

# *Recent Controversies over Affirmative Action in the United States*

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**Abstract:** Affirmative action has a long history and is a controversial policy. This policy refers to an organization investing resources to ensure that people are not discriminated against on the basis of gender or race. For decades, affirmative action has been a very complete and controversial aspect of college enrollment in the United States. It has played an essential role in supplying educational chances, academic growth, and a community awareness for students. However, others believe that this policy is outdated in our current climate and is sometimes viewed as a form of reverse racial discrimination. Many universities have recently raised questions about affirmative action and its practices. Drawing upon various online sources, this paper looks at the changing attitudes toward affirmative action in education in the United States in recent years. It further explores why universities start to oppose affirmative action policy. The research sheds light on the development of affirmative action in recent years in the United States and contributes to our understanding of equality and justice in education in societies.

**Keywords:** Affirmative action, discrimination, education

## **1. Introduction**

The affirmative action was initiated by US President Lyndon Johnson of the Democratic Party by Executive Order (EO) 11246 in 1965. Its main purpose is to ensure that there is no discrimination against vulnerable groups such as ethnic minorities and women on the premise of studying and finding jobs. This is a "race first" law for a specific period of time to ensure that these vulnerable groups are not discriminated against and treated unfairly in education and work. Every-time when affirmative action is taken an organization invests both time and money to guarantee that people are not discrimination because of their sexuality and also racial group [1].

The 2020 gem inform shows that a quarter of countries have some modality of affirmative action program to help edge groups obtain higher education [2]. Affirmative action has been a very complete and controversial aspect of college enrollment in the America. For decades. Many believe that universities can view race as a factor in determining recognition as a way to address racial inequality and disparity. However, others believe that this policy is outdated in our current climate and is sometimes viewed as a form of reverse racial discrimination.

In the endless and contested in the past records of inequality in the United States, there were a lot of trials to achieve educational equity before the emergence of affirmative action. For example, before the emergence of affirmative action, education institutions, often known as Historically Black

Colleges and Universities, were specially established for African American. The Higher Education Act of 1965, as amended, states that an HBCU's major tasks were, and is the education of black Americans. They provide black youth with the chances to accept high-quality and equal education that they could not acquire the confront of discrimination Black Americans. As the headquarters of the civil rights movement at that time, colleges and universities in the United States responded positively and enrolled a large number of students from ethnic minorities and low-income families at that time [3]. As stated in Presidential Executive Order 14041, HBCUs play an essential role in supplying educational chances, academic growth, and a community awareness for students.

As a result of affirmative action in education, many students from ethnic minorities or low-income families entered Yale University. However, such "preferential treatment" even makes white students feel that they have been subjected to "reverse discrimination". For example, in 1972, Allen Becky, a white student who was rejected by the medical school of the University of California. Davis found that among the 16 black and other minority students admitted by the medical school in that year, the vast majority of them were far inferior to themselves in GPA and MCAT (compulsory standard examination of medical school) [4]. Becky was so angry that he took the University of California to the Supreme Court. Although the Supreme Court ruled that the University of California must admit Becky, it concluded that the University "has the right to implement some policies to diversify the number of students."

## 2. Attitudes Toward Affirmative Action

In fact, there has been much controversy over affirmative action in education. many states and schools have begun to repeal or reduce the so-called "equal rights" on the table. For instance, as early as 1995, the University of California was the first to publicly end "equal rights," followed by the Massachusetts Institute of Technology and North Carolina State University. In 1996, California Act No. 209 clearly stated that "racial factors should not be taken as one of the criteria for university admission". This formulation has been followed by many states since then, which offset the unfair admission caused by the "affirmative action act" to a certain extent.

But this action is still invalid. The US Supreme Court has publicly stated on many a time occasion that the "affirmative action act" is equitable, valid and impartial. In 2014, ed Hernandez, a California Senator (State Senator) from the Hispanic Democratic Party, proposed that there were too many Asian students in the University of California system, and demanded that Asian students be restricted from entering the University and that the enrollment rate of Latinos and African Americans in the university system be increased. This suggestion was voted in the Senate (State Senate) on January 30, 2014, with 27 votes in favor and 9 votes against. This proves that many schools will still oppose the civil rights action policy.

However, in 2020, the Supreme Court of the United States agreed to hear the challenges of colleges such as Harvard University and the University of North Carolina to the affirmative action policy. The reason for the request is: Fair enrollment of students (sffa). Then he proposed to evaluate university applications based on race, and proposed that the reason of the affirmative action policy was discriminate against, especially referring to the discrimination against Asian Americans at Harvard University and the University of North Carolina, and white students applying for the University of North Carolina.

But why did these universities start to dispute this matter again in 2020? One reason is that they think this is an inequality problem. Many white students believe that the goal of affirmative action is to profit those minorities through a diversified academic environment. This reason ignores fairness, which leads to some unexpected and disturbing experiences of white students. Another reason is the increasing competition, both in terms of educational resources and career advancement. Many white people feel a sense of crisis as more and more minority groups fight for educational and

developmental resources. They have been the dominant group in the U.S. and consider them victims of affirmative action. Furthermore, some suggest that affirmative action in school enrollment is much ineffective [5]. With the intensification of racial tensions and the culmination of the Black Lives Matter movement, these have also caused many people to rally to oppose the affirmative action movement.

### 3. Backlash to Affirmative Action at Universities

Affirmative action is also likely to be a response to the successes of lots of Asian American students in the system. Despite discrimination against Asian Americans at schools such as Harvard University and the University of North Carolina, their college enrollment rate is still the highest among all ethnic or minority nationality in the United States, reaching 62 percent in 2019, according to the U.S. Department of Education [6]. Due to the obvious differences between these two parts, it's difficult to imagine that ethnic groups of students are overworked in order to be in the same competitive environment as their rich peers. Although this policy can help them have a fair education and work, it cannot control the "mouth" of discrimination. They also need to bear psychological pressure.

Ending affirmative action policies could endanger the potentiality to level the Provide a competitive environment for ethnic minority students living in isolated communities and final reaffirm the economy, education and ethnic disparities that are well known in the United States. Banning such policies will only complement the racial inequality that the United States has long tried to address. After the end of the affirmative action policy, these groups will continue to face racial, economic and educational gaps. For example, at the time of affirmative action policy, "the enrollment rate of black students in University of California is still lower than their proportion in California's high school graduates. The gap in CSU is even greater. In 1997, they accounted for 8% of the freshman class, but nearly half of them fell to 4 percent. Meanwhile, the data of black high school graduates increased from about 21000 in 1997 to 25000 in 2018" [7]. From this analysis, we can see that after the affirmative action policy, the problem of ethnic minorities' going to school has also been gradually improved. However, if the affirmative action policy is abolished, more and more ethnic minorities and blacks will not be able to learning and find a job. Over time, the education and knowledge of local people will far exceed that of ethnic minorities. Economic conditions will also become worse and worse because of the energy of knowledge. At the same time, the environment will also be affected. With a good economic source, the conditions will be better. On the contrary, with a bad economic source, there will be a bad environment. Therefore, it is necessary to continue to implement the affirmative action policy in universities.

The affirmative action policy reminds me of another action, which is Black Lives Matter. From the American affirmative action policy to the present, the movement for African American rights in the United States has been evolving. In 1954, the Supreme Court of the United States declared it illegal to discriminate against blacks in public schools, but the white Citizens Committee in the South fought back, using financial oppression and legalistic strategy, and they also used violence. But African Americans still have a long way to go to achieve justice and equality. This is one of the reasons why this organization was founded. Black people are bullied by innocent people. No one will speak for them, so they can only save themselves. The movement of Black Lives Matter began in 2013. This black centered political movement is launched by three women: Alicia Garza, Patrisse Cullors and Opal Tometi. The headquarters of this organization are in three major countries: the United States, Canada and the United Kingdom. This is already a global organization, the black life foundation. According to their website, we can see that their mission is to "establish local power to interpose in the violence committed by the state and the militia against the black community". Their main focus is on one issue, that is, stopping violence and advocating Black innovation, imagination

and happiness to improve black life. They do not have a very strict hierarchy to work. They work through local branches. They will hold protests when they kill blacks and discriminate against races.

For example, “Black Lives Matter participated in two key events in 2018. In June of that year, activists gathered at the border of San Diego, California, to remonstrate the inhuman treatment of refugees and immigrants seeking asylum in the United States. In September, Black Lives Matter used 175 coffins to commemorate the murder of Stephen Clark (a black man) for six months. The event included members of the National Association for the Advancement of Colored People, the immigration Union, BSU Sacramento City and other organizations” [8]. These two political matters are actually the same thing. It is all about equality, rejection of discrimination, and development and efforts for a better direction.

If educational and economic gaps reduce their chances of success, they can participate in more extracurricular activities and enroll in any Advanced Placement (AP) courses offered by the school. In this way, their knowledge and education level can be improved without using the economy. In my opinion, instead of punishing this group of people who discriminate against others, it is better to maintain the affirmative action policy and ensure that funds support those who are most in need. Therefore, affirmative action helps marginalized groups to improve their knowledge and education levels, as well as their economic situation. In the long term, this also plays an important role in promoting social equity and justice.

#### 4. Conclusions

Through the study, we can find the source and purpose of American affirmative action. Therefore, we can learn more about the significance of this policy. Affirmative action was mainly initiated by US President Lyndon Johnson of the Democratic Party in 1965. It is mainly used to take care of ethnic minorities, women and other vulnerable groups in the context of university enrollment and job search. It is to ensure that these ethnic minorities and vulnerable groups will not be discriminated and unfairly treated in education and work. Since the establishment of this policy, according to the statistical analysis after and before the establishment of this policy, we can find that the enrollment rate of ethnic minorities and vulnerable groups increases slowly. In the long run, this policy is also beneficial to the development of economy, distribution of educational resources, and the improvement of living conditions. With better education, there will be a better living environment and economy, which also further promote social equality and provide marginalized groups more opportunities. This policy empowers many disadvantaged groups, ethnic minorities and women. Even though the controversy over affirmative action remains, the effects of the implementation of this policy have been mainly positive.

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