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An Examination of Affirmative Action as an Ineffective Policy

Elizabeth Little*

Affirmative action, as a policy, has not served its desired purpose because it has failed to benefit the intended group, the application has created unnecessary stigma and backlash, and it has reinforced discrimination as a solution.

In *The Souls of Black Folk*, W. E. B. Du Bois states, "The problem of the Twentieth Century is the problem of the color-line."¹ Du Bois speaks of a color-line that negatively divides the races, placing people of color below the supposedly superior white race. The color-line excludes and oppresses those in the minority. Unfortunately, a color-blind society does not exist, and the color-line continues to stand in the way of equality.² In order to create a just society, the United States must work towards the elimination of the color-line as it has existed throughout history. In the past, the struggle for racial equality was fought in the courtroom and through legislative policies. Analyzing the success of any policy requires a detailed look at the intentions, the application, and the overall results of the policy. The policy of affirmative action was adopted in order to remedy past racism and create an environment of equality. Unfortunately, affirmative action as a policy has not served its desired purpose because it has failed to benefit the intended group, the application has created unnecessary stigma and backlash, and it has reinforced discrimination as a solution.

In order to judge the effectiveness of affirmative action, it is essential to understand the judicial and social environments that led to the adoption of affirmative action as a government policy. In May 1896, in *Plessy v. Ferguson*, the

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Supreme Court declared, "Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences."³ The court ruled that separation of the races did not indicate the inferiority of one race, which allowed the Louisiana Railroad Segregation Act to continue the enforcement of "'separate but equal' railway cars for the 'white and colored races.'"⁴ *Plessy v. Ferguson* set a dangerous precedent and reinforced racism. Justice Harlan, with the only dissenting opinion, urged that "the destinies" of each race were linked and that "the seeds" of racial hatred should not be sanctioned by law.⁵ In *Plessy v. Ferguson* the court ruling served only to deepen the chasm of the color-line. Fortunately, over half a century later, in 1954 the seeds of racial hatred were uprooted by *Brown v. Board of Education*. The justices unanimously declared "separate educational facilities are inherently unequal."⁶ The *Brown* decision reversed the ideology of *Plessy v. Ferguson* and provided an essential opening for equality. *Brown v. Board of Education* was one of many important steps in eliminating racism because it established standards of equality.

Although *Brown v. Board of Education* ended state-sponsored segregation, inequality continued through individual prejudice. In Topeka, Kansas, after the *Brown* decision, the white community maintained segregation through economic power. White homeowners sold their homes and purchased newer, more expensive homes, which caused the school board to build new schools to accommodate the changing demographics. Jean Van Delinder, associate professor at the University of Kansas, explains that despite the *Brown* decision, segregation was still maintained through economic and social pressures.

Not only were African Americans geographically bound to attend inferior schools, they were also now economically limited by not having the financial

³ Nina Baym, ed. (2003), *The Norton Anthology of American Literature* (New York: Norton & Company), 1703.

⁴ Jeffrey J Wallace, (2003), "John Bingham and the meaning of the Fourteenth Amendment: Ideology vs. reality: the myth of equal opportunity in a color blind society," *Akron Law Review* 36, 693.

⁵ Maureen Harrison and Steve Gilbert, ed. (2003), *Great Decisions of the U.S. Supreme Court* (New York: Barnes & Noble Books), 45.

⁶ *Ibid.*, 33.

⁷ *Ibid.*, 54.

⁸ *Ibid.*, 78-80.

resources to purchase homes that automatically provided them access to newer and better schools. By the 1970s, Topeka was more spatially and economically segregated than it had been before *Brown*.⁷

The stratification of racial groups based upon economic power and mobility became the norm. In order to overcome the effects of state sponsored segregation and the subsequent social and economic segregation, the policy of affirmative action was instituted to ensure that African Americans were given the equal opportunities that they were denied through segregation.

Affirmative action was intended to erase the effects of racism and segregation; however, the application of affirmative action is ineffective because it does not help the people who are most in need of the policy. According to a government report:

Economically disadvantaged [minority] students are 25 times less likely to be found on selective college campuses as economically advantaged [minority] students. . . . One noted study found that 86 percent of black students at the selective colleges studied were from middle or high socioeconomic backgrounds.⁸

Affirmative action was intended to lift minorities out of poverty; however, the socioeconomic backgrounds of these students indicate that affirmative action as a policy does not make an impact on the representation of economically disadvantaged minority students on college campuses. African Americans of a high socioeconomic background, usually with wealthy or college educated parents, would likely qualify for university admission or come very close on the basis of their own abilities.⁹ Affirmative action has not broken the cycle of poverty that is created through inferior education. Poor minority students cannot improve their social and economic situation if the doors of education are open only to students from middle or high socioeconomic backgrounds.

⁷ Jean Van Delinder, (2004), "*Brown v. Board of Education of Topeka*: A landmark case unresolved fifty years later." *Prologue* 36 (Spring), 21.

⁸ U.S. Department of Education Office for Civil Rights, (2003), "Race-Neutral alternatives in postsecondary education: Innovative approaches to diversity" (Washington, D.C.: Government Printing Office), 26.

⁹ David L. Chappell, (2004), "If affirmative action fails . . . what then?" *New York Times*, (May 8), 1.

Affirmative action not only fails to help the intended group, but it also creates a stigma against qualified minorities. African Americans, with the ability to qualify for college admissions on their own merits, are branded as charity cases of affirmative action. While it is reprehensible, many students have reported animosity from their white classmates. The refusal to partner with black students for group projects or study sessions and an overall increase in hostility has been termed "new racism."¹⁰ Affirmative action does not overcome racism because it simply allows for an environment in which people redirect their prejudice. Black students are no less qualified than white students; however, the negative connotations of affirmative action reinforce racist white superiority because the policy is seen as a crutch that all successful minorities must use. Equality of opportunity must be ensured with a policy that avoids unnecessary hostility. Affirmative action fails to help African Americans out of poverty, and what is inevitably worse, the policy creates a stigma and a backlash against the qualified minorities, resulting in a new form of racism.

The policy of affirmative action reinforces discrimination as a solution. In a 1985 debate entitled "Affirmative Action and the Constitution," William Bradford Reynolds states,

I don't see us eliminating discrimination by buying into a remedial device that subscribes to and encourages discrimination on the basis of race and that says it's only an interim measure, while at the same time it reinforces over and over again the evil we want to get behind us.¹¹

Affirmative action was a step in the right direction, but it cannot be seen as a permanent solution because it fights discrimination with continued discrimination. The interim measure of affirmative action has outlived usefulness and is therefore essential that a new policy be developed that is based upon equality and has the ability to achieve the desired results.

Even though affirmative action has proven ineffective as a policy, racism is still an issue that needs to be addressed through creative and effective policies.

¹⁰ Sowell, 148-49.

¹¹ John Charles Daly, moderator (1987), *Affirmative Action and the Constitution* (May 21, 1985) (Washington, D.C.: American Enterprise Institute for Public Policy Research).

The constructive steps that have been taken to eliminate discrimination and ensure racial equality are the beginning of a color-blind society and must be built upon. The quest for racial equality must continue and the United States must be innovative in protecting the rights of the minority. In 2003 President George W. Bush stated, "Racial prejudice is a reality in America. It hurts many of our citizens. As a nation, as a government, as individuals, we must be vigilant in responding to prejudice wherever we find it."¹² Government policies must aggressively respond to prejudice and racism. Despite its noble goals, the policy of affirmative action has proven ineffective and the United States must look to new policies that effectively accomplish those goals without the negative ramifications.

Policies that are based on socioeconomic factors rather than race are more effective in achieving the goals of affirmative action without any of the disadvantages. Race neutral programs encourage administrations to use creative strategies to help minorities to qualify for college rather than simply implementing a quota system that leads to resentment and abandonment of those most in need of aid. California, Florida, and Texas have all adopted race-neutral admissions policies for secondary education. Colleges in California reach out to minority students throughout their educational career long before they apply to college. Increasing the quality of elementary, middle, and high school education prepares minority students to excel in professional and academic environments. When students are prepared academically early in their lives, equality will not have to be artificially implemented. Lowering standards or implementing quota systems is less effective than the bottom-up policy of states like California. *The New York Times* reported,

U.C. campuses are now reaching down . . . to help minority students achieve the kind of academic diversity without preferences. . . . Academics and administrators throughout the system admit that the university would never have shouldered this burden had it not been for the elimination of affirmative action; and many say the price is worth paying.¹³

¹² Remarks of President George W. Bush on the Michigan Affirmative Action Case, <http://www.whitehouse.gov/news/releases/2003/01/print/20030115-7.html>

¹³ *Ibid.*, 14.

The price of reaching out to minorities and students of socioeconomic disadvantage is well worth the cost, for the long-term ramifications will lead to a just society.

Unlike affirmative action, race-neutral programs increase the educational ability of minorities and ensure that all students receive a high-quality education that will prepare them to compete in the business world or in secondary education.¹⁴ With an equal educational foundation, students from every ethnic and economic group will contribute to society based upon their abilities and interests. Equal opportunity provides an environment for success that is free from any of the negative consequences of affirmative action. As the United States reaches out to every economic background, the highest quality of education can be provided for the members of each race. Education will lead to successful high school and subsequently successful college graduates. Upon the foundation of education the lives of all Americans will be enhanced, especially the lives of minorities abandoned by affirmative action. Race-neutral socioeconomic standards are not a temporary fix, rather a long-term investment that will yield the dividend of a just society.

¹⁴ U.S. Department of Education Office for Civil Rights, 12.