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Rightly, UGA stands firm on policy**BYLINE:** Staff**SOURCE:** CONSTITUTION**SECTION:** Editorial; Pg. 18A**LENGTH:** 363 words

The Rev. Martin Luther King Jr. warned that "the appalling silence of good people" could endanger civil rights gains. Fortunately, 40 years after the integration of the University of Georgia, that warning is still being taken seriously. Even as UGA this week celebrated the admission of the school's first two African-American students, Charlayne Hunter and Hamilton Holmes Jr., President Michael Adams was repeating his commitment to vigorously appeal a ruling striking down UGA's modest affirmative action program.

In overturning UGA's diversity program, Savannah federal district Judge B. Avant Edenfield declared that the U. S. Supreme Court's 1978 Bakke decision -- - which outlawed racial quotas, but not race, as an admissions consideration -- - is no longer the law of the land. Countless legal authorities, however, dispute Edenfield's declaration; the nation's highest court has never overturned Bakke. UGA's policy employs race as one of many factors in admissions decisions affecting a small number of students --- less than 10 percent of entering freshmen.

It is important that Adams and the Board of Regents are hanging tough. Other schools around the country, most recently the University of Texas Law School, have dropped affirmative action programs cold in the face of continuing litigation. And prematurely so.

A ruling last month by a federal district judge in Michigan upheld the University of Michigan's program, a replica of UGA's. In doing so, federal district Judge Patrick Duggan cited "the solid educational benefits that flow from a racially diverse institution." While the Michigan decision is not binding in this judicial circuit, it's nevertheless encouraging.

Delivering the annual Hunter-Holmes lecture on Tuesday, Charlayne Hunter- Gault, now CNN's South Africa bureau chief, noted the university's small number of black students --- about 6 percent --- and urged students and faculty not to turn back on the struggle to realize a diverse student body. She's right. Even if UGA ultimately loses in court, Georgians can be proud that their flagship institution stands for the key democratic principle of equal educational opportunity.

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