Affirmative Action: How and Why Its Unfair Practices Need to Be Changed

Garth Massey, a member of the Department of Sociology at the University of Wyoming, has perhaps the best definition of affirmative action policies, seeing them “as a tool that seeks to level the playing field”, particularly when it comes to the opportunities offered to minorities (Massey 784). These policies are well-adapted to promote diversity on college campuses and to assist in the hiring of minority employees prior to and upon graduation. While the idea behind affirmative action is perhaps inherently beneficial-- that is, to create a society where equality presents itself both in employment and admittance to prestigious universities, the policies themselves go about this goal in the wrong way. Pertaining most specifically to college admission practices, policies of affirmative action currently offer unfair advantages to minorities; however, if these policies were to have alterations put into place, then their practice would become much fairer to all students seeking and gaining admission to the college of their choice.

The term “affirmative action” was first used by John F. Kennedy in 1961 in creating the Executive Order 10925, and through it, the Equal Opportunity Employment Commission. Federal funds were used to finance programs ordered to “take affirmative action”; these programs were also required to change their policies of employment so that they were free of any racial preferences (InfoPlease.com). Executive Order 10925 mandated that it was the obligation of the United States Government to not only promote, but also to guarantee, equal opportunity for every single qualified person “without regard to race, creed, color, or national origin”
Affirmative action policies seem to be fair, sound thoughts; for who would not support righting past wrongs, and assisting people who for years have been subjugated? A writer for the *New York Times*, David Leonhardt, quotes President Lyndon B. Johnson in one of his articles as having said, regarding the necessity of affirmative action, “you do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, ‘you are free to compete with all the others,’ and still justly believe that you have been completely fair” (Leonhardt). And this is true. For years minorities have been persecuted for their race, and these years of harsh societal treatment have led them to be at a possible disadvantage in competition for gaining admission to universities, particularly in the forms of family income and educational opportunities. Affirmative action policies, however, help to eliminate these hindrances faced by minority applicants.

To remedy the preceding disadvantages, affirmative action policies have led to the implementation of racial-preferences regarding college admission decisions. In fact, a quote taken from an article written by various professors, at both Carnegie Mellon University (Dennis Epple and Holger Sieg) and the University of Florida (Richard Romano), exemplifies this point, saying that the “consideration of race in admissions and provision of financial aid has become common practice among selective institutions of higher education” (Epple, Romano and Sieg 476). The use of race as a deciding factor in college admissions has definitely led to an increase in the diversity of a campus, yet at what cost (498)? In their efforts to eliminate discrimination as a whole, have Kennedy and Johnson put into practice a series of policies that will serve to discriminate against the majorities?

In this paper, current policies of affirmative action are evaluated on their levels of fairness as a whole. Then, the apparent necessity for both affirmative action and race-blind
policies are assessed through counterarguments of its supporters and my own refutations. Following this, evidence is admitted to support each argument, so that each viewpoint is clearly supported. Next, suggestions are made as to alternative programs that may be instated in favor of affirmative action’s race-based policies. Conclusively, the qualities of affirmative action policies, that must be either eliminated or changed in order to truly achieve their goal, are reflected upon.

Affirmative action policies, as they presently exist, often give minorities unfair advantages simply because of their race. In fact, Andrea Bistline, a writer for the *Dickinson Law Review*, warns, in an article relating to advantages seen by minorities in the college application process, that “minority applicants may be evaluated under different and less demanding criteria than their non-minority counterparts” (Bistline 288). Thomas Kane, a Professor of Education and Economics at the Harvard Graduate School of Education, furthers Bistline’s argument, finding in selective institutions that, “average” applicants had an 8 to 10 percent better chance of being admitted if they were black or Hispanic—that is the equivalent of a total SAT score being 1,400 instead of 1,000 (“Racial and Ethnic Preferences in College Admissions” 978). But Kane also noted that it is not only the extremely selective schools that use policies of racial-differentiation between their applicants, but also the averagely prestigious universities as well. Colleges such as the University of Virginia and the University of California, Berkeley have similar policies. In general, when colleges used race in their decision making processes, blacks and Hispanics had a 2.1 and 2.2 percent better likelihood of being offered admission (976). The translation of this advantage on a SAT scale is the equivalent of adding 130 points to an applicant’s scores (976). This boost in scores for a test used as a national determinant leads to an increase in the gap between the top percentile and the bottom percentile at a university. This addition of more than 100 points to an applicant’s SAT score based solely on how he or she marked his or her race on
the application is certainly unfair. How can someone who, being born a minority, gain 100 points on a nationally acclaimed standardized test over someone who, being born a majority, is refused the same benefits? “Reverse discrimination” is a cheap way of putting it-- since discrimination is discrimination, regardless of whether it is to a majority or a minority, but that is exactly what is happening here (982). The benefits applied to a minority student’s application, while these same benefits are denied to an “average” applicant, are intrinsically unequal. But if affirmative action was created to raise everyone to the same standard, then what is the purpose of these policies in this situation?

Similar to the addition of points seen in SAT scores specifically, minorities are given even more advantages after they have mailed their applications off to colleges. There are a massive number of scholarships open to only members of specific races, especially minorities. These scholarships, like the Edward S. Roth Manufacturing Engineering Scholarship, often read along the lines of “preferences will be given to students demonstrating financial need, minority students, and…” (Scholarships.com). One such scholarship, called the Wisconsin Minority Undergraduate Retention Grant, even goes as far as listing the acceptable races in their pool of applicants for the award, “a minority student is defined as… an African American; American Indian; Hispanic; or Southeast Asian from Laos, Cambodia, or Vietnam admitted to the U.S. after December 31, 1975” (Scholarships.com). By having scholarships reserved only for applicants of a minority race, affirmative action policies are once again becoming discriminatory against members of other races. Some schools themselves offer scholarships aimed at only specific races; even schools that may not be considered the most esteemed or high dollar.

In a curious case, even the University of Maryland College Park had one such scholarship. The very prestigious Benjamin Banneker scholarships were created in the late
1970s, Andrea Bistline explains, and they were designed to offer a free, 4-year education to qualified black students (Bistline 296). These scholarships were available only to black students viewed as minorities, and eventually were realized as unconstitutional in 1995 after a Hispanic student, also recognized as a minority, yet still restricted from applying, was denied the scholarship solely on the grounds of his race (302). The University of Maryland’s “minority-only” scholarship was ended after it was deemed unconstitutional by the Supreme Court on the grounds that the university failed to “favor one race over another [in a way that is] ‘narrowly tailored’ for the purpose of rectifying past racial discrimination” (296). Yet if this is the case, then how do any scholarships favoring minority applicants still exist? Minority-only scholarships are clearly disadvantageous to the students who are not considered a minority, once again proving that the policies of affirmative action may be doing their job of propagating equality in a way that is quite unlevelled.

As has been shown, affirmative action policies offer benefits to minorities in a fashion that is not fair nor equal. The elimination of race, then, as a basis of differentiation between applicants to colleges would be a beneficial element in creating a fairer process when applying to a university. Mark Long wrote an article in the journal *Review of Economics and Statistics* on alternative programs to use in place of affirmative action policies. He explains that after removing any race-preferential programs, the state of Texas implemented a Top-10 Percent program, guaranteeing admission for Texas students who graduated in the top ten percent of their high school class at all state-funded universities (Long 1021). Long wrote a second article titled "Affirmative Action and Its Alternatives in Public Universities: What Do We Know?", further explaining the success of the Top-10 Percent program (Long 317). His work in both articles is expanded upon by Richard Kahlenberg and Halley Potter, authors of *A Better Affirmative Action*: 
State Universities That Created Alternatives to Racial Preferences. Kahlenberg and Potter tell their readers that this bill avoids the use of race completely, and actually ensures both geographic and ethnic diversity in Texas’ public universities (Kahlenberg and Potter 22). Not only that, but this bill’s enactment also led to an increase in combined black and Hispanic attendance at the University of Texas, from 18.6 percent under the old plan based on race to 21.4 percent under the race-blind program (29). After the ban of affirmative action policies in the state of Washington, alternative programs arose. Instead of focusing on race, these programs looked instead at an applicant’s “personal achievements and characteristics”—like a commitment to community service and leadership, or “significant responsibility in a family, employment, or through activities” (20). Race-neutral policies also saw no detrimental effects in the numbers of minorities at these universities. In fact, the number of minorities often increased as a result. These policies offered universities fairer options in their selection of applicants, by focusing on socio-economical statuses and respectable qualities rather than innate ones, such as race.

Supporters of present-day affirmative action policies would say that race should always be taken into account when considering an applicant for admission at a university, particularly since race was the primary factor limiting access to minorities in terms of education and employment opportunities. These supporters say that the importance of race regarding college admissions can be summarized into two primary points. The first is that diversity enriches the learning environment on a college campus, as it gives all students the opportunity to share and exchange perspectives amongst other students who all have unique backstories. One author from American Progress, Sophia Kerby, argues that diversity on campus has many benefits to it, including “higher levels of academic achievement” and the “improvement of near- and long-term intergroup relations” (Kerby). Kerby goes on to argue that diversity also fosters innovation, and
offers a real world image; this is the second point that affirmative action supporters hold. Most work places are diverse, or have plans to become even more so. In fact, nearly “75% of companies indicated that they will put more focus… to leverage diversity” in the next three years (Kerby). Colleges are reflective of this work place diversity, and this is conducive to a student’s ability to thrive upon their graduation. Race-preferential policies only provide means to further diversify a college campus. With this in mind, supporters of affirmative action deduce that race preferential policies should not be changed, but maintained as they presently exist.

These advocates for current affirmative action policies overlook just how much of a twisted position they maintain. In their quest to achieve better opportunities for minorities, they ignore the unfairness of the practices they support. While the importance of diversity on college campuses can not be denied, the use of race in order to achieve this goal is heinous. The practice of favoring one race over another is unethical-- even the Supreme Court has ruled so in a number of “reverse discrimination cases”. Take the Hopwood v. Texas case, for example. The U.S. Department of the Interior shows that the Supreme Court eliminated the race-conscious admissions program that was used by the University of Texas Law School prior to 1996. This program actually used lower minimum criteria for both African American and Mexican American candidates than for other “average” applicants (“Reverse” Cases). There are a number of other similar cases and rulings in Supreme Court history, proving that even the top-most piece of the justice system realizes that judging applicants on the basis of race is wrong.

Another opposing view held regarding affirmative action policies is the belief that these policies do not offer unfair advantages to minorities, but actually hurt them. These critics cite evidence such as the mismatch theory. Richard Sander, a writer for The Atlantic, explains that mismatch is what happens when affirmative action policies lead minority students to be enrolled
at a school that they are under-qualified for, along with all of this situation’s consequences. After enrolling at very top-tier, prestigious universities, many minority students, who are underqualified but admitted through policies of racial-preference, struggle with the rigor of their classes and fall behind in their grades (Sander). Sander supports the mismatch theory by acknowledging the trend that although black college freshmen aspire to science or engineering careers at a higher rate than white freshmen, “mismatch causes blacks to abandon these fields at twice the rate of whites” (Sander). Another author, Dennis Doverspike, also covers the mismatch theory in his book *Affirmative Action: A Psychological Perspective*. He suggests that as minority students begin to struggle in their classes, they feel out of place at the university, which only leads to further “proof” for stereotypes pertaining to minorities (Doverspike 127). In fact, Doverspike argues that affirmative action policies could lead to the “intended beneficiaries experiencing negative self-evaluations and self-perceptions” (127). This theory suggests that affirmative action is inimical to minorities in general, and therefore should be eliminated as a whole.

What supporters of the mismatch theory fail to realize, however, is these consequences of mismatch do not affect every single minority student. One study proves that some minority students do not feel mentally subjugated (Doverspike 132). This experiment began with four groups: white males, white females, black males and black females. Each group was initially given no feedback and asked to rate their self-perception levels based on competency and leadership ability. A second set of each group was then given negative feedback, and told that they had been selected only through preferential policies. Each group member was then asked to rate their levels of competency and leadership ability. The scientists behind the experiment, Stewart and Shapiro (1999), found that while slight negative self-perceptions were felt by black
females, black males failed to feel any negative effects and actually “rated their leadership ability highest when chosen preferentially” (134). These relatively constant perceptions held by black males show that mismatch does not mentally quell all students and their potentials. Admittedly, diversity is crucial to a student’s experience on campus. Although mismatch is a current problem, it is not insurmountable. The capability of conquering the mismatch theory is why affirmative action policies should not be deleted entirely, but rather, rewritten to become fairer.

Affirmative action was created with the goal to bring all members of society equal opportunities and to destroy all bases for discrimination. Yet the methods currently employed to create this diversity are unnecessary and unfair. Alterations to these policies, such as the ones seen in Texas and Washington, are not only possible, but often are essential in furthering the amount of diversity seen on a college campus. With new implementations to avoid using any innate characteristics, such as race, as primary deciding factors, the policies of affirmative action can become much more equitable. It is not just a policy change that is necessary, however. A change in the mentality of the members of society would also do wonders in the promotion of newly-altered affirmative action policies, limiting the feelings of past resentment and hurt. As Justice John Roberts said, quoted in an article by Joan Biskupic, a writer for Reuters, “the way to stop discrimination on the basis of race is to stop discriminating on the basis of race” (Biskupic). Affirmative action policies were originally initiated with good intentions: to bring all of society to an equal standing in terms of employment and education. These good intentions can only be reached, however, if policies and mentalities are allowed to be altered. This is the new goal for affirmative action-- to not only make minorities equal, but to make the methods employed in this goal also equal. Only with this, can society ever truly become fair.
Works Cited


