Affirmative or Negative?¹

The California state Senate has approved placing the issue of resuming affirmative action on the November 2020 ballot. Voters will decide whether to allow state agencies and universities to reinstitute affirmative action policies.

Prior to 1996, California state agencies and universities considered race and ethnicity as a factor in hiring for state agencies and for admission to state universities. However, in 1996 California voters passed Proposition 209 which prohibited Affirmative Action considerations in these sectors, as well as in distributing state financial aid to university students. These prohibitions took effect in 1998.

The effects of Prop 209 have had a chilling effect on under-represented minorities (URMs). The University of California (UC) quickly instituted a plethora of “race-neutral” programs (early academic outreach, academic preparation, etc.) to maintain URM populations on its campuses. Nonetheless, by 1998 Latino admissions to UC’s two most prestigious campuses—UC Berkeley and UCLA—had dropped by 54% and 46%, respectively, and have never regained their 1995 levels. The statistics for African-Americans are similar: UCB and UCLA admission offers dropped by 55% after the passage of Prop 209; in 2006 UCLA had fewer African-American first-year students than in the early 1970’s.²

California’s university admission ratios have never reflected the state’s ethnic diversity: No race or ethnic group constitutes a majority of California's population: 39% of state residents are Latino, 37% are white, 15% are Asian American, 6% are African American, 3% are multiracial, and fewer than 1% are American Indian or Pacific Islander, according to the 2018 American Community Survey.³

In short, while 46% of Californians are non-white, underrepresented minorities, in Fall 2019 only 26% of students enrolled in the UC system were non-white, underrepresented minorities. The California State University is more effective at recruiting URM. In Fall 2018, 23% of enrolled students were white; 4% were African American; 41.5% were Latino; and 0.2% were American Indian. Although clearly an issue of equity, the fallout has repercussions beyond representation. Graduation rates for students attending a UC university is 88-90%, compared to 45% for students attending other public campuses.⁴

Affirmative action goes beyond who gets admitted into state funded schools; it also determines who gets hired into government agencies. Schools, police departments, fire crews—these and many other organizations fall under the purview of affirmative action. Given that job opportunities are considerably better for those with a 4-year college degree and that persons of

⁴ https://www.universityofcalifornia.edu/infocenter/fall-enrollment-glance
color are less likely to graduate from a four-year university program, it is not surprising that disparities exist between state-wide population demographics and employment demographics. The return of affirmative action would permit employers to create recruiting and promotion programs—and hiring, training, and promotion practices—targeted toward women and ethnic groups who are presently underrepresented and comparatively underpaid in public agencies.\(^5\)

Currently, when compared to state population demographics, Latinos are underrepresented in state jobs, while whites and African Americans are overrepresented; but when one looks at higher-paying jobs or those with more competitive benefits, the typical employee is a white male. Committing some portion of the budget to programs and practices aimed at diversifying the work force at all job descriptions and salary levels could correct these inequities, as well as eventually provide a diverse—and thus more effective—group of leaders in and out of the workplace.

Advocates of restoring affirmative action point out that serious and well-funded race-neutral efforts to improve the opportunities of people of color (and women) have not worked—a claim that is verified by pre- and post-Prop 209 data. They argue that proactive interventions are critical if systemic racism (and sexism) is to be successfully overthrown; that is, if justice, respect for persons as moral equals, professional integrity, and compassion are to prevail. Opponents counter that affirmative action per se is unjust and disrespectful, and that affirmative action would be self-defeating: combatting discrimination by legalizing discrimination. Some contend that the explanation for lack of diversity in state programs and universities is that some (e.g., white male) applicants for university admission or jobs are simply better candidates, regardless of race, gender, or class.


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