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'A Certain Distance' From 1960s in Georgia; Leaders in a State That Once Fought Civil Rights Movement Rise to Defend University's Approach to Affirmative Action

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Michael Adams, president of the University of Georgia, faced a simple choice after a federal judge struck down the university's policy of affirmative action in admissions. Adams could fight or he could fold.

He chose to fight -- all the way to the U.S. Supreme Court if need be. Professors gathered on this sprawling campus encircled by Confederate landmarks burst into applause when he announced his decision.

But something even more unexpected has happened since U.S. District Judge Avant B. Edenfield last summer forced the University of Georgia to stop weighing race in its admissions decisions.

Most of the top leaders of a state government once pledged to "massive resistance" to civil rights have risen in bipartisan defense of affirmative action. They are pressing an appeal that could become a national test case for admissions at colleges across the country.

Democratic Gov. Roy Barnes, the chancellor of higher education, the board of regents and even the Republican state party chairman and the GOP leader in the state Senate have backed Adams.

Although not unanimous, the support of affirmative action stands as powerful evidence of just how much Georgia and its politics have been transformed since the 1960s.

"Georgia is a changing state," says Rep. John Lewis (D-Ga.) a former civil rights activist who represents Atlanta. "We've come a certain distance." Says Chuck Clay, the state Republican chairman: "This is politics aside. This is a moral issue."

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In recent weeks, federal courts have upheld forms of affirmative action in admissions policies at state universities in Michigan, Washington and Texas. The Georgia case, or any of the other three, could yield a landmark decision from the U.S. Supreme Court if it chooses to review one.

Given the opportunity in 1996, the Supreme Court declined to review the University of Texas case, ending affirmative action in that state until the 5th Circuit Court of Appeal lifted the ban on Dec. 21.

The 11th Circuit Court of Appeals in Atlanta is expected to hear the university's appeal this year. Whatever the outcome, its decision is also certain to be appealed.

Driving the changes in Georgia's politics on race have been two legacies of the civil rights movement: the voting power of African Americans, who are now nearly 30 percent of the population, and the moderate racial views held by Adams, Barnes and other middle-aged sons of a changing South, who dominate the state's leadership.

"Many of these people who are now academic, political and business leaders came of age during the civil rights movement, and it helped to sort of change and mold them," Lewis says.

But the law has been changing, too. In a series of cases, the Supreme Court has sharply restricted racial considerations in government contracting and broadcast licensing, decisions that Edenfield concluded apply to college admissions as well.

The Georgia policy struck down by the federal judge in July as "naked racial balancing" gave bonus points for being a minority -- just as it did for being a good athlete or the child of an alumnus -- to some roughly equal applicants. Race, however, did not figure in picking most Georgia freshmen: More than 80 percent were typically admitted solely on the basis of their high school grades and SAT scores. About 6 percent of the university's 31,000 students are African Americans.

The University of Georgia, Adams maintains, has followed the kind of admissions procedure allowed under the prevailing interpretation of the Supreme Court's 1978 decision in *Bakke v. Board of Regents*. The decisive opinion of Justice Lewis F. Powell outlawed strict quotas but held that colleges could seek a diverse student body by considering race as one of several factors in admissions decisions.

But A. Lee Parks Jr., the Atlanta lawyer who filed the class action lawsuit on behalf of white students denied admission last year alleges that the university manipulated the weight assigned to race to reach a preconceived enrollment target. He contends that the university has failed to show that student diversity on its campus meets Supreme Court tests justifying the use of race established since *Bakke*.

"It's an uncanny quota," Parks says. "They haven't proven there's any educational value to [diversity]. That's an assumption."

What's undisputed is the dishonorable history of segregation at the University of Georgia, best known across the country for its football teams, but of late an academically selective institution.

For 175 years, the state university in this quiet college town about 60 miles northeast of Atlanta was segregated. Forty years ago, the first two African Americans arrived as transfer students, their enrollment delayed for a year and a half while university officials invented pretext after pretext to keep them out: The dorms were full. One of the black students had received a traffic ticket. It was too tricky to convert the other's academic credits.

Finally, a federal judge ordered the black students admitted in January 1961, nearly seven years after the Supreme Court outlawed segregation in *Brown v. Board of Education*.

Georgia did not go quietly into the era of desegregation.

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Before the two new students could finish registering for classes, then-Gov. S. Ernest Vandiver won a temporary stay of the judge's order. The state rushed an appeal to the U.S. Supreme Court, which rejected it. Soon the legislature passed a law to pay the private school tuition of white Georgians who wanted to escape desegregated public schools.

The first black students in Athens were Charlayne Hunter-Gault (then Charlayne Hunter), now a CNN correspondent, and Hamilton Holmes Jr., who became a prominent Atlanta physician before he died in 1995.

The teenagers were escorted through the main gate to the campus by their parents and lawyers, including a lanky Howard University law school graduate, Vernon Jordan. (Rummaging through admissions files, Jordan had discovered that the university had devised a way to convert a white student's quarter hours into semester credits, contrary to its professed difficulty with admitting Hunter-Gault.)

Both black pioneers led fairly lonely existences in Athens.

Hunter-Gault, a journalism major, recalled in her autobiography that she never wrote a word for the student newspaper because interviewing people on campus would have been extremely difficult in that hostile racial climate. She did succeed in making a few friends but was often isolated in her dorm room, an office converted into a suite that had its own bathroom.

To insulate himself from the racial tension, Holmes lived off-campus with a black family in Athens and drove home to Atlanta every weekend.

The university had once suggested Holmes was not qualified for admission, though he was valedictorian of the all-black high school he and Hunter-Gault attended. Vengeance came in driving up the grading curve in premed courses, angering white classmates and earning his way into the Phi Beta Kappa honor society.

A gifted football player, Holmes never took the field for the Georgia Bulldogs. At the time, it was inconceivable a black player ever would.

What happened the next year in Albany, across the breast of Georgia in the state's southwest corner, was just as inconceivable to a young white boy named Michael Adams, who spent the steamy southern summers in the municipal swimming pool.

Rather than desegregate its cool, chlorinated waters, Albany's city fathers closed the pool.

"I distinctly remember thinking as a kid in a hot Albany summer that if the choice is between swimming with Negroes -- which is what the prevailing term was -- or not swimming at all, for me that's an easy choice," says Adams, 52. Adams wanted to swim.

The protests that became known as the Albany Movement, and the disturbances surrounding them, became a seminal experience for Adams, who was then just 14.

"I remember the race riots in Albany," the college president says. "I remember dual school systems and dual drinking fountains. . . . I know that things were unequal by any measure."

Change has come to the governor's office, too.

Vandiver, now 82, has recanted the segregationist position he took as governor. During his 1958 campaign, he vowed that "not one" black student would go to school with whites in Georgia. Now Vandiver says it was all a matter of political expediency.

"I made some statements during my campaign I shouldn't have," says Vandiver, who graduated from the University of Georgia when it was still segregated. "The man I ran against said I was weak on segregation."

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But once elected, Vandiver continued in the role of ardent segregationist, resisting change through legal means.

Forty years later, every serious candidate in the Democratic gubernatorial primary supported affirmative action. A state legislator before he became governor, Barnes voted to kill a proposed statewide ban on affirmative action despite being in the midst of a campaign.

The Republican he faced in the general election, Guy Millner, opposed affirmative action. His comments on racial issues worried black Georgians, who flocked to the polls. This time, the racial moderate won.

Barnes, 52, graduated from a desegregated University of Georgia in 1969 and its law school in 1972. The first-term governor says he opposes racial quotas but endorses the university's affirmative action as a "mild system" justified by the state's past.

"Given Georgia's history, it was necessary to continue to bring about some inclusion at the University of Georgia," he says. "Things that go on for centuries just don't go away when a court says, 'That's gone.' "

State Sen. Eric Johnson, the Republican leader in the Georgia Senate, doesn't agree with the opposition to affirmative action expressed by his national party and some fellow GOP legislators in Georgia. As a little boy in the late 1950s, Johnson watched through a window in his family's home as a cross flamed in the front yard of an aunt who had written a letter to the local newspaper supporting civil rights. His father was the first white doctor in Shreveport, La., to integrate his waiting room.

"I don't have a problem with some affirmative action," says Johnson, 47. "I do believe that a system to strive for some diversity that's not quotas has to continue" at the flagship university.

With the passage of time, the university has reconciled with its segregated past and first black students.

Every year since 1985, a distinguished speaker has delivered the "Holmes-Hunter Lecture." A scholarship was given in their name to black students until last year, when it was suspended to avoid another lawsuit based on Edenfield's ruling. Hunter-Gault delivered the commencement address in 1988. Holmes, who became a big booster of the football team, sent his son to college in Athens.

This month, the university plans to celebrate the 40th anniversary of its desegregation. Hunter-Gault is to be the keynote speaker, and a plaque will be installed in front of the red-brick building where she attended her first class. One of the participants will be Vandiver, the former governor who tried to keep Hunter-Gault and Holmes out.

But on a campus so large that students use shuttle buses to get around, the racial separateness that she and Holmes experienced continues, though without open hostility. The affirmative action lawsuit, controversial as it is, has not generated a lot of public dialogue on campus.

"Teachers stay away from it," says Tony Simon, president of the College Republicans and a supporter of Edenfield's ruling. "I think there needs to be more of a healing process on campus."

Mark Anthony Thomas, who last year became the first black editor of the campus newspaper, has detected racial tensions rising beneath the surface. "We have a very segregated campus," he says. "And there has been a lot of tension because the administration did decide to fight for affirmative action."

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