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Statement Regarding Affirmative Action | Augustana College

The Law School Admissions Case Of Grutter V. Bollinger

Steven C. Bahls, President of Augustana College

As the president of a college that cherishes its diversity, I was pleased that the United States Supreme Court affirmed the right of the University of Michigan Law School to admit a racially diverse class, without undue interference from the courts. At issue in the Grutter v. Bollinger case is whether the United States Constitution prohibits a college or university from admitting the racially diverse class of students it believes advances its educational mission. The Supreme Court held that with the appropriate safeguards the United States Constitution permits colleges and universities to consider race in admissions.

My experiences as a president, a law school dean and professor lead me to believe that a racially diverse classroom makes for better learning for both majority and minority students. I wholeheartedly agree with Justice Powell's opinion in Bakke issued 25 years ago:

"A great deal of learning occurs. . . through interactions among students of both sexes[,] of different races, religions and backgrounds. . . 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." Justice O'Connor, who delivered the opinion of the Court in Grutter, was equally thoughtful when reflecting on the role of diversity in higher education. She observed:

"In order to cultivate a set of leaders with legitimacy in the eyes of the citizenry, it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity. All members of our heterogeneous society must have confidence in the openness and integrity of the educational institutions that provide this training." Justice Powell in Bakke and Justice O'Connor in Grutter correctly concluded that a diverse student body is necessary to maintaining an environment conducive to learning. Promoting diversity among our students is a goal that is central to achieving the mission of Augustana College. The College's mission recognizes the central role:

"Augustana College, rooted in the liberal arts and sciences and a Lutheran expression of the Christian faith, is committed to offering a challenging education that develops qualities of mind, spirit and body necessary for a rewarding life of leadership and service in a diverse and changing world." It would have been inappropriate for the U.S. Supreme Court to mandate that public schools, and at least by implication private schools like Augustana, must ignore diversity factors when selecting a class. Diversity is particularly important to liberal arts colleges because the critical analytical skills demanded by those who lead lives of leadership and service are best developed in a classroom made up of students from different backgrounds. Diversity is also important to Augustana's mission of inclusiveness and service, by preparing graduates who reflect the racial composition of the country and who will be more likely to serve underrepresented segments of society.

In 1999, when I was Dean of Capital University Law School, the law school conducted a national survey of law professors to identify whether a diverse classroom, in fact, yields the educational advantages that proponents of affirmative action claim. More than 800 law professors responded to Capital's survey. Ninety-two percent of law professors agreed that learning to respect diversity is essential to becoming a successful member of the legal profession. Eighty-nine percent agreed that a diverse classroom helps students learn to respect individual differences. More than 80 percent of law professors agreed both that attorneys must be able to address their potential for bias to be successful in the legal profession, and that a diverse classroom teaches students to address their potential for bias. Importantly, more than 70 percent of law professors believe students are more comfortable sharing opinions in class when the faculty is diverse. The benefits of diversity in legal education are self evident to the large majority of law professors, who have the best vantage point from which to form an opinion as to the benefits of diversity. I believe the same benefits are self evident in a liberal arts college. Justice O'Conner recognized the same benefits of diversity when she observed that in a diversified classroom, "classroom discussion is livelier, more spirited, and simply more enlightening and interesting.

I am fond of observing that the greatest leaders are those who know how to "turn the crystal." By this I mean that great leaders look at complex societal problems from not only their own vantage point, but also through the eyes of those who disagree with them and those from different traditions. Diversity in the classroom undoubtedly helps all students learn to look at problems through the eyes of others.

Church-related liberal arts colleges, like Augustana, often have a special commitment to ensuring diversity. The Evangelical Lutheran Church in America, for example, has made a commitment to pay special attention to the inclusion of individuals from all races and cultures in its seminaries and colleges. Likewise, liberal arts colleges play a unique role in preparing tomorrow's leaders to think critically. Learning to examine problems from different perspectives and traditions is a necessary component in learning to think critically.

We would do well to heed the advice of James Madison: "It is essential to [a republican] government that it be derived from the great body of society, not from a favored class of it" The Federalist No. 39, at 251.

The decision Grutter v. Bollinger is a welcomed decision that allows colleges to admit a diverse class of students, so long as it tailors admissions policies to avoid the problems with quota systems.

This President's Statement represents the view of President Steven C. Bahls and does not purport to speak for the faculty or the college on this issue. If you wish to share your views on this issue with President Bahls, please contact him at stevenbahls@augustana.edu



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