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RACE, CLASS, DIVERSITY, COMPLEXITY

*Goodwin Liu**

As anyone who has recently visited a university campus knows, the nation's higher education student body is more racially and ethnically diverse than ever. At my undergraduate alma mater, Stanford, the most recent two freshmen classes were majority-minority in composition. In the 2003–2004 school year, Stanford's undergraduate student body was 10% African American, 25% Asian American, 12% Latino, 2% Native American, 6% international, and 46% white.¹ The same is true at other top schools. During the 2002–2003 year, minority students comprised 32% of undergraduates at Harvard, 28% at Yale, 28% at Dartmouth, and 27% at Princeton.² These figures reflect significant progress over the past twenty years, and with the Supreme Court's recent decision upholding affirmative action in university admissions,³ I am optimistic that the progress will continue.

The changing make-up of top-tier universities is a welcome development in the ongoing struggle for racial equality. But the new diversity is not without its complexities. Today I will examine one of them. But before I do, let me briefly mention a few others that deserve attention but will not be my focus here.

* Assistant Professor of Law, Boalt Hall School of Law, University of California, Berkeley. This Article consists of remarks delivered in a keynote speech to the Association of American Law Schools Workshop on Racial Justice in Portland, Oregon, on June 15, 2004. I thank Professor Reynaldo Valencia of St. Mary's Law School for inviting me to speak.

1 Stanford's remarkable diversity was the subject of a recent self-study in which I was a principal participant. See STANFORD UNIV. BD. OF TRS. TASK FORCE ON MINORITY ALUMNI RELATIONS, REPORT AND RECOMMENDATIONS 19 (2004) [hereinafter STANFORD REPORT].

2 See *id.* These data are collected annually by the National Collegiate Athletics Association (NCAA). See 2003 GRADUATION-RATES REPORT FOR NCAA DIVISION I SCHOOLS, available at http://www.ncaa.org/grad_rates/2003/d1/index.html (last visited Oct. 22, 2004).

3 *Grutter v. Bollinger*, 539 U.S. 306 (2003).

First, the racial and ethnic diversity of faculty and graduate students lags behind undergraduate diversity by a substantial margin.⁴ Encouraging more minority students to pursue academia continues to be a major challenge.⁵

Second, among minority undergraduates, there is a remarkable skew in favor of women. This is true within all groups, and at selective colleges it is most pronounced among black students, whose ratio of women to men is two to one.⁶ We have to redouble our efforts to keep black men in the educational pipeline.

Third, we face new challenges in interracial relations. Although the civil rights movement largely focused on black-white relations, emerging data suggest that some of the greatest challenges in interracial understanding at top schools are between blacks and Asians, and between Latinos and Asians.⁷ This is especially important as Asians make up an increasing share (and whites a decreasing share) of students at top schools.

Fourth, there remains a wide achievement gap by race among students at the best schools.⁸ Whether this is due to differences in preparation before college or differences in experiences during college is an active area of research. Claude Steele's "stereotype threat" and John Ogbu's "acting white" hypotheses are two of the leading theories.⁹ Whatever the explanation, we need to close the gap and ensure that minority students achieve to their highest potential.

4 At Stanford, U.S. minorities comprise 21% of graduate students, and in the two largest schools, engineering and humanities and sciences, the percentages of black and Hispanic graduate students have decreased in recent years. See STANFORD REPORT, *supra* note 1, at 24–25. Among Stanford faculty, blacks, Hispanics, and Native Americans made up only 5.8% of tenure-line appointments in 2002, only slightly higher than their 3.6% share in 1982. See *id.* at 24.

5 Faculty diversity is a challenge not only at Stanford but throughout American higher education. See Paul Penfield, Jr., *Faculty Diversity*, MIT FAC. NEWSLETTER (Mass. Inst. of Tech., Cambridge, Mass.) Jan.–Feb. 1994, at 1, available at <http://www.mit.edu/~penfield/pubs/diversity.html>; Cathy A. Trower & Richard P. Chait, *Faculty Diversity: Too Little for Too Long*, HARV. MAG., Mar.–Apr. 2002, at 33.

6 See DOUGLAS S. MASSEY ET AL., THE SOURCE OF THE RIVER: THE SOCIAL ORIGINS OF FRESHMEN AT AMERICA'S SELECTIVE COLLEGES AND UNIVERSITIES 39 tbl.2.9 (2003).

7 See *id.* at 138–45 (measuring "social distance" between different ethnic groups).

8 See WILLIAM G. BOWEN & DEREK BOK, THE SHAPE OF THE RIVER: LONG-TERM CONSEQUENCES OF CONSIDERING RACE IN COLLEGE AND UNIVERSITY ADMISSIONS 72–78 (1998); MASSEY ET AL., *supra* note 6, at 184–93.

9 See Claude M. Steele, *A Threat in the Air: How Stereotypes Shape Intellectual Identity and Performance*, in CONFRONTING RACISM: THE PROBLEM AND THE RESPONSE 202, 203–04 (Jennifer L. Eberhardt & Susan T. Fiske eds., 1998); Signithia Fordham &

I mention these challenges to offer a glimpse of the complexities embedded within the basic story of increasing diversity at elite colleges and universities. Today I want to discuss another dimension of this story, and it is one that goes to the very heart of whether the new diversity is rightly labeled a success.

To motivate my inquiry, I want to begin with an editorial that appeared in *The New York Times Magazine* in April 2004, called *Diversity's False Solace*, with a subtitle that reads: "It's still the children of the well-off who get in to top colleges."¹⁰ In this piece, English professor Walter Benn Michaels observes that his home institution, the University of Illinois at Chicago, boasts a student body that is 46% white, 21% Asian, 13% Hispanic, and 9% black (a composition quite similar to Stanford's).¹¹ Professor Michaels acknowledges this cultural diversity, but notes that the students are not diverse in one salient dimension: the vast majority are not poor. At elite schools like Harvard, he reports, 77% of students come from families with incomes in the top 20% of America.¹²

Given this fact, Professor Michaels says, what race-based affirmative action has produced on campus is "a world of differences without inequality."¹³ Everyone can feel good that no one is being kept from Harvard because of her race, and whites who get in can be sure they got in on merit because it doesn't help to be white. This, he says, overshadows "the much more fundamental fact that it does help to be rich and that it's virtually essential not to be poor."¹⁴

"In the end," Professor Michaels writes,

we like policies like affirmative action not so much because they solve the problem of racism but because they tell us that racism is the problem we need to solve. And the reason we like the problem of racism is that solving it just requires us to give up our prejudices, whereas solving the problem of economic inequality might require something more—it might require us to give up our money. . . .

. . . When student and faculty activists struggle for cultural diversity, they are in large part battling over what skin color the rich kids should have. . . . [A]s long as the left continues to worry about diversity, the right won't have to worry about inequality.¹⁵

John U. Ogbu, *Black Students' School Success: Coping with the "Burden of Acting White,"* 18 *URB. REV.* 176 (1986).

10 Walter Benn Michaels, Editorial, *Diversity's False Solace*, *N.Y. TIMES*, Apr. 11, 2004, § 6 (Magazine), at 12.

11 *See id.*

12 *See id.* at 13.

13 *Id.* at 12–13.

14 *Id.* at 13.

15 *Id.*

This is a very provocative critique of diversity in elite higher education. It calls into question the success achieved at Stanford and the Ivy League, and it needs to be taken seriously. So I would like to explore whether Professor Michaels is right that diversity is now just a matter of “what skin color rich kids should have” and, if he is right, what should be done about it.

Let me start by observing that students at elite colleges today are unquestionably, on the whole, very wealthy. In one recent study of twenty-eight selective private colleges—including Stanford, Duke, Chicago, Georgetown, Swarthmore, and all the Ivies—90% of students in the 2001–2002 school year came from middle-class or more advantaged backgrounds.¹⁶ Indeed, that statistic hardly begins to tell the story. Keep in mind that household income at the middle of the American middle class is roughly \$50,000.¹⁷ As Table 1 shows, fully

TABLE 1. DISTRIBUTION OF STUDENTS AT HIGHLY SELECTIVE PRIVATE COLLEGES BY FAMILY INCOME (2001–2002)¹⁸

	Students receiving financial aid					Full Pay
	Low (median)	Lower Middle	Middle	Upper Middle	High	
	\$15,347	\$32,416	\$50,890	\$74,418	\$113,689	—
% of total enrollment	5	5	7	11	15	55

55% of the students in the study came from families so far above this range that they were ineligible for financial aid and paid full tuition, which averaged \$33,800 a year for these schools. Another 15% received financial aid with family income of more than \$90,000, and still another 11% received financial aid with family income over \$61,000. Only 10% of students came from families in the bottom 40% of the income distribution, and only 7% truly came from the middle class.

16 See CATHARINE HILL ET AL., AFFORDABILITY: FAMILY INCOMES AND NET PRICES AT HIGHLY SELECTIVE PRIVATE COLLEGES AND UNIVERSITIES 6 tbl.1 (2004), available at www.williams.edu/wpehe/DPs/DP-66r.pdf.

17 See U.S. CENSUS BUREAU, HISTORIC INCOME TABLES—FAMILIES, at tbl.F-1, available at <http://www.census.gov/hhes/income/histinc/f01.html> (last modified July 8, 2004) (reporting the middle quintile of family income to be between \$41,127 and \$62,500 in 2001); see also Camille Sweeney, *The Middle of the Middle Class*, N.Y. TIMES, June 9, 2002, § 6 (Magazine), at 74 (“The median American family income is \$54,400 . . .”).

18 HILL ET AL., *supra* note 16, at 6 tbl.1.

The other 83% came from families in the top 40% of income, and those students were skewed toward the high end.

Does this picture change if we disaggregate the data by race? Unfortunately, the study above does not include racial breakdowns, but there are others that do. William Bowen and Derek Bok's well-known study, *The Shape of the River*, found that 80% of black students who entered selective colleges in 1989 came from middle- or high-income families, compared to 49% of black college-age students nationally.¹⁹

A follow-up study by Professor Douglas Massey and his collaborators at the University of Pennsylvania, called *The Source of the River*, likewise found that black and Latino students at selective colleges on average come from relatively advantaged backgrounds.²⁰ As Table 2

TABLE 2. INDICATORS OF SOCIOECONOMIC BACKGROUND AT HIGHLY SELECTIVE COLLEGES, NATIONAL LONGITUDINAL SURVEY OF FRESHMAN (1999)²¹

	Whites	Asians	Latinos	Latinos (U.S.)	Blacks	Blacks (U.S.)	All U.S.
Household income >\$100k	51.0%	42.1%	33.5%	6.6%	24.7%	7.6%	14.4%
Parents own home	94.7%	85.7%	85.0%	45.5%	72.2%	46.3%	66.8%
Median home value (\$1,000s)	308	352	241	106	196	81	120

shows, 34% of Latino freshmen in 1999 and 25% of blacks came from families with income exceeding \$100,000. Nationwide, only 7% of Latino families, 8% of blacks, and 14% of families overall made that much money in 1999.²² Similarly, 85% of Latino freshmen and 72% of blacks came from families that owned a home. Nationwide, only 46% of Latinos, 46% of blacks, and 67% of all families owned a home in 1999.²³ The median value of the homes owned by families of Latino freshmen was \$241,000, and for the families of black freshmen it

19 See BOWEN & BOK, *supra* note 8, at 341 tbl.B.2.

20 See MASSEY ET AL., *supra* note 6, at 42 tbl.2.10.

21 See *id.* Table 2 also includes data from the sources cited in notes 22–24 *infra*.

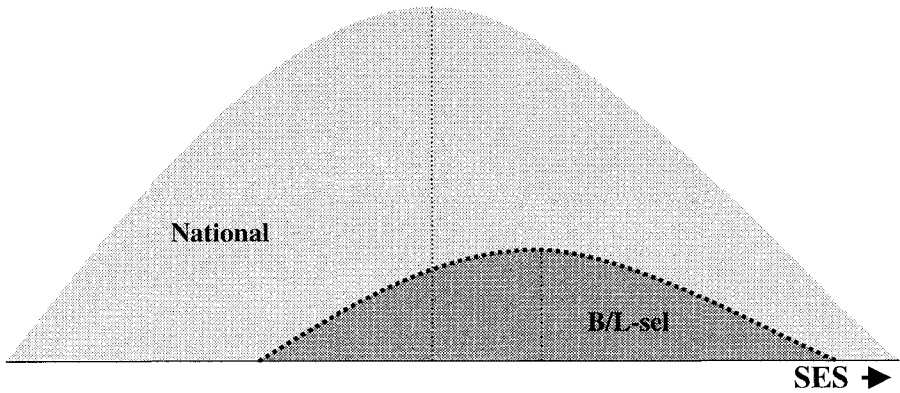
22 CARMEN DENAVAS-WALT ET AL., U.S. CENSUS BUREAU, INCOME IN THE UNITED STATES: 2002, at 17, 19–20 (2003), available at <http://www.census.gov/prod/2003pubs/p60-221.pdf>.

23 See U.S. CENSUS BUREAU, HOUSING VACANCIES AND HOMEOWNERSHIP ANNUAL STATISTICS: 2003, at tbl.20, available at <http://www.census.gov/hhes/www/housing/hvs/annual03/ann03t20.html> (last visited Oct. 22, 2004).

was \$196,000—both significantly higher than the \$119,600 median value of homes owned by families nationwide in 2000.²⁴

Thus far, the basic claim that selective colleges favor students from the high end of the socioeconomic spectrum appears to have some truth, not only among students overall but also among minority students. The picture that emerges (Figure 1) is one in which minority students at top schools are, on average, more advantaged than their respective minority populations and more advantaged than even the general population.

FIGURE 1



SES is an idealized measure of socioeconomic status. *B/L-sel* refers to black and Latino students at selective colleges.

However, the picture is actually more complicated in two important ways that I want to describe. The first is that, although minority students at top colleges may be more well-off than the general population, they are still, on the whole, significantly less well-off than their white peers at the same schools. According to Bowen and Bok, for example, although 80% of black freshmen in their sample were at least middle-income, the figure for whites was 97%.²⁵ Moreover, among these “at least” middle-income students, if we ask how many are high-income (earning \$100,000 or more in today’s dollars), we find that the percentage is over three times greater among whites than among blacks, 46% compared to 15%.²⁶

24 See ROBERT L. BENNEFIELD, U.S. CENSUS BUREAU, HOME VALUES: 2000, at 3 fig.4 (2003), available at <http://www.census.gov/prod/2003pubs/c2kbr-20.pdf>.

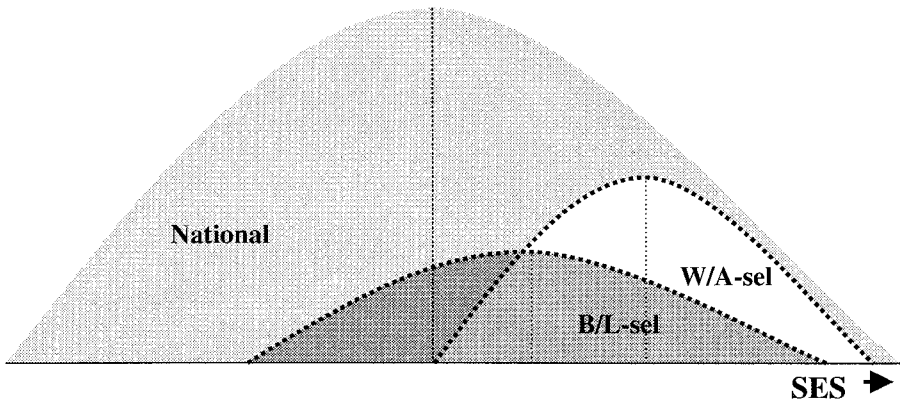
25 See BOWEN & BOK, *supra* note 8, at 341 tbl.B.2.

26 See *id.* The high-income threshold used by Bowen and Bok, \$70,000 in 1989, is equivalent to \$104,000 in 2003 when adjusted for inflation using the Consumer Price Index.

The Penn study had similar findings. Along all of the metrics just mentioned—income, homeownership, and home value—the families of Latino and black freshmen at top-tier colleges are doing well, but not as well as the families of whites and Asians. Looking again at Table 2, we see that rates of homeownership among whites are 30% greater than among blacks. Home values among whites are 28% greater than among Latinos and more than 50% greater than among blacks.²⁷ The difference is even greater when blacks and Latinos are compared to Asians, although Asians own their homes at a lower rate than whites. Furthermore, white families make over \$100,000 at twice the rate among blacks and half again higher than the rate among Latinos.

So Professor Michaels is not right to say that the pursuit of cultural diversity has “give[n] us a world of differences [on campus] without inequality.”²⁸ True, all students at elite schools are relatively well-off. But within this well-off group, there is still plenty of inequality. When you hear the claim that the beneficiaries of affirmative action are not “disadvantaged,” the important question is “disadvantaged relative to what?” Although minority students, on average, come from the right side of the national economic distribution, the rest of the students tend to come from the far right tail (Figure 2).

FIGURE 2



W/A-sel refers to white and Asian students at selective colleges.

27 These findings are consistent with well-known disparities between white wealth and black wealth. See DALTON CONLEY, *BEING BLACK, LIVING IN THE RED: RACE, WEALTH, AND SOCIAL POLICY IN AMERICA* (1999); MELVIN L. OLIVER & THOMAS M. SHAPIRO, *BLACK WEALTH/WHITE WEALTH: A NEW PERSPECTIVE ON RACIAL INEQUALITY* (1995).

28 Michaels, *supra* note 10, at 12–13.

There is a further complication to this picture, and it has to do with the shape of the curve that characterizes minority students at elite schools. When it is said that beneficiaries of affirmative action tend to be middle- or upper-class, the picture that comes to mind is one where minority students are evenly distributed around a mean to the right of the national average. But the reality is different in an important respect.

Table 3 shows data on the racial composition of the neighborhoods where different groups of students went to high school.²⁹ What you find is that the vast majority of whites and Asians—around 90%—come from neighborhoods that are less than 30% black or Latino. In fact, Gary Orfield's research shows that whites are the most segregated group in K-12 schools, while Asians attend racially integrated schools at higher rates than any other group.³⁰ What is most interesting in Table 3 is the distribution of blacks and Latinos. Nearly 80% of black

TABLE 3. DISTRIBUTION OF FRESHMEN BY RACIAL COMPOSITION OF NEIGHBORHOOD DURING SENIOR YEAR OF HIGH SCHOOL (1999)³¹

	Whites	Asians	Latinos	Blacks
% Black or Latino				
0-30	93.6%	89.3%	69.9%	41.5%
31-50	4.2%	7.0%	8.3%	11.0%
51-70	1.3%	2.9%	4.5%	9.8%
>70	0.9%	0.9%	17.2%	36.8%

students come from one of two neighborhoods, in almost equal proportion: those less than 30% black or Latino (41.5%) and those more than 70% black or Latino (36.8%). Latino students are similarly bifurcated, with 70% coming from neighborhoods that are less than 30% black or Latino and 17% from neighborhoods more than 70% black or Latino.

The implication is that it might not be meaningful to talk about the "average" socioeconomic status of minority students at selective schools, because the distribution is not bell-shaped but bimodal. As Table 4 shows, while black and Latino students who grew up in relatively integrated neighborhoods tend to be slightly less well-off than

29 MASSEY ET AL., *supra* note 6, at 77 tbl.4.4.

30 See ERICA FRANKENBERG ET AL., THE CIVIL RIGHTS PROJECT, A MULTIRACIAL SOCIETY WITH SEGREGATED SCHOOLS: ARE WE LOSING THE DREAM? 27-29 (2003), available at <http://www.civilrightsproject.harvard.edu/research/reseg03/AreWeLosingtheDream.pdf>.

31 MASSEY ET AL., *supra* note 6, at 77 tbl.4.4.

their white and Asian peers, black and Latino students who grew up in relatively segregated neighborhoods are far more disadvantaged.³²

TABLE 4. INDICATORS OF SOCIOECONOMIC BACKGROUND AT HIGHLY SELECTIVE COLLEGES, NATIONAL LONGITUDINAL SURVEY OF FRESHMEN (1999)³³

	Whites	Asians	Latinos and Blacks		
			Integrated	Mixed	Segregated
Parent with college degree	88.9%	82.1%	80.7%	65.4%	52.4%
Parent with advanced degree	63.0%	56.2%	47.7%	31.5%	24.2%
Single-parent household	16.5%	11.1%	27.9%	45.3%	45.5%
Ever on welfare	4.4%	8.5%	9.2%	16.0%	23.5%
Household income >\$100k	51.0%	42.1%	41.3%	20.2%	13.6%
Parents own home	94.7%	85.7%	86.4%	68.9%	70.9%
Median income (\$1,000s)	87.5	62.5	54.7	29.1	25.0
Median home value (\$1,000s)	308	352	227	107	102

On every measure—whether it is income, parental education, home value, or single-parent household status—the socioeconomic status of Latino and black students differs markedly by whether they grew up in integrated versus segregated neighborhoods. (The few students from mixed neighborhoods are somewhere in between.) On many of these measures, such as median income, home value, and single-parent household status, the students in the last column come from families whose socioeconomic status is well below the national average.

Moreover, black and Latino students who grew up in segregated neighborhoods or who attended segregated high schools have experienced much higher degrees of social disorder and violence during their childhood than their counterparts who grew up in integrated environments. In the Penn study, 6.8% of blacks and Latinos from integrated neighborhoods recall hearing gunshots growing up, 18.5% have witnessed drug sales, and 37.5% have seen public drunkenness. The comparable figures for blacks and Latinos from segregated neighborhoods are 58.2%, 53.1%, and 75.7%, respectively.³⁴ Similarly, among blacks and Latinos who went to integrated high schools, 2.9% say they saw gang activities often, 4.9% witnessed students fighting

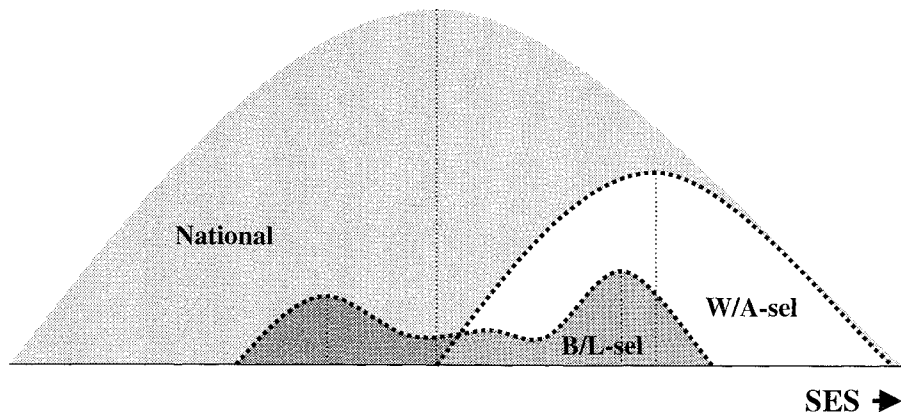
32 Consistent with Massey, I use the term “integrated” to refer to neighborhoods where blacks and Latinos comprise less than 30% of the population and the term “segregated” to refer to neighborhoods where blacks and Latinos comprise 70% of the population or more. See MASSEY ET AL., *supra* note 6, at 81 tbl.4.6.

33 *Id.*

34 *See id.* at 79 tbl.4.5.

often, and 9.2% saw vandalism of school property often. By contrast, among blacks and Latinos who attended segregated high schools, the figures are 19.4%, 22.5%, and 28.4%, respectively.³⁵

FIGURE 3



So the overall picture is complicated (Figure 3). Instead of a bell-shaped distribution, the portrait of minority students is bimodal. On the right is a group of minority students—roughly 40% of blacks and 70% of Latinos—who come from less privileged backgrounds than most whites, but who are still better off than the national average. On the left is a smaller but not insubstantial group—roughly 37% of blacks and 17% of Latinos—whose socioeconomic background is, in important ways, a world apart from the background of the typical student at a top-tier college. These students are to the left of the national average. They are truly disadvantaged.³⁶

Thus, Professor Michaels is not entirely right to say that the struggle for cultural diversity is simply a “battle over what skin color rich kids should have.”³⁷ As a ballpark estimate, that characterization does

³⁵ See *id.* at 95 tbl.5.5.

³⁶ It is possible—although careful empirical inquiry is needed to confirm it—that the pattern observed here tracks a recent report that as many as two-thirds of Harvard’s black undergraduates are West Indian or African immigrants, the children of such immigrants, or children of biracial couples (who are relatively privileged), and not descendants of slaves (who are relatively disadvantaged). See Sara Rimer & Karen W. Arenson, *Top Colleges Take More Blacks, But Which Ones?*, N.Y. TIMES, June 24, 2004, at A1; cf. *MINORITY STATUS AND SCHOOLING: A COMPARATIVE STUDY OF IMMIGRANT AND INVOLUNTARY MINORITIES* (Margaret A. Gibson & John U. Ogbu eds., 1991).

³⁷ Michaels, *supra* note 10, at 13.

not account for roughly one quarter of the black and Latino students admitted to selective schools. If socioeconomic diversity is the concern, the real area for improvement is among white and Asian students, very few of whom are even middle-class much less poor—certainly far less than 25% or even 20%.

What can be done to increase socioeconomic diversity at elite schools? Let me approach this question by first dispelling a common myth implicit in the editorial by Professor Michaels: the notion that, were it not for affirmative action, many more white students from poor and working-class families would be admitted to top schools. This argument is made often, so I want to be very clear why it is wrong.

As an initial matter, this argument leverages the idea that affirmative action benefits minority students who are relatively well-off. As we have seen, this is partly true, but not entirely true. Even if it were entirely true, however, it is a logical fallacy to believe that upper middle-class minority students are being admitted *at the expense of* truly disadvantaged whites. Were that the case, it would mean that, if we were to do away with affirmative action, then Stanford, Harvard, and Yale would admit—in the place of minority students—a heretofore rejected cadre of poor and working-class whites. But what reason do we have to believe these institutions would do this, instead of admitting more of the same privileged and wealthy students they are already admitting? The main competition faced by middle- and low-income whites in selective admissions is, and has always been, not the few minority applicants in the pool, but rather the large sea of privileged whites and now Asians—most of whom are denied admission and would surely be among the first in line for any additional spaces freed up by eliminating affirmative action.

So, in the quest for socioeconomic diversity, affirmative action is a red herring. If anything, the data show that affirmative action helps socioeconomic diversity, much more than the rest of the admission process. If we want more socioeconomic diversity at top-tier schools, there must be a conscious policy choice, quite apart from and independent of whether or not there is affirmative action. What, then, is really standing in the way?

Let me conclude with three thoughts. First, I do not believe the main obstacle is a dearth of qualified applicants who are middle-class or poor. Sure, admission standards are very rigorous at the best schools, and academic preparation is positively correlated with family income. But affirmative action has taught us that the qualifications necessary to graduate from, and even excel at, the best schools span a broader range than one might think. And there is evidence that many highly qualified students from low socioeconomic backgrounds do not

take the SAT or go to college.³⁸ Anthony Carnevale, a long-time researcher at the Educational Testing Service, calls these students “the low-hanging fruit” in any effort to increase socioeconomic diversity at selective colleges.³⁹

Second, affordability is a barrier, but one that is largely confined to students from families in the lowest income quintile (those making less than \$24,000 a year). The net price paid by those students—that is, tuition minus financial aid grants (but not loans or work-study)—averages about 50% of family income.⁴⁰ For students with family income above the twentieth percentile—this includes low-income and middle-class students—the net price is 21% to 26% of family income up and down the income distribution.⁴¹ This is evidence that selective schools do make some effort to adjust the actual amount they charge students with sensitivity to family means.

Let me close with a third idea, and I pose it as a conjecture: the paucity of poor or even middle-class students at elite schools has less to do with preparation or affordability and perhaps more to do with aspects of institutional culture and competitive pressures that strongly favor wealthy students. Imagine for a moment what would happen if Harvard decided to increase its proportion of low-income students from 10% to 25%. The impact of such a move would be twofold. In the near term, Harvard would have to devote additional resources to make it possible for the new students to attend. Either tuition or other revenue would have to increase, or money for the educational program would have to decrease. Chances are that Harvard would raise additional revenue to subsidize the new students.⁴²

38 See ANTHONY P. CARNEVALE & STEPHEN J. ROSE, CENTURY FOUNDATION, SOCIO-ECONOMIC STATUS, RACE/ETHNICITY, AND SELECTIVE COLLEGE ADMISSIONS 38 (2003), available at http://www.tcf.org/Publications/Education/carnevale_rose.pdf (finding that “as many as 300,000 [students] with the apparent potential to achieve relatively high SAT-equivalent scores do not attend a four-year college” and that “fully 43 percent took neither the SAT nor the ACT”).

39 *Id.* at 39.

40 See HILL ET AL., *supra* note 17, at 9.

41 *Id.*

42 Cf. Julianne Basinger & Scott Smallwood, *Harvard Gives a Break to Parents Who Earn Less Than \$40,000 a Year*, CHRON. HIGHER EDUC., Mar. 12, 2004, at A35 (describing Harvard’s announcement that “parents who earn less than \$40,000 a year would no longer be asked to pay anything toward their children’s education”). Although this recent move will benefit some needy students, it is unlikely to have much impact on the composition of Harvard’s student body without a significant change in admission policy. See David L. Kirp, *And the Rich Get Smarter*, N.Y. TIMES, Apr. 30, 2004, at A27.

Perhaps more importantly, over the long term, the giving capacity of alumni would be reduced, as a greater share of students graduate not only with debt but also with obligations, like caring for family members, or aspirations, like buying a home, that are not cushioned or facilitated by family wealth. Alumni are not the sole source of university revenue, but they are a substantial portion, especially for undergraduate education. Whether out of institutional habit or conscious policy, institutions like Harvard have little incentive—indeed, a disincentive—to admit a large number of poor or middle-class students.⁴³

This long-term concern about resources is not unfounded. Many great educational institutions are built on the generosity of alumni. But to weigh the desirability of admitting poor students in these terms is to reveal the limits of our imagination when it comes to articulating the purpose of higher education. Shouldn't our best schools be a beacon of opportunity to students from every station in life, and not just an entitlement of the well-heeled?⁴⁴ Shouldn't we assess merit not only by achievement, but more importantly by achievement relative to the opportunities each person has had? And shouldn't socioeconomic diversity be one critical facet of the educational diversity that our top schools so earnestly embrace?

Not long ago, America's best schools believed it was not their business to educate students who were not white. But I think it is fair to say that this has changed for the better. The reality is that Stanford, Harvard, and Yale are not admitting minority students with an eye

43 One entrenched policy that exacerbates the socioeconomic homogeneity of elite universities is the admission preference for children of alumni. See BOWEN & BOK, *supra* note 8, at 28–29 (discussing substantial admission advantage enjoyed by legacy applicants); Daniel Golden, *For Groton Grads, Academics Aren't Only Keys to Ivies*, WALL ST. J., Apr. 25, 2003, at A1 (discussing admission preferences for applicants with “money,” “connections,” and “legacy” status). In January 2004, Texas A&M University at College Station created a stir in higher education when it ended legacy preferences. See Peter Schmidt, *New Pressure Put on College to End Legacies in Admissions*, CHRON. HIGHER EDUC., Jan. 30, 2004, at A1; Greg Winter, *Texas A&M Ban on 'Legacies' Fuels Debate on Admissions*, N.Y. TIMES, Jan. 13, 2004, at A16. In addition, Senator Edward Kennedy in 2003 introduced a bill to require higher education institutions receiving federal funds to disclose the percentage of enrolled freshmen self-identified as “[t]he relative of an alumnus, disaggregated by race and eligibility for Federal Pell Grants”—a measure intended to discourage schools from using alumni preferences. See College Quality, Affordability, and Diversity Improvement Act of 2003, S. 1793, 108th Cong. § 302 (2003).

44 Jane Stanford in 1902 directed her newly founded university to “resist the tendency to the stratification of society, by keeping open an avenue whereby the deserving and exceptional may rise through their own efforts from the lowest to the highest station in life.” STANFORD REPORT, *supra* note 1, at 35.

toward building their endowments. Instead, they see racial diversity as an investment in the educational program and as a reflection of their responsibility to educate diverse leaders for the nation. Why not think of socioeconomic diversity in the same terms—as an educational investment from which all students learn and benefit, and as part of the university's role in building a fair and inclusive democracy.⁴⁵

In practice and in principle, affirmative action is not at odds with socioeconomic diversity. When pursued in the interest of important institutional and social purposes, racial justice and economic justice find common ground, build on common principle, and strengthen a common understanding of equal opportunity.

45 Former Princeton president William Bowen recently spoke in these terms when he urged elite colleges and universities to “consider ‘putting a thumb on the admissions scale, maybe even a thumb and a half,’ to admit more low-income students.” Karen W. Arenson, *Ex-Princeton Chief Urges Admissions Edge for Poorer Students*, N.Y. TIMES, Apr. 8, 2004, at A24 (quoting Bowen). According to Bowen, admitting more low-income students “not only is a matter of simple equity, but also is critical if top colleges are to draw the best students and expose all students to a wider range of people.” *Id.*