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## News

### HBCUs Drawing Scrutiny

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A Georgia lawmaker has caused controversy by proposing that two historically black colleges be merged with majority white institutions, but the prickly debate is taking a surprising turn. State Sen. Emanuel Jones, chairman of the state's legislative Black Caucus and an early critic of the proposal, now says the idea deserves further study.

Jones, a Democrat, did not take an early shine to Sen. Seth Harp's suggested mergers. Indeed, he called the proposal a "ticking time bomb" that was "scaring people to death," and he recently conveyed those concerns to his Senate colleague.

"I said, 'You are touching on some issues and nerves out there,'" Jones recalled of his Wednesday meeting with Harp, the Republican chairman of the Senate Higher Education Committee.

Harp is not backing away from his suggestion that the colleges be merged, both in the interest of cost savings and in the hope of remedying what Harp calls an "unconstitutional" system of continuing segregation in higher education. But he may have found an unlikely ally in Jones, who is now convinced that the moment is ripe to discuss the future of Georgia's historically black colleges, some of which are financially **struggling**.

"I agree that [educating black students] is a historical role these universities have played, and should continue to play," Jones said. "But they opened the doors to all races a long time ago."

"There are so many issues out there that this legislation touched on that we have to address in an appropriate manner," he added. "And the

only way I know how to do that is to sit down with all the stakeholders."

Jones has proposed that the Legislature form a Study Committee to look at the whole of the HBCU system in Georgia, weighing all options -- including mergers. While the



Black Caucus has not formally endorsed the proposal, Jones says he has the support of Senate leadership.

"There is no reason why anyone on the caucus might object to a study committee," he said.

Harp's **resolution** calls on the state Board of Regents to merge Savannah State University, a historically black institution, with Armstrong Atlantic State University, a nearby majority white college. Further, he suggests that Albany State University, another historically black college, be merged with Darton College, which is mostly white.

As a resolution, Harp's proposal does not carry the weight of law. Furthermore, it has yet to curry much influence with the Board of Regents, which would have the ultimate authority to approve any college mergers. Indeed, the system's chancellor won't even discuss the proposal publicly.

"The chancellor is not talking to anyone about this, because we're not considering it," said John Millsaps, a spokesman for the regents. "There is no point in adding to this story."

Presidents of the four institutions mentioned in Harp's resolution also declined interview requests.

### **HBCUs Unconstitutional, Senator Says**

Georgia now faces a statewide budget deficit of \$2.3 billion, according to recent estimates. The shortfall assures that public colleges will receive less money, and Harp contends that he has merely supplied the regents with a "tool in their toolbox" for filling the gap.

"I give [the regents] the money, and when I don't give them the money they have to figure out what to do and how to do it," he said.

The budget crisis may prove the impetus for a hard choice about higher education in Georgia, but Harp concedes that he would favor the mergers even if Georgia had a surplus. The HBCUs and historically white institutions are "separate and they sure aren't equal," which Harp views as a violation of the U.S. Supreme Court's *Brown vs. Board of Education* ruling that mandated desegregation. While all public institutions in Georgia are funded on a common formula, Harp argues that HBCU's invariably lose out on private funding when placed in proximity to majority-white colleges.

"I'm a very strong believer that it's time Georgia closed this chapter -- not forget it, but we need to get out of the business of operating separate school systems," Harp said. "We've put a lot of bad things in our history behind us. We took the *Stars and Bars* off our flag and put that away, and that was a huge step of reconciliation. It's time now that we close the chapter in this process."

A lawyer by trade, Harp's resolution cites the *Geier v. Tennessee* case as a precedent. The merger of Tennessee State University and the University of Tennessee's Nashville campus was a "result" of the lawsuit, and Georgia should merge two HBCUs "to ensure the state is not in violation of federal law," the resolution contends.

While the merger proved part of the remedy in the *Geier* case, a 2001 **consent decree** also required Tennessee to allocate \$77 million for diversity initiatives.

The highest level case to consider the constitutionality of HBCUs was the 1992 U.S. Supreme Court **ruling**

in *United States v. Fordice*. The court dealt with the question of historically black colleges only **indirectly**, saying that states needed to end duplicative programs at nearby predominantly white and historically black colleges. Justice Clarence Thomas, however, overtly defended the existence of HBCUs in his concurring opinion.

"Although I agree that a state is not constitutionally required to maintain its historically black colleges as such, I do not understand our opinion to hold that a state is forbidden from doing so," Thomas wrote.

"I think that is undisputable that these institutions have succeeded in part because of their distinctive histories and traditions," he said. "... It would be ironic, to say the least, if the institutions that sustained blacks during segregation were themselves destroyed in an effort to combat its vestiges."

### **Merger Plan Raising Concern**

Defenders of the distinct missions of HBCUs are particularly troubled by talk of mergers. Sen. Bill Cowser, a Republican and vice chairman of the the Higher Education Committee, says he's been contacted by numerous constituents who oppose any mergers. Cowser agrees.

"I did not co-sponsor that and I do not support it," he said of Harp's proposal. "I think the HBCUs offer a unique educational opportunity and they are greatly valued by their community."

Lezli Baskerville, president of the National Association for Equal Opportunity in Higher Education, says mergers would threaten the identity and even the existence of historically black institutions.

"I've not seen the Georgia proposal at all, but our experience has been that merging means *submerging* the black colleges and the universities," she said. "Merging also means taking away the smaller nurturing environments [that help students to thrive]. It also means, generally, that the HBCU administrators and faculty and staff ... are now lost."

Harper's resolution specifically notes that the newly merged institutions should retain the names of the older historically black colleges, but it says nothing of what would happen to leadership, faculty and staff. Harper maintains, however, that the proposed mergers are meant to strengthen -- not weaken -- historically black institutions in Georgia.

If HBCUs are struggling, however, it's because states have not met their legal obligations to fund the institutions, Baskerville said. Several states, including Georgia, were specifically compelled in the *Adams v. Richardson* case to reduce disparities between HBCUs and their white counterparts by increasing funding, she said.

"The struggle is one that is infuriating to many, because the struggle need not be," Baskerville said. "The court orders, the consent decrees and equity dictates that HBCUs and traditionally white institutions [be supported equally], but HBCUs have not received a fair share of public dollars they need to attain and maintain comparability and competitiveness. There is no state of which I'm aware that that is the case."

— **Jack Stripling**