LaShanee King
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# Affirmative Action in the US and the Black Community

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Brief Summary: Affirmative action in the United States is the political principle behind legislation meant to improve the educational and employment opportunities of historically-disadvantaged groups, especially African Americans. However, though well-intended, it has been subject to criticism and judgment, even on the level of the Supreme Court.

Key points

- Racial quota systems, numerical requirements of applicants from racial groups, have provoked a wide amount of criticism and legal battles as opponents see this as hurting certain groups in an effort to benefit others. The most well-known of these practices have been proved unconstitutional or defective.

- The Supreme Court case, *University of California v. Bakke,* set the stage for highlighting the flaws in affirmative action policies in education: affirmative action admissions practices that inadvertently discriminate against majority groups.

- Current controversy surrounding affirmative action is reflected in its racial implications and class disparities becayse middle- and upper-class blacks are “preferred” over working-class, disadvantaged whites.

- Though black employment by federal contractors drastically increased due to affirmative action, blacks still lag behind, as the unemployment rate for this group is nearly double that of whites.

Brief:

Affirmative action began as the legislative answer to racial discrimination in America’s long history of racial inequality. Introduced under former President John F. Kennedy’s Executive Order 10925 in 1961, affirmative action was meant to increase the educational and employment opportunities of underrepresented peoples (i.e. women and minorities). President Johnson furthered the initiatives of affirmative action by implementing it as “the next

and more profound stage of the battle for civil rights…not just equality as a right and a theory, but equality as a fact and as a result." Johnson required federal contractors to take "affirmative action" to hire without regard to race, religion, and national origin by federal contractors.


Opponents to affirmative action find it counterproductive in that instead of increasing access, employers and universities give preferential treatment to historically oppressed groups, resulting in what they coined as "reverse discrimination." Opponents believe that reliable and impressive qualifications from historically dominant groups (Caucasian males, for examples) are overlooked in an effort to adhere to diversification quotas. In the end, affirmative action is seen by its opponents to contradict the equal opportunity that it was set to enhance. [1]

[1] Photo: http://t3.gstatic.com/images?q=tbn:ANd9GcRmuMLxJ_nPEvF2VIxrFlH-3jJQxeQP77CQ45y-YEDK7sLvAaA&t=1&usg=__0I3uad_zJdfK3_Kg6DjlRO1uqy0=

Controversies surrounding affirmative action policies began in the *Bakke* case of 1978. In *University of California v. Bakke*, a white male was rejected twice from a medical school tha he felt accepted lesser-qualified minority applicants simply to adhere to racial quotas. [2] Nathan Glazer, a prominent opponent to affirmative action, noted that "compensation for the past is a dangerous principle." [3] It is attacked as offering "special benefits for some" that inherently "increas[e] resentment and hostility between groups,"[4] particularly the advantaged and the disadvantaged. The Court's decision was in favor of Bakke. As affirmative action legislation develops, resentment towards it has maintained in many ways, namely through forced quotas and the declining belief that minority discrimination still exists. Former President Clinton ordered a report on the flaws of affirmative action, which included the use of quotas, the need to find programs that last "only as needed" and "demonstration that the effect on nonminorities is 'sufficiently small.'"[5] The most recent, and highly popular, affirmative action cases are *Gratz v. Bollinger* and *Grutter v. Bollinger.* Both cases dealt with affirmative action policies in higher education. In Gratz, the Supreme Court ruled that the quota system used in the University of Michigan undergraduate admissions, that awarded 20 extra points to minority students or students from minority high schools, was unconstitutional. In Grutter, however, the Supreme Court upheld the University of Michigan law school's use of race as a factor in order to


[2] Photo: http://lh4.ggpht.com/_bCZsdeQ93U0/S1EDlRNVA0I/AAAAAAAAAHk/f4nnRwAcAp8/affirmative_action.gif

[3] Glazer, Nathan. "Affirmative Discrimination: Ethnic Inequality and Public Policy" 201

[4] Glazer, Nathan. "Affirmative Discrimination: Ethnic Inequality and Public Policy" 200

[5] Mclain and steward 183

create a diverse student body in the hope that racial consideration of this kind would not be a permanent necessity.

The issue has permeated well into the 21st century, however, and sentiment towards it is best characterized by in two ways. First, opponents have advocated for class-based affirmative action, rather than race-based because race-based policies disproportionately help middle-class blacks and disadvantage poor whites. "The point is that racial and ethnic groups make poor categories for the design of public policy."[6] Shifting focus from race to special consideration for socioeconomic status offers a more reliable method to assess need. The second way sentiment has shifted was best characterized by former Secretary of State Condoleeza Rice's conviction that "affirmative action should be access to opportunity, not outcome."[7] When President Bush piloted his No Child Left Behind act, one of the underlying goals was to close racial and class gaps in educational standards, therefore, improving opportunity for disadvantaged groups but not guaranteeing ideal results. Justice Clarence Thomas, the only current black Supreme Court judge, took a strong stance against race-based affirmative action as it establishes "a cult of victimization" that permeates leniency on and faulty judgment of black students and workers in admissions and employment processes. He believes this strengthens stereotypes and requires special, preferential treatment of the black community in order to make up for past oppression. Affirmative action will continue to be on the forefront of educational and employment policy largely due to the increasing gaps in academic achievement and unemployment between whites and blacks and the rising uncertainty as to how to fairly deal with class-based discrepancies propelled by the current economic recession.

[6] Glazer, Nathan. "Affirmative Discrimination: Ethnic Inequality and Public Policy" 198

[7] http://www.usatoday.com/life/books/news/2010-10-12-rice12_CV_N.htm?csp=hf

[8]

In the past decade and a half, the hiring and admissions of black applicants has been affected very differently by affirmative action practices. Currently, affirmative action in employment has improved the chances of employment for black applicants (even though black unemployment rate, 16.1%, still remains nearly twice of that of whites[9]). This success was propelled by business-oriented objectives rather than a dedication to a democratic ideal. "Curtis Linton, vice president of the School Improvement Network, said his company has been growing rapidly and he engages in affirmative action, hiring workers that look like the clients they serve. It's a common practice in the business world, he said, and everyone benefits from it."[10] In that sense, while the black community has obviously been benefiting from affirmative action hiring since its original implementation in the 1960s and 70s[11], it is seen by employers as a solution better serving a diversifying clientele that is becoming hugely African American.

[8] Photo: http://www.bendib.com/newones/2003/july/small/7-3-Affirmative-Action.jpg

[9] http://www.bls.gov/news.release/pdf/empsit.pdf

[10] http://www.sltrib.com/sltrib/home/50683696-76/affirmative-action-oda-state.html.csp?page=2

[11] Leonard, Jonathan, 1984, "The Impact of Affirmative Action Regulation and Equal Employment Law on Black Employment," Journal of Economic Perspectives, 51.

*Table 1*
**Changes in Employment by Federal Contractor Status, 1974 and 1980**

| *Demographic Group across Status* | *Contractor Status* | *1974 Mean* | *1980 Mean* | *T-statistics for Change* |
|---|---|---|---|---|
| Black Males | N | .053 | .059 | 6.5 |
| | Y | .058 | .067 | |
| Other Minority Males | N | .034 | .046 | 1.2 |
| | Y | .035 | .048 | |
| White Males | N | .448 | .413 | 16.4 |
| | Y | .583 | .533 | |
| Black Females | N | .047 | .059 | 5.7 |
| | Y | .030 | .045 | |
| Other Minority Females | N | .024 | .036 | 1.1 |
| | Y | .016 | .028 | |
| White Females | N | .394 | .400 | 7.8 |
| | Y | .276 | .288 | |

*Note:* The last column reports T-statistics for whether the change in demographic share between 1974 and 1980 differs by contractor status. N = noncontractor in 1974 (27,432 establishments); Y = contractor in 1974 (41,258 establishments).
*Source:* Leonard (1984a).

Dedication to diversity in universities, on the other hand, has been overshadowed by dedication to university achievement; therefore, affirmative action has had a reverse effect on black enrollment in universities. In 1996, affirmative action, and thusly the black student community, in California took a huge hit with the passing of Proposition 209, or the California Civil Rights Initiative. Prop 209 amended California's constitution prohibiting public institutions, like the University of California, from considering race, ethnicity or sex in admissions. Concurrently, black student academic achievement was drastically declining; this trend further propelled support for Proposition 209's mission to stop admitting students on the basis of race. Ultimately, this led to a decline in black enrollment in schools like UC Berkeley and UCLA, which cut its enrollment of black students by more than half of what it was pre-Proposition 209 (from 221 black students in its freshmen class of 1997 to 100 students in 2009[12]).

Anti-affirmative action initiatives continue to pop up on policy agendas across the country to this very day. A decade after the enactment of the California Civil Rights Initiative, a similar amendment was passed in Michigan, entitled the Michigan Civil Rights Initiative. In Utah,

[12] http://www.nytimes.com/2007/09/30/magazine/30affirmative-t.html

Representative Curt Oda, R-Clearfield, is campaigning to end race-based preferences by amending Utah's Constitution to prohibit the state from giving any race-based preference in education, employment and awarding state contracts. He believes efforts to end discrimination have "plateaued" and all that can be done has been done; therefore, continued preference for minorities is an unfair and undemocratic practice pioneered by the federal government, in which he believes it should not be its responsibility to do so in the first place.

This sentiment is spreading, and a continual decline in academic achievement of black students will most certainly propel these sentiments throughout the country. The American Civil Rights Institute founder, Ward Connerly, said he is "not against policies that address ongoing disparities in income, educational opportunities or other factors, but they should not be race based." Policy reform is now addressing the achievement gap between black and white students in hopes that solving the underlying issue between black underachievement will lead to natural, unregulated increase in black enrollment in universities and, ultimately, employment.