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A DIVERSITY NEWSLETTER

Explaining the Roots of Institutional Racism *by Phyllis Raybin Emert*

Individual acts of racism are easy to identify. A young white man shoots members of a black church. The n-word is painted on a family's home. Black people are beaten or terrorized because of the color of their skin.

Instances of institutional racism are not so obvious. Also known as structural racism, it is defined as the continuation of inequality in societal institutions, including, but not limited to, schools, financial institutions and the court system. Whether on purpose or unintentional, this type of racism is built into the system and can affect entire racial groups, offering less chance and opportunities for minorities.

In her 2014 book, *Race and Social Equity: A Nervous Area of Government*, Susan T. Gooden, Ph.D., explained that racial inequality is cumulative and reinforced in society.

"Racial outcomes in health, education, employment, environmental risk, occupational

status and crime are not randomly assigned," Dr. Gooden writes. "They are embedded in a historical structure where racial minorities chronically experience

pervasive negative differences. These differences compound exponentially to generate a cycle of racial saturation that continues generation after generation."

Examples of institutional racism are when minorities don't have access to proper medical care, when they cannot qualify for home mortgages under bank lending policies, when they are forced to live in poor communities with excessive crime, when they are arrested at higher rates and put in prison more often than others and when they do not get quality education

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Harvard Lawsuit Tests Limits of Affirmative Action *by Maria Wood*

It would be great if everyone who applied to higher education were judged on merit alone and affirmative action was not needed.

But, as Andre M. Perry, an education advocate who focuses on race and inequality, wrote in a column, "The historic denial of education to African Americans, like other manifestations of racism, didn't magically end when slavery was officially abolished,

and black people today still carry the financial, social and political burden of the past. But while black students were being denied admittance to their choice of college, white people were being ushered in on the basis of privilege, not necessarily fairness or merit."

The goal of affirmative action admission policies is to ensure students of all races and socio-economic backgrounds are represented on campus. A lawsuit brought before a Boston federal district court, however, claims Harvard

University discriminated against one minority group—Asian Americans—in its effort to promote diversity on campus.

Filed in 2014 by Students for Fair Admissions (SFFA), an anti-affirmative action group, on behalf of 12 Asian Americans, the suit alleges that Harvard routinely rejects Asian American applicants based on subjective "personal" traits despite the students' outstanding academic records. The university says it follows the standard handed down in previous U.S. Supreme Court decisions on affirmative action in

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Concerns About Reductions in Civil Rights Enforcement *by Hanna Krueger*

Civil rights are defined as the rights of citizens to political and social freedom and equality, such as the right to vote, the right to a fair trial, the right to government services, the right to a public education, and the right to use public facilities.

Defending civil rights has been a governmental priority since the civil rights movement, which is why most federal agencies have an arm or division devoted to the protection of civil rights. The U.S. Commission on Civil Rights is congressionally funded and tasked with monitoring civil rights enforcement and providing advice to Congress and the president.

In June 2017, the U.S. Commission on Civil Rights expressed “grave concerns” about the Trump administration’s proposal to cut spending and staffing on civil rights efforts at multiple agencies. The **bipartisan** watchdog group announced

it would launch a two-year investigation into the administration’s enforcement of civil rights, citing the Justice, Education and Labor departments, as well as the Environmental Protection Agency (EPA) as areas of special concern.

“These proposed cuts would result in a dangerous reduction of civil rights enforcement across the country, leaving communities of color, LGBT people, older people, people with disabilities, and other marginalized groups exposed to greater risk of discrimination,” the Commission said in a statement.

In March 2018, the Commission issued another statement arguing that the 2018 budget proposal reflected “a dangerous departure from the federal role in protecting core rights to which this nation has committed and recommitted itself over the past 60 years.”

The 62-year-old independent government agency has spent the last year and a half monitoring the Trump administration’s commitment to furthering civil rights in America. The Commission’s probe is scheduled to conclude at the end of this year.



Decreased funding

The Trump administration’s last two budgets have proposed decreasing funding for regulatory agencies and eliminating positions within investigative and civil rights offices. For example, the Education Department’s Office for Civil Rights was slated to lose seven percent of its staff or 46 positions; the Department of Justice (DOJ) was to lose 121 positions, including 14 attorneys; and the Department of Housing and Urban Development (HUD) saw its budget cut by 13.2 percent and the elimination of several programs that work to promote fair housing and reduce **segregation**. In addition, the new budgets sought to eliminate 40 employees at the EPA and its Environmental Justice Program, which addresses the disproportionate burden of environmental policies on communities of color. For example, when a

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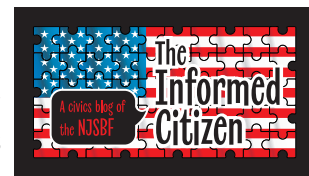
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Civil Rights Enforcement CONTINUED FROM PAGE TWO

power plant or a sewage plant needs to be built, it is usually in a low-income neighborhood with little political influence. The Environmental Justice Program gives those communities a voice.

For the most part, Republicans believe in smaller, limited government, with an emphasis on deregulation. The administration argues its budgets and office cuts are part of a push to end wasteful spending and deregulate industries and agencies.

"Some of what he [President Trump] is doing is no different than past administrations," said Victor Goode, a professor at City University of New York School of Law who focuses on civil rights. "Some conservatives are just realizing that Trump is willing to go farther than previous administrations have gone and are capitalizing on that."

Opponents argue the proposed cuts disproportionately endanger the civil rights of disadvantaged groups such as racial and gender minorities and low-income groups.

Gerald Rosenberg, a political science and law professor at the University of Chicago, notes, however, that budget proposals must pass both chambers of Congress and therefore must withstand a system of checks and balances. The members act as a check to the president's power and can make amendments to the bill before it is sent to the president, who then may sign the bill or veto it.

Therefore, Professor Rosenberg explains, while the U.S. Commission on Civil Rights concern stemmed from the Trump administration's budget proposal, it is maintained by the actions of the administration's cabinet members.

Singling out education

In its original announcement of the

investigation, the Commission singled out Department of Education Secretary Betsy DeVos for repeatedly refusing to ensure during congressional testimony that the Education Department "would enforce federal civil rights laws."

Under DeVos, the Education Department's Office of Civil Rights has taken a swift approach to handling civil rights complaints and has closed cases at twice the rate of the previous administration. That is largely due to the fact that while the Obama administration would expand the scope of civil rights complaints to determine whether a systemic problem existed, the department under DeVos takes a case-by-case approach to ensure a faster resolution. DeVos contends that the previous administration's handling of these cases created a "justice delayed is justice denied" situation. But critics assert that DeVos is placing efficiency before thoroughness.

While the developments in the Education Department have made headlines, Professor Goode points out that the departments of Justice (DOJ) and Housing and Urban Development (HUD) are also rolling back civil rights protections.

For instance, former Attorney General Jeff Sessions focused on expanding the rights of groups like Christians and police officers, while curbing those of groups that have historically faced discrimination, like African Americans, immigrants and transgender citizens. Before leaving his position in November 2018, Sessions signed a memo restricting the use of consent decrees. These court-

approved deals between the Justice Department and local governments are aimed at reforming corrupt and discriminatory police departments, but Sessions believed they unfairly restricted law enforcement.

As HUD secretary, Ben Carson has refrained from using his power to scrutinize widespread housing discrimination. Discrimination that comes under this agency could include a landlord's refusal to rent to African American families or to fix the leaky faucets of tenants that practice Islam. Carson, so far, has exercised his authority once in his two-year tenure, while former HUD secretaries under Presidents Bush and Obama used it five and 10 times a year, respectively, according to an article in *The Washington Post*.

The U.S. Civil Rights Commission will likely watch for further civil rights rollbacks in the administration's next proposed budget and its final report will inform how legislators tackle the appropriation of the 2020 budget.

The residual actions of these cabinet secretaries, however, will linger far beyond the next budget cycle, says Professor Rosenberg. Because there is often a lag time between when protocols are announced and when they go into effect, Professor Rosenberg says that it could be a year before the implications of civil rights rollbacks are understood. •



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School Discipline Harsher for Black Students *by Michael Barbella*

The way a recent disciplinary incident involving a sixth-grader was handled at a school in Florida is reflective of the racial bias that has existed in American school discipline policies for at least half a century, according to a 2018 report issued by the Government Accountability Office (GAO), a *nonpartisan*, independent watchdog agency that works for the U.S. Congress.

The 11-year-old had never been in serious trouble, but in February 2019 police in Lakeland, Fla. arrested him for disrupting his middle school classroom when he refused to stand for the Pledge of Allegiance. According to media reports, the student had not stood for the Pledge that whole academic year, because he deemed the salutation “offensive to black people” and the American flag “racist.” Students are not required to stand during the Pledge so it had not been a problem before.

A substitute teacher, unaware of the school district policy, confronted the student, demanding he participate. When he refused, words were exchanged and the situation escalated. The substitute contacted school administrators and a school resource officer with the Lakeland Police Department eventually arrested the youth for disrupting a school function and resisting an officer without violence. He was suspended from school for three days.

Two U.S. congressmen—Robert C. Scott of Virginia and Jerrold Nadler of New York—commissioned the GAO report, which was issued in April 2018. The report revealed that black students are disciplined more often and more harshly than their white peers, often for similar offenses.

The analysis in the GAO report also discovered evidence of racial disciplinary disparities by both grade level and type of educational institution (public, private, charter). In addition, the report stated, “black students accounted for 15.5 percent of all public school students, but represented about 39 percent of students suspended from school—an overrepresentation of about 23 percentage points.”

Rescinded guidelines

The GAO report is the first federal examination of school discipline policies since 2014 when the Obama administration issued guidance to educators, seeking alternatives to suspension and other penalties that remove students from classrooms. The non-binding document was issued after federal data indicated that minority students were three times as likely to be expelled or suspended, despite the fact that black and Hispanic students made up only 18 percent of public school students. The guidance also noted that suspensions correlated with higher dropout rates and lower academic achievement.

“Fair and equitable discipline policies are an important component of creating an environment where all students feel safe and welcome,” the 2014 guidance stated. “Equipping

school officials with an array of tools to support positive student behavior—thereby providing a range of options to prevent and address misconduct—will both promote safety and avoid the use of discipline policies that are discriminatory or inappropriate. The goals of equity and school safety are thus complementary, and together help ensure a safe school free of discrimination.”

“federal data indicated that minority students were three times as likely to be expelled or suspended, despite the fact that black and Hispanic students made up only 18 percent of public school students.”

The Trump administration opposed the Obama-era guidance, believing it represented government overreach. Although the GAO’s findings seemed to bolster the case for preserving the 2014 guidance, U.S. Education Secretary Betsy DeVos rescinded the decree in December 2018 after nearly a year-long school safety commission probe. Secretary DeVos, who led the commission, contended that the mandate placed more importance on statistics than student safety.

“Every student has the right to attend school free from discrimination. They also have the right to be respected as individuals and not treated as statistics,” DeVos said in a statement. “In too many instances, though, I’ve heard from teachers and advocates that the previous administration’s discipline guidance often led to school environments where discipline decisions were based on a student’s race and where statistics became more important than the safety of students and teachers. Our decision to rescind that guidance makes it clear that discipline is a matter on which classroom teachers and local school leaders deserve and need *autonomy*.”

Racial justice groups and civil rights advocates criticized the decision to rescind the guidance, contending the move contradicts the commission’s other recommendations, which call for safe and supportive learning environments that promote strong relationships between students and teachers.

“Rescinding this important school discipline guidance signals that the federal government does not care that too many schools have policies

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School Discipline CONTINUED FROM PAGE FOUR

and practices that push children of color out of school,” Vanita Gupta, president and CEO of The Leadership Conference on Civil and Human Rights, said in a statement. “Federal nondiscrimination laws have not changed. Any school with discipline policies or practices that discriminate against children based on race, ethnicity, sex or disability is still breaking the law. We urge educators and schools to implement evidence-based strategies that will create the safe, welcoming schools all of our children deserve.”

Not so black and white

A recent 2019 study, this one from researchers at Rutgers University, Vanderbilt University and California Polytechnic State University, indicates that when it comes to classroom behavior white teachers in majority-black classrooms have more negative interactions with students than a white teacher in a mostly-white classroom or a black teacher in a majority-black classroom.

Dan Battey, an associate professor at Rutgers and lead author of the study, told *Education Week*, “Those [students] who are being reprimanded more for behavior are often the ones who get removed from the classroom or [get] suspended.” Professor Battey said that repeated negative responses from teachers could also “stamp out students’ motivation,” causing them to shut down and stop learning.

Another older study from 2015, conducted at Stanford University also revealed disciplinary bias. In the experiment, more than 250 teachers were asked to read four school discipline reports and were told that these students had been in trouble twice, all for similar offenses. The only difference in the records was the names of the students. Two were identified with stereotypical black names (Darnell or Deshawn), the other two had typically white

names (Greg or Jake). The study found that most of the teachers determined that “Darnell” and “Deshawn” warranted harsher punishment for the same misdeeds as “Greg” and “Jake.”

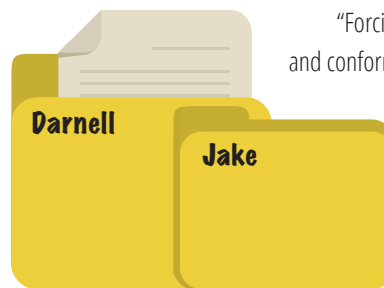
Montclair Board of Education administrator Davida Harewood, Ph.D., believes a better respect of cultural diversity and more accountability at all education levels can improve and perhaps someday remedy the longstanding racial disparity in school discipline.

“Increasing the cultural competence of educators and school administrators is needed,” she says. “Today we still hire a disproportionate number of young Anglo women as educators. Few are required to have taken courses to prepare them for the cultural norms of children that may be different than their own culture.”

In a commentary for *Education Week*, Bettina L. Love, a professor of educational theory and practice at the University of Georgia, wrote about the fact that white teachers don’t really know their black students culturally. “Let me be clear,” Professor Love wrote. “I do not think White teachers enter the profession wanting to harm children of color, but they will hurt a child whose culture is viewed as an afterthought.”

Dr. Harewood also points out that school disciplinarians are often from a racial or gender group that is in the majority and often have limited training on how to support students with different cultural norms or life experiences.

“Forcing children to leave their cultural norms at the school door and conform to the culture of ‘the other’ then disciplining them when they break the rules is not an effective strategy,” Dr. Harewood says. “More understanding of cultural norms, interactions that encourage us to see children as valuable and not problematic ‘others’ is needed.” •



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higher education, which states race can be used as one factor among many in the admission process.

Victor Goode, a professor at the City University of New York School of Law who focuses on civil rights, says the U.S. Supreme Court has **upheld** the affirmative action policies at universities because of the educational advantages of admitting students from many races and ethnic groups. At the same time, he says, the Court has put limits on how much weight is given to an applicant’s race and has rejected the idea of quotas or a “point system” where minorities would get a certain amount of “points” toward admission. In other words, race

should not be the dominant factor in deciding who gets admitted.

The Harvard lawsuit, Professor Goode explains, will determine “whether Harvard was using the consideration of race in an appropriate way in the admissions process.”

History of affirmative action

The term “affirmative action” dates back to an executive order issued by President John F. Kennedy in 1961. The order required government contractors to “take affirmative action” to realize the goal of nondiscrimination. According to an article in *The*

New Yorker, “The premise of affirmative action was that, for African Americans, the **status quo** was innately negative. To act affirmatively was to acknowledge the history of **denigration** and **inequity** that continued to define black life, and to come up with ways in which the future could be different.”

According to Title VI of the Civil Rights Act of 1964, any institution that accepts federal funds cannot discriminate based on race, color or national origin. Though technically a private university, Harvard falls under this provision because it receives federal funds for research and financial aid.

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Institutional Racism CONTINUED FROM PAGE ONE

because the schools in their neighborhood are underfunded or in disrepair.

Dr. Donnetrice Allison, a professor of Africana Studies at Stockton University, explains that institutional racism is a complex combination of factors.

"It took 58 years for the U.S. Supreme Court to overturn the Plessy decision with Brown v. Board of Education, a ruling that held segregation in public schools is unconstitutional."

"It is absolutely linked to enslavement, but more specifically, our socialization about race," Dr. Allison says. "The notion of 'race' came to be to distinguish and differentiate human value, such that 'white' became more politically, economically and socially valuable than 'black.'"

The notion of race, she says, helped to justify the enslavement of black people because they were deemed as "less than."

Historical background

Institutional racism was baked into the U.S. Constitution, dating back to when the Founding Fathers were determining how to calculate the number of seats each state would have in the House of Representatives. Article I, Section 2 of the Constitution states: "...shall be determined by adding to the whole Number of free Persons...three fifths of all other Persons." Those three-fifths persons were slaves.

"There is also a power differential and a financial differential," says Dr. Allison. "Whites were perceived to be superior and since the early establishment of the United States, they held the vast majority of the wealth and power, and anytime in our history when that has been threatened, those

whites in power have lashed out with legislation that helped to maintain their wealth and power, so the cycle continues."

There are many examples of this throughout history, the first and most historic being what many historians consider a short-lived time of "biracial democracy" after the Civil War during the Reconstruction Era. During this time, Hiram Rhodes Revels became the first African American to serve in the U.S. Senate—ironically filling the seat vacated by Jefferson Davis, who left to become the president of the Confederacy.

According to an article in *The Washington Post*, "For a brief period immediately after the Civil War, newly **enfranchised** African Americans would participate widely and freely in electoral politics, putting their candidates in office from courthouses to Capitol Hill. At its peak, at least 15 African Americans served in Congress—some of them former slaves." According to the article, just five years after Revels was installed in Congress, the election of 1875 was "marked by violence and repression" and a "mob-fueled assertion of white political dominance." The Ku Klux Klan was also born during this time and threatened African American politicians, assassinating a South Carolina congressman in 1868.

There are also instances of institutional racism where minorities were excluded from benefits other Americans enjoyed. For instance, The Social Security Act of 1935 excluded agricultural workers and servants, positions primarily held by African Americans. The Wagner Act of 1935 did not allow blacks to join protected labor unions. The National Housing Act of 1939 tied the property value appraisal and access to government loans to race. As a result, between 1934 and 1962, less than two percent of government-subsidized housing went to minorities.

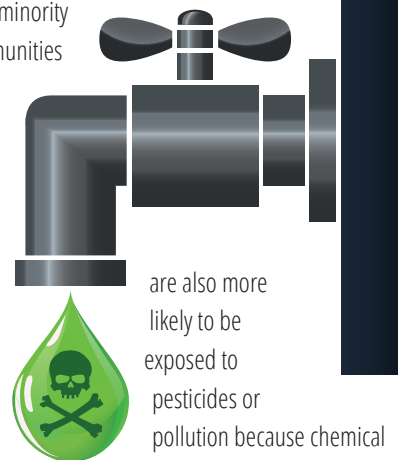
Probably the most well known example of institutional racism came in 1896, when the U.S. Supreme Court held in the case of *Plessy v. Ferguson* that schools could be segregated so long as they were equal. It took 58 years for the U.S. Supreme Court to overturn the *Plessy* decision with *Brown v. Board of Education*, a ruling that

held **segregation** in public schools is unconstitutional. The landmark Civil Rights Act of 1964 would expand rights for African Americans, prohibiting employment discrimination and banning discrimination in public facilities. The milestone Voting Rights Act of 1965, which fully secured the right to vote for all minorities, soon followed.

Embedded in our institutions

Despite the gains of the Civil Rights Movement, today institutional racism is still deeply implanted in governmental entities. Environmental protection and health care programs, for example, are slower to protect minority communities than white neighborhoods. For instance, minorities are more likely to be exposed to lead, illustrated in the case of predominantly black Flint, Michigan, where the city's water was contaminated.

Poor minority communities



are also more likely to be exposed to pesticides or pollution because chemical plants are frequently built in poorer neighborhoods that don't have the political clout to fight the government.

According to the Centers for Disease Control, in the 1850s the infant **mortality** rate for black babies was 57 percent higher than white babies. Today, that rate is 131 percent higher. In addition, in 2015, the infant mortality rate among black mothers with advanced degrees was higher than that of white mothers with an eighth grade education. Research has shown that chronic stress related to racism is contributing to these high statistics.

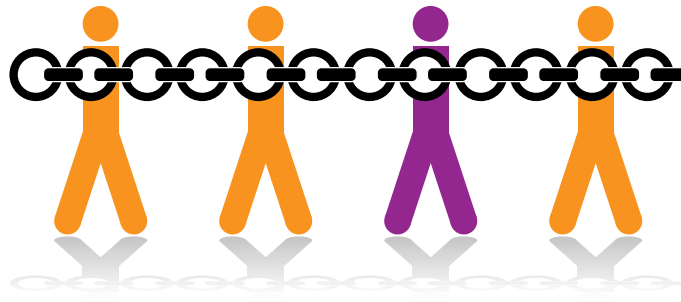
According to the United States Bureau of Justice Statistics, in 2013, black males made up 37 percent

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of the total male prison population compared to 32 percent of white males. Since African Americans comprise 12 to 14 percent of the total U.S. population, their imprisonment level is disproportionately high. The First Step Act, recently signed into law, aims to lessen the extreme prison sentences of the past and allow early release for many of the nearly 200,000 non-violent offenders serving time in the federal prison system. The Act may only have a slight effect on the overall mass incarceration problem in the U.S. but many believe it is a step forward.

Dr. Allison says the way the criminal justice system is set up contributes to institutional racism. "Who are the judges on the bench across this country?" she asks. "Do they believe that justice is blind or do they operate from bias and sentence black and brown men differently than they do white men? History has shown us that they absolutely do. The system would have to be completely overhauled in order to change it."



"Since racism is so deeply embedded in our culture, we cannot assume that those who benefit from a powerful system of privilege built on race will somehow learn to see or even want to see inequity and institutionalized systems of racism overnight," Professor Hughes writes.

Many believe that once institutional racism is identified, it can be specifically addressed over time with legislation. Dr. Allison disagrees.

"We cannot eliminate institutional racism unless those in power who deem themselves superior and worthy to maintain their power, give it up. There is power in numbers and those who have maintained positions of power in our government for generations have always understood that," she says and suggests that "poor blacks and whites" can join together in "alliances for needed change."

While America has come a long way in matters of race, there is no question that there is a long way yet to go. •

Ending institutional racism

In a column for *The Huffington Post*, Robin L. Hughes, a professor at Indiana School of Education writes, "Institutional racism is a powerful system of privilege and power based on race. Those powerful structures begin and are perpetuated by seemingly innocent, normal events and daily occurrences and interactions." For instance, Professor Hughes points out the overwhelming research that indicates people tend to hire those that "act and look exactly like themselves." Statistics show that white males make up nearly 75 percent of Fortune 500 company boards.

Affirmative Action CONTINUED FROM PAGE FIVE

The U.S. Supreme Court has weighed in on affirmative action in higher education a number of times, the first being the 1978 landmark case of *Bakke v. Regents of the University of California*. In that case, an applicant to the school's medical program, Allan Bakke, claimed the university unfairly rejected his application based on a quota system that set aside a fixed number of seats for minority students.

In *Bakke*, the Court essentially ruled against the use of what amounted to an inflexible quota system, but **affirmed** the basic principle of affirmative action. This led to the current standard that says while race may be factored into the admission process, it cannot be the decisive factor.

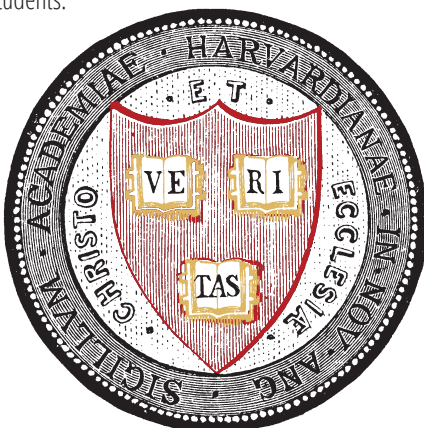
In 2016, the U.S. Supreme Court handed down another significant affirmative action decision with *Fisher v. University of Texas*. In that case, a white applicant to the University of Texas challenged the university's admission method, which used race as a factor for those students who were not in the top 10 percent of their high school class. The Court ultimately decided the university's admission selection practices followed previous decisions determining that race could be considered as long as it wasn't the pivotal reason for admittance.

The Harvard case

Although not a lawyer, Edward Blum was behind the *Fisher v. University of Texas* case and is the founder of SFFA, the organization that is bringing suit against Harvard. His organization is also bringing a similar case against the University of North Carolina. That trial is scheduled to begin in April 2019.

"In a multiracial, multi-ethnic nation like ours, the admissions bar cannot be raised for some races and lowered for others," Blum, who is opposed to all forms of affirmative action in college admissions, told *Time Magazine*.

During the trial held in Boston in the fall of last year, SFFA claimed Asian American applicants to Harvard must hurdle a higher bar than other students. A 2009 Princeton study, for example,



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revealed that in order to be admitted to an elite college, Asian American students had to score 140 points higher than their white counterparts on the SAT and even higher than that among Hispanic and African American students.

When it came to the subjective categories, like personality and likability, Asian Americans tended to receive an overall lower grade by Harvard admissions officers. Due to that lower ranking, Asian American students allege they were more likely to be denied entrance to the college.

The lawyer for SFFA compared the Asian American experience at Harvard to the one of Jewish students in the 1920s. At that time, the president of Harvard asked the Committee on Admissions to cap the college's Jewish population to 15 percent and only admit "Hebrews...possessed of extraordinary intellectual capacity together with character above criticism," thereby holding them to a higher standard.

Harvard has defended its current admission practice by saying it reviews the "whole" student, and said the admission rate for Asian American students has increased nearly 30 percent over the past 10 years. In addition, Harvard noted it only admits a small percentage of students each year. The university

accepted less than five percent of applicants during the 2017-2018 admission cycle, amounting to less than 2,000 students from the more than 40,000 who applied. Perfect tests scores, the university pointed out, doesn't guarantee admittance to Harvard or any other elite college.

Among minority groups, the 2021 Harvard class is made up of 23 percent Asian Americans; 16 percent African Americans; 12 percent Hispanics; and 2 percent Native Americans.

Headed for the Supreme Court?

Although the case concluded in February 2019, at press time, Judge Allison Burroughs hadn't issued her ruling. Professor Goode says whatever the outcome in the federal court, *SFFA v. Harvard* will probably be **appealed** and end up before the U.S. Supreme Court.

According to Professor Goode, the ruling in this case might not be so far-reaching. It hinges on how the courts view the issue of discrimination, he says. Do they view affirmative action as a method to address society's past wrongs against minorities that prevented them from educational and employment opportunities? Or, do they take a narrower view that it depends on whether

someone can prove another person intentionally discriminated against them?

"It remains an enduring challenge to our nation's education system to reconcile the pursuit of diversity with the constitutional promise of equal treatment and dignity."

The courts, Professor Goode says, have typically favored whether an individual was discriminated against by another individual. The judge in the Harvard case may rule there was "evidence of some racial discrimination against some Asian American applicants and order a specific remedy," he explains.

Lawyers for Harvard noted during final arguments that the SFFA hadn't produced a witness who claimed to be discriminated against by the university. Judge Burroughs asked why the plaintiffs hadn't done so. The lawyer for SFFA contended that the statistics alone proved their case.

Writing for the majority in *Fisher v. University of Texas*, now-retired Justice Anthony Kennedy said, "It remains an enduring challenge to our nation's education system to reconcile the pursuit of diversity with the constitutional promise of equal treatment and dignity." If the Harvard suit reaches the U.S. Supreme Court, the justices will once again contend with this challenging issue. •



Glossary

affirm — to uphold, approve or confirm. **appealed** — when a decision from a lower court is reviewed by a higher court.
autonomy — independence or self-rule. **bipartisan** — supported by two political parties. **denigration** — to unfairly criticize someone or something. **enfranchise** — give the right to vote. **inequity** — lack of fairness or justice.
mortality — death or the number of deaths in a certain population. **nonpartisan** — not adhering to any established political group or party. **pervasive** — common or widespread. **segregated** — separating people (or students) by race or social class.
status quo — the existing state of affairs regarding social or political issues. **upheld** — supported; kept the same.