
Livin' the Meritocratic Dream!

Or Why it Makes Sense that Percent Plans in College and University Admissions Represent the Future of Affirmative Action

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Introduction

In the summer of 2017 the Donald Trump administration was reported to be preparing for investigations and possible litigation over affirmative action policies at selected universities and colleges for discriminating against white applicants (Savage, 2017). This gesture is in keeping with the Republican Party's and many Americans' – including, primarily, American conservatives' – general opposition to affirmative action policies. Affirmative action has been controversial ever since it was first implemented in the mid-1960s. Especially in the case of university admissions, supporters point out that these policies enable the establishment of a level playing field – a central tenet of the American Dream. Adversaries, on the other hand, point out that the policy constitutes impermissible discrimination, especially against white men.

Others argue for a reformed version of affirmative action that takes socioeconomic background into account and does not rely solely on race in admissions decisions. Yet others claim that if affirmative action is to be eradicated, the same should be done with legacy admits: the policy at some elite institutions of admitting relatives of alumni. Finally, there are those that advocate for replacing affirmative action as we know it with Percent Plans – which are race-neutral plans that nonetheless have the consequence of ensuring racially and socioeconomically diverse classrooms at state-run institutions of higher education.

In this essay, I suggest that of all these proposals, Percent Plans represent the best alternative to affirmative action policies, in major part be-

cause they are the most aligned with the widely popular ideology of the American Dream and, therefore, has the potential to have the broadest possible support from Americans across the ideological spectrum. These plans, thus, represent the least politically problematic way to resolve a controversial set of disputes about how to ensure diverse classrooms at institutions of higher education as well as about how to spread out educational opportunities widely throughout American society. I suggest in the remainder of this paper that these Percent Plans are much better suited to instituting the American Dream's promise of a level playing field because they factor in socioeconomic class and ensure racial diversity, especially of historically underrepresented racial and ethnic minority students, and they do so in a way that does not accord "preferential" treatment to any particular group of people, which in turn makes them more likely to enjoy widespread support in the American population, and also makes them more likely to reduce the stigma that sometimes accompanies affirmative action policies.

Equal Opportunity and the American Dream

There are many visions of what constitutes the American Dream. The phrase is notoriously hard to define. But there are three central constitutive elements of the American Dream: individualism, equal opportunity, and success (Ghosh, 2013). The Dream promises a life of success for all those who work hard for it, have the talent or merit for it, or who achieve this success purely on the basis of luck. The dream's widespread emotional resonance leads it to be routinely invoked by political leaders in contemporary American political culture – and the language and rhetoric of the Dream is regularly used to refer to a range of things from homeownership to immigration. It is not a surprise, therefore, that especially since the mid-1960s political leaders have dramatically increased the use of American Dream rhetoric (Ghosh, 2013). In part, this is because post-War era economic prosperity reconfirmed the promise of the Dream and in part because the Dream's promise of social and racial justice, codified famously in Reverend Martin Luther King Jr.'s "I Have a Dream" speech, canonized the American Dream's promise of democratic inclusion for all.

Central to the ideology of the Dream is a belief in meritocracy that makes Americans likely to tolerate pervasive inequality principally because inequality indicates, for many, the presence of social and political structures that reward the hard-working and punish those who are lazy.¹ Survey after survey in the last 25 years or so reveal that most Americans

1 On the concept of meritocracy in the United States, see Samuelson (1997), Arrow, Bowles, and Durlauf (eds.) (2000); also see Lipset (1996).

value the core tenets of the American Dream. They see hard work and effort as the most effective and fairest ways to get ahead in life. In one 2015 survey, 72 percent of the respondents said they are either living the American dream or expect to do so (Baer and Penn, 2015). Barely two years since the start of the financial crisis of 2008, a 2010 *Public Opinion Quarterly* report on the continuing relevance of the American Dream pointed out that, among those surveyed, working hard is the most important element of getting ahead in America (Hanson & Zogby, 2010). In the same year, in one poll two-thirds of the respondents believed they could achieve the American Dream.² According to a 2009 *New York Times*/CBS poll, 72 percent of Americans, even in the midst of a recession, continued to believe that in America, it was possible to start out with nothing, work hard, and become rich, which is, according to the *New York Times*, “a classic definition of the American Dream” (Seelye, 2009; Ghosh, 2013). Equally, a 2005 poll conducted by the *New York Times* found that the majority of Americans remain upbeat about their prospects of upward mobility (Scott & Leonhardt, 2005). The survey revealed that 40 percent of Americans believe that the chance of moving up from one class to another has risen over the last 30 years, a period in which scholarly research has shown that it has not. A 2004 poll confirmed that majorities of those polled in every demographic, geographic, and political sub-group are confident that their children or the next generation will have a fair shot at the American Dream.³ This is consistent with what Jennifer Hochschild reported in 1995: most Americans say their standard of living is better today than their parents’ and imagine that their children will do better still. Fewer than one-fifth of Americans see race, gender, religion, or class as very important for “getting ahead in life” (Hochschild, 1995: p. 19). In 1994, Citrin et al. reported: “The pervasive agreement that getting ahead on one’s own is important in making one a ‘true American’ reflects the country’s persistent cultural emphasis on individual achievement. Polls typically show that two-thirds of both white and black Americans believe that hard work will lead to success and that people should strive hard to get ahead” (Citrin, J. Haas, E.B., Muste, M. & B. Reingold, B., 1994: p. 14). Since 1994, despite enormous exogenous structural shocks, like 9/11, the Global War On Terror, and the current recession, nothing has essentially changed about this pattern of beliefs (Bybee & Ghosh, 2009; Seelye, 2009; Hanson & Zogby, 2010; Ghosh, 2013).

2 Xavier University Institute for Politics and the American Dream, “The American Dream Survey,” (2010).

3 National League of Cities, “The American Dream in 2004: A Survey of the American people” (Washington D.C., 2004).

Such beliefs in equal opportunity or a level playing field, however, has always run up against the US's entrenched system of inherent privileges and advantages for wealthy whites.⁴ Dalton Conley, for example, has shown that the wealth gap between white and black households is the single biggest contributor to black-white inequality (Conley, 1999). According to the Pew Research Center, the median wealth of white households was 13 times the median wealth of black households in 2013. It was eight times greater in 2010. When compared to Hispanic households in 2013, the median wealth of white households is more than 10 times bigger (Kochhar & Fry, 2014).

What is important for our purposes here is that the rhetoric of the American Dream is somehow able to fuse all these various different notions of equal opportunity, meritocracy, and inequality into an amalgamated promise of success even though the data clearly indicates the existence of a system that is biased in favor of affluent whites. In fact, belief in the Dream is so strong that people routinely claim that while it is true that *not* everyone will succeed, everyone has a *chance* to succeed in America. But we all know well that things are not quite as simple as that. In a pure meritocracy, the playing field would be genuinely level. In other words, anyone willing to work hard would be able to do so and would, in the process, achieve some kind of success – often interpreted as upward mobility. However, it turns out, upward mobility is extremely highly correlated with education and access to education is anything but equally distributed in the US. I highlight some of the major features of these inequalities in the next section.

Education and Equal Opportunity

The Pew Research Center reported in 2016 that a college degree is becoming increasingly “the key to financial well-being.” For example, millennial college graduates who work full time earn about \$17,500 more annually than their peers who only hold a high school diploma.⁶ However, even though college graduation rates have increased for all racial and eth-

4 See, for example, the work of a range of critical race theorists: West (1993), Guinier & Torres (2002), Delgado & Stefancic (eds.) (2001). Also see, Conley (1999) and McIntosh (1989).

5 Pew Research Center, “Social & Demographic Trends,” June 27, 2016, <http://www.pewsocialtrends.org/2016/06/27/1-demographic-trends-and-economic-well-being/>. However, importantly, the Pew Mobility Project also reports that if you were born rich, you were 2.5 times more likely than others to remain rich even if you did not bother to go to college (O'Brien 2013).

6 Pew Research Center, “Social and Demographic Trends: The Rising Cost of Not Going to College,” February 11, 2014, <http://www.pewsocialtrends.org/2014/02/11/the-rising-cost-of-not-going-to-college/>.

nic groups over the last few decades, whites and Asians are far more likely than blacks to complete college.⁷ According to the Current Population Survey, fewer than 25 percent of blacks aged 25 and up have a college degree while the figure is at 36 percent for whites and 53 percent for Asians.⁸ Whites are also twice as likely to have college degrees as Hispanics.⁹ The story is slightly better, however, for high school graduation rates. In 2015, the US Census reported that 87 percent of blacks and 93.3 percent of non-Hispanic whites had high school diplomas (Ryan & Bauman, 2016).

But schools are notoriously segregated by race and class. Black, Latino, and American Indian children routinely end up attending subpar schools that are severely under-resourced – an experience that sets them on a trajectory of underachievement very early on, and with a deleterious impact on their chances of receiving a college education, the type of college education they would have access to, their career choices, and indeed their lives. One report from the *Chronicle of Higher Education* cites that at the turn of the 21st century, the average white elementary school student attended a school that was approximately 77 percent white (Orfield & Lee, 2007: p. 24) and about 31 percent poor (Orfield & Lee, 2007: p. 19). One 2007 study reported that segregation in public schools remained high for all racial groups except Asians, with white students remaining the most racially isolated, while more than half of black and Latino students' peers were black and Latino.¹⁰ Black and Latino students are disproportionately more likely to attend schools populated by students who come from poor families. Only one percent of white students attend schools where 91 percent or more of the students are poor, compared to 13 percent of black students and 15 percent of Latino students.¹¹

Of the 38 million Americans classified as poor, whites number a little more than half: about 17 million. However, when you look at rates of poverty, the racial differences look somewhat starker. 25 percent of African-Americans and 20 percent of Hispanics live below the poverty line – as compared with 10 percent of whites who are poor (Katel, Clark, and Jost, 2013: p. 129). According to reports from the Century Foundation, in 2003, whites accounted for 77 percent of the students at high schools in which the greatest majority went on to college (Katel, Clark, and Jost,

7 Pew Research Center, "Social & Demographic Trends."

8 Pew Research Center, "Social & Demographic Trends."

9 Pew Research Center, "Social & Demographic Trends."

10 Jost and Clark, "Racial Diversity in Public Schools," 133; also see Orfield and Lee, "Historic Reversals."

11 Jost and Clark, "Racial Diversity in Public Schools," 142; also see Orfield and Lee, "Historic Reversals."

2013: p. 129). One 2004 study by the Urban Institute points out that, in 2001, only about half of black, Hispanic, and American Indian high school students were likely to graduate, compared to 75 percent of whites and 77 percent of Asians.¹²

Meanwhile, it is also well known that only a sliver of the population has access to a high quality education and entry into elite colleges and universities. Standardized test scores are typically expected to be extremely high for students entering these elite institutions. However, one report from 2003 tells us that out of a maximum total score of 1600, about 66 percent of students who scored at least 1300 on the SATs come from the highest quartile of socioeconomic status (Katel, Clark, and Jost, 2013: p. 132). Class, then, determines success to a considerable degree. Approximately 75 percent of students entering tier 1 colleges and universities come from the wealthiest families, according to one Century Foundation report (Katel, Clark, and Jost, 2013: 131). Many of these students are legatees of relatives who have attended these elite schools (Katel, Clark, and Jost, 2013: 142). Equally, given the education-income-wealth nexus, these unequal educational opportunities in turn translate into unequal patterns of intergenerational wealth and income distribution.

As always, it turns out, poor students end up attending under-resourced schools and, as a result, they are less prepared than their rich counterparts for college, including performance on standardized tests. It is not at all surprising, therefore, that students from the most economically disadvantaged backgrounds can be expected to score up to 399 points (Kahlenberg & Potter, 2010) lower on the Math and Verbal sections of the SATs than those from the most advantaged. Poor kids are also significantly less likely to devote their time volunteering for notable causes and/or holding internship positions. If they work at all, they are more likely to be found holding minimum wage jobs that they go to after school – jobs that they juggle with their homework assignments.

Given this context, it does not take a very sophisticated mind to figure out that college admissions policies that predicate a calibration of academic promise on standardized test scores, extra-curricular activities, and other feats associated with “resume-building” miss the point entirely. The system is unequivocally biased in favor of the affluent and in favor of white students. This is not a level playing field. To instantiate any kind of equal opportunity in higher education, therefore, requires an in-

12 Christopher B. Swanson, “Who Graduates? Who Doesn’t?: A Statistical Portrait of Public High School Graduation, Class of 2001,” Educational Policy Center, Urban Institute, <http://www.urban.org/sites/default/files/publication/57866/410934-Who-Graduates-Who-Doesn-t.PDF>.

tervention by a set of institutions – whether it is the state, the market, the non-profit world, or some cross-sector partnership. But what should such an intervention look like? Many think that affirmative action policies should be the preferred form of such an intervention. Others prefer Percent Plans. In the sections below I point out that affirmation action policies are extremely controversial and have been so since the start. Percent Plans, on the other hand, present a politically feasible alternative as a strategy of spreading educational opportunity widely. Percent Plans also come with the added advantage of being in alignment with the values of the popular ideology of the American Dream. It is for this reason, and some others I elaborate on in the final section of the essay, that it makes sense that Percent Plans are increasingly becoming the preferred way forward as a useful substitute for affirmative action policies.

Affirmative Action in University and College Admissions

Affirmative action policies were put into place in the early 1960s, during the black Civil Rights Movement in the US. In 1961, President Kennedy issued Executive Order No. 10925. This EO mandated that projects that received federal funding should “take affirmative action” to ensure that hiring and employment practices were free of racial bias. Moreover, Title VI of the Civil Rights Act of 1964, stated that “[n]o person...shall, on the ground of race, color, or national origin, be excluded under any program or activity receiving Federal financial assistance.” Title VII also prohibited any employment practice that discriminated on the basis of race, gender, religion, or national origin. It did, however, mention some exceptions: under special circumstances it allowed the use of gender, religion, and national origin as legitimate bases for employer selection. Race, though, did not make the list of such exceptions.

By 1965, the Johnson administration issued its own Executive Order (11246; later amended by Executive order 11375). This EO called for the correction of “the effects of past and present discrimination.” It prohibited any federal contractor or subcontractor from discriminating against anyone seeking employment or any employee because of their race, skin color, religion, gender, or national origin. It also created for underrepresented and historically marginalized groups a “protected-class” status.

Affirmative action policies have been controversial since the very beginning and, over the last few decades, the Supreme Court of the United States has steadily eroded the scope of affirmative action policies in university admissions. In one of the early challenges to an affirmative action policy at the University of California, Davis's Medical School, the Supreme Court, in *Regents of the University of California v. Bakke* (1978),

struck down the use of quotas in the admission of underrepresented racial minorities. Thus, although the court affirmed the constitutionality of affirmative action programs purporting to give equal access to racial minorities, and in effect allowed for the use of race as one of several factors to be taken into consideration when an institution of higher education makes its admissions decisions, it nonetheless found the use of affirmative action quotas to be impermissible under the law. In 1996, in *Hopwood v. Texas*, the Fifth Circuit Court of Appeals held that the University of Texas, Austin's law school may not use race as a factor in making admissions decisions. This remained the law of the land for the states covered by the Fifth Circuit for several years. Subsequently, in 2003, the Supreme Court issued two important decisions related to affirmative action policies at the University of Michigan. One of these pertained to Michigan's law school and the other to its undergraduate admissions policies. The former (*Grutter v. Bollinger*) narrowly abrogated *Hopwood* but the latter (*Gratz v. Bollinger*) eroded affirmative action further. In *Gratz v. Bollinger* (2003), the Court found the University of Michigan's undergraduate admissions process to be unconstitutional because it used a mechanical calculation that automatically assigned a set of numerical points to applicants who were members of underrepresented minority groups. However, in *Grutter v. Bollinger* (2003), the Supreme Court decided in favor of the University of Michigan Law School's admissions policies and found that student body diversity is a "compelling state interest" that can justify the use of race in university admissions.

At the present moment, however, several states specifically prohibit affirmative action, and have laws intended to decrease "discrimination." These measures are often the result of statewide referenda, such as California's Proposition 209, Washington's Initiative 200, Michigan's Civil Rights Initiative, Arizona's Proposition 107, and Nebraska's Civil Rights Initiative. Ward Connerly, who has successfully spearheaded a nationwide campaign against affirmative action claims that affirmative action essentially constitutes a form of reverse discrimination and a racial "preference" program. Justice Clarence Thomas, the only black Supreme Court justice, concurs with this depiction of affirmative action, claiming that his Yale law degree "bore the taint of racial preference" (Katel, Clark, and Jost, 2013: p. 130). On the other hand, Justice Sonia Sotomayor explicitly recognizes the positive role that affirmative action policies have played in her life, by characterizing herself as a "product of affirmative action." As a Puerto-Rican woman growing up in poverty in a South Bronx housing project in New York City, Justice Sotomayor was not exactly the typical

candidate for Princeton and Yale degrees, and she has always maintained that test scores are often the result of “cultural biases” and that her Princeton and Yale degrees would not have been possible were these institutions looking exclusively, or even primarily, at test scores in making their admissions decisions (Mears, 2009).

To be sure, there is no easy way of identifying which of these two points of view – Justice Thomas’s or Justice Sotomayor’s – is more valid than the other. The Supreme Court recognizes not only that affirmative action was instituted to correct historical injustices, but also that it serves a temporary function in American society. Thus, in *Grutter v. Bollinger* (2003), Justice Sandra Day O’Connor expressed the view that the court expects that “25 years from now, the use of racial preferences will no longer be necessary to further the interest [in student body diversity] approved today” (Justice Sandra Day O’Connor, quoted in Rothstein, Krueger and Turner, 2006). Both critics and supporters of affirmative action agree that many black and Latino students suffer because they end up attending sub-standard and under-resourced high schools. But critics like Ward Connerly think that the solution is to introduce changes at the K-12 level so that the academic standards of elite institutions do not have to be lowered to accommodate students from underrepresented minority groups. On the other hand, supporters of affirmative action claim that if these policies are discriminatory then so is the system of legacy that universities regularly use to admit candidates who are related to alumni and/or to donors, as are standardized tests (because they are biased in favor of middle and upper class students).

Supporters of affirmative action, it must be said, have very strong evidence for their claims. According to Peter Schmidt of the *Chronicle of Higher Education*, “Harvard as of 2004 accepted about 40 percent of the legacies who applied, compared to about 11 percent of applicants overall” (Katel, Clark and Jost, 2013: p. 142). Equally, as a Century Foundation study estimates, if the most selective colleges in the US were to eradicate their affirmative action policies altogether and made their admissions decisions on the basis of test scores alone, about 5,000 fewer black and Hispanic students would make the cut each year (Bell, 2003).

Some people are invested in retaining affirmative action while also reforming it by making affirmative action class-based. Thus, someone like Richard Kahlenberg at the Century Foundation says, “There are students from low-income backgrounds who aren’t given the same opportunities as wealthier students are given, and they deserve a leg up in admissions. Someone’s test scores and grades are a reflection not only of how hard they work and how talented they are, but what sorts of opportunities they’ve

had” (Katel, Clark and Jost, 2013: p. 132). For Kahlenberg, there are legal, moral, and political problems associated with relying exclusively on race (Katel, Clark and Jost, 2013: p. 132). For supporters of affirmative action, however, it should also be noted that the policies contribute to various other causes that have little to do with race. So, for example, according to one view, affirmative action “helps to ensure a democratic political culture” (Katel, Clark and Jost, 2013: p. 131).

Yet, while this may be the case, affirmative action policies and even the phrase “affirmative action” is politically tainted as emblematic of a fundamental cultural dispute between liberals and conservatives in the US. The term is also routinely associated with the idea of preferential treatment. Even those who, in principle, favor some form of affirmative action to correct for historical injustices often shy away from any mention of preferential treatment when affirmative action is characterized using these terms.¹³ For many Americans, this is a knee-jerk, ideologically motivated reaction. The granting of preferential treatment reeks of an abandonment of the American Dream of individual effort, talent, and luck as a pathway to success. There is, as a result, overwhelming public hesitation about anything that reeks of “preference” even though a form of preferential treatment might, at first blush, seem like the right thing to do given the history of discrimination against blacks and Latinos in the US. In this context, a race-neutral policy, such as Percent Plans has a much better chance at being politically popular and at ensuring racial and socioeconomic diversity in the classroom. It is to this discussion that I now turn.

Race-neutral Percent Plans

Percent Plans are race-neutral plans adopted by various states that make sure a genuine form of racial and socioeconomic diversity is maintained in their state-run institutions of higher education. In fact, there is some evidence that these Percent Plans might, in fact, be more successful at recruiting underrepresented racial minority students than a formal affirmative action plan, according to Richard Kahlenberg at the Century Foundation. This is exactly what happened at the University of Texas at Austin.

UT Austin had a race-based affirmative action policy in the mid-1990s. As a result of this method, in Fall 1996, UT Austin’s incoming class was 4.1 percent African-American and 14.5 percent Hispanic. That year’s Fifth Circuit Court of Appeals decision in *Hopwood v. Texas*, however, prohibited the University of Texas from using race in its admissions de-

13 See, for example, Pew Research Center, “US Politics & Policy: Conflicted Views of Affirmative Action,” May 14, 2003, <http://www.people-press.org/2003/05/14/conflicted-views-of-affirmative-action/>.

cisions. This prohibition was temporary, though, because, as indicated above, the ruling was abrogated in the Supreme Court's 2003 decision in *Grutter v. Bollinger*. During the years between *Hopwood* and *Grutter*, the University of Texas adopted and implemented two plans. The first constituted a socioeconomic affirmative action plan that took "special circumstances" into account. The circumstances could range from single parent home, to family responsibilities, to the average SAT or ACT score or socioeconomic status of the school attended, and so on and so forth (Kahlenberg & Potter, 2010: p. 8). The second plan was a race-neutral Top Ten Percent Plan developed by an unusual coalition of civil rights advocates and rural white legislators in Texas. Under this program, students graduating in the top 10 percent in every high school class throughout the state is granted automatic admission into the University of Texas. Given the vast disparities in resources and the socioeconomic conditions of students and high schools throughout the state of Texas, this neutral and egalitarian plan works both as a meritocratic strategy to recruit the most academically promising students (as opposed to academically prepared students) and as a way of recruiting students from across the spectrum of socioeconomic statuses and racial/ethnic groups. As Kahlenberg of the Century Foundation describes it:

The Top 10 Percent plan effectively enables students from disadvantaged schools and lower test scores to be admitted who might otherwise not be. These two programs resulted, in 2004, in a freshman class that was 4.5 percent African American and 16.9 percent Hispanic. In other words, the combined black and Hispanic percentage actually rose from 18.6 percent under the old race-based plan [in 1996] to 21.4 percent under the race-neutral programs. These rates of diversity were also comparable to those found at the University of Michigan Law School [involved in the *Grutter* decision], where underrepresented minorities constituted 14.5 percent of the class in 2000, which was deemed to have achieved a "critical mass" of such students. (Kahlenberg & Potter, 2010: p. 8)

In the years since Texas adopted their Percent Plan, California has banned affirmative action through Proposition 209, and it has implemented a Percent Plan of its own. As a result, there has actually been an increase in the UC system, after an initial setback, in the rates of admission for black and Latino students (except in the elite UC schools like Berkeley and UCLA) (Kahlenberg & Potter, 2010: p. 13). Several other state schools where Percent Plans have been adopted have seen similar trajectories of racial inclusion even though the policies adopted were themselves race-neutral and no racial or ethnic group is given preferential treatment. These

schools include University of Washington, University of Florida, University of Georgia, and University of Nebraska. The University of Michigan at Ann Arbor, another elite school, however, has done less well (Kahlenberg & Potter, 2010: p. 14). Nonetheless, the trend overall appears to be one of greater and wider inclusion of racial minority students in schools and states that have adopted some kind of a Percent Plan (Kahlenberg & Potter, 2010).¹⁴

Following the *Grutter* decision, UT has reinstated a race-based affirmative action policy for admission of students into those seats that are left over after the implementation of the Top Ten Percent Plan. There is a complex set of reasons cited by the University of Texas for the reinstatement of this policy – but a discussion of these reasons is beyond the scope of this paper. What is, however, relevant for us is that this policy has been challenged in Court and the Supreme Court in *Fisher v. University of Texas* (2016) has – for the moment – narrowly upheld (in a 4-3 decision) the use of a race-based affirmative action policy at the University of Texas. But it is widely known that the Court is hesitant about race-based affirmative action programs, as Justice Sandra Day O'Connor's comment about affirmative action no longer being necessary 25 years from *Grutter* (cited above) indicates.

The Way Forward

A college degree has become practically indispensable to achieving middle class success in the US. It is for this reason that Bernie Sanders, during his 2016 presidential bid, called for making college education free in the US (Resnikoff, 2015). One of the things he pointed out in his campaign rhetoric was that the reasoning behind the country moving toward universal access to high school education was that a high school education had become indispensable to the achievement of middle class success. These days the trend has changed far enough that a college degree has become all but essential for the attainment of a middle class life. It thus makes sense to make college degrees universally accessible (Sanders, 2015). Ostensibly in line with this kind of reasoning, Andrew Cuomo, Governor of New York, has pushed for the institution of the Excelsior program in New York State.¹⁵

14 For a detailed description of the “mechanics,” accomplishments, and variations in the Texas, Florida, California Percent Plans, see Horn, C.L. & Flores, S.M. (2003), especially pp. 20–24.

15 New York State. “Tuition-Free Degree Program: The Excelsior Scholarship,” 2017, <https://www.ny.gov/programs/tuition-free-degree-program-excelsior-scholarship>.

It is hardly in doubt that widespread and more equitable educational opportunities are desperately needed in the US. The system is obviously in need of reform and institutional change. As described above, both supporters and adversaries of affirmative action recognize that students from black and Latino families are disproportionately more likely to attend underperforming schools and, as a result, they are typically less prepared than their white peers to do well on standardized tests. Under these circumstances, how can we ensure that the American dream's promise of widespread and equal opportunity remains real for underrepresented racial minorities in college education? We could continue to support affirmative action as it is currently practiced. Or we could try to reform affirmative action to make it more inclusive of students who have experienced socioeconomic hardship? We might also move all the way toward free universal college education. Finally, we may all support a move toward Percent Plans across the nation.

Of all these strategies, the Percent Plans are the most strongly in conformity with the ideology of the American Dream. They appear solidly meritocratic and avoid preferential treatment of any kind, whether they are racial preferences or legacies. These Percent Plans focus on merit but they also assess merit in terms of one's accomplishments within a specific institutional setting and these accomplishments are measured with one's peer group as a point of comparison. This practice is not only a more reasonable measure of how much effort a student has put into her work when controlling (roughly) for the resources she has been given, it also has the added advantage of circumventing the problem of cultural bias that is common in standardized tests. Moreover, as the Supreme Court of the US has held there is a compelling state interest in diversity and Percent Plans actually do, in fact, as illustrated above, ensure racial and socioeconomic diversity in university settings.

Three other reasons make Percent Plans the most attractive of all these strategies. First, Percent Plans are able to avoid some of the most controversial consequences of race-based affirmative action policies. So, for example, as indicated above, many have talked about the stigma associated with being a person of color at an elite institution, especially if they are black, Latino, or Native American. These complainants report that they often face, from their peers, an automatic assumption that they must be attending these institutions not because of their merit but because of race-based affirmative action policies. Justice Clarence Thomas's comments, cited above, is just one case in point. Some even claim that these feelings of stigma and negative stereotyping often leads a non-trivial num-

ber of these students to underperform in and sometimes even drop out of college. According to some estimates, the dropout rates for black students at elite institutions is noticeably high when compared to graduation rates of black students from historically black colleges and universities – a set of findings leading some to suggest that perhaps the most academically promising black students are better served if they attend HBCUs rather than ivy league colleges or other elite institutions.¹⁶

If race-based admissions policies were altogether eradicated and replaced with Percent Plans, some of this stigma is likely to persist. There would, in fact, be an automatic assumption on the part of white and Asian students that students from underrepresented racial minority groups, such as black, Latino, and Native American students are only there because they performed well in high schools where the standard of academic achievement was low. But even then, the “bite” of this kind of stigma would surely be less because it would be clear to everyone that the bulk of the students attending a specific elite institution are only there because they are performed really well in some previous setting and not simply because they have any particular phenotype or skin tone.

Second, Percent Plans are better at eradicating stigma than universal access is. If universal access were to be provided, most people would invariably persist with the assumption that black and Latino students are not academically promising and that they are only there because the state provides the service free of charge. Universal free access to college education is also expensive and can become a drain on a state’s resources. Therefore, if indeed universal access were to be provided, it would make sense to combine this with a version of a Percent Plan that ignores or deemphasizes standardized test scores. If this were not to be the case, and we went ahead with a universal access plan that did not take into account merit, then we would be faced with a difficult situation. Because there are only a finite number of seats in a state school’s flagship or elite campus – admissions officers would end up handpicking the students who would attend the elite campuses and, in so doing, they would be looking at standardized test scores and other things like extracurricular activities to make admissions decisions. In such a situation we would be back to square one, and end up admitting a white-and-Asian-majority student body to elite campuses because they will be more likely to have better scores and “better” resumes than the majority of the students from underrepresented racial minority groups.

16 National Public Radio. “Is It Time To End Affirmative Action?” November 21, 2007, <http://www.npr.org/2007/11/21/16337441/is-it-time-to-end-affirmative-action>.

Finally, race-neutral Percent Plans are more politically feasible and popular than affirmative action policies because they are unambiguously designed to reward effort and merit – an ideal affirmed by the vast majority of Americans. It makes sense, therefore, that Percent Plans are slowly replacing and will most likely supplant affirmative action policies in the near future. Anyone interested in the widest possible inclusion of all racial and ethnic groups and in spreading opportunity widely across the US should thus find Percent Plans encouraging. And those committed to universal access to college education in the US should probably also advocate for some version of Percent Plans to be incorporated into universal access.

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