

Leadership as Mission Critical: Latinas/os, the Military, and
Affirmative Action in Higher Education

Abstract

By focusing on the U.S. Military's support of affirmative action in recent affirmative action cases, this conceptual paper posits that there are lessons to be learned from the Military by postsecondary scholars, practitioners, and policy-makers who support race-conscious policies in higher education. This suggestion rests on two points—first, the Military's explicit focus and reasoning for diversifying its leadership corps, and second, the Military's explicit race-conscious approach to racial integration.

Keywords: affirmative action, diversity, higher education, leadership, military,

Introduction

The educational futures of Latinas/os in the twenty-first century exist in a curious paradox.¹ At the same time that demographic indicators confirm that Latinas/os remain among the fastest growing racial/ethnic groups in the nation (Brown, 2014; Gándara, 2010), and just as more Latinas/os aspire towards postsecondary education (Delgado Bernal, Alemán, Jr, & Flores Carmona, 2008; Delgado Bernal, Alemán, Jr, & Garavito, 2009; Pew Research Center, 2015; Stepler, 2016), race-conscious affirmative action policies—historically vital for helping Latinas/os integrate the nation’s most selective colleges and universities—are under threat of cessation. Since the Supreme Court’s landmark decision in *Regents of the University of California v. Bakke* (1978), 25 years would pass before the Supreme Court once again deliberated over the future of affirmative action in higher education in the University of Michigan cases *Grutter v. Bollinger* (2003) and *Gratz v. Bollinger* (2003).² However, more

¹ While I employ the terms Latinas/os throughout this paper, I recognize the importance of the experiences of Trans and Gender Non-Conforming identities through the term “Latinx.”

² In *Regents of the University of California v. Bakke* (1978), a case long considered as the seminal affirmative action case in higher education, Allan Bakke, a White male, brought suit against the Medical School at the University of California at Davis after being denied admission in 1973 and 1974. Bakke contended that UC Davis’ practice of designating 16 of its 100 admission slots for traditionally under-represented students represented an illegal special admissions program. While the Supreme Court agreed that UC Davis’ admissions practices were suspect, the Court also upheld the school’s use of race-conscious practices as a “plus” factor in university admissions. In the University of Michigan affirmative action cases *Grutter v. Bollinger* (2003) and *Gratz v. Bollinger* (2003), the Supreme Court was tasked with ruling over

recently, in a span of less than five years the Supreme Court has heard oral arguments in three cases intended specifically on dismantling affirmative action in higher education—*Fisher v. University of Texas* (2013), *Schuette v. Coalition to Defend Affirmative Action* (2014), and *Fisher v. University of Texas* (expected 2016).³ At the same time, additional lawsuits alleging discriminatory treatment against Asian American students have been filed against Harvard University and the University of North Carolina, spearheaded by Project on Fair Representation—one of a dedicated collective of non-profit organizations resolved on ending

the legality of race-conscious affirmative action practices in higher education admissions.

Plaintiffs for each case were White women, Jennifer Gratz and Barbara Grutter, each of whom alleged that minority students were granted admissions preferences because of their race over “better qualified” students like themselves. Ultimately, the Court would hand down a split decision, ruling against the University’s undergraduate admissions practices in *Gratz* while at the same time endorsing the holistic and individualized application of race-conscious admissions in Michigan’s law-school case *Grutter*.

³ In 2013 the Supreme Court ruled in *Fisher v. University of Texas* (Fisher I). In this case, a white woman Abigail Fisher alleged that the reason that she did not earn admissions into the University of Texas at Austin was because of UT’s use alleged illegal admissions preferences for students of color. While the case was heard before the Supreme Court, it was sent back to the Circuit for rehearing. – In *Schuette v. Coalition to Defend Affirmative Action* (2015) the Supreme Court ruled affirmed the use of state ballot initiatives to disallow affirmative action practices. In December 2015, the Supreme Court in a rehearing of *Fisher v. University of Texas* (Fisher II)-the pending decision is expected by June 2016.

race-conscious affirmative action practices (Cokorinos, 2003).⁴ Whether by constitutional decree or electoral mandate, for more than two decades opponents of race-conscious policies have mounted sizeable campaigns with the aim of bringing all affirmative action practices to an end (Cokorinos, 2003).⁵ In response proponents of affirmative action have worked hard to assemble a multi-pronged defense of race-conscious policies. Postsecondary scholars, practitioners, and policy-makers committed to defending race-conscious practices have produced a rigorous body of research literature to underscore the continued relevancy and benefits of supporting the limited use of race in areas, such as university admissions. Whether through empirical or theoretical studies, supporters of race-conscious affirmative action have detailed the many benefits of diversity (Chang, 1999; Gurin, Dey, Hurtado, & Gurin, 2002; Milem, Clayton-Pedersen, Hurtado, Allen, 1998; Milem, Chang, Antonio, 2005; Misa, Denson, Saenz, & Chang, 2006; Smith & Schonfeld, 2000),⁶ an established byproduct of race-conscious affirmative action policy. Yet even in the face of such a robust defense, the future of affirmative action in higher education, as well as the futures of those that rely on this policy to access the nation's most selective postsecondary institutions, remain in a precarious state of jeopardy.

⁴ See <https://www.projectonfairrepresentation.org/>

⁵ In 1996 voters approved Proposition 209, "The California Civil Rights Initiative," which ended race-conscious affirmative action in the state's public hiring, contracting, and public higher education system.. Proposition 209 has become the template by which critics of affirmative action to dismantle race-conscious policies through legislative means. To date, seven states have mandated the end of affirmative action via the ballot initiative process.

⁶ Please note, that this is just a very small sampling of the vast body of research literature on the benefits of diversity and cross-racial interaction in higher education.

As proponents of race-conscious policies in higher education strategize to plan for affirmative action's uncertain future, I propose that looking into how other institutions practice affirmative action may prove instructive. More specifically, in this conceptual paper I posit that postsecondary scholars, practitioners, and policy-makers who support race-conscious affirmative action policies in higher education must glean lessons from the U.S. Military's approach to affirmative action and racial integration. My suggestion for this approach is twofold—first, the Military's explicit focus and reasoning for diversifying its leadership corps provides a much-needed ideological model for diversifying leadership in higher education. Second, in response to the continued assault on affirmative action, the Military's explicit race-conscious approach to racial integration compels postsecondary scholars, practitioners, and policy-makers to reimagine and work towards recapturing the moral imperative that informs affirmative action's compensatory or restorative justice rationale, which has been all but abandoned in higher education.

To be clear, I am *not* suggesting that all of the Military's approaches to racial diversification are ideal and problem-free. I recognize that an important impetus for the military's push towards embracing racial integration has historically been driven by Bell's (1980) interest convergence principle. What I am suggesting is that for Latinas/os, as well as other historically minoritized populations, the continuance of race-conscious policies in higher education matters. After all, studies tell us that students who attend selective institutions, within which affirmative action policies are most commonly practiced, are more likely to persist towards graduation as well as more likely to pursue post-baccalaureate study (Carnevale & Rose, 2003; Carnevale & Strohl, 2013; Oseguera & Astin, 2004). As such, even while minoritized students are by and large concentrated in the nation's two-year and four-year comprehensive

colleges (Carnevale & Strohl, 2013; Solorzano, Villalpando, & Oseguera, 2005), ensuring access to the nation's most selective colleges and universities remains imperative. For this reason, I propose that interrogating the U.S. Military's approach to affirmative action and racial integration offers valuable lessons for postsecondary scholars, practitioners, and policy-makers who are committed to defending race-conscious affirmative action policies and practices from current and future legal challenges.

This paper is laid out in four sections, beginning with an overview of race in the U.S. Military. This section is followed by an exposition on historical and contemporary linkages between the military and higher education, including an examination of the prominent role of the military amicus briefs in defending race-conscious affirmative action in higher education. I next address the importance of leadership diversification in the military. Finally, I conclude by addressing how leadership diversification might be utilized to challenge structured inequity in higher education, especially on the heels of movements such as "Black Lives Matter."

Racial Realism in the Military

As with all race-conscious policy analysis, context matters (Brayboy, 2005; Crenshaw, 2007; Dixson & Rosseau, 2005; Museus, Ledesma, & Parker, 2015; Ladson-Billings & Tate, 1995). Likewise, to understand my proposal that there are compelling reasons why the military offers important lessons for proponents of affirmative action practices in higher education, it is necessary to understand the context within which I situate this argument. To begin, I clarify what this paper is not intended to do. For instance, I am *not* debating whether the military is a viable model of economic mobility for historically disenfranchised groups. I am well aware of the problematic histories that frame the participation of historically minoritized communities in the military. Many previous scholars (Buonavista, 2012; Furumoto, 2005; Garza, 2015;

Mariscal, 2004, 2005; Monforti & McGlynn, 2010) have already problematized the interdependent relationship between the military and historically disenfranchised populations, including how low-income and marginalized people are specifically targeted and especially susceptible to military recruitment. Therefore I am *not* advocating for the expansion of the military industrial complex in any way, shape, or form. Additionally, I am most certainly *not* calling for the increased recruitment and enlistment of already overrepresented and vulnerable populations within the military, including low-income, rural and inner-city youth.

I am also *not* arguing that the military operates in a problem-free environment. A critical analysis of racial integration within the U.S. Military reveals a long and complicated history (Alt & Alt, 2002; Burk & Espinoza, 2012; Donaldson, 1991; Hope, 1979; MacGregor, Jr., 1981; Moskos & Bulter, 1996; Nalty & MacGregor, 1981). Indeed, in many respects the enlistment growth of servicemen and servicewomen of color in the military is the product of the impoverished socio-economic and educational opportunities that continue to plague poor and minoritized communities (Buenavista, 2012; Furumoto, 2005; Garza, 2015; Monforti & McGlynn, 2010), rather than a result of progressive military policies. Furthermore, a review of military literature reveals that there is focused attention on understanding and addressing the obstacles and opportunities surrounding the military recruitment and enlistment of historically under-represented populations, with special attention paid to “Hispanic” youth (Asch, Buck, Klerman, Kleykamp, & Loughran, 2009; Dempsey & Shapiro, 2009). In his study of Latinos and the military, Mariscal (2003) suggests that by “[u]sing the carrot of money for college and technical training” military officials have purposely “. . . appealed to the relatively uncritical patriotism of Latino immigrant families and relied on the reality of high Latino high-school drop out rates, low number of college degrees . . . and limited career opportunities” (p. 348) to track

Latinos into the armed forces. In other words, the “poverty draft” is alive and well in the U.S. Armed Forces (Furumoto, 2005; Mariscal, 2004; Monforti & McGlynn, 2010) and Latinos—among other historically disenfranchised communities—continue to be core targets for military recruitment and enlistment (Asch et al., 2009; Buenavista, 2012; Buenavista & Gonzales, 2010; Lutz, 2008).

For these and other reasons, the military’s move towards racial integration epitomizes Bell’s (1980; 2004) *interest convergence* principle, which asserts that the interests of minoritized populations will be accommodated only when these align with and/or advance majoritarian interests. Dating as far back as the American Revolutionary War, the military has exploited this codependent relationship. For example, enslaved African Americans were often promised emancipation if they fought alongside colonists to defeat British troops (Hope, 1979). However, this gesture happened only *after* the British were the first to propose liberty to those slaves who deserted the colonies and joined the efforts of British loyalists (Hope, 1979). As Hope (1979) observed, “One should understand that the integration of forces did not derive from altruism on the part of the colonial government; rather, the real motive for using black [sic] troops was to alleviate the army’s desperate shortage of men” (p. 11). In every war since, the armed forces have depended on servicemen—increasingly servicewomen of color—to do their work. Furthermore, the advent of an all-volunteer force in 1973, coupled within a backdrop of perpetual combat operations in a post-9/11 world, has necessitated that the military work hard to both enlarge and maintain a viable service pool; and Latina/o and other vulnerable youth are at the crosshairs of these efforts.

While providing a thorough and critical analysis of the history and legacy of racial integration within the military’s enlisted ranks is an important exercise, it is beyond the scope of

this paper. Instead this paper zeroes in on the significance of the military's emphasis on *leadership diversity* as well as its explicit race-conscious rationale for racial diversification. I propose that the U.S. Military's explicit attention to leadership diversity offers a compelling ideological model for diversifying leadership in higher education. Furthermore, I argue that while the military offers an imperfect model of racial diversification, its approach to race-conscious policies have already proven compelling to the Supreme Court (Lipson, 2008). I revisit the key role that the Military has played in shaping contemporary higher education, as well as address how the Military helped safeguard race-conscious affirmative action policies in higher education in the twenty-first century.

The Military, Higher Education, and Lessons from the Green Brief

For good or bad American higher education is inextricably linked to the U.S. Armed Forces through a long and synergetic history. (Abrams, 1989; Cohen & Kisker, 2009; Thelin, 2011). The Military has had a direct hand in shaping contemporary American higher education, beginning with the passage of 1862's College Land Grant/Morrill Act during the Civil War, to the enactment of the Serviceman's Readjustment Act (better known as the G.I. Bill) in 1944 at the peak of World War II. Governmental—more explicitly, military—funding during the twentieth century's global arms race enabled the growth of higher education and aided in the development of today's research university (Kerr, 2001). More recently, government financing to fund the growth and development of STEM fields in higher education has closely intertwined with military objectives (Kuenzi, 2008).

Ironically, while the Military is best known as a conservative, purposefully rigid, historically racist and sexist hierarchical organization, perhaps less well known is the fact that

the military has been a pioneer of racial integration. Reflecting on this history, Donaldson (1991) remarked:

This long, incomplete process of eliminating racism from the military has not received the place it deserves in American history as a part of the American black civil rights movement. It was a significant part of that movement, but many of the advances attained in the military took place outside of the public eye; they were kept quiet by the military, and off the evening news. In fact, many of the civil rights advances achieved by marching in the South and rioting in the North among the civilian population were achieved first in the military. (p. 174)

In effect, the military's 1948 move towards racial integration predates both the *Brown v. Board of Education* (1954) and *Bakke* (1978) decisions, each of which represent iconic educational civil rights cases in K–12 and higher education, respectively. Military sociologists Moskos and Butler (1996) have noted:

At the time when Afro-Americans were still arguing for their educational rights before the Supreme Court and marching for their social and political rights in the Deep South, the Army had become desegregated with little fanfare. (p. 31)

Of course, each branch of the armed forces has had its own unique trajectory towards racial integration. Nevertheless, as *Bakke* (1978) made its way through District and Circuit Courts, on its path towards the Supreme Court, the Military was already busy implementing race-conscious affirmative action policies and practices on a large-scale basis through the development of the Defense Race Relations Institute (DRRI). Established by the Department of Defense (DoD) in 1971 the DRRI continues in operation to this day under the name the Defense Equal Opportunity Management Institute (DEOMI). Like its predecessor DEOMI was established with the goal of changing behavior through education (Hope, 1978; Moskos & Butler, 1996). DEOMI offers education and training programs in human relations, equal opportunity, and diversity, as a foundational means of building character and leadership across the armed forces. Indeed, the themes of leadership and character building would prove to be

important in the Military's defense of race-conscious affirmative action in higher education.

Next I address the central role that the Military played in defending race-conscious affirmative action practices in higher education.

The Military's Defense of Affirmative Action in Higher Education

There is general consensus that one of the primary reasons that the limited use of race-conscious affirmative action policies withstood scrutiny in the University of Michigan's Law School case *Grutter v. Bollinger* (2003) was in large part due to the volume of *amicus curiae* or friend of the court briefs filed in support of the University of Michigan.⁷ Among the slew of amicus briefs filed in support of race-conscious affirmative action, the Consolidated Brief of Lt. Gen. Julius W. Becton, et al. as *Amicus Curiae* in Support of Respondents stood apart (Groner, 2003; Moller, 2004; Parker, 2006; Walbot & Lang, 2003). The "Green Brief"—as it was dubbed by Associate Justice David Souter during *Grutter's* oral argument—filed on behalf of a collective of high-ranking civilian and military leaders made a notable impression on the Court.⁸

⁷ *Amicus curiae*, or friend of the court, briefs may be submitted to the Supreme Court from a wide spectrum of parties and interest groups. Amicus briefs allow for democratic participation in a high stakes court case by parties beyond the petitioner and respondent. Though there are divergent thoughts on the usefulness of friend of the court briefs, amicus briefs can be seen as a gauge of public opinion on particular issues. The briefs themselves are "not neutral sources of information" (Collins, 2004, p. 808) but rather, "briefs are advocates for their parties" (Collins, 2004, p. 808).

⁸ The Military Brief was supported by a total of 29 signatories from all branches of military service. The *Fisher I* Military Brief included 37 signatories—including for the first time a female

During oral arguments alone the Green Brief was explicitly referenced a total of fifteen times. The Brief was also explicitly cited in both the Court's opinion announcement, as well as in the Court's final written majority opinion.

In authoring the Court's majority opinion, Associate Justice Sandra Day O'Connor cited only a few selective amicus briefs to explain the reasoning behind the Court's decision to uphold the limited use of race in university admissions.⁹ Featured very prominently among these briefs was the Green Brief. In explaining the value of diversity—a byproduct of race-conscious affirmative action policies—O'Connor (in)famously proclaimed, “These [diversity] benefits are signatory. While *Fisher II*'s Military Brief included 36 signatories, including most notably two women.

⁹ In the Supreme Court's final opinions only 11 of the 97 briefs were named or referenced. Justice O'Connor's majority opinion in *Grutter* cited six briefs, including the joint Brief of the American Educational Research Association, the Association of American Colleges and Universities, and the American Association of Higher Education as amici curiae in support of respondents—the joint Brief of Amherst, Barnard, Bates, Bowdin, Brynmawr, Carleton, Colby, Connecticut, Davidson, Franklin & Marshall, Hamilton, Hampshire, Haverford, Macalester, Middlebury, Mount Holyoke, Oberlin, Pomona, Sarah Lawrence, Smith, Swarthmore, Trinity, Vassar, Wellesley, and Williams Colleges, and Colgate, Wesleyan, and Tufts Universities—as amici curiae in support of respondents; the joint Brief of 65 Leading American Businesses in support of respondents; the joint Brief of Lt. General Julius R. Becton Jr., et al. as amici curiae in support of respondents; the Brief for the United States as amicus curiae in support of petitioner in *Grutter*; and the Brief of the Association of American Law Schools as amicus curiae in support of respondents.

not theoretical but real, as major American businesses have made clear that the skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints" (*Grutter* majority opinion, 2003, p. 330). She then added:

What is more, high-ranking retired officers and civilian leaders of the United States military assert that, "[b]ased on [their] decades of experience," a "highly qualified, racially diverse officer corps . . . is essential to the military's ability to fulfill its principle mission to provide national security." . . . To fulfill its mission, the military "must be selective in admissions for training and education for the officer corps, *and* it must train and educate a highly qualified, racially diverse officer corps in a racially diverse educational setting" (emphasis in original). We agree that "[i]t requires only a small step from this analysis to conclude that our country's other most selective institutions must remain both diverse and selective." (*Grutter* majority opinion, 2003, p. 331)

Ironically, despite the fact that the University of Michigan affirmative action cases drew an impressive number of amicus curiae briefs in support of race-conscious policies from a vast cross-section of groups and individuals, including public and private colleges and universities, educational foundations and professional organizations, politicians, as well as leading corporate executives, it was the Military Brief which proved to be a central player in the Court's decision to endorse the limited use of race in higher education (Groner, 2003; Moller, 2004; Parker, 2006; Walbot & Lang, 2003).

In the wake of the Court's decision in *Grutter* both legal and social science analysts have recognized the powerful impact of the Green Brief. For example, in the Winter 2003-2004 issue of *The Journal of Blacks in Higher Education* editors remarked,

Almost all Supreme Court observers agree that [the] brief arguing the case for the military was a critical influence on the outcome of the *Grutter* case. Even opponents of racial preferences agreed that the brief was a brilliant piece of litigating strategy. The military leaders' brief gave notice to the conservative members of the Supreme Court that

if they ruled against the University of Michigan, they would in effect be denying the military what they believe was needed in order to ensure national security. (2003, p. 36)¹⁰

In addition to accolades, scholars have also problematized the role and impact of the Military Brief. For instance, Brown-Nagin (2005) posits that a key reason that the Supreme Court found the Military Brief compelling was because it represented “centrist arguments” of “powerful constituencies” like “business, academic, and professional elites who championed the University of Michigan’s race-conscious admissions policies” (p. 1441). Lipson (2008) has also suggested that while a traditionally conservative organization like the military may have helped forestall affirmative action’s demise, the military’s distinct reasoning to support affirmative action has also likely contributed to colorblind utilitarian rationales to justify race-conscious policies. In the end, whatever the reasoning or critiques, the truth remains that race-conscious affirmative action survived its most serious legal challenge since *Bakke* in large part *not* because of the voluminous research literature presented in defense of affirmative action but because of the amicus curiae brief filed by a collective of former high-ranking officers and civilian Army, Navy, Air Force, and Marine Corps leaders. To follow, I explain how the Military’s focus on diversifying its leadership corps proved to be critical in the Supreme Court’s support of race-conscious affirmative action policies in *Grutter* and reiterated once more in both *Fisher I* and *Fisher II*. I then describe how the Military’s explicit focus and reasoning for diversifying its

¹⁰ Toobin (2007) has also acknowledged the importance of the Brief of the Retired Generals in Support of Michigan. He explains, “Amicus briefs are rarely mentioned in the Supreme Court oral arguments, but four justices (O’Connor, Ginsburg, Stevens, and Souter) had referred to the military brief in the first several minutes of *Grutter* [‘s oral argument]” (p. 219).

leadership corps provides a much-needed, if imperfect, ideological model for diversifying leadership in higher education.

Leadership as Mission Critical

There is much speculation as to why the Supreme Court was so compelled by the Military's amicus brief in *Grutter*. Undoubtedly knowing more about the history and context in which the brief was filed begins to provide insight. For instance, as Moller (2004) recounts, it is very important to note that "[o]ral arguments in *Grutter* were heard on April 1, 2003—less than two weeks after the commencement of the American march on Baghdad" (p. 108). Understanding this timing is crucial. At the same time that the future of affirmative action unfolded before the Supreme Court, the nation was thoroughly immersed in a post-9/11 war on terror, including the dawn of combat in "Operation Iraqi Freedom." Knowing this context, we begin to understand why the justices may have been particularly drawn to the Military Brief. According to the Military Brief, the issue at hand was not solely about university admissions, but rather about "the military's ability to fulfill its missions," most important of which was national security (Consolidated Brief of Lt. Gen. Julius W. Becton, Jr. et al. as amici curiae in Support of Respondents 2003, p. 1). In order to accomplish this, the brief emphasized the importance of producing a "highly qualified, racially diverse, officer corps" (Consolidated Brief of Lt. Gen. Julius W. Becton, Jr. et al. as amici curiae in Support of Respondents 2003, p. 1). To underscore this point, the Military Brief offered the justices an important historical retrospective on the integration of the military and its leadership corps. This history included detailing the violent racial strife that has hindered previous military operations, in particular during the Vietnam War. The brief recounted:

In the 1960s and 1970s . . . while integration increased the percentage of African-Americans in the enlisted ranks, the percentage of the minority officers remained

extremely low, and perceptions of discrimination were pervasive. This deficiency in the officer corps and the discrimination perceived to be its cause led to low morale and heightened racial tension. The danger this created was not theoretical, as the Vietnam era demonstrates. (Consolidated Brief of Lt. Gen. Julius W. Becton, Jr. et al. as amici curiae in Support of Respondents 2003, p. 6)

The brief explained in detail that the heightened racial tension, which included physical and mortal violence within and across ranks, was due in large part to racially segregated and stratified leadership corps—officer/leadership positions overwhelmingly occupied by white personnel. “The lack of minority officers substantially exacerbated the problems throughout the armed forces” (Consolidated Brief of Lt. Gen. Julius W. Becton, Jr. et al. as amici curiae in Support of Respondents 2003, p. 6). Indeed, citing Moskos and Butler the Green Brief in *Grutter* recounted, “[t]he military’s leadership recognized that its racial problem was so critical that it was on the verge of self-destruction” (Consolidated Brief of Lt. Gen. Julius W. Becton, Jr. et al as amici curiae in Support of Respondents 2003, p. 16). As a result, the Military recognized the need to act upon diversifying its leadership. After all, “[t]he chasm between the racial composition of the officer corps and the enlisted personnel undermined military effectiveness in a variety of ways” (Consolidated Brief of Lt. Gen. Julius W. Becton, Jr. et al as amici curiae in Support of Respondents 2003, p. 14); not the least of which was jeopardizing both military operations as well as the safety of its active duty members.

What makes the Green Brief’s arguments even more compelling is the acknowledgement that the issues confronting the military do not lay just in the past. Citing the Department of Justice’s 1995 *Review of Federal Affirmative Action Programs, Report to the President*, the *Grutter* Military Brief details the following:

The (sic) current leadership views complete racial integration as a military necessity—that is, as a prerequisite to a cohesive, and therefore effective, fighting force. In short, *success with the challenges of diversity is critical to national security* (emphasis in original). Experience during the 1960s and 1970s with racial conflict in the ranks was an effective

lesson in the importance of inclusion and equal opportunity. As a senior Pentagon official told us, ‘Doing affirmative action the right way is deadly serious for us—people’s lives depend on it.’” (Consolidated Brief of Lt. Gen. Julius W. Becton, Jr. et al as amici curiae in Support of Respondents 2003, p. 13)

Undeniably the military’s emphasis on unit cohesion and national security is reminiscent of Bell’s interest convergence dilemma. However, my objective in focusing on the military’s attention to leadership diversity, even in its most imperfect forms, is intended to bring attention to higher education’s lack of attention to leadership diversity within its own ranks.

To be clear, I recognize that the military and higher education represent two very distinct organizations. However, I posit that there are also important similarities that allow for comparison. To begin with, both organizations operate under the auspices of predominantly white male leaders. Both the military and higher education are institutions that are relatively bottom heavy with respect to diversity—that is diversity is most likely concentrated within lower ranks (e.g. students and soliders). In addition, both organizations are confronted with responding to the demographic realities of the twenty-first century, which include an ever-growing number of historically minoritized populations (including women, historically under-represented people of color, LGTBQ and non-gender conforming individuals, among others) seeking placement and accommodations within historically white hetero-normative patriarchal structures. And while some leadership theorists might suggest that the Military operates within an explicit top-down chain of command system, as compared to higher education’s more diffuse shared governance model. In explicitly reconsidering higher education leadership for social change, Astin and Astin (2000) observed:

Most institutions of higher learning in the United States are organized and governed according to seemingly contradictory sets of practices. On the one hand, what we have come to call “the administration” in many respects resembles the traditional industrial or military model of leadership, with chain of command structures comprising leadership positions that are hierarchically arranged. Internally, there is hierarchical academic

command structure headed by the president, followed by vice presidents, deans, and department chairs. Although the job titles may be different, a similar hierarchical structure is usually found in nonacademic chains of command (student affairs, fiscal affairs, development, administrative services, etc.). (p. 5)

Astin and Astin (2000) continue to explain how those at the bottom of these hierarchical structures possess little, if any power. That is, with the exception of individual faculty—who operate with a great deal of autonomy. Within this backdrop I suggest that the Military provides a compelling ideological model for diversifying leadership in higher education.

To reiterate, it is not my intention to propose that the Military is operating within an optimal problem-free environment. To the contrary, I recognize that there is much work to do to achieve racial and gender parity within its leadership ranks. I concur with Knowles and Vanlandingham (2013) who have declared that “the military still has a long way to go before it truly reflects the nation it serves” (para 3). I also agree that “[d]espite substantial progress, racial minorities remain underrepresented in upper ranks” (ibid). Knowles and Vanlandingham’s assessment that the military needs to pay specific attention to the plight of women within its ranks is especially important. Likewise I concur with many of the points made in Dansby, Stewart, and Webb’s (2012) edited volume, which suggest that much work remains in to be done within the military to live up to the Defense Equal Opportunity Management Institute’s (DEOMI) vision.

Nevertheless, I maintain that the Military’s commitment towards leadership diversification, especially as espoused within the *Grutter*, *Fisher I*, and *Fisher II* amicus briefs serves to provide an important ideological model for leadership diversification in higher education. Along these lines, I offer Feagin’s (2014) analysis. As Feagin (2014) clarifies, “[t]oday the Army, which has the largest proportion of black personnel in the military, is probably the most desegregated of larger historically white institutions” (p. 286). Feagin further explains that the proportion of

black American officers in today's Army "has been shown to be significantly higher than it is among executives in most large corporations. Today, thousands of black officers constitute the largest group of black executive in any historically white organization" (p. 286). These outcomes of course are as a result of very purposeful efforts, including punishing overt discrimination by white personnel and rewarding officers who work in support of desegregation efforts. Feagin (2014) also explains that the Army requires courses on "racial, ethnic, and gender issues, and diversity in units is often taken into account in personnel decisions" (p. 286). So as to eschew deficit explanations for the military's success, Feagin argues:

Rather than lower standards, the Army has often set up programs to bring personal skills to levels necessary for satisfactory performance and promotion. These educational programs are usually well crafted and relatively brief, and have generally been successful in providing many black personnel and other personnel of color with the skills necessary to meet military entrance and promotion standards. (2014, p. 286)

In summation, "Army programs demonstrate that much more can be done to reduce and remedy historic discrimination" (ibid). Indeed, as Feagin intimates, given real opportunities historically minoritized populations can excel "in the job structure of a historically white institution" (2014, p. 286). I posit that higher education can apply some of these same lessons to tackling the issue of leadership diversification, or the lack thereof.

Discussions and debates around the merits and future of race-conscious policies in higher education have historically focused on undergraduate admissions. Even when the epicenters of iconic affirmative action cases like *Bakke* (1978) and *Grutter* (2003) are localized in graduate study, such as medical school and law school, the vast majority of scholarship and conversations around affirmative action revolve around undergraduate student diversity. Only recently has more attention been paid to the impact of affirmative action in diversifying graduate study and how the elimination of race-conscious policies have important repercussions beyond

undergraduate admissions (Cross & Slater, 1997; Garces, 2012, 2013; Garces & Mickey-Pabello, 2015). Even so the study and attention to affirmative action practices post-baccalaureate attainment is an area that remains under-developed; most especially when it comes to leadership.

In this paper, I add to the conversation around this topic by problematizing leadership diversification in higher education. In this attempt I purposefully embrace a broad definition of leadership—I urge diversification not just at the highest administrative levels, but also along the professoriate through the tenure and promotion of historically minoritized faculty.¹¹ After all, data reveal that the advancement of faculty of color in higher education is stagnant at best (Hammond, 2015; Turner, Gonzalez, & Wood, 2008; U.S. Dept of Education, 2015). Moreover, I suggest that there are important parallels between leadership diversification in the military and in higher education. For instance, just as ‘[t]he scarcity of black officers intensified black grievances’ (Consolidated Brief of Lt. Gen. Julius W. Becton, Jr. et al. as amici curiae in Support of Respondents 2003, p. 16) within military ranks, I posit that the scarcity of tenured professors and administrators of color within higher education intensifies grievances for historically marginalized populations. As the Military Brief in *Fisher I* explained, “a highly qualified and

¹¹ Within the military structure there are significant differences between “commissioned” and “non-commissioned” officers. The most basic distinction is that commissioned officers are appointed to their posts—usually by the President—while non-commissioned officers rise through the ranks to their posts. Commissioned officers yield more power and authority than their counterparts. Commissioned officers are also most likely procure their appointment after postsecondary training. For more detail see <http://www.differencebetween.net/miscellaneous/politics/difference-between-nco-and-commissioned-officer/>

racially diverse officer corps is not a lofty ideal” (Brief of Lt. Gen. Julius W. Becton, Jr. et al. as *Amici Curiae* in Support of Respondents 2012, p. 1). Likewise, in higher education leadership diversity should be the rule rather than the exception. To follow I explain how the current historic moment provides particular impetus towards leadership diversification in higher education. Furthermore, I suggest that the Military’s explicit race-conscious approach to racial integration provides postsecondary scholars, practitioners, and policy-makers with an opportunity to reimagine and work towards recapturing the moral imperative that informs affirmative action’s compensatory or restorative justice rationale, which has been all but abandoned in higher education.

Meeting “*The Demands*”: Utilizing Diversified Leadership to Challenge Structured Inequity and Recover the Restorative Justice Rationale

Gradually, the framing and reasoning surrounding the rationales used by proponents of race-conscious affirmative action have shifted and changed. A main reason for these changes has been responding to legal precedents. For example, most notably, in the wake of the Supreme Court’s ruling in *Bakke* (1978), post-secondary institutions embraced the “diversity rationale” above all other reasoning offered by UC Davis to justify their use of affirmative action in medical school.¹² Since *Bakke*, contemporary arguments in support of affirmative action, both

¹² In *Bakke* the University of California, Davis’s medical school offered four reasons to explain their reliance of race-conscious affirmative action policies. These rationales included, 1) reducing the historic deficit of historically under-represented minorities in medical schools and in the medical profession; 2) countering the effects of societal discrimination (also known as the “remedial rationale”; 3) increasing the number of physicians who will practice in underserved communities; and 4) obtaining the educational benefits that flow from an ethnically diversity

inside and outside of the courtroom, have been predisposed to support the diversity rationale (Brown-Nagin, 2005; Liu, 1998).

There are several reasons why the diversity rationale has proven persuasive. At its core, Associate Justice Lewis Powell's reasoning in support of the diversity rationale in *Bakke* recognized the pedagogical benefits that come with students being exposed to people different from themselves, especially on college settings within an atmosphere of 'speculation, experiment, and creation' (*Bakke* majority opinion 1978, p. 312). As Justice Powell intimated and researchers have since proven, the civic benefits of diversity extend well beyond college (Gurin, Nagda, & Lopez, 2004; Hurtado, 2005; Jayakumar, 2008).

A correlated defense of the diversity rationale suggests that having racially diverse access to institutions within which affirmative action is practiced is necessary because it is within these institutions that tomorrow's leaders are trained. Citing *Keyishian v. Board of Regents* (1967), Powell reasoned, "The Nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth 'out of a multitude of tongues...'" (*Bakke* majority opinion 1978, p. 312). And as evidenced in the High Courts decisions in *Grutter* and *Fisher I*, as well as in amicus briefs supporting affirmative action in each of these cases, attention to leadership diversification has become a core tenet in the defense of affirmative action since *Bakke*. Ironically, while the Supreme Court has explicitly recognized the importance of leadership, the Court has seemed to pay less attention to the racial composition of those who teach and train tomorrow's leaders—that is the faculty.

student body (also known as the "diversity rationale") (*Bakke* 1978, p. 306). The Supreme Court endorsed only the diversity rationale, leaving all three other rationales to whither.

I posit that we are living an especially pronounced historical moment in higher education that echoes the context within which the military moved towards race-conscious affirmative action to diversity its leadership. Indeed, just as the military justified their attention to leadership diversification because of the racial strife and physical and mortal danger in which soldiers found themselves as a result of a racially stratified leadership corps; so too should higher education attend to the corrosive and combustible campus cultures within which so many minoritized students find themselves (Museus & Jayakumar, 2012; Museus, Ledesma, & Parker, 2015; Yosso, Smith, Ceja, & Solorzano, 2009). Student-lead movements such as the “Black Lives Matter” movement and the undocumented or “DREAMER” movement, among others, provide contemporary examples of the precarious conditions within which minoritized students experience higher education. In the *Fisher II* the Military Brief explains, ‘[r]acial conflict within the military during the Vietnam era was a blaring wakeup call to the fact that equal opportunity is absolutely indispensable to unit cohesion, and therefore critical to military effectiveness and our national security’ (Brief of Lt. Gen. Julius W. Becton, Jr. et al. as *Amicus Curiae* in Support of Respondents, *Fisher v. University of Texas*, 2015, p. 9). So too, I argue that the racial conflict being experienced on today’s college campuses is a blaring wakeup call for postsecondary institutions to attend to the lingering absence of racially diverse leaders—including tenured faculty—on their campuses. Moreover, a consistent theme across demands-lists produced by minoritized students across 77 postsecondary institutions in response to the systemic and structural racism on their campuses calls for increased numbers of minoritized faculty, as well as the promotion and advancement (tenure) of existing minoritized faculty.¹³

Indeed, within their amicus briefs the Military has provided a compelling set of lessons

¹³ See <http://www.thedemands.org/> for additional information.

from which postsecondary scholars, practitioners, and policy-makers who support race-conscious affirmative action policies in higher education can learn. Herein, the Military's explicit focus and reasoning for diversifying its leadership corps provides a much-needed ideological model for diversifying leadership in higher education. Equally compelling the Military's explicit race-conscious approach to racial integration provides an important impetus for postsecondary scholars, practitioners, and policy-makers to reimagine and work towards recapturing the moral imperative that informs affirmative action's compensatory or restorative justice rationale. As Frymer and Skrentny (2003) recount, "Affirmative action in the United States has been cut loose from its moorings in the nation's tragic history of racial oppression and the law that developed to remedy that oppression. Increasingly, it is rooted in strategies to maximize the performance of institutions" (p. 721). The Military provides a forceful, if imperfect, example for reclaiming an explicitly race-conscious restorative justice rationale. After all, the reason that the Military historically embraced and continues to support leadership diversification within its leadership corps is because race has mattered, and race still matters. In framing their move towards leadership diversification, the *Fisher II* Military Brief explains "...diversity in the officer corps...is not merely a laudable goal—it is a strategic imperative" (Brief of Lt. Gen. Julius W. Becton, Jr. et al. as *Amicus Curiae* in Support of Respondents, *Fisher v. University of Texas*, 2015, p. 16). So too in higher education, leadership diversity is imperative in addressing and alleviating historically racist campus cultures, people's lives depend on it.

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