**You Might Be Right - Affirmative Action - Transcript**

**Sarah Isgur:** I think it should be up to the school and that we should really encourage schools to have that diverse experience across viewpoints, socioeconomic, race. The experience of race in the United States of America cannot be separated from a diverse set of experiences in the United States.

**Marie Bigham:** The idea that I personally think could really radically change higher ed for the best in our country is to expand and say, "This is something that we should have access to for a lifetime."

**Marianne Wanamaker:** Welcome to "You Might Be Right," a place for civil conversations about tough topics, brought to you by the Baker School of Public Policy and Public Affairs at the University of Tennessee with funding support from members of our Producer Circle. To learn more about how you can support our work, visit youmightberight.org.

In June 2023, the Supreme Court effectively banned the use of race-conscious admissions policies in higher ed. The ruling has brought renewed attention to college admissions in general. Can a process that explicitly advantages athletes, legacies, and donors be considered a meritocracy? And what should campuses that want a diverse student population do to meet their goals? In this episode, our hosts, former Tennessee Governors Bill Haslam and Phil Bredesen, and their guests discuss the ruling, the response, and what's next for higher ed.

**Bill Haslam:** Well, Phil, the subject of affirmative action has been a lot in the news recently with the Supreme Court decision basically outlawing its use for admissions. And we have two guests that are going to come from, I think, somewhat different viewpoints on that. I'm curious if you have any initial thoughts and reactions before we jump in with our guests.

**Phil Bredesen:** I think this is one of these issues that it's important to not jump on one side or the other. It has a lot of dimensions. It has a lot of implications for both college and American society. I think I'm where a lot of Americans are right now, just trying to understand, "Okay, what does this all mean? And what are the effects likely to be? And does it help or hurt things that I care about?" I think our guests today, it's a good list of people who've got some differing views, but a lot of expertise.

**Bill Haslam:** No, I think you agree with me that higher education, one of its primary functions in our country has been to help make sure that people aren't static in their income status, and that there really is some mobility, and that higher education is providing one of the main means to do that. So I'd be really curious to see if universities can no longer recruit and admit on that basis, then how do we make certain it continues to provide a vital function of economic mobility that I think has been really important in our country?

**Phil Bredesen:** Yeah, I agree with you completely. I think this issue of how do you create social mobility, which is kind of part of the American ethos that that's what the country is about, and yet there's a lot of impediments to social mobility in our country. And I look at affirmative action as being one of the tools people have tried to deploy to do that, and it'd be interesting to see how they think it has worked and what they think will be the results of this.

**Bill Haslam:** Let's get to it. Phil, our first guest is Sarah Isgur. She's a writer for The Dispatch and hosts the legal podcast "Advisory Opinions." And she also appears as a legal and political analyst on several networks: Fox, CNN, MSNBC. She graduated from Northwestern in Harvard Law, and prior to her time at The Dispatch, she was a spokesperson for the US Department of Justice and as the director of the Office of Public Affairs. She's been involved in a couple of Republican presidential campaigns, so she brings that experience to us.

**Phil Bredesen:** I wanted to just start, Sarah, by asking– The Supreme Court has acted. Things are the law of the land now. Most universities, I think, consider it valuable in some way to have a student body which is diverse and representative of the population and of the country. And both from the standpoint of the students who are there, and their experience, and also their role in society. In this new world, do they have the tools to continue to create that kind of diversity or not?

**Sarah Isgur:** So there's a few answers to that, some of which goes to, "What do we actually think is the definition of diversity? What makes a student body diverse and not?" This certainly will change the way that universities can put together a "diverse class." And I think for some people and their definition of diversity, it's going to make it harder. And for others, they would argue that it's going to actually force them from a lazy Benetton ad version of diversity to something more like true diversity. So I want to explain a little bit about what I mean about that. And I don't know, do y'all remember the Benetton ads?

**Bill Haslam:** I do.

**Phil Bredesen:** Yes, yes.

**Bill Haslam:** Hey, we're old enough. That seems like modern history to us.

**Sarah Isgur:** Right. This is the idea of having a picture with a bunch of different colors on it, but of course they're all wearing super rich people clothes. A little bit, that's what affirmative action turned into on a lot of college campuses. Not everyone, but the idea that they were really only looking for admissions brochure level diversity. They wanted pictures of people who looked different from one another, and that therefore the diversity box was checked. They didn't need to look any further. So what happened as a result of that is that you ended up with extreme lack of diversity on other metrics. Like for instance, the sort of background that these kids came from. Regardless of their race, they were far more likely, not just to be wealthy, but really, really wealthy compared to the average American. So 60% of the class would come from the top 1%, and less than 10% would come from the bottom 50% of America's economic classes.

That's a wild lack of diversity in some ways. You also had, for instance, Harvard and some of the more elite schools trying to find students from states that they might not have represented. Like, "Ah, what about diversity like being from Wyoming?" So they'd find like the richest kid from Wyoming who just moved there last year and be like, "See, we found Wyoming!" That's not even doing what you said you were doing. You add to that – and I'm going to pick on Harvard a little not just because I went there, but because frankly the record from the Harvard case is just so much more egregious–

**Bill Haslam:** Careful. Phil's a Harvard guy, too.

**Sarah Isgur:** Harvard had a race checkbox that you filled out, and so some people were arguing like, "Well, look, you didn't have to check the box at all." And then Harvard admitted in the record that actually if you didn't check the box, they would go through your social media and try to Google you and try to find a picture of you, so that they could fill out the checkbox. That's some pretty gross stuff considering that on the other hand, they were also having an extreme admissions favorability for legacy admissions, meaning that you had a parent that went there. Sports admissions, and to the extent you think that the sports are helping with any kind of diversity, this ain't football and basketball. This is croquet and badminton. They weren't necessarily giving out scholarships. Instead, they were giving out admissions as a way to boost their more esoteric sports.

And then finally, dean's list, meaning you're the kid of a professor or of a famous person. So you would get a plus up, too. So what would end up happening is that those three buckets made a huge white affirmative action bucket basically. And then they would spend the rest of the time trying to fill out the rest of the class to fix the white affirmative action. So that's all to say, as a result of this opinion, what you have are schools that are going to have to figure this out in a less lazy way, frankly, in my view, which is do something other than a checkbox. Actually have an admissions policy that looks at diversity. Yes, you may need to change your legacy policies, et cetera, to do that, and you can ask essay questions like, "Tell us about a time you overcame hardship or adversity." Things like that that actually will go to some type of diversity in the class, diversity of experience and life experience, and not simply diversity of tone of skin.

**Phil Bredesen:** How would you define the diversity that would meet the needs of the students in the college and the larger community? What's your definition of that?

**Sarah Isgur:** I think it's diversity of life experience in the United States of America, and that schools absolutely have a responsibility to that type of diversity. The problem is that it doesn't lend itself to an easy way for admissions officers. And remember, Harvard has like 40 admissions officers trying to do this. So I think we can all absolutely understand, anyone who's worked in any level of bureaucracy, that it's much easier to tell those 40 people, "This is what equals diversity, and it's really easy. It's a checkbox," versus something that's a little amorphous and hard to define like diversity of experience. And Harvard could fill their class with simply the 2,000 most interesting people in America to have a conversation for those 4 years, these 2,000 people together. They could also fill their class with the 2,000 people who tested best on the SAT. They could fill their class– There's any number of ways that Harvard could decide to define themselves.

What the Supreme Court said is, "The one thing you can't do is define yourself by having a defacto racial quota system that discriminates basically against Asian-American students because you're unwilling–" The plaintiffs, in this case, the Asian-American students that were being represented, offered different types of admissions policies with different sort of percentages. And basically they could keep their same level of race-based diversity, not use the checkbox, if they were willing to lower the average SAT score by 10 points. And Harvard said, "Well, we're not willing to do that." You got to give on something. Give on the socioeconomic side. Give on the SAT side. I don't think any of those things are the definition of diversity. I think it should be up to the school and that we should really encourage schools to have that diverse experience across viewpoints, socioeconomic, race. The experience of race in the United States of America cannot be separated from a diverse set of experiences in the United States.

**Bill Haslam:** But put your lawyer hat back on, and let me back you up a little bit. You've talked a little bit about this. How far-reaching is this decision? Is this just about college admissions? Does it apply anywhere else? Is it private schools and public schools? I noticed they notably excepted the military. Tell us a little bit about how far-reaching– And what'd the Supreme Court actually say?

**Sarah Isgur:** Sure. So let's start with the exception for the military academies because it just stands out, and it's this speed hump you have to go over that is a little hard to explain. So basically in a footnote, the chief justice said, "This doesn't apply to military schools. It's not for us. They may have different interests because they're training the military and war fighting leaders for tomorrow that therefore the government may have a different interest in actually using race as a separate diversity criteria, and race alone." Okay, so we just take that out. I think you can tell where the Chief was going with that, but who knows? So beyond that, yes, it applies to public schools because they are "state actors," meaning they act on behalf of the government. It also applies to private schools who accept federal money because basically, as part of that federal money, you accept a contract-

**Bill Haslam:** But that's going to be almost every private school with the exception of a couple, right?

**Sarah Isgur:** Almost every single one, but there are some notable exceptions. Now, what those schools would tell you is, "Great because we've taken all the downsides of not taking federal money, so that we can actually control our school exactly the way we want to." So yes, these other schools shouldn't get to have it both ways, where they take all these federal grants for their scientists and for their stuff, but then they also get to do exactly whatever they want. So yes, it will apply to almost every private school in the country who accepts those private grants, but they're welcome to stop accepting the federal money as well.

**Bill Haslam:** The decision, was it just about admissions and just for higher ed?

**Sarah Isgur:** Depends on who you ask. This is true for every Supreme Court decision. Nearly every single one. There's what the Supreme Court decided in the case before them, and there's what we are all going to argue over what the precedent means for cases that will come up next. So not to have a little mini law school lesson here, but technically whenever the Supreme Court decides a case, it's only deciding about the parties before them. So technically speaking, this case is only about Harvard and UNC. But, obviously, if you're the University of Tennessee, you should look at this and say, "Well, there's nothing that's different legally speaking between the University of Tennessee and the University of North Carolina. Therefore, this case binds us as well." So we know that it would apply to other school's admissions policies, public and private, because UNC is public and Harvard is private. And then beyond that, yeah, we start looking at other things like, "Well, how would this apply to employer-based affirmative action?"

There's the more obvious employer-based affirmative action. "We're looking for diverse UPS workers. So yes, we take race into account, it's a plus factor when we're hiring." But then there's more amorphous hiring practices. I'm sure y'all are familiar with the Rooney Rule in football in the NFL, the idea that it's not about saying who gets the job or who even gets the promotion per se. It's about who gets considered and expanding that pool based on race. Well, does this opinion have anything to say about that? Yeah, but it's not directly on point. I don't think anyone could say it prohibits the Rooney Rule by any means, but it certainly tells you where the justice's heads are at from first principles philosophically.

**Bill Haslam:** If I'm a university that actually really does want to have a diverse student body, how would you counsel us to make certain that our university does have the diversity we would like to see of all types? What are ways that schools can do that without violating what the Supreme Court has said?

**Sarah Isgur:** So it's a really interesting question because I've got two contradictory answers for you. One is this idea that we have no idea what happens when you ban affirmative action for large public schools is just bonkers crazy. California passed a referendum back in 1995, it went into effect for the '98 school year, banning affirmative action in the state of California. Michigan and Texas, through other situations, also have banned affirmative action. So we have three large states with big state school programs, all of which haven't been able to use affirmative action for decades. And yet, they still have diverse student bodies. Okay, what did I say was the contradictory part of this? Well, both sides argued this as being part of the record basically. California actually came in on the side of Harvard and North Carolina and argued, "Yes, and our experiment has been a failure because our school is less–" Berkeley, for instance. "Our elite schools have become less diverse when it comes to Black and Latino students." Well, it's really interesting because there's nuggets in here for everyone to glom onto.

So first of all, the University of California system as a whole has been fine. The same, basically. But California is right that the number of Black and Latino students enrolling, for instance in Berkeley, has gone down. Now, the reason they're not saying that the school has gotten less racially diverse is because, in fact, the number of Asian students has gone up. And remember that Asian people make up like 60% of the world's population. So to say Asian is one single thing is also kind of silly. If Asian enrollment has gone up and they've all been from China, then maybe you can argue that it hasn't actually increased the racial diversity of the school. But that's not true, of course. In fact, it was pointed out by Justice Gorsuch in his concurring opinion that some of that is what made it so offensive to them, this idea that there were six check boxes, and those were supposed to represent racial diversity when you just have one checkbox for being Asian when there's so many different ways to look at that.

So, things that California has done? Spend enormous sums of money trying to encourage students to apply in the first place because if you expand the pool of applicants, you're necessarily going to expand the pool of enrollees to some extent. And they've had to spend huge, huge sums of money to try to increase the number of applicants. I think what California would argue on the flip side is that's a whole lot of resources that could go to other things. We're tying our hands behind our back to do that. Obviously there's scholarships, there's all sorts of programmatic ways to encourage students to go. In Texas, though, for instance, they have the top 10% rule where if you graduate in the top 10% of your public high school graduating class, you're guaranteed admissions to a public school. That's how they've then created racial diversity in their classes. So we have these three big states to use as examples. There's other smaller states as well. I think the record is mixed, which is to say there is no singular answer. There's also no one way to do this, which is good news, too.

**Phil Bredesen:** In listening to you, the idea of idealizing diversity as being diversity of life experience as opposed to more obvious racial characteristics, it certainly is attractive. And that's the kind of school I would've wanted my child to go to. At the same time, though, I'm sitting here and saying, "Well, that's true, but there is a reality of a long history of discrimination against African-American students." It's not just arbitrarily picking one characteristic and saying, "You can't do it just on that. Let's do something broader." I just don't think you can ignore the history and the reality of attitudes. If I hear somebody sitting in a bar and saying something offensive, it isn't about their economic status, it's about their color. So how does this address– Does that ignore this reality in our society?

**Sarah Isgur:** This is why I find conversations like this actually interesting and engaging because people of good faith who want to make the country better can both have totally great arguments on both sides and come out in different places.

**Bill Haslam:** That's the premise of the podcast, by the way.

**Sarah Isgur:** Right. But those are the good things we should be grappling with and with those we who are willing to engage in good faith because I think you're exactly right. It's why, for instance, Justice Kavanaugh raises the specter of schools perhaps being able to ask, "Are you the descendant of American enslaved people?" That certainly would get to a piece of what you're talking about. Certainly the descendants of enslaved people in this country experienced a specific type of generational racism in terms of wealth and generational wealth that they were able to pass on, everything like that. But when you get to Jim Crow, for instance, people weren't asking for your grandparents' paperwork to make sure that you were descended from slaves before they told you you couldn't use that water fountain. It was based on the color of your skin. So I think both of those are pretty good arguments that it's difficult to capture this.

On the other hand, what ends up happening for these schools, because they value wealth so much from the families that, regardless of race, if your parents have money, you're something like 28 times more likely to get admitted to these elite schools if your parents are in the top 1%. That's regardless of race. So what ends up happening, which I think you would agree, is one type of diversity but maybe not exactly what we're looking for here, is you are Black, your parents are new immigrants from an African country, they're incredibly wealthy. So you get into these elite schools. To your point, your skin color alone will have you treated differently in this country. There's just no question about that. But it is not the same as coming from someone whose grandparents lived through Jim Crow. And it's certainly not the same as someone whose great-great-grandparents were enslaved in this country. That's what I mean by looking at something broader about diversity.

I have no problem with that African immigrant child going to these elite schools. They also are bringing a diverse experience of immigration and skin color and potential discrimination, but you've got to get big picture because, if you're only accepting the rich African kids, then you haven't helped our larger America's original sin problem either. That's where I think it gets complicated because you're right, and the larger amorphous diversity thing is right, so you just need admissions officers that are willing to grapple with all of that.

**Bill Haslam:** Sarah, you've been great to give us so much time. Let me ask the wrap up question we ask to everybody. Senator Baker had a famous quote to always remember that the other person might be right. So the question we always end with is, hopefully maybe on this topic, but if not, can you give us an example of a time you realize after listening to the other side of the argument, "Hmm, they might be right?" And you have to be on a podcast almost every day, so you probably have lots of chance to learn the other side.

**Sarah Isgur:** Oh, yeah. It's my favorite part of this job in a lot of ways, and this is the perfect example because – and I've already talked about it a little here – but up until five years ago maybe, I absolutely thought that socioeconomic diversity could substitute for racial diversity when it comes to affirmative action. It seemed very easy to me. It seemed to fix – "If you're worried that your admissions officers can't follow a complicated amorphous policy, great. I have a different bright line rule. Don't use race. Just use the income or maybe the wealth of the parents. Done and done. Why isn't this so easy? Let's move on." And then as I really heard the arguments through this trial and at the appellate level, I really took very seriously what the other side was saying on this, which was, "Look, you can have some of that for sure, but having a pure socioeconomic diverse class would create its own lack of diversity and lack of those interesting conversations that these schools promise to facilitate."

So I've really changed my mind on that. I do not think that socioeconomic diversity can or should be substituted at all for this true, holistic, "We just want to create a diverse class." We want people to have interesting conversations and to come from different experiences in the United States, and they don't need to be the same every year. We're not trying to find– There's that scene from Legally Blonde where they go around and say what they were doing ahead of time. We don't need someone who is deworming orphans in Somalia for every class, but if there's someone really interesting for this class, cool. Let's get them.

**Bill Haslam:** Perfect. Sarah, thank you so much for your time. This has been incredibly enlightening and helpful, and we're very, very grateful.

**Sarah Isgur:** Thank you for what you both do.

**Phil Bredesen:** It was really great to listen to you. Very sophisticated perception. Thank you.

That was interesting.

**Bill Haslam:** Really helpful perspective. I think this is one of these cases where we definitely have two people who know what they're talking about and coming from a little bit different perspective. I'm really looking forward to meeting Marie in this next segment.

**Phil Bredesen:** Yeah, one of the things Sarah said about just this is an issue in which you can have very thoughtful people come to very different conclusions. And it'll be interesting to hear our next guest. Looking forward to it.

**Bill Haslam:** And I'll be honest, it's one of those that my own opinion has shifted a little bit just even recently as I've heard the different arguments. So I'm looking forward to hearing Marie.

**Phil Bredesen:** Hey, Bill. Our next guest is Marie Bigham. She's the founder and executive director of ACCEPT, which stands for Admissions Community Cultivating Equity & Peace Today. She served at a number of higher education institutions and college admission counseling. She's a graduate of Washington University St. Louis. She's been associate director of college counseling at Riverdale Country School in New York and has broad experience in this area. I'm really looking forward to talking with her about this set of issues.

Marie, welcome to our podcast.

**Marie Bigham:** Thank you so much. I'm really excited to be here. Thank you.

**Bill Haslam:** Thanks. Let me just start with how big a deal is this decision? And what will the impact– Give us a summary view of how big a deal it is and what will the impact be?

**Marie Bigham:** Sure. Thank you so much for asking. I think that the impact is going to be large and systemic, and it's going to extend far beyond higher education. We'll start with higher ed though first. So at institutions like the three that we attended, Harvard, Emory, Washington U in St. Louis, highly selective places. We're going to see–

**Bill Haslam:** It wasn't nearly so selective when I got in. I need to say that, but go ahead.

**Marie Bigham:** Same. For all of us. Same. And that's one of the crazy things as we think about this process, is how much has changed in a really short amount of time. And those places are super selective now. So I think we're going to see fewer students of color attend those places which have the concentrations of wealth, power, network access, ability to pay for students. I think we're going to see that. I think we're also going to see fewer and fewer students of color in college broadly. I'm worried about two pieces, though. This is not where this is going to stop. There's been movement in the legal community to get rid of a lot of the civil rights opportunities that we've developed in the last 60 years. So I think one of the things that's really frightening about the reach of this is the same gentleman who brought this case to Harvard, regarding Harvard and UNC, recently filed a federal suit against a women-owned, Black women focused venture capital firm.

**Bill Haslam:** I saw this, yeah.

**Marie Bigham:** And let's be really honest, Black women get under 2% of total venture capital funding. So this is not going to stop here, but I think societally we know the power of a bachelor's degree. So with fewer people of color in college, we're going to see fewer of them with bachelor's degree, fewer in positions of power, in leadership, with jobs and careers that provide social mobility. This is going to impact generational wealth and the ability to build that, and I think that disparity will continue to grow.

**Phil Bredesen:** One of the, I guess, criticisms of opposition to the decision is the statement, which I've heard many times and we've also heard in this podcast, that in fact these attempts at having diversity by basing admissions on racial quotas or racial checking boxes, and so on, in fact isn't really creating diversity. That all you're doing is if you're a Black student who's the son of two doctors or daughter of two doctors, you get into Harvard. And while that may put an African-American face at Harvard, it doesn't really do anything to advance society in terms of righting historical wrongs and so on. So how do you address that issue? Do you think that's a problem?

**Marie Bigham:** Well, I think that's a really interesting question. And I think that we're putting a whole lot of burden on a small part of a person's lifespan within their culture to fix racial ills, that moment of getting into college. And I think that we've put way too much emphasis on that point. But I do want to point out a couple of things. I know a lot of folks will ask the question, "How much impact has this had, have these race conscious practices had really? Are they actually helping?" And before we get into that, I want to point out some of the practices that have had the absolute opposite effect, practices that have actively kept people of color out. Legacy admissions because of our history of education and immigration, it's been mostly White people. Development admissions, folks who donate a lot of money and get a pathway in, it's going to tend to be White folks. When we look at college, college faculty members and their students having an easier pathway in, again, because of that educational history, it's going to have a lot of impact on mostly White people.

And I think something that's really interesting I want to point out. When we think of athletics and how athletic recruitment might be a pathway to help more students of color in, that's really wrong. So just as an example, when you think about the three revenue sports, men's basketball, women's basketball, and football, those are going to be mostly students of color. Harvard has 42 Division I athletic teams, and of those remaining 39, about 70% of the students getting access that way are White and wealthy and tend to come from really privileged backgrounds. So when we think about what works, I think it's first to acknowledge some real headwinds that any diversity opportunities have had to face throughout history because those headwinds work really, really well. So I think we've had a lot of history and have a lot of challenges in approaching this. I want to point out quotas haven't been used for a really long time, and selective admission's now the way race is used because it's a part of someone's story. It's not a thumb on the scale the way people tend to think of it.

**Bill Haslam:** That's well said. So I guess let me ask this. Given now the Supreme Court's made this ruling, and if I'm a university that actually really does want to have a diverse student body and now I have certain legal restrictions, how would you counsel us to make certain that our university does have the diversity we would like to see of all types?

**Marie Bigham:** Sure. I think what's really important to remember is that the Supreme Court decision was fairly narrow in how it was written. So I think that's really important first of all. It focused on the point of selection at selective colleges. It's pretty narrow. So if a college that is not really selective and we're talking about the vast majority in this country, if this matters to them, first they can affirm consistently their mission statements, and they should stand by that. They should focus on the parts of the pathway to college that are not at the selection point, and that's a whole lot. That's helping students get access to great public education, K-12. That's making sure students have curricular opportunities and challenge all the way through. That's making sure that the recruitment process is intentional and that it's focused. The Supreme Court didn't say anything about that. Make sure that after a student's admitted that the supports are there, that the community is there on their campus. It's not just about that moment of being selected. Building that diverse community is broad.

**Phil Bredesen:** Are you saying that, if I'm the president of a non-selective college, that I really can ignore this Supreme Court decision?

**Marie Bigham:** Oh, absolutely not. Absolutely not. And I think that's something that's important to point out. When the decision first came out, I think a lot of folks said, "This was only about that handful of really selective colleges." We are currently waiting for the Department of Justice and the Office of Civil Rights to give clear guidance on how this should be applied broadly. We know there's going to be some nuance to it. For example, there are concerns that programs that might fly students to a campus and pay for their visit, that might run afoul of this, if there is a sense that students who attend that might have an advantage in the application process than those who don't. So there's nuance to this, and I think colleges of all selectivity really need to pay attention. But what they also need to do is continually reaffirm the importance of their mission statement. They need to look at all of the ways that they embrace and support diversity at every aspect of their campus as well. It's not just admissions.

**Phil Bredesen:** I think most sensible people would agree that having a college class which is diverse in the sense of it reflected in some way the country in which it existed is good for, first of all, the students there to see different life experiences, and second of all, for their larger role in the community. I'd be interested in how you would define that diversity. If you had to define the diversity they were seeking, what would you say?

**Marie Bigham:** I think that's actually a really important question to delve into because so much of the conversation is focused on racial diversity. Does our country reflect the racial face of our nation right now? Do these colleges reflect that? That's an important thing. And for me, that's my primary focus in this conversation. There are other ways of slicing it. I think socioeconomic diversity is incredibly important as well. It often reflects racial diversity. I think with diversity of ability, geographic diversity, there's so many ways to slice it. And it really depends on what's important to them. I think because of our nation's history and the driver of race as access to opportunity, to me that's why it's such an important story to tell, and especially as our country changes.

**Bill Haslam:** We're two former, has-been governors, but I think one of the things we both learned is the connection between higher ed and K-12. And I think one of the things that has concerned me, particularly out of COVID, we've seen just the application to post-secondary educations from minorities, particularly minority males, has fallen off the cliff after COVID. So act like you're the advisor to a governor, and we're concerned that with the ruling and with the after effects of COVID, that the springboard to opportunity that higher ed has been for minorities actually looks like it has a little less spring in it maybe than it did before. Counsel us on what to do about that.

**Marie Bigham:** I'm going to affirm something that both of you stood for during your own administrations, and that's more access for transfer students and support of community colleges. I was so grateful in researching for this to see how you all were both such stalwart supporters of that. I think that is a huge missed opportunity in four-year colleges. I think that is one of the ways that we can grow that pathway, especially for men of color. And to also acknowledge, too, that life is not linear. We have this idea that you stop your education, you stop learning and growing at 22, that that's when college ends for those who stop there.

I think by embracing and supporting community colleges and smoothing that transfer process, part of what we're doing is also broadening the vision of education as a lifelong opportunity, not just something limited. So when I think about some large systemic opportunities that states could embrace, really pushing support of community colleges and demanding that there is a clear, easy path for transfer is a really big one. So that would be the first thing. And again, I want to thank the two of you for supporting those things when you were in office.

**Phil Bredesen:** One of the things that I found in my time as governor was really the first time I spent a lot of time around higher education. I went to college, but I was not involved. I was never on a board of a university or anything up to that point. And what I found was that, in Tennessee anyway, an even larger problem in admissions was retention, that kids would get into school, and too many of them were 18 and they weren't well enough prepared. And, yes, they probably had some economic challenges as well in their family, and they probably had family issues. And you're kind of all screwed up and your head's not screwed on straight at 18 anyway.

And they didn't have support from home, and it's now their first degree if they didn't have a mother or a father who had been to college and had that experience. I've always thought that, in some way, one of the ways in which you increase the throughput, to be mechanical about it, of these first time students, and there would be a lot of students of color on that list, was to spend more time on how you help these students through the process of going to college and soforth. Does that make any sense to you? Do you see that as a problem?

**Marie Bigham:** I agree completely. I absolutely agree with you. Again, the story about having more people of color get bachelor's degrees and the social mobility that comes with that is not just about that point of entry. And I think you are absolutely spot-on right. This is about retention. This is about getting someone through. And I think some other points that you brought up there I want to touch upon. Yeah, I don't know if 18 is the right age for folks to go to college. Their brains are so squishy and still developing. And I will tell you as someone who really loves higher ed and grew up in a higher ed family, I was a disaster as an 18-year-old, as a student, as everything.

It's only because I had a lot of privileges and support and a deep history in higher education and my family going that I could figure out how to get out of it, but also knew that I had a safety net. So again, the idea that I personally think could really radically change higher ed for the best in our country is to expand and say, "This is something that we should have access to for a lifetime." And I think when you're talking about, especially those young men who go to college and they don't retain, let's make this available always and let's have the systemic and societal supports to make that happen. I think that could be transformative for us.

**Phil Bredesen:** This podcast we're doing together is called "You Might Be Right," and it's based on Howard Baker's, a senator from Tennessee, observation basically that you need to recognize the other fellow might be right, so keep an open mind. So the question I have is – you seem like an open-minded person – can you think of an example from your own past, hopefully in this area but in any area, where keeping an open mind and listening to the other side has genuinely changed your mind about some issue you felt strongly about?

**Marie Bigham:** For sure. I have to tell you, though, in prepping for this, I came up with 15 examples. And I'm going to use the one that speaks very much, like I said, to my policy nerd core. So in the late 80s, I was an intern for then Congressman Dick Durbin as a senior in high school. And I was doing a talk where he was coming to talk to the other high school interns, like 50 of us chosen from around the state. And I was really excited to just engage with him. Now, I also really like to be right, all the time, and I like to show that. And that's not a good thing. And Congressman Durbin taught me why that was not important.

So I told him I was going to tee him up for a challenging question and he said, "What's that?" And I said, "I'm going to ask you about the Cardinals and Cubs rivalry knowing that you are a St. Louis Cardinals fan, as am I. And I want to see the Chicago kids squirm." And he said, "Why would I do that?" And I said, "Because we're Cardinals fans." And he was like, "We don't always have to be right. Sometimes you can just enjoy baseball." And then what he taught me, too, what he said later was, "To start with that puts everybody in an uncomfortable position and that you're off starting a conversation being in opposition. Why would you do that?" So he taught me a whole lot about not having to be right all the time. And I was 17 when he taught me that, and that's something I still think about a whole lot today.

**Phil Bredesen:** I think at 17, you are right all the time, aren't you?

**Marie Bigham:** Well, no, that's true. That's true. And having worked in high schools for 15 years, I promise you those 17-year-olds believe that in their core, too.

**Bill Haslam:** Marie, thank you. When we started this podcast, we were hoping we would have guests who would present their side of a difficult subject in an informed and passionate way, but yet thoughtful and realizing that they might not have everything exactly right. And you've done that well. We're very, very grateful that you would take this time to be with us.

**Marie Bigham:** I'm very, very grateful that you invited me, and thank you so much for this podcast. It's been such fun to listen to.

**Phil Bredesen:** Thank you very much. Well, I think we tackled this from the standpoint of this was an issue in which there could be really considered views of good people on both sides, and that certainly has been demonstrated.

**Bill Haslam:** No, I think it's true. As I think I said earlier, I have some personal ambivalence. I think higher ed really is that door to further opportunity, and we have to make certain that we're not making certain it's an unfair door, if you will. On the other hand, I understand the issues about affirmative action or why, if you check the box, then you have a big advantage. I think it's this. If you said, "Bill, what would you do?" I said, "You have to approach the problem from the very beginning. You have to say that it begins with saying, "In K-12 that we believe every child, in every zip code, should have an opportunity for a great education." And you have to be committed to that fact so that people, once they get there, actually are prepared.

**Phil Bredesen:** Yeah. And I also think that support issue is important. As I said, the reasons why somebody doesn't make it through, and so many don't, is– I mean, they're complex and they've got to do with family and finances. It's a lot of stuff besides being able to get a loan to actually go to college.

**Bill Haslam:** Right. What I really appreciate is both Sarah and Marie have knowledge about the topic, have a passionate view about it, but are open and willing to not present in a persuasive way, but open to the fact that, "This isn't an easy one, and I might not have it exactly right."

**Phil Bredesen:** Right. That's what this is supposed to be about.

**Marianne Wanamaker:** Thanks for listening to "You Might Be Right." Be sure to follow on Apple Podcasts, Spotify, or wherever you listen to your favorite shows. And please help spread the word by sharing, rating and reviewing the show.

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