



The Illusion of Equality---Race-Based Affirmative Action and What It Entails

Cara Chen

3rd Place Winner of AACE's Essay Contest on "The American Dream: Equal Education Rights"

Imagine laying back on a gurney about to undergo surgery and suddenly being told that the doctor did not have to go through the same qualifications as other doctors, had never performed a surgery before, and was now about to reach into your brain and pull out a bullet. Now imagine multiple such doctors being widely applauded at top institutions across the nation, performing precise tasks such as brain surgery. Prestigious universities such as Harvard and Stanford use a process called holistic admissions during student admissions that is strikingly similar to underqualified doctors operating on patients. Emblematic of race-based affirmative action, this process is the practice of giving under-qualified racial minorities a "leg up" in the college admissions process. Race-based affirmative action should be discontinued as its overuse (as in too many cases across the country) is unconstitutional and the problem of certain minorities not receiving adequate college education has still not been solved. In fact, such a practice sets the beneficiaries up for failure.

Racial discrimination is unconstitutional and harmful in any form. The Fourteenth Amendment establishes that no government facility may "deny to any person [...] the equal protection of the laws." This clause establishes the inalienable right of every person to be treated equally, disregarding race. As ruled in *Johnson v. California*, all classifications based on race must be "necessary to further a compelling government interest" and "narrowly tailored to that end." If the use of racial classifications under scrutiny is determined to be unnecessary, then it is deemed unconstitutional and discriminatory. In a lawsuit against the University of Texas, the University argued that "the diversity obtained through its admissions program prepares its students to become leaders in a diverse society." Ironically, segregationists used the same argument to justify their cause. They defended segregation on the basis that more leadership opportunities could be provided for African Americans. Historically, African-American schools produced influential leaders such as Thurgood Marshall and Martin Luther King, Jr. However, the Supreme Court ruled that it was irrelevant under the Fourteenth Amendment whether segregated or mixed schools would produce better leaders: segregation is still unconstitutional. Prince Edward County's public schools were shut down from the summer of 1959 to the fall of 1964 as a result of desegregation¹. This was far more consequential than students not being taught how to become leaders in a diverse society. If the government does not have a compelling



interest in the existence of an educational facility, it most certainly cannot have a compelling interest in the benefits the facility accrues through racial discrimination. Even though segregation mirrors race-conscious affirmative action, both use racially discriminatory means to achieve their ends. Therefore, arguments presented in favor of race-based affirmative action that use the same reasoning as arguments presented during cases of segregation are equally impermissible.

The use of racial discrimination to seek "diversity" on college campuses does not solve our nation's serious problems of subpar secondary and postsecondary education for minorities and low-income students. The policies used by prestigious schools not only harm the Caucasian and Asian applicants who were rejected, but they do nothing to meaningfully lift up African Americans and Hispanics who have access to college education. Race-based affirmative action merely admits under-qualified applicants who would have otherwise attended less selective colleges. Those that would otherwise have been accepted into prestigious universities switch places with African Americans and Hispanics, a shifting effect that has no contribution to increase the total pool of these underrepresented groups in higher education. Admittedly, Asian Americans and Caucasians on average have higher test scores on standardized tests.² Because of their outstanding performance (beyond just scores) and their enrollment ratios in college compared to other races, Asian Americans are seen as "members of an overrepresented and hence disfavored race" (JEP)³. Why are African Americans and Hispanics treated as minorities and Asian Americans not treated as such? (NCES)⁴ The search for "diversity" and the definition of a "minority" are inherently arbitrary and can never be used as objective measures to improve the quality of education or life in the U.S. An argument made in favor of affirmative action by Stanford psychologist Greg Walton is that "diversity and meritocracy are not always at odds." He argues that schools "systematically disadvantages negatively stereotyped ethnic minority students like African Americans and Hispanic Americans" because the minority students are aware of "negative stereotypes" associated with their race (Donald). However, Asian-American and Caucasian students are under more pressure to perform due to their "positive" stereotypes.^{5 6} This induces more stress in a test-taking environment and sometimes causes said students to underperform. Therefore, the argument that the minority students' negative stereotypes inhibit their performance may be true, but this disparity is balanced out by the amount of stress and high expectations that "non-minority" students must go through. If the purpose of affirmative action is to help minority students receive better education, the government should increase the number of higher education facilities in the U.S. and make them accessible to minority and low-income students rather than attempting to artificially balance the demographics.



Although research does show that the median household earnings for minorities are lower,⁷ the median earning is less affected by outliers. African Americans can be rich and Asian Americans can be poor. Race-based affirmative action allows students to be rejected on the ground of promoting diversity: it is not based on socioeconomic statuses. When proponents argue affirmative action helps the disadvantaged, they are feeding more and more into racial stereotypes. Basing affirmative action on race is tantamount to assuming that all African Americans and Hispanics are poor and all Caucasians and Asian Americans are rich. Affirmative action should be implemented on the socioeconomic basis. The value of education varies by the tenets of each family, with repercussions for the children. Therefore, the academic achievement disparity between different socioeconomic levels is embedded in the beliefs of the families. If parents and students who come from poorer backgrounds do not value education, is it fair to give a position in a prestigious college to them? Any and all affirmative action practices must be reviewed on a case-by-case basis.

The supposed beneficiaries of affirmative action are being set up for failure and induces generation after generation of racial discrimination. There is a vast difference in the average test scores of Asian Americans and Caucasians vis-à-vis African Americans and Hispanics. In the case of prestigious colleges, there is no evidence to show that African Americans and Hispanics can overcome this deficit. Even if they can keep up with the rigorous classes, they may cripple their financial wellbeing and overstretch themselves trying to pay for the cost of such prestigious colleges. Asian-American and Caucasian parents have a greater capacity to help their children pay for student debt: these students take out less student loans than African-American and Hispanic students.⁸ These trends indicate a larger negative cycle with two factors involved. The first considers the workload in higher education and physical/emotional health. To digest all the materials presented in class, the student must have enough time to think about the content. However, most students who have student debt must work part-time jobs during college to pay it off. Taking jobs lead to either less content absorbed as a result of less time spent studying or sleep deprivation. The first would be damaging as the student in debt would learn less than others in the same environment; choosing the second option may prove to be seriously hazardous to one's health and education quality.⁹ The more stressed the students, the worse they perform, dealing repeated blows to their self-confidence and self-esteem. This chain reaction leads to a low evaluation of self-worth and a demoralizing mindset. This cycle effectively puts those with the highest student debts in greatest dangers of under-performing and increases their risk of grievous physical and emotional health problems.



The second factor embeds racial discrimination that is perpetuated across generations. Twelve years after starting college, African-American students gained debt while Caucasians owed only a little more than half of their student debt.¹⁰ A reason for this deficit is that employers look at race when hiring; they think that because African Americans and Hispanics were beneficiaries of affirmative action, they are less qualified than Asian Americans and Caucasians for a job position. Since certain minorities have the most student debt, they must be the most adversely affected. No company wants to have fatigued, under-qualified employees working in any position, especially the more important and high-paying ones. A perpetual cycle of discrimination has thus been initiated: the younger generation will not understand the reasons behind hiring; they are still too naïve to understand much except the fact that the older generation aren't as willing to hire minorities. These youngsters jump to the conclusion that all people of a minority must be under-qualified. Even though affirmative action is supposed to help minorities, its race-based implementation sets them up for failure and instills racial discrimination into the next generation.

Race-based affirmative action should be discontinued. Only then can the college admissions process become as fair as possible. The government should consider spending more money on education and building more colleges to raise the number of minority students who receive college education instead of merely switching the more qualified applicants with the under-qualified ones. This will allow all students to be more successful in an environment in which they were better prepared to excel. Putting forth more time and effort in expanding the higher education system rather than manipulating the demographics would help everyone.

**Author Cara Chen is a 8th grade student in Marietta, Georgia. She was born in Shanghai, China and moved to the U.S. when she was 6. She plays piano and flute while fences competitively. Cara wishes to study law or political science when she grows up.*

¹ An argument presented by the School Board of Prince Edward County in *Davis v. School Bd. of Prince Edward County* was that "if the Court found segregation unconstitutional, Caucasian students would migrate to private schools, funding for public schools would decrease, and public schools would either decrease in quality or cease to exist altogether."

²A study done by College Board shows that the average combined SAT scores of Asian American test takers in 2015 was 1654, while the average for Caucasians was 1576, African Americans was 1277, and Hispanics was 1345. Asian Americans saw a fifty-four-point increase since 2006, while all other races/ethnicities saw decreases



from six points (Caucasians) to twenty-eight points (Mexican Americans). Similar patterns may be seen in ACT scores.

³The Judicial Education Project, as quoted in the lawsuit against Harvard. The lawsuit against Harvard also asserts that its affirmative action policies are similar to the discriminating policies Harvard used in the early 1900s, trying to put a cap on Jewish admissions to fifteen percent.

⁴If African Americans and Hispanics, who make up fifteen and twenty-six percent of America's high school populations, respectively, are treated as minorities, why are Asian Americans, who make up only five percent, not treated as such? NCES stands for National Center for Education Statistics.

⁵As a female and Asian American, I have experienced situations where my classmates think I'm the smartest kid in the class. Growing up, everyone else was taught how to be brave and to never be afraid to fail: I was taught to be perfect. The expectations are hard to live up to.

⁶“Students who have high expectations of themselves or who are perfectionists are likely to struggle with test anxiety. These students tend to put a lot of pressure on themselves and have a hard time dealing with mistakes. This can easily lead to these students becoming overwhelmed during the test, resulting in their mind freezing or going blank.” (Oxford Learning)

⁷A study, conducted in 2014, of median annual household incomes show that Asian American households earn a little above \$80,000 per year, Caucasian households earn around \$65,000 per year, African American households earn a little under \$40,000 per year, and Hispanic households earn around \$49,000 per year. (National Center for Education Statistics)

⁸50% of Asian Americans took out federal student loans, 60% of Caucasians did, 65% of Hispanics did, and 85% of African Americans did.

⁹Sleep deprivation of the condition of regularly not getting enough sleep, and may affect one's “ability to think clearly, react quickly, and form memories”, as well as “[affecting] mood, leading to irritability; problems with relationships, especially for children and teenagers; depression [...] can also increase anxiety.” Similarly, not getting enough sleep can lead to a much higher risk of heart diseases, high blood pressure, obesity, and diabetes. Thousands of car crashes each year are caused by drowsy driving; in fact, studies using driving test simulators show that fatigued drivers often perform equal to or worse on the tests than those who were intoxicated. (“How is the body affected by sleep deprivation?”)

¹⁰A study done by the National Center for Education Statistics shows the ratio of amount owed to borrowed twelve years after starting college: Caucasians owed around 65% of their student debt still, Hispanics owed a little above 80%, Asian Americans owed around 45%, and African Americans owed around 112% (they gained more debt).

