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Expert Report of William G. Bowen

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Andrew W. Mellon Foundation

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EXPERT REPORT OF WILLIAM G. BOWEN

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)

I. STATEMENT OF QUALIFICATIONS:

I am currently the president of the Andrew W. Mellon Foundation; I have held that position since 1988. Prior to that, I served as president of Princeton University for sixteen years, from 1972 to 1988, and as provost for five years, from 1967 to 1972. I was a Professor of Economics at Princeton University from 1965 until 1988; I had been a member of the faculty since 1958. I currently serve as a member of several corporate boards, including American Express and Merck & Co., Inc. I have written extensively about issues of higher education, including the consideration of race in admissions. A complete *curriculum vitae*, including a list of publications, is attached hereto as Appendix A.[†]

II. INFORMATION CONSIDERED IN FORMING OPINIONS:

My opinions are based, in large part, on *The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions*, William G. Bowen and Derek Bok, Princeton University Press (1998). A copy of the book will be provided upon request.

III. OTHER EXPERT TESTIMONY, COMPENSATION:

I have not testified as an expert at trial or by deposition within the preceding four years. I am not receiving any compensation for my work in connection with this matter.

IV. OPINIONS TO BE EXPRESSED AND THE BASIS AND REASONS THEREFOR:

Higher education plays a unique role in our society. The obligation of a university is to the society at large over the long run, and, even more generally, to the pursuit of learning. Although this may seem amorphous, there is no escaping a university's obligation to try to serve the long-term interests of society defined in the broadest and least parochial terms, and to do so through two principal activities: advancing knowledge and educating students who will in turn serve others, within this nation and beyond it, both through their specific vocations and as citizens.

[†] Appendix A has not been reproduced here.

Universities therefore are responsible for imparting civic and democratic values that are essential to the functioning of our nation.

Our society—indeed, our world—is and will continue to be multi-racial. We simply must learn to work more effectively and more sensitively with individuals of other races, and a diverse student body can make a profound and direct contribution to the achievement of this end. In the 1960s, barely one percent of law students and two percent of medical students in America were black. At that time, few leading professional schools and nationally prominent colleges and universities enrolled more than a handful of blacks. Late in the decade, however, selective institutions set about to change these statistics, not by establishing quotas, but by considering race, along with many other factors, in assembling a diverse student body of varying talents, backgrounds, and perspectives. Schools sought to achieve diversity to cross the racial borders that separated large segments of society and to reap the educational benefits to all students of learning on a diverse campus, in which they would transcend the misperceptions and stereotypes that had been borne of racial separation. These selective institutions recognized that a student body containing many different backgrounds, talents, and experiences would be a richer environment in which all students could better develop into productive, contributing members of our society.

Amid much passionate debate, there has been little hard evidence of how these policies work and what their consequences have been. To remedy this deficiency, Derek Bok and I examined the college experiences of more than 60,000 students—approximately 3,500 of whom were black—who had entered 28 selective colleges and universities in the fall of 1976 and the fall of 1989;¹ we also surveyed a sub-set of these students (with a survey response rate of about 80%) and thus studied the later life experiences and views of 30,000 students. This massive database, built jointly by the schools and the Andrew W. Mellon Foundation, for the first time links information such as Scholastic Assessment Test (“SAT”) scores and college majors to experiences after college, including graduate and professional degrees, earnings, and civic involvement. Most of our study focused on African-Americans and whites, because the Latino and Native American populations at these schools were too small in 1976 to

1. The 28 colleges and universities are: Barnard College, Bryn Mawr College, Columbia University, Denison College, Duke University, Emory University, Hamilton College, Kenyon College, Miami University (Ohio), Northwestern University, Oberlin College, Pennsylvania State University, Princeton University, Rice University, Smith College, Stanford University, Swarthmore College, Tufts University, Tulane University, University of Michigan at Ann Arbor, University of North Carolina at Chapel Hill, University of Pennsylvania, Vanderbilt University, Washington University, Wellesley College, Wesleyan University, Williams College, and Yale University.

permit the same sort of statistical analysis. Nevertheless, many of the findings may be applicable to these groups as well. Our conclusions are set forth in *The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions*, William G. Bowen and Derek Bok, Princeton University Press (1998). This report attempts to summarize some of our findings. My testimony in this case will draw upon the book, as well as my 40 years of experience in academia, including my tenure as provost (five years) and president (16 years) of Princeton University, and my experience as a member of several corporate boards.

As a necessary predicate, a university must have the freedom to decide which students it will admit and which criteria it will use in its admissions decisions. This academic freedom is crucial in order for a school to fulfill its mission. At bottom, admissions officers must decide which set of applicants, *considered individually and collectively*, will take fullest advantage of what the college has to offer, contribute most to the educational process in college, and be most successful in using what they have learned for the benefit of the larger society.

Any college or university to which admissions is highly competitive, such as the University of Michigan at Ann Arbor, has far more applicants who possess all the basic qualifications than it has places. Some candidates (a relatively small number) are so outstanding in every respect that they are obvious choices for admission by any standard. The real problems of choice arise in deciding which individuals to admit from among the large group who also have very strong qualifications, who are thought capable of doing the work and doing it well, but who are not so clearly outstanding as to be placed in the very top category.

In my experience, in deciding among this group, a school does *not* start from the premise that any applicant has a "right" to a place in a college or university. Instead, the starting premise is that a school has an obligation to make the best possible use of the limited number of places in each entering class so as to advance as effectively as possible the broad purposes the school seeks to serve. Within the very real limits imposed by the fallibility of any selection process of this kind, a school should try hard to be fair to every applicant; but the concept of fairness itself has to be understood within the context of the obligations of a university. Accordingly, in making these difficult choices among well-qualified candidates, considerations other than just test scores and grades come into play.

The relevance of these other considerations is based on the premise that the overall quality of the educational program is affected not only by the qualities of the individual students who are enrolled, but also by the characteristics of the entire group of students who share a common educational experience. While I believe this to be true for graduate programs

too, my own experience confirms the importance for undergraduate education and, as a consequence, affects admission decisions much more significantly at that level. If there is a difference, it is only one of degree, related partly to the ages and experiences of the students, partly to the purposes of their educational programs and especially to the emphasis given to academic specialization, and partly to the respective roles of extracurricular and curricular activities.

In a residential college setting, in particular, a great deal of learning occurs informally. It occurs through interactions among students of both sexes; of different races, religions, and backgrounds; who come from cities and rural areas, from various states and countries; who have a wide variety of interests, talents, and perspectives; and who are able, directly or indirectly, to learn from their differences and to stimulate one another to reexamine even their most deeply held assumptions about themselves and their world. As a wise graduate of Princeton University observed in commenting on this aspect of the educational process, "People do not learn very much when they are surrounded only by the likes of themselves."

It follows that if, say, 2,000 individuals are to be offered places in an entering undergraduate class, the task of an admissions office is not simply to decide which applicants offer the strongest credentials as separate candidates for the college; the task, rather, is to assemble a total class of students, all of whom will possess the basic qualifications, but who will also represent, in their totality, an interesting and diverse amalgam of individuals who will contribute through their diversity to the quality and vitality of the overall educational environment.

This concern for the composition of the undergraduate student body, as well as for the qualifications of its individual members, takes many forms. While a school is of course interested in enrolling students who are good at a great many things and not one-dimensional in any sense, it should also try to enroll students with special interests and talents in the arts and in athletics; it should seek a wide geographical representation; it should admit foreign students from a variety of countries and cultures; it should recognize the special contribution that the sons and daughters of alumni can make by representing and communicating a sense of the traditions and the historical continuity of the university; it should enroll students from a range of socioeconomic backgrounds; and it should work consciously and deliberately to include minority students, who themselves represent a variety of experiences and viewpoints.

We must accept as a fact of life in contemporary America that the perspectives of individuals are often affected by their race as by other aspects of their background. If a university were unable to take into account the race of candidates, it would be much more difficult to

consider carefully and conscientiously the composition of an entering class that would offer a rich educational experience to all of its members. The unplanned, casual encounters with roommates, fellow sufferers in an organic chemistry class, student workers in the library, teammates on a basketball squad, or other participants in class affairs or student government can be subtle and yet powerful sources of improved understanding and personal growth.

Indeed, the data in our study prove what I have observed for years through experience—that diversity is valued and that “learning through diversity” actually occurs. Our study indicates that diversity is a benefit for all students, minorities and non-minorities alike. Moreover, the data overwhelmingly demonstrate that minority students admitted to selective schools had strong academic credentials, graduated in large numbers and did very well after leaving college. By every measure of success (graduation, attainment of professional degrees, employment, earnings, civic participation, and overall satisfaction), the more selective the school, the more blacks achieved (holding constant their initial test scores and grades).

It is true that compared with their extremely high-achieving white classmates, black students in general received somewhat lower college grades and graduated at moderately lower rates. The reasons for these disparities are not fully understood, and selective institutions need to be more creative in helping improve black performance, as a few universities already have succeeded in doing. Still, 75 percent graduated within six years from the school they first entered, a figure well above the 40 percent of blacks and 59 percent of whites who graduated nationwide from the 305 universities tracked by the National Collegiate Athletic Association. Moreover, blacks did not earn degrees from these selective schools by majoring in easy subjects. They chose substantially the same concentrations as whites and were just as likely to have difficult majors, such as those in the sciences and engineering. These and other findings refute the argument that when black students are admitted to schools where many other students have stronger academic qualifications than their own—as measured by grades and test scores—that those students not only will drop out, but that they would have been better off attending a less selective institution.

Although over half of the black students attending these selective schools would have been rejected under a race-neutral admissions regime—that is, if only the same proportions of black and white students had been admitted within each SAT interval—they have done exceedingly well after college. Fifty-six percent of the black graduates who had entered these selective schools in 1976 went on to earn advanced degrees. A remarkable 40 percent received either PhDs or professional degrees in

the most sought-after fields of law, business and medicine, a figure slightly higher than that for their white classmates and five times higher than that for blacks with bachelor's degrees nationwide. (As a measure of change, it is worth noting that by 1995, 7.5 percent of all law students in the United States were black, up from barely 1 percent in 1960; and 8.1 percent of medical school students were black, compared with 2.2 percent in the mid-1960s. Black elected officials now number more than 8,600.)

By the time of our survey, black male graduates who had entered selective schools in 1976 were earning an average of \$85,000 a year, 82 percent more than other black male college graduates nationwide. Their black female classmates earned 73 percent more than all black women with bachelor's degrees. Not only has the marketplace valued the work of these graduates highly, but the premium associated with attending one of these selective institutions was substantial. Overall, we found that among blacks with similar test scores, the more selective the college they attended, the more likely they were to graduate, earn advanced degrees and receive high salaries. This was generally true for whites as well.

Despite their high salaries, the blacks in our study were not just concerned with their own advancement. In virtually every type of civic activity, from social service organizations to parent associations, black men were more likely than their white classmates to hold leadership positions. Much the same pattern holds for women. These findings should reassure black intellectuals who have worried that blacks—especially black men—would ignore their social responsibilities once they achieved financial success.

Were black students demoralized by having to compete with whites with higher high school grades and test scores? Is it true, as Dinesh D'Souza asserts in his book *"Illiberal Education,"* that "American universities are quite willing to sacrifice the future happiness of many young blacks and Hispanics to achieve diversity, proportional representation, and what they consider to be multicultural progress"? The facts are very clear on this point. Far from being demoralized, blacks from the most competitive schools are the most satisfied with their college experience. More than 90 percent of both blacks and whites in our survey said they were satisfied or very satisfied with their college experience, and blacks were even more inclined than whites to credit their undergraduate experience with helping them learn crucial skills. We found no evidence that significant numbers of blacks felt stigmatized by race-sensitive policies. Only seven percent of black graduates said they would not attend the same selective college if they had to choose again.

Former students of all races reported feeling that learning to live and work effectively with members of other races is important. Large majorities also believed that their college experience contributed a lot in this

respect. Consequently, almost 80 percent of the white graduates favored either retaining the current emphasis on enrolling a diverse class or emphasizing it more. Their minority classmates supported these policies even more strongly.

Some critics allege that race-sensitive admissions policies aggravate racial tensions by creating resentment among white and Asian students rejected by colleges they hoped to attend. Although we could not test this possibility definitively, we did examine the feelings of white students in our sample who had been rejected by their first-choice school. They said they supported an emphasis on diversity just as strongly as students who got into their first-choice schools.

Our findings also clarify the much misunderstood concept of merit in college admission. Many people suppose that all students with especially high grades and test scores "deserve" to be admitted and that it is unfair to reject them in favor of minority applicants with lower grades and test scores. But selective colleges do not automatically offer admission as a reward for past performance to anyone. Nor should they. For any institution, choosing fairly, "on the merits," means selecting applicants by criteria that are reasonably related to the purposes of the organization. For colleges and universities, this means choosing academically qualified applicants who not only give promise of doing well academically, but who also can enlarge the understanding of other students and contribute after graduation to their professions and communities. Though clearly relevant, grades and test scores are by no means all that matter.

Accordingly, an admissions policy that relied primarily on test scores would lead to the rejection of qualified minority students. The fact that, nationally, blacks are very underrepresented at the higher levels and very overrepresented at the lower levels ensures that they will have substantially lower average SAT scores even if a college were to use precisely the same SAT cut-off in admitting white and black students. For example, if a school admitted every applicant with SAT scores over 1100 and none with lower scores, the white students would still have a higher average SAT score than the black students because relatively more of them score at the upper end of the SAT distribution. This result occurs even though no racial preference was given in this hypothetical situation.

As a group, however, the black applicants are highly qualified. Of the black applicants at five of the 28 schools for which detailed admission data were available in 1989, over 90 percent scored above the national average for black test-takers on both the verbal and math SATs, considered separately. The large majority of these black applicants handily outscored not only the average black test-taker, but also the average white test-taker. Moreover, the average SAT score for black matriculants

in 1989 was slightly higher than the average SAT score for *all* matriculants in 1951.

Talk of basing admissions mainly on test scores and grades assumes a model of admissions radically different from the one that exists today. Such a policy would mandate a fundamental change of direction for institutions that recognize the many dimensions of “qualification”: the importance of a good fit between the student and the educational program, the varied paths that individuals follow in developing their abilities, and the pitfalls of basing assessments of talent and potential solely on narrowly defined quantitative measures. Instead, as I described earlier, admissions officers have been “picking and choosing,” as we believe they should always do—admitting the candidate who seems to offer something special by way of drive and determination, the individual with a set of skills that matches well the academic requirements of the institution, someone who will bring another dimension of diversity to the student body, or a candidate who helps the institution fulfill a particular aspect of its mission.

Because other factors are important—including hard-to-quantify attributes such as determination, motivation, creativity and character—many talented students, white and black, are rejected even though they finished in the top 5 percent of their high school class. The applicants selected are students who were also above a high academic threshold but who seemed to have a greater chance of enhancing the education of their classmates and making a substantial contribution to their professions and society. Seen from the perspective of how well they served the missions of these educational institutions, the students admitted were surely “meritorious.”

Could the values of diversity be achieved equally well without considering race explicitly? The Texas legislature has tried to do so by guaranteeing admission to the state’s public universities for all students who finish in the top 10 percent of their high school class. Others have suggested using income rather than race to achieve diversity. The available evidence indicates that neither alternative is likely to be as effective as race-sensitive admissions in enrolling an academically well prepared and diverse student body. First, the Texas approach would admit some students from weaker high schools while turning down better-prepared applicants who happen not to finish in the top tenth of their class in academically stronger schools. So long as high schools differ so substantially in the academic abilities of their students and the level of difficulty of their courses, treating all applicants alike if they finished above a given high school class rank provides a spurious form of equality that is likely to damage the academic profile of the overall class of students admitted to selective institutions. Instead of being an effective substitute for race-

sensitive admissions policies, this approach could well have the effect of diminishing the pool of students who can compete effectively for the most demanding positions of leadership in business, government, and the professions.

Second, income-based strategies are unlikely to be good substitutes for race-sensitive admissions policies because there are simply too few blacks and Latinos from poor families who have strong enough academic records to qualify for admission to highly selective institutions. Children from poor black and Hispanic families make up less than half of all poor children and are much less likely than poor whites to excel in school. For example, the data show that among all students from families with incomes under \$20,000 who also finished in the top tenth percent of their high school class, only one in six is black or Hispanic. Thus, moving from a race-sensitive admissions policy to a class-based one would substantially reduce the minority enrollments at selective institutions, and severely impair current efforts to achieve racial diversity.

What would happen if universities were flatly prohibited from considering race in admissions? Our findings suggest that over half of the black students in selective colleges today would have been rejected. Plainly, the educational benefits that students gain from learning from each other would be lost. Furthermore, we can estimate what else would be lost as a result:

Of the more than 700 black students who would have been rejected in 1976 under a race-neutral standard, more than 225 went on to earn doctorates or degrees in law, medicine or business. Approximately 70 are now doctors and roughly 60 are lawyers. Almost 125 are business executives. The average earnings of all 700 exceeds \$71,000, and well over 300 are leaders of civic organizations.

The impact of race-neutral admissions would be especially drastic in admission to professional schools. The proportion of black students in the Top Ten law, business and medical schools would probably decline to less than 1 percent. These are the main professional schools from which most leading hospitals, law firms and corporations recruit. The result of race-neutral admissions, therefore, would be to damage severely the prospects for developing a larger minority presence in the corporate and professional leadership of America.

The reasons diversity has become so important at the highest levels of business, the professions, government, and society at large are readily apparent. By the year 2030, approximately 40 percent of all Americans

are projected to be members of minority groups. More than \$600 billion in purchasing power is generated by minorities and more than one-third of all new entrants to the workforce are persons of color. In this environment, a diverse corporate leadership can be valuable both to understand the markets in which many companies sell and to recruit, manage, and motivate the workforce on which corporate performance ultimately depends. The chief executive officers of major corporations have so recognized. For example, the CEO of Coca-Cola has stated that, “[a]s a company that operates in nearly 200 countries, we see diversity in the background and talent of our associates as a competitive advantage and as a commitment that is a daily responsibility.” Similarly, the CEO of Chrysler has stated that “we believe that workforce diversity is a competitive advantage. Our success as a global community is as dependent on utilizing the wealth of backgrounds, skills, and opinions that a diverse workforce offers, as it is on raw materials, technology and processes.”²

My own experience as a member of several corporate boards, including American Express and Merck & Co., confirms that these statements are echoed throughout the business community. I know that the business world has not failed to recognize and appreciate the importance of diversity. Corporations are making significant efforts in recruiting and retaining a workforce that values diversity and that can effectively conduct business worldwide. There is no question that graduates of universities with diverse populations—whether minorities or nonminorities themselves—offer the advantage of being valuable co-workers and managers in this increasingly diverse business climate.

Race remains a significant factor in our society. Race almost always affects an individual’s life experiences and perspectives, and thus a person’s capacity to contribute to the kinds of learning through diversity that occur on campuses. Both the growing diversity of American society and the increasing interaction with other cultures worldwide make it evident that going to school with “the likes of oneself” will be increasingly anachronistic. The advantages of being able to understand how others think and function, to cope across racial divides, and to lead groups composed of diverse individuals are certain to increase. Moreover, our survey data throw new light on the extent of interaction occurring on campuses today and of how positively the great majority of students regard opportunities to learn from those with different points of view, backgrounds, and experiences.

2. M. Douglas Nester (Chairman and CEO of The Coca-Cola Company) and Robert J. Eaton (Chairman and CEO of Chrysler Corporation), in *Executive Council* 1998, pp. 10,34.

In sum, the data indicate that there is a statistically significant association between attendance at the most selective institutions and a variety of accomplishments during college and in later life. If, at the end of the day, the question is whether the most selective colleges and universities have succeeded in both enhancing the learning experience for all students and educating sizable numbers of minority students who have already achieved considerable success and seem likely in time to occupy positions of leadership throughout society, I have no problem in answering the question—absolutely.