

What is the future of Affirmative Action in California?

In the 2020 election California reintroduced affirmative action through Proposition 16. It is no secret that California is a highly democratic state and as a result many voters expected the proposition to pass with ease, however, in a surprising turn of events, it was rejected by a dominant margin of [57 to 42](#) percent. This brings the state to an important point of reevaluation. It is clear that there is a misalignment between the political perception of California and the actual beliefs of voters. Before taking next steps, we need to understand what happened and why. Did the policy fail because the state is more racist than we previously believed? What criticisms swayed voters? Is there a better alternative solution? These are the crucial questions that need to be explored after affirmative action failed to pass in one of the most progressive states in the country.

Affirmative Action: What is it?

[Affirmative Action](#), defined as “a policy in which an individual's color, race, sex, religion, or national origin are taken into account to increase opportunities provided to an underrepresented part of society”, was first passed into United States Law via executive order from President Lyndon B. Johnson in 1965. This was somewhat successful for nearly thirty years, but in the 1990's it faced heavy backlash from the California general public and Governor Pete Wilson. Many viewed affirmative action as blatant discrimination written into law and Governor Wilson responded by issuing his own executive order that removed the policy from California institutions. Then in 1996, Proposition 209 was approved by voters, officially banning affirmative action in California.

In 2020, Proposition 16 aimed to amend the Constitution of California by repealing 1996's Proposition 209. However, California voters rejected this notion, clearly stating that there is no interest in reimplementing the policy any time soon.



Mark Ralston, Getty

Why did Prop 16 fail in California?

Confusion

Some supporters of Prop. 16 believe it failed to pass not because voters were against affirmative action, but because they were confused by the [wording on the ballot](#). The words “affirmative action” were not mentioned anywhere in the description of Prop 16. Instead, it stated the repeal of the constitutional provision, “the government and public institutions cannot discriminate against or grant preferential treatment to persons on the basis of race, sex, color, ethnicity, or national origin in public employment, public education, and public contracting.” This confusing double negative phrasing is believed to have misled many voters.

Lack of time, advertising, and understanding

Additionally, Prop. 16 faced the issue of [limited time](#) for advertising and spreading awareness. 2020 was one of the most turbulent and difficult years in recent history. Between polarizing elections, civil unrest, and the Coronavirus pandemic, it was easy for citizens to get lost amongst the endless stream of information. The state legislature only approved Prop. 16’s placement on the ballot in June, leaving a small amount of time to inform and influence voters.

What is the lesson from the failure of Prop. 16?

We need to face the reality that Affirmative Action is not the solution.

Despite the arguments that claim outside factors led to Prop. 16’s rejection, it’s still difficult to ignore the large margin of 57 to 42 percent against the policy change. Affirmative action has been considered for nearly 40 years, perhaps it’s finally time voters and representatives realize

that it is not the proper solution. California is arguably the most progressive state in the country and it's safe to say that if affirmative action is unable to pass in California, it's likely to fail in the other 49 states. Before we begin innovating better solutions and alternatives, it's important to look back and understand why affirmative action failed.



Paul Sakuma, Associated Press 2012

What went wrong?

The majority of Californians believe it is wrong to discriminate or treat individuals differently based on race, ethnicity, gender, or sexuality. The concern about affirmative action stems from a lack of trust in government officials' ability to properly determine [ethnic categories and acceptance quotas](#). For example, under affirmative action government officials would need to decide if African Americans slave descendants would be treated the same as African immigrants, or if Latinos would receive quota benefits despite being California's largest racial group, or whether Japanese, Chinese, and Indian Americans would be categorized together. American Government does not have a good track record on the topic of racism, in fact, the foundations of our government were built upon racist, sexist, and bigoted ideas. As a result, it is understandable that voters struggle with the idea of giving the government power to control affirmative action categorizations and quotas.

Many voters rejected affirmative action because they believe it would be a more valuable use of resources to focus on [reform in the K-12 system](#). This would include creating better support for underprivileged students by implementing programs that remove tracking, informal segregation in classes, and provide more academic aid. In this plan, there would be no need for the government to determine racial quotas and the overall impact would be directly beneficial.

Now what?

Future Alternative: Socioeconomic Based Categorization

The most widely known alternative solution is [socioeconomic based categorization](#). This plan adjusts affirmative action such that government officials no longer determine categories and quotas based on race. Instead, they are established by socioeconomic class as determined by income and wealth.

Affirmative action equivalently treated both wealthy and low-income students of the same race, when in reality their struggles were drastically different. For example, an African American student raised by two college educated parents with six-figure annual income, faces significantly less hardships than an African American student raised by a single parent with three minimum wage jobs. While both students faced struggles due to their race, it is clear that the wealthy student had access to resources that the low income student did not, therefore, should not be categorized in the same bracket. In America, money is the ultimate provider of opportunity, and as a result a system that bases quotas on wealth would likely be the most accurate representation of student needs.

A program called the [Texas Top Ten Percent Plan](#) is one of the first policies to implement income based quotas. The plan guarantees admission to public Texas Universities for Texas high schoolers in the top 10% of their class. This percentage includes both wealthy and low-income students alike, however, the colleges take into account the greater struggles of low income students when determining the 10%.

Future Alternative: Changes to Financial Aid and Recruitment

Minority and low-income students often do not see a college education as a realistic option. Financial costs, familial complications, and other factors can remove college from the realm of possibility. Changes to financial aid, recruitment programs, and support programs could attract and retain more low-income, minority students. In Nebraska if students maintain a minimum credit, hour, and GPA requirement in high school they are eligible for the [Pell Grant](#) that offers free in-state tuition for residents. At [Florida State](#), there is a recruitment program that specifically reaches out to first generation and disadvantaged high school students. Additionally, if the students enroll at Florida State, they are offered additional support programs and services. This includes financial assistance, counseling, and academic aid.

Conclusion

While none of these alternative solutions are flawless, it's important that California legislators accept affirmative action's failures, look to the future, and begin innovation. The demographics of California schools in 1996 do not heavily resemble the [demographics today](#). Minority groups

such as Asian Americans and Latinx students represent a large portion of the population. While white Americans remain a dominant presence on campus both in size and in culture, it is clear that strides in diversity and inclusion have been made. In other words, affirmative action was fitting for the state in the 1990's, but since then California has evolved. As the state continues to grow and change, government policies need to adapt and create systems that adequately represent the needs of all Californians.



Cindi Hunyh, Cal Alumni Association

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