

NEWS RELEASE

THE UNITED STATES COMMISSION
ON CIVIL RIGHTS

1121 Vermont Avenue N.W.
Washington, D.C. 20425

CONTACT:

Joan Larson Kelly or
Mimi Hartley

Public Affairs Unit
(202) 254-6697

FOR RELEASE: UPON RECEIPT

STATEMENT BY THE UNITED STATES COMMISSION ON CIVIL RIGHTS
ON AFFIRMATIVE ACTION

on the occasion of commenting on the Bakke Decision
and the release of

"Towards Equal Educational Opportunity:
Affirmative Admissions Programs at Law and Medical Schools"

7/1/78

STATEMENT BY THE U.S. COMMISSION ON CIVIL RIGHTS
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Because of the unequivocal support expressed by a majority of the Supreme Court of the United States for the consideration of race and ethnicity in admissions programs, the United States Commission on Civil Rights is heartened by the decision of the Court in Regents of the University of California v. Bakke. The Court's decision is consistent with continuing Federal efforts to bring minorities into the mainstream of American life through affirmative action programs.

For those who have felt that the Federal Government has been "marking time" on affirmative action because of possible doubts as to the action that the Supreme Court would take in the Bakke case, those doubts should now be resolved.

We recommend that the President instruct the appropriate departments and agencies to launch a widespread, coordinated program designed to bring about the vigorous enforcement of affirmative action programs. Specifically, in the furtherance of such programs the Department of Health, Education, and Welfare should provide guidelines to institutions of higher education which will enable them to comply with the Court's decision.

* On the occasion of commenting on the Bakke decision and the release of "Toward Equal Educational Opportunity: Affirmative Admissions Programs at Law and Medical Schools"

The Commission will, in conjunction with its ongoing responsibility to evaluate Federal civil rights enforcement, strictly scrutinize Administration efforts in this area. As part of this effort, we are requesting the members of our State Advisory Committees in each State and the District of Columbia to provide within 45 days an assessment of public and institutional responses to the Supreme Court's decision in their communities. We are also asking for their suggestions relative to steps they believe can be taken to bring about more effective implementation of affirmative action programs. At the conclusions of these steps should it be called for, we will submit findings and recommendations growing out of these oversight activities to the Congress and the President.

The Commission also hopes that the Congressional leadership of both parties in the House of Representatives and the Senate will urge their colleagues to refrain from impeding the implementation of affirmative action programs. Currently, for example, the House of Representatives has added to the Labor-HEW appropriations bill for 1979 an amendment designed to prevent the enforcement of any plan which includes a numerical requirement related to race, color, creed, national origin or sex.

In our judgment an all-out effort in behalf of affirmative action programs is imperative. This nation can ill afford to

continue, for example, to live with the existing high rates of unemployment among minorities. If Federal agencies now understand that they have a clear mandate to proceed with affirmative action programs and if employers understand that they are going to respond in such a manner, the nation can look forward to more constructive results than have been achieved to date.

We are releasing today our report "Towards Equal Educational Opportunity: Affirmative Admissions Programs at Law and Medical Schools." Included is the complete text of our October 1977 Statement on Affirmative Action in which we advocated the use of numerically based racial and ethnic considerations as long as they are used in a way that deals fairly with the rights and interests of all persons. The Court's decision acknowledges that such considerations may have a place in the formulation of admissions programs. We are particularly pleased that the Court cited with approval Harvard College's admissions policy which explicitly recognizes that if the College is "to provide a truly heterogenous environment that reflects the rich diversity of the United States, it cannot be provided without some attention to numbers.... Consequently, when making its decisions, the Committee on Admissions is aware that there is some relationship between numbers and achieving the benefits to be derived from a diverse student body, and

between numbers and providing a reasonable environment for those students admitted."

The decision therefore enables both public and private institutions to move voluntarily toward the goal of true diversity in a realistic and effective manner.

Our report being issued today refers to admissions policies followed by a number of medical and law schools-- policies which will now have to be reviewed to assure conformance with the Court's decision.

In our concluding paragraph in this report we state that:

"---the Commission considers affirmative admissions programs at the Nation's law and medical schools entirely proper and worthy of emulation rather than condemnation. Turning away from these programs would be an appalling step backward for this society. It could also serve as a signal to individuals and institutions throughout the Nation that what is past is not prologue but is simply forgotten, and that our legacy of historical obligations can be ignored."

July 1, 1978