



Affirmative Action and the Dirty Little Secret of Public Universities

by Roger Pilon

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2paragraphs: You [write](#) that “the dirty little secret of public higher education is that it amounts to a massive transfer of wealth from the lower to the upper classes.” That’s the opposite of the function most people think public higher education serves, which is to broaden the elite. Yet even liberals who recognize the slippery slope of preferential treatment in Affirmative Action are willing to overlook this because of the practice’s desirable outcomes—including greater multiracial inclusion in the upper echelons of society. Is there a way to achieve the desirable benefits of this literally unfair practice without discrimination? Indeed, isn’t discrimination a synonym for the process of decision-making itself?

Roger Pilon: The transfer of wealth from the lower to the upper classes that public higher education affords has long been understood. Nobel laureate George Stigler had a [classic study](#) in the 1970 Journal of Law & Economics, looking especially at California. More recently, Ohio University economist [Richard Vedder wrote](#): “In 2003, as I calculate it, it was 1.93 times more likely that a kid from an affluent family (top 20 percent of the income distribution) would attend one of the 50 flagships as a poor kid (from the bottom 20 percent). In 2007, that ratio had risen rather dramatically, to 2.31 times as great.” Obviously that changes when you work your way down to the community colleges—yet, still, a large part of the tax-paying population never attends any college (the numbers here are difficult to determine), much less earns a degree. And obviously too, public higher education does broaden the elite to some extent. But the creation of the modern public educational behemoth is hardly the most efficient or equitable way to accomplish that end.

To decide is indeed to discriminate—in favor of that which is chosen and against all else. We laud a “discriminating” person as one who chooses well or wisely. The problem with public sector affirmative action, however, is that it amounts to the very discrimination—on the basis of race, gender, etc.—that the Constitution’s Equal Protection Clause forbids—rationalized, it is said, “for a good reason.” Yet far from enabling Blacks and Hispanics to move to the upper echelons of society in anything like the numbers the practice would imply, affirmative action has had just the opposite effect. In their much-acclaimed 2012 book [Mismatch: How Affirmative Action Hurts Students It’s Intended to Help, and Why Universities Won’t Admit It](#), Richard Sander (UCLA) and Stuart Taylor Jr. (Brookings) go into great detail to show how admitting

minority students into elite schools for which they are otherwise unqualified leads too often to their dropping out or performing so poorly that they never do make it into the upper echelons, which they would have done had they attended schools where they were competitive. I am unaware of any credible study that undercuts the empirical evidence the authors present, which should not surprise. Affirmative action that sets its intended beneficiary up for failure may make those who practice it feel good, but it is both wrong morally and counterproductive practically.

--[Roger Pilon](#) is the founder and director of the Center for Constitutional Studies at the [Cato Institute](#). He is the publisher of the [Cato Supreme Court Review](#) and is an adjunct professor of government at Georgetown University. Pilon held five senior posts in the Reagan administration, including at State and Justice, and was a National Fellow at Stanford's Hoover Institution.