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January 4, 2012

New Hampshire Ends Affirmative-Action Preferences at Colleges

By Peter Schmidt

Public colleges in New Hampshire are precluded from using affirmative-action preferences in hiring or admissions decisions under a new law that took effect on January 1 after being passed by the state's legislature last year with relatively little public opposition.

The measure prohibits New Hampshire's university system, community-college system, postsecondary education commission, and other state agencies from giving preferences in recruiting, hiring, promotion, or admission "based on race, sex, national origin, religion, or sexual orientation."

Both chambers of the state's legislature, which came to be dominated by conservative Republicans as a result of the 2010 elections, overwhelmingly passed the measure last spring. The measure went into law after Gov. John Lynch, a Democrat, took no action on it.

In sharp contrast to other states that have experienced highly publicized battles over similar bills or ballot initiatives, New Hampshire passed its measure with little input from national advocacy groups on either side of the affirmative-action debate.

State Rep. Gary Hopper, a Republican who co-sponsored the measure, on Tuesday said he believes that supporters of affirmative action might have been lulled by the state's defeat of similar measures in the past. When he first co-sponsored such a bill in 2000, he said, the legislature's meeting rooms "were full of people fighting against it." This time around, he speculated, "people were caught off guard" and "did not pay any attention" because they assumed such a measure would fail.

Ward Connerly, who has helped lead campaigns on behalf of voter-passed bans on affirmative-action preferences in several states, on Tuesday said he and the advocacy group he founded, the American Civil Rights Institute, deliberately stayed out of the debate over the

New Hampshire bill to avoid drawing national attention to it.

"When we found out that it was alive," he said, "we decided to keep a low profile, because the moment I surface it seems to draw out all of the national crowd."

On the other side of the issue, officials of the state chapter of the American Civil Liberties Union could not be reached Tuesday for comment. Mel Gagarin, a spokesman for the NAACP Legal Defense and Educational Fund, which has fought such measures in other states, said in an e-mail Tuesday that his organization's legal team had no comment on the New Hampshire law "as we haven't been involved in this matter specifically."

When the bill was being discussed in legislative hearings, the Community College System of New Hampshire submitted testimony arguing that the measure is inconsistent with federal civil-rights laws. Joan Tambling, director of human resources for the University System of New Hampshire, testified that the university system does not use affirmative-action preferences, although it does have hiring goals for women and minority members and takes steps to ensure it recruits diverse pools of applicants.

Supporters of the measure in the legislature argued that affirmative-action preferences set the intended beneficiaries up for failure and cause others to question how much they have actually accomplished.

Shannon E. Reid, a spokeswoman for the state's community-college system, and Wanda S. Mitchell, vice provost for faculty development and inclusive excellence for the University of New Hampshire, on Tuesday predicted the measure would have little impact on their institutions. "Nothing in this bill would cause or require the community-college system to alter its practices," Ms. Reid said. Ms. Mitchell said her institution considers only "demonstrated experience" and does not make hiring or admissions decisions based on "social identity."

Representative Hopper, the bill's co-sponsor, argued, however, that the college systems essentially engage in affirmative-action preferences by trying to manipulate the composition of their applicant pools to ensure that women and minority members fare well. If the new law has no effect, he asked, "why did they fight against it?"

Mr. Connerly, of the American Civil Rights Institute, said the passage of the New Hampshire measure is one of three recent developments signaling an increased willingness by state legislators to support the sorts of affirmative-action restrictions previously

passed only through state referenda. [Arizona lawmakers](#) voted in 2009 to put on the 2010 ballot a ban on the use of affirmative-action preferences by public colleges and other state agencies, which voters passed. And Oklahoma lawmakers voted last year to put such a ban on the ballot this fall.

"I think the mood of the country that was provoked by the Tea Party has engendered more willingness on the part of legislatures to deal with issues such as this," Mr. Connerly said.

Roger B. Clegg, president of the Center for Equal Opportunity, which opposes racial and ethnic preferences, said, "When these things come to a vote, and people have to give a thumbs-up or a thumbs-down, I think a lot of politicians conclude that they do not want to be on record as favoring this kind of preferential treatment."

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percivalleopold 1 day ago

It has been pretty clearly shown that police forces, for example, need to hire people whom those they police can trust if they wish to be effective, not just fair to applicants. It is sometimes important to have women cops. Ditto black cops. In other words, effective policing does not just depend on passing tests of a certain sort. This is a problem for civil libertarians like me. What then if we want educated police? Might we not want to admit them even though they did not have the best test scores. . This seems to me parallel to "too big to fail." It offends a basic moral intuition but may be necessary when we consider consequences and we need to adjust things to take that into account (eg more bank regulation as the trade off). But this does not solve the problem of the stigma that attaches to those who prevail because of their ethnicity. The legislature has taken at once the hard (non PC) and easy (non consequentialist) way out, This cannot however be the end of the story, since accommodations will have to be made.

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smsussman01 1 day ago

"Supporters of the measure in the legislature argued that affirmative-action preferences set the intended beneficiaries up for failure and cause others to question how much they have actually accomplished." What????!! Federal, state, and educational organizations throughout the US have been advised that our students, across the board, are not equipped to meet the challenges of the future. Our standards are lower for ALL students. Affirmative-action supports the goal of preparing all students for the future; if you will, raising the bar. Race, gender, ethnicity, socio-economic standing have less to do with accomplishments and more to do with exclusion. Promoting advancement for all students fosters an educated society which in turn supports personal, community, and career success. The intended beneficiaries will not fail if the true spirit of affirmative-action is implemented. Supporting our future intellectual capital is not optional. It is imperative to a democratic society. Returning to a male dominated exclusive educational system has been proven to be an ineffective paradigm and hazardous to the future of the country.

8 people liked this.

Like



dlws8607 22 hours ago in reply to smsussman01

I find it laughable when femalists (AKA feminists) argue that eliminating "affirmative" action means a return to some older system. Eliminating AA means that ALL applicants must stand on their own and the ONLY basis for discrimination is individual merit. Why is it that femalists are so afraid of that? How is telling this generation's men that they are not allowed to receive equal consideration going to correct alleged past discrimination? Perhaps, if females in the past had not been so lazy that they accepted this supposed discrimination, things would have changed a long time ago.

14 people liked this.

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jeh02015 1 day ago

Its interesting how affirmative action opponents use inflamatory rhetoric to distract from the distorted explanation of how race is used in the admissions process.. In the rare or extreme cases where affirmative action is used incorrectly and an admissions office decides to admit an applicant soley because of their race (breaking the law by doing so) then it is possible to "set a student up for failure" (much like when a student is admitted in spite of their academic strenghts because a family member has donated a significant amount of money to the school.) Most of the opponents will use exteme examples of mistakes that have been made or cases before the current law was passed that dictates how affirmative action should be used to make their point. At many colleges, students are selected based on a wholistic review of factors that give an admissions office the indication that a particular student will be successful given the resources in place to retain and graduate applicants. These factors are not always evident in standardized test scores but are based on things an admissions office has learned about an applicant after careful review of their applications. If you havent seen a college admissions application lately you might be surprised at the length and amount of detail required for some of them. Bottom line, it would be bad business for a college/university to admit students they KNOW will not graduate. After all, college and university rankings are at stake. The less selective pool of applicants and less likely a student is to graduate, the lower the ranking. There are also serious penalties in financial aid eligibility and the amount of aid a college receives if they have low retention/graduation rates. Colleges and universities throughout the country are working hard to recruit and attract talented and diverse students in order to make sure they have a diverse pool of applicants to choose from. They pay special attention to those students who may be first generation college and come from lower income families (and often will include significant number of minority students although not exclusively) which research has shown to be the most underserved group of students and least likely to attend college regardless of their academic ability. If you look at the completion rates of these students and of underrepresented minority students at competitive colleges, the difference in graduation rates are not as significant compared to their peers, especially when you consider all of the factors stacked against them. This refutes the notion that affirmative action results in admitting students who are not



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dlws8607 22 hours ago in reply to jeh02015

jeh02015 22 hours ago in reply to dlws8607

angela 15 hours ago in reply to jeh02015

jeh02015 2 hours ago in reply to angela

dlws8607 22 hours ago

aljohnsonjr 19 hours ago