

Affirmative Action, PLS 202 (Dluhy)

I. Background :

Gallop Polls in 1990s, “ we should make every effort to improve the position of blacks and other minorities even if it means giving them preferential treatment”

70% responded opposed preferential treatment

24% supported preferential treatment

Among blacks—66% opposed preferential treatment and 32% supported it.

II. Definition:

Affirmative Action calls for minorities and women to be given special consideration in employment, education, and contracting decisions. Institutions with affirmative action policies generally set goals and timetables for increased diversity—and use recruitment, set asides, and preference as ways of achieving these goals.

III. Voter’s Response:

The University of California, Berkeley’s affirmative action program for blacks was a zero sum game (one person’s gain results in another person’s loss). Blacks were admitted with considerably lower average SAT scores (952) than the typical white student (1232) and Asian students (1254). In Berkeley, more than 2000 white and Asian straight A students were turned away in order to provide spaces for black and Hispanic students. ***In one year at Berkeley, black students averaging 952 on SAT compared to 1200 for whites, and 70% of these black students failed to graduate from Berkeley showing that preferences lead to lower graduation rates, a common pattern at the upper tier universities. This raises the question of whether graduating from the university of one’s second choice is preferable to flunking out of the university of one’s first choice.***

“Some believe that if black students find themselves more similar to their white peers in terms of college grades and graduation honors, they are less likely to feel academically isolated and harbor feelings of low self esteem.”

IV. Court Cases:

In 1978 in the Bakke case, the Supreme Court seemed to recognize that universities had a compelling interest in building diverse student bodies and therefore race could be used as one factor in the process of admitting students. In 1970, 13% of college students were minorities, by 1998, 25% of college students were minorities. Proposition 209 eliminated affirmative action based on racial preference.

In 1996, California voters passed ***Proposition 209*** the California Civil Rights Initiative that says, “The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.” Preferential admission policies were outlawed. Robert Berdahl, Chancellor of Berkeley in 1998 indicated that Cal 30,000 applicants but only places for 3500. Each application was read by at least two admissions professionals. They took into account a broad range of factors like SAT, GPA, mastery of college prep courses, leadership, community service. However, there will be a comprehensive evaluation but no formulas or fixed weighting will be used. Result= significantly fewer African Americans and Hispanics in 1998 than previous years.

Supreme Court in 1996 refused to hear an appeal of the 5th U.S. Circuit Court of Appeals ruling that the University of Texas law school’s affirmative action plan discriminated against whites. The ruling applied to state run colleges in Texas, Louisiana, and Mississippi but it could influence cases in other jurisdictions with similar disputes. The Texas Law School’s plan had set lower test score standards for African-American and Mexican-American applicants, and set up a separate review board for those applicants in order to achieve a 10% Mexican-American enrollment and a 5 % enrollment of black students. Quota system was ruled unconstitutional by Appeals Court and upheld by the Supreme Court.

V. Civil Service Reform 1880s—long tradition of merit in selection and promotion.

Internalized value in public sector and among larger corporations.

VI. Access vs. Results

Arguments around goals—What are we really trying to do ?

VII. Some options to traditional affirmative action strategies :

- Strict Quotas, then stop.
 - Randomization after establishing minimum standards---D.C. community college and other community colleges with open door policy
 - Top ten or top twenty per cent of senior class is guaranteed a place—Florida in first year improved minority enrollment by 10%, Texas plan helped Latinos more than African Americans
 - St. Mary's College uses affirmative assimilation—limit entry to qualified students who would be the first college graduates within their family
 - Concentrate on eliminating discrimination, leveling the playing field, not preferential hiring or admissions.
 - Revised affirmative action--faced with two similarly, qualified applicants, choose the minority over the white, or a manager may recruit and hire a qualified woman for a job instead of a man. Affirmative action is not supposed to be based on quotas, nor are they supposed to give any preferences to unqualified candidates. And they are not supposed to harm anyone through reverse discrimination.
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VIII. Policy or Decision Making Model: rational/deliberative, dominated by court rulings. Congress has been unable to get things right.