

# Conservative Foundations And the Assault on Affirmative Action

By Meaghan House and Constance A. Lindsay

On June 23, the U.S. Supreme Court ruled 5 to 4 that race can be used in university admission decisions. The case, *Grutter v. Bollinger*, began in 1996 when Barbara Grutter, who is white, applied to the law school at the University of Michigan and was rejected. But since long before 1996, conservative public policy organizations have been fighting affirmative action, with key financial support from conservative foundations.

After Grutter was rejected from Michigan's law school, she discovered that African-Americans and other minority groups that received lower admissions scores than she did were admitted. Grutter sued the university, with the help of the Center for Individual Rights (CIR). CIR was the natural choice to bring Grutter's case before the courts, after winning *Hopwood v. State of Texas*, where CIR challenged racial preferences in student admissions in a case against the University of Texas School of Law. Barbara Grutter claimed in her case before the courts that she was a victim of illegal discrimination, which was in direct conflict with the Equal Protection Clause of the 14th Amendment and Title VI of the 1964 Civil Rights Act.

While the Supreme Court narrowly upheld the university's law-school affirmative action, in a separate 6-to-3 ruling (*Gratz v. Bollinger*) it struck down the affirmative action program at the University of Michigan's College of Literature, Science and the Arts, citing the 20 bonus points assigned to minority students when applying for admission.

The fact that the conservative movement was able to bring the issue of affirmative action before the Supreme Court, was victorious in *Gratz v. Bollinger* and was only narrowly defeated in *Grutter v. Bollinger* signals how effective the conservative movement has been in pushing its agenda. These successes are a testament to the very strategic, well-funded and politically minded nonprofit organizations that conservatives have at their dis-

posal, thanks in large part to millions of philanthropic dollars that have supported these organizations and their causes.

## The Continued Need for Affirmative Action

Education is the major means through which a just society can be created. An educated populace has the ability to engage in civic life and to secure well-paying jobs and countless other benefits. For minority communities, now more than ever, education is critical in attaining equal status in society. Without affirmative action programs, universities would be hard pressed to ensure diversity in admissions. And without wholesale reform of the public education system in this country—to eliminate disparities in the quality of education received by the rich and poor, whites and nonwhites, and residents of cities, suburbs and rural areas—some form of equitable treatment in the education system is needed to bridge existing gaps.

In particular, conservatives have targeted summer programs that seek to prepare minority students for graduate school in fields in which they are underrepresented. According to the *Journal of Blacks in Higher Education*, in 2001 only 1,604 African-Americans received Ph.D.s, compared with 21,842 white students. This abysmal number largely can be explained by the lack of opportunity and preparation for graduate studies offered to minority students. The dearth of Ph.D.s and faculty members of color has severe consequences for academia and society in general. It is difficult to overstate the importance of diversity in the university setting—where minority students need role models, and diverse faculty work to broaden the research agenda. Beyond academia, there are many fields in which the same type of disparity exists. For example, in an era of ever-increasing multiculturalism, persons of color still constitute a small number of public policy professionals. And at the highest lev-

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els of political influence, the examples become even starker; out of 100 U.S. senators, not a single one is African-American or Latino.

Given these issues, it is critical that programs that seek to address these disparities do not fall prey to conservative political maneuvering. Recently, Princeton University, fearing a lawsuit from the Center for Individual Rights, eliminated the annual Woodrow Wilson Junior Institute, which exposed minority students to public policy and international-affairs studies and careers while giving the students the academic tools they need to thrive in graduate public policy programs. The effects of such programs (including programs taking place at the Gerald R. Ford School of Public Policy at the University of Michigan and the Richard and Rhoda Goldman School of Public Policy at the University of California at Berkeley) are extremely positive, both for the schools that receive well-prepared students and for the participants themselves. Besides giving the already passionate and devoted students a skill set that will make them competitive applicants for graduate studies, these programs have created a network of diverse public policy professionals who can rely on one another for support, encouragement and ideas.

Eliminating these programs is irresponsible. The importance of a well-educated professional minority populace is extremely important if we are ever to reach any semblance of equality in society. This is especially true in the field of public policy, which trains individuals to tackle society's most pervasive, regressive and destructive problems.

#### **The New Conservative Think Tanks**

In 1997, the National Committee for Responsive Philanthropy (NCRP) documented the funding of the conservative movement in *Moving a Public Policy Agenda: The Strategic Philanthropy of Conservative Foundations*. Since 1997, the conservative movement has gained further momentum and a new ringleader and master fundraiser, with George W. Bush becoming president in 2000. Ultra-conservative activist Grover Norquist, president of Americans for Tax Reform, has been quoted as saying, "I think Bush is every bit as radical as Reagan was." In the two-and-a-half years since President Bush took office, America has seen the budget surplus plummet into a staggering deficit and witnessed a rollback of civil liberties, tax breaks for the wealthy while social services for low- and

moderate-income families have been cut, states running deficits so high they have been forced to cut education and health care programs for those with the greatest need, as well as an increasingly costly war and reconstruction effort in Iraq.

Not surprisingly, President Bush's White House has also targeted affirmative action, submitting a brief to the Supreme Court arguing that the University of Michigan's admissions policies are unconstitutional. This conservative message did not originate within the confines of the Oval Office. Rather, it was carefully crafted and advanced, thanks to funding by such foundations as the Armstrong Foundation, Lynde and Harry Bradley Foundation, Jaquelin Hume Foundation, John M. Olin Foundation, Randolph Foundation, Roe Foundation and Sarah Scaife Foundation.

Three of the major players behind the cases against the University of Michigan, and ultimately a larger anti-affirmative action campaign, are the Center for Equal Opportunity, the Independent Women's Forum and the American Civil Rights Institute. NCRP found that from 1999 to 2001, these organizations received \$529,000, \$3,048,000 and \$1,925,000, respectively, in grants from identified conservative foundations. These three organizations filed an amicus brief in support of the petitioners in *Grutter v. Bollinger* and *Gratz v. Bollinger*. Although these organizations are not prominent organizations that most Americans have heard of, their views were able to reach the White House and the Supreme Court. Below, we attempt to shed some much-needed light on these organizations, their funding sources and their ties to the Republican Party.

The American Civil Rights Institute (ACRI) was created to oppose affirmative action programs seeking to remedy racial and gender inequities. Ward Connerly, founder and chairman of ACRI, is best known as the chief proponent of California's Proposition 209. It seems only fitting that Connerly would also take interest in eliminating affirmative action in higher education. ACRI and the Center for Equal Opportunity were successful in pressuring many universities to end affirmative action programs, including Princeton, MIT and Iowa State University. This pressure from ACRI was part of a campaign aimed at about 100 schools to kill programs that take race and ethnicity into account during the admissions process. Currently, Connerly and ACRI are backing a ballot initiative to be put before California voters that would ban

the state from racially classifying state employees and students.

The Center for Equal Opportunity (CEO) bills itself as “the only think tank devoted exclusively to the promotion of colorblind equal opportunity and racial harmony.” Its president is Linda Chavez, whose nomination for secretary of labor under the Bush administration was withdrawn after it was discovered she was employing an undocumented immigrant. Chavez also sits on the Board of Advisors of the Independent Women’s Forum. CEO opposes bilingual education, promotes the notion that immigrants should assimilate and lobbies to make English the official language of the United States. CEO is not only notable for its ties to the White House, but also can claim that its former legal analyst, Gerald A. Reynolds, is now head of the Office of Civil Rights for the Department of Education, one of the largest civil rights enforcement units within the federal government, where he continues to oppose affirmative action measures.

The Independent Women’s Forum (IWF), the third member of the campaign against affirmative action, is the one with the most ties directly to the Republican Party. The forum was created out of an ad-hoc group called “Women for Clarence Thomas” and is seen as the secular counterpart to religious women’s organizations. The founder of the forum is Anita Blair, who is currently serving in the Department of Defense as the deputy assistant secretary of the Navy in Manpower and Reserve Affairs. Other ties to the Bush White House include former IWF board member Theodore Olson, the administration’s solicitor general, whose role is to supervise and govern litigation in the U.S. Supreme Court. He also helped advance the fight against affirmative action after he won the case of *Hopwood v. State of Texas*. Also, the secretary of labor, Elaine Chao, has served on the National Board of Advisors to the forum; and Wade Horn, assistant secretary for children and families in the Department of Health and Human Services, is one of IWF’s former board members. In addition, currently serving on the board is Wendy Gramm, the wife of conservative former GOP Sen. Phil Gramm.

### The Money Behind the Influence

Conservative public policy organizations have used a range of strategies to sway public policy toward the right. But these organizations would not be nearly as effective as they have been without the support of conservative foundations that generously

and vigorously fund conservative ideologies. In 1997, NCRP reported on 12 of the largest foundations that strategically fund the conservative movement, but the network and its influence is far more expansive than those that were initially studied. While the foundations analyzed in the 1997 report remain influential within the conservative movement, NCRP is currently studying nearly 100 more that are influencing all levels and branches of government.

NCRP’s 1997 study—and preliminary results from our follow-up analysis—demonstrated that conservative foundations often work in a similar and well-coordinated fashion. For example, they often provide general operating support to their grantees, expecting no specific outcomes for their investment. Usually, lengthy and costly evaluations are also not required, as they often are by progressive and centrist grantmakers. Conservative grantmakers also tend to support their grantees for the long haul; they do not withdraw support after two or three years, trying to fund the next big idea. They realize that it takes years to build a sustainable, effective organization and movement. At a more philosophical level, conservative foundations seem to trust their grantees to do the right thing, with little intrusion or oversight. It is possible, however, that this high level of trust is present because there is a high level of overlap between and among staff and board members of conservative foundations and staff and board members of conservative grantees.

Unfortunately for liberals and centrists, there is no indication that conservatives in philanthropy or the government are about to cede any territory to their opponents. Destroying affirmative action is just one of many goals that the right hopes to achieve. In light of the many policies that the Bush administration and the current Congress have passed into law, the recent pro-affirmative action ruling at the Supreme Court is just a minor and perhaps temporary setback for the right. If centrist and progressive foundations, nonprofits and politicians don’t become more strategically organized, affirmative action will be just one of many socially responsible programs that are lost. ☹

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