

Washington State Rejects Affirmative Action for the Second Time

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The 2019 ballot provided Washington state voters a chance to restore affirmative action. The state had first banned the use of affirmative action decades ago. Ultimately, this year's measure was rejected by a narrow percentage. Less than one percent separated those opposing the referendum and those supporting it.

Affirmative action, officially introduced in 1961 by President John F. Kennedy in [Executive Order 10925](#), sought to ensure that "applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin." Advocates today assert that ensuring equal opportunity in housing, education, and employment for disadvantage groups is necessary. Throughout the years however, the matter has become increasingly contentious.

In 1978, [Regents v. Bakke](#) determined that although it is unconstitutional to use racial quotas in college admissions, considering race as a *factor* is not. The Supreme Court has since heard numerous arguments challenging other aspects of affirmative action. Overall, it has maintained its position that specific numerical and discriminatory point-based systems are illegal. Thus, with regards to college admissions, schools should consider factors influencing equal opportunity. Race, alone, cannot be made a decision-making factor. Opponents, however, state this kind of classification is still too vague, and that the practice is inherently discriminatory.



[Advocates in front of the U.S. Supreme Court](#)

Recently, Harvard was in the frontline when Asian-American applicants sued the school for racial discrimination grieving that it unjustly rejected their applications in order to admit lesser or equally qualified applicants. *SFFA v. Harvard* put forward the idea that race should not be a factor whatsoever and should never be used in the admissions process.

[On October 1, 2019](#), the district court ruled Harvard did not use race as a sole or substantial decision-making factor. It determined that Harvard did not place a limit on the number of Asian Americans it accepted, nor did it engage in “racial balancing.” The decision echoed that affirmative action does not permit an unfettered consideration of race –that would be unconstitutional. Instead, it can only be a narrowly limited factor within a much larger and holistic review process.

A month later, Washington’s ballot offered state voters an opportunity to weigh in on the matter. A large portion of the opposition was led by [Washington Asians for Equality](#). The group contended, as in *SFFA v. Harvard*, that race quotas must be abandoned. Affirmative action would take “a massive new unaccountable government bureaucracy to implement it.” They argued, if passed, it would have put an undue limitation on Asian American applicants. In 2019, 27% of freshmen enrolled at the University of Washington were Asian. Asians make up 8% of the state’s population.

The [measure](#) required voters to consider creating policies that can fairly promote the success of disadvantaged groups while navigating the difficulties of affirmative action practices. Attempting to resolve systemic inequalities undoubtedly requires navigating murky waters. Washington Fairness Coalition, taking the lead in supporting the referendum, emphasized that as a state, we must commit to equity, opportunities and fairness. To do that, a level playing field is a prerequisite. Supporters contended that people of color have been limited in their ability to get into universities and are further discouraged from applying. Women and minorities have also obtained fewer government contracts for their small business. Affirmative action not only addresses disparities in education but also the availability, securement and success of employment and housing opportunities.

Though disparities among minorities including people of color, women, the LGBTQ and other marginalized groups continues, Washington ultimately decided to leave affirmative action alone. For now, it is unclear what other methods will be implemented to address issues of inequality.

Sources:

https://www.law.cornell.edu/wex/affirmative_action

<https://www.nytimes.com/2019/03/30/us/affirmative-action-supreme-court.html>

[https://ballotpedia.org/Washington_Initiative_1000,_Affirmative_Action_and_Diversity_Commission_Measure_\(2019\)](https://ballotpedia.org/Washington_Initiative_1000,_Affirmative_Action_and_Diversity_Commission_Measure_(2019))

<https://www.nbcnews.com/politics/politics-news/washington-state-voters-reject-restoring-affirmative-action-n1076861>

<https://www.theatlantic.com/education/archive/2019/10/harvard-wins-affirmative-action-case-plaintiff-will-appeal/599281/>

<https://www.cnn.com/2013/11/12/us/affirmative-action-fast-facts/index.html>