admissions Strategies**
- 2. The Conspiracy to Exclude Black Students from Higher Education Opportunities**
  - A. Negritude: The Bastard Step-Child of “Diversity”
  - B. Why the Intangible Factors (Where Diversity Strength Lies Hidden) Will Never be Formalized into Tangible Measures
  - C. The “Petting Zoo” Approach to Diversity
- 3. On the Specific Mission of Berkeley Colleges and Berkeley University**
- 4. Public School Spending: Jonathan Kozol, Enrichment & Impoverishment in Public Education**
- 5. The Effect of Government Policies on Blacks**
  - A. The Social Security Act of 1935
  - B. Discrimination in Social Security Benefits
  - C. Analysis of Disparity in Partial Social Security Retirement Benefits
  - D. Analysis of Disparity in Full Social Security Retirement Benefits
  - C. Mandatory Unemployment Insurance
  - D. Federal Housing Administration FHA
  - E. Creation of The Modern Black Ghetto & The Modern Black Slums
  - F. Zoning in America’s Cities
  - G. Redlining
  - H. High Arrest, Trial, Conviction, and Incarceration Rates of Blacks
  - I. Lack of Access/No Access to Essential Health Care
  - J. School Segregation, Poor Schools, Low Per Pupil Funding of Education
- 6. The GRE Test: Myths & Misuses Ethnicity and Income Breakdown**
  - A. Additional Reading on the Effectiveness of the GRE Test as an Admissions Tool:
- 7. The SAT and ACT Test Bias and Misuses**
  - A. \*2005 College Bound Senior Average SAT Scores
  - B. SAT Myths
- 8. The GRE and African-Americans**
  - A. Interview of Shirley M. Tilghman, President of Princeton University in the Wall Street Journal July 17, 2006.
- 9. Alternatives to the SAT, GRE and LSAT**
- 10. Analysis of a Racist Policy Group that Articulates Contemporary Thought on Diversity and Admission: Thernstrom & Thernstrom: “Racially Driven Admissions” & “Secrecy and Dishonesty: The Supreme Court, Racial Preference and Higher Education”**
- 11. Case Examples Involving Segregation and Racial Discrimination: An Example of Parallels Between Historical & Modern Day Segregation Philosophy**
  - A. 1856 Dred Scott v. Sandford (Majority Opinion)
  - B. 1896 Plessy v. Ferguson (Majority Opinion)
  - C. 1915 Guinn v. United States (In Summary)
  - D. 1944 Smith v. Allwright (Majority Opinion)
  - E. 1950 Sweatt v. Painter (Application For Writ of Mandamus)
  - F. 1950 McLaurin v. Oklahoma State Regents (Subject of motion)
  - G. 1954 Brown v. Board of Education (Majority Opinion & Summary)
  - H. 1956 Browder v. Gayle (Dissenting Opinion)
- 12. Defining White Privilege**
- 13. Excerpt from an Interview of Noel Ignatiev, on his book, “Race Traitor”**

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

## **1. THE BAKKE DECISION & THE GRUTTER DECISION: WHAT IT MEANS TO HIGHER EDUCATION ADMISSIONS STRATEGIES**

Representatives from Berkeley should feel free to research the Bakke and Grutter decision as well as the various opinions issued concerning race based preferences and diversity plans in order to give substance and perspective to the conclusions and opinions drawn by **The Woozy** throughout this report.

While there are many elements, legal, historical and otherwise contained in the various opinions issued in the Bakke and Grutter decisions, from a strategic standpoint, there is much to be learned from these decisions in crafting an effective diversity plan. Of note, the Supreme Court has ruled consistently, since the Bakke decision on the issue of race based quotas. In short, to pursue an avenue of race-based quotas, as an element to any diversity plan in higher education is fruitless, seeing as it has been effectively prohibited form of strategy as a basis of legal precedent. As noted in the Grutter decision, any other type of non-quota based diversity plan that seeks to include historically under-represented populations, must be of a “time limited” nature, due to the possible disadvantage to historically over-represented groups and the appearance of permanent disability on the part of the compensated race. The basic gist of the Supreme Court opinion is that diversity serves a larger societal purpose, yet 15-20 or 25 years later, the achievements of historically disadvantaged peoples should be rectified to the point of rendering moot the need for a race sensitive diversity plan [how the Supreme Court arrived at the formula which renders 15-20 & 25 years as a relevant “time sensitive” limit to diversity plans is not explained in their decision].

What the Supreme Court did not outlaw nor bar by legal precedent is an entirely new approach, hereto un-attempted by higher education colleges and universities. That is, to weigh the individual strengths of individuals, or all groups, regardless of race, from a perspective of building a diverse group of students from all segments of society with respect to those cultural strengths and individual experiences. That is, to in effect, be inclusive of all individuals from a perspective of academic ability, rather than from a strict basis of known exclusionary and race tainted determinations of “highest” and “best” admissions packet elements.

In no other phase of society do we exclude individuals on a basis of judged “worth” when the use of public funds is at stake. The issue is the responsibility of our society and our leaders to provide opportunities for advancement to all citizens regardless of their previous level of disadvantage; yet, this is but one of the strategic/ethical issues at stake.

In upcoming sections, the confluence of historical, institutionalized racism, and its effects, as a backdrop to admissions will be thoroughly discussed; yet, the larger point to be taken from the Bakke and Grutter decision is that we must move away from a biased, racist admissions policy to a system of analysis, whereby a full, proportionate, diverse and equal proportion of societies children, have the opportunity to garner higher educational opportunities based on sole criteria of their ability to succeed and the value of diversity in and of itself. This is the evolutionary jump that must be made in admissions from the reliance on admission packet elements strongly linked to historical oppression, biased evaluations, family wealth and tacit measures of exclusion.

## **2. THE CONSPIRACY TO EXCLUDE BLACK STUDENTS FROM HIGHER EDUCATION OPPORTUNITIES**

### **A. Negritude: The Bastard Step-Child of “Diversity”**

Along with the valuing diversity, comes the valuing of negritude and all that is black, as well as valuing other historically under-represented groups such as Native Americans and all that is Native American and Latinos and all that is Latino. Specifically, the unique and wretched history of Black Americans constitutes one of the most adversarial and systematically discriminatory genocidal epochs in the history of modern man, and yet, Black men and women, struggle through inferior resources and governmentally racist and oppressive practices, and are still made to compete for opportunities at higher education. The fact that the historical basis of the current higher education evaluation process has been devised to give every possible advantage to those who are white, privileged, well-resourced and from upper

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

socio-economic classes is a direct result of the systematic exploitation and the exclusion of historically exploited and under-represented groups in higher education.

As an example, the inherent value, beauty, advantage and strengths of Black peoples and Black cultures have never been a factor in admissions policy. And yet, implicitly, all that is valuable, advantaged and evident of White strengths is the basis for inclusion and exclusion to the University. Black culture and perspectives are devalued, as a cultural perspective. Black and African centered orientations are seen as inferior, non-scientific, non-academic and inappropriate as an academic evaluation basis. Such thought extends back to Missionary outreach, the perversion of Darwinian theory and pseudo-science which defined Blacks and people of color as savages and beyond the grasp of nuanced reason and complex civilization.

The use of standardized test whose only function within the academic application is to give preference to those who are well off, is a standard practice, although these tests are known to be essentially useless in their predictive value of academic success. Their continued use is due to their power to exclude. The evidence is clear. As in letters of recommendation invariably, if from those who are well off, who have had access to higher education, and are powerful or politically connected, are by their nature, of the appearance of more authority than a letter of equal passion and conviction written by a neighborhood minister, an outreach worker high school counselor, or community based organization.

The content of personal essays are a tell tale sign of privilege, when one speaks of trips abroad, or having the economic ability to take time off of school and volunteer, or travel, or to meet important, well known individuals. Better education, coaching, and tutoring in the preparation of application, gives further advantage to those who are well off, and from a homogenous cultural basis. The desire to pursue traditional occupations versus filling community needs, or the desire to pursue non-traditional careers in aid to the very same communities which the University purports to have a higher and greater commitment to is not scrutinized as a factor in terms of gauging how the universities academic investments in the community should be made.

**B. Why the Intangible Factors (Where Diversity Strength Lies Hidden) Will Never be Formalized into Tangible Measures**

Despite the best efforts of an inclusive diversity plan, the idea of “measurable” and “quantifiable” measures of an individual's academic acumen, are, in their present form, nothing more than euro-ethnocentrism. In no way do the measures that are in place provide admissions departments with a well-rounded tool base from which to measure the inherent strengths of communities of disparity whose historical roots do not lie in European soil.

There's a reason the intangibles of negritude and cultural strengths are not taken into consideration. Power is about tangibles; it is imbedded in tangible structures and maintained through tangible processes. The lack of inclusion is synonymous with exclusion. The American university system has as its foundation the Universities of Europe and thus, European conquest. The Brahmin of world domination have been educated through these institutions with their inherent historical exclusion of peoples of culture and attendant disdain and intolerance of divergent opinions rooted in alternative cultures, religions and indigenous conceptions of man's relationship with the earth and the world's creatures. In light of these historical/cultural divergences, the inclusions of intangible factors, or at least those not related to and in alignment with the maintenance of the historical tenants of European/White power are purposely excluded. The "essay" is scoured for complicity and assessed for its symmetry with the existent structure. That is what's referred to as "fit" between the candidate and the mission of the particular school or university. Rather than to use this vital document, with its unique voice and ability to transmit all the information that falls between the lines, between the cracks and outside of the primary focus, it becomes another tool in separating the haves from the have not's. And in this, it is particularly effective, in that the candidates, through his and her unique voice, have in effect incriminated themselves, and betrayed their alliance with divergent ideas, orientations, cultures and philosophies.

To take proper stake of the value of negritude, “Latino-tude” and “Native-American-tude” and cultural strengths and unique voices and divergent opinions necessitates a complete re-imagining and re-assessment, and restructuring of the process whereby these valuable opportunities for advancement are meted out. We must, in a diverse and plural society take into account the community that is being served, the complex problems that remain to be solved, and the best way in which to invest our human capital, towards these essential societal ends. We must endeavor to create a

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

teaching (to draw out) and learning (to re-assemble with creativity and revolutionary/evolutionary relevance) environment that maximizes these precious investments with priceless individuals. Even at the expense of creating an unsettling dialectical shift in how the school and its mission are perceived. To be a leader is to be bold and confident, with an articulated mission and the vision and conviction from which others are lead from darkness and doubt into the light of an unknown realm of new possibilities stemming from social justice. But to do this, means you must be in touch with what is at stake, with knowledge of your adversaries and the dangers that are risked and the unique opportunities of a particular time. To be a leader, you must be in front when decisive action must be taken. We must work to understand what historically under-represented factors result in success, as well as engage passionately in the analysis of what supports are crucial to the endeavor.

### **C. The “Petting Zoo” Approach to Diversity**

The Woozy has viewed reams of diversity propaganda and one of the more curious justifications and rationalizations of diversity inclusion on colleges and universities, is the idea that having an ethnically diverse, representational student base, is beneficial to those who are not from historically under-represented races in that it teaches them tolerance, exposes them to different viewpoints and fosters a greater concept of inclusion and tolerance. This type of justification is equivalent to the justification for most zoos and their attendant petting zoo’s. If you believe the propaganda for zoo’s (which is similar) they exist to further the understanding of human beings of nature and the world’s creatures, as a basis for preservation and research that may one day benefit us as we understand the biochemical, biological and adaptation based evolutionary characteristics of different species. Zoo’s teach us tolerance through understanding and familiarity. It may be said that this parallel goes to far, but it does not. Any perspective that does not acknowledge the vast and overwhelming benefits to the individuals who attend university, regardless of color, but specifically to those who have been historically denied opportunities, as the sole and only purpose of higher education-that is- how that education benefits the individual, their families, their communities and their interest-is to attribute to people of color, a meaning and relevance of education which is largely beyond their own personal benefit on the journey to self-realization.

These notions must be rejected and rooted out for what they are, racist extensions of colonial and paternalistic, racist based philosophy which classifies people of color as a permanent sub-class of human beings, whose primary use, is one of utilitarianism to the rich, (mostly) white, and powerful. In these schemes the byproduct of diversity, namely a growing understanding of diversity and a conditioned response of tolerance is a firm foundation for diversity. It harkens back to missionary positions and justifications and does not a world in which the unique characteristics and inherent strengths of individuals, cultures, races and the overcoming of obstacles is valued. This perspective pre-supposes that the “diverse” peoples themselves, and their ability to garner higher education opportunities, is a secondary, tertiary, or, as ordered in some diversity plans, a non-factor in consideration of the ways in which “diversity” is important. The tacit implication is that those who are not “diverse” in terms of higher education, namely, white males, white females and the like, are the primary population and thrust of educational efforts, to the point that inclusion of others, is only as a benefit to the dominant race.

Until we, as a society ca move beyond a Euro centric and racist perspective, in all manner of things, we will never be truly capable of approaching the true core values of inclusion. Diversity must be recognized and included, because of it’s own inherent strength. In the same way that bio-diversity is valued for plant species and for all that is going on that we do not understand, the multiple forms of wisdom and the culmination of billions of years of evolution... inclusion and it’s attendant bio-diversity must be valued from the approach of the unique beings, environments, cultures and histories of the peoples of this world.

### **3. ON THE SPECIFIC MISSION OF BERKELEY SCHOOLS & THE UNIVERSITY**

As a Public University, the mission must include the preparation of students to work with communities of disparity, to advocate for justice, equality and equal access to opportunities for health, self-actualization and free individuals from oppression so that they may endeavor in the pursuit of happiness. Students must be prepared to work to propagate understanding of all of these issues effectively in diverse communities, an increasingly global community and communities of disparity. By the use of Berkeley’s current admissions policy which can only tout less than 125 yearly Black freshman admits and even less Native-American you are in antithesis of your own mission. Instead of helping to

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

rectify the current condition and historical context of disparity, you are serving to reinforce the savage inequalities echoed throughout our current society. Through the execution of your current admissions policy/strategy, Berkeley is in essence victim-blaming and holding students of color responsible for the systematic and institutional failure and injustice and discrimination rampant in past and present society. It is essential that as a beginning point to rectifying this deficiency, you must first look at yourselves as a public institution to identify your mission (as dictated by the people, all people) and to see to it that your policies are in alignment with the policy and core values of your mission.

#### **4. PUBLIC SCHOOL SPENDING: JONATHAN KOZOL, ENRICHMENT & IMPOVERISHMENT IN PUBLIC EDUCATION**

For two years Jonathan Kozol visited America's public schools. In his own words what was most striking was the consistency of almost complete segregation and the fact that public officials here he visited did seemingly recognize what Kozol noted as a norm in school of crushing disparity. East St. Louis is 98% black. To the east of East St. Louis, lie Illinois bluffs where the schools are predominantly white. East St. Louis ranks first in fetal death, first in premature birth, third in infant death. According to their Health Director, there is sewage running in the streets, polluted air from local factories, high lead levels in the soil, poverty, lack of education, high crime, dilapidated housing, insufficient health care, hunger and unemployment. The average spent on each child for food per month is \$73. 70% of the teachers are permanent substitutes being paid \$10,000 per year. In the schools there is a chronic shortage of textbooks. The science labs are 30-50 years outdated. Kozol notes that within this environment (as is consistent in all of the communities he has visited and written about) many children lose hope, their learning potential erodes and their aspirations are as bleak as the job prospects. Such problems are not endemic to only East St. Louis, rather, anywhere where there are predominantly black or Latino children these problems exist to some degree. The question Kozol asks is, "is this nation so grounded in racism and class discrimination that it is willing to write off an entire segment of its youth by ensuring their failure and making the path to prison, drug addiction and violent death inevitable?" In New York City 90% of male jail prisoners are former public school dropouts, yet, incarceration of each inmate costs \$60,000 each. Spending for schools in the rich suburbs of New York City were around \$11,000 per pupil, while the city itself spent only \$5,500 (1987). The Educational Trust study the poorest 25% of schools districts in each state receive an average of \$793 less per pupil than the richest 25% (1997).

"The present system guarantees that those who can buy a \$1 million home in an affluent suburb will also be able to provide their children with superior schools."

-Jonathan Kozol

"The U.S. remains the only major developed country in the world that exhibits this shameful pattern of educational inequity."

-Michael Rebel, executive director of the campaign for fiscal equity.

#### **5. THE EFFECT OF GOVERNMENT POLICIES ON BLACKS**

##### **A. The Social Security Act of 1935**

The Social Security Act of 1935 specifically excluded two occupations: agricultural workers and domestic servants, which were predominantly African-American, Mexican and Asian. These groups also had the least ability to save for their retirement, and thus were severely affected by this exclusion. They were consequently unable to "pass their wealth" onto their children, instead, their children had to support them.

##### **B. Discrimination in Social Security Benefits**

According to the Center for Disease Control – National Center for Health Statistics Life expectancy charts, what follows below is the current life expectancy for Blacks compared to whites:

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

**Life Expectancy:**

	WHITE	WHITE	WHITE	BLACK	BLACK	BLACK
<b>At Birth</b>	<b>Both Sexes</b>	<b>Male</b>	<b>Female</b>	<b>Both Sexes</b>	<b>Male</b>	<b>Female</b>
1950	69.1	66.5	72.2	60.8	59.1	62.9
1960	70.6	67.4	74.1	63.6	61.1	66.3
1970	71.7	68.0	75.6	64.1	60.0	68.3
1980	74.4	70.7	78.1	68.1	63.8	72.5

**Social Security “PARTIAL” Retirement:**

(Years Lived After Partial Retire.)		WHITE	WHITE	BLACK	BLACK
<b>At Birth</b>	<b>RETIRE AGE</b>	<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>
1950	62	4.5 yrs	10.2 yrs	-2.9 yrs	.9 yrs
1960	62	5.4 yrs	12.1 yrs	-9 yrs	4.3 yrs
1970	62	6 yrs	13.6 yrs	-2 yrs	6.3 yrs
1980	62	8.7 yrs	16.1 yrs	1.8 yrs	10.5 yrs

**Social Security “FULL” Retirement:**

(Years Lived After Full Retire.)		WHITE	WHITE	BLACK	BLACK
<b>At Birth</b>	<b>RETIRE AGE</b>	<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>
1950	66.0	.5 yrs	6.2 yrs	-6.9 yrs	.9 yrs
1960	67	.4 yrs	7.1 yrs	-5.9 yrs	.7 yrs
1970	67	1 yrs	8.6 yrs	-7 yrs	1.3 yrs
1980	67	3.7 yrs	11.1 yrs	-3.2 yrs	5.5 yrs

Life Expectancy compared to “Partial” and “Full” retirement age for Blacks and Whites reveals another area in which government policy, instituted without consideration of known health disparities, impacts the Black community negatively in terms of economics and benefit.

**C. Analysis of Disparity in Partial Social Security Retirement Benefits**

Black Females born between the years of 1950-1980 will receive partial Social Security Retirement benefits for an average of **5.5yrs** compared to 10.45 yrs For White females. Black Males born between the years of 1950-1980 will receive partial social security retirement benefits for an average of **-1yrs** compared to **6.15yrs** for White Males.

**D. Analysis of Disparity in Full Social Security Retirement Benefits**

Despite the fact that Blacks and Whites are required to make the same contributions to Social Security, for all but Black males born in 1980 and beyond, the life expectancy for Black Males is prior to reaching full retirement age. Statistically, Black females are the only Blacks that will live long enough to make full retirement benefits. Black Females born between the years of 1950-1980 will receive full social security retirement benefits for an average of **2.1yrs** compared to 8.25 yrs For White females. Black Males born between the years of 1950-1980 will receive full social security retirement benefits for an average of **-5.75yrs** compared to **2.83yrs** for White Males.

**Summary**

Statistically, Black males pay into a Social Security system that they will not statistically live long enough to benefit from. According to the U.S. Census Data, Black male life expectancy, on average, lags well behind (defined here, as being dead prior to receiving benefits) the “partial” and “full” retirement ages for Social Security. Black Females fare a little bit better. Statistically, they live long enough to receive benefits a full 2.1 years, on average, prior to death. It is important to remember, that in the larger context of Social Security deficits and the depletion of the Social Security fund, Black Americans, on average, are not in a position, and have not been in a position to benefit from Social Security benefits for two reasons.:

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

- Many of the occupations that Black Americans were engaged in at the time of the creation of Social Security were not covered by Social Security
- Black Americans, on Average do not live long enough to garner benefits, or, if they do, they do not live long enough to make back what they have paid into the system
- 

This is a prime example of how racial disparities result in social and economic disparities when not taken into consideration in the creation of social policy and in fact in the example of the exclusion of occupations that were mainly Black and Latino from inclusion in Social Security benefits, knowledge of such racial disparities, are in fact the reason for such policies.

#### **E. Mandatory Unemployment Insurance**

Mandatory Unemployment Insurance along with the Social Security act of 1935 provided a much needed safety net for Americans during the depression; yet, once again, Unemployment Insurance excluded domestics and agricultural workers. 2/3<sup>rd</sup> of Blacks were at the time, either domestics or agricultural workers and thus ineligible for these benefits and the safety net they provided.

#### **F. Federal Housing Administration FHA**

The creation of the Federal Housing Administration (FHA) is the primary reason why today, White personal net worth is 8 times that as Black net wealth. These programs made it possible for millions of average White American's to own a home for the first time. In order to ensure that the all if not the overwhelming majority of funds went to Whites, the government set up a national neighborhood appraisal system, based on race, which determined eligibility for loans. Integrated and Black neighborhoods were deemed, "bad loans" and thus were denied over 99% of the time. Private banks followed suit. The practice is commonly known as "redlining" and between 1934 and 1962 the federal government backed 120 billion dollars and 98.9% of the loans went to whites. In terms of the Berkeley area, of the 350,000 new homes built with federal support in northern California between 1946-1960 fewer than 100 went to African Americans. These federal policies and the "redline" were in effect well through the 1960's and today remains in existence by many private institutions as an indelible part of their unofficial policy in housing loans.

#### **G. Creation of The Modern Black Ghetto & The Modern Black Slums / Zoning in America's Cities**

Many ghetto's and poor areas were re-zoned as industrial areas, which prohibited not only new residential construction, but also effectively curtailed the repair of standing residential structures. Due to FHA opportunities, other, non-Black poor people could re-locate to other areas, while Blacks were forced to stay in increasingly industrialized and polluted areas of the city.

#### **H. Redlining**

"Black ghetto and slum creation begins in the 3<sup>rd</sup> decade of the 20<sup>th</sup> century. It begins with new deal policy in the 1930's when the federal government and state government colluding with banks and insurance companies to solve new deal problems by an unprecedented program of building and construction. Housing is being built on the periphery of major American cities at an incredible pace, and in order to create a market for this housing, the government and to force white middle class families to move into this housing, they have to make it irrational for them to stay in the cities. During the early years of the new deal the federal government establishes the homeowners loan corporation. For example, in Brooklyn they mapped out the borough in 66 neighborhoods going block by block finding every black, Jewish, Italian and police, etc, people. According to it's racial and ethnic make up. Then distributed these maps to banks and held them to a standard when loaning money for homes and rental. The consequences of having your ratings going down is that the value of the property goes down. So many white families found that their home values went down for no other reason than the banks, in collusion with the government would not allow anyone to move into a certain area, unless they were black. After the homeowners loan corporation begins segregating on the federal level, and working with local banks in Brooklyn, Manhattan and the Bronx, the state gets involved in redlining, they also ma out Brooklyn, and this time they only look

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

for black and Latino persons and a single black person living on a block is enough to redline a block. The effect will be in fact to do extraordinary damage to black communities throughout New York. All of the sudden, black communities, which had long traditions in various areas of New York, were being physically segregated and rooted up. When the homeowners loan corporation finishes their work in the 1940's they had dramatically altered the make up of Brooklyn, in 1930, when the depression hit, black Brooklynites were the least segregated group physically in the borough, by 1960, they were the most segregated group, in mostly the Bedford-Stuyvesant area, and that will become the largest black ghetto in the u.s. in the 1960's. In the 1930's Harlem went from being an ethnic community with quite a bit of opportunity and mobility to a racial slum with little opportunity and little hope. The federal government had armed the banks, insurance companies and real estate dealers with the public authority to keep black people inside that physical space and to force new black migrants into that physical space. So as Harlem and Bedford-Stuyvesant expands in the 40's 50's, black communities no longer control their own destinies. They are being forced and quarantined inside the city, at a time when white Americans are peculiarly mobile. Why is there a black ghetto in every American city? The answer is, public policy. The way we re-map cities racially in order to solve economic crises. Despite the creation of ghettos on an unprecedented level since the holocaust, these neighborhoods, due to their cohesiveness were still largely viable due to the nature of the intact social organization."

-Craig Steven Wilder, PhD, Dartmouth University.

#### **I. High Arrest, Trial, Conviction, and Incarceration Rates of Blacks**

Blacks compose 12% of the population and 45% of the prison population. A number that has doubled since 1930. 1 in 5 black man in the U.S. spends some time in jail during his life.

#### **J. Lack of Access/No Access to Essential Health Care**

In 1999 43 million Americans did not have health insurance. Less than 1/3<sup>rd</sup> of people living in poverty are eligible for Medicaid. Therefore, those who are poor and with no insurance spend a significant amount of money on emergency, non-preventive interventions. Government health policy results in millions of Americans having no access to continuing care, preventive care or continuity of care in providers. In addition, there is no provision for follow up care, such as specialty tests, lab work, x-rays or other needed services. Poor health is not only a complication of poverty, but also among its causes. From low birth weight, poor nutrition, high infant mortality, preventable hospitalizations (management of illnesses and diseases such as DM, Hun, or early detection of organ failure, cancers or treatable illnesses, as well as lack of access to cheap but much needed medications. Other issues are endemic to the ghetto such as asthma, lead poisoning, anemia, malnutrition, ear infections, strap throat, etc.

#### **K. School Segregation, Poor Schools, Low Per Pupil Funding of Education**

Ghetto's are marginalized within the cities, and education in the ghetto and in poor, black neighborhoods are mostly neglected. The physical state of inner-city schools, equipment, supplies and level of instruction, class size, are markedly inferior when compared to their non-ghetto counterparts. Not to mention the inappropriate tracking of intelligent Black students into low performing or special educational tracks as well as lack of gifted or advanced placement opportunities.

### **6. THE GRE TEST: MYTHS & MISUSES, ETHNICITY AND INCOME BREAKDOWN**

The Graduate Record Exam is administered to more than 350,000 students per year and used by approximately 60% of American graduate programs. Despite its popularity, the GRE does not accurately assess a test-taker's full potential for achievement in scholastic, professional, or personal endeavors, and limits access to graduate school for many individuals, particularly women, students of color, and non-traditional applicants.

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

The ETS admits that college grades do a better job of forecasting graduate achievement. ETS states, "The limitations of graduate school admissions tests in the face of the complexity of the graduate education process have long been recognized...[the] critical skills associated with scholarly and professional competence...are not currently measured by graduate admissions tests." The ability of the GRE to predict first-year graduate grades is weak, with test scores responsible for only a 6% variation in grades (academic achievement).

In a Yale University review of the GRE's predictive ability for graduate students in its psychology department, test scores explained only 3% of the difference in grades during the first two years of study. And dropped to 1% when more comprehensive measures of performance (e.g. overall faculty ratings of the quality of students' performance and faculty evaluations of dissertation work) were considered. For women in the Yale graduate psychology program, the correlation between GRE scores and graduate performance was negative.

Large disparities in GRE scores exist between different groups of students. Despite their higher grades as undergraduate and graduate students, females score on average 20-30 points lower than males on each section of the exam. African-American, Latino, and, Native American students on average score lower than White and Asian American students. When test scores play a major role in admissions decisions such gaps create graduate student bodies that are disproportionately White and male. One study in the Journal of Negro Education revealed that at the University of Florida Black graduate students with low GRE scores were compared to White peers with high test scores. The Black students attained higher GPAs during graduate study than did the Whites, leading researchers to conclude that the GRE is insensitive to how Black students' skills and resources translate into performance.

The use of cut scores is particularly dangerous to low-income individuals and students of color, who on average score markedly below affluent and White students. The Ford and Danforth Foundations tracked hundreds of students of color they had funded for graduate school and concluded: "Large numbers of [our] fellows might well have not been admitted to graduate programs if admissions committees had employed only numerical parameters in their assessment of student potential...More than half of the students who earned a doctorate would not have been admitted to graduate school in the first place if a GRE-Verbal score of 500 or more had been a criterion."

The GRE can be conquered with tricks having nothing to do with the knowledge, persistence, thoughtfulness, and other qualities that are vital to graduate study and professional performance. The exam's susceptibility to coaching undermines educational equity by advantaging students who can afford test prep materials - many of whom already score in the upper percentiles - over those who cannot. The most comprehensive coaching classes (which generally offer the greatest score gains) cost upwards of \$1,000 or more. While ETS asserts that the GRE is not coachable, it promotes its own materials: test takers can purchase a diagnostic service for \$15, Preparing to Take the General Test for \$18, or can use the free POWERPREP software package. While there are no independent studies on coaching's impact on the GRE, independent studies of coaching for the similar SAT exams demonstrate that coaching can improve scores.

Several highly regarded graduate programs have proven that institutions can conduct a successful admissions process without the use of test scores. A brief list of such programs includes: Harvard Divinity School, Simmons College School of Social Work, Bank Street College School of Education, Pratt Institute School of Architecture, Brown University Division of Engineering, and Columbia University Masters of Science in Journalism. These examples are similar to the nearly 400 undergraduate institutions that admit a substantial number of freshman applicants without regard to SAT or ACT scores.

[www.fairtest.org](http://www.fairtest.org)

**Summary:**

The GRE test has little predictive value and should never have a "cut-off" score, yet, many schools use a pre-determined score as a cut-off and a number of schools are advocating and/or considering establishing a cut-off score. Seeing as admissions is a zero-sum game (you either get in, or you don't), the use of a test proven to have little predictive value on academic performance as a determining factor is extremely harmful to historically low scoring groups (such as people of color, ESL students, women and those from low socio-economic backgrounds). The fact that any individual is either accepted, or rejected from the opportunity to attend a graduate school, based upon a GRE score,

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

or that the GRE score becomes the factor whereby such admissions decisions are made (say in comparison of two otherwise equally qualified candidates) is not a decision that can be justified in any sense.

Admissions are more an art than a science. Admissions departments are inundated with applications and the work of sorting through and narrowing a list of candidates is a difficult task, yet, to utilizing a factor such as a GRE, ACT or SAT by an academic institution that prides itself on its adherence to scientific method and inquiry is peculiar and counter-intuitive in the least, and harmful and in practice, discriminatory to entire groups and classes of individuals.

Despite the inherent contradictions exposed, highlighted and entailed in the use of standardized tests there is still a resistance to abandoning it as a so-called “tool” in graduate admissions. Much the same as in the implementation of racist policy and in the course of the history of institutionalized racism; there is a lack of leadership and a lack of inertia, to righting the wrongs of the past, as well as the present. But if the institutions we look to as a gleaming tower of truth and direction is hesitant and lacks the moral compass with which to challenge that which we know is wrong, then we, as a society, or through our representatives, have effectively blocked our path to justice for those who have been dealt with unjustly.

**A. Additional Reading on the Effectiveness of the GRE Test as an Admissions Tool:**

- Subjective admissions data often includes: recommendation letters, prior work experience; and performance at the admissions interview. Exactly how these variables predict students’ academic success or counseling skills remains uncertain (Anthony, Gormally & Miller, 1974; Bradley & Post, 1991; Hostford, Johnson, & Atkinson, 1984; Hurst & Shatkin, 1974)
- The GRE has been used widely as a standardized academic aptitude test in the admission process. The GRE can provide counselor educators with valid information in terms of comparing students from different areas of undergraduate study in a standardized manner. However, research findings concerning the validity of the GRE for predicting successful academic performances in graduate students have yielded controversial results over the past 40 years (Goldberg & Alliger, 1992). Therefore, although comparisons may be made with the use of GRE scores, there is little evidence that the choices will result in students that are better qualified or more academically prepared
- The results of Morrison and Morrison’s (1995) meta-analytic study suggest that the quantitative and verbal components of the GRE possess minimal predictive validity for graduate school performance, and yet most graduate schools continue to use this standardized test as a “gate-keeping” mechanism which bars a group of individuals from admissions (mostly women, Blacks, Latino’s and Native-Americans and those from lower socio-economic brackets), without truly differentiating their academic potential
- Ingram (1983) examined 10 studies on the relationship between GRE scores and success in graduate school and found little evidence that GRE scores consistently predict graduate school success. Despite this, there is incredible resistance, on the level of peer practice, to abandoning the use of GRE scores
- A study by Milner, McNeil, and King (1984) reported findings that the GRE was not a valid predictor of success in graduate school and that the elimination of its use did not appear to lower the quality of graduate students, as measured by graduate GPA and attainment of a degree

Statistical information from: “Counseling Program Admissions” by Margery J. Shupe, Ed.D. and Mei Tang, Ph.D

***The WOOZY***  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

## 7. THE SAT AND ACT TEST BIAS AND MISUSES

In the tables that follow, you will be able to see how the different ethnicities compare in their ACT and SAT test scores. The following table demonstrates that the clearest predictor of test score is the income level of the test takers family.

\*2005 ACT SCORES

### GENDER

<u>Female</u>	<u>20.9</u>
<u>Male</u>	<u>21.1</u>

### ETHNICITY

<u>American Indian or Alaskan Native</u>	<u>18.7</u>
<u>Asian-American or Pacific Islander</u>	<u>22.1</u>
<u>African-American or Black</u>	<u>17.0</u>
<u>Mexican-American, Chicano, Latino</u>	<u>18.4</u>
<u>Puerto Rican, Cuban, Other Hispanic</u>	<u>18.9</u>
<u>Caucasian-American, White</u>	<u>21.9</u>
<u>Multiracial</u>	<u>20.9</u>
<u>Other</u>	<u>19.4</u>
<u>Prefer Not to Respond (3%)</u>	<u>22.0</u>
<u>No Response (5%)</u>	<u>20.8</u>

### FAMILY INCOME

<u>Less than \$18,000/year</u>	<u>17.9</u>
<u>\$18,000 - \$24,000/year</u>	<u>18.6</u>
<u>\$24,000 - \$30,000/year</u>	<u>19.3</u>
<u>\$30,000 - \$36,000/year</u>	<u>19.8</u>
<u>\$36,000 - \$42,000/year</u>	<u>20.3</u>
<u>\$42,000 - \$50,000/year</u>	<u>20.9</u>
<u>\$50,000 - \$60,000/year</u>	<u>21.3</u>
<u>\$60,000 - \$80,000/year</u>	<u>21.9</u>
<u>\$80,000 - \$100,000/year</u>	<u>22.5</u>
<u>More than \$100,000</u>	<u>23.5</u>
<u>No Response (25%)</u>	<u>21.1</u>

<u>ALL TEST-TAKERS</u>	<u>20.9</u>
------------------------	-------------

\*Source: ACT, ACT High School Profile Report 2005

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

**A. \*2005 College Bound Seniors Average SAT Scores**

Approximately 1.48 million test takers, of whom 53.0% were female

	VERBAL	MATH	TOTAL
<b>GENDER</b>			
Female	505	504	1009
Male	513	538	1051

<b>ETHNICITY</b>			
Amer. Indian or Alaskan Native	489	493	982
Asian, Asian Amer./Pacific Islander	511	580	1091
African American or Black	433	431	864
Mexican or Mexican American	453	463	916
Puerto Rican	460	457	917
Other Hispanic or Latino	463	469	932
White	532	536	1068
Other	495	513	1008
No Response (10%)	511	525	1036

<b>FAMILY INCOME</b>			
Less than \$10,000/year	426	458	884
\$10,000 - \$20,000/year	443	463	906
\$30,000 - \$40,000/year	480	487	967
\$40,000 - \$50,000/year	496	500	996
\$50,000 - \$60,000/year	505	509	1014
\$60,000 - \$70,000/year	511	515	1026
\$70,000 - \$80,000/year	517	522	1039
\$80,000 - \$100,000/year	529	534	1063
More than \$100,000/year	554	565	1119

<b>ALL TEST-TAKERS</b>	508	520	1028
------------------------	-----	-----	------

**\*Calculated by FairTest from: College Board, College-Bound Seniors  
 2005: Total Group Profile Report.**

**B. SAT Myths**

- **The SAT is un-coachable:** The SAT test makers for years claimed their test results were “un-coachable”. The College Board that administers the test makes additional money through the sale of test preparation software. Published studies conclude that scores can be raised by 100 points or more through coaching. Seeing as coaching is going to favor those with enhanced resources, there is no way for admissions officials to factor in who has been coached and who has not
- **The SAT does not exclude qualified students:** One study compared two admissions strategies. One that used only the high school record, and the other that used the high school record and the SAT score. Better than 90% of the decisions were the same for both strategies, yet, for the 10% of rejected students in the SAT/high school record group, a far greater number were otherwise qualified minority and low income applicants
- **The SAT is a predictor of grades and academic progress:** The state of Texas allows the top 10% of students to bypass the submission of an SAT or ACT score due to the fact that state researchers concluded that, “the use of standardized tests unduly limits admissions” and that, “except at the extremes, SAT/ACT scores do not adequately predict grades in core freshman courses or the probability of graduation.”

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

- **The SAT is a reliable test in determining the use distribution of scholarships and financial aid:** Several states impose SAT minimum score requirements for taxpayer-funded scholarships in clear violation of the College Boards guidelines. Once again, this practice disproportionately impacts minority and female students, the result are that these students are denied millions of dollars in much-needed financial aid. The National Merit Scholarships use Preliminary Sat scores as the sole criterion to select semifinalist. The resultant pool has thus been predominantly male, although females earn higher grades in high school and college. Due to a lawsuit filed in 1993 by FairTest with the Office for Civil Rights, the ETS and College Board agreed to a new multiple-choice “writing” component, which significantly increased the percentage of female National Merit semifinalist
- **The SAT is an effective measure of those student athletes that should be barred from athletic scholarships and competition (Proposition 16):** Proposition 16, once again, in violation of a “cut-off” score, disproportionately disqualifies otherwise academically qualified African Americans from receiving academic scholarships. A lawsuit against the NAACP is currently pending on this issue
- **The SAT is an effective determinant of those who are “gifted and talented”:** Many “gifted and talented” programs use the SAT of similar test to select participants. Females and minorities are often underrepresented in these programs
- **SAT test bias has no psychological effect upon the test scores of minorities and females:** Several studies show that female and minority students who are aware of racial and gender stereotypes score lower on tests such as the SAT. This extra burden has been defined as “stereotype vulnerability”

## 8. THE GRE AND AFRICAN-AMERICANS

One study In the Journal of Negro Education revealed that at the University of Florida Black graduate students with low GRE scores were compared to White peers with high-test scores. The Black students attained higher GPAs during graduate study than did the Whites, leading researchers to conclude that the GRE is insensitive to how Black students’ skills and resources translate into performance.

The use of cut scores is particularly dangerous to low-income individuals and students of color, who on average score markedly below affluent and White students. The Ford and Danforth Foundations tracked hundreds of students of color they had funded for graduate school and concluded: “Large numbers of [our] fellows might well have not been admitted to graduate programs if admissions committees had employed only numerical parameters in their assessment of student potential... More than half of the students who earned a doctorate would not have been admitted to graduate school in the first place if a GRE-Verbal score of 500 or more had been a criterion.

### A. Interview of Shirley M. Tilghman, President of Princeton University in the Wall Street Journal July 17, 2006.

The Wall Street Journal: *You changed you financial aid policy so that no Princeton students will be stuck with loans after graduation. Why are Princeton students still overwhelmingly affluent?*

Ms. Tilghman: *It’s not overwhelmingly, but it reflects a reality in this country, which is that the best predictor of SAT scores is family income. Affluent families can enrich their children’s high school experience, providing private schools where class sizes are much smaller, summer programs in Spain and so on. These children come to us having been exceedingly well prepared for college-and prepared for the really hard work that we ask of our students. If you look at the other end of the income scale, you see exactly the opposite. These kids are going to the local family store and working until 11 at night. And I think the greatest challenge for all of us it to look for the lower-income student who has not excelled at the same level in terms of standardized tests but has been able to excel despite all the things that were put in his path.*

-The Wall Street Journal, July 17, 2006“*The Tiger Roars: Under Tilghman, Princeton Adds Students, Battles Suit, Takes On the Eating Clubs.*” July 17, 2006:

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

## 9. ALTERNATIVES TO THE SAT, GRE AND LSAT

Several highly regarded graduate programs have proven that institutions can conduct a successful admissions process without the use of test scores. Including: Harvard Divinity School, Simmons college School of Social Work, Bank Street College School of Education, Pratt Institute School of Architecture, Brown University Division of Engineering, and Columbia University Masters of Science in Journalism. There are currently better than 400 undergraduate institutions that admit a substantial number of freshman applicants without regard to SAT or Act scores. These institutions rely on the wealth of information that is already available through the application process, including application essays, undergraduate grades, faculty recommendations, writing samples and personal interviews.

In light of the current evidence of the way in which use of standardized test scores plays out in a fashion indistinguishable from “poll tests” whose sole use was one of institutionalized racism, those with a higher moral compass and a true interest in fairness and diversity, would find the inner strength and comportment necessary to truly act as a leader in higher education. And their scores play out.

Institutionalized racism is a process that cannot exist without the complicit participation, or abdication of individuals. Life is a tenuous and short-term affair at best. In order to truly evolve, we must, as individuals; specifically those entrusted with the power within higher education institutions search within to enact principles of true leadership to right the 450-year course of wrong. Yes, the pressures of peers, tradition, keeping up with other institutions and the like, are great. But the excuse of what another does, cannot, and will not wash in the court of self-analysis. If you are not a racist, and you have the god granted gift to distinguish wrong from right, and you have been entrusted with the power to make decisions that affect the lives of individuals, then you must find the ability to make those decisions.

There are a number of things that may be done on an administrative and individual institution and school level to turn the tide of traditional institutionalized racism, to a course of inclusion, and true leadership.

For Berkeley Staff and Administrators who are aware of the fatal problems of standardized test, from their low predictive value, their gate-keeping mechanism and their contribution to an ethnically homogenous student base, there are several things that can be done on the level of advocacy, as an insider to ameliorate these conditions:

- As a guide to fairness in admissions and diversity, ork towards building a student population the school has a student body that reflects the general racial diversity of the nation, and the specific racial diversity of the The Berkeley area
- Ally yourself with supportive members of the school of social work faculty who are like-minded in their desire to devise a fair, and just admissions program that extols the virtues of diversity and demonstrates a functional commitment to diversity
- Protest the presumptive practice in general and any presumptive cut-off in test scores not based on a documented inability to perform well in the particular the particular schools of the University
- Protest any admission practice that does not provide the same full file review to all the applicants. That review should be done by the entire admissions committee and not just by one or two admissions professionals
- Ask for data including the school's SAT/GRE First Year Correlation Studies.

### **In summary:**

W.E.B. Dubois said that “the problem of the 20th century was the problem of the color line.” Here at the beginning of the 21st century, the problem of the color line continues, but now it is institutionally and structurally enforced. In the absence of laws, policies, and practices that address institutional racism and discrimination, the problem of the color line will continue unabated without a moral stand, from those individuals that wish to aspire to something greater than enforcing and passing on a hollow, rotten, racist and exclusive legacy, remember: Institutional racism occurs when an institution adopts a policy, practice, or procedure that appears neutral but has a disproportionately negative impact on a racial or ethnic minority group.

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

**10. ANALYSIS OF A RACIST POLICY GROUP THAT ARTICULATES  
 CONTEMPORARY THOUGHT ON DIVERSITY AND ADMISSIONS:  
 THERNSTROM & THERNSTROM: “RACIALLY DRIVEN ADMISSIONS”  
 &  
 SECRECY AND DISHONESTY: THE SUPREME COURT, RACIAL PREFERENCE  
 AND HIGHER EDUCATION**

Much has been made about race driven admissions formulas that provide opportunities to historically under-represented groups. The preceding research and literature on the bias and non-predictive value of the SAT/ACT/GRE and similar test has demonstrated that all levels of academic policy, from admissions to funding based on performance on these test, is harmful to historically under-represented groups. The appearance of propriety and relevance in the use of these tests is highlighted in a paper forwarded by Thernstrom & Thernstrom of the conservative Manhattan Institute. Their article contends that the correlation between standardized test scores, race and admissions policy at many Universities, are proof of race driven admissions based on the fact that historically under-represented groups are admitted with lower average scores than White students. The true issue isn't "racial preference" rather, racism in a historical context and it's vestiges, such as standardized tests and the corporations that control them, and how they form a conspiracy with higher education to create yet another unfair barrier to opportunity for historically under-represented groups. The continued use of irrelevant academic measures such as standardized test must be eliminated seeing as its use in itself constitutes a "clear picture of race driven admissions" for the benefit of Whites

Thernstrom & Thernstrom go on to say, "if [race based admissions] policies had been effective, the results should be apparent in the size of the pool of top applicants to graduate school. Indeed, by now race-conscious admissions should be unnecessary and yet racial gaps on all of the standard tests employed by graduate schools were still enormous in 1998, the most recent year for which we were able to obtain data."

In light of what we know about the history of the United States towards blacks and the lingering effects of such treatment, it would seem that any enlightened approach to the disparity in educational advancement of African-Americans would in the least, establish that until the problems of racism and the inner city are solved, as well as the litany of issues raised in this paper, there should be no reasonable expectation that academic achievement of those in and from historically oppressed peoples and the inner cities should change.

All in all, it is vitally important to show how information that is available in the public domain is ignored by highly experienced experts while evidence of malfeasance towards people of color, is ignored. This brings up another ignored element in admissions, and that is, the ability of prospective students to forward agenda's, which are valuable to society. The simple face is that although a person of color, due to historical and situational elements may not score as highly as a person from a more privileged background, their ability to bring about positive change for a group that is under-represented, is in itself a factor that must be considered when academic institutions make their investments in human capital. As mentioned above, "negritude" as well as native American-tude and "latino-tude" are the bastard stepchildren in strategic diversity planning.

Attitudes, such as those expressed by the thinly guised racist, "Manhattan Institute" are nothing more than corporately funded spin-machines that manipulates academia to push forward an agenda that is primarily concerned with maintaining the status quo. Abigail Thernstrom, a founding member of this conservative think tank is fond of quoting the statistic that the black drop out rate being 3 times that of white students, as evidence that Blacks are ill-prepared to take advantage of educational opportunities that are made available to them.

In truth, there are a lot of reasons for a high dropout rate. academic rigor is the least attributable culprit. Statistics overwhelmingly demonstrate that Blacks drop out of academic programs of all sorts, mainly due to economic reasons. Other reasons include the needs of family (their own and of origin), lack of educational housing and resource support, and the overarching desire to bring in income. Simply put, the lack of resources and support which hold Black students back from achievement at all previous levels of academic endeavors, are still evident on the level of higher education.

Once again, standardized test such as the SAT for undergraduate and GRE for graduate are one of the main factors in garnering academic support and qualifying for a large percentage of grants and scholarships. For entering college

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

freshmen, the opportunity of having attended “AP” level classes, to have well staffed, well funded and well resourced guidance counselors, the financial resources to pay for private agencies to research and apply for multiple scholarships, as well as a plentitude of computer and internet access locations. “hot spots” in their communities at the school as well as the home, further enrich the ability of the haves to research. Locate and snatch resources from the have not’s.

Individuals such as Abigail Thernstrom would have you believe that her objection to creating access for long oppressed groups and individuals is rooted in their own interest, and their commitment to ending forever America’s history of racial classifications:

:

“The question is--what is the down side of racial double standards? And how much weight do you place on that down side? And at the end of the day, that is a judgment call that no data can settle. I think the down side is too great. I think in terms of perpetuating racial stereotypes. In terms of putting kids in a competitive environment in which they cannot survive or barely survive. In terms of violating a sense of fairness on the part of other students, including Asians. Those things I would weigh very heavily... And you can't say, I'm right or you're right. Because there is no right.

-Abigail Thernstrom, Interview: Secrets of the SAT, PBS-Frontline

Thernstrom's opinions and viewpoints are not original or new, in fact they are old and have been in existence with little alteration since the era of reconstruction. The segregationist viewpoint was inclusive of outward racist viewpoints as well as more "subtle" points, such as how segregation was in the the best interest of blacks and was in fact a viewpoint springing forth from a paternalistic and humanistic perspective. Segregation was inclusive of the viewpoint that integration would be harmful to blacks and destructive of their culture and inappropriate to their needs. Of course, a larger discourse of how inclusion could be implemented in a manner that was constructive of black culture and appropriate to their needs was never needed, as long as the walls of segregation stood firm. We also have only to look at the concept of "separate but equal" and how it was allowed to flourish in a manner of blatant inequality, as long as the inequitable distribution of resources went unchecked behind the protection of federally enforced segregation. From the perspective of historical opinions that enforced the tangible structure of injustice the larger question of inclusion and how it relates to admissions must be viewed. In the same manner as the doctrine of "separate but equal" was enforced, in the modern age the rights of a single white, was and is enough to hold the entire needs of the black community at bay. The decisions which have set the precedence of higher education admissions policy has been essentially formed due to the perceived injustice of two white individuals at the expense of the opportunities of every black individual. In name, these individuals are known as Allan Bakke and Barbara Grutter. In contrast, and yet, based upon the same principle of deference to white opportunity and rights, the needs of all black folks has been historically denied, due to the possible effect upon even a single white individual. The individuals who served as the test cases for the re-affirmation of white rights are known as Dred Scott and Homer Plessy. In fact the U.S. court record in the battle for equal rights is rife with examples of the court re-affirming the rights of whites and the non-human/non-citizen status of Blacks, that excludes them from protection under the U.S. constitution, and the Bill of Rights.

In “*Secrecy and Dishonesty: The Supreme Court, Racial Preferences and Higher Education*”, Thernstrom & Thernstrom criticize Judge Earl Warren’s “thin, flimsy and frustrating” opinion in the *Brown v. Board of education* decision because it relied on “ ‘ Psychological Knowledge’ mainly the flawed self-esteem research of Dr. Kenneth Clark” and yet, what’s amazing about the inclusion of Dr. Clark in the NAACP’s brief isn’t that the art of pseudo-science won the day, rather, it wasn’t enough, in the eyes of the various segregating schools boards, to simply under-fund Black Schools and to not provide books, teachers, adequate classrooms, or even a full session of school to prove that the doctrine of “Separate but equal” was harmful or discriminatory towards Blacks, rather, they had to bring in a psychologist to present irrefutable evidence as to how the self-esteem, self-image and self-concept of young black children, were irreparably harmed for the Judges to see clearly that “separate but equal” was harmful.

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

Statements, opinions and feigned confusion and outrage such as Thernstrom's which resonate with segregationist rhetoric must be held in contrast with other more inclusive opinions, that recognize the interplay between the history of the U.S., the effects of disparity and disadvantage and the responsibility of higher education to all citizens:

"...Colleges and universities that are highly selective, need to be able to consider race and ethnicity responsibly --and within the Bakke decision of the Supreme Court-- in order to have racial and ethnic diversity that comes close to approximating that of the state of California. And there is no other way to do that, short of considering race and ethnicity. I think there are no surrogates that will do that. And I think tinkering with eligibility requirements, without the long term prospect of making significant change is just not a really practical thing to do. I think we need to have a very serious conversation as a state, about why these unequal level of achievements persist--that are so tightly correlated to race and ethnicity, in California. But until we're willing to have that conversation, and to begin to address those inequalities and to change the conditions that lead to the need for affirmative action, I think we need to be able to consider race and ethnicity in the admission process.

-Bob Laird, Interview: Secrets of the SAT, PBS-Frontline

## **11. CASE EXAMPLES INVOLVING SEGREGATION AND RACIAL DISCRIMINATION: AN EXAMPLE OF PARALLELS BETWEEN HISTORICAL & MODERN DAY SEGREGATION PHILOSOPHY**

### **A. 1856 Dred Scott v. Sandford (Majority Opinion):**

"[Blacks] had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the Negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it. This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute; and men in every grade and position in society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion."

### **B. 1896 Plessy v. Ferguson (Majority Opinion):**

"We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it... The argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the Negro except by an enforced commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits, and a voluntary consent of individuals."

### **C. 1915 Guinn v. United States (In Summary):**

At the time of the admission of Oklahoma into the Union, in 1907, that state adopted a constitution which allowed blacks to vote. However, an amendment to the Constitution soon followed, requiring voters to be literate; a loophole in the amendment allowed illiterates to vote if they could prove either that their grandfathers had been voters or had been citizens of some foreign nation. As a result, illiterate whites were able to vote — but not illiterate blacks. The Court ruled that the law was unconstitutional seeing as it served no discernible purpose other than to favor white voters at the expense of African-American unconstitutional. The decision had little short-term effect, as Oklahoma immediately passed a statute that provided that all persons, except those who voted in 1914, who were qualified to vote in 1916 but who failed to register between April 30 and May 11, 1916, with some exceptions for sick and absent persons who were given an additional brief period (12 days) to register, would be perpetually disenfranchised. This new law was declared unconstitutional twenty-three years later in *Lane v. Wilson*,

**D. 1944 Smith v. Allwright (Majority Opinion):**

“In weighing the factors that enter into our conclusion as to whether this statute so burdens interstate commerce or so infringes the requirements of national uniformity as to be invalid, we are mindful of the fact that conditions vary between northern or western states such as Maine or Montana, with practically no colored population; industrial states such as Illinois, Ohio, New Jersey and Pennsylvania with a small, although appreciable, percentage of colored citizens, and the states of the deep south, with percentages of from twenty-five to nearly fifty percent colored, all with varying densities of the white and colored races in certain localities. Local efforts to promote amicable relations in difficult areas by legislative segregation in interstate transportation emerge from the latter racial distribution. As no state law can reach beyond its own border nor bar transportation of passengers across its boundaries, diverse seating requirements for the races in interstate journeys result. As there is no federal act dealing with the separation of races in interstate transportation, we must decide the validity of this Virginia statute on the challenge that it interferes with commerce, as a matter of balance between the exercise of the local police power and the need for national uniformity in the regulations for interstate travel. It seems clear to us that seating arrangements for the different races in interstate motor travel require a single, uniform rule to promote and protect national travel. Consequently, we hold the Virginia statute in controversy invalid.”

**E. 1950 Sweatt v. Painter (Application For Writ of Mandamus):**

“On the — day of —, 1946, relator applied for admission to the School of Law of the University of Texas and complied with all the rules and regulations entitling him to admission by filing with the proper officials of the University an official transcript of his scholastic record; said transcript was duly examined and inspected by the President, Dean of the School of Law and Registrar and Dean of Admission of the University; respondents aforementioned, and found to be an official transcript as aforesaid entitling him to admission to the School of Law of the University; relator was denied admission to the School of Law solely on the ground of race and color in violation of the Constitution and laws of the United States and of the State of Texas.”

**F. 1950 McLaurin v. Oklahoma State Regents (Subject of motion):**

“Appellant, a Negro citizen of Oklahoma possessing a master's degree, was admitted to the Graduate School of the state-supported University of Oklahoma as a candidate for a doctorate in education and was permitted to use the same classroom, library and cafeteria as white students. Pursuant to a requirement of state law that the instruction of Negroes in institutions of higher education be "upon a segregated basis," however, he was assigned to a seat in the classroom in a row specified for Negro students, was assigned to a special table in the library, and, although permitted to eat in the cafeteria at the same time as other students, was assigned to a special table there. Held: The conditions under which appellant is required to receive his education deprive him of his personal and present right to the equal protection of the laws; and the Fourteenth Amendment precludes such differences in treatment by the State based upon race. Pp. 638-642.”

**G. 1954 Brown v. Board of Education (Majority Opinion & Summary):**

"We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does...We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.”. The Supreme Court's decision did not abolish segregation in other public areas, such as restaurants and restrooms, nor did it require desegregation of public schools by a specific time. It did, however, declare the permissive or mandatory segregation that existed in 21 states unconstitutional.

**H. 1956 Browder v. Gayle (Dissenting Opinion):**

Judge Lynne dissented, arguing that the court had overstepped its bounds in assuming that Plessy had been over-ruled by Brown, and reasoned that Plessy was still good law in the area of intrastate transportation. He suggests that the Court's decisions on interstate commerce questions do not control Fourteenth Amendment questions; and he argues, while Congress has the power to enforce the Fourteenth Amendment by legislation prohibiting racial segregation in intrastate transportation under the authority of state statute, Congress has not chosen to explicitly do so. In the end, Judge Lynne writes that he would dismiss the plaintiff's complaint on the authority of Plessy v. Ferguson.”

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

## 12. DEFINING WHITE PRIVILEGE

White privilege is something that's hard to define, for those that have it, because it's very nature is that it's defining characteristic is that it's to be taken for granted. It becomes normalized as well as the norm, to the point that anything, which falls outside of it, becomes abnormal in the context of White privilege.

White privilege is:

1. Insisting that there should be no Black History month, because there is no white history month. This despite the fact that all courses taught in all pre-k, kindergarten, elementary, middle, jr. high, high school, college and university is from the White European perspective. In effect, every month, including Black History month, is actually White History month. "American" History, is not about the Native American, nor is it told from the Native American, African American, Chinese American, Japanese American, or Latino American perspective. "American" History is about the European, thus American History begins in 1492 and it's preamble concerns the events in Europe, which caused the events in 1492 to transpire.
2. The feeling that for every Black organization, celebration, or event, there needs to be a corresponding White version. Once again, white privilege is a negation of itself. It assumes certain privileges and sees everything, and all things that are not "white" as a threat. White privilege is the assumption and expectation that if it isn't labeled as anything else, it should conform to White standards.
3. To say that Blacks should have no preference in higher education admissions because it would be unfair, yet, to give preference to select high schools, those from certain areas (almost all white), sons and daughters of alumni and faculty, or those who take a large number of A.P. classes... which are based upon racial and class... it is taken for granted as a privilege and unquestioned.
4. Why Jennifer Gratz brought suit because a handful of lower scoring Blacks, Latino's and Native Americans were admitted when she wasn't... despite the fact that hundreds of lower scoring whites, were admitted. White Privilege has it's own caste system. Poor whites on the bottom, but anyway you slice it, whites on top. So the outrage isn't that lower scoring students got in, but that lower scoring students of color got in. That's White privilege.
5. 93% of all scholarships for higher education going to Whites
6. Looking up "privilege" in the dictionary and putting "white" in front of it, and realizing that you have a working definition of what white privilege is.
7. Viewing the O.J. Simpson decision and saying, "I never realized our 'justice' system was unfair until now."
8. Never having to acknowledge it, to enjoy the benefits of it White Privilege).

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
 damoneaves@gmail.com

**13. EXCERPT FROM AN INTERVIEW OF NOEL IGNATIEV ON HIS BOOK, "RACE TRAITOR"**

Q: You point out that at one point the Irish were known as "white Negroes" and black people were referred to as "smoked Irish." What did those terms reflect?

A: They reflected the scorn and disdain with which both were regarded by the better situated, by the leading elements of American society. There was speculation that there would be some "amalgamation," that is, that Irish and black would blend into each other and become one common people.

Q: What exactly happened?

A: Essentially what happened was the Irish became white. That is, rather than 3'olning with black people--free and slave--to overthrow the system of slavery and racial oppression which prevailed in the United States, they chose, by and large, to find a way to gain for themselves a favored position within it. In 1841, the Irish political leader (in Ireland) Daniel O'Connell--he was something of a combination of Martin Luther King and Gandhi, the most popular figure among Irishmen throughout the world--issued an appeal--he and 70,000 others in Ireland--to the Irish in the United States, calling upon them to join with the abolitionists in America, to join the struggle to overthrow slavery. Treat the Negro everywhere as your equal, your brother, he said, and in doing so you will bring honor to the name of Ireland. O'Connell was speaking from a situation where Catholics in Ireland were members of an oppressed race. He was the leader of their movement to overturn that kind of subjugation. So he naturally reached out for alliances with the struggle against racial injustice everywhere.

The Irish in America rejected him. He went so far as to say if you don't do this, then we won't recognize you as Irish. They thought about it and concluded, okay, if you force us to choose between our love for Ireland and our attachment to the institutions of our new country, then it's South Carolina forever. What they decided to do was integrate themselves into American life as citizens, invoking the privileges of whiteness.

Having fair skin made the Irish eligible to be white, but it didn't guarantee their admission. They had to earn it.

Q: And how were they supposed to earn it?

A: There were two things they had to do. First, they had to distance themselves as much as possible from the black population of North America. They had to do whatever they possibly could to create barriers, to insulate them, to separate themselves from the black population.

The second thing they had to do was overcome the resistance to their own civil rights coming from the people who were better off than them--that is, the native Protestant, bigoted, anti-Catholic, anti-foreigner establishment that was running the country.

There was a relationship, in fact, between these two tasks. To the extent to which they could prove themselves worthy of being white Americans--that is, by joining in gleefully in the subjugation of black people--they showed that they belonged, that they *deserved* all the rights of citizenship. On the other side, to the extent to which they were able to force their way into the white polity of this country, they were able to distance themselves from black people.

What my book is about, then, is how the Irish used the different institutions of American society to accomplish these tasks: the Democratic Party, early labor unions, the church, forms of urban social disorder--race riots, for example. It's about how they managed to implement and carry out an agenda, which finally gained them admission into what I like to call the *white race* in America.

Q: Of course this raises the question of exactly what you mean by "white."

A: Indeed, I'm not referring to people of fair skin, straight hair, or any of the other physical characteristics which we normally think of as white. No one has any control over how he or she was born, how he or she looks, or any of that. So far as I'm concerned those things make no difference. I'm talking about what's going on in people's minds. To me, being

*The* **WOOZY**  
*The West Oakland Opportunity Zone*  
*West Oakland, CA*  
<http://www.thewoozy.com>  
damoneaves@gmail.com

"white" means being part of a club, with certain privileges and obligations. People are recruited into that club at birth, enrolled in that club without their consent or permission, and brought up according to its rules. Generally speaking, they go through life accepting the rules and accepting the benefits of membership, without ever considering the costs.

Q: What are the costs?

A: The cost of membership in the white club is that it requires a loyalty and conformity to official American society in a way that's making life very uncomfortable and even dangerous for all of the ordinary folk in this country--those who are called white, as well as those who are called black. The project of our journal is to break up that club. Essentially the way we think the club can be broken up is by disrupting the conformity that maintains it.

In our view, the country needs some *reverse Oreos*: a whole bunch of folks who look white on the outside but don't act white. *So many*, in fact, that it will be impossible for those in power in this country to really be sure who's white merely by looking. When that happens the value of the white skin will diminish.

<http://www.zmag.org/zmag/articles/jan97postel.htm>