Affirmative Action, SP-1, Proposition 209

“The public policy of affirmative action is an extension of the long struggle for equal opportunity in the United States” (Fleming 3). This socioeconomic struggle based on race has made its way into the realm of academics, more specifically, college admissions. Until the late 1990s, affirmative action contended this struggle to gain equal opportunity by increasing the number of underrepresented students of color in college admissions. Since 1998 this increase has been thwarted by the public policies of the UC resolution SP-1 and the California state initiative Proposition 209. If America values equality, why would a policy (affirmative action) based on equity be eliminated? First, affirmative action is a very “touchy” issue since it deals closely with race, but so does almost every aspect of American life. Second, as revealed through my study, many Americans do not know or understand what the policy is, or its purpose. Many uninformed individuals share the common belief that affirmative action discriminates against whites. Affirmative action does not discriminate against whites. It assists minorities’ opportunity in employment and in education. Today the word, “minority,” is essentially seen as a synonym for “people of color,” which contributes to the false belief of reverse discrimination as aforementioned. However, in affirmative action “minority” refers to any group that is underrepresented, not just Blacks and Latinos. Did affirmative action help increase the number of underrepresented students of color in college
admissions, more specifically, Blacks? Yes, by comparing and analyzing the actual numbers from the years of affirmative action and the years that followed the implementation of SP-1 and Prop 209, there is an undeniable decrease in the number of Blacks in college admissions. Not only has the number dropped nationally, but the number has also changed on the University of California campus.

According to the results of my survey, Affirmative Action, SP-1, Prop 209, when asked, “Do you know what affirmative action is” approximately 95% of the respondents checked “yes”. When asked to respond to the following statement: “Everyone is given the same opportunities, and a person gets what he/ she merits,” approximately 59% of the respondents disagreed with the statement. There is a 36% difference between the two responses, which directly relate to each other. This difference reveals the lack of knowledge and understanding that students of the University of California, Santa Barbara alone, have about affirmative action. So what exactly is affirmative action? First, there is no single definition for affirmative action. Secondly, affirmative action has many forms which will be discussed shortly. According to Crosby and VanDeVeer in Sex, Race, and Merit, affirmative action is defined as:

“When an organization goes out of its way to make sure that there is no discrimination against people of color, against white women, against people with disabilities, or against veterans” (Page 3).

This definition clearly illustrates that affirmative action does not discriminate against individuals on the basis of race or color. However, there is still controversy and misunderstanding when it comes to this policy. Affirmative action has become to mean “preferential treatment”. Why? This belief exists, because again, many people feel that
affirmative action only benefits Black students in education. Initially the policy was instituted to promote equal opportunity for Blacks who were denied access into prominent universities and colleges, as well as, in employment. “Affirmative action was instituted to redress the inequality of opportunity; whites who inherited the privilege of economic resources, old boy networks, and the like are not making it on “merit” alone” (Dyson 138). During the 1960s the policy was almost exclusively for Blacks- a group of people oppressed socially, economically, and psychologically. In the 1990s affirmative action is not only for Blacks, but white males, females, Latinos, the disabled, and war veterans.

Affirmative action was not solely a policy of the 1990s, but a policy that dates back past the Johnson administration.

“Affirmative action is often said to begin with the Johnson administration in the 1960s to devolve inequitable preferential treatment for minorities, and to become ideologically debased as the veil for quotas, particularly in education and employment. Affirmative action did not begin with Lyndon Johnson, but with Franklin Roosevelt in 1941. It took the construction of presidential executive orders from Roosevelt, Eisenhower, Truman, and Kennedy to prove the way for Johnson’s Executive Order #11246, which realized in greater scope the ideals of fairness and equality only tentatively prefigured in previous executive orders” (Dyson 153).

As the meaning and purpose of the policy evolved by form decade to decade so did its programs and practices. There are five race-and-gender conscious practices under the umbrella of affirmative action, which include: quotas, self studies, outreach and
counseling, and anti-discrimination. The practice of quotas is the use of a fixed percentage, or number, in the selection of “minorities” and women. In the 1978 Bakke decision, the Supreme Court declared quotas illegal. However, race could still be considered as one admission criterion, without compromising educational qualifications. Another type of affirmative action is the use of self studies. This practice is used to examine the actual admissions selection by colleges to show how colleges accept students. The study would essentially reveal the need for students of color. The next type of affirmative action is the most controversial and is the center of debate when it comes to the policy. “Preference” is when race is considered as a factor in evaluating an applicant. This approach is identical to considering geographic location, athletic achievement, and any other factors that promote diversity. This is why colleges and universities assert that race is one of several different factors that are considered in evaluating and selecting all qualified candidates for the entering class. In outreach and counseling programs run by colleges and universities underrepresented students are recruited. These programs were designed to encourage underrepresented students of color to attend college, as well as, women to pursue careers in male dominated fields such as engineering. The practice of anti-discrimination is seen in federal laws that have brought about changes for students facing discrimination. Since the adoption of the 1964 Civil Rights Act, explicit racial barriers to educational opportunity have been coming down (Moore 80)

Through the use of affirmative action in university admissions the number Black students increased in college admissions. As the number of underrepresented students of color increased on UC campuses, so did the controversial belief that the students were
admitted solely on the basis of race, or “preferential treatment”. From the results provided by my survey, when asked “Do you know what the UC admission resolution SP-1 is?” approximately 91% of the respondents replied “No”. On July 20, 1995 the University of California (UC) Board of Reagents approved Resolution SP-1. The goal of the resolution was to diversify the UC system by reflecting the diversity of the state:

“Believing California’s diversity to be an asset we adopt this statement, because individual members of all of California’s diverse races have the intelligence and capacity to succeed at the University of California, this policy will achieve a UC population that reflects this states diversity through the preparation and empowerment of all students in this state to succeed rather than through a system of artificial preferences” (Lomibao 7).

SP-1 eliminated the use of race, sex, and religion in the UC admissions process. The resolution became effective during the 1998 academic school year and lasted for four years (Lomibao 2). Much controversy surrounded the resolution, which seemed to be anti-affirmative action. In addition, in May 2001 the UC Reagents voted unanimously to rescind the resolution, but it stayed effective just under another name, Proposition 209.

When asked, “Do you know what Proposition 209 is?” approximately 79% of the respondents said “No”. Not only are students uninformed about SP-1, but they are also unaware of a policy that effected their admission process. So what is Proposition 209? Prop 209 is the 1996 California state initiative that was passed by voters, which eliminated the use of race, sex, religion etc. in any government funded programs in employment and education (Mejia 7). The policy ended affirmative action, and essentially eliminated the bridge to equal opportunity for underrepresented students of
color. If the goal of affirmative action was to provide opportunity to groups that were
denied equal opportunity, why would policies like SP-1 and Prop 209 eliminate that?
The answer is, misunderstanding and the loss of the original purpose of affirmative action
as seen by Steven A. Holmes question:

“At what point have the benefits of affirmative action been scattered so broadly
that they actually diminish rather than enhance opportunities for Blacks, the group
the policy was originally made for?” (Crosby 31).

As affirmative action evolved each decade it moved further and further away from its
initial purpose which was to “level the playing field” for Blacks. As the purpose of the
policy lost its goal, it opened the “door of opportunity” for criticism and arguments of
reverse discrimination. This misunderstanding has caused controversy, because it deals
with race.

“The controversy has been stimulated in part by those who traditionally oppose
government intervention on behalf of minorities. Much of the controversy,
however, results from misunderstanding affirmative action. This
misunderstanding arises from failure to understand the concept of affirmative
action, from problems in implementing the strategy, and from unrealistic
expectations in terms of the potential of equal opportunity and affirmative action
strategies to transform the social structure into one which reflects greater
equality” (Fleming 4).

When we look at the number of Black students during affirmative action, and then
during Prop 209 there is a clear, and unarguable decline in the Black acceptance rate on
the UC campus. In 1997 (before SP-1 and Prop 209 took effect) the Black acceptance
rate was 57% for all campuses of the UC system. The following year (once SP-1 and 209 took effect) the Black acceptance rate took an immediate drop to 37%. In 2003 the percentage has dropped to about 34% (Lomibao 2). These were the total percentages for Black admissions in the UC. Other groups, for example, the Latino acceptance rate also declined. It is true that the raw numbers of the Black and Latino population are increasing, but they are a decreasing percentage of the freshman student body. In the early 1990s the Black population on UCSB was about 10%. In 1998 that percentage decreased to 2.5%. In 2006, the Black population is only 2.7% (Everett 5). Why has the Black acceptance rate dropped on the UC campus since the implementation of affirmative action?

Some people believe that some applicants are not qualified. How is this possible? There are requirements that you must meet in order to apply to universities, which essentially qualify you to attend any California university.

“The first step in the admissions process is determining the eligibility of applicants. Virtually all students must be eligible to be considered for admission, meaning they must meet all of the quantitative university requirements before they can apply. Specifically, in college admissions eligibility is synonymous with qualified. Eligibility is almost always left out of the equation in the affirmative action debate, because so many people automatically assume that students of color are admitted simply because of their race” (Moore 15).

Those that are anti-affirmative action also argue that admissions should not be based on race, but merit. What do we consider meritorious? Is it the straight A student with perfect SAT scores, and no community service? Or is it the B student that does community
service, works, and supports his /her family? When analyzing the arguments for and against affirmative it is important to evaluate what terms mean. What is a “qualified” student? What do we mean by “merit”? 

In order to effectively implement affirmative action it has to be mended, and mended again. A clear definition and purpose needs to be created so that everyone understands the policy. It is clear that supporters and opposition to the policy lack knowledge of the history of affirmative action, how the meaning has evolved, and the different forms/ programs that it takes. In addition affirmative action would not be needed if schools and resources were sufficient on the elementary and high school level. There would be no debate over preferences if the school system of California, and the United States in general, provided adequate educational opportunities to everyone. If the school system was at its best, or at lest trying to reach that level, there would be more students qualified than there are now. School reform needs to start at the early stages- elementary level- but also in the home. “The average parent does not seem to know what school reform is other than improving test scores” (Dowdy 21). It is clear that many individuals have a lack of knowledge about things that affect our lives, and the lives of those that follow us. In addition, we must stop looking at the problems of America as a “Black or white problem” simply because one group is effected by it. It is clear that the insufficient school system and lack of knowledge that has been mentioned, is not an individual issue, but rather a reflection of this country. Once America gets past the “color lines” that divide these “united states” maybe then some progress can be made.
Now affirmative action is an extension of the long struggle for equal opportunity in the United States. Many Americans feel that this attempt, or generally this idea of equality is not promising, which is disturbing.

“In the United States in which, theoretically and demographically at least, thorough-going affirmative action could substantially improve employment opportunities for a large percentage of the nonwhite population, the demand is seen as utopian and unworkable. In South Africa, where the white population is so small that opening "white" jobs to affirmative action hiring could at best benefit an important but small segment of the nonwhite population, the demand is seen as promising and central” (Roediger 56).

America is seen as the land of opportunity and promise. Countries like South Africa do not have all the resources and opportunities that the United States possesses, ironically this idea of “equal opportunity”. However, when a significant amount of change can be made, or at least attempted, and this nation does not support the central virtue we are governed by, “equality,” it is disturbing. Equality seems to only exist in name and print. In addition, if this country abided by the values that it was founded on this debate would probably not exist. Again, there was a need for reform or at least mending in practice during the founding of this nation.

Affirmative action would not be needed if the University of California actually lived up to its esteemed “diversity”.

“California has had a historic commitment to providing a place within the University for all eligible applicants who are residents of California, and to achieving, on each campus, a student body that both meet the University’s high
academic standards and encompasses the cultural, racial, geographic, economic, and social diversity of California itself” (University).

From the numbers provided above it is clear that the University of California does not reflect the diversity of the state. In order to increase the diversity on all campuses throughout the UC system some policy or action needs to be taken. If not “preferential treatment” at least a race neutral approach.

“In several states, courts have struck down racial preferences that were being used by educational institutions. In others, voters have passed referenda directing that state institutions can neither discriminate against, nor grant preferential treatment toward, persons on the basis of race or national origin” (State).

It is difficult to believe that race cannot be considered when race plays a part in nearly every, if not every, aspect of our lives. We are constantly reminded of the “government of race” on television, in movies, in classrooms, in the UC system, etc. It’s a factor that cannot be ignored, but it should be considered along with other criterion that will promote, and reflect the diversity of the state of California. Past injustices and wrongs upon Blacks can never be made up, but it is important to make sure that the oppression which still exists does not expand, or increase.

“On one hand many liberals want to address past wrongs by admitting qualified minority students to elite educational institutions. On the other hand these students are blamed for extending and perpetuating inequality by being recipients of “preferential treatment” (Dyson 138).

It is policies like affirmative action that attempt to provide Blacks with the opportunities that they have been denied for years to come. There were laws that prohibited Blacks
from having certain rights, and now there is a law that has eliminated the equal
opportunity in education that has been denied to Blacks for decades. The education
system needs to be mended, reformed, and improved in order to ensure that the
generations to come are qualified without a doubt. Regardless of race, sex, religion, etc.
so that not only do we reflect California and its diversity, but the values that this nation
was built on.


Lomibao, Stephanie A. *The reality of race neutral admissions for minority students at the University of California: turning the tide or turning them away?* Los Angeles: Tomás Rivera Policy Institute, 2004, 2-7.


