

Modern Day Segregation: An Examination of Affirmative Action Bans

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The term “affirmative action” initially appeared in President John F. Kennedy’s Executive Order 10925 in 1961, which urged the federal government to make employment opportunities available to minorities (Chrisman, 2013, p. 71). The popularity of this phrase grew immensely as legislators strived to address the racism that persisted throughout the Civil Rights era (Chrisman, 2013, p. 71). Affirmative action essentially champions the principle of the “structured readjustment and redistribution of economic resources and opportunities” as a way to rectify past instances of discrimination against minorities (Chrisman, 2013, p. 72). These minorities constitute a vast group of individuals who have experienced prejudice or inequality based on their race, ethnicity, gender, or religion. Affirmative action significantly impacts the college admissions process, as it is still utilized by some universities to generate a more diverse student body (Long, 2007, pp. 315, 327). However, in recent years, several states have enacted affirmative action bans in the admissions process of their states’ colleges and universities. This has led to an ongoing, heated debate that focuses on how these affirmative action bans in college admissions can create greater inequalities for racial and ethnic minorities. The purpose of this work is to offer an analysis of the influence of affirmative action bans on the demographic constitution of institutions of higher education in the United States. As research will show, affirmative action in college admissions is critical to promoting the advancement of minority students in academia, with its retraction not only being harmful to establishing a more well-rounded student body but also resulting in a form of institutionalized racism in a nation still healing from the “separate but equal” doctrine.

Following the enactment of the Civil Rights Act of 1964, affirmative action gradually began to have an important role in the college admissions process (Long, 2007, p. 315). The power that affirmative action has in college admissions decisions continues to be met by opposition, with numerous court cases reflecting how disagreement in the general population has endured. The divided 1978 verdict of the U.S. Supreme Court in the *Regents of the University of California v. Bakke* was the turning point in the application of affirmative action to the admission of minority students, with Justice Lewis Franklin Powell emphasizing that a student’s race and ethnicity should count as a single factor among multiple other components of the admissions decision (Long, 2007, p. 315). In

1995, the Board of Regents of the University of California (UC) passed the resolution Special Policy-1, which terminated the use of affirmative action in the admissions process of universities in the UC system (Long, 2007, p. 316). The passage of the California Civil Rights Initiative in 1996 eliminated the use of race, ethnicity, sex, and national origin from directly influencing the university admissions process (Long, 2007, p. 316). Policies like these that prohibit the use of affirmative action in admissions decisions in the state of California were enacted in other states, including Texas, Washington, Florida, and Georgia (Long, 2007, p. 316).

While the ramifications of affirmative action bans in the colleges and universities of these five states were initially unclear, recent studies have found significant reductions in minority enrollment. The admission rates of black and Hispanic applicants at several top UC institutions experienced a decline of approximately 20% to 30% following the passage of the California Civil Rights Initiative (Card & Krueger, 2004, p. 6). Researchers have estimated that the complete elimination of affirmative action would reduce the acceptance rates of Hispanic and black students by about 14% and 22%, respectively (Espenshade & Chung, 2005, p. 298). These statistics in turn dissuade many minority students from even considering applying to institutions that have imposed affirmative action bans (Espenshade & Chung, 2005, p. 295). The reduction in the proportion of minority students further creates a sense of not belonging among minority students on campus since they may lack the necessary support from peers who hail from similar backgrounds (Espenshade & Chung, 2005, p. 295). In order to combat these potentially damaging effects, universities in the states with affirmative action bans have implemented various alternative programs that they believe will serve the purpose of developing a diverse student body. For example, the introduction of affirmative action bans has resulted in the adoption of the top X percent program in the states of California, Texas, and Florida, which guarantees acceptance to a state university based on a scholar's academic proficiency determined through his/her grade point average (Long, 2007, p. 319). In addition, these states have also created programs, such as the Texas A&M Century Scholars program and the Longhorn Opportunity Scholarship program, with the aim to offer financial aid, advising, and resources to low-income and minority students (Long, 2007, p. 320). Furthermore, colleges and universities with affirmative action bans have also begun to include prompts in their college applications that inquire about socioeconomic status, second-language speaking ability, and adversities the applicant has overcome, in order to better take into consideration the students with varying racial and ethnic profiles (Long, 2007, p. 319). Another tactic that has become widely used by institutions of higher education is targeted recruitment at high schools that have educational disadvantages and a larger percentage of low-income students (Long, 2007, p. 320). While these alternative programs appear promising, colleges and universities in states that enforce affirmative action bans continue to observe declines in minority enrollment.

The states that have imposed affirmative action bans in college admissions have been met by both support and opposition. The relatively elevated approval for affirmative action bans is evident as nearly 75% of Americans disapprove of giving preferential treatment to minorities in college admissions and job hiring (Wilson, 2012, p. 6). One survey conducted among U.S. adults found that 71% of whites, 59% of Hispanics, and 53% of African Americans believe that blacks should be held responsible

for their own shortcomings (Wilson, 2012, p. 7). These individuals are also convinced that economic and educational outcomes should result from one's efforts and talent, despite the potential inequalities one may have encountered (Wilson, 2012, p. 7). Interestingly, younger African Americans have been found to support this view to a greater extent than more mature African Americans (Wilson, 2012, p. 7). This may be a consequence of the time frames in which these age groups received their education, with more opportunities becoming available for the younger generation of African Americans during the years following desegregation. Proponents of the bans also emphasize that racial and ethnic advantages given to minority applicants may hinder white students with similar educational backgrounds (Long, 2007, p. 317). Studies have shown that black and Hispanic applicants are statistically more likely to gain admittance into a college or university than white applicants with the same qualifications (Long, 2007, p. 317). Critics of affirmative action further argue that college admissions decisions that factor in race or ethnicity often allow for the acceptance of minority students without the same level of preparedness or accomplishments as other applicants (Long, 2007, p. 327).

However, the supporters of affirmative action bans either do not take into account the numerous educational inequalities and the constant economic burden that many minority applicants have faced throughout their lives, or may simply believe that such conditions are not insuperable. Due to policies such as redlining, many African American students have been forced to live in low-income neighborhoods with substandard schools (Wilson, 2012, p. 8). These students may not have access to additional tutoring or academic resources that can promote their educational growth, despite possessing the same level of intellectual interest and curiosity as their white peers. Research conducted on economic mobility has found that nearly 70% of black children living in the most disadvantaged locations in the United States will likely remain the residents of these types of neighborhoods as adults (Wilson, 2012, p. 8). Thus, measures involving affirmative action bans tend to promote a form of institutionalized discrimination that deepens segregation in the educational system in the United States.

The Obama administration (2009-2017) persistently worked to advance racial diversity on college campuses throughout the United States (Wilson, 2012, p. 5). Many proponents of affirmative action applauded these efforts, as they believed that diversity on college campuses was critical to a more well-rounded classroom experience (Mottley, 2015, p. 160). In the liberal arts model of higher education, classroom discussion requires a wide range of viewpoints to promote the understanding of differing perspectives among the students (Mottley, 2015, p. 160). A multicultural education is rewarding to students as it allows them to gain the competence to better interact with the diverse population of the United States and around the world (Curfman, Morrissey, & Drazen, 2013, p. 74). Affirmative action also enables minority students to attend higher quality institutions, which yields greater economic and social returns later in life (Long, 2007, p. 318). These socioeconomic gains can extend to providing opportunities to their children and grandchildren. In addition, studies have shown that minority students who benefit from affirmative action tend to engage in community and volunteering programs to a greater degree than their non-minority peers (Long, 2007, p. 318). The advantages that arise from affirmative action not only aid in the socioeconomic mobility of minorities but also generate a greater awareness and understanding among all members of the student

body, arising from the wide range of distinct experiences and outlooks found in a diverse student population.

Affirmative action has shaped the college admissions process for many minority students. The implementation of affirmative action measures has provided educational opportunities to minority students who have endured racism, economic disadvantages, and limitations in their academic prospects. In several states with affirmative action bans, some universities have aimed to mitigate the effect of the bans through alternative programs to encourage enrollment of low-income, minority, and otherwise disadvantaged students. But the alternative programs continue to reinforce racial and ethnic inequality. This report focused on whether affirmative action bans have the capacity to directly influence the demographic of minority students in colleges and universities in the United States. Research findings from states that have applied affirmative action bans to university admissions have shown that minority enrollment has substantially decreased in relation to the proportion of minority students in high school classes. These states' alternative programs to attract minority and low-income college applicants have failed to stop the decline in minority enrollment, leading to the conclusion that a practical alternative to affirmative action does not appear to exist.

Some of the states with affirmative action bans, like California and Texas, have highly diverse populations. Limiting the number of minority students enrolling in colleges will not only result in student bodies that are more homogeneous, more white and privileged, but also make it significantly more difficult for minority individuals to obtain jobs that offer decent compensation. It is critical for the general workforce to mirror the society it serves; otherwise, both trust and societal progress cannot be firmly established (Curfman, Morrissey, & Drazen, 2013, p. 74). This report's findings effectively liken affirmative action bans to a form of institutionalized segregation, ensuring that the American dream is impossible to secure. Thus, the institution of higher education as a whole in the United States continues to be riddled with discrimination, with true equality to be achieved only after affirmative action is no longer needed to develop a diverse student body that is representative of the entire population.

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