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BLACKS IN HIGHER EDUCATION:NBA  
DON'T SHOUT TOO SOON\*  
by J. Clay Smith, Jr.  
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Mr. Chairman: Assistant Dean Everett Bellamy, Professor O'Neal Smalls, Dr. Douglas Glasgow and participants in this the 63rd Annual Meeting of the National Bar Association, I am delighted to participate in the important panel sponsored by the Law teachers division of NBA.

Why should Law Professor's Division of NBA be concerned about the broad subject of the education of the slave progeny? NBA is a bar association dedicated to helping lawyers advance the science of jurisprudence. Why then should NBA set aside time during this convention to talk about the education of the Afro-American citizen? Perhaps, what I am about to report may answer these questions.

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\* Before the Law Teacher's Division of the National Bar Association, during its 63rd Annual Meeting, August 9, 1988, held at the Sheraton Washington Hotel, Washington, D.C. Other participants on the panel were Professor O'Neal Smalls, Professor of Law, American University School of Law, Dr. Douglas Glasgow, Vice-President, Urban League. Bellamy is a dean at Georgetown University Law School. The overall theme of the panel was "The Emancipation Process: Strategies for the Next Decade." This paper has been updated with more recent sources since presented.

Black lawyers have long been concerned about the subject of educating the masses of Black Americans. Indeed, Black lawyers joined the great debate between Booker T. Washington and W.E. DuBois on the method of such education and who should be privileged to receive an education.

Black lawyers have been on the forefront of civil rights litigation for years to desegregate the schools in public education and to protect Black teachers from wage discrimination for the same jobs held by their white counterparts. Victories have been won and gains have been made to advance our group in the American education system. We are now witnessing an increase in third and fourth generation college graduates in some families. However, I must caution you as Dr. Charles Hamilton Houston cautioned us in 1936 - "Don't Shout Too Soon" See, Houston, Don't Shout Too Soon 43 Crisis 52 (1936)

The underclass is not being educated in many of our cities in this nation. Economic conditions of Black families may be the major factor for the decline in the number of students dropping out of high school. These students are dropping out of high school to face a jungle of non-opportunity: there are fewer low-skill jobs, mainly involving physical labor. Many of these young people will turn to welfare dependency, become the teenage parents, enter American prisons for their alternative educations and return to the Black community highly skilled in a post-industrial drug pushing economy.

More than half the students who entered New York City public high schools in 1982 failed to graduate in 1986, according to a report issued by the New York Board of Education. Perlez, A Lag Cited In Finishing High School: 55% in New York Didn't Make It in

'86, N.Y. Times, Nov. 19, 1988, at B1, col. 6. In point of fact, 55% of students entering high school in 1982 failed to be graduated in 1986. So serious is the dropout problem that programs are being initiated to pay students to stay in school. For example, a high school in Little Silver, New Jersey is offering students \$5 a day to stay in school, but only potential dropouts are eligible. High School Offer Cash to Potential Dropouts, N.Y. Times, Dec. 6, 1987 at 83, col. 1.

The consequence of fewer Blacks graduating from high school impacts on the number of Blacks seeking higher education, and other educational matters. For example, the American Council on Education issued a report in the Fall of 1987 entitled, "Crisis in Minority Students College Participation." This report examined higher education trends among 18-24 year-olds in the country's ethnic groups. The study concludes that among all ethnic groups, Blacks were the only minority group to receive fewer degrees. See also, Vol. 2, National Center For Education Statistics, The Condition of Education, Postsecondary, 1988, at 32. The Black male was in serious trouble receiving fewer degrees than the Black female. Yourse, College Enrollment Drops Among Black and Hispanics, Washington Afro-American, Nov. 3, 1987, at 1, col. 4. (Black male enrollment has declined about 7 percent since 1976) The Black female, however, earned degrees on all levels, except the masters, where the numbers were low. In point of fact, the percentage of Blacks among all graduate students dropped to 4.2% in 1982, from a peak of 5.1% in 1976. Decline Found in Black Graduate Enrollment, N.Y. Times, Nov. 5, 1987, at A33, col. 2.

Recently, the United States Census Bureau issued a report entitled, "Educational Attainment in the United States," which found that whites are twice as likely as Blacks to complete college. In 1940 when the Bureau first asked people how much schooling they had completed, 26% of white adults 25 years and older and 7% of black adults were high school graduates. In 1985 the proportions were 76% for white and 60% for Blacks. Only 5% of white adults and 1% of Blacks had completed college in 1940; in 1985, 20% of white adults and 11% of Blacks were college graduates. Survey Shows Black Lag in Finishing College, N.Y. Times, Dec. 3, 1987, at A23, col. 1. While the gap has narrowed considerably in the past 48 years, barriers and erosion to Black attainment remain.

The dearth of Black enrollment in higher education has caused business colleges some alarm. Less than a year ago, it was reported that the proportion of minority students entering graduate business schools had declined so dramatically that educators were warning that business schools risk a serious overall decline in enrollment. Howard, Business Schools Cautioned on Minority Role, N.Y. Times, Dec. 13, 1987, at 34, col. 1. Several reasons for this decline have been advanced from poor secondary school preparation for large numbers of minority students to a cultural blockage within the Black community where there are few role models for the successful Black businessmen and businesswomen. Ibid.

Graduate education for science and math degrees is also debased among Blacks. There is no question that NBA must be concerned about the fact that Blacks and Hispanics earn less than 4% of the masters degrees in the physical and Biological sciences.

So Few Minorities In Science, Wash. Post, Sept., 23, 1987, at A20, col. 1.

Turning to the cost of education, there is no relief in sight. On August 6, 1988, an article appearing in The Atlanta Constitution disclosed that tuition had jumped 9 percent at several private four year schools, or a total of \$6,457. Hardie, College Costs Continues Steady Rise, The Atlanta Constitution, Aug. 6, 1988, at 1, col. 1; Tuition and the Colleges, Wash. Post, Aug. 10, 1988, at A18, col. 1. This increase was predicted in August, 1987 when the College Board stated that college tuition would rise faster than the inflation rate. Colleges' Tuition Outruns Inflation, N.Y. Times, Aug. 8, 1987, at 6, col. 4; see also, Vobejda, College Costs Outrun Inflation, Wash. Post, Aug. 6, 1988, at 1, col. 1. It was also predicted that at public colleges, where many Black students are enrolled, tuition increased at a rate of 6%. The spiraling cost of public and private higher education has begun to have an impact on the white middle class as well. Hinden, For Middle Class, College Is Spelled 'Sacrifice': Financial Planners' Best Advice For Parents Is to Start Saving Early, Wash. Post, Nov. 15, 1987, at 5, col. 2. The current alarm concerning the cost of college tuition comes as no surprise. In 1979 in an address before the Old Dominion Bar Association I postulated that "'one of the greatest deterrents to increased ranks of blacks as lawyers in the work force may be the growing cost of tuition in state and private colleges.'" G.R. Segal, Blacks In The Law 9 (1983) (quoting speech entitled, "The Future of The Black Lawyer in America") Today, this is more than a postulate; it is a matter of undisputed fact and applies not only

to law students but across the board -- to all level of degree programs sought by Black Americans.

The dim future of increasing the ranks of Black professors in higher education institutions, both Black and white, public and private is a direct consequence of the decline in the number of Blacks going to college. Black professors are becoming rare. Hardie, As Black Professors Get Rarer, Colleges Sweeten Pot, The Atlanta Constitution, Aug. 7, 1988, at 1B, col. 1.

Unless the decline of Black enrollment in higher education is reversed very soon the ranks of Black teachers will continue its already steady decline. Early this year it was reported that the number of Black students receiving doctoral degrees had dropped by 27% in the last decade fueling concern that colleges will face severe shortages of minority faculty for years. A survey issued by the National Research Council indicates that the number of doctorates awarded to Black students dropped from 1,116 in 1977 to 820 in 1986. Vobejda, Fewer Blacks Earning Doctoral Degrees Shortage of Minority Faculty Foreseen, Wash. Post, Feb. 16, 1988, at A17, col. 1.

Dr. Charles Hamilton Houston once wrote an article about cracking university doors to educate Black Americans. Houston, Cracking Closed University Doors, 42 Crisis 364 (1935). Houston knew that unless the doors to higher education were cracked that the full opportunity of Blacks to compete in the American work place would be stifled. Today, the fight is one against the closure of an invisible door which is having the very effects that Houston feared in the 1930's. For nearly 30 years, the doors to higher

education have not only been cracked, they have been opened through the hard work of members of NBA. However, presently there exist an invisible door which is closing Blacks out: race and sex discrimination in the work place affecting the earning capacity of parents to send their children to college; reduced federal support to education by the federal government; the decline of Black enrollment in public and private colleges, the spiraling cost of tuition now being witnessed in public and private colleges, the decline in the number of doctoral degrees in the past ten years, and the inability of refusal of universities and colleges to provide remediation for students. The doors of the historically Black Colleges are being closed also. See, 108-Year-Old Bishop College Closes Doors, Wash. Post, Aug. 17, 1988, at A5, col. 1.

The National Bar Association has an interest in the progress of Blacks in the educational system. There are 600,000 white lawyers in America and fewer than 20,000 Black lawyers. Smith, Dean's Message, 2 The Jurist 3 (Summer 1988). NBA must monitor the enrollment figures of not only students in law schools, but the figures of those in all American law schools that are denied admission. NBA must also monitor the trends in enrollment in all graduate and undergraduate degree programs and formulate strategies to eliminate the invisible door barring Blacks from receiving an education. See F.C. Jones-Wilson, Quality Education: Equal Access-And After, Before The NBA's Public Meeting on Law and Education, Aug. 6, 1988, at 10.



NBA must not only monitor the decline in Black enrollment in higher education, it must develop a comprehensive and creative litigation strategy calculated to reverse this decline.

In conclusion, the right to receive an education is a Human Right, a right that NBA has made real since founded in 1925. Smith, The Right of Education Is A Human Right 4 (Nov. 17, 1979) (paper before Title I Educational Institute). The Twenty First Century is upon us, and it is my hope that NBA, its affiliates and groups with which it is allied will continue to voice strong concerns and provide leadership in the courts, legislative and other relevant agencies to assure that Black people are not shut out of the educational process in higher education. \*\*\*