

## *The Affirmative Action Myth*

by Marie Gryphon

### Executive Summary

In the wake of the Supreme Court's recent decision to uphold university admissions preferences, affirmative action remains a deeply divisive issue. But recent research shows that college admissions preferences do not offer even the practical benefits claimed by their supporters. Because preferences do not help minority students, policymakers and administrators of all political persuasions should oppose their use.

Affirmative action defenders frequently and correctly tout the importance of college to the goal of improving life prospects. But preferences at selective schools have not increased college access. They cannot do so because most minority students leave high school without the minimum qualifications to attend any four-year school. Only outreach and better high school preparation can reduce overall racial disparities in American colleges.

Nor do preferences increase the wages of students who attend more selective schools as a result of affirmative action. When equally prepared students are compared, recent research shows that those who attend less selective institutions make just as much money as do their counterparts from more selective schools.

Affirmative action produces no concrete benefits to minority groups, but it does produce several significant harms. First, a phenomenon called the "ratchet effect" means that preferences at a handful of top schools, including state flagship institutions, can worsen racial disparities in academic preparation at all other American colleges and universities, including those that do not use admissions preferences. This effect results in painfully large gaps in academic preparation between minority students and others on campuses around the country.

Recent sociological research demonstrates that preferences hurt campus race relationships. Worse, they harm minority student performance by activating fears of confirming negative group stereotypes, lowering grades, and reducing college completion rates among preferred students.

Research shows that skills, not credentials, can narrow socioeconomic gaps between white and minority families. Policymakers should end the harmful practice of racial preferences in college admissions. Instead, they should work to close the critical skills gap by implementing school choice reforms and setting higher academic expectations for students of all backgrounds.

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## **Introduction**

In the wake of the Supreme Court's 2003 decision upholding admissions preferences,<sup>1</sup> affirmative action remains a deeply divisive issue. Ward Connerly has called it the civil rights struggle of our time.<sup>2</sup> This tendency to frame the argument over preferences in terms of fundamental values is common to both sides of the debate. Because our nation's history with respect to race is so painful, the resulting argument is heated, personal, and ultimately unproductive.

Overwhelmingly, such debates turn on considerations of "fairness" or "merit," as if there were one best way to admit students to college. For those who favor little or no role for government in higher education, however, these are red herrings. There is no "fair" way to admit students to elite public institutions at the expense of taxi drivers and construction workers. Subsidies to particularly talented and capable students are especially difficult to justify. In the private sphere, on the other hand, institutions deserve broad latitude to create the educational environments they deem effective for their institutional mission.

The most broadly appealing argument against racial preferences in college admissions is that they are uniquely harmful, both legally and socially. In public universities, preferences have broken down constitutional protections against classification by race—protections that form a still insecure bulwark against habits of racial abuse and oppression that have festered for centuries.<sup>3</sup> Erosion of the legal doctrine of racial neutrality is a high price to pay for a system of preferences that moves only a few thousand students a year from one college to another, but it is a price the Supreme Court has unwisely chosen to pay.<sup>4</sup> Preferences are only permitted, not required, however, and policymakers should reassess whether the benefits of racial classification in schools outweigh the costs.

This Policy Analysis addresses support for racial preferences on the narrowest possible ground: the claim that they benefit formerly oppressed racial groups and promote racial

healing. This study shows that this claim is untrue. Administrators and policymakers of all political persuasions should therefore oppose racial preferences in universities.

## **The Resurgence of Preferences**

In the late 1990s racial preferences appeared to be on the decline. Critics of preferences persuaded voters in California and Washington that such policies were harmful and divisive, and the voters in those states approved initiatives banning racial preferences at public universities.<sup>5</sup> A federal appeals court struck down affirmative action at the University of Texas, holding that preferences violated the U.S. Constitution's guarantee of equal protection under the law.<sup>6</sup>

But the tide has swiftly turned since the Supreme Court's decision in *Grutter v. Bollinger* to uphold racial preferences at the University of Michigan School of Law.<sup>7</sup> Whereas the Court struck down the university's "mechanistic" approach to affirmative action in its undergraduate school in a related case,<sup>8</sup> it upheld the law school's nonquantified, "individualized" approach to preferences.<sup>9</sup> As a result of these cases (collectively "the Michigan Cases"), racial preferences in public colleges and universities are unambiguously legal as long as they are implemented without numbers, weights, or stringent guidelines.<sup>10</sup>

Supporters of affirmative action seized this opportunity to reaffirm existing preferential programs and reinstitute programs previously abandoned or struck down. The University of Texas system, which had dropped affirmative action under a now-obsolete court order, immediately announced a plan to resume consideration of race in its admissions process for the class of 2005.<sup>11</sup> Virginia Tech, which briefly abandoned preferences due to legal concerns, reinstituted their program pending the Supreme Court's decision in the Michigan Cases.<sup>12</sup>

The California General Assembly passed a bill last summer to reintroduce preferences in the University of California system.<sup>13</sup> Gov.

Arnold Schwarzenegger vetoed the bill only because he believed a constitutional amendment would be necessary to override Proposition 209, which banned preferences in the state in 1996, and supporters of preferences are now seeking to pass an amendment there restoring affirmative action.<sup>14</sup> In Washington State, Gov. Gary Locke has asked the legislature to pass a bill restoring preferences there as well, though that measure has not yet come to a vote.<sup>15</sup>

Administrators at the University of Michigan quickly altered the school's undergraduate admissions program to allow consideration of race in the same way that its law school does.<sup>16</sup> Ohio State University also tweaked its affirmative action system to comply with the Court's ruling,<sup>17</sup> and University of Minnesota president Robert Bruininks expressed relief that his school's affirmative action program already complied with the new ruling.<sup>18</sup>

Because legal barriers to racial preferences in state universities have been eased, it is more important than ever for policymakers to consider whether these policies, even if legal, offer the benefits that supporters claim.

## The Myth

The myth about preferences is perpetuated by some of America's most influential academic and political leaders.<sup>19</sup> It holds that racial preferences in selective universities benefit minority students in concrete ways, and that without preferences colleges would become "re-segregated," depriving American students of the educational benefits of a diverse student body.<sup>20</sup> It also holds that the social and psychological costs of preferences are modest—as University of Michigan dean Earl Lewis writes—that affirmative action "is not about the weakening of standards or the fraying of interracial relations."<sup>21</sup>

William G. Bowen, the former president of Princeton, and Derek Bok, the former president of Harvard, became standard-bearers of "The Myth" with the publication of their book, *The Shape of the River*. Using a privately

owned database assembled with the permission of a handful of the nation's most selective colleges and universities, Bowen and Bok offer a "graphic and quantifiable" defense of The Myth: that the "net social benefits" of preferences at selective schools are "impressive," and are achieved at "a tolerable cost."<sup>22</sup> Their work was cited at length in *amicus curiae* briefs filed with the Supreme Court in 2003 by dozens of elite colleges and universities in the Michigan Cases.<sup>23</sup>

Despite the academic establishment's uncritical defense of preferences, recent research confirms what many academics, policymakers, and students have quietly suspected: this view of affirmative action is a myth. Preferences do not offer substantial benefits to preferred racial groups, and they do impose social, psychological, and practical costs on students of all backgrounds.

### Preferences Do Not Send More Minority Students to College

Affirmative action defenders frequently and correctly tout the importance of college to the goal of improving life prospects. Bowen and Bok comment at length about the importance of a college education.<sup>24</sup> They write, "The growing numbers of blacks graduating from colleges and professional schools, and the consequent increase in black managers and professionals, have led to the gradual emergence of a larger black middle class."<sup>25</sup> They are right. Few things foster professional success more reliably than a college education. College has helped many minority students achieve middle-class lives.

NAACP attorney William Taylor's remarks are typical of efforts to connect racial preferences at elite schools to the issue of college access: "There can also be little question that affirmative action policies of colleges and universities [have] played a large role in the major increases in minority college enrollment that we saw during the 1970s and 1980s."<sup>26</sup> But preferences have not increased college access. In fact, Thomas Sowell observes that black college enrollment increased at least as quickly in the 1950s and early 1960s, prior to the estab-

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lishment of affirmative action policies, as it did afterwards.<sup>27</sup>

The reason that affirmative action does not affect college access is that most four-year colleges and universities in America are not selective; they take anyone with a standard high school education. Preferences are policy only at the 20–30 percent of American colleges that have substantially more applicants than places.<sup>28</sup> Students attending those schools have many other college options.

The reason that minority students do not get college degrees as often as white students is not competitive admissions policies. Rather, the problem is that most minority students leave high school without the minimum credentials necessary to attend any four-year school, selective or not.<sup>29</sup>

Freshmen must be “college ready” at almost all four-year colleges. That means that students must be literate, have a high school diploma, and have taken certain minimum coursework. Overwhelmingly, minority students are not college ready. Political scientist Jay Greene of the Manhattan Institute found that only 20 percent of black students and 16 percent of Hispanic students leave high school with these basic requirements.<sup>30</sup>

Minority underrepresentation in college is caused by public schools’ failure to prepare minority students. It is a failure that affirmative action does not remedy. “College-ready” minorities are already slightly more likely to attend college than their white counterparts.<sup>31</sup> Even if affirmative action were ended, every minority student affected by the policy change would have a college opportunity at some four-year school.<sup>32</sup>

### **Preferences Are Not “Plus Factors”**

Elite public and private universities claim that affirmative action is only a light “thumb on the scale”—a “plus factor” for deciding between candidates with virtually equal qualifications.<sup>33</sup> University of Minnesota general counsel Mark Rotenberg says that the school uses race as “a plus factor together with many other factors in building a class that will meet the diversity objectives that [its] Regents have

set.”<sup>34</sup> Dean Herma Hill Ray of UC Berkeley’s Boalt Hall described affirmative action as a way of choosing “between two equally qualified persons.”<sup>35</sup> But that is not true. Preferences for minority applicants to such flagship schools are enormous, and they generate painfully obvious gaps between racial groups on campus in terms of academic preparation.

Brookings Institution economist Thomas J. Kane estimated the size of preferences at selective schools and found that black applicants enjoyed an enormous advantage over white and Asian applicants to selective schools. The preference was, on average, equal to the combined effect of 200 points on the SAT and over one-third of a grade point (on a 4.0 scale), and was generally larger at the very most selective institutions.<sup>36</sup>

Preferences this large inevitably produce large gaps in average academic preparedness between students of different races on college campuses. University of Pennsylvania sociologist Douglas Massey and his colleagues write, “While we are not privy to actual admissions processes, we do know that they operate to produce a freshman class composed of two very distinct subpopulations. On one hand are whites and Asians and on the other are Latinos and blacks.”<sup>37</sup>

These differences in preparation cause minority students to receive low grades. African-American college students earn grade point averages about two-thirds of a letter grade below their nonminority peers.<sup>38</sup> They are far more likely to drop out, and those who graduate finish, on average, in the bottom 25 percent of their college class.<sup>39</sup>

University representatives often equate racial preferences with the preferences given to children of alumni and consideration of other “diversity” factors such as musical talent. Attorneys for several selective institutions write, “Admissions officials give special attention to, among others, applicants from economically and/or culturally disadvantaged backgrounds, those with unusual athletic ability, those with special artistic talents, applicants who write exceptionally well, [those] who show a special dedication to

public service, and those who demonstrate unusual promise in a wide variety of fields.”<sup>40</sup>

But it is not true that racial preferences are comparable in size to the boost one gets from being a violinist or the child of an alumnus. For no group other than preferred racial minorities (and varsity athletes) are preferences so large as to leave that group visibly and consistently at the bottom of their college class.<sup>41</sup>

The point system formerly used by the undergraduate program at the University of Michigan offers insight into the relative weights given to various nonacademic admissions factors. Special talent in music or other extracurricular activities were worth a maximum of 5 points in the system, whereas membership in a preferred racial group was worth 20 points, conferring an advantage equal to the difference between a “B+” grade point average and a “C+” average.<sup>42</sup>

### **Preferences Do Not Increase Earning Power**

No contention is more central to The Myth than that preferences are a catalyst for upward financial mobility. Moderate supporters of affirmative action tolerate the social costs of preferences because they hope that preferences will improve the concrete well-being of minority students after graduation.

Indeed, research used to suggest that attending a more selective college was related to substantial, though not huge, financial gains.<sup>43</sup> Generally, studies indicated that attending a school with an average SAT score 100 points higher would increase a student’s future earnings by 3–7 percent.<sup>44</sup>

But those studies suffered from a serious methodological problem. They were unable to take into account many of the factors that colleges look at when deciding which students to admit. Academic researchers generally have only high school GPA and SAT scores at their disposal, so they must compare students with the same grades and scores and assume that the students are otherwise the same. Teacher recommendations, the difficulty of the high school attended, and student motivation as

reflected in an admissions essay are all unavailable to researchers. As a result, researchers attributed wage premiums to “equally qualified” students who attended more prestigious schools, when in fact the students were not equally qualified at all.

But recent research has shown that this part of The Myth, like the others, is untrue. Attendance at a more selective school does not raise students’ future incomes, regardless of race.<sup>45</sup>

Economists Stacy Dale and Alan Krueger developed an ingenious method to solve these problems and compare students who were truly alike.<sup>46</sup> They “matched” several thousand students nationwide on the basis of selectivity of the schools that accepted and rejected them and compared members of the matched groups only to each other. This was possible because only 62 percent of students in the sample chose to attend the most selective school that accepted them.<sup>47</sup>

Thus, Dale and Krueger were able to compare students who were accepted by a top tier school and actually attended that school to students who were accepted to that same top school but chose instead to attend a less selective school. Comparing students with identical acceptances takes into account (and “controls for”) all of the factors that colleges take into account when they accept students.

Dale and Krueger found that when genuinely equivalent students were compared, students attending less selective schools *made just as much money* as students who attended more selective schools.<sup>48</sup> The idea that a selective university will make you rich is just another part of The Myth.

### **Preferences Are Not Popular**

Affirmative action supporters frequently claim popular support for their cause among elite college students, graduates, and faculty. Bowen and Bok, for example, find that admissions preferences are popular on the basis of surveys showing that college alums thought their institutions ought to place even more emphasis on diversity.<sup>49</sup>

But they got the “right” answer by asking

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the wrong question. Students and faculty do value diversity, but that does not mean that they support differential admissions standards in order to achieve racial balance. Most polls suggest that students and faculty are closely divided on the issue of preferences but that majorities of both groups do not support them.

A poll of Berkeley students taken at the time that Proposition 209, which banned preferences in state university admissions, was on the ballot in California showed that most students opposed affirmative action.<sup>50</sup> *New York Times* columnist James Traub reported, "Berkeley students, it turns out, are like most Americans: they want diversity without the zero-sum calculus that inevitably accompanies affirmative action."<sup>51</sup> Similarly, a Roper poll found that UC faculty members were split on the issue, with 48 percent opposing admissions preferences and only 31 percent expressing support.<sup>52</sup>

Aware of these polls, economists Harry Holzer and David Neumark, who support preferences, make a more cautious statement, that "public opinion polls still indicate public support for some forms of affirmative action."<sup>53</sup> They are right, but only those forms of "affirmative action" that do not involve preferences (such as outreach and remediation) command support. Prof. Stephen Cole reports, "Surveys suggest that a majority of both students and faculty are opposed to policies in which race trumps qualifications."<sup>54</sup>

Moreover, in highly charged university environments, faculty members are sometimes afraid to admit that they oppose preferences. Berkeley professor Martin Trow writes, "Very few academics wish to offend both the senior administrators who govern their careers and budgets and the well-organized affirmative action pressure groups that will quickly stereotype faculty members as 'racists' or, at very least, 'right-wingers.'"<sup>55</sup> Thomas Sowell recalls "bitter fights" that have erupted among faculty members about whether affirmative action policies should be decided by secret ballot, because whether the votes were public might affect the results.<sup>56</sup>

## The Harm

The foregoing suggests that many benefits attributed to preferences do not exist. But The Myth is worse than useless. It perpetuates a policy that is harmful to students of all backgrounds, especially minority students.

That is the argument against preferences that their supporters assail most energetically. Bowen and Bok optimistically asserted that their findings "have essentially disposed of the 'harm-the-beneficiary' line of argument. There is no empirical support for it."<sup>57</sup> This epitaph has proved premature. Recent research contradicts this claim on the basis of far more sophisticated methods than those used by the former university presidents.

### Dropout Rates

Black students are less likely than white students to graduate from any institution of higher learning.<sup>58</sup> Latino students also graduate at relatively low rates.<sup>59</sup> That persistent problem depresses the wages of minority workers and is of concern to policymakers who seek to close the socioeconomic gaps between racial groups. Opponents of affirmative action have long contended that preferences increase minority dropout rates.<sup>60</sup>

Bowen and Bok argued on the basis of SAT scores alone that equally qualified students are actually *more* likely to graduate if they attend more selective schools.<sup>61</sup> However, their analysis assumes that the average minority student with an SAT score of 1250 at the University of Michigan is as academically prepared as the average minority student with the same SAT score at Yale. That is unlikely. The student accepted to Yale probably presented additional evidence, such as advanced placement work or an excellent essay, that made their application more attractive by reflecting skills likely to be useful in college.<sup>62</sup> Bowen and Bok admit that SAT scores alone do not reflect differences between students as well as instruments that combine several measures of preparedness.<sup>63</sup>

Moreover, like efforts to predict the effect of college selectivity on wages, predicting the



effect of selectivity on dropout rates is made difficult by the presence of unobserved factors, such as motivation, that effect student outcomes.<sup>54</sup> The techniques used by Bowen and Bok cannot take these differences into account.

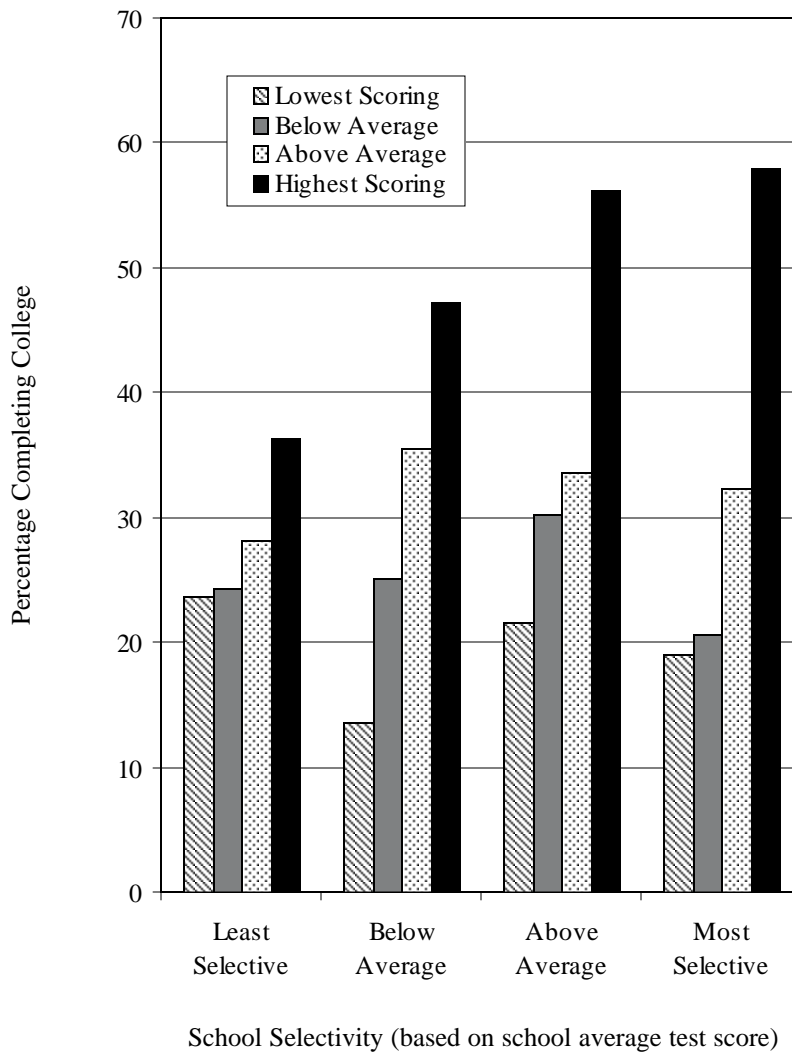
Sociologist Robert Lerner, now commissioner of the National Center for Education Statistics, observed, “Despite its size, *The Shape of the River* includes largely cursory sta-

tistical analysis of applicant data.”<sup>65</sup> Bowen and Bok are aware that their work is rudimentary. “In due course,” they write, “we expect others, using more sophisticated econometric techniques, to expand the analysis presented here.”<sup>66</sup>

Economists did subsequently analyze the question of dropout rates in more detail and got very different results than Bowen and Bok. Economists Audrey Light and Wayne

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**Figure 1**  
**Graduation Rates by Student Preparation and School Selectivity**



Source: Audrey Light and Wayne Strayer, “Determinants of College Completion: School Quality or Student Ability?” *Journal of Human Resources* 35 (2000): 315.

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Strayer were able to better predict university completion patterns among students of different abilities.<sup>67</sup> They did this by using methods that took into account unmeasured student qualities, as Dale and Krueger did in their study about wage rates.<sup>68</sup>

When student differences were held equal, Light and Strayer found that the likelihood of graduating from college depended on how close the “fit” was between a given student and his or her classmates in terms of academic preparedness. They write: “Our estimates reveal that the ‘match’ between student ability and college quality *does* have a causal effect on college completion.”<sup>69</sup>

Light and Strayer divided both students and schools into four categories based on standardized test scores, and predicted the probability that students in each score category would graduate from colleges in each selectivity category.<sup>70</sup> Their results are shown in Figure 1.

Light and Strayer found that the least prepared students were most likely to graduate if they attended the least selective schools. Their graduation rates are lower at more selective institutions.<sup>71</sup> The most prepared students exhibited the opposite pattern: their chances of graduating were highest at the most selective schools. Students with middling levels of preparedness did best at colleges of middling selectivity, with their graduation rates tailing off slightly both at nonselective schools and at highly selective schools.

Although minority college attendance has increased rapidly in recent decades, minority graduation rates have not kept pace.<sup>72</sup> Research that suggests how graduation rates may be maximized is thus important to policymakers who seek to close racial gaps in educational attainment and earnings. Light and Strayer’s findings suggest that students are most likely to graduate at colleges attended by peers of roughly equal academic strength.<sup>73</sup>

Affirmative action may increase minority dropout rates by mismatching students and schools.<sup>74</sup> Massey and his colleagues also find that a student’s sense of being a poor fit at his or her school makes the student more

likely to drop out. Academically, students feel like a poor fit at college if their classes are either too easy or too difficult for them.<sup>75</sup>

### **Status over Substance**

Too often today, Americans view college as a zero-sum status competition rather than a learning opportunity. Status-conscious parents have so personalized this process that one selective school has banned them from student campus tours so that students feel free to ask their own questions.<sup>76</sup>

*Washington Post* education reporter Jay Mathews observes, “We are talking about colleges the same way we talk about wine or left-handed pitchers or *American Idol* contestants. This is fashion and marketing and branding, not real value being added to our lives, or to our children’s lives.”<sup>77</sup>

Parents love to talk about their children’s accomplishments, and admission to a selective school is an accomplishment to the extent that only those who excel academically can achieve that goal. But a myopic parental focus on bragging rights ill-serves students by transforming what should be a learning opportunity, a chance to build new skills and better oneself at no cost to any one else, into a winner-take-all competition.<sup>78</sup>

Partly as a result, discussions of affirmative action tend to focus on notions of “fairness” and “merit” rather than concrete evidence, as if college admission were a cash prize or a commendation for good behavior. Sowell writes, “Discussions of college admissions opportunities often proceed as if the issue is the distribution of benefits to various applicants, when in fact the issue is selecting those applicants who can best master the kind and level of academic work at the particular institution.”<sup>79</sup>

Affirmative action exacerbates our cultural tendency to look at college selection in terms of prestige because preferences only promote equity if selective colleges are objectively “better” than others, rather than merely better fits for some students. Having promoted for decades the notion that prestige matters, selective schools now generate



resentment by apportioning this prestige according to race.

Even from the perspective of status, affirmative action harms minority students. In our stratified system, the college a student attends says quite a lot about her level of academic preparedness. But at elite schools, admission now signals two different levels of achievement—one for white and Asian students, and another for black and Latino students—which diminishes the cachet of admission for the latter group. Berkeley linguistics professor John McWhorter writes, “I was never able to be as proud of getting into Stanford as my classmates could be. After all, growing up [middle class], how much of an achievement can I truly say it was to have been a good enough *black* person to be admitted, while my colleagues had been considered good enough *people* to be admitted?”<sup>80</sup>

One of the self-defeating effects of affirmative action is that, in a university culture that attaches inordinate social value to credentials, preferences dilute those credentials for minority students who would be admitted to selective schools without them.<sup>71</sup> To the extent that an acceptance letter from a “top school” is a trophy signifying an extraordinary accomplishment, America’s highest-achieving minority students are being robbed of the recognition they deserve.

### **Stereotype Threat and Underperformance**

Most critically, recent research shows that affirmative action impedes academic achievement by undermining minority students’ confidence.<sup>82</sup> This hypothesis is one of many that researchers have generated to explain the mysterious phenomenon of minority underperformance in college.

The term “underperformance” does *not* refer to differences in minority college grades and graduation rates that can be explained by available measures of preparedness, such as high school grades and SAT scores. Rather, “underperformance” is what researchers call the tendency of African-American and Latino students to obtain lower college grades and graduation rates than white and Asian stu-

dents with identical previous grades and test scores.<sup>83</sup>

Nuanced, difficult-to-measure aspects of academic preparedness (the same ones that confounded economists before Dale and Krueger) play some role in the phenomenon of underperformance, but they cannot explain it entirely.

Critics of preferences have long argued that double standards in admissions are harmful to preferred students’ self-esteem in competitive situations, and thus contribute to underperformance. Shelby Steele observed, “The effect of preferential treatment—the lowering of normal standards to increase black representation—puts blacks at war with an expanding realm of debilitating doubt, so that the doubt itself becomes an unrecognized preoccupation that undermines their ability to perform, especially in integrated situations.”<sup>84</sup>

Until recently, little research was available to support or refute this view. But two separate studies, one by sociologist Stephen Cole of the State University of New York at Stony Brook and Elinor Barber and another by Massey’s Pennsylvania group, confirm what seems to be intuitively true about preferences.<sup>85</sup> Preferences harm students’ self-images, and this harm has practical costs in terms of grades and graduation rates.

Both studies build on earlier work by Stanford University sociologist Claude Steele, who coined the term “stereotype threat” to refer to the decline in performance suffered by members of groups who become afraid of confirming negative group stereotypes.<sup>86</sup> Steele tested his theory by giving standardized exams to groups of white and African-American undergraduates at Stanford University.

Testers told some groups that the exam evaluated psychological factors related to testing, and that it was not a measure of ability.<sup>87</sup> They told other groups that the exam measured their intellectual abilities, and in some instances had them indicate their race on the exam.<sup>88</sup> The African-American students who had been implicitly “threatened” with the stereotype of minority academic inferiority did markedly worse on the exam

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than black students in the other groups.<sup>89</sup>

Steele and colleague Joshua Aronson conclude, "Making African-Americans more conscious of negative stereotypes about their intellectual ability as a group can depress their test performance relative to that of whites."<sup>90</sup> They also find that stereotype threat can be triggered by "quite subtle changes of environment" and that reducing stereotype threat "can dramatically improve blacks' performance."<sup>91</sup>

Cole and Barber established a connection between stereotype threat and racial preferences in a book published in 2003.<sup>92</sup> Titled *Increasing Faculty Diversity: The Occupational Choices of High-Achieving Minority Students*, their book sought to determine why there are so few minority college professors and how their numbers might be increased.<sup>93</sup>

Cole and Barber found that high levels of academic self-confidence were critical to a student's decision to follow up on an interest in a career as a professor. They also found that minority students at highly selective universities suffered from lower academic self-confidence than their counterparts at less selective schools. This diminished confidence caused minority Ivy Leaguers to abandon their academic aspirations *at twice the rate of comparable nonminority students in state universities*.<sup>94</sup>

Cole and Barber concluded that stereotype threat is activated among high-achieving minorities by racial preferences at selective schools. Preferences ensure that minority students as a group will be less prepared than their peers.<sup>95</sup> Even minority students who do not need preferences respond to an environment characterized by the relative academic weakness of minorities by worrying about confirming a negative stereotype.<sup>96</sup>

Stereotype threat is not merely a personal problem affecting feelings of satisfaction or school friendships. As Steele's early work suggested, it has concrete effects on minority achievement in academic settings.

To try to understand the mystery of minority underperformance, Massey and his colleagues at the University of Pennsylvania researched the histories of students attending

elite universities. The group found that difficult-to-measure socioeconomic factors and finer-grained measures of academic preparedness played some role in the performance gap. They also determined that vulnerability to Claude Steele's stereotype threat is related to the lower grades earned by minority students.

Massey and his group found that those black and Latino freshman particularly susceptible to stereotype threat received grades that were on average .122 points lower on a 4.0 scale than minority students who felt less threatened.<sup>97</sup> This is not as small a difference as it may appear to be: It is one-third of the entire black-white GPA gap of .36 at the sampled schools and more than half the gap of .22 that persists after background and academic preparation are held equal.<sup>98</sup>

Even if minority students who were not particularly vulnerable to stereotype threat were wholly unaffected by it, the Pennsylvania group has shown that stereotype threat explains at least half of the mystery of minority underperformance at elite colleges. If, as seems likely, even minority students who are not especially vulnerable feel threatened to some extent, stereotype threat becomes the *primary* explanation for underperformance.

This finding is consistent with the fact that African and Caribbean immigrants do not underperform in American colleges.<sup>99</sup> Because they do not carry the heavy psychological baggage of slavery and segregation with them to school, they are far less vulnerable to stereotype threat than African Americans.<sup>100</sup>

Stereotype threat may do even more harm than lowering grade-point averages. Massey and colleagues found that susceptibility to stereotype threat increases the likelihood of dropping or failing a first semester class, events that are related to the likelihood of dropping out of school.<sup>101</sup>

Feelings of insecurity worsened by double standards in university admissions are no small cost to be paid for the cause of practical benefits. Stereotype threat, always present to some extent in academic settings, is exacerbated by affirmative action. It has measurable costs to minority students in the form of

lower levels of academic achievement and the abandonment of at least one academically ambitious career goal: that of college professor.

### **Isolation and Stigma**

Nearly as bad as the problem of underperformance is the harm that preferences do to race relations among America's highest-achieving young people. Thomas Sowell writes, "Even in the absence of overt hostility, black students at M.I.T. complained that other students there did not regard them as being desirable partners on group projects or as people to study with for tough exams."<sup>102</sup> Law professor Eugene Volokh relates the story of a law student who claimed that he and his friends chose classes with high minority enrollments because they believed that competition for good grades would be less severe.<sup>103</sup> Such preconceptions can contribute to feelings of social distance between peers of different races.

Massey and his colleagues surveyed thousands of students attending selective schools to find out how they felt about members of other racial groups in general, and affirmative action beneficiaries in particular. They found that all students generally had positive feelings about members of other racial groups. However, white and Asian students had notably cooler feelings towards "affirmative action beneficiaries" than others of any race. The researchers conclude:

Such perceptions of distance from "affirmative action beneficiaries" carry important implications for the general tone of race relations on campus because [many students believe] that without affirmative action most black and Latino students would not be admitted. To the extent that such beliefs are widespread among white students at elite institutions, they will not only increase tensions between whites and minorities on campus; they will also increase the risk of stereotype threat by raising anxiety among minor-

ity students about confirming these negative suspicions.<sup>104</sup>

Preferences generate distrust between racial groups that works against the mission of diversity in education: promoting mutual respect and understanding between students of different backgrounds.<sup>105</sup>

### **The Ratchet Effect**

Although only 20–30 percent of colleges and universities use racial preferences, they enlarge gaps in academic preparedness between white and minority students at other colleges because of what researchers call the "ratchet effect." The ratchet effect ensures that the policies of a handful of elite public and private schools have harmful effects at colleges all along the selectivity continuum.

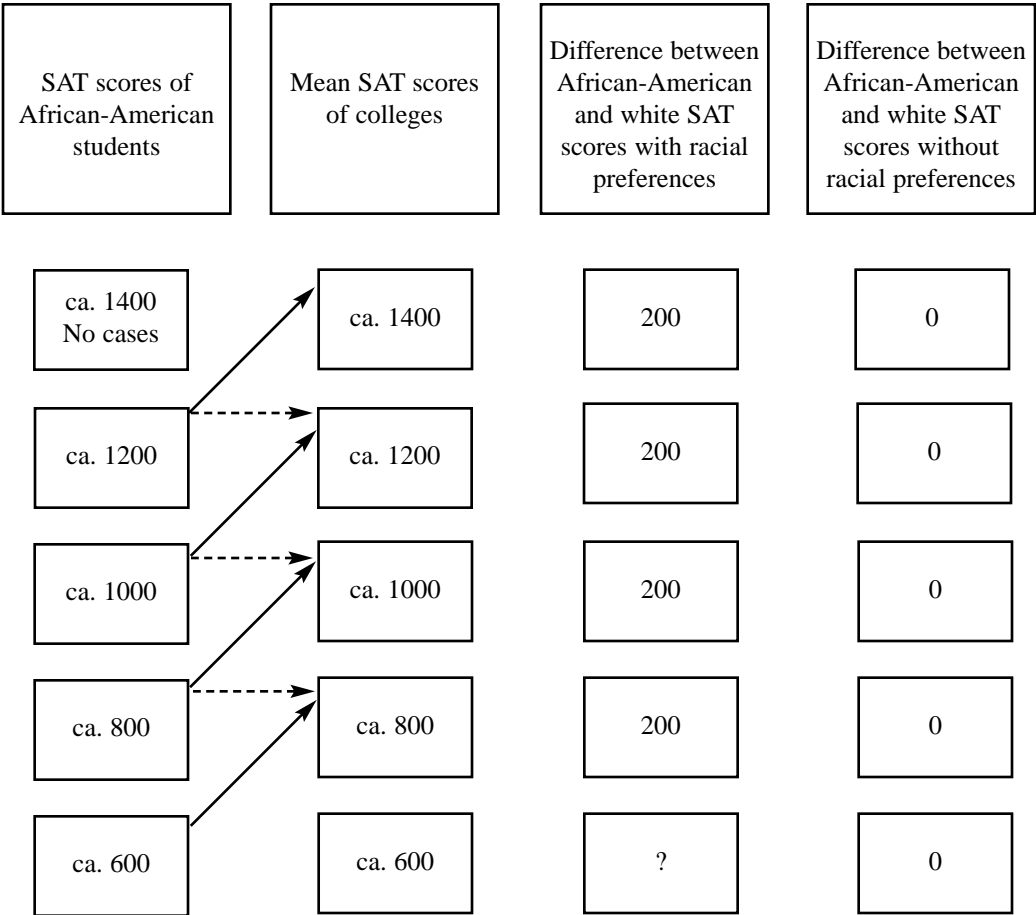
The ratchet effect begins at Harvard College. Harvard has long been able to attract an extremely high percentage of the tiny number of black and Latino students who graduate from high school each year with truly Ivy League credentials.<sup>106</sup> As a result, the academic gap between white and preferred minority students at Harvard is among the smallest anywhere. African-American freshmen at Harvard have average SAT scores that are only 95 points below those of their non-minority peers.<sup>107</sup> Not surprisingly, the African-American graduation rate at Harvard is the highest in the country.<sup>108</sup>

But Harvard's gain is a loss for the rest of the Ivy League. To remain as racially diverse as Harvard, Princeton must employ preferences large enough to produce a freshman class with a 150-point black-white SAT gap.<sup>109</sup> Columbia tolerates a 182-point gap.<sup>110</sup> Because every Ivy League school other than Harvard has attracted and admitted those minority students who would, under race-neutral standards, be well-qualified to attend schools like Wellesley and NYU, these schools must in turn admit minority students whose grades and scores more nearly match those of white and Asian students at schools such as the University of Virginia or the University of Texas.<sup>111</sup> Those flagship state university systems then come

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**Figure 2**  
**The Ratchet Effect of Racial Preferences in Admissions**



Note: SAT scores are from before the 1994 recentering, which raised all scores by approximately 100 points. Reprinted with permission from Stephen Cole and Elinor Barber, *Increasing Faculty Diversity: The Occupational Choices of High-Achieving Minority Students* (Cambridge, MA: Harvard University Press, 2003), p. 207.

under tremendous political pressure to employ preferences also, since if they do not, they will lose their successful minority applicants to even more selective institutions.

The result, pictured in Figure 2, is what Thomas Sowell has called the “mismatching” of minority students and colleges.<sup>112</sup> The ratchet effect ensures that even colleges that do not have preferences struggle with large gaps in academic preparedness, because their white and Asian applicants are far stronger than their African-American and Latino

counterparts. Sowell describes the downstream effect of preferences in the University of California system: “Thus, San Jose State University had 70 percent of its black students fail to graduate [during the 1980s], just like Berkeley, though it is doubtful that the minority students at Berkeley would have failed at San Jose State. That is the domino effect of mismatching.”<sup>113</sup>

With selective schools educating only a few thousand of the approximately 100,000 black and Latino students who receive BA

degrees each year,<sup>114</sup> affirmative action is the tail that wags the dog. Preferences at elite private schools exacerbate the political pressure on much larger flagship state institutions to use racial preferences to avoid becoming racially homogeneous. These public institutions often choose to respond to this pressure by adopting preferences, which contribute to painfully large academic gaps between racial groups at many nonselective public and private institutions.

## Why The Myth?

Given the falsity of The Myth, it is natural to wonder why the educational establishment vigorously embraces it. Many scholars who pride themselves on the fearless pursuit of truth are mute about problems with affirmative action. The answer may be that the academic establishment wants to free itself from the taint of historical racial prejudice while retaining its exclusive status in American society.

### Moral Redemption of Schools

Affirmative action programs are the primary way that college administrators offer an institutional apology for the exclusionary policies of decades past.<sup>115</sup> Affirmative action is thus an expressive act as much as a policy decision.

Institutions that have discriminated in the past should acknowledge and remedy those wrongs. But racial preferences are a poor vehicle for doing that. The academic establishment's desire to redeem its institutions from past sins does not justify such a harmful policy. Instead, selective schools should focus on outreach designed to build real academic skills and confidence among students of all backgrounds, and should work hard to ensure that the students they do admit have the support they need to succeed in demanding academic programs.

### Preservation of Academic Elitism

There was a time when, as one author wrote, "selective colleges would rather be

selective than integrated."<sup>116</sup> Much contemporary debate centers on whether these priorities are now reversed—whether these same schools would rather be integrated than academically selective.<sup>117</sup> But one thing is certain: affirmative action has been their way of avoiding this uncomfortable choice.

One reason that elite schools defend racial preferences so heatedly is that alternative methods for producing diversity, such as Texas's guarantee of admission to the top 10 percent of students from every state high school or lotteries among qualified students, would make the nonminority students at those schools a less elite group. This is so because those alternative policies admit many nonminority students with lower grades and scores as well as minority students. Attorneys for several selective colleges contend that ending affirmative action "would compel them to trade selectivity to obtain diversity."<sup>118</sup>

Selective schools enjoy their exclusive cachet and don't want to admit a larger cross section of white and Asian students in order to achieve racial diversity. Because they value their status so highly, they instead subject their students and the larger society to harmful policies that mix far less qualified pools of minority students into student bodies otherwise composed of very highly qualified white and Asian students. Then, they dissemble about the size of academic disparities that are nonetheless obvious to students and teachers.<sup>119</sup>

Legal theorist Charles R. Lawrence III notes that affirmative action is a conservative policy in the sense that, by maintaining separate admissions standards, it allows for more racial mixing while protecting the exclusivity of selective schools.<sup>120</sup> Instead of creating educational environments that embrace a greater variety of students of all races, preferences "do not challenge . . . conventional selection processes or standards of merit."<sup>121</sup> Rather, they bolster popular support for flagship state universities and other top schools whose mission is "the education and legitimization of an intellectual and professional elite."<sup>122</sup>

**Selective schools should focus on outreach designed to build real academic skills and confidence among students of all backgrounds.**

**Ending preferences does not amount to abandoning the dream of real racial equality and healing in America.**

Supporters of preferences decry the possibility of making schools less selective by admitting more students of all types. They warn that alternative admissions plans such as Texas's "top 10 percent" strategy produce "a spurious form of equality that is likely to damage the academic profile of the overall class . . . far more than would anything accomplished through race-sensitive admissions policies."<sup>123</sup> Racial preferences are popular among schools that (for better or worse) want to preserve their exclusive cachet.

**Cover for Companies**

University administrators often cite strong support for admissions preferences by industry as evidence that preferences are beneficial. It is true that much of corporate America has leapt to the defense of college admissions preferences in recent years. Indeed, 65 multinational companies including Nike, Microsoft, and American Express filed an amicus brief with the U.S. Supreme Court urging the court to uphold the University of Michigan's affirmative action programs.<sup>124</sup> General Motors stated in a press release that the "elimination of affirmative action in leading educational institutions would deprive businesses of the well-trained minority candidates who are essential to our nation's economic success."<sup>125</sup>

But as we have seen, preferences do not improve the skills or wages of minority graduates. Rather, corporations support admissions preferences because they are trying to avoid civil liability for both "discrimination" and "quotas" at the same time. Affirmative action by colleges helps corporations disguise the fact that they, too, must employ preferences to achieve diverse workforces. By giving less prepared minorities the same *alma maters* as more prepared peers, affirmative action at selective schools makes workplace preferences less obvious.

Corporations thus encourage affirmative action at schools where they recruit graduates, and schools that hope to place students with these companies have an incentive to oblige them. Companies could recruit high-achieving minority students without admis-

sions preferences, but some of them would be attending schools that are currently below the radar of top management training programs and investment banks.

In the absence of preferences, companies would have to do one of two things. They would either have to admit that they are willing to consider minority graduates from less selective schools even if they only recruit white and Asian applicants from the Ivy League, or they would have to consider applicants of all races from a wider variety of schools. This last option may be the wisest in light of Dale and Krueger's finding that a student at a less selective school will be just as successful in time as her counterpart from a "top school."

**The Way Forward**

Racial preferences in college admissions cannot offer the benefits their boosters have promised, and they harm American students of all races by impeding learning and generating unnecessary suspicion and distrust between groups. Whereas private universities have a right to pursue unwise admissions policies if they wish, policymakers should not allow selective state institutions to follow their example. Although the Supreme Court has ruled that preferences are constitutional, they can and should be banned at public institutions because they are bad public policy.

Ending preferences does not amount to abandoning the dream of real racial equality and healing in America. Affirmative action supporters sometimes deride opponents by saying effectively, "Well, we're doing *something* about this terrible problem of inequality in American society. What do you want to do?"<sup>126</sup> Although good intentions cannot excuse a harmful policy like racial preferences, the question is a good one. What follows are suggestions for improving the educational opportunities and achievements of minority students.

**Acknowledge History**

All policymakers, particularly those who oppose the use of racial preferences in admis-

sions, should acknowledge the role that America's shameful history of slavery and segregation have played in producing current disparities between white and minority students, particularly African Americans.<sup>127</sup>

Prof. John McWhorter observed a sense of cultural distance on the part of African-American students toward academic endeavor that results from "whites having denied education to blacks for centuries."<sup>128</sup> He writes, "It is not the *fault* of black Americans that they have inherited anti-intellectualism from centuries of disenfranchisement, followed by their abrupt inclusion in American society before they had time to shed the internalization of their oppressor's debased view of them."<sup>129</sup>

Only in the past few decades have minorities, and particularly African Americans, been offered a genuine chance to excel. But the opportunity to succeed carries with it the possibility of failure, and minority students are afflicted by a crisis of confidence due to centuries of oppression and negative stereotyping. McWhorter writes, "Black America today is analogous to a wonderful person prevented by insecurity from seeing the good in themselves."<sup>130</sup>

Acknowledging our history is an important prerequisite to taking the next overdue step in our relationships with each other as Americans: acknowledging that lack of skills, not present-day racism, explains the vast majority of current income and education gaps between whites and minorities. To narrow these gaps, we must acknowledge the historical role of racism, and then move on to address the current problem.

### Focus on Skills, Not Credentials

Dale and Krueger have shown that affirmative action cannot close the earnings gap between white and minority workers because graduates of selective schools don't make more money than their counterparts elsewhere. What can narrow that gap, however, are solid academic skills as measured by standardized tests.

Traditional labor market discrimination research starts with a random sample of

workers of different races and controls for all of the nondiscriminatory variables that might account for wage differences, such as years of education, years of experience, hours worked, prevailing wage rates in the city where the worker is located, and so on. Any residual wage gaps between racial groups remain a mystery. They may result in part from discriminatory practices in the labor market and in part from unmeasured differences in workers.

Studies show that no other factor explains this residual gap as much as academic skills measured by tests. Sociologists George Farkas and Keven Vicknair reanalyzed existing study data by controlling results for performance on standardized tests and found that the test results explained the entire remaining wage gap between black and white workers.<sup>131</sup>

In a separate study, economists Derek Neal and William Johnson used scores on the Armed Forces Qualification Test taken prior to college or workforce entry to measure skill. They found that performance on the AFQT explained the entire wage gap between black and white women and almost three quarters of the gap between white and black men, even without controlling for educational attainment.<sup>132</sup>

College graduation is important. Most studies do find a "sheepskin effect" associated with holding a college degree, although selectivity does not seem important. But actual skills, not credentials, matter most when it comes to raising the wages of minority workers.

Neal and Johnson emphasize that the academic skills measured by exams like the AFQT can be taught. Outcomes on these tests are powerfully related to parenting styles, education of parents, books in the home, and quality of education.<sup>133</sup> In fact, the skills gap can be measured in academic terms: African-American students are, on average, the equivalent of four academic years behind white students. That gap can be narrowed, but only if policymakers recognize that it is the primary culprit producing current inequalities.

**State flagship universities and other elite schools can have very diverse student bodies while avoiding affirmative action's negative consequences if they are willing to admit more students of differing abilities and talents from all racial backgrounds.**



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Effort and high expectations are critical. Thomas Sowell notes that Asian-American students routinely outperform whites with the same standardized test scores, both in college and in their later careers.<sup>134</sup> We can narrow socioeconomic disparities by having high expectations of all students, not just some of them. African-American students and those who want to help them succeed should overcome a tendency to focus only on credentials—“getting that piece of paper”—and concentrate on building the skills that lead to labor market success.<sup>135</sup>

**Rethink College Tracking**

Even if admissions preferences were ended tomorrow, America’s most selective schools would retain between one-third and two-thirds of their black and Latino students.<sup>136</sup> This does not amount to resegregation, particularly since the remaining minority students would be academically competitive with their peers. But if this amount of racial diversity is not enough, it may make sense to reevaluate the current practice of tracking students very narrowly into different colleges based on academic preparedness.

Affirmative action defenders present a choice between racial preferences on one hand and academic exclusivity on the other. But this is a false dichotomy, and opponents of preferences should not fall victim to this straw man argument. In fact, colleges can enjoy racial diversity without double standards if they are willing to maintain less exclusive admissions policies for students of all races.

Simply educating students of differing abilities at the same college is not the cause of most of the problems generated by racial preferences and catalogued in this study.<sup>137</sup> Rather, problems such as stigma and stereotype threat result from the creation of isolated communities of minority students in selective schools that are substantially and visibly less prepared than their classmates. State flagship universities and other elite schools can have very diverse student bodies while avoiding affirmative action’s negative consequences if they are willing to admit more stu-

dents of differing abilities and talents from all racial backgrounds.<sup>138</sup>

Some opponents of affirmative action are appalled by the idea of less academic stratification between colleges. Law professor Jeffrey Rosen, for example, supports affirmative action only because he believes that if it were ended, colleges would “lower academic standards across the board” in order to maintain racial diversity.<sup>139</sup> Stephen and Abigail Thernstrom worry that elite schools will give up on “maintaining intellectual standards” to avoid reducing minority enrollments.<sup>140</sup> Members of the American academic elite are attached to their schools and to what they represent, but present little evidence that less exclusive admissions overall would be more harmful to student learning than racial preferences are, or than less diverse student bodies would be.

The current pigeon-holing of students on the basis of academic merit came about only in the years following World War II, when the GI bill and rising incomes increased college access for the middle class, and standardized testing was popularized.<sup>141</sup> As recently as the 1950s, admission to college was not academically competitive. Harvard accepted three out of four applicants during that period, and its students had credentials virtually indistinguishable from the top half of many state universities.<sup>142</sup>

Academic elitism is not a 300-year tradition in American colleges. It is a 50-year experiment. Originally conceived to break down an old-boy network based on inherited wealth and social connections, it is worth rethinking whether—in an era that regards college as a coming-of-age social experience—such rigid sorting of students along academic lines remains a good idea.

Careful study may show that tracking in college is academically beneficial enough to preserve at the cost of relatively homogeneous student bodies at highly selective schools.<sup>143</sup> But that is not self-evident. Administrators and policymakers balancing the harms of racial preferences against the benefits of diversity should reassess selectivity’s costs and benefits.

## Fix the Pipeline

Nothing is more important to the project of racial equality in America than increasing the numbers of black and Latino students who leave high school prepared for success.<sup>144</sup> The NAACP agrees, for example, that racial disparities in Virginia's state universities "stem directly from continuing inequalities in Virginia's public schools."<sup>145</sup>

School choice can help by rescuing minority children from failing public schools that do not prepare them for college. Studies show that, while all students benefit from school choice, African-American students benefit the most, for reasons that are not well understood.<sup>146</sup> One thing is clear: we can narrow the critical skills gap by empowering parents to choose their schools.<sup>147</sup>

Universities that want to assist in this effort can sponsor programs that help minority high school students prepare for college. Economist Bruce Wydick found that intensive college preparation programs are the only way to increase minority representation in selective schools without harming minority graduates in the entry-level labor market.<sup>148</sup>

Since the passage of Proposition 209 in California, which banned preferences at state schools, the University of California system has instituted programs that provide tutoring and counseling to local students who might not otherwise get the assistance they need. John Briggs, head of UC Riverside's writing program, says about the university's effort, "What affirmative action is supposed to be about is making a concentrated effort to increase the pool of available students, and that means better preparation and better counseling."<sup>149</sup>

## Conclusion

Affirmative action cannot solve the American dilemma of racial inequality.<sup>150</sup> Preferences are designed to harness what their boosters thought would be the formidable power of prestige in getting ahead. But those who hope to ride credentials into the sunset of racial equality have saddled the wrong horse. Not only do prefer-

ences fail to narrow racial disparities in income and educational attainment, they harm students of all backgrounds. Only no-fuss integration and a focus on building real skills will lead to success.

## Notes

1. *Grutter v. Bollinger*, 539 U.S. 306 (2003).
2. See generally Ward Connerly, *Creating Equal: My Fight against Race Preferences* (San Francisco: Encounter Books, 2000).
3. "Race-based diversity programs, it seems to me, are deeply corrosive of this project [of creating a colorblind society]." Eugene Volokh, "Diversity, Race as Proxy, and Religion as Proxy," *UCLA Law Review* 43 (1996): 2076.
4. See *Grutter*, 539 U.S. 306.
5. See Abigail Thernstrom and Stephan Thernstrom, eds., *Beyond the Color Line: New Perspective on Race and Ethnicity in America* (Stanford: Hoover Institution Press, 2002), p. 295.
6. *Hopwood v. Texas*, 78 F.3d 932 (5th Cir. 1996), cert. denied, 518 U.S. 1033 (1996).
7. *Grutter*, 539 U.S. 306.
8. See *Gratz v. Bollinger*, 439 U.S. 244, 255-56 (2003).
9. See *Grutter*, 539 U.S. 303.
10. See Marie Gryphon, "Court Evades Duty on Affirmative Action," *Washington Times*, July 29, 2003.
11. See Matt Flores, "UT Plans for Affirmative Action; Proposed Policy Would Affect Admissions Starting in Fall 2005," *San Antonio Express-News*, December 2, 2003.
12. See "Kilgore Puts Spin on Admissions Ruling," *Virginian-Pilot*, June 30, 2003.
13. See "Universities Could Consider Race, Gender in Admissions under Bill," Associated Press State and Local Wire, May 26, 2004.
14. See Governor Schwarzenegger's veto message to the California General Assembly, [http://www.leginfo.ca.gov/pub/bill/asm/ab\\_2351-2400/ab\\_2387\\_vt\\_20040929.html](http://www.leginfo.ca.gov/pub/bill/asm/ab_2351-2400/ab_2387_vt_20040929.html).
15. Florangela Davila, "Bills to Include Race in

- College Criteria Die in Committees," *Seattle Times*, February 24, 2004.
16. Laura Berman, "U-M Changes Its Admissions, But Is Money Very Well Spent?" *Detroit News*, August 31, 2003.
  17. Sarah Freeman, "Minority Applications Are Down at University of Michigan under New Undergrad Policy," *Associated Press State and Local Wire*, February 9, 2004.
  18. Kristina Torres, "Ruling Is a Relief in Minnesota," *Saint Paul Pioneer Press*, June 24, 2003.
  19. Supportive leaders include former Stanford provost and national security advisor Condoleezza Rice. See Neil A. Lewis, "Bush Adviser Backs Use of Race in College Admissions," *New York Times*, January 18, 2003.
  20. President Bill Clinton, for example, warned that Proposition 209, which banned racial preferences in California, would "resegregate" the state's universities. Thomas Sowell, *Affirmative Action around the World: An Empirical Study* (New Haven: Yale University Press, 2004), p. 159.
  21. Patricia Gurin et al., *Defending Diversity: Affirmative Action at the University of Michigan* (Ann Arbor: University of Michigan Press, 2004), p. 59.
  22. Foreword by Glenn Loury, in William G. Bowen, and Derek Bok, *The Shape of the River* (Princeton: Princeton University Press, 1998), p. xxi.
  23. See for example Brief of Amherst et al., *Amici Curiae* Supporting Respondents, *Grutter*, 2002 U.S. Briefs 241 (2003); Brief of Harvard University et al., *Amici Curiae* Supporting Respondents, *Grutter*, 2002 U.S. Briefs 241.
  24. Bowen and Bok, pp. 9–10.
  25. Bowen and Bok, p. 10.
  26. Testimony of William L. Taylor, U.S. House of Representatives, Committee on the Judiciary, Subcommittee on the Constitution, April 3, 1995, [www.house.gov/judiciary/2100.htm](http://www.house.gov/judiciary/2100.htm).
  27. Sowell, pp. 118–19.
  28. Bowen and Bok, p. 15.
  29. Jay Greene, "Public High School Graduation and College Readiness Rates in the United States," Manhattan Institute Education Working Paper no. 3, September 2003, p. 10.
  30. *Ibid.*, p. 9.
  31. Audrey Light and Wayne Strayer, "Determinants of College Completion: School Quality or Student Ability?" *Journal of Human Resources* 35 (2000): 316.
  32. Robert Lerner and Althea K. Nagai, "Racial and Ethnic Preferences in Higher Education Admissions Policies: An Empirical Overview," in Diane Boothe and Julian C. Stanley, eds., *In the Eyes of the Beholder: Critical Issues for Diversity in Gifted Education* (Waco, TX: Prufrock Press, 2004), p. 244.
  33. For a discussion of the difficulties admissions officers encounter when selecting students at "the right tail" of distributions of academic qualification, and an ultimate defense of objective measurement, see Robert Klitgaard, *Choosing Elites* (New York: Basic Books, 1985).
  34. Greg Gordon et al., "Educators Await Court Ruling on Affirmative Action," *Star Tribune*, June 23, 2003.
  35. See Stephan Thernstrom, "Diversity and Meritocracy in Legal Education: A Critical Evaluation of Linda F. Wightman's 'The Threat to Diversity in Legal Education,'" *Constitutional Commentary* 15 (1998): 20.
  36. Christopher Jencks and Meredith Phillips, eds., *The Black-White Test Score Gap* (Washington: Brookings Institution Press, 1998), Introduction, p. 37. See also, Thomas J. Kane, "Racial and Ethnic Preferences in College Admissions," in Jencks and Phillips, eds., pp. 451–52.
  37. Douglas Massey et al., *The Source of the River*, (Princeton, NJ: Princeton University Press, 2003), p. 198.
  38. About half of this difference is attributable to the lower entering qualifications of minority students in terms of grades and test scores. The rest, referred to as "underperformance," can be partly but not entirely explained by other information available to admissions officers (such as recommendations and difficulty of high school). See Claude M. Steele and Joshua Aronson, "Stereotype Threat and the Test Performance of Academically Successful African Americans," in Jencks and Phillips, eds., p. 402.
  39. Stephan Thernstrom and Abigail Thernstrom, "Reflections on the Shape of the River," *UCLA Law Review* 46 (1999): 1605.
  40. Brief of Harvard University et al., *Amici Curiae* in Support of Respondents, *Grutter v. Gratz*, 2002 U.S. Briefs 241, 20 (2003).
  41. Sowell, p. 190.

42. See *Gratz v. Bollinger*.
43. See for example Dominic Brewer and Ronald Ehrenberg, "Does it Pay to Attend an Elite Private College? Evidence from the Senior High School Class of 1980," *Research in Labor Economics* 15 (1996): 239.
44. Stacy Berg Dale and Alan B. Krueger, "Estimating the Payoff to Attending a More Selective College: An Application of Selection on Observables and Unobservables," *Quarterly Journal of Economics* 117 (November 2002): 1492.
45. See Stacy Berg Dale and Alan B. Krueger, "Estimating the Payoff to Attending a More Selective College: An Application of Selection on Observables and Unobservables," NBER Working Paper no. 7322, <http://www.nber.org/papers/w7322>, for a breakdown of effects by race.
46. See generally Dale and Krueger, *Quarterly Journal*.
47. Dale and Krueger, *Quarterly Journal*, p. 1505.
48. *Ibid.*, p. 1523.
49. Bowen and Bok, Appendix Table D.8.4.
50. James Traub, "The Class of Prop. 209," *New York Times Magazine*, May 2, 1999.
51. Traub.
52. Gail Heriot, "University of California Admissions under Proposition 209: Unheralded Gains Face an Uncertain Future," *Nexis, A Journal of Opinion* 6 (2001): 166.
53. Harry Holzer and David Neumark, "Assessing Affirmative Action," *Journal of Economic Literature* 38 (September 2001): 483.
54. Stephen Cole and Elinor Barber, *Increasing Faculty Diversity: The Occupational Choices of High Achieving Minority Students* (Cambridge, MA: Harvard University Press, 2003), pp. 3–4.
55. Martin Trow, "Preferential Admissions in Higher Education," in Thernstrom and Thernstrom, eds., *Beyond the Color Line*, p. 302.
56. Sowell, p. 192.
57. Bowen and Bok, p. xxxii.
58. *Ibid.*, p. 58.
59. See National Center for Education Statistics, *The Condition of Education, 2004* (Washington: U.S. Department of Education, 2004), Supplemental Table 19-2.
60. See, for example, Stephan Thernstrom and Abigail Thernstrom, *America in Black and White* (New York: Simon & Schuster, 1997), pp. 409–11.
61. Bowen and Bok, p. 61. If Bowen and Bok really believe this to be true, then their comment on Texas's top 10 percent strategy, which admits students from even very academically weak Texas schools based on high school class rank, is an odd slip of the tongue. They write that, by admitting less-prepared minority students, "this approach could well have the effect of lowering minority graduation rates from college." See *ibid.*, p. 273.
62. In an appendix, Bowen and Bok present a slightly more complex regression that they claim controls for high school grades. Unfortunately, grades are only controlled in an extremely rudimentary fashion: Bowen and Bok simply separate those students who were in the top 10 percent of their class from those who were not. Because most minority students attending the sampled schools were not in the top 10 percent, it would be interesting to know whether dropout rates were higher among those in the 40th percentile than those in the 20th, but Bowen and Bok do not provide this information. See Bowen and Bok, Appendix Table D.3.4. They also fail to control for other academic factors, such as number of advanced placement classes taken or quality of high school attended.
63. Bowen and Bok note that one institution studied created composite "academic ratings" that took into account difficulty of coursework, grades received, and AP test scores, among other variables. They noted that this more holistic measure "predicted academic performance appreciably better than did SATs alone. In addition, [they] reduced the black-white gap in grades [associated with underperformance] by about 15 percent." See Bowen and Bok, n. 30.
64. *Ibid.*, p. 58.
65. Lerner and Nagai, p. 238.
66. Bowen and Bok, p. lix.
67. See generally Light and Strayer, p. 299.
68. *Ibid.*, p. 304–6.
69. *Ibid.*, p. 301. Italics in original.
70. *Ibid.*, Table 2.
71. The data for the lowest scoring group probably

- appear choppy because of the small number of test-takers at this level who attended any college.
72. Cole and Barber, p. 238.
73. Cf. Kane, p. 443. Kane agrees with Bowen and Bok that college selectivity increases the odds that a given student will graduate. However, he fails to control for unobserved variables in his analysis, or even to caution against the conclusiveness of findings that fail to account for them. This is an inexplicable omission for a researcher who, in the very same paper, controls for unobserved factors to determine the size of admissions preferences and emphasizes their importance in any discussion of college selectivity and wage rates.
74. Light and Strayer analyze a much broader universe of colleges than Bowen and Bok do. Virtually all of the schools sampled in *The Shape of the River* are likely to be in Light and Strayer's top two college selectivity categories, and their attendees are overwhelmingly likely to be in Light and Strayer's top two categories of student preparedness. However, there is no reason to believe that dynamics within the top half of the national distribution are any different. See for example Dale and Kruger, p. 1516 (finding the wage dynamics of the Bowen and Bok database similar to the less selective, more nationally representative NLS 78 database). Light and Strayer did subsequently find in another study that unmeasured variables disproportionately affecting minority students did not affect dropout rates at the most highly selective schools. See generally Light and Strayer, "From Bakke to Hopwood: Does Race Affect College Attendance and Completion?" *Review of Economics and Statistics*, February 2002, p. 34. However, this newer study is consistent with their previous finding that the lower average preparedness of minority students by observed measures such as SAT scores did increase minority dropout rates at these schools.
75. Massey et al., p. 14.
76. Jay Mathews, "Banning Parents from College Tours," *Washington Post*, June 15, 2004.
77. Jay Mathews, "12 Steps to Conquering Your Ivy Addiction," *Washington Post*, March 30, 2004.
78. See generally Paul Attewell, "The Winner-Take-All High School: Organizational Adaptations to Educational Stratification," *Sociology of Education* 74, no. 4 (October 2001): 267.
79. Sowell, p. 151.
80. John McWhorter, "Losing the Race: Self-Sabotage in Black America," (New York: Free Press, 2000), p. 248.
81. See Bruce Wydick, "Affirmative Action in College Admissions: Examining Labor Market Effects of Four Alternative Policies," *Contemporary Economic Policy* 20, no. 1 (January 2002): 12.
82. See generally Steele and Aronson.
83. Cole and Barber, p. 248. See also Steele and Aronson, pp. 402–3.
84. Shelby Steele, *The Content of Our Character: A New Vision of Race in America* (New York: Harper Collins Press, 1991), pp. 117–18.
85. See generally Cole and Barber. See also Massey et al.
86. Steele and Aronson, p. 401.
87. See generally Steele and Aronson.
88. Ibid.
89. Steele and Aronson, pp. 422–23.
90. Ibid., p. 422.
91. Ibid., p. 423.
92. See generally Cole and Barber.
93. Ibid.
94. Ibid., p. 208.
95. Ibid., p. 205.
96. Massey and his colleagues write, "The threat may be particularly salient in selective colleges and universities, where minority students are widely perceived (rightly or wrongly) by white faculty and students to have benefited from a 'bending' of academic standards because of affirmative action." See Massey et al., p. 11.
97. Massey et al., p. 187, Table 9.1.
98. Massey et al., p. 187, Table 9.1.
99. McWhorter, p. 115.
100. Ivy League schools have responded to the high academic performance of African and Caribbean students by admitting them in disproportionate numbers relative to African-American students. This has generated a debate about the ostensible purpose of preferences, as selective schools take foreign students who "look black" but have not inherited the cultural legacy of American racism. See Sara Rimer and Karen Aronson, "Top Colleges Take More Blacks, but Which Ones?" *New York Times*, June 24, 2004.

101. Massey et al., pp. 188–93.
102. Sowell, p. 148.
103. See Volokh, n. 16.
104. Massey et al., pp. 143–45.
105. McWhorter writes, “Many white college students have told me that they left college with warier and more negative feelings about black people than when they arrived.” McWhorter, p. 46.
106. Remarks of Abigail Thernstrom, Urban Institute Forum, “Is Affirmative Action Still Needed?” April 29, 2003, [www.urban.org/urlprint.cfm?ID=8387](http://www.urban.org/urlprint.cfm?ID=8387). Very few African-American students receive SAT scores this high. Cole and Barber write, “Only one tenth of 1 percent of African-American students score 700 or above on the verbal SAT. Only 1 percent of African Americans score 600 or higher on the verbal SAT.” Cole and Barber, p. 203.
107. Thernstrom and Thernstrom, *America in Black and White*, p. 408.
108. “African-American College Graduation Rates: Blacks Do Best at the Nation’s Most Selective Colleges and Universities,” *Journal of Blacks in Higher Education* 25 (1999): 122.
109. Thernstrom and Thernstrom, *America in Black and White*, p. 408.
110. Ibid.
111. Cole and Barber, p. 205.
112. Sowell, p. 146.
113. Ibid., p. 147.
114. Cole and Barber, p. 206. See Thernstrom and Thernstrom, “Reflections on the Shape of the River,” pp. 1617–18.
115. “The aims and values of an educational institution are often revealed most vividly by the choices it makes in selecting its students.” Bowen and Bok, p. 15.
116. Bowen and Bok, p. 5, citing S. A. Kendrick, “The Coming Segregation of Our Selective Colleges,” *College Board Review* 66 (Winter 1967): 6.
117. In particular, Bowen and Bok warn that elite schools will abandon selective admissions entirely if affirmative action is abolished. Bowen and Bok, pp. 286–89. See also Thernstrom and Thernstrom, “Reflections on the Shape of the River,” p. 1631.
118. Brief of Amherst et al., *Amici Curiae* Supporting Respondents, p. 13.
119. “One of the unquantifiable, but by no means unimportant, consequences of affirmative action has been widespread dishonesty, taking many forms.” Sowell, p. 190.
120. See Charles R. Lawrence III, “Two Views of the River: A Critique of the Liberal Defense of Affirmative Action,” *Columbia Law Review* 101 (2001): 928.
121. Ibid., p. 953.
122. Ibid., p. 962.
123. Bowen and Bok, p. 273.
124. See Brief for *Amici Curiae* 65 Leading American Businesses in Support of Respondents, *Grutter*, 2002 U.S. Briefs 241. See also David W. DeBruin et al., “The Business Case for Diversity,” *The Black Collegian* 34 (2003).
125. See Melba Joyce Boyd, “The Color Line Redefined in the Twenty-First Century in the Wake of the Anti-Affirmative Action Suits against the University of Michigan: Guest Editor’s Comment,” *Black Scholar* 33 (2003).
126. “Critics [of affirmative action] have not offered much constructive criticism. Although the critics pay homage to the goal of equal employment opportunity, they present no viable and immediate alternatives to affirmative action.” John E. Fleming et al., *The Case for Affirmative Action for Blacks in Higher Education* (Washington: Howard University Press, 1978), p. 100.
127. Steele and Aronson, p. 402.
128. McWhorter, p. 83.
129. Ibid., p. 150.
130. Ibid., p. 29.
131. George Farkas and Keven Vicknair, “Appropriate Tests of Racial Wage Discrimination Require Controls for Cognitive Skill: Comment on Cancio, Evans, and Maume,” *American Sociological Review* 61 (1996): 557.
132. Derek A. Neal and William R. Johnson, “The Role of Premarket Factors in Black-White Wage Differences,” *Journal of Political Economy* 104 (1996): 874.
133. Ibid., pp. 887–91.
134. Sowell, p. 162.
135. McWhorter, p. 161.

136. Thernstrom and Thernstrom, "Reflections on the Shape of the River," p. 1599.
137. There is, however, evidence that dropout rates increase as a college accepts a wider range of attendees. See generally Light and Strayer. Administrators considering a more inclusive admissions policy should very carefully weigh this evidence and other evidence suggesting that students of all races may perform better in academically homogeneous environments. See Sowell, p. 143.
138. The reason elite schools resist doing so is that they are locked in competition with each other for the most highly qualified class, as defined by *U.S. News & World Report*. The result is an academic Nash equilibrium: no elite school has an incentive to be the first to abandon the practice of recruiting the highest achieving students.
139. Jeffrey Rosen, "How I Learned to Love Quotas," *New York Times Magazine*, June 1, 2003, p. 54.
140. Thernstrom and Thernstrom, "Reflections on the Shape of the River," p. 1631.
141. See Nicholas Lemann, *The Big Test: The Secret History of American Meritocracy* (New York: Farrar, Straus and Giroux, 1999), pp. 58–60.
142. Richard J. Herrnstein and Charles Murray, *The Bell Curve: Intelligence and Class Structure in American Life* (New York: Free Press, 1994), p. 30.
143. For example, Thomas Sowell points to research suggesting that tracking is academically beneficial: "Schooling in [an academically] homogeneous group of students appears to have a positive effect on the achievements of high-ability students, and an even stronger effect on the achievements of high-ability minority youth." Sowell, p. 143.
144. Bowen and Bok agree that "vigorous efforts should be made to improve the academic preparation of minority students at all stages of the pre-collegiate educational process." Bowen and Bok, p. xliv.
145. "NAACP LDF Refutes Virginia Attorney General's Statements on Affirmative Action," Press Release, June 27, 2003, <http://www.naacpldf.org/printable.aspx?article=57>.
146. See Jay P. Greene, Paul E. Peterson, and Jingtao Du, *The Effectiveness of School Choice in Milwaukee: A Secondary Analysis of Data from the Program's Evaluation* (Cambridge, MA: Harvard University John F. Kennedy School of Government, 1996). See also Jay P. Greene, William Howell, and Paul E. Peterson, "Lessons from the Cleveland Scholarship Program," in *Learning from School Choice*, ed. Paul E. Peterson and Bryan J. Hassel (Washington: Brookings Institution, 1998).
147. See Clint Bolick, "Schools that Work for Minority Students," in Thernstrom and Thernstrom, *Beyond the Color Line*, p. 288.
148. Bruce Wydick, "Affirmative Action in College Admissions: Examining Labor Market Effects of Four Alternative Policies," *Contemporary Economic Policy* 20 (2002): 21–22.
149. Traub.
150. The phrase comes from Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy* (New York: Harper, 1949).



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