



## The Student National Medical Association Position on Affirmative Action

On March 18, 1996 the 5<sup>th</sup> U.S. Circuit Court of Appeals ruled that affirmative action programs in higher education were not justified based on the necessity to achieve diversity OR the remedying of past wrongs created by discrimination in elementary and secondary schools. This decision is the first of its kind to challenge the UC Davis v. Bakke decision upholding preferential admissions policies in higher education. It has shaken the foundation upon which strides in affirmative action policy have been made. The case (Hopwood v University of Texas) was appealed to the US Supreme Court. On July, 1, 1996 the high court refused to hear the case stating that the affirmative action policy in question (UT's admission policy) no longer existed (UT revamped their admission policy before the original court ruling in Aug. 1994). Some believe that the Supreme Court is waiting for a better test case upon which to evaluate affirmative action policies. Its refusal to hear the case establishes a precedent in the 5<sup>th</sup> U.S. circuit that poses a tremendous threat to affirmative action programs across the nation.

Throughout American history, the government has attempted to legislate the basic rights (freedom and equality) of its African American citizens. Legislature from the Emancipation Proclamation to the Civil Rights Act of 1964 have marked for African Americans the continual denial of the rights and privileges afforded their white counterparts. One should be reminded that even after the 1954 case of Brown v. The Board of Education outlawing state segregation of schools, an entire generation of African Americans not only graduated from segregated elementary and secondary schools, but were then required to compete with their white peers for admissions to college. Racism has become so ingrained in the institutions and attitudes of white America that it has effectively denied a whole race of US citizens the ability to advance in society through the fundamental necessity of education. This clearly demonstrates the need for legislation that would implement equal opportunity on the most basic level, and not as a conceptualized court decision subject to individual state interpretation. The Civil Rights Act of 1964 made affirmative action the law; dictating not only equal opportunity employment, but the establishment of a commission designed to ensure affirmative steps be taken toward achieving and maintaining equal opportunity policy. Affirmative action is a formal effort to provide increased employment opportunities for ethnic minorities and women in order to overcome past patterns of discrimination. It is a system of positive steps made by government legislation to ensure the equal rights of its benefactors and to achieve fair representation (per cent hired equals per cent of population) of minority segments of the population in the work force. The system is so designated to leave nothing to chance (i.e. hiring practices of an individual) which might lead to discrimination.

Opponents of affirmative action believe that the racism and injustices that brought about a need for affirmative action no longer exist and that this country does not need it to ensure equality. This naïve perspective assumes that the individual with the power to hire or admit will voluntarily override the very system that gave them their power. America is not yet at the point where it can rely on the individual of one segment of the population to ensure the rights of that of another segment. The 20<sup>th</sup> National Conference on Blacks in Higher Education (March 16, 1995) cited white males as composing only 33% of the population but occupying 80% of tenured professor positions, 92% of Forbes Fortune 400 positions, 80% of the U.S. House of Representatives, and 90% of the U.S. Senate. Such statistics are a staggering example of what is in place WITH affirmative action. One can only imagine the degree of equality and diversity in these areas were affirmative action not in place. As one judge noted in the case of Hopwood v University of Texas, had students been admitted without regard to race or ethnicity, the entering class would have had “woefully inadequate” numbers of minority students.

This brings up the important argument of affirmative action as a tool to “remedy past wrongs” created by discrimination against African Americans. The African American community has suffered many blows to its rights as American citizens. But, perhaps one with lasting effects has been the denial of comparable, adequate, and effective elementary and secondary education. This has cascaded into a community of people who are attempting to play “catch up” with mainstream America that has had access to education, jobs, and empowerment since the birth of this nation. Some would suggest that African Americans are indeed “caught up” and no longer require race-based preferences. By sheer number alone this is an unreasonable assumption since African Americans just obtained the right to equal education 50 years ago. Moreover, the equality of that education is questionable at best. The Educational Resources Information Center (ERIC) reported a large discrepancy in per-pupil expenditure in elementary and secondary schools across the nation. The wealthiest school districts in NY and Texas spent 6-7 times more per pupil than the poorest. Also, students in large urban schools received \$5,200 per pupil compared with suburban \$6073 per pupil (1992). Clearly this overwhelmingly affects African-American students, the majority of which are concentrated in large urban settings and poor neighborhoods. Several sources have cited the fact that even in 1996 with affirmative action, minorities remain underrepresented in various areas of education and the workforce. As evident by these numbers and the only 50 years of equal education since Brown, African Americans are not only still trying to “catch up” but they are doing it with unequal support.

Perhaps a more compelling argument for affirmative action lies in the fact that the groups who should benefit from it have had minimal gains. As reported by the Glass Ceiling Commission (a bipartisan committee of the Department of Labor commissioned to study the presence of minorities and women in corporate management), 97% of senior managers of Fortune 1000 companies are white males. Moreover, most of the CEO’s were satisfied with that number. The Journal of Blacks in higher Education states that 2.5% of all full professors, 2.7% of all doctorate recipients, and 2.0% of all medical students are African American. Such small, unequal numbers still plague our country and further support the need for affirmative action policy. This counters the opposition’s belief that benefactors of affirmative action are taking away positions from those who do not benefit. The U.S. Department of Education cited only a 4% increase in minority enrollment in 4-year colleges from 1976-1993.

Then there is the argument of affirmative action as a form of “reverse discrimination”. As best, this is an oxymoron meant to suggest that affirming the equality of a disadvantaged group is discriminatory against the privileged group. To the contrary, anything that advances the rights of an entire segment of the population at the expense a few is for the ultimate good of the country as a whole. Is this not the basis for democracy? “Reverse discrimination” is a concept that illustrates an unwarranted feeling of threat among those in power. Indeed they are worried about their own power (not rights) in the face of affirmative action policies. Yet, the very need for affirmative action only confirms who is ultimately in control of this country, its policies, government, and businesses. Therefore, “reverse discrimination” does not exist, in that the disadvantaged minority can in no way discriminate (a political term) against those who ultimately decide their fate in terms of government policy and hiring practices. As suggested by the Glass Ceiling Report. African Americans are by far more likely to be discriminated against than a non-minority. It further noted that members of all minority groups are “disproportionately represented” among the working poor. Affirmative action is the only way this society can redress the vestiges of slavery and segregation. Despite its attempts at legally rectifying the problem some fifty years ago, it was not until 1964 (almost 30 years ago) that this nation addressed the social impact of its political misgivings, an action that was at least 100 years and several generation overdue.

The goals of affirmative action were best described in the Equal Opportunity Act of 1972 which mandated that all state and most local governments and institutions, increase the proportions of their female and minority employees until they are equal to the proportions existing in the available market. It is important to note that nowhere within the language of affirmative action are racial “quotas” used to outline its practical application. Under the premise of justice and equality, it is only appropriate that our higher education, government, and business institutions reflect the diversity of the society in which we live.

It is time for America to realize that it will be ill prepared for the 31<sup>st</sup> century if it even considers abolishing affirmative action policies. There is no way this nation can compete with the rest of the world by utilizing the skills of only one sector of its population. As evident by the AAMC’s 3000 x 2000

initiative, professional fields realize the implications to their own livelihood rest in the addition of people of color to their ranks. However, such institutions still maintain a glass ceiling and enclosed doors to upper level positions. The current advancements afforded minorities as a result of affirmative action are still not enough. With glass ceilings and quotas, the system remains unequal, biased, and oppressive. The goal of affirmative action is not merely to provide jobs and education to minorities, but to establish social, political, and equality where they have NEVER existed.

Founded in 1964, SNMA's identity lies in being the largest independent organization representing the concerns of medical students of color across the nation. Its sense of duty to the affirmative action issue stems from the knowledge that many of its founders served on the proverbial front lines of the civil rights era. The opportunities created by their victories (like affirmative action) have given qualified individuals like SNMA's members the chance to live out dreams of becoming a physician. This was a goal which prior to 1948, was only afforded to those attending the historically Black medical schools of Meharry and Howard, and a few quota-restricted positions in northern medical schools.

It is the position of the Student National Medical Association that affirmative action is a necessary policy for the benefit of minorities and women in this society. Moreover, this policy provides some assurance that the rights and equality of its members are supported and protected by the government of this country. SNMA supports all legislation and policy that assure an increase in minority and female representation at ALL levels of education and employment.

#### Explicit Support of Affirmative Action (as adopted by AMSA Resolution E2)

1. SNMA supports the increased representation of racial minority students in medical school.
2. SNMA supports the AAMC's 3000 x 2000 Initiative and shares the commitment to increase underrepresented minority student enrollment and retention in US medical schools.
3. SNMA urges increase efforts by medical schools to hire minority faculty and administration.
4. SNMA supports the development, funding, and continued emphasis toward strengthening programs that enroll, retain, and graduated increased numbers of minority students.
5. SNMA urges that special attention be paid to the financial needs of minority medical students.
6. SNMA explicitly supports federal and state affirmative action programs.
7. SNMA encourages and supports the increased application and admission of qualified women to all medical schools, and discourages disqualification of applicants based solely on sex, sexual orientation, and/or marital status.
8. SNMA urges federal support to encourage more women to enter the field of medicine and for recruitment of women as medical school faculty and administrators.
9. SNMA supports financial incentives for schools to progress toward achieving a percentage of women physician faculty and administrators at each rank equal to the percentage women in the general population.