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THE BLACK SCHOLAR

BOOK REVIEW: THE BAKKE CASE

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Book Review

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THE BAKKE CASE: THE POLITICS OF INEQUALITY, by Joel Dreyfuss & Charles
Lawrence, III. Harcourt, Brace, Jovanovich, 1979. 278 pp.
\$3.95 (paperback).

Reviewed by Robert L. Allen

As the United States sputters into the 1980s, sinking deeper into recession, facing a long-term economic/energy crisis, it becomes apparent that black people (and other racial minorities) are the chosen victims. Witness the ~~growing~~ growing attacks on the public sector -- including education, social services, government employment -- and continuing legal assaults on efforts to achieve desegregation. These will impact most negatively on minority communities. While the Weber case was a limited tactical victory ^{certain} for/affirmative action programs, it is ~~probably~~ ^{reveals} the Bakke case which ~~marks~~ ^{us} of the strategic contours of the coming struggle.

~~This book~~
The Bakke Case might well have been subtitled "A Choice of Victims," ^{contend} for the authors ~~suggest~~ that in a period of declining opportunities it is black people who are forced to be/victims and bear the brunt of the crisis. In essence, this book is a case study in the process of educational-judicial victimization.

This victimization is rationalized by the ideology that Joel Dreyfuss has elsewhere termed the New Racism. This ideology, popularized by the ^{reactionary} mass media and/~~the~~ academicians, asserts that racial discrimination is no longer a significant problem. Those blacks who are "qualified" are achieving middle class status. (For a criticism of this myth, see "The

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Illusion of Black Progress," by Robert Hill, THE BLACK SCHOLAR, October, 1978.) Blacks who remain at the bottom are there because they are "unqualified" or "less qualified", not because of racism. By this logic, poverty and oppression are simply the product of a group's "shortcomings." But the "qualifications" mystification is taken a step further: "Reverse discrimination" ^{against whites} is the problem today, it is asserted, because of the "less qualified" "preferential treatment" given to ~~unqualified~~ blacks. Indeed, this was the rationale for Bakke's lawsuit against the medical school of the University of California at Davis.

^{33-year old}
Bakke, a white civil engineer who decided to strike out on a new career, claimed that he was fully qualified to be admitted to the medical school, but that he was denied admission ~~because~~ because less qualified minority students were being admitted through a ~~special~~ special admissions quota program. In fact, as the authors point out, some of the minority students had higher grades than Bakke and some of the white students admitted to the school had lower grades and ~~lower~~ scores than Bakke, yet it was only the minority students who, as a group, were stigmatized as being "less qualified." Thus, even leaving aside ~~for the moment~~ the question of cultural bias in determining qualifications (which the authors discuss), minority students were pictured in the courts and the media as ~~xxx~~ usurping something they didn't deserve from a well-deserving white male. This is the ideology of the new racism in action.

The Bakke Case details the flaws and fumbles in the university's defense of the special admissions program. It also probes ^{issues} ~~facts~~ and facts which were ignored or misrepresented in the trial: the curious role of a university official who suggested that Bakke sue the university for race discrimination, not age discrimination (although his age was the most probable reason for his rejection); the silence about the ~~preferential~~

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accorded the preferential treatment routinely ~~accorded~~ children of the wealthy and influential in gaining admission -- the quota of privilege; the failure to show that some whites had been considered for the special admissions program -- it was not limited to racial minorities; the lack of any mention of past discrimination in university admissions -- evidence of which would have been useful in establishing the validity of ~~the~~ special admissions.

Dreyfuss and Lawrence also report interviewed with several of the black students who were admitted to ~~the~~ the medical school at the time that Bakke was turned down. What emerges from these interviews is a collective portrait of commitment and struggle. "The fact that most Task Force (special admissions) students are able to do well, and that some do outstanding work, must serve as testimony to their drive and determination," the authors conclude.

Written by a black journalist and a black ~~in~~ lawyer who were intimately ~~acquainted~~ acquainted with the case, The Bakke Case sums up an important event in the socio-legal history of the 1970s. The book could have been strengthened by inclusion of a chronology of events in the case and a section on the anti-Bakke mass movement. Still, The Bakke Case is a study that tells us much about the continuing significance of race in America's judicial and educational systems.

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