In 1974 a white man named Allan Bakke filed suit against the University of California at Davis medical school claiming that he had been denied admission to that school due to 'racial' discrimination. UC-Davis has only 100 openings each year, yet in 1974 3700 students applied. It also has a special admissions program which reserves 16 of its 100 openings for students from 'disadvantaged' backgrounds.

In September, 1976, the California Supreme Court agreed with Bakke, stating that he had been a victim of 'reverse discrimination.' It claimed that some of the 16 minority students who had been admitted under the special program had lower entrance exam scores and lower grade point averages than Bakke; therefore, he was discriminated against because he was white. The Court ruled that it was unconstitutional to favor minority applicants unless the University had intentionally discriminated against minorities in the past, and that special admissions programs which consider race represent 'reverse discrimination.' The Bakke case is now in front of the US Supreme Court which will rule on the California Court decision.

There is no question of the crucial importance of this case, since it relates directly to all affirmative action programs in employment as well as education, and effects women as well as minorities. In addition, the Bakke case is an example of the divisive tactics used to pit whites against minorities. This directs all attention away from the fact that college administrators are severely limiting admissions in face of the crying need for more and better health care, and particularly for more trained minority medical personnel. For example, the ratio of white doctors to the white population is about 1/700, but for Blacks, it is 1/3800; Native Americans, 1/20,000; and Latinos, 1/30,000.

Affirmative action programs have come under attack in the 1970's when a critical slump in the US economy has brought about recession and severe unemployment. Minorities have suffered the worst of this slump, experiencing unemployment double that of whites (Blacks alone have 14%). Time and again employers, political leaders, religious leaders and the like put the blame for an economic slump on minorities and women. Faced with potential cuts to their profits, employers use affirmative action plans and equal opportunity as targets for their criticism, creating division among working people by feeding the myth that women and minorities are taking away jobs from white males. This then justifies their laying off minorities and women first, followed by any other workers necessary in order to save their profits.

Religious leaders and other conservatives cry 'the nation is suffering from evil and immorality' to explain the economic hard-times and they lead attacks on women's right to abortions, the Equal Rights Amendment ('it breaks up the family', etc.), and on gay people's right to jobs and housing. The result is that minorities, women, and gay people are pushed further downward on the pay scale or simply out of the work-force altogether.

The Bakke case itself is a classic study of racism in action. The UC at Davis is supposedly defending its program, yet it has never attempted to give evidence of its own past history of discrimination against minorities. In addition, the University has refused to accept any minority counsel in the case. In fact, the University has never been an active supporter of affirmative action and gave little evidence to defend its own special program. It only implemented the programs in response to the activism and pressure put on it in the late 60's and early 70's by minorities and women who had suffered long enough in being denied equal opportunity of entrance to the programs of their choice.

And there is much more evidence to show that this indeed was not a case of 'reverse discrimination.' First, Bakke was actually denied admission to eleven other medical schools across the nation, including his alma mater, University of Minnesota. In the California ruling, the trial court stated 'Plaintiff would not have been accepted for admission... even if there had been no special program.'

Why was this so? Incredibly, evidence points to the fact that Bakke suffered from age discrimination, not racial discrimination. The associate dean for student affairs wrote a letter to Bakke in 1971 telling him that the admissions committee felt that 'the age of an applicant over 30 was a serious factor that must be considered...' and that an 'older applicant must be unusually highly qualified' to be seriously considered for one of the limited places available each year.

Affirmative Action On Trial

Furthermore, Bakke knew he was being discriminated against because of his age. He wrote a letter to the associate dean at the medical school after he was denied admission, asking for any suggestions of how he could 'overcome the age factor.'

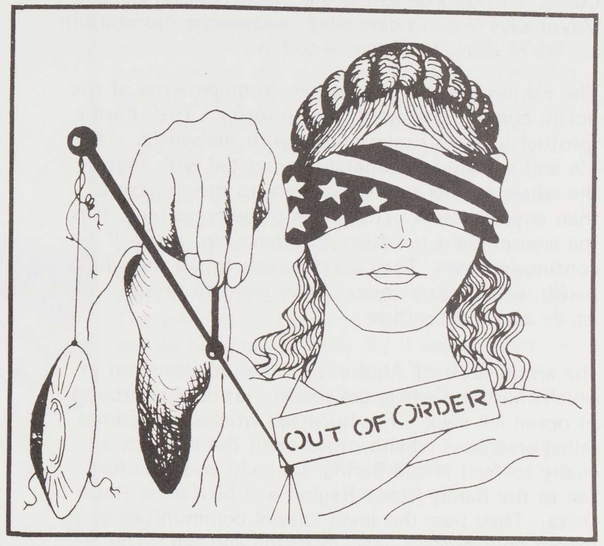
And suggestions he got... With the encouragement and assistance of the assistant to the dean of the medical school, Bakke filed suit charging he was a victim of racism, not age discrimination!

Those who defend Bakke say that the UC-Davis program is an unfair quota system, giving minorities that which should be 'justly' given to whites, based on merit. However, UC did not have a racial quota. The special program reserved 16 of the total 100 admission slots for students who could demonstrate that they were ' 'economically or educationally disadvantaged.' It said nothing about race. In fact, many white students applied for admission under the special program, and some reached the interview stage. But due to the overwhelming number of minorities who had ample evidence and a long history of 'educational and economical disadvantage', all 16 of the slots were filled by minorities. There were also minorities who were admitted under the regular admissions.

Many critics of special admissions programs feel that affirmative action programs allow less qualified minority applicants into schools in place of more qualified whites. Yet some of the special admissions students have higher grade point averages than regular admission students. And a study by the Association of American Medical Colleges shows that Blacks who successfully completed the first two years of medical school had lower Medical College Admissions Test (MCAT) scores than whites who had flunked out, thus showing little correlation between those scores and actual performance in school. Many studies have shown that the MCAT, which is a main criteria for admission, is itself culturally biased against minorities.

It is obvious that the attack on special admissions programs which aid minorities in attaining a college education is also an attack on the whole concept of affirmative action. In the early 1960's, civil rights leaders not only argued that all legal barriers to full racial equality must be eliminated, but that, to insure that equality be achieved, special efforts must be used to overcome the effects of centuries of discrimination. The 'good faith' efforts of employers and administrators have never worked. Racism (and for that matter, sexism) are deeply and firmly rooted in our society, and the legal and social declaration of racial equality has never been enough.

Title VII of the 1964 Civil Rights Act gave the legal basis for the establishment of affirmative action plans that set down the 'special efforts' that must be made to correct past discrimination and give true equal opportunity to minorities and women. However, it was not until community pressure and demands for action were put on employers and educational administrators by minorities and women that affirmative action programs actually began to be written and followed with any seriousness.



It is important that we all give public support to pressure the US Supreme Court to overturn the Bakke decision. We must also lend our support to the fight for the rights of women, Native Alaskans, gay people, and any others who have been discriminated against. However, we should not rely on the Supreme Court, President Carter, or employers to write and implement affirmative action plans. Only through strong community pressure, involvement, and 'watchdogging' of such programs is it possible to make them work at all.

---Phil McMurray

SOURCES: National Committee to Overturn the Bakke Decision
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