

Notes

INTRODUCTION

Acknowledgments

In addition to all of the remarkable people, many of whom are referenced in this volume, that brought their considerable intelligence to bear in defending this case, the lawyers, the administrators, the scholars, students, and alumni, and the friends across the country, I would like to thank the hearty members of the Office of the Provost and the Office of Undergraduate Admissions who toiled to mount this defense over so many years. Furthermore, I am indebted to Laura Calkins for her remarkable work in the Bentley Historical Library collections, and to Jo Thomas for her trenchant editorial comments.

1. Sandra Day O'Connor, writing for the majority in *Grutter v. Bollinger*, No. 02-241, Supreme Court, June 23, 2003, 3-4.
2. *Compelling Interest*, filed in *Gratz v. Bollinger*, No. 97-75321 in the U.S. District Court for the Eastern District of Michigan, and *Grutter v. Bollinger*, No. 97-75928 in the U.S. District Court for the Eastern District of Michigan, includes expert testimony by social scientists.
3. Otto Kerner, *Report of the National Advisory Commission on Civil Disorders* (Washington, D.C.: U.S. Government Printing Office, 1968), 1.
4. Expert report of Thomas J. Sugrue, *Gratz and Grutter*, District Court.
5. Expert report of Claude M. Steele, *Gratz and Grutter*, District Court.
6. Sugrue, expert report, 26-27.
7. See also the record of scholarship on the contact hypothesis summarized in the amicus briefs in *Gratz v. Bollinger* and *Grutter v. Bollinger*, Nos. 02-516 and 02-241 in the Supreme Court of the United States, filed by the American Educational Research Association, Association of American Colleges and Universities, American Association for Higher Education, and American Sociological Association. Expert report of Patricia Gurin, *Gratz and Gutter*, District Court.
8. *Arizona Republic*, April 18, 2003, B-10.

9. See Angelo N. Ancheta, *Revisiting "Bakke" and Diversity-Based Admissions: Constitutional Law, Social Science Research, and the University of Michigan Affirmative Action Cases*, Civil Rights Project at Harvard University, March 2003, <http://www.civilrightsproject.harvard.edu/>.

10. Thomas J. Kane, "Misconceptions in the Debate of Affirmative Action in College Admissions," in *Chilling Admissions: The Affirmative Action Crisis and the Search for Alternatives*, ed. Gary Orfield and Edward Miller (Cambridge: Civil Rights Project, Harvard University, 1998).

11. See Claude M. Steele, professor of psychology at Stanford University, and Patricia Gurin et al. in *Compelling Interest*.

12. Expert report of Patricia Gurin, *Gratz and Grutter*, District Court.

13. Peter Irons, *Jim Crow's Children: The Broken Promise of the Brown Decision* (New York: Viking Penguin, 2002), 199.

14. *Ibid.*, 198–99.

15. *Ibid.*, 199.

16. Amicus brief filed by the American Federation of Labor and the Congress of Industrial Organizations in *Gratz and Grutter*, Supreme Court, 17.

CHAPTER I

1. Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy*, 2 vols. (New York: Pantheon, 1972).

2. Myrdal, *An American Dilemma*, 1:lxix.

3. I develop this concept more extensively in "Race, Equity, and Democracy: African Americans and the Struggle over Civil Rights," in *The Social Construction of Democracy*, ed. George Reid Andrews and Herrick Chapman (New York: New York University Press, 1995), 193–217.

4. Dinesh D'Souza, *The End of Racism* (New York: Free Press, 1995).

5. Rayford Logan, *The Betrayal of the Negro: From Rutherford B. Hayes to Woodrow Wilson* (New York: Collier, 1965).

6. Numerous works treat the rise of Jim Crow and its consequences for blacks, whites, and others. For a sample read C. Vann Woodward, *The Strange Career of Jim Crow* (New York: Oxford University Press, 1974); Joel Williamson, *A Rage for Order: Black-White Relations in the American South since Emancipation* (New York: Oxford University Press, 1986); and Glenda Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896–1920* (Chapel Hill: University of North Carolina Press, 1996).

7. For a delineation of the various organizations and campaigns see Robin D. G. Kelley and Earl Lewis, eds., *To Make Our World Anew: A History of African Americans* (New York: Oxford University Press, 2000), especially chaps. 5 and 6, by Noralee Frankel and Barbara Bair, respectively. Earlier discussion of the myriad new organizations that came of age after the Civil War is presented in John Hope Franklin, *From Slavery to Freedom*, 5th ed. (New York: Alfred A. Knopf, 1980), 268–94, 318–22, 349–82. A few of those institutions were schools of higher education. Read James D. Anderson, *The Education of Blacks in the South, 1860–1935* (Chapel Hill: University of North Carolina Press, 1988), chap. 7.

8. For a portrait of blacks in New Orleans and the social relations born of slavery see John Blassingame, *Black New Orleans* (Chicago: University of Chicago Press, 1973).

9. As quoted in Richard Kluger, *Simple Justice* (New York: Vintage, 1977), 72. See also Edward L. Ayers, *The Promise of the New South: Life after Reconstruction* (New York: Oxford University Press, 1992), chap. 6; and Charles F. Lofgren, *The Plessy Case: A Legal-Historical Interpretation* (New York: Oxford University Press, 1987).

10. *Plessy v. Ferguson*, 163 U.S. 537; 16 S. Ct. 1138; 41 L. Ed. 256 (1896).

11. Richard Sears, *A Utopian Experiment in Kentucky: Integration and Social Equality at Berea, 1866–1904* (Westport, Conn.: Greenwood Press, 1996), details the history of interracial relations as well as the consequences of the court's verdict.

12. Kluger, *Simple Justice*, 87.

13. The treatment of blacks at one university is explored in Werner Sollors, Caldwell Titcomb, and Thomas A. Underwood, eds., *Blacks at Harvard: A Documentary History of African-American Experience at Harvard and Radcliffe* (New York: New York University Press, 1993). See also Genna Rae McNeil, *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights* (Philadelphia: University of Pennsylvania Press, 1983); and Juan Williams, *Thurgood Marshall: American Revolutionary* (New York: Times Books, 1998), 15–100.

14. Williams, *Thurgood Marshall*, 52–100.

15. Kluger, *Simple Justice*, 188; Carl T. Rowan, *Dream Makers, Dream Breakers* (Boston: Little, Brown, 1993), 50–57.

16. *Missouri ex. rel. Gaines v. Canada* (1938) 59 S. Ct. 232, 305 U.S. 337, 83 L. Ed. 208; Kluger, *Simple Justice*, 212. Years later Marshall bristled when he recalled both the astounding victory and the fact that Gaines had simply disappeared by 1940, no doubt tired of the appeals and the spotlight. As a result

he never attended the university. See Rowan, *Dream Makers, Dream Keepers*, 77–78.

17. For a summary of the literary texts see Nathan Irvin Huggins, *Harlem Renaissance* (New York: Oxford University Press, 1971). An overview of texts spanning the twentieth century can be found in David Roediger, ed., *Black on White: Black Writers on What It Means to Be White* (New York: Schocken, 1998). No Harlem Renaissance writer wrote so poignantly about the mutability of race as Nella Larson in the novels *Quicksand* (1928) and *Passing* (1929). The literature on whiteness has grown exponentially in the last decade. A sample includes David Roediger, *Wages of Whiteness: Race and the Making of the American Working Class* (London: Verso, 1991); Toni Morrison, *Playing in the Dark: Whiteness and the Literary Imagination* (Cambridge: Harvard University Press, 1992); Noel Ignatiev, *How the Irish Became White* (New York: Routledge, 1995); Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1890–1940* (New York: Pantheon, 1998); Matthew Frye Jacobson, *Whiteness of a Different Color* (Cambridge: Harvard University Press, 1998); and Thomas Guglielmo, *White on Arrival: Italians, Race, Color, and Power in Chicago, 1890–1945* (New York: Oxford University Press, 2003).

18. Ronald Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown, 1989), chap. 10.

19. Kelley and Lewis, *Make the World Anew*, 435–44.

20. Kluger, *Simple Justice*, 258–60.

21. Charles M. Payne, *I've Got the Light of Freedom: The Organizing Tradition and the Mississippi Freedom Struggle* (Berkeley: University of California Press, 1995), 1–66; John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Urbana: University of Illinois Press), 1–115.

22. *McLaurin v. Oklahoma State Regents*, 339 U.S. 637; 70 S. Ct. 851; 96 L. Ed. 1149 (1950). *Sweatt v. Painter*, 339 U.S. 629; 70 S. Ct. 848; 94 L. Ed. 1114 (1950). Kluger, *Simple Justice*, 260–88.

23. One child's memories of the difficulties of desegregation are captured in Melba Beals, *Warriors Don't Cry* (New York: Pocket Books, 1994). Details of the period can be found in Kelley and Lewis, *Make the World Anew*, 473–78. See also Numan Bartley, *The New South, 1945–1980* (Baton Rouge: Louisiana State University Press, 1995), chaps. 5–8; Benjamin Muse, *Virginia's Massive Resistance* (Bloomington: Indiana University Press, 1961). As L. Douglas Smith notes in *Managing White Supremacy* (Chapel Hill: University of North Carolina Press, 2002), *Brown* signaled the end of whites' ability to dominate the shaping of racial relations in the Old Dominion. This hastened the path to massive resistance. For the aftermath of desegregation in one southern city read Robert A. Pratt, *The*

Color of Their Skin: Education and Race in Richmond, Virginia, 1954–89 (Charlottesville: University Press of Virginia, 1992). For a systematic examination of the resegregation of public schools see Erika Frankenberg and Chungmei Lee, “Race in American Public Schools: Rapidly Resegregating School Districts,” August 8, 2002, Civil Rights Project, Harvard University, http://www.civilrightsproject.harvard.edu/research/deseg/reseg_schoolso2.php.

24. The positions of various organizations contributing to anti-affirmative action efforts are prominently advertised on Web sites and other documents. See American Civil Rights Institute, www.acri.org, a not-for-profit organization founded by Ward Connerly “aimed at educating the public about the need to move beyond racial and gender preferences”; the American Enterprise Institute at www.aei.org; the Ashbrook Center, a vigorous opponent of affirmative action, at Ashland University, www.ashbrook.org; the Center for Equal Opportunity bills itself as the “only think tank devoted exclusively to the promotion of colorblind equal opportunity and racial harmony” (www.ceousa.org). The group also includes the Center for Individual Rights, which filed suit against the University of Michigan on behalf of the named plaintiffs (www.cir-usa.org); Citizens’ Initiative on Race and Ethnicity (CIRE; www.cire.org) acknowledges there have been difficult times in the racial past but champions a forward-looking view that looks optimistically at a world where we have moved beyond race. Others active in the social movement to oppose affirmative action include Claremont Institute for the Study of Statesmanship and the Political Philosophy, www.claremont.org; Council for International Security Ethics and Public Policy Center (www.Claremont.org), which seeks to “clarify and reinforce the bond between the Judeo-Christian moral tradition and the public debate over domestic and foreign policy issues”; the Federalist Society, a network of conservatives and libertarians, which strongly supports “individual liberty” and “traditional values” (www.fed-soc.org); the Heritage Foundation (www.heritage.org); and the Independent Women’s Forum (www.iwf.org), which opposes the categorizing of Americans.

As William Rusher notes, the demarcation between the old Right and the New Right is imperfect at best. Concerns over communism, liberalism, and civil rights galvanized and energized a reformulation of coalitions, ultimately producing an end to the Democratic Party’s control of the South by the 1970s. Rusher, *The Rise of the Right* (New York: William Morrow, 1984); Earl Black and Merle Black, *The Rise of Southern Republicans* (Cambridge: Harvard University Press, 2002).

25. Carol M. Swain, “Affirmative Action: Legislative History, Judicial Interpretations, Public Consensus,” in *America Becoming: Racial Trends and*

Their Consequences, ed. Neil J. Smelser, William Julius Wilson, and Faith Mitchell (Washington, D.C.: National Academy Press, 2001), 1:319–22.

26. Borgna Brunner, “Timeline of Affirmative Action Milestones,” <http://www.infoplease.com/spot/affirmativetimeliner.html>.

27. John David Skrentny, *Ironies of Affirmative Action* (Chicago: University of Chicago Press, 1996), 193–211.

28. Swain, “Affirmative Action,” 320; Thomas Sowell, *A Conflict of Visions* (New York: William Morrow, 1987).

29. Black and Black, *Rise of Southern Republicans*, 148–73.

30. On housing segregation see Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge: Harvard University Press, 1993), especially 1–114. The volatility of busing is explored in Ronald A. Formisano, *Boston against Busing: Race, Class, and Ethnicity in the 1960s and 1970s* (Chapel Hill: University of North Carolina Press, 1993).

31. As quoted in Robert A. Pratt, *We Shall Not Be Moved: The Desegregation of the University of Georgia* (Athens: University of Georgia Press, 2002), 155.

32. *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978); Joel Dreyfuss and Charles Lawrence III, *The Bakke Case: The Politics of Inequality* (New York: Harcourt Brace Jovanovich, 1979); and Wayne McCormack, ed., *The Bakke Decision: Implications for Higher Education Admissions*, A Report of the ACE-AALS Committee on Bakke (Washington, D.C.: American Council on Education and Association of American Law Schools, 1978).

33. Philip S. Foner, ed., *The Voice of Black America*, vol. 2 (New York: Capricorn Books, 1972), 428.

34. Reynolds Farley and Walter Allen, *The Color Line and the Quality of Life in America* (New York: Oxford University Press, 1989), 209–98.

35. Farley and Allen, *The Color Line*, chap. 11; Gerald David Jaynes and Robin M. Williams, eds., *A Common Destiny: Blacks and American Society* (Washington, D.C.: National Academy Press, 1989), 294–328. As Andrew Hacker, in *Two Nations: Black and White, Separate, Hostile, and Unequal* (New York: Charles Scribner’s Sons, 1992), 93–133, and Melvin Oliver and Thomas M. Shapiro, in *Black Wealth, White Wealth: A New Perspective on Racial Inequality* (New York: Routledge, 1995), note, a racial income gap still persists, as does a more pronounced wealth gap.

36. See note 35.

37. Jaynes and Williams, *A Common Destiny*, 17–18, 23–25, 526–48.

38. See Lewis, "Race, Equity, and Democracy," 203–13.
39. Skrentny, *Ironies of Affirmative Action*, 37. Almost all of the states extended the same preferences to veterans, modeled after the Veterans Preference Act of 1944.
40. Nicholas Lemann, public lecture, America Values Series, University of Michigan, April 1998, and *The Big Test: The Secret History of the American Meritocracy* (New York: Farrar, Straus and Giroux, 1999).
41. Richard J. Herrnstein and Charles Murray, *The Bell Curve: Intelligence and Class Structure in American Life* (New York: Free Press, 1994), for example.
42. A sample of the press coverage in the first year, 1997: Jonathan Chait, "U-M Admissions," *Detroit Free Press*, December 9; "The Diversity Myth," editorial, *Detroit News*, December 7; Rene Sanchez, "Final Exam for Campus Affirmative Action?" *Washington Post*, December 5; Pat Griffith, "College Defends Racial Quotas," *Pittsburgh Post-Gazette*, December 4; John A. Woods, "U-M Prepared for Cost of Defending Policy," *Ann Arbor News*, December 4; Clarence Page, "Preferences Fight Sends Wrong Message," *Detroit News*, December 2; *Ann Arbor News* staff, "Affirmative Action to Be Forum Focus," *Ann Arbor News*, November 16; Maryanne George, "U-M Turns Hot Topic into Series of Lectures," *Detroit Free Press*, November 14; John A. Woods, "U-M Suit May Add One or More Plaintiffs," *Ann Arbor News*, November 14; Larry R. Kostecke, "Lawsuit Attacks UM's Weird Politics of Privilege," *Flint Journal*, November 10; Adam Cohen, "The Next Great Battle over Affirmative Action," *Time*, November 10; John A. Woods, "Assembly Backs Diversity," *Ann Arbor News*, November 5; "Race Policy," editorial, *Ann Arbor News*, November 4; *Ann Arbor News* staff, "U-M: Admissions Lawsuit Unaffected by Court Ruling," *Ann Arbor News*, November 4; Maryanne George, "Students Decry Suit Attacking U-M Policy," *Detroit Free Press*, October 31; Peggy Walsh-Sarnecki, "If It Loses Suit, U-M Could See Fewer Minorities," *Detroit Free Press*, October 31; Peggy Walsh-Sarnecki, "Affirmative Action Lawsuits Similar in Texas, Michigan," *Detroit Free Press*, October 31; Maryanne George, "Minority Enrollment Stays Constant for U-M, MSU," *Detroit Free Press*, October 29; John A. Woods, "Bollinger Warns of Lawsuit's Impact," *Ann Arbor News*, October 28; "The Politics of Preferences," editorial, *Detroit News*, October 1; Todd Dvorak, "Anti-affirmative Action Forum Disrupted," *Ann Arbor News*, September 30; Peggy Walsh-Sarnecki, "Clash of Affirmative Action," *Detroit Free Press*, September 30; Peggy Walsh-Sarnecki and Maryanne George, "Jaye Presses Quotas Debate: He Looks for Backing in Suit Targeting U-M," *Detroit Free*

Press, September 27; “U-M Admissions: School Rightly Strives to Keep Diversity in Its Policy,” editorial, *Detroit Free Press*, September 27; “U-M: Race Counts,” editorial, *Detroit News*, July 24; Sharon Terlep, “U-M’s Admissions Policies under Attack: Plan to Do Away with Records on Race Poses New Questions to Probe,” *State News*, July 24; Peggy Walsh-Sarnecki, “U-M Criticized for Giving Some Applicants Advantage,” *Detroit Free Press*, July 18; Fiona Rose, “Universities Need Students Who Offer More Than Grades,” *Detroit Free Press*, July 17; Rusty Hoover, “U-M List Gives Preference to Privileged, Critics Charge: University Says It Adjusts Grades of Applicants Based on Quality of High School Only as a Guideline,” *Detroit News*, July 17; Susan L. Oppat, “U-M System Favors Certain High Schools,” *Ann Arbor News*, July 17; Rusty Hoover and Jenny Nolan, “Do Celebrities Make the U-M Grade?” *Detroit News*, July 17; “Affirmative Action,” editorial, *Detroit Free Press*, July 16; Peter Luke, “Not Enough Gains Yet to Give Up on Affirmative Action,” *Ann Arbor News*, July 1; *Grand Haven Tribune* staff, “U-M Discrimination,” *Grand Haven Tribune*, June 24; Dave Jaye, “Judge Them on Achievement,” *Sturgis Journal*, June 24; *Ann Arbor News* staff, “U-M May Face Suit over Race Based Admissions,” *Ann Arbor News*, June 23; *Herald-Palladium* staff, “Some Claim U-M’s Admissions Policies Unfair to Whites,” *Herald-Palladium*, June 23; Rusty Hoover, “U-M Employs Points System to Determine Admissions,” *Detroit News*, June 22.

43. Henry Vance Davis, ed., “Sankofa: The University since BAM: Twenty Years of Progress?” conference report, University of Michigan, Office of Minority Affairs, ca. 1990; *Harper’s Weekly* quote in Howard H. Peckham, *The Making of the University of Michigan*, ed. Margaret L. Steneck and Nicholas Steneck (Ann Arbor: Bentley Historical Library, 1994), 95. President James Angell underscored this point in his 1879 commencement address: “The Higher Education: A Plea for Making It Accessible to All,” June 25, 1879. Angell Presidential Papers, Bentley Library.

44. Peckham, *Making of University*, 64, 67, 189–90, 278, 294–95, 312–13.

45. Peckham, *Making of University*, 310–16, 346–54.

46. This point is fully delineated in the intervenors’ case before the courts: “U-M Response to Intervenors’ Petition for Writ of Certiorari in *Gratz*,” <http://www.umich.edu/~urel/admissions/legal/gratz/gra-iopcert.html>.

47. Affirmative Action Review, Report to the President, July 6, 1995, sec. 2, http://clinton1.nara.gov/White_House/EOP/OP/html/aa/aa02.html.

48. The long-term consequences of educating a racially and ethnically diverse population at the nation’s most selective institutions are explicated with care in William G. Bowen and Derek Bok, *The Shape of the River: Long-*

Term Consequences of Considering Race in College and University Admissions (Princeton: Princeton University Press, 1998).

CHAPTER 2

President of Cornell University. I appreciate comments I received on an earlier draft from Evan Caminker and Kathy Okun.

1. In an early era, some resisted the term *integration*, insisting that they were committed only to a more limited ideal of *desegregation*. I found it striking that no one invoked this distinction to me during the litigation; my sense is that this distinction has lost salience and today there is little public resistance to the ideal of integration.

2. Elements of the *Grutter* opinion could be read as suggesting that the state may have a sufficiently compelling interest in the integration of other institutions in society (such as the military) that it may take affirmative steps to achieve that goal. In the case of universities, the institutional interest involved their status as the critical path to leadership and success in America; other situations may require the identification of other interests of comparable significance.

3. To be clear, I do not mean to imply that Justice Powell himself did not appreciate the connection between integration and democratic legitimacy. I am suggesting only that, because such an appreciation did not manifest itself in the *Bakke* opinion, universities felt constrained to speak about affirmative action in ways that feel less authentic than the ways they may speak about the subject after *Grutter*.

CHAPTER 3

1. “The Compelling Need for Diversity in Higher Education, Expert Reports Prepared for *Gratz v. Bollinger et al.*, 122 F.Supp.2d 811 (E.D.Mich. 2000) (No. 97-75231) and *Grutter v. Bollinger et al.*, 137 F.Supp.2d 821 (E.D. Mich. 2001) (No. 97-75928),” available at <http://www.umich.edu/~urel/admissions/research/expert>. This document also includes expert testimony by other social scientists: Thomas Sugrue, then associate professor of history and sociology at the University of Pennsylvania; Eric Foner, DeWitt Clinton Professor of History at Columbia University; Albert M. Camarillo, professor of history and director of the Center for Comparative Studies of Race and Eth-

nicity at Stanford University; William G. Bowen, president of the Andrew W. Mellon Foundation and previously president of Princeton University; Claude M. Steele, professor of psychology at Stanford University; and Derek Bok, the Three Hundredth Anniversary University Professor at the John F. Kennedy School of Government at Harvard University and previously president of Harvard University.

2. The expert testimony was based on the collaboration of all of the authors of this chapter, although only one of us (Patricia Gurin) was formally the expert witness.

3. These features of an environment that promote mental activity are compatible with the cognitive-developmental theories we described earlier. In general, those theories suggest that cognitive growth is fostered by *novelty*, *instability*, *discontinuity*, and *discrepancy*. To grow cognitively, we need to be in situations that lead to a state of uncertainty, and even possibly anxiety (Piaget, 1971, 1985; Ruble 1994; Acredolo and O'Connor 1991; Berlyne 1970; Doise and Palmonari 1984).

4. In all analyses we also control for personal background characteristics of the students (gender, SAT composite of verbal and math scores, high school grade point average, ethnic diversity of the high school and of the pre-college neighborhood), and in the case of the national study for characteristics of institutions (percentage of undergraduates at the student's college who are not white, selectivity as indicated by the mean SAT composite score of the entering freshman class, university versus four-year college, private versus public status, institutional diversity emphasis as indicated by students perceptions at each college about the degree to which the institution emphasizes diversity as an institutional goal, and faculty diversity emphasis as indicated by student perceptions at each college concerning the degree to which faculty incorporate diversity issues into the curriculum).

5. The classroom diversity measure in the MSS involves more than just exposure to content about racial and ethnic groups. Students' answers to these classroom questions likely referred to classes that exposed them to racially/ethnically diverse students as well as to curriculum content. In 1994, when these students were seniors, they had to have taken at least one course that met the Race and Ethnicity Requirement. To meet that requirement, the Literature, Sciences, and Arts College had approved 111 courses. We obtained the racial/ethnic distribution of students in those courses for 1993–94, the year that the MSS gathered senior data. Two-thirds of these courses had enrolled between 20 and 80 percent students of color.

6. Findings on Latino/a students were presented only for the national

study. The number of Latino/a students in the Michigan Student Study was too small for our multiple regression analyses.

7. Rothman, Lipset, and Nevitte (2003) claim that most of the positive evidence of diversity has come from studies asking students to assess its impact themselves. This is a false claim in that the vast majority of research is of the type that ties diversity experiences statistically to measures of student outcomes that do not even mention diversity.

8. As noted above, findings on Latino/a students were presented only for the national study.

9. Of course, some students of color were randomly assigned roommates of color as well. The *N* of these pairings was too small, however, to analyze the effects of this pairing versus a randomly assigned white roommate from the perspectives of the students of color.

10. We do not indicate here questions about narrowly methodological aspects of our research such as questions about the survey samples, the size of effects, the adequacy of some of our measures. Answers to those questions appear in our responses on Michigan's website.

11. Fewer than twenty amicus briefs were submitted on behalf of the plaintiffs. The number and breadth of American society represented by those briefs were much less impressive than were those briefs submitted in behalf of the University of Michigan.

AFTERWORD

1. Brief for General Motors Corporation as Amicus Curiae 2.
2. Brief for Music Television Networks as Amicus Curiae 9.
3. Brief for Julius W. Becton, Jr. et al. as Amici Curiae 14.
4. Brief for Julius W. Becton, Jr. et al. as Amici Curiae 16.
5. Justice Ruth Bader Ginsburg, question during the oral arguments for *Grutter v. Bollinger*, April 1, 2003; http://www.supremecourtus.gov/oral_arguments/argument_transcripts/02-241.pdf, 7.
6. *Grutter v. Bollinger*, 18–19.
7. *Grutter v. Bollinger*, 31.
8. Justice Stephen G. Breyer, question during the oral arguments for *Grutter v. Bollinger*, April 1, 2003; http://www.supremecourtus.gov/oral_arguments/argument_transcripts/02-241.pdf, 13.
9. Douglas S. Massey, Camille Z. Charles, Garvey F. Lundy, and Mary J. Fischer, *The Source of the River: The Social Origins of Freshmen at America's*

Selective Colleges and Universities (Princeton, N.J.: Princeton University Press, 2003), 195.

10. Justice Antonin Scalia, question during the oral arguments for *Grutter v. Bollinger*, April 1, 2003; http://www.supremecourtus.gov/oral_arguments/argument_transcripts/02-241.pdf, 30–31.